



PreK-12 Appropriations Committee

Thursday, April 2, 2009
9:30 a.m. – 12:00 p.m.
404 House Office Building

Meeting Packet

Larry Cretul
Speaker

Anitere Flores
Chair



The Florida House of Representatives

PreK-12 Appropriations Committee

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Meeting Agenda

Thursday, April 2, 2009
9:30 a.m. to 12:00 p.m.
404 House Office Building

I. Call to Order

II. Roll Call

III. Budget Workshop

IV. Consideration of the following:

- **PCB PAC 09-01 relating to Education funding by the PreK-12 Appropriations Committee, Chair Flores**
- **CS/HB 13 relating to Middle School Education Assessment by PreK-12 Policy Committee, Rep. McBurney**
- **CS/HB 1227 relating to Regional Professional Development Academies by State & Community Colleges & Workforce Policy Committee, Rep. Proctor**

V. Adjournment

PreK-12 Education Appropriations Committee

Committee Recommendation 2009-10

	Delivery System	FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1	Early Learning - PreK		245,738,256	-	-	113,776,108	359,514,364	113,776,108
2								
3	Public Schools - FEFP		7,732,951,833	279,621,496	154,146,288	865,538,623	9,032,258,240	865,538,623
4								
5	Public Schools - Non FEFP		93,119,440	2,468,231	-	180,013,512	275,601,183	33,766,774
6								
7	Public Schools - Ed Media		9,157,971	-	-	1,805,019	10,962,990	1,805,019
8								
9	Public Schools - Federal Programs		11,820,232	-	-	3,456,543,442	3,468,363,674	2,532,907
10								
11	State Board of Education	1,156.0	59,837,003	-	-	156,657,057	216,494,060	3,391,097
12								
13								
14	Committee Total	1,156.0	8,152,624,735	282,089,727	154,146,288	4,774,333,761	13,363,194,511	1,020,810,528

Early Learning - PreKindergarten Education

Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1 TRANSFER VOLUNTARY PREK TO AWI	353,488,827				353,488,827	-
2 Startup Budget Adjustments - Deduct Nonrecurring	(4,099,713)				(4,099,713)	-
3 Base Budget Adjustment	(103,716,648)				(103,716,648)	-
4 Workload increase	65,790			10,059,460	10,125,250	10,059,460
5 Federal Stabilization Discretionary Funds				103,716,648	103,716,648	103,716,648
6 TOTAL, TRANSFER VOLUNTARY PREK TO AWI	245,738,256	-	-	113,776,108	359,514,364	113,776,108
7						
8 G/A-EARLY LEARNING STDS/ACCOUNTABILITY	1,601,887				1,601,887	-
9					-	-
10 Base Budget Adjustment	(1,601,887)				(1,601,887)	-
11 TOTAL, G/A-EARLY LEARNING STDS/ACCOUNTABILITY	-	-	-	-	-	-
12						
13 TOTAL, PREKINDERGARTEN EDUCATION	245,738,256	-	-	113,776,108	359,514,364	113,776,108

Division of Public Schools - FEFP

Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1 G/A-FEFP	4,801,591,503		67,985,190		4,869,576,693	-
2 Startup Budget Adjustments - Deduct Nonrecurring	(487,500)				(487,500)	-
3 Base Budget Adjustment	(380,733,460)				(380,733,460)	-
4 FIRN Broadband Services	4,626,948				4,626,948	-
5 Restore Nonrecurring	487,500				487,500	-
6 Transfer from K-8 Virtual Education	5,047,392				5,047,392	-
7 Federal Stablization Education Funds				865,538,623	865,538,623	865,538,623
8 Transfer from Instructional Materials	169,305,217				169,305,217	-
9 Transfer from Student Transportation	423,939,094				423,939,094	-
10 Transfer from Teachers Lead Program	33,808,931				33,808,931	-
11					-	
12 TOTAL, G/A-FEFP	5,057,585,625	-	67,985,190	865,538,623	5,991,109,438	865,538,623
14 G/A-CLASS SIZE REDUCTION	2,467,875,514	127,154,421	134,461,098		2,729,491,033	-
15 Startup Budget Adjustments			(48,300,000)		(48,300,000)	-
16 Base Budget Adjustment					-	-
17 Workload Increase	116,006,924				116,006,924	-
18 Restore Nonrecurring	48,300,000				48,300,000	-
19 Balance to Existing EETF Revenues	43,183,770	(43,183,770)			-	-
20 TOTAL, G/A-CLASS SIZE REDUCTION	2,675,366,208	83,970,651	86,161,098	-	2,845,497,957	-
22 G/A-DIST LOTTERY/SCHOOL RECOGNITION		212,710,203			212,710,203	-
23 Base Budget Adjustment		(17,059,358)			(17,059,358)	-
24					-	-
25 TOTAL, G/A-DIST LOTTERY/SCHL RECOGNITION	-	195,650,845	-	-	195,650,845	-
27 G/A-INSTRUCTIONAL MATERIALS	253,945,129				253,945,129	-
28 Base Budget Adjustment	(84,639,912)				(84,639,912)	-
29 Transfer Balance to FEFP as Base Categorical	(169,305,217)				(169,305,217)	-
30						
31 TOTAL, G/A-INSTRUCTIONAL MATERIALS	-	-	-	-	-	-
33 G/A-STUDENT TRANSPORTATION	460,903,559				460,903,559	-
34 Base Budget Adjustment	(36,964,465)				(36,964,465)	-
35 Transfer Balance to FEFP as Base Categorical	(423,939,094)				(423,939,094)	-
36						
37 TOTAL, G/A-STUDENT TRANSPORTATION	-	-	-	-	-	-
39 FL TEACHERS LEAD PROGRAM	36,756,829				36,756,829	-

Division of Public Schools - FEFP

		Committee Recommendation 2009-10					
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec
40	Base Budget Adjustment	(2,947,898)				(2,947,898)	-
41	Transfer Balance to FEFP as Base Categorical	(33,808,931)				(33,808,931)	-
42	TOTAL, FL TEACHERS LEAD PROGRAM	-	-	-	-	-	-
43							
44	TOTAL FEFP	7,732,951,833	279,621,496	154,146,288	865,538,623	9,032,258,240	865,538,623

Division of Public Schools - State Grants/Non - FEFP

Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1 G/A-INSTRUCTIONAL MATERIALS	2,645,220				2,645,220	-
2 Recurring Earmarks:					-	-
3 Partially Sighted Materials	171,276				171,276	-
4 Sunlink Library Database	752,104				752,104	-
5 Instructional Materials Management	90,463				90,463	-
6 Learning thru Listening	856,377				856,377	-
7 Nonrecurring Funds	775,000				775,000	-
8 Startup Budget Adjustments - Deduct Nonrecurring	(775,000)				(775,000)	-
9 Base Budget Adjustments:					-	-
10 Partially Sighted Materials	(51,383)				(51,383)	-
11 Sunlink Library Database	(225,631)				(225,631)	-
12 Instructional Materials Management	(90,463)				(90,463)	-
13 Transfer Learning thru Listening to Florida School for the Deaf & Blind - DEDUCT (see line 184)	(856,377)				(856,377)	-
14 Federal Stabilization Discretionary Funds						-
15 Restore Partially Sighted Materials				8,564	8,564	8,564
16 Restore Sunlink Library Database				37,605	37,605	37,605
17 Restore Nonrecurring PAEC				500,000	500,000	500,000
18 Transfer Florida Holocaust Museum to Instructional Materials - ADD (see line 165)				137,021	137,021	137,021
19						
20 TOTAL, G/A-INSTRUCTIONAL MATERIALS	646,366	-	-	683,190	1,329,556	683,190
21						
22 G/A-EXCELLENT TEACHING	52,253,390	3,000,000	2,400,000		57,653,390	-
23 Startup Budget Adjustments - Deduct Nonrecurring			(2,400,000)		(2,400,000)	-
24 Base Budget Adjustment	(15,676,017)	(531,769)			(16,207,786)	-
25 Federal Stabilization Discretionary Funds				7,919,778	7,919,778	7,919,778
26					-	-
27 TOTAL, G/A-EXCELLENT TEACHING	36,577,373	2,468,231	-	7,919,778	46,965,382	7,919,778
28						
29 PROFESSIONAL PRACTICES SUBSTITUTES	59,525				59,525	-
30 Base Budget Adjustment	(59,525)				(59,525)	-
31 Federal Stabilization Discretionary Funds					-	-
32					-	-
33 TOTAL, G/A- PROFESSIONAL PRACTICES SUBSTITUTES	-	-	-	-	-	-
34						
35 G/A-READING INITIATIVES	11,750,000			58,043,873	69,793,873	-
36 Base Budget Adjustment	(7,144,606)			(53,043,873)	(60,188,479)	-
37					-	-
38					-	-
39 TOTAL, G/A- READING INITIATIVES	4,605,394	-	-	5,000,000	9,605,394	-
40						

Division of Public Schools - State Grants/Non - FEFP

		Committee Recommendation 2009-10					
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	
41 G/A-EDUCATION INNOVATION INITIATIVES	5,640,000				5,640,000	-	
42 Startup Budget Adjustments - Deduct Nonrecurring	(5,640,000)				(5,640,000)	-	
43					-	-	
44					-	-	
45 TOTAL, G/A- EDUCATION INNOVATION INITIATIVES	-	-	-	-	-	-	
46							
47 G/A-ASSIST LOW PERFORMING SCHOOLS	4,822,525				4,822,525	-	
48 Base Budget Adjustment	(1,446,758)				(1,446,758)	-	
49 Federal Stablization Discretionary Funds				723,379	723,379	723,379	
50					-	-	
51 TOTAL, G/A- ASSIST LOW PERFORMING SCHOOLS	3,375,767	-	-	723,379	4,099,146	723,379	
52							
53 G/A-MENTORING/STUDENT ASSISTANCE	12,347,727						
54 Earmarks:							
55 Best Buddies	742,066				742,066	-	
56 Take Stock in Children	3,226,379				3,226,379	-	
57 Project to Advance School Success	916,291				916,291	-	
58 Big Brothers Big Sisters	1,839,035				1,839,035	-	
59 Learning for Life	1,677,717				1,677,717	-	
60 Girl Scouts of Florida	516,221				516,221	-	
61 Black Male Explorers	387,165				387,165	-	
62 Boys and Girls Clubs	1,677,717				1,677,717	-	
63 Governor's Mentoring Initiative	397,221				397,221	-	
64 State Alliance of YMCAs	967,915				967,915	-	
65 Nonrecurring Funds					-	-	
66 Startup Budget Adjustments - Deduct Nonrecurring	(2,049,013)				(2,049,013)	-	
67 Base Budget Adjustment					-	-	
68 Best Buddies	(123,785)				(123,785)	-	
69 Take Stock in Children	(538,197)				(538,197)	-	
70 Project to Advance School Success	(764,240)				(764,240)	-	
71 Big Brothers Big Sisters	(306,772)				(306,772)	-	
72 Boys and Girls Clubs	(279,862)				(279,862)	-	
73 Governor's Mentoring Initiative	(66,261)				(66,261)	-	
74 State Alliance of YMCAs	(161,459)				(161,459)	-	
75 Transfer Learning for Life to School & Instructional Enhancements DEDUCT (see line 166)	(1,399,312)				(1,399,312)		
76 Transfer Girl Scouts of Florida to School & Instructional Enhancements - DEDUCT (see line 167)	(430,558)				(430,558)		
77 Transfer Black Male Explorers to School & Instructional Enhancements - DEDUCT (see line 168)	(322,918)				(322,918)		
78 Federal Stablization Discretionary Funds					-		
79 Best Buddies				92,839	92,839	92,839	

Division of Public Schools - State Grants/Non - FEFP

		Committee Recommendation 2009-10					
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	
80 Take Stock in Children				403,648	403,648	403,648	
81 Big Brothers Big Sisters				230,079	230,079	230,079	
82 Boys and Girls Clubs				209,896	209,896	209,896	
83 Governor's Mentoring Initiative				49,696	49,696	49,696	
84 State Alliance of YMCAs				121,094	121,094	121,094	
85					-	-	
86 TOTAL, G/A- MENTORING/STUDENT ASSISTANCE	5,905,350	-	-	1,107,252	7,012,602	1,107,252	
87							
88 K TO 8 VIRTUAL EDUCATION	5,047,392				5,047,392	-	
89 Transfer to FEFP	(5,047,392)				(5,047,392)	-	
90					-	-	
91 TOTAL, K TO 8 VIRTUAL EDUCATION	-	-	-	-	-	-	
92							
93 G/A-COLLEGE REACH OUT PROGRAM	2,740,400				2,740,400	-	
94 Base Budget Adjustment	(822,120)				(822,120)	-	
95 Federal Stablization Discretionary Funds				411,060	411,060	411,060	
96					-	-	
97 TOTAL, G/A-COLLEGE REACH OUT PROGRAM	1,918,280	-	-	411,060	2,329,340	411,060	
98							
99 G/A-DIAG/LEARNING RESOURCE CENTERS	2,729,290				2,729,290	-	
100 Transfer FDLRS to Exceptional Education - DEDUCT (see line 176)	(2,729,290)				(2,729,290)	-	
101					-	-	
102 TOTAL, G/A-DIAG/LEARNING RESOURCE CENTERS	-	-	-	-	-	-	
103							
104 G/A-NEW WORLD SCHOOL OF THE ARTS	966,375				966,375	-	
105 Base Budget Adjustment	(289,913)				(289,913)	-	
106 Federal Stablization Discretionary Funds				193,276	193,276	193,276	
107					-	-	
108 TOTAL, G/A-NEW WORLD SCHOOL OF THE ARTS	676,462	-	-	193,276	869,738	193,276	
109							
110 G/A-SCHOOL DISTRICT MATCHING GRANT	1,822,080				1,822,080	-	
111 Base Budget Adjustment	(536,496)				(536,496)	-	
112 Federal Stablization Discretionary Funds				354,288	354,288	354,288	
113							
114 TOTAL, G/A-SCHOOL DISTRICT MATCHING GRANT	1,285,584	-	-	354,288	1,639,872	354,288	
115							
116 TEACHER DEATH BENEFITS	57,984				57,984	-	
117 Base Budget Adjustment	(41,984)				(41,984)	-	
118					-	-	
119 TOTAL, TEACHER DEATH BENEFITS	16,000	-	-	-	16,000	-	
120							

Division of Public Schools - State Grants/Non - FEFP

Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
121 G/A- AUTISM PROGRAM	6,849,194				6,849,194	-
122 Base Budget Adjustment	(2,054,758)				(2,054,758)	-
123 Federal Stablization Discretionary Funds				1,027,379	1,027,379	1,027,379
124					-	-
125 TOTAL, G/A-AUTISM PROGRAM	4,794,436	-	-	1,027,379	5,821,815	1,027,379
126						
127 G/A-REGIONAL ED CONSORTIUM SERVICES	1,660,750				1,660,750	-
128 Base Budget Adjustment	(597,577)				(597,577)	-
129 Federal Stablization Discretionary Funds				166,075	166,075	166,075
130 FIRN Broadband Services	99,352				99,352	-
131					-	-
132 TOTAL, G/A-REGIONAL ED CONSORTIUM SERVICES	1,162,525	-	-	166,075	1,328,600	166,075
133						
134 TEACHER PROFESSIONAL DEVELOPMENT	354,327			134,580,906	134,580,906	-
135 Recurring Earmarks:					-	-
136 FL Association of District Superintendents Training	256,913				256,913	-
137 Principal of the Year	52,753				52,753	-
138 Teacher of the Year	33,578				33,578	-
139 School Related Personnel of the Year	11,083				11,083	-
140 Base Budget Adjustments:					-	-
141 FL Association of District Superintendents Training	(77,074)				(77,074)	-
142 Principal of the Year	(15,826)				(15,826)	-
143 Teacher of the Year	(10,073)				(10,073)	-
144 School Related Personnel of the Year	(3,325)				(3,325)	-
145 Federal Stablization Discretionary Funds					-	-
146 FL Association of District Superintendents Training				25,691	25,691	25,691
147 Principal of the Year				5,275	5,275	5,275
148 Teacher of the Year				3,357	3,357	3,357
149 School Related Personnel of the Year				1,108	1,108	1,108
150					-	-
151 TOTAL, TEACHER PROFESSIONAL DEVELOPMENT	248,029	-	-	134,616,337	134,864,366	35,431
152						
153 G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	7,042,072					
154 Recurring Earmarks:						
155 State Science Fair	51,383				51,383	-
156 Academic Tourney	85,638				85,638	-
157 Arts for a Complete Education	171,275				171,275	-
158 Florida Holocaust Museum	171,276				171,276	-
159 Miami-Dade DCD Transition (Back of Bill)	6,562,500				6,562,500	-
160 Nonrecurring Funds					-	-
161 Startup Budget Adjustments - Deduct Nonrecurring	(6,562,500)				(6,562,500)	-
162 State Science Fair	(51,383)				(51,383)	-

Division of Public Schools - State Grants/Non - FEFP

		Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec		
163 Academic Tourney	(85,638)				(85,638)	-		
164 Arts for a Complete Education	(171,275)				(171,275)	-		
165 Transfer Florida Holocaust Museum to Instructional Materials - DEDUCT (see line 18)	(171,276)				(171,276)	-		
166 Transfer Learning for Life to School & Instructional Enhancements ADD (see line 75)				1,119,450	1,119,450	1,119,450		
167 Transfer Girl Scouts of Florida to School & Instructional Enhancements - ADD (see line 76)				344,446	344,446	344,446		
168 Transfer Black Male Explorers to School & Instructional Enhancements - ADD (see line 77)				258,334	258,334	258,334		
169 Restore Nonrecurring				6,562,500	6,562,500	6,562,500		
170								
171 TOTAL, G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	-	-	-	8,284,730	8,284,730	8,284,730		
172								
173 G/A-EXCEPTIONAL EDUCATION	2,263,923			2,333,354	4,597,277	-		
174 Base Budget Adjustments	(679,177)				(679,177)	-		
175 Federal Stablization Discretionary Funds				226,392	226,392	226,392		
176 Transfer FDLRS to Exceptional Education - ADD (see line 100)				1,364,645	1,364,645	1,364,645		
177					-	-		
178 TOTAL, G/A-EXCEPTIONAL EDUCATION	1,584,746	-	-	3,924,391	5,509,137	1,591,037		
179								
180 FL SCHOOL FOR THE DEAF & THE BLIND	41,036,598			4,303,426	45,340,024	-		
181 Startup Budget Adjustments	497,609			26,191	523,800	-		
182 Base Budget Adjustment	(11,860,798)				(11,860,798)	-		
183 Federal Stablization Discretionary Funds				11,030,114	11,030,114	11,030,114		
184 Transfer Learning through Listening from Instructional Materials - ADD (see line 13)	599,464			239,785	839,249	239,785		
185 FIRN Broadband Services	24,082				24,082	-		
186 TOTAL, FL SCHOOL FOR THE DEAF & THE BLIND	30,296,955	-	-	15,599,516	45,896,471	11,269,899		
187								
188 TR/DMS/HR SVCS/STW CONTRACT	26,173			2,861	29,034	-		
189					-	-		
190 TOTAL, TR/DMS/HR SVCS/STW CONTRACT	26,173	-	-	2,861	29,034	-		
191								
192 TOTAL, STATE GRANTS/NON-FEFP	93,119,440	2,468,231	-	180,013,512	275,601,183	33,766,774		

Division of Public Schools Federal Grants - K-12 Programs

Committee Recommendation 2009-10						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec
1 G/A-PROJECTS, CONTRACTS, & GRANTS				4,099,420	4,099,420	-
2 Startup Budget Adjustments					-	-
3					-	-
4					-	-
5 TOTAL, G/A-PROJECTS, CONTRACTS, & GRANTS	-	-	-	4,099,420	4,099,420	-
6						
7 G/A-FEDERAL GRANTS & AIDS				1,512,912,755	1,512,912,755	-
8 ARRA - Title I Funds				635,295,227	635,295,227	-
9 ARRA - IDEA Funds				646,963,473	646,963,473	-
10 ARRA - Education Technology				30,319,115	30,319,115	-
11 ARRA - Education for Homeless Children				3,200,000	3,200,000	-
12					-	-
13 TOTAL, G/A-FEDERAL GRANTS & AIDS	-	-	-	2,828,690,570	2,828,690,570	-
14						
15 G/A-SCHOOL LUNCH PROGRAM				615,817,265	615,817,265	-
16 Workload Increase					-	-
17 ARRA - National School Lunch Program				5,403,280	5,403,280	-
18					-	-
19 TOTAL, G/A-SCHOOL LUNCH PROGRAM	-	-	-	621,220,545	621,220,545	-
20						
21 G/A-SCHOOL LUNCH PROG/STATE MATCH	16,886,046				16,886,046	-
22 Base Budget Adjustment	(5,065,814)				(5,065,814)	-
23 Federal Stabilization Discretionary Funds				2,532,907	2,532,907	2,532,907
24						-
25 TOTAL, G/A-SCHOOL LUNCH PROG/STATE MATCH	11,820,232	-	-	2,532,907	14,353,139	2,532,907
26						
27 TOTAL, FEDERAL GRANTS K-12 PROGRAMS	11,820,232	-	-	3,456,543,442	3,468,363,674	2,532,907

Division of Public Schools - Educational Media & Technology Services

Committee Recommendation 2009-10

	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec
1 CAPITOL TECHNICAL CENTER	249,955				249,955	-
2 Base Budget Adjustment	(74,987)				(74,987)	-
3 Federal Stablization Discretionary Funds				24,996	24,996	24,996
4 TOTAL, CAPITOL TECHNICAL CENTER	174,968	-	-	24,996	199,964	24,996
5						
6 G/A-INSTRUCTIONAL TECHNOLOGY	2,822,308					
7 Recurring Earmarks:						
8 Web-Based Instruction Programs - NEFEC	836,040				836,040	-
9 FCAT Explorer	1,712,756				1,712,756	-
10 Statewide Licensing of Video Instructional Programming	183,512				183,512	-
11 Governor's School for Space Science & Technology Planning	90,000				90,000	-
12 Startup Budget Adjustments - Deduct Nonrecurring	(90,000)				(90,000)	-
13 Base Budget Adjustments					-	-
14 Web-Based Instruction Programs - NEFEC	(250,812)				(250,812)	-
15 FCAT Explorer	(513,827)				(513,827)	-
16 Statewide Licensing of Video Instructional Programming	(55,054)				(55,054)	-
17 Federal Stablization Discretionary Funds					-	-
18 Web-Based Instruction Programs - NEFEC				83,604	83,604	83,604
19 FCAT Explorer				171,276	171,276	171,276
20 Statewide Licensing of Video Instructional Programming				18,352	18,352	18,352
21 TOTAL, G/A-INSTRUCTIONAL TECHNOLOGY	1,912,615	-	-	273,232	2,185,847	273,232
22						
23 FEDERAL EQUIP MATCHING GRANTS	165,827				165,827	-
24 Base Budget Adjustment	(49,748)				(49,748)	-
25 Federal Stablization Discretionary Funds				16,583	16,583	16,583
26					-	-
27 TOTAL, FEDERAL EQUIP MATCHING GRANTS	116,079	-	-	16,583	132,662	16,583
28						
29 G/A-FL INFORMATION RESOURCE NETWORK	3,966,188			14,373,628	18,339,816	-
30 Startup Budget Adjustments	(3,966,188)			(2,623,782)	(6,589,970)	-
31 Base Budget Adjustment				(11,749,846)	(11,749,846)	-
32					-	-
33 TOTAL, G/A-FL INFO RES NETWORK	-	-	-	-	-	-

Division of Public Schools - Educational Media & Technology Services

		Committee Recommendation 2009-10						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	
34								
35	G/A-PUBLIC BROADCASTING	9,934,727						
36	Recurring Earmarks:							
37	Public Radio & TV Stations	7,454,818				7,454,818	-	
38	Governmental & Cultural Affairs Programming	575,186				575,186	-	
39	Year Round Coverage - Florida Channel	1,510,651				1,510,651	-	
40	Florida Channel Closed Captioning	394,072				394,072	-	
41	Nonrecurring Funds					-	-	
42	Base Budget Adjustment					-	-	
43	Public Radio & TV Stations	(2,236,445)				(2,236,445)	-	
44	Governmental & Cultural Affairs Programming	(172,556)				(172,556)	-	
45	Year Round Coverage - Florida Channel	(453,195)				(453,195)	-	
46	Florida Channel Closed Captioning	(118,222)				(118,222)	-	
47	Federal Stabilization Discretionary Funds					-	-	
48	Public Radio & TV Stations				1,118,222	1,118,222	1,118,222	
49	Governmental & Cultural Affairs Programming				86,278	86,278	86,278	
50	Year Round Coverage - Florida Channel				226,597	226,597	226,597	
51	Florida Channel Closed Captioning				59,111	59,111	59,111	
52						-	-	
53	TOTAL, G/A-PUBLIC BROADCASTING	6,954,309	-	-	1,490,208	8,444,517	1,490,208	
54								
55	FETPIP/WORKFORCE DEV MIS	162,712				162,712	-	
56	Transfer to Ed Technology - DEDUCT (see State Board of Education line 102)	(162,712)				(162,712)	-	
57						-	-	
58	TOTAL, FETPIP/WORKFORCE DEV MIS	-	-	-	-	-	-	
59								
60	G/A-RADIO READ SVCS FOR THE BLIND	349,328				349,328	-	
61	Transfer to Division of Blind Services - DEDUCT	(349,328)				(349,328)	-	
62						-	-	
63	TOTAL, G/A-RADIO READ SVCS FOR BLIND	-	-	-	-	-	-	
64								
65	TOTAL, ED MEDIA & TECH SERVICES	9,157,971	-	-	1,805,019	10,962,990	1,805,019	

State Board of Education

Committee Recommendation 2009-10

Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec
1 SALARIES & BENEFITS	1,200.0	23,099,949			50,289,948	73,389,897	-
2 Startup Budget Adjustments		(416,427)			628,944	212,517	-
3 Base Budget Adjustment	(49.0)	(3,402,528)				(3,402,528)	-
4 Realignment of Budget Authority for Salaries & Benefits - ADD (see lines 11,16,22 and 46)		1,186,402				1,186,402	-
5 Realignment of Food & Nutrition Management budget - DEDUCT (see line 48)					(650,000)	(650,000)	-
6 Transfer GR funded Positions to Trust Fund	5.0				366,500	366,500	-
7 TOTAL, SALARIES & BENEFITS	1,156.0	20,467,396	-	-	50,635,392	71,102,788	-
8							
9 OTHER PERSONAL SERVICES		469,994			2,028,846	2,498,840	-
10 Base Budget Adjustment		(70,499)				(70,499)	-
11 Realignment of Budget Authority for Salaries & Benefits - DEDUCT (see line 4)		(150,000)				(150,000)	-
12 TOTAL, OTHER PERSONAL SERVICES		249,495	-	-	2,028,846	2,278,341	-
13							
14 EXPENSES		4,507,187			20,311,983	24,819,170	-
15 Base Budget Adjustment		(676,078)				(676,078)	-
16 Realignment of Budget Authority for Salaries & Benefits - DEDUCT (see line 4)		(436,402)				(436,402)	-
17 Realignment of Florida Educator Certification Services budget - DEDUCT (see line 49)					(400,000)	(400,000)	-
18 TOTAL, EXPENSES		3,394,707	-	-	19,911,983	23,306,690	-
19							
20 OPERATING CAPITAL OUTLAY		294,595			1,794,302	2,088,897	-
21 Base Budget Adjustment		(44,189)				(44,189)	-
22 Realignment of Budget Authority for Salaries & Benefits - DEDUCT (see line 4)		(200,000)				(200,000)	-
23 Realignment of Florida Educator Certification Services budget - DEDUCT (see line 49)					(100,000)	(100,000)	-
24 Realignment of Food & Nutrition Management budget - DEDUCT (see line 48)					(25,000)	(25,000)	-
25 TOTAL, OPERATING CAPITAL OUTLAY		50,406	-	-	1,669,302	1,719,708	-
26							
27 ASSESSMENT & EVALUATION		32,654,376			38,806,962	71,461,338	-
28 Startup Budget Adjustments		(462,239)				(462,239)	-
29 Base Budget Adjustment		(1,000,000)				(1,000,000)	-
30 Teacher Certification Examination Trust Fund Fee adjustment to make self-supporting					10,844,699	10,844,699	-
31 Sophomore Level Trust Fund increased budget authority					765,105	765,105	-
32 Federal Stabilization Discretionary Funds					3,391,097	3,391,097	3,391,097

State Board of Education

Appropriation Category	Committee Recommendation 2009-10						Total	Total Non-Rec
	FTE	GR	EETF	PSSTF	Other Trust			
33							-	-
34	TOTAL, ASSESSMENT & EVALUATION	-	31,192,137	-	-	53,807,863	85,000,000	3,391,097
35								
36	COMMISSION FOR INDEPENDENT EDUCATION					1,188,178	1,188,178	-
37							-	-
38	TOTAL, COMMISSION FOR INDEPENDENT ED		-	-	-	1,188,178	1,188,178	-
39								
40	TRANSFER TO DIV OF ADMIN HEARINGS		177,647				177,647	-
41	Statewide Adjustment		66,502				66,502	-
42	TOTAL, TRANSFER TO DIV OF ADMIN HEARINGS		244,149	-	-	-	244,149	-
43								
44	CONTRACTED SERVICES		1,454,502			17,811,902	19,266,404	-
45	Base Budget Adjustment		(218,175)				(218,175)	-
46	Realignment of Budget Authority for Salaries & Benefits - DEDUCT (see line 4)		(400,000)				(400,000)	-
47	Legal Counsel Services					182,000	182,000	-
48	Realignment of Food & Nutrition Management budget - ADD (see lines 5 and 24)					675,000	675,000	-
49	Realignment of Florida Educator Certification Services budget - ADD (see lines 17 and 23)					500,000	500,000	-
50							-	-
51	TOTAL, CONTRACTED SERVICES	-	836,327	-	-	19,168,902	20,005,229	-
52								
53	G/A-CHOICES PRODUCT SALES					400,000	400,000	-
54							-	-
55							-	-
56	TOTAL, CHOICES PRODUCT SALES		-	-	-	400,000	400,000	-
57								
58	TRANSFER/GRANTS & DONATIONS TF/FACTS		235,264				235,264	-
59	Transfer FACTS.org to Ed Techonology - DEDUCT (see lin 106)		(235,264)				(235,264)	-
60								
61	TOTAL, TRANSFER/GRANTS & DONATIONS		-	-	-	-	-	-
62								
63	LITIGATION EXPENSES		39,046				39,046	-
64	Base Budget Adjustment		(39,046)				(39,046)	-
65								
66	TOTAL, LITIGATION EXPENSES		-	-	-	-	-	-
67								
68	ED FACILITIES RES & DEV PROJECTS					200,000	200,000	-
69							-	-
70	TOTAL, ED FACILITIES RES & DEV PROJECTS		-	-	-	200,000	200,000	-

State Board of Education

	Appropriation Category	Committee Recommendation 2009-10					Total	Total Non-Rec
		FTE	GR	EETF	PSSTF	Other Trust		
71								
72	STUDENT FINANCIAL ASSISTANCE/MIS					484,993	484,993	-
73						-	-	-
74	TOTAL, STUDENT FINANCIAL ASSISTANCE/MIS		-	-	-	484,993	484,993	-
75								
76	RISK MANAGEMENT INSURANCE		530,140			301,811	831,951	-
77			-			-	-	-
78	TOTAL, RISK MANAGEMENT INSURANCE		530,140	-	-	301,811	831,951	-
79								
80	TR/DMS/HR SERVICES STW CONTRACT		178,042			334,626	512,668	-
81			-			-	-	-
82	TOTAL, TR/DMS/HR SERVICES STW CONTRACT		178,042	-	-	334,626	512,668	-
83								
84	CENTRALIZED TECHNOLOGY					650,900	650,900	-
85	Transfer to Ed Technology - DEDUCT (see line 103)					(650,900)	(650,900)	-
86								
87	TOTAL, CENTRALIZED TECHNOLOGY		-	-	-	-	-	-
88								
89	EDUCATION DATA WAREHOUSE		759,889				759,889	-
90	Transfer to Ed Technology - DEDUCT (see line 104)		(759,889)				(759,889)	-
91								
92	TOTAL, EDUCATION DATA WAREHOUSE		-	-	-	-	-	-
93								
94	DPS/REGIONAL DATA CENTER-SUS		1,299,598			1,432,087	2,731,685	-
95	Transfer to Ed Technology - DEDUCT (see line 105)		(1,299,598)			(1,432,087)	(2,731,685)	-
96								
97	TOTAL, DPS/REGIONAL DATA CENTER-SUS		-	-	-	-	-	-
98								
99	ED TECHNOLOGY/ INFORMATION SVCS		2,916,804			4,416,149	7,332,953	-
100	Startup Budget Adjustments		14,141			26,025	40,166	-
101	Base Budget Adjustment		(1,465,473)				(1,465,473)	-
102	Transfer from FETPIP - ADD (see Ed Media - FETPIP line 56)		81,356				81,356	-
103	Transfer from Centralized Technology - ADD (see line 85)					650,900	650,900	-
104	Transfer from Education Data Warehouse - ADD (see line 90)		379,945				379,945	-
105	Transfer from Regional Data Centers - ADD (see line 95)		649,799			1,432,087	2,081,886	-
106	Transfer FACTS.org to Ed Techonology - ADD (see line 59)		117,632				117,632	-
107								

State Board of Education

		Committee Recommendation 2009-10						
Appropriation Category		FTE	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec
108	TOTAL, ED TECHNOLOGY/INFORMATION SVCS		2,694,204	-	-	6,525,161	9,219,365	-
109								
110	TOTAL, STATE BOARD OF EDUCATION	1,156.0	59,837,003	-	-	156,657,057	216,494,060	3,391,097
111								
112	SALARY RATE ADJUSTMENTS						56,405,832	
113	Rate Adjustments						(2,265,894)	
114	TOTAL, SALARY RATE ADJUSTMENTS						54,139,938	

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PAC 09-01 Education Funding

SPONSOR(S): PreK-12 Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Appropriations Committee		Heflin <i>AJH</i>	Heflin <i>AJH</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill amends statutory provisions necessary to conform the statutes to appropriations made in the General Appropriations Act for the 2009-2010 fiscal year.

The bill amends statutes relating to the Florida Information Resource Network and school district internet and telecommunications services; salaries of district school board members and superintendents; Florida Virtual School funding; school district virtual instruction programs; attendance policies for the Voluntary Prekindergarten Education Program; minimum requirements for the number of instructional days in a school year; the implementation of class size reduction requirements; regional autism centers; school district price-setting methodologies for school food service programs; the definition of instructional materials and the use of instructional materials funds; the establishment of college-level communication and mathematics skills examination (CLAST) fees; the electronic transfer of school district funds; full-time equivalent membership eligibility for funding in the Florida Education Finance Program (FEFP); determination of the final taxable value for school purposes for the final calculation of the FEFP for each fiscal year; district flexibility to use FEFP categorical funds including safe schools, instructional materials, research-based reading instruction allocation, student transportation, and supplemental academic instruction; determination of the total allocation of state FEFP funds to each school district; authorized uses of school district capital improvement millage revenues; authorized school district capital improvement millage; the waiver of penalties for audit citations for misuse of school district capital improvement millage revenues; salaries of school district instructional personnel; the Equity in School-Level Funding Act; teacher certification exam fees; the Florida Teachers Lead Program; the Dale Hickam Excellent Teaching Program; participation requirements for the Public Education and Capital Outlay and Debt Service Trust Fund (PECO) special facility construction account; and incorporation by reference of the document entitled "Public School Funding – The Florida Education Finance Program," displaying the calculations used in making appropriations for the 2009-2010 fiscal year FEFP.

The bill substantially amends ss. 1001.20, 1001.28, 1001.395, 1001.42, 1001.451, 1001.47, 1001.50, 1002.37, 1002.45, 1002.71, 1003.02, 1003.03, 1004.55, 1006.06, 1006.28, 1006.40, 1008.29, 1008.41, 1010.11, 1011.18, 1011.60, 1011.61, 1011.62, 1011.69, 1011.71, 1011.73, 1012.33, 1012.59, 1012.71, 1012.72, and 1013.64, F.S. The bill also creates s. 1001.271, F.S. and repeals s. 9 of ch. 2008-142, L.O.F.

The bill conforms the statutes to the K-12 public schools budget. The bill provides school districts additional fiscal flexibility by giving priority to funding for the core mission of teaching and learning and less emphasis on funding noncore functions. In addition, the bill makes a series of adjustments and reductions to special allocations in the funding formula to maximize funding in the base allocation for all districts. The bill also provides fiscal efficiencies and limits unnecessary spending.

See FISCAL COMMENTS section.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.PAC.doc
 DATE: 3/27/2009

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Information Resource Network

The Florida Information Resource Network (FIRN) was established in the early 1980s to electronically link the state's public education entities to computing resources and transport administrative and student data from school districts to the Department of Education (DOE). Over the years, FIRN services have expanded to also provide electronic mail and connections to the Internet.

In 2003, the State Technology Office (now known as the Department of Management Services' Technology Program), on behalf of DOE, contracted with a vendor to provide bundled services, including Internet access and data reporting services, to school districts, public postsecondary institutions, and libraries.¹ For the school districts, FIRN services have been funded through state general revenue and E-rate funds from the Schools and Libraries Program of the federal Universal Service Fund (E-rate discounts). The DOE applies for E-rate discounts on behalf of the school districts that participate in FIRN; E-rate discounts account for approximately 71 percent of the total funding available for FIRN with the remaining balance (29 percent) funded from general revenue. Postsecondary institutions are not eligible to participate in the E-rate program. The 2008-2009 appropriation is \$6,937,882 in state funds and \$10,871,176 in trust fund authority for the federal discount.

The 2008-2009 General Appropriations Act included proviso that required the Commissioner of Education to prepare a report providing recommendations and options for the continuation of the FIRN services (the current FIRN contract expires at the end of fiscal year 2008-2009). For each recommended option, the report was required to address certain components (e.g. the total direct and indirect costs for providing the services) as identified in the proviso. The Commissioner of Education submitted the report to the Legislature and the Governor's Office by the September 15, 2008 required submission date.²

The report identified several options for the continuation of the FIRN services, including the continuation of the current approach that involves the execution of a statewide contract eligible for a statewide E-rate discount amount for the FIRN services. To continue this approach, both DOE and the Department of Management Services (DMS) collaborated on a new competitive procurement that resulted in the execution of a new statewide contract (number DMS-08/09-061) for the FIRN services beginning in fiscal year 2009-2010. This contract provides for a significant decrease to the overall cost

¹ On July 1, 2005, the information technology functions that were previously performed by the State Technology Office and were incorporated into the Department of Management Services' Enterprise Information Technology Services.

² Specific Appropriation 128, § 2, ch. 2008-152, L.O.F.

of the FIRN services and includes an agreed-upon approach for the calculation of DMS administrative services. FIRN costs to school districts under the new DMS contract are estimated at \$4.4 million including the E-rate discount of \$1.9 million.

The bill provides an additional duty to the Office of Technology and Information Services in the Office of the Commissioner as it relates to assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.

The bill specifically authorizes the Commissioner of Education, upon requisition by school districts and other eligible users of FIRN, to purchase the nondiscounted portion of Internet access services. Each user must identify the source of funds from which the commissioner is to make payment. This requirement conforms to the funding approach for FIRN services beginning in the 2009-2010 fiscal year; this approach transfers the appropriate amount of the state general revenue from the special categorical to the associated program fund (base budget) of the FIRN users.

The bill also authorizes rather than requires the Commissioner of Education to employ FIRN to perform certain functions relating to workforce education.

School Board Member Salaries

Florida law provides a formula methodology for calculating school board member base salaries. The formula is based on county population. In addition, school board member base salaries are increased annually by a cumulative annual factor.³ The Legislative Committee on Intergovernmental Relations (LCIR) annually computes the salaries of county constitutional officers, including school board members. For fiscal year 2008-2009, LCIR-calculated school board member salaries range from \$23,116 to \$40,932. Many states do not pay local school board members a salary.

Notwithstanding the provisions of sections 1001.395 and 145.19, F.S., the bill authorizes district school board member salaries for the 2009-2010 fiscal year to be the lesser of the LCIR-calculated amount or the salary of members of the Legislature. For 2008-2009, the LCIR-calculated amount for school board salaries ranges from \$23,116 to \$40,932, while the salary of a member of the Legislature is \$30,336.⁴

School District Employment Contracts

Under current law, the district school board has responsibilities for personnel including appointment, compensation, promotion, suspension, and dismissal.⁵ The district school board may not enter into an employment contract that is funded from state funds that requires the district to pay an employee an amount in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement.⁶

The bill clarifies that the limit on contract settlements paid from state funds does not apply to the payment of earned leave and benefits in accordance with the district's leave and benefits policies that were accrued by the employee before the contract terminates.

School District Superintendent Salary

Under current law, the district school board has responsibilities for personnel including appointment, compensation, promotion, suspension, and dismissal.⁷ District school superintendents are not subject to provisions of law, either general or special, relating to tenure of employment or contracts of other school personnel. In addition, the school board shall enter into an employment contract with the

³ Section 1001.395 & 145.19, F.S.

⁴ Section 11.13, F.S.

⁵ Section 1001.42(5)(a), F.S.

⁶ Section 2, ch. 2009-3, L.O.F.

⁷ *Supra* note 5.

superintendent.⁸ Currently, the school board may not enter into an employment contract that is funded from state funds and that requires the district to pay a superintendent more than 1 year's salary for termination, buy-out, or other contract settlement for school board employees.⁹

Current law provides a formula methodology for calculating elected school district superintendent base salaries. The formula is based on county population. In addition, elected superintendent base salaries are increased annually by a cumulative annual factor.¹⁰ The Legislative Committee on Intergovernmental Relations (LCIR) annually computes the salaries of county constitutional officers, including elected school district superintendents. Forty-four school districts have elected superintendents. For fiscal year 2008-2009, LCIR calculated elected school district superintendent salaries ranging from \$89,485 to \$137,144.

Pursuant to the Florida Constitution and Florida law, the school district superintendent shall be employed through contract with the district school board by a resolution of the school board and approved by the voters through local referendum.¹¹ Twenty-four school districts have appointed superintendents that are employed under contract with the district school board. In fiscal year 2007-2008, the salary range for appointed school district superintendents ranged from \$89,387 to \$325,000. In the same year, there were six district superintendents with compensation greater than \$225,000; Broward \$289,999, Collier \$240,000, Dade \$325,000, Duval \$274,999, Hillsborough \$252,898, and Orange \$280,699.¹²

The bill provides that salaries of elected school district superintendents shall be reduced by 5 percent for the 2009-2010 fiscal year. The bill also limits the amount to \$225,000 in remuneration and cash-equivalent compensation, excluding health insurance benefits and retirement benefits, which a school district can provide from state funds for a contract with an appointed district school superintendent for work performed.

Regional Consortium Service Organizations

Current law provides that each school district and each non-district member of a regional consortium service organization is eligible to receive an incentive grant of \$50,000; however, the grant may be less than \$50,000 for the 2008-2009 fiscal year. The 2008-2009 appropriation for this program is \$1,660,750.¹³

The bill allows that in any fiscal year if the appropriation is not sufficient to provide \$50,000 per participating school district, the amount may be less than \$50,000 and the appropriation shall be prorated equally among participating districts.

Florida Virtual School – Class Size Reduction

Florida law requires the reduction of class sizes in public school classrooms, beginning with the 2003-2004 school year.¹⁴ The Florida Virtual School has received classroom operating funds since the inception of the program in 2003-2004 through the present.¹⁵ Due to the nature of the delivery of online instruction, the Florida Virtual School is not required to comply with class size requirements. The physical location of a student taking a class is not usually in a classroom. The instruction may be at home, at a library, or anywhere a computer is available.

⁸ Section 1001.50(1) & (2), F.S.

⁹ Section 3, ch. 2009-3, L.O.F.

¹⁰ Section 1001.47 & 145.19, F.S.

¹¹ Section 5, Art. IX of the State Constitution; § 1001.50(2), F.S.

¹² Florida Department of Education, Florida District Staff Salaries of Selected Positions, Statistical Brief, <http://www.fldoe.org/eias/eiaspubs/default.asp> (last visited April 1, 2009).

¹³ Section 1001.451(2)(a) & (c), F.S.; Specific Appropriation 101, § 2, ch. 2008-152, L.O.F.

¹⁴ Section 1003.03, F.S.

¹⁵ Section 1002.37(3), F.S.

Florida Virtual School Funding History		
	<u>Total Funds</u>	<u>Class Size Reduction Funding</u>
2003-04	\$ 8,572,428	\$ 352,754
2004-05	\$ 14,493,007	\$ 1,204,362
2005-06	\$ 24,860,407	\$ 2,359,518
2006-07	\$ 43,257,056	\$ 5,264,442
2007-08	\$ 63,756,876	\$ 8,823,273
2008-09	\$ 93,312,046	\$ 13,814,560

The Florida Virtual School is projected to receive \$13,814,560 of class size reduction operating funds in the 2008-2009 fiscal year, which is 14.8 percent of the school's Florida Education Finance Program total funds of \$93,312,046.

The bill clarifies that the Florida Virtual School shall not receive funding through the FEFP for the purpose of meeting class size reduction requirements.

K-8 Virtual School Program

The 2008 Legislature authorized each school district in the 2008-2009 school year, and required in the 2009-2010 school year and thereafter, to offer a full-time K-8 Virtual School Program for students residing within the district. School districts were also required to offer a part-time or full-time virtual school program for students in grades 9-12. However, statutory language was unclear if the grades 9-12 program was required in addition to the K-8 program or in lieu of the K-8 program. Districts could administer their programs individually or through a regional consortium or multi-district contract. Contracted providers must be approved by the DOE and be 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. Students are reported in the educational program as provided in s. 1011.62(1)(c), F.S., and funding is provided through the Florida Education Finance Program.¹⁶

Any student residing within the district's attendance area is eligible to enroll in a district K-8 virtual school if, during the previous year, the student:

- Was enrolled in a Florida public school and was reported for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys;
- Was enrolled in a K-8 virtual school; or
- Is a dependent child of a military family that was transferred within the past 12 months to this state pursuant to a parent's permanent change of station orders.¹⁷

All school district K-8 virtual schools are required to participate in the statewide assessment program, i.e., the FCAT, and in the state's school accountability system.¹⁸ Each school must receive a school grade.¹⁹ If the school receives a grade of "D" or "F", it is required to file a school improvement plan with the DOE. The DOE must work in consultation with such a school to identify the causes of the school's poor performance and develop a plan for correcting it.²⁰

Prior to the establishment of school district virtual education programs, approximately 1,000 students were served and continue to be served through a pilot K-8 virtual program. The pilot is funded by a specific appropriation and not through the Florida Education Finance Program.²¹

¹⁶ Section 1002.45, F.S.

¹⁷ Section 1002.45(5), F.S.; see § 1002.415(5), F.S.

¹⁸ Section 1008.22 & 1008.31, F.S.

¹⁹ Section 1008.34, F.S.

²⁰ Section 1002.415(7)(b), F.S.

²¹ Section 1002.415, F.S.; Specific Appropriation 93, ch. 2008-152, L.O.F., as adjusted by Specific Appropriation 53, ch. 2009-

The bill changes the requirement to an authorization for school districts to make full-time virtual instruction available to kindergarten through grade 8 students beginning in the 2009-2010 fiscal year. The bill clarifies that school districts that offer a virtual program must provide a full-time K-8 program and either part-time or full-time for students in grades 9-12. By not mandating that school districts offer a virtual program in the 2009-2010 school year, districts may avoid the costs of establishing this program in 2009-2010.

The bill requires that if a student was enrolled in the pilot K-8 Virtual School Program in the 2008-2009 school year, and if that student resides in a school district that does not offer a virtual instruction program, then that school district must provide that student access to a virtual instruction program. The bill also allows that school district virtual instruction programs are eligible to report FTE until August 31 of each year to allow students additional time to complete courses, but the FTE is capped at 1.0 per student per year.

Finally, the bill clarifies that the provider may be accredited by any of the current accrediting bodies, including the Southern Association of Colleges and Schools Council on Accreditation and School Improvement. In addition, the Northwest Association of Accredited Schools and the Western Association of Schools and Colleges are added to the list of approved accrediting bodies.

Voluntary Prekindergarten Attendance Policies

Current Florida law specifies the requirements for funding and for financial and attendance reporting for the Voluntary Prekindergarten Education Program.²² In Special Session A (January 2009), the Legislature established minimum attendance policies for students in VPK programs in order for providers to receive funding for FTE students.²³

The bill clarifies that:

- A student who has not completed more than 70 percent of the authorized hours of a program can withdraw for good cause (as defined in rule) and re-enroll in another program but can only be reported for 1.0 FTE.
- A student's attendance may be reported on a prorated basis as a fraction of a FTE.
- A maximum of 20 percent of the total payment made to any provider on behalf of a student can be for hours the student is absent.
- A provider may not be paid for absences that occur before a student's first day of attendance or after a student's last day of attendance.

Minimum Requirements for the Number of Instructional Days in a School Year

Florida law establishes the length of the school year as a term of at least 180 days or the equivalent on an hourly basis.²⁴ The required number of hours in a school year for a student in kindergarten through grade 3 is 720 hours and for a student in grade 4 through 12 is 900 hours.²⁵ Florida schools are typically operated 5 days per week for 36 weeks, not counting holidays, which is the equivalent of 180 days.

The bill revises the definition of the school year as 180 days or the equivalent on an hourly basis. The revision provides school districts flexibility in establishing the number of days in a school year so long as the schools deliver the required amount of instructional hours. School districts could operate the schools for fewer days in the school year, but with a longer school day. Such a schedule may save fuel, food, utilities, and salaries of some workers. Potential challenges would be collective bargaining, the unpopularity of reduced salaries for cafeteria workers and bus drivers, child care and supervision of

²² Section 1002.71, F.S.

²³ Section 3, ch. 2009-3, L.O.F.

²⁴ Section 1003.02(1)(g), F.S.

²⁵ Section 1011.61(1)(a)1., F.S.

students on the unscheduled day, teacher preparation for a change in schedule, and the need to run utilities during the unscheduled day.²⁶

Class Size Reduction

In November 2002, the Florida Constitution was amended to require the Legislature, beginning with the 2003-2004 fiscal year, to provide sufficient funds to reduce the average number of students per classroom by at least two students per year until the number of students per classroom does not exceed the maximum. By the beginning of the 2010 school year, the maximum number of students who may be assigned to each teacher who is teaching in a public school classroom may not exceed the following:

- 18 for prekindergarten through grade 3;
- 22 for grades 4 through 8; and
- 25 for grades 9 through 12.²⁷

The implementation schedule for reducing the number students per classroom by at least two students per year is as follows:²⁸

- 2003-2004 through 2005-2006²⁹ at the district level;
- 2006-2007 through 2008-2009³⁰ at the school level; and
- 2009-2010 and thereafter, at the classroom level.

Beginning with the 2003-2004 General Appropriations Act, the Legislature has appropriated and allocated funds annually to school districts and charter schools to be used to reduce the average number of students per classroom by two students.

Class Size Reduction Funding History

Fiscal Year	Operating Appropriations	Fixed Capital Outlay Appropriations	Total Appropriations
2003-2004	468,198,634	600,000,000	1,068,198,634
2004-2005	972,191,216	100,000,000	1,072,191,216
2005-2006	1,507,199,696	83,400,000	1,590,599,696
2006-2007	2,108,529,344	1,100,000,000	3,208,529,344
2007-2008	2,640,719,730	650,000,000	3,290,719,730
2008-2009	2,789,748,660	-	2,789,748,660
Total Year to Date Appropriations	10,486,587,280	2,533,400,000	13,019,987,280

Florida law provides the statutory framework for making adjustments to appropriations for school districts that fail to meet required class size reductions. From 2003-04 to 2005-06, compliance was measured at the district level. For fiscal years 2006-2007, 2007-2008, and 2008-2009, compliance has been measured at the school level. Any school district that has not reduced its average school class size as required by statute may have a portion of its class size reduction operating funds transferred to a fixed capital outlay account. The adjustment is calculated by the Department of Education and verified by the Florida Education Finance Program Allocation Conference. The amount of the funds

²⁶ Southern Regional Education Board, *Focus on the School Calendar: The Four-Day School Week* available at http://www.sreb.org/scripts/Focus/Reports/Focus_School_Calendar.asp last visited on March 24, 2009

²⁷ Section 1(a), Art. IX of the State Constitution.

²⁸ Section 1003.03(2), F.S.

²⁹ Chapter 2003-391, L.O.F. established district level compliance for Fiscal Years 2003-2004 through 2005-2006. Chapter 2006-27, L.O.F. extended district level compliance to Fiscal Year 2006-2007.

³⁰ Chapter 2003-391, L.O.F. established school level compliance for Fiscal Years 2006-2007 through 2007-2008. Chapter 2008-142, L.O.F. extended school level compliance to 2008-2009.

actually transferred shall be the lesser of the amount calculated or the undistributed balance of the district's class size reduction operating categorical. However, the Commissioner of Education and the State Board of Education may make a recommendation to the Legislative Budget Commission for approval of an alternate amount of funds to transfer if a district has been unable to meet the class size reduction requirements despite appropriate effort to do so.³¹

For the initial transfer calculation completed on January 13, 2009, the Florida Education Finance Program Allocation Conference found that 39 traditional schools in 17 school districts did not meet the current year class size reduction requirements on a school average basis, for a potential total transfer from the class size reduction operating categorical to fixed capital outlay in the amount of \$1,396,108. Following the initial transfer calculation, the Commissioner recommended an adjustment for unexpected student growth which reduced the transfer amount to \$1,022,812. Pursuant to Section 1003.03(4)(a), F.S., the State Board of Education met on January 21, 2009 and reviewed evidence presented by school districts for schools that were unable to meet class size reduction requirements, despite appropriate effort to do so. The Board determined that district data reporting errors were factors to be considered in the appeal process. After the appeals, the transfer amount was reduced to \$569,981. The Commissioner of Education subsequently requested, and the Legislative Budget Commission approved, a budget amendment that transferred no funds from district class size reduction allocations for operations to fixed capital outlay accounts.

The bill amends the class size implementation schedule in s. 1003.03 (2), F.S., to continue the school level average for compliance through the 2009-2010 school year. Compliance at the classroom level is maintained for the 2010-2011 school year and each year thereafter. Most districts and charter schools were in compliance at the school level average in the 2008-2009 school year. The effect of these changes is to provide school districts and charter schools an additional year to reduce the number of students in any classroom to the constitutional maximum and provides a more gradual approach to achieving compliance. In addition, the bill maintains the school level average for the accountability requirement for non-compliance in the 2009-2010 school year. If the district does not achieve class size compliance at the school level, class size reduction funds are to be transferred from operations to capital in proportion to the amount of class size reduction not achieved.

Regional Autism Centers

Current law establishes seven regional autism centers to provide nonresidential resource and training services for persons of all ages and levels of intellectual functioning who have autism. The Autism Center at Florida State University (FSU) is established within the Department of Communication Disorders at the university.³²

The bill changes the autism center at FSU to be established within the College of Medicine instead of the Department of Communication Disorders to align statute with current operating procedures at the university.

School Food Service Programs

Florida law requires that school districts set prices for breakfast meals at rates that when combined with federal reimbursements for free- and reduced-price meals, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds.³³

The bill corrects the statute to include "state allocations" to be combined with federal reimbursements for districts to consider when setting prices for breakfast meals. School districts received \$7,590,912 as a school breakfast supplement for the 2008-2009 school year.³⁴

Instructional Materials

³¹ Section 1003.03(4)(a), F.S.

³² Section 1004.55(1) & (1)(a), F.S.

³³ Section 1006.06(5)(b), F.S.

³⁴ Specific Appropriation 110, ch. 2008-152, L.O.F.

Florida law currently requires the district school board to provide adequate instructional materials for all students. The term “adequate instructional materials” means a sufficient number of textbooks or sets of materials serving as a basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.³⁵

Current law authorizes the Department of Education to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials.³⁶ In the 2008-2009 fiscal year, \$253,945,129 was appropriated for instructional materials.³⁷ School districts are required to spend no less than fifty percent of the allocation to buy instructional materials that are on the adopted list. The remaining funds must be spent for instructional materials that are not on the adopted list, but may not be used to purchase electronic or computer hardware unless such hardware is bundled with software or other electronic media.³⁸

The bill defines “adequate instructional materials” to include materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction. The bill also authorizes the use of instructional materials funding to purchase materials not on the state-adopted list including computer hardware that is bundled with other instructional material such as textbooks.

College-level Communication and Mathematics Skills Examination (CLAST)

The CLAST exam is provided to postsecondary students to determine whether they have mastered the academic competencies prerequisite to upper-division undergraduate instruction. Currently a fee to take the exam is charged only to private postsecondary students. Since fee revenues are not sufficient to fund administration and development costs, general revenue funds must be appropriated to subsidize the exam costs.³⁹

The bill provides that fees established for the CLAST shall apply to “public” postsecondary students in addition to those currently required for students in private institutions. The fees shall be sufficient to cover the cost of developing and administering the examination.

Electronic Transfer of Funds

Current law requires school districts to adopt written policies prescribing accounting procedures under which funds shall be accounted for through electronic transactions.⁴⁰ Section 1011.18, F.S., provides for procedures of drawing money from school district depositories.

The bill, based on recommendations of the Auditor General, adds “payments” as authorized types of electronic transactions and provides documentation requirements for electronic payments.

Definition of Full-Time-Equivalent Membership (FTE)

The Florida Education Finance Program provides the funding methodology to allocate to the public school districts the state appropriations for K-12 education programs in public schools. The methodology is based on the number of full-time equivalent students (FTE) who are enrolled in and attending school. School districts report to the Department of Education the FTE enrollment in basic education, exceptional education, career technical education, and Limited English Proficient

³⁵ Section 1006.28(1), F.S.

³⁶ Section 1006.40(1), F.S.

³⁷ Specific Appropriation 82A, § 2, ch. 2008-152, L.O.F.

³⁸ Section 1006.40(3) & (4), F.S.

³⁹ Section 1008.29(7), F.S.

⁴⁰ Section 1010.11, F.S.

programs.⁴¹ Currently, student enrollment in study hall and on-the-job-training programs that are delivered off the school campus are eligible for FTE reporting and funding through the FEFP.

For the 2008-2009 FEFP, the Department of Education reported 32,861 weighted FTE for students in study hall. These weighted FTE earn approximately \$124 million for school districts. Many of these FTE have been reported as a placeholder for students in certain courses that do not have an appropriate course number for reporting purposes and some are data anomalies. Grades 9 to 12 basic program study hall weighted FTE may be the most accurately reported and the most reflective of the actual instructional situation for certain students. Grades 9 to 12 reported weighted FTE were 1,623.37 or roughly \$6.3 million.

For the 2008-2009 FEFP, the Department of Education reported 4,292 weighted FTE for students participating in on-the-job training delivered off of the school campus earning approximately \$16.7 million for school districts.

The bill prohibits school districts from reporting FTE for students in study hall and on-the-job training programs that are delivered outside of the classroom for funding through the FEFP.

School District Flexibility to use Categorical Funds for other Classroom Instruction

Current law authorizes school districts that declare in a resolution adopted by the school board that funds received for student transportation, safe schools, or supplemental academic instruction are urgently needed to maintain academic classroom instruction to transfer the identified amount of the categorical fund to the appropriate account for expenditure.⁴² In the 2008-2009 fiscal year school districts received \$460.9 million for student transportation, \$687.0 million for supplemental academic instruction, and \$72.0 million for safe schools.

In the 2008-2009 fiscal year, school districts received \$253.9 million for instructional materials and \$109.1 million for research-based reading. Chapter 2008-142, L.O.F., which was approved by the Governor on June 6, 2008, authorized school districts to use these funds for academic classroom instruction so long as the school board declared in a resolution at a regular school board meeting that expenditures for administration and for all functions not core to K-12 instruction have been reduced to the maximum possible and that the funds are needed to maintain school board specified academic classroom instruction. The department was required to provide to the Legislature a report that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were expended. 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.

The bill extends, for the 2009-2010 fiscal year only, the flexibility to use funds provided for instructional materials and research-based reading instruction for other classroom instruction purposes.

Final Taxable Value for School Purposes

Florida law provides that the taxable value for school purposes as certified by the Department of Revenue (DOR) which is used in the fourth FEFP calculation with the annualized full-time student membership from the February student survey shall be the final taxable value used in the final FEFP calculation completed annually in October. However, the statute further clarifies that the final taxable values for school purposes shall be the taxable values on which the tax bills are computed, adjusted for final administrative actions of the value adjustment boards and judicial decisions pursuant to chapter 194, F.S., except that if a district has not submitted a revised tax roll reflecting final adjustment board actions and final judicial decisions, the DOR shall certify the most recent taxable value for school purposes.⁴³

⁴¹ Section 1011.62, F.S.

⁴² Section 1011.62(6)(b), F.S.

⁴³ Section 1011.62(4)(b), F.S.

The bill requires that if a district has not submitted a revised tax roll reflecting final adjustment board actions and final judicial decisions, the DOR shall certify the taxable value for school purposes on which the tax bills are computed, as adjusted by the average percentage difference in the taxable values for school purposes used to compute tax bills and the taxable values for school purposes as adjusted to reflect final administrative actions of value adjustment boards and judicial decisions.

Total Allocation of State Funds for Current Operation

Current Florida law establishes the basic amount for current operation for the FEFP as the base student allocation multiplied by district cost differential factor, plus the amounts provided for categorical components within the FEFP, plus the discretionary millage compression supplement, the sparsity supplement, the declining enrollment supplement, the research-based reading allocation, the DJJ supplemental allocation, and the minimum guarantee, minus the required local effort.⁴⁴

The bill includes the funds provided for student transportation, instructional materials, and the teachers lead program in the total allocation of state funds to each school district for current operations for purposes of calculating the required local effort.

School District Discretionary Non-voted Capital Improvement Millage

Florida law authorizes school districts to levy up to 1.75 mills against the taxable value for school purposes for capital improvement purposes for the school district. Authorized uses for the revenue generated by the levy are:

- New construction and remodeling projects as provided in s. 1013.64, F.S.;
- Maintenance, renovation, and repair of existing educational facilities;
- The purchase, lease-purchase, or lease of school buses;
- The purchase, lease-purchase, or lease of new and replacement equipment and enterprise software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, having a useful life of at least 5 years, and are used to support district-wide administration or state-mandated reporting requirements;
- Payments for education facilities and sites due under lease-purchase agreements, which are capped at three-fourths the proceeds of the millage levied;
- Loan payments for the purchase of school buses, land, equipment, the building or renovation of educational facilities, the adjustment of insurance on educational property on a district's 5-year plan, or for the correction of a major emergency condition in an existing school facility that is needed to prevent further damage to the building or to eliminate a safety hazard for students and other occupants;
- Costs associated with state or federal environmental requirements for school facilities;
- Payment for renting or leasing educational facilities;
- Payment for the cost of school bus contracts with private entities to provide student transportation services; and
- Payment of the costs for the opening day collection for the library media center of a new school.⁴⁵

Subsection 4 of section 1011.71, F.S., further allows school districts for the 2008-2009 through 2009-2010 fiscal years to use up to \$100 per FTE of the revenues generated by the capital improvement millage levy for the purchase of driver's education and maintenance vehicles and the payment of property and casualty insurance premiums.

Violations of the capital millage expenditure provisions result in an equal dollar reduction in the district's FEFP funds for the fiscal year following the audit citation.⁴⁶ Chapter 2009-3, L.O.F., authorized the Commissioner of Education to waive the penalty for school districts that received audit citations for spending more than the cap per FTE for property and casualty insurance premiums between May 1

⁴⁴ Section 1011.62(12)(a), F.S.

⁴⁵ Section 1011.71(2), F.S.

⁴⁶ Section 1011.71(5), F.S.

and December 31, 2007, as well as for those districts having audit citations for the 2006-2007 fiscal year related to the purchase of software.

The bill reduces the maximum allowable district discretionary capital outlay millage by 0.25 mills, from 1.75 to 1.50 mills. This provision, in conjunction with a 0.25 mill increase of discretionary millage for operations provided in the FEFP, from 0.498 mills to 0.748 mills, represents a transfer of discretionary millage authority from capital to operations. In addition, the FEFP provides an increase to the state funds for the Discretionary Millage Compression Supplement to ensure that no district will receive less than the state average funds per student produced by the 0.748 mill levy.

The bill provides school boards with the flexibility to choose not to levy some or all of the budgeted additional discretionary 0.25 mills for operations if the district needs those revenues to make payments for previously issued lease-purchase agreements or has some other critical fixed capital outlay need. The bill allows the district to levy up to 0.25 mills for fixed capital outlay in lieu of the increased discretionary levy for operations. For such an event, the bill provides that the millage compression supplement will be calculated on the standard millage levied for operations which is not eligible for transfer. The effect of this policy is that school boards will be provided the flexibility to levy 0.25 mills of currently authorized district discretionary capital outlay millage for operations or for capital outlay at the board's discretion. The 0.25 mills is currently authorized millage, not additional millage.

This policy provides districts with the discretion to use the revenue from 0.25 mills for district operations, such as teacher salaries and other student instruction costs in lieu of being restricted to using these funds only for fixed capital outlay expenditures.

The bill also waives the three-fourths limit from the proceeds of the capital improvement levy that can be used for lease-purchase agreements for the 2009-2010 fiscal year.

The bill repeals s. 1011.71(4), F.S., to remove the cap per student of \$100 per FTE for specific expenditures and adds paragraphs (k) and (l) to subsection (2) to add purchases, lease-purchases, or leases of driver's education vehicles, motor vehicles used for maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment and payments of property and casualty insurance premiums to the list of authorized expenditures from the 1.5 mill discretionary capital improvement revenue. The amendment to this section would allow that all districts that currently levy a capital improvement levy would be allowed to use revenues generated by the levy for the purchase of driver's education and maintenance vehicles and the payment of property and casualty insurance premiums.

The bill allows the Commissioner of Education to waive the penalty for violations of the capital millage expenditure requirements relating to the purchase of software in the 2006-2007 or 2007-2008 fiscal year.

Professional Service Contracts

Current law indicates that each member of the school district instructional staff who completes certain requirements is to be issued a professional service contract. The requirements for the contract are to:

1. Hold a professional certificate,
2. Have completed 3 years of probationary service in the district during a period not exceeding 5 successive years, except for leave duly authorized and granted,
3. Have been recommended by the district superintendent for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.⁴⁷

A professional service contract is to be renewed each year unless the district school superintendent charges the employee with unsatisfactory performance and notifies the employee of performance

⁴⁷ Section 1012.33(3)(a), F.S.

deficiencies. An employee notified of unsatisfactory performance is provided a series of options and opportunities to meet requirements that will enable the employee to retain his or her professional services contract.⁴⁸

For purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida or outside the state and for which the employee received a satisfactory performance evaluation except for instructional personnel who retire in Florida and participate in the Deferred Retirement Option Program (DROP).⁴⁹

The bill authorizes that school districts under extraordinary financial circumstances may offer an additional year of annual contract for teachers who have completed 3 years of service.

The bill also repeals the requirement that school districts must recognize and accept, for purposes of pay, full-time teaching service earned outside the state.

Equity in School-Level Funding

Florida law requires school districts to 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 FEFP funds generated by that school. Class size reduction funds are exempt from the requirement.⁵⁰

The bill removes the exemption for class size reduction funds to be calculated as part of the 80% requirement for allocation of FEFP funds to schools within a district.

Teacher Certification Examination Fees

Current law authorizes the State Board of Education to establish by rule separate fees for applications, examinations, certification, certification renewal, late renewal, record making, and recordkeeping for teacher certification exams and the Florida Educational Leadership Examination (FELE) for school principals.⁵¹ The current established fee is \$50 for each subject area examination and \$85 for the FELE exam. There is not currently a registration fee. The statute requires that each examination fee shall be sufficient to cover the actual cost of developing and administering the examination. The statute also caps the fee for an examination at \$100.

The bill removes the \$100 cap for an examination, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration.

Florida Teachers Lead Program

Section 1012.71, F.S., authorizes the Florida Teachers Lead Program to provide an appropriation in the FEFP for a direct payment to school teachers, including charter school and prekindergarten teachers, media specialists, and guidance counselors for classroom supplies. The 2008-2009 appropriation for this program is \$36,756,829, which is approximately \$200 per teacher.

For the 2009-2010 fiscal year, the bill authorizes a pilot of a centralized electronic system to coordinate and manage the Florida Teachers Lead Program. Teachers could purchase supplies on-line or from local vendors through an on-line account using funding provided for the Teachers Lead Program. The pilot program is voluntary for school district participation.

Dale Hickam Excellent Teaching Program

Section 1012.72, F.S., provides bonuses to teachers certified by the National Board of Professional Teaching Standards (NBPTS). Subsequent to annual appropriation in the General Appropriations Act,

⁴⁸ Section 1012.33(3) (e) & (f), F.S.

⁴⁹ Section 1012.33(3)(g) & 121.091(9)(b)3., F.S.

⁵⁰ Section 1011.69(2) & (3)(b), F.S.

⁵¹ Section 1012.59, F.S.

bonuses are provided in an amount equal to 10 percent of the previous year's statewide average teacher salary for each teacher who are NBPTS certified and for teachers who are NBPTS certified and provide the equivalent of 12 workdays of mentoring and related services to teachers who are not NBPTS certified. If in any fiscal year the funds provided are insufficient to fully fund both bonuses, the bonuses for holding NBPTS certification are provided first, and prorated to eligible teachers if necessary, and then remaining funds can be used to pay the bonuses for mentoring services. The total appropriation for the 2008-2009 fiscal year for the Excellent Teaching program was \$57,653,390, which provided bonuses to 11,357 NBPTS teachers in an amount of \$5,051 per teacher.⁵²

The bill requires that for teachers certified after July 1, 2009, in order to be eligible for a bonus they must teach in a low-performing school as determined in rule by the State Board of Education. The bill establishes rule-making authority for the DOE to establish definitions of low-performing schools and determine the eligibility of teachers for bonuses.

Special Facility Construction Account (PECO)

Section 1013.64, F.S., establishes the Special Facility Construction Account to be funded from available revenue in the Public Education Capital Outlay and Debt Service Trust Fund (PECO) and provide necessary construction funds to school districts which have urgent construction needs but lack sufficient resources and do not anticipate sufficient resources within the next three years. No district shall receive funding for more than one approved project in any three-year period. The participating school district must levy for a continuing three-year period the maximum millage for capital outlay purposes and is required to budget 1.5 mills per year to the project funded by the Special Facility Construction Account.

The bill allows that for currently participating school districts, the district can budget some amount less than the 1.5 mill requirement and extends the 3-year period to 4-years.

Florida Education Finance Program Calculation Workpapers

The bill incorporates the calculations of the Florida Education Finance Program for the 2009-2010 fiscal year public schools budget by reference, in order to display the calculations used by the Legislature, consistent with the requirements of the Florida Statutes in making appropriations for the Florida Education Finance Program.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.20, F.S., adding an additional duty to the Office of Technology and Information Services in the Office of the Commissioner as it relates to assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.

Section 2: Creates s. 1001.271, F.S., authorizing the Commissioner, upon requisition by a school district and other eligible users of FERN, to purchase the nondiscounted portion of Internet access services and to identify the source of funds from which the commissioner is to make payment.

Section 3: Amends s. 1001.28, F.S., clarifying the distance learning duties of the Department of Education to include coordinating the FERN.

Section 4: Amends s. 1001.395, F.S., requiring that for the 2009-2010 school board member salaries shall be the lesser of the amount calculated pursuant to statutory methodologies or the salary of the members of the legislature.

Section 5: Amends s. 1001.42, F.S., clarifying that the limit on contract settlements paid from state funds does not apply to earned leave and benefits in accordance with the district's leave and benefits policies which are accrued before the employee's contract terminates.

⁵² \$359 per teacher was provided to the school district for each eligible teacher to pay the cost of FICA.

Section 6: Amends s. 1001.451, F.S., authorizing that the amount paid to each eligible members of the Regional Consortium Service Organizations shall be prorated equally among all eligible members based on the amount provided in the General Appropriations Act.

Section 7: Amends s. 1001.47, F.S., providing that elected school district superintendents may reduce their salaries voluntarily, and requiring that elected superintendent salaries shall be reduced by 5 percent for the 2009-2010 fiscal year.

Section 8: Amends s. 1001.50, F.S., clarifying that the limit on contract settlements for district superintendents paid from state funds does not apply to earned leave and benefits in accordance with the district's leave and benefits policies which are accrued before the superintendent's contract terminates; prohibiting school districts from entering into contracts for a school district superintendent salary paid from state funds that is in excess of \$225,000; defining remuneration and compensation; and encouraging school districts to review superintendents annual remuneration for the 2009-2010 fiscal year and mutually agree to a reduction of at least 5 percent.

Section 9: Amends s. 1002.43, F.S., conforming cross reference to the minimum requirements for school operations.

Section 10: Amends s. 1002.37, F.S., clarifying that the Florida Virtual School shall not receive funding through the FEFP for the purpose of meeting class size reduction requirements.

Section 11: Amends s. 1002.45, F.S., authorizing school districts to implement school district virtual instruction programs; providing that if a student was served in the K-8 Virtual Program under s. 1002.415, F.S., for the 2008-2009 school year and resides in a school district that does not offer a virtual instruction program, that district must provide access to a virtual instruction program; clarifying that a student in a school district virtual instruction program cannot receive more than 15 percent of instruction from a parent or instructional coach; clarifying the accreditation requirements for virtual instruction programs; and clarifying eligibility for funding of virtual instruction programs.

Section 12: Amends s. 1002.71, F.S., clarifying situations when a student in a Voluntary Prekindergarten Education Program can withdraw and re-enroll; providing that student attendance may be reported on a prorata basis as a fraction of a full-time equivalent student; clarifying the number of allowable paid absences; and clarifying that a VPK provider may not receive payment for absence's that occur before a student's first or after a student's last day of attendance.

Section 13: Amends s. 1003.02, F.S., providing flexibility for the number of days or the hourly equivalent of school operations.

Section 14: Amends s. 1003.03, F.S., extending the class size reduction compliance calculation and measurement at the school average to the 2009-2010 fiscal year.

Section 15: Amends s. 1004.55, F.S., revising the establishment of the regional autism center at Florida State University within the College of Medicine.

Section 16: Amends s. 1006.06, F.S., requiring that school districts include state allocations for school breakfast programs in the annual breakfast meal rates to offset the costs of school breakfast programs without requiring allocations from the district's operating funds.

Section 17: Amends s. 1006.28, F.S., allowing electronic media and computer courseware or software to be used as instructional materials.

Section 18: Amends s. 1006.40, F.S., allowing instructional materials funding to be used for computer hardware if the hardware is bundled with other instructional materials.

Section 19: Amends s. 1008.29, F.S., providing that fees established for the College-level communication and mathematics skills examination (CLAST) shall apply to "public" postsecondary

students in addition to those currently required for students in private institutions and requiring that the fees shall be sufficient to cover the cost of developing and administering the examination.

Section 20: Amends s. 1008.41, F.S., authorizing the Commissioner of Education to employ FIRN to perform certain functions relating to workforce education.

Section 21: Amends s. 1010.11, F.S., authorizing "payments" as appropriate types of electronic transactions.

Section 22: Amends s. 1011.18, F.S., providing documentation requirements for electronic payments.

Section 23: Amends s. 1011.60, F.S., providing flexibility for the number of days or the hourly equivalent of school operations for minimum requirements for participation in the FEFP.

Section 24: Amends s. 1011.61, F.S., clarifying definitions for full-time equivalent membership reporting for the FEFP.

Section 25: Amends s. 1011.62, F.S., prohibiting school districts from reporting full-time equivalent membership in study hall or on-the-job training programs for funding in the FEFP, clarifying the taxable value for school purposes to be used in the final FEFP calculation; extending school districts the flexibility to use the reading and instructional materials categoricals for other classroom instruction for the 2009-2010 school year, and clarifying the funds included in the total allocation of state funds to each district for current operation when calculating the required local effort.

Section 26: Repeals paragraph (b) of subsection (4) of s. 1011.69, F.S., requiring class size reduction funds to be included in the calculation of funds provided to schools within a district.

Section 27: Amends s. 1011.71, F.S., reducing the authorized capital improvement millage levy from 1.75 to 1.5 mills; waiving the three-fourths limit on use of proceeds from the capital improvement millage levy for lease-purchase agreements entered into before June 30, 2009 for the 2009-2010 fiscal year; authorizing school districts to pay property and casualty insurance premiums and purchase or lease driver's education and maintenance vehicles from the revenue generated by the discretionary capital improvement levy of property taxes; authorizing the Commissioner of Education to waive penalties associated with the audit citations for districts using capital funds to purchases of software in the 2006-2007 or 2007-2008 fiscal year; and authorizing school districts to levy an additional 0.25 mills for capital improvement needs in lieu of an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act for 2009-2010.

Section 28: Amends s. 1011.73, F.S., conforming a cross-reference.

Section 29: Amends s. 1012.33, F.S., authorizing that school districts under extraordinary financial circumstances may offer an additional year of annual contract for teachers who have completed 3 years of service.

Section 30: Amends s. 1012.59, F.S., removing the \$100 cap for an examination, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration.

Section 31: Amends s. 1012.71, F.S., authorizing the Department of Education to establish a pilot program to manage the Florida Teachers Lead Program through a centralized electronic system.

Section 32: Amends s. 1012.72, F.S., requiring that teachers who obtains NBPTS certification after July 1, 2009, to teach in low-performing schools in order to be eligible for the excellent teaching program bonus and authorizing the State Board of Education to adopt rules to administer the provision for payment of the bonuses, establish definitions of low-performing schools, and determine eligibility of teachers.

Section 33: Amends s. 1013.64, F.S., conforming a cross-reference and modifying the capital millage levy requirements for school districts currently participating in the Special Facility Construction Account.

Section 34: Repeals s. 9 of ch. 2008-142, L.O.F.

Section 35: Incorporates by reference the document entitled "Public School Funding – The Florida Education Finance Program,": dated April X, 2009, and filed with the Clerk of the House of Representatives for the purpose of displaying the calculations used by the Legislature in making appropriations and reductions in appropriations for the Florida Education Finance Program.

Section 36: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill amends s. 1008.29, F.S., to provide that fees established for the CLAST shall apply to "public" postsecondary students in addition to those currently required for students in private institutions. The fees shall be sufficient to cover the cost of developing and administering the examination.

The bill amends s. 1012.59, F.S., removing the \$100 cap for an examination, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

The bill conforms the statutes to the K-12 public schools budget. The bill provides school districts additional fiscal flexibility by giving priority to funding for the core mission of teaching and learning and less emphasis on funding noncore functions. In addition, the bill makes a series of adjustments and reductions to special allocations in the funding formula to maximize funding in the base allocation for all districts. The bill also provides fiscal efficiencies and limits unnecessary spending.

By maintaining class size reduction compliance at the school level for the 2009-2010 fiscal year, the fiscal impact on school districts will be mitigated. In the 2008-2009 fiscal year, when compliance was calculated at the school level, noncompliant districts had a total statewide calculated transfer of class size reduction allocation funds from operations to capital after all appeals of \$569,981. However the Legislative Budget Commission approved the Commissioner of Education's recommendation to not transfer these funds. By delaying the classroom compliance for the 2009-2010 fiscal year, the transfer

of funds at the school level should be kept at a low level. In addition, by maintaining compliance at the school level and progressing at the classroom level to the 2010-2011 constitutional maximums, school districts gain additional fiscal flexibility in meeting the implementation schedule.

The bill revises the definition of the school year as 180 days or the equivalent on an hourly basis. The revision provides school districts flexibility in establishing the number of days in a school year so long as the schools deliver the required amount of instructional hours. School districts could operate the schools for fewer days in the school year, but with a longer school day. Such a schedule may save fuel, food, utilities, and salaries of some workers. Potential challenges would be collective bargaining, the unpopularity of reduced salaries for cafeteria workers and bus drivers, child care and supervision of students on the unscheduled day, teacher preparation for a change in schedule, and the need to run utilities during the unscheduled day.⁵³

The bill changes the requirement to an authorization for school districts to make full-time virtual instruction available to kindergarten through grade 8 students beginning in the 2009-2010 fiscal year. The bill clarifies that school districts that offer a virtual program must provide a full-time K-8 program and either part-time or full-time for students in grades 9-12. By not mandating that school districts offer a virtual program in the 2009-2010 school year, districts may avoid the costs of establishing this program in 2009-2010.

The bill provides school districts with additional fiscal flexibility by allowing certain categorical program funds, namely the reading instruction allocation and instructional materials, to be spent for classroom instruction. In addition, the bill makes a series of adjustments to special allocations in the funding formula to maximize funding in the base student allocation for all districts. The bill provides a shift of 0.25 mills from the 1.75 mill capital outlay discretionary levy to the discretionary millage for operating purposes in the FEFP which will provide roughly an additional \$380.1 million for public school operations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the Department of Education rule making authority to establish definitions of low-performing schools and to determine eligibility for bonuses under the Excellent Teaching program for National Board certified teachers.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

⁵³ Southern Regional Education Board, *Focus on the School Calendar: The Four-Day School Week* available at http://www.sreb.org/scripts/Focus/Reports/Focus_School_Calendar.asp last visited on March 24, 2009

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1 A bill to be entitled
 2 An act relating to education funding; amending s. 1001.20,
 3 F.S.; providing additional responsibilities of the Office
 4 of Technology and Information Services in the Office of
 5 the Commissioner of Education; creating s. 1001.271, F.S.;
 6 requiring the commissioner to purchase a portion of
 7 Internet access services for the Florida Information
 8 Resource Network; amending s. 1001.28, F.S.; revising the
 9 Department of Education's duties concerning distance
 10 learning; amending s. 1001.395, F.S.; requiring that the
 11 salary of district school board members be the same as the
 12 annual calculation or the salary of members of the
 13 Legislature, whichever is less, for a specified period;
 14 amending s. 1001.42, F.S.; providing for the operation of
 15 schools for a term of 180 days or the equivalent on an
 16 hourly basis; clarifying provisions authorizing the
 17 payment of earned leave and benefits accrued by a district
 18 school board employee before his or her employment
 19 contract expires; amending s. 1001.451, F.S.; revising
 20 provisions relating to the funding of regional consortium
 21 service organizations; amending s. 1001.47, F.S.;
 22 authorizing elected district school superintendents to
 23 reduce their salary rates on a voluntary basis; requiring
 24 that each elected superintendent's salary be reduced by 5
 25 percent for the 2009-2010 fiscal year; amending s.
 26 1001.50, F.S.; clarifying provisions authorizing payment
 27 of earned leave and benefits accrued by a superintendent
 28 before his or her employment contract terminates; limiting

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29 | the use of compensation in calculating benefits;
 30 | encouraging review and reduction of compensation; amending
 31 | s. 1002.37, F.S.; restricting funds for the Florida
 32 | Virtual School; amending s. 1002.43, F.S.; conforming
 33 | provisions; amending s. 1002.45, F.S.; revising provisions
 34 | relating to the provision of and access to school district
 35 | virtual instruction programs and the providers of such
 36 | programs; amending s. 1002.71, F.S.; revising provisions
 37 | relating to the funding of prekindergarten programs;
 38 | revising requirements for the Voluntary Prekindergarten
 39 | Education Program attendance policy; amending s. 1003.02,
 40 | F.S.; providing for the operation of schools for a term of
 41 | 180 days or the equivalent on an hourly basis; amending s.
 42 | 1003.03, F.S.; extending dates relating to the calculation
 43 | of the number of students for purposes of complying with
 44 | the class size requirements; amending s. 1004.55, F.S.;
 45 | revising provisions relating to the location and service
 46 | area of a regional autism center; amending s. 1006.06,
 47 | F.S.; revising provisions relating to school breakfast
 48 | programs to include state allocations; amending s.
 49 | 1006.28, F.S.; clarifying the definition of the term
 50 | "adequate instructional materials"; amending s. 1006.40,
 51 | F.S.; revising provisions relating to the purchase of
 52 | instructional materials; amending s. 1008.29, F.S.;
 53 | revising provisions relating to the establishment of fees
 54 | for the College-level communications and mathematics
 55 | skills examination; amending s. 1008.41, F.S.; authorizing
 56 | rather than requiring the commissioner to employ the

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57 Florida Information Resource Network for workforce
 58 education data management; amending s. 1010.11, F.S.;
 59 providing for the electronic transfer of funds for certain
 60 payments; amending s. 1011.18, F.S.; providing for the
 61 transfer of funds from depositories for certain payments;
 62 amending s. 1011.60, F.S.; revising the minimum
 63 requirements for the Florida Education Finance Program
 64 relating to the term of operation; providing for 196 days
 65 of service or the equivalent on an hourly basis for
 66 certain school district personnel; amending s. 1011.61,
 67 F.S.; redefining the term "full-time equivalent student";
 68 amending s. 1011.62, F.S.; requiring that a student who is
 69 enrolled in study hall or participates in on-the-job
 70 training may not be included in the calculation of full-
 71 time equivalent student membership for funding purposes;
 72 revising provisions relating to the final calculation of
 73 taxable value for purposes of required local effort;
 74 extending a date relating to categorical funds for
 75 instructional materials; revising the calculation for the
 76 total allocation of state funds to districts for current
 77 operations; repealing s. 1011.69(4)(b), F.S., relating to
 78 funds excluded from allocations under the Equity in
 79 School-Level Funding Act; amending s. 1011.71, F.S.;
 80 reducing the authorized millage levy for capital
 81 improvement; revising provisions that authorize the
 82 expenditure of such millage; waiving the limit for
 83 payments under certain lease-purchase agreements for a
 84 specified period; authorizing waiver of certain equal

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85 | dollar reductions; authorizing district school boards to
 86 | levy additional millage for certain purposes for a
 87 | specified period; providing restrictions and for certain
 88 | calculation; amending s. 1011.73, F.S.; correcting a
 89 | cross-reference; amending s. 1012.33, F.S.; extending the
 90 | period of service for annual contract school personnel
 91 | under certain circumstances; deleting provisions relating
 92 | to the acceptance of certain teacher service; amending s.
 93 | 1012.59, F.S.; revising personnel certification fee
 94 | provisions; amending s. 1012.71, F.S.; authorizing the
 95 | department to conduct a pilot program to determine the
 96 | feasibility of managing the Florida Teachers Lead Program
 97 | through a centralized electronic system; amending s.
 98 | 1012.72, F.S.; providing requirements for bonuses under
 99 | the Dale Hickam Excellent Teaching Program; authorizing
 100 | rules; amending s. 1013.64, F.S.; conforming provisions;
 101 | requiring certain school districts to contribute specified
 102 | millage amounts for special facilities construction
 103 | projects; repealing s. 9 of ch. 2008-142, Laws of Florida;
 104 | abrogating the expiration of certain amendments relating
 105 | to categorical funding for the operation of schools;
 106 | providing for implementation of specified appropriations;
 107 | providing for the incorporation by reference of certain
 108 | calculations used by the Legislature for the 2009-2010
 109 | fiscal year; providing for retroactive operation of
 110 | specified provisions of the act; providing an effective
 111 | date.

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113 Be It Enacted by the Legislature of the State of Florida:

114

115 Section 1. Paragraph (a) of subsection (4) of section
116 1001.20, Florida Statutes, is amended to read:

117 1001.20 Department under direction of state board.--

118 (4) The Department of Education shall establish the
119 following offices within the Office of the Commissioner of
120 Education which shall coordinate their activities with all other
121 divisions and offices:

122 (a) Office of Technology and Information
123 Services.--Responsible for developing a systemwide technology
124 plan, making budget recommendations to the commissioner,
125 providing data collection and management for the system,
126 assisting school districts in securing Internet access and
127 telecommunications services, including those eligible for
128 funding under the Schools and Libraries Program of the federal
129 Universal Service Fund, and coordinating services with other
130 state, local, and private agencies. The office shall develop a
131 method to address the need for a statewide approach to planning
132 and operations of library and information services to achieve a
133 single K-20 education system library information portal and a
134 unified higher education library management system. The Florida
135 Virtual School shall be administratively housed within the
136 office.

137 Section 2. Section 1001.271, Florida Statutes, is created
138 to read:

139 1001.271 Florida Information Resource Network.--Upon
140 requisition by school districts, community colleges,

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141 universities, or other eligible users of the Florida Information
 142 Resource Network, the Commissioner of Education shall purchase
 143 the nondiscounted portion of Internet access services,
 144 including, but not limited to, circuits, encryption, content
 145 filtering, support, and any other services needed for the
 146 effective and efficient operation of the network. Each user
 147 shall identify in its requisition the source of funds from which
 148 the commissioner is to make payments.

149 Section 3. Subsection (2) of section 1001.28, Florida
 150 Statutes, is amended to read:

151 1001.28 Distance learning duties.--The duties of the
 152 Department of Education concerning distance learning include,
 153 but are not limited to, the duty to:

154 (2) Coordinate the use of existing resources, including,
 155 but not limited to, the state's satellite transponders ~~on the~~
 156 ~~education satellites, the SUNCOM Network,~~ the Florida
 157 Information Resource Network (FIRN), and the Florida Knowledge
 158 Network ~~the Department of Management Services, the Department of~~
 159 ~~Corrections, and the Department of Children and Family Services'~~
 160 ~~satellite communication facilities to support a statewide~~
 161 ~~advanced telecommunications services and distance learning~~
 162 initiatives network.

163
 164 Nothing in this section shall be construed to abrogate,
 165 supersede, alter, or amend the powers and duties of any state
 166 agency, district school board, community college board of
 167 trustees, university board of trustees, the Board of Governors,
 168 or the State Board of Education.

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169 Section 4. Subsection (3) is added to section 1001.395,
 170 Florida Statutes, as amended by chapter 2009-3, Laws of Florida,
 171 to read:

172 1001.395 District school board members; compensation.--
 173 (3) Notwithstanding the provisions of this section and s.
 174 145.19, for the 2009-2010 fiscal year, the salary of each
 175 district school board member shall be the amount calculated
 176 pursuant to subsection (1) or the salary of members of the
 177 Legislature, pursuant to s. 11.13 or any other law, whichever is
 178 less.

179 Section 5. Paragraph (a) of subsection (12) and subsection
 180 (25) of section 1001.42, Florida Statutes, as amended by chapter
 181 2009-3, Laws of Florida, are amended to read:

182 1001.42 Powers and duties of district school board.--The
 183 district school board, acting as a board, shall exercise all
 184 powers and perform all duties listed below:

185 (12) FINANCE.--Take steps to assure students adequate
 186 educational facilities through the financial procedure
 187 authorized in chapters 1010 and 1011 and as prescribed below:

188 (a) Provide for all schools to operate ~~at least~~ 180
 189 days.--Provide for the operation of all public schools, both
 190 elementary and secondary, as free schools for a term of ~~at least~~
 191 180 days or the equivalent on an hourly basis as specified by
 192 rules of the State Board of Education; determine district school
 193 funds necessary in addition to state funds to operate all
 194 schools for such minimum term; and arrange for the levying of
 195 district school taxes necessary to provide the amount needed
 196 from district sources.

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197 | (25) EMPLOYMENT CONTRACTS.--~~On or after February 1, 2009,~~
 198 | A district school board may not enter into an employment
 199 | contract ~~that is funded from state funds and~~ that requires the
 200 | district to pay from state funds an employee an amount in excess
 201 | of 1 year of the employee's annual salary for termination, buy-
 202 | out, or any other type of contract settlement. This subsection
 203 | does not prohibit the payment of earned leave and benefits in
 204 | accordance with the district's leave and benefits policies which
 205 | are accrued by the employee before the contract terminates.

206 | Section 6. Paragraph (c) of subsection (2) of section
 207 | 1001.451, Florida Statutes, is amended to read:

208 | 1001.451 Regional consortium service organizations.--In
 209 | order to provide a full range of programs to larger numbers of
 210 | students, minimize duplication of services, and encourage the
 211 | development of new programs and services:

212 | (2)

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

219 | Section 7. Subsections (6) and (7) are added to section
 220 | 1001.47, Florida Statutes, to read:

221 | 1001.47 District school superintendent; salary.--

222 | (6) Notwithstanding the provisions of this section and s.
 223 | 145.19, elected district school superintendents may reduce their
 224 | salary rates on a voluntary basis.

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225 (7) Notwithstanding the provisions of this section and s.
 226 145.19, for the 2009-2010 fiscal year, the salary of each
 227 elected district school superintendent calculated pursuant to
 228 this section shall be reduced by 5 percent.

229 Section 8. Subsection (2) of section 1001.50, Florida
 230 Statutes, as amended by chapter 2009-3, Laws of Florida, is
 231 amended, and subsections (5) and (6) are added to that section,
 232 to read:

233 1001.50 Superintendents employed under Art. IX of the
 234 State Constitution.--

235 (2) The district school board of each of such districts
 236 shall enter into contracts of employment with the district
 237 school superintendent and shall adopt rules relating to his or
 238 her appointment; however, ~~on or after February 1, 2009,~~ the
 239 district school board may not enter into an employment contract
 240 ~~that is funded from state funds and that requires the district~~
 241 ~~to pay from state funds~~ a superintendent an amount in excess of
 242 1 year of the superintendent's annual salary for termination,
 243 buy-out, or any other type of contract settlement. This
 244 subsection does not prohibit the payment of earned leave and
 245 benefits in accordance with the district's leave and benefits
 246 policies which are accrued by the superintendent before the
 247 contract terminates.

248 (5) Notwithstanding any other law, resolution, or rule to
 249 the contrary, a district school superintendent employed under
 250 this section may not receive more than \$225,000 in remuneration
 251 annually from state funds. "Remuneration" means salary, bonuses,
 252 and cash-equivalent compensation paid to a district school

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253 superintendent by his or her employer for work performed,
 254 excluding health insurance benefits and retirement benefits.
 255 Only compensation, as defined in s. 121.021(22), that is
 256 provided to a superintendent may be used in calculating benefits
 257 under chapter 121.

258 (6) District school boards and district school
 259 superintendents employed pursuant to this section are encouraged
 260 to review the superintendent's annual remuneration for the 2009-
 261 2010 fiscal year and mutually agree to a reduction of at least 5
 262 percent.

263 Section 9. Paragraph (c) of subsection (1) of section
 264 1002.43, Florida Statutes, is amended to read:

265 1002.43 Private tutoring programs.--

266 (1) Regular school attendance as defined in s. 1003.01(13)
 267 may be achieved by attendance in a private tutoring program if
 268 the person tutoring the student meets the following
 269 requirements:

270 (c) Requires students to be in actual attendance for the
 271 ~~minimum~~ length of time prescribed by s. 1011.60(2).

272 Section 10. Paragraph (g) of subsection (3) of section
 273 1002.37, Florida Statutes, is amended to read:

274 1002.37 The Florida Virtual School.--

275 (3) Funding for the Florida Virtual School shall be
 276 provided as follows:

277 (g) The Florida Virtual School shall receive additional
 278 state funds as may be provided in the General Appropriations
 279 Act; however, such funds may not be provided for the purpose of

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280 fulfilling the class size requirements in ss. 1003.03 and
 281 1011.685.

282 Section 11. Subsections (1), (2), (7), and (12) of section
 283 1002.45, Florida Statutes, are amended to read:

284 1002.45 School district virtual instruction programs.--

285 (1) PROGRAM.--

286 (a) Beginning with the 2009-2010 school year, each school
 287 district may ~~shall~~ provide eligible students within its
 288 boundaries the option of participating in a virtual instruction
 289 program. The purpose of the program is to make instruction
 290 available to students using online and distance learning
 291 technology in the nontraditional classroom. The program shall be
 292 ~~provide virtual instruction to full-time~~ for students enrolled
 293 ~~in full-time virtual courses in~~ kindergarten through grade 8 and
 294 ~~or in full-time or part-time~~ for students enrolled virtual
 295 ~~courses~~ in grades 9 through 12 as authorized in paragraph
 296 (7) (c).

297 (b) Each school district's virtual instruction program may
 298 consist of one or more schools that are operated by the district
 299 or by contracted providers approved by the Department of
 300 Education under subsection (2). School districts may participate
 301 in multidistrict contractual arrangements, which may include
 302 contracts executed by a regional consortium for its member
 303 districts, to provide such programs.

304 (c) If a student was enrolled in a K-8 Virtual School
 305 Program under s. 1002.415 for the 2008-2009 school year and the
 306 student resides in a school district that does not offer a
 307 virtual instruction program, the school district must provide

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308 the student access to a virtual instruction program. ~~A charter~~
 309 ~~school may enter into a joint agreement with the school district~~
 310 ~~in which it is located for the charter school's students to~~
 311 ~~participate in an approved district virtual instruction program.~~

312 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
 313 and annually thereafter, the department shall provide school
 314 districts with a list of providers approved to offer virtual
 315 instruction. To be approved by the department, a contract
 316 provider must annually document that it:

317 (a) Is nonsectarian in its programs, admission policies,
 318 employment practices, and operations;

319 (b) Complies with the antidiscrimination provisions of s.
 320 1000.05;

321 (c) Locates an administrative office or offices in this
 322 state, requires its administrative staff to be state residents,
 323 and requires all instructional staff members to be Florida-
 324 certified teachers;

325 (d) Possesses prior, successful experience offering online
 326 courses to elementary, middle, or high school students;

327 (e) Utilizes an instructional model that relies on the
 328 parent or instructional coach to provide no more than 15
 329 ~~certified teachers, not parents, to provide at least 85 percent~~
 330 of the instruction to the student;

331 (f) Is accredited by the Southern Association of Colleges
 332 and Schools Council on Accreditation and School Improvement, the
 333 North Central Association Commission on Accreditation and School
 334 Improvement, the Middle States Association of Colleges and
 335 Schools Commission on Elementary Schools and Commission on

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336 Secondary Schools, the New England Association of Schools and
 337 Colleges, the Northwest Association of Accredited Schools, or
 338 the Western Association of Schools and Colleges ~~the Commission~~
 339 ~~on Colleges of the Southern Association of Colleges and Schools,~~
 340 ~~the Middle States Association of Colleges and Schools, the North~~
 341 ~~Central Association of Colleges and Schools, or the New England~~
 342 ~~Association of Colleges and Schools; and~~

343 (g) Complies with all requirements under this section.
 344

345 Notwithstanding this subsection, approved providers of virtual
 346 instruction shall include the Florida Virtual School established
 347 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

348 (7) FUNDING.--

349 (a) For purposes of a district virtual instruction
 350 program, "full-time equivalent student" has the same meaning as
 351 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

352 (b) The school district shall report full-time equivalent
 353 students for the school district virtual instruction program ~~and~~
 354 ~~for a charter school's students who participate under paragraph~~
 355 ~~(1)(e)~~ to the department only in a manner prescribed by the
 356 department, and funding shall be provided through the Florida
 357 Education Finance Program.

358 (c) Full-time or part-time school district virtual
 359 instruction program courses provided under this section for
 360 students in grades 9 through 12 are limited to Department of
 361 Juvenile Justice programs, ~~dropout prevention programs, and~~
 362 ~~career and vocational programs.~~

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363 (12) RULES.--The State Board of Education shall adopt
 364 rules necessary to administer this section, including rules that
 365 prescribe school district ~~and charter school~~ reporting
 366 requirements.

367 Section 12. Paragraph (a) of subsection (4) and paragraph
 368 (d) of subsection (6) of section 1002.71, Florida Statutes, as
 369 amended by chapter 2009-3, Laws of Florida, are amended to read:

370 1002.71 Funding; financial and attendance reporting.--

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

372 (a) A child who, for any of the prekindergarten programs
 373 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
 374 percent of the hours authorized to be reported for funding under
 375 subsection (2) may withdraw from the program for good cause and
 376 reenroll in one of the programs, ~~and be reported for funding~~
 377 ~~purposes as a full-time equivalent student in the program for~~
 378 ~~which the child is reenrolled~~. The total funding for a child who
 379 reenrolls in one of the programs for good cause shall not exceed
 380 one full-time equivalent student. Funding for a child who
 381 withdraws and reenrolls in one of the programs for good cause
 382 shall be issued in accordance with the uniform attendance policy
 383 adopted pursuant to paragraph (6) (d).

384
 385 A child may reenroll only once in a prekindergarten program
 386 under this section. A child who reenrolls in a prekindergarten
 387 program under this subsection may not subsequently withdraw from
 388 the program and reenroll. The Agency for Workforce Innovation
 389 shall establish criteria specifying whether a good cause exists
 390 for a child to withdraw from a program under paragraph (a),

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391 whether a child has substantially completed a program under
 392 paragraph (b), and whether an extreme hardship exists which is
 393 beyond the child's or parent's control under paragraph (b).

394 (6)

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

402 1. Beginning with the 2009-2010 fiscal year for school-
 403 year programs, a student's attendance may be reported on a pro
 404 rata basis as a fraction of ~~and the 2009 summer program, a~~
 405 ~~student who meets the minimum requirement of 80 percent of the~~
 406 ~~total number of hours for the program may be reported as a full-~~
 407 ~~time equivalent student for funding purposes.~~

408 2. At a maximum, 20 percent of the total payment for each
 409 student made to a private kindergarten provider or public school
 410 may be for hours a student is absent. ~~A student who does not~~
 411 ~~meet the minimum requirement may be reported only as a~~
 412 ~~fractional part of a full-time equivalent student, reduced pro~~
 413 ~~rata based on the student's attendance.~~

414 3. A private prekindergarten provider or public school may
 415 not receive payment for absences that occur before a student's
 416 first day of attendance or after a student's last day of
 417 attendance. ~~A student who does not meet the minimum requirement~~
 418 ~~may be reported as a full-time equivalent student if the student~~

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419 ~~is absent for good cause in accordance with exceptions specified~~
 420 ~~in the uniform attendance policy.~~

421

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

426 Section 13. Paragraph (g) of subsection (1) of section
 427 1003.02, Florida Statutes, is amended to read:

428 1003.02 District school board operation and control of
 429 public K-12 education within the school district.--As provided
 430 in part II of chapter 1001, district school boards are
 431 constitutionally and statutorily charged with the operation and
 432 control of public K-12 education within their school district.
 433 The district school boards must establish, organize, and operate
 434 their public K-12 schools and educational programs, employees,
 435 and facilities. Their responsibilities include staff
 436 development, public K-12 school student education including
 437 education for exceptional students and students in juvenile
 438 justice programs, special programs, adult education programs,
 439 and career education programs. Additionally, district school
 440 boards must:

441 (1) Provide for the proper accounting for all students of
 442 school age, for the attendance and control of students at
 443 school, and for proper attention to health, safety, and other
 444 matters relating to the welfare of students in the following
 445 fields:

446 (g) School operation.--

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447 | 1. Provide for the operation of all public schools as free
 448 | schools for a term of ~~at least~~ 180 days or the equivalent on an
 449 | hourly basis as specified by rules of the State Board of
 450 | Education; determine district school funds necessary in addition
 451 | to state funds to operate all schools for the ~~minimum~~ term; and
 452 | arrange for the levying of district school taxes necessary to
 453 | provide the amount needed from district sources.

454 | 2. Prepare, adopt, and timely submit to the Department of
 455 | Education, as required by law and by rules of the State Board of
 456 | Education, the annual school budget, so as to promote the
 457 | improvement of the district school system.

458 | Section 14. Paragraph (b) of subsection (2) of section
 459 | 1003.03, Florida Statutes, is amended to read:

460 | 1003.03 Maximum class size.--

461 | (2) IMPLEMENTATION.--

462 | (b) Determination of the number of students per classroom
 463 | in paragraph (a) shall be calculated as follows:

464 | 1. For fiscal years 2003-2004 through 2005-2006, the
 465 | calculation for compliance for each of the 3 grade groupings
 466 | shall be the average at the district level.

467 | 2. For fiscal years 2006-2007 through 2009-2010 ~~2008-2009~~,
 468 | the calculation for compliance for each of the 3 grade groupings
 469 | shall be the average at the school level.

470 | 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
 471 | calculation for compliance shall be at the individual classroom
 472 | level.

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473 4. For fiscal years 2006-2007 through 2009-2010 and
 474 thereafter, each teacher assigned to any classroom shall be
 475 included in the calculation for compliance.

476 Section 15. Paragraph (a) of subsection (1) of section
 477 1004.55, Florida Statutes, is amended to read:

478 1004.55 Regional autism centers.--

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

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

499 Section 16. Paragraph (b) of subsection (5) of section
 500 1006.06, Florida Statutes, is amended to read:

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501 1006.06 School food service programs.--

502 (5)

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

510 Section 17. Subsection (1) of section 1006.28, Florida
 511 Statutes, is amended to read:

512 1006.28 Duties of district school board, district school
 513 superintendent; and school principal regarding K-12
 514 instructional materials.--

515 (1) DISTRICT SCHOOL BOARD.--The district school board has
 516 the duty to provide adequate instructional materials for all
 517 students in accordance with the requirements of this part. The
 518 term "adequate instructional materials" means a sufficient
 519 number of textbooks or sets of materials that are available in
 520 bound, unbound, kit, or package form and may consist of
 521 hardbacked or softbacked textbooks, consumables, learning
 522 laboratories, manipulatives, electronic media, and computer
 523 courseware or software that serve ~~servi~~ng as the basis for
 524 instruction for each student in the core courses of mathematics,
 525 language arts, social studies, science, reading, and literature,
 526 except for instruction for which the school advisory council
 527 approves the use of a program that does not include a textbook

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528 | as a major tool of instruction. The district school board has
 529 | the following specific duties:

530 | (a) Courses of study; adoption.--Adopt courses of study
 531 | for use in the schools of the district.

532 | (b) Textbooks.--Provide for proper requisitioning,
 533 | distribution, accounting, storage, care, and use of all
 534 | instructional materials furnished by the state and furnish such
 535 | other instructional materials as may be needed. The district
 536 | school board shall assure that instructional materials used in
 537 | the district are consistent with the district goals and
 538 | objectives and the curriculum frameworks adopted by rule of the
 539 | State Board of Education, as well as with the state and district
 540 | performance standards provided for in s. 1001.03(1).

541 | (c) Other instructional materials.--Provide such other
 542 | teaching accessories and aids as are needed for the school
 543 | district's educational program.

544 | (d) School library media services; establishment and
 545 | maintenance.--Establish and maintain a program of school library
 546 | media services for all public schools in the district, including
 547 | school library media centers, or school library media centers
 548 | open to the public, and, in addition such traveling or
 549 | circulating libraries as may be needed for the proper operation
 550 | of the district school system.

551 | Section 18. Subsection (4) of section 1006.40, Florida
 552 | Statutes, is amended to read:

553 | 1006.40 Use of instructional materials allocation;
 554 | instructional materials, library books, and reference books;
 555 | repair of books.--

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556 (4) The funds described in subsection (3) which district
 557 school boards may use to purchase materials not on the state-
 558 adopted list shall be used for the purchase of instructional
 559 materials or other items having intellectual content which
 560 assist in the instruction of a subject or course. These items
 561 may be available in bound, unbound, kit, or package form and may
 562 consist of hardbacked or softbacked textbooks, replacements for
 563 items which were part of previously purchased instructional
 564 materials, consumables, learning laboratories, manipulatives,
 565 electronic media, computer courseware or software, and other
 566 commonly accepted instructional tools as prescribed by district
 567 school board rule. The funds available to district school boards
 568 for the purchase of materials not on the state-adopted list may
 569 not be used to purchase electronic or computer hardware unless
 570 ~~even if~~ such hardware is bundled with other instructional
 571 materials such as textbooks, software, or other electronic
 572 media, nor may such funds be used to purchase equipment or
 573 supplies. However, when authorized to do so in the General
 574 Appropriations Act, a school or district school board may use a
 575 portion of the funds available to it for the purchase of
 576 materials not on the state-adopted list to purchase science
 577 laboratory materials and supplies.

578 Section 19. Subsections (7) and (8) of section 1008.29,
 579 Florida Statutes, are amended to read:

580 1008.29 College-level communication and mathematics skills
 581 examination (CLAST).--

582 (7) The State Board of Education shall collaborate with
 583 the Board of Governors to establish rules instituting uniform

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584 | fees for all students, including private postsecondary students,
 585 | who take the CLAST. The fees shall be sufficient to cover the
 586 | actual cost of developing and administering the examination, ~~by~~
 587 | ~~rule, shall establish fees for the administration of the~~
 588 | ~~examination to private postsecondary students.~~

589 | ~~(8) (a) The State Board of Education, by rule, shall~~
 590 | ~~establish fees for the administration of the examination by~~
 591 | ~~community colleges at times other than regularly scheduled dates~~
 592 | ~~to accommodate examinees who are unable to be tested on those~~
 593 | ~~dates. The state board shall establish the conditions under~~
 594 | ~~which examinees may be admitted to the special administrations.~~

595 | ~~(b)~~ The Board of Governors may establish fees for the
 596 | administration of the examination by state universities at times
 597 | other than regularly scheduled dates to accommodate examinees
 598 | who are unable to be tested on those dates. The Board of
 599 | Governors may establish the conditions under which examinees may
 600 | be admitted to the special administrations.

601 | Section 20. Paragraph (c) of subsection (1) of section
 602 | 1008.41, Florida Statutes, is amended to read:

603 | 1008.41 Workforce education; management information
 604 | system.--

605 | (1) The Commissioner of Education shall coordinate uniform
 606 | program structures, common definitions, and uniform management
 607 | information systems for workforce education for all divisions
 608 | within the department. In performing these functions, the
 609 | commissioner shall designate deadlines after which data elements
 610 | may not be changed for the coming fiscal or school year. School
 611 | districts and community colleges shall be notified of data

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612 element changes at least 90 days prior to the start of the
 613 subsequent fiscal or school year. Such systems must provide for:

614 (c) Maximum use of automated technology and records in
 615 existing databases and data systems. To the extent feasible, the
 616 Florida Information Resource Network may ~~shall~~ be employed for
 617 this purpose.

618 Section 21. Section 1010.11, Florida Statutes, is amended
 619 to read:

620 1010.11 Electronic transfer of funds.--Pursuant to the
 621 provisions of s. 215.85, each district school board, community
 622 college board of trustees, and university board of trustees
 623 shall adopt written policies prescribing the accounting and
 624 control procedures under which any funds under their control are
 625 allowed to be moved by electronic transaction for any purpose
 626 including direct deposit, wire transfer, withdrawal, ~~or~~
 627 investment, or payment. Electronic transactions shall comply
 628 with the provisions of chapter 668.

629 Section 22. Subsection (4) of section 1011.18, Florida
 630 Statutes, is amended to read:

631 1011.18 School depositories; payments into and withdrawals
 632 from depositories.--

633 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn
 634 from any district school depository holding same as prescribed
 635 herein shall be upon a check or warrant drawn on authority of
 636 the district school board as prescribed by law. Each check or
 637 warrant shall be signed by the chair or, in his or her absence,
 638 the vice chair of the district school board and countersigned by
 639 the district school superintendent, with corporate seal of the

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640 school board affixed. However, as a matter of convenience, the
 641 corporate seal of the district school board may be printed upon
 642 the warrant and a proper record of such warrant shall be
 643 maintained. The district school board may by resolution, a copy
 644 of which must be delivered to the depository, provide for
 645 internal funds to be withdrawn from any district depository by a
 646 check duly signed by at least two bonded school employees
 647 designated by the board to be responsible for administering such
 648 funds. However, the district school superintendent or his or her
 649 designee, after having been by resolution specifically
 650 authorized by the district school board, may transfer funds from
 651 one depository to another, within a depository, to another
 652 institution, or from another institution to a depository for
 653 investment purposes and may transfer funds to pay expenses,
 654 expenditures, or other disbursements that must be evidenced by
 655 an invoice or other appropriate documentation in a similar
 656 manner ~~when the transfer does not represent an expenditure,~~
 657 ~~advance, or reduction of cash assets.~~ Such transfer may be made
 658 by electronic, telephonic, or other medium; and each transfer
 659 shall be confirmed in writing and signed by the district school
 660 superintendent or his or her designee.

661 Section 23. Subsection (2) and paragraphs (d) and (f) of
 662 subsection (3) of section 1011.60, Florida Statutes, are amended
 663 to read:

664 1011.60 Minimum requirements of the Florida Education
 665 Finance Program.--Each district which participates in the state
 666 appropriations for the Florida Education Finance Program shall
 667 provide evidence of its effort to maintain an adequate school

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668 program throughout the district and shall meet at least the
 669 following requirements:

670 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
 671 ~~least~~ 180 actual teaching days or the equivalent on an hourly
 672 basis as specified by rules of the State Board of Education each
 673 school year. The State Board of Education may prescribe
 674 procedures for altering, and, upon written application, may
 675 alter, this requirement during a national, state, or local
 676 emergency as it may apply to an individual school or schools in
 677 any district or districts if, in the opinion of the board, it is
 678 not feasible to make up lost days or hours, and the
 679 apportionment may, at the discretion of the Commissioner of
 680 Education and if the board determines that the reduction of
 681 school days or hours is caused by the existence of a bona fide
 682 emergency, be reduced for such district or districts in
 683 proportion to the decrease in the length of term in any such
 684 school or schools. A strike, as defined in s. 447.203(6), by
 685 employees of the school district may not be considered an
 686 emergency.

687 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
 688 appointment, promotion, transfer, suspension, and dismissal of
 689 personnel.

690 (d) District school boards may authorize a maximum of six
 691 paid legal holidays which shall apply to the 196 days of service
 692 or the equivalent on an hourly basis.

693 (f) Such rules must require 12 calendar months of service
 694 for such principals as prescribed by rules of the State Board of
 695 Education and must require 10 months to include not less than

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696 | 196 days of service or the equivalent on an hourly basis,
 697 | excluding Sundays and other holidays, for all members of the
 698 | instructional staff, with any such service on a 12-month basis
 699 | to include reasonable allowance for vacation or further study as
 700 | prescribed by the school board in accordance with rules of the
 701 | State Board of Education.

702 | Section 24. Paragraph (c) of subsection (1) of section
 703 | 1011.61, Florida Statutes, is amended to read:

704 | 1011.61 Definitions.--Notwithstanding the provisions of s.
 705 | 1000.21, the following terms are defined as follows for the
 706 | purposes of the Florida Education Finance Program:

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

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

711 | a. A full-time student in any one of the programs listed
 712 | in s. 1011.62(1)(c); or

713 | b. A combination of full-time or part-time students in any
 714 | one of the programs listed in s. 1011.62(1)(c) which is the
 715 | equivalent of one full-time student based on the following
 716 | calculations:

717 | (I) A full-time student, except a postsecondary or adult
 718 | student or a senior high school student enrolled in adult
 719 | education when such courses are required for high school
 720 | graduation, in a combination of programs listed in s.

721 | 1011.62(1)(c) shall be a fraction of a full-time equivalent
 722 | membership in each special program equal to the number of net
 723 | hours per school year for which he or she is a member, divided

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724 by the appropriate number of hours set forth in subparagraph
 725 (a)1. or subparagraph (a)2. The difference between that fraction
 726 or sum of fractions and the maximum value as set forth in
 727 subsection (4) for each full-time student is presumed to be the
 728 balance of the student's time not spent in such special
 729 education programs and shall be recorded as time in the
 730 appropriate basic program.

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

733 (III) A full-time equivalent student for students in
 734 grades K-8 in a school district virtual instruction program as
 735 provided in s. 1002.45 shall consist of a student who has
 736 successfully completed a basic program listed in s.
 737 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
 738 level by August 31 of each year. The maximum value for funding a
 739 student in a virtual instruction program is subject to
 740 subsection (4).

741 (IV) A full-time equivalent student for students in grades
 742 9-12 in a school district virtual instruction program as
 743 provided in s. 1002.45 shall consist of six full credit
 744 completions in programs listed in s. 1011.62(1)(c)1. and 3. ~~4.~~
 745 Credit completions can be a combination of either full credits
 746 or half credits.

747 (V) A Florida Virtual School full-time equivalent student
 748 shall consist of six full credit completions in the programs
 749 listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the
 750 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12

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751 ~~s. 1011.62(1)(c)1. and 4.~~ Credit completions can be a
 752 combination of either full credits or half credits.

753 (VI) Each successfully completed credit earned under the
 754 alternative high school course credit requirements authorized in
 755 s. 1002.375, which is not reported as a portion of the 900 net
 756 hours of instruction pursuant to subparagraph (1)(a)1., shall be
 757 calculated as 1/6 FTE.

758 2. A student in membership in a program scheduled for more
 759 or less than 180 school days or the equivalent on an hourly
 760 basis is a fraction of a full-time equivalent membership equal
 761 to the number of instructional hours in membership divided by
 762 the appropriate number of hours set forth in subparagraph (a)1.;
 763 however, for the purposes of this subparagraph, membership in
 764 programs scheduled for more than 180 days or the equivalent on
 765 an hourly basis is limited to students enrolled in juvenile
 766 justice education programs, ~~and~~ the Florida Virtual School, and
 767 a school district virtual instruction program.

768
 769 The department shall determine and implement an equitable method
 770 of equivalent funding for experimental schools and for schools
 771 operating under emergency conditions, which schools have been
 772 approved by the department to operate for less than the minimum
 773 school day.

774 Section 25. Paragraphs (l) through (t) of subsection (1)
 775 of section 1011.62, Florida Statutes, are redesignated as
 776 paragraphs (n) through (v), respectively, and new paragraphs (l)
 777 and (m) are added to that subsection, and paragraph (b) of

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778 subsection (4), paragraph (b) of subsection (6), and paragraph
 779 (a) of subsection (12) of that section are amended, to read:

780 1011.62 Funds for operation of schools.--If the annual
 781 allocation from the Florida Education Finance Program to each
 782 district for operation of schools is not determined in the
 783 annual appropriations act or the substantive bill implementing
 784 the annual appropriations act, it shall be determined as
 785 follows:

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

790 (1) Study hall.--A student who is enrolled in study hall
 791 may not be included in the calculation of full-time equivalent
 792 student membership for funding under this section.

793 (m) On-the-job training.--A student who participates in
 794 on-the-job training, excluding classroom instruction, may not be
 795 included in the calculation of full-time equivalent student
 796 membership for funding under this section.

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

804 (b) Final calculation.--

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

810 2. For purposes of this paragraph, the final taxable value
 811 for school purposes shall be the taxable value for school
 812 purposes on which the tax bills are computed and mailed to the
 813 taxpayers, adjusted to reflect final administrative actions of
 814 value adjustment boards and judicial decisions pursuant to
 815 chapter 194. For each county that has not submitted a revised
 816 tax roll reflecting final value adjustment board actions and
 817 final judicial decisions, the Department of Revenue shall
 818 certify ~~the most recent revision of~~ the taxable value for school
 819 purposes on which the tax bills are computed and mailed to
 820 taxpayers, adjusted by the average percentage difference, over
 821 the most recent 3 years for which the information is available,
 822 between the taxable value for school purposes on which the tax
 823 bills are computed and the taxable value for school purposes on
 824 which the tax bills are computed as adjusted to reflect final
 825 administrative actions of value adjustment board and judicial
 826 decisions pursuant to chapter 194.

827 3. The value certified under subparagraph 1. shall be the
 828 final taxable value for school purposes for that year, and no
 829 further adjustments shall be made, except those made pursuant to
 830 paragraph (12) (b).

831 (6) CATEGORICAL FUNDS.--

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

- 840 1. Funds for student transportation.
- 841 2. Funds for safe schools.
- 842 3. Funds for supplemental academic instruction.
- 843 4. Funds for research-based reading instruction.
- 844 5. Funds for instructional materials if all instructional
 845 material purchases have been completed for that fiscal year, but
 846 no sooner than March 1, 2010 ~~2009~~.

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

852 (a) The basic amount for current operation for the FEFP as
 853 determined in subsection (1), multiplied by the district cost
 854 differential factor as determined in subsection (2), plus the
 855 amounts provided for categorical components within the FEFP,
 856 plus the discretionary millage compression supplement as
 857 determined in subsection (5), the amount for the sparsity
 858 supplement as determined in subsection (7), the decline in full-
 859 time equivalent students as determined in subsection (8), the

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860 research-based reading instruction allocation as determined in
 861 subsection (9), the allocation for juvenile justice education
 862 programs as determined in subsection (10), the quality assurance
 863 guarantee as determined in subsection (11), the allocation for
 864 instructional materials as determined in s. 1011.67, the
 865 allocation for student transportation as determined in s.
 866 1011.68, and the allocation for the Florida Teachers Lead
 867 Program as determined in s. 1012.71, less the required local
 868 effort as determined in subsection (4). If the funds
 869 appropriated for the purpose of funding the total amount for
 870 current operation as provided in this paragraph are not
 871 sufficient to pay the state requirement in full, the department
 872 shall prorate the available state funds to each district in the
 873 following manner:

874 1. Determine the percentage of proration by dividing the
 875 sum of the total amount for current operation, as provided in
 876 this paragraph for all districts collectively, and the total
 877 district required local effort into the sum of the state funds
 878 available for current operation and the total district required
 879 local effort.

880 2. Multiply the percentage so determined by the sum of the
 881 total amount for current operation as provided in this paragraph
 882 and the required local effort for each individual district.

883 3. From the product of such multiplication, subtract the
 884 required local effort of each district; and the remainder shall
 885 be the amount of state funds allocated to the district for
 886 current operation.

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887 Section 26. Paragraph (b) of subsection (4) of section
 888 1011.69, Florida Statutes, is repealed.

889 Section 27. Section 1011.71, Florida Statutes, as amended
 890 by chapter 2009-3, Laws of Florida, is amended to read:

891 1011.71 District school tax.--

892 (1) If the district school tax is not provided in the
 893 General Appropriations Act or the substantive bill implementing
 894 the General Appropriations Act, each district school board
 895 desiring to participate in the state allocation of funds for
 896 current operation as prescribed by s. 1011.62(12) shall levy on
 897 the taxable value for school purposes of the district, exclusive
 898 of millage voted under the provisions of s. 9(b) or s. 12, Art.
 899 VII of the State Constitution, a millage rate not to exceed the
 900 amount certified by the commissioner as the minimum millage rate
 901 necessary to provide the district required local effort for the
 902 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
 903 required local effort millage levy, each district school board
 904 may levy a nonvoted current operating discretionary millage. The
 905 Legislature shall prescribe annually in the appropriations act
 906 the maximum amount of millage a district may levy.

907 (2) In addition to the maximum millage levy as provided in
 908 subsection (1), each school board may levy not more than 1.5
 909 ~~1.75~~ mills against the taxable value for school purposes for
 910 district schools, including charter schools at the discretion of
 911 the school board, to fund:

912 (a) New construction and remodeling projects, as set forth
 913 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 914 educational plant survey pursuant to s. 1013.31, without regard

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915 | to prioritization, sites and site improvement or expansion to
 916 | new sites, existing sites, auxiliary facilities, athletic
 917 | facilities, or ancillary facilities.

918 | (b) Maintenance, renovation, and repair of existing school
 919 | plants or of leased facilities to correct deficiencies pursuant
 920 | to s. 1013.15(2).

921 | (c) The purchase, lease-purchase, or lease of school
 922 | buses.

923 | (d) Effective July 1, 2008, the purchase, lease-purchase,
 924 | or lease of new and replacement equipment, and enterprise
 925 | resource software applications that are classified as capital
 926 | assets in accordance with definitions of the Governmental
 927 | Accounting Standards Board, have a useful life of at least 5
 928 | years, and are used to support districtwide administration or
 929 | state-mandated reporting requirements.

930 | (e) Payments for educational facilities and sites due
 931 | under a lease-purchase agreement entered into by a district
 932 | school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 933 | exceeding, in the aggregate, an amount equal to three-fourths of
 934 | the proceeds from the millage levied by a district school board
 935 | pursuant to this subsection. For the 2009-2010 fiscal year, the
 936 | three-fourths limit is waived for lease-purchase agreements
 937 | entered into before June 30, 2009, by a district school board
 938 | pursuant to this paragraph.

939 | (f) Payment of loans approved pursuant to ss. 1011.14 and
 940 | 1011.15.

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941 (g) Payment of costs directly related to complying with
 942 state and federal environmental statutes, rules, and regulations
 943 governing school facilities.

944 (h) Payment of costs of leasing relocatable educational
 945 facilities, of renting or leasing educational facilities and
 946 sites pursuant to s. 1013.15(2), or of renting or leasing
 947 buildings or space within existing buildings pursuant to s.
 948 1013.15(4).

949 (i) Payment of the cost of school buses when a school
 950 district contracts with a private entity to provide student
 951 transportation services if the district meets the requirements
 952 of this paragraph.

953 1. The district's contract must require that the private
 954 entity purchase, lease-purchase, or lease, and operate and
 955 maintain, one or more school buses of a specific type and size
 956 that meet the requirements of s. 1006.25.

957 2. Each such school bus must be used for the daily
 958 transportation of public school students in the manner required
 959 by the school district.

960 3. Annual payment for each such school bus may not exceed
 961 10 percent of the purchase price of the state pool bid.

962 4. The proposed expenditure of the funds for this purpose
 963 must have been included in the district school board's notice of
 964 proposed tax for school capital outlay as provided in s.
 965 200.065(10).

966 (j) Payment of the cost of the opening day collection for
 967 the library media center of a new school.

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968 (k) Payment of the cost of premiums for property and
 969 casualty insurance necessary to insure school district
 970 educational and ancillary plants as required by ss.
 971 1001.42(11) (d) and 1001.51(11) (k).

972 (1) The purchase, lease-purchase, or lease of driver's
 973 education vehicles; motor vehicles used for the maintenance or
 974 operation of plants and equipment; security vehicles; or
 975 vehicles used in storing or distributing materials and
 976 equipment.

977 (3) If the revenue from the millage authorized in
 978 subsection (2) is insufficient to make payments due under a
 979 lease-purchase agreement entered into prior to June 30, 2008, by
 980 a district school board pursuant to paragraph (2) (e), an amount
 981 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
 982 within the school district shall be legally available for such
 983 payments, notwithstanding other restrictions on the use of such
 984 revenues imposed by law.

985 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~
 986 ~~school district may expend, subject to the provisions of s.~~
 987 ~~200.065, up to \$100 per unweighted full-time equivalent student~~
 988 ~~from the revenue generated by the millage levy authorized by~~
 989 ~~subsection (2) to fund, in addition to expenditures authorized~~
 990 ~~in paragraphs (2) (a) - (j), expenses for the following:~~

991 ~~(a) The purchase, lease purchase, or lease of driver's~~
 992 ~~education vehicles; motor vehicles used for the maintenance or~~
 993 ~~operation of plants and equipment; security vehicles; or~~
 994 ~~vehicles used in storing or distributing materials and~~
 995 ~~equipment.~~

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996 ~~(b) Payment of the cost of premiums for property and~~
 997 ~~casualty insurance necessary to insure school district~~
 998 ~~educational and ancillary plants. Operating revenues that are~~
 999 ~~made available through the payment of property and casualty~~
 1000 ~~insurance premiums from revenues generated under this subsection~~
 1001 ~~may be expended only for nonrecurring operational expenditures~~
 1002 ~~of the school district.~~

1003 (4)~~(5)~~ Violations of the expenditure provisions in
 1004 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
 1005 reduction in the Florida Education Finance Program (FEFP) funds
 1006 for the violating district in the fiscal year following the
 1007 audit citation. If the Commissioner of Education determines that
 1008 a school district acted in good faith, he or she may waive the
 1009 equal dollar reduction for audit findings for the 2006-2007 or
 1010 2007-2008 fiscal year that were related to the purchase of
 1011 software.

1012 (5)~~(6)~~ These taxes shall be certified, assessed, and
 1013 collected as prescribed in s. 1011.04 and shall be expended as
 1014 provided by law.

1015 (6)~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
 1016 construed to increase the maximum school millage levies as
 1017 provided for in subsection (1).

1018 (7)~~(8)~~ In addition to the maximum millage levied under
 1019 this section and the General Appropriations Act, a school
 1020 district may levy, by local referendum or in a general election,
 1021 additional millage for school operational purposes up to an
 1022 amount that, when combined with nonvoted millage levied under
 1023 this section, does not exceed the 10-mill limit established in

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1024 s. 9(b), Art. VII of the State Constitution. Any such levy shall
 1025 be for a maximum of 4 years and shall be counted as part of the
 1026 10-mill limit established in s. 9(b), Art. VII of the State
 1027 Constitution. Millage elections conducted under the authority
 1028 granted pursuant to this section are subject to s. 1011.73.
 1029 Funds generated by such additional millage do not become a part
 1030 of the calculation of the Florida Education Finance Program
 1031 total potential funds in 2001-2002 or any subsequent year and
 1032 must not be incorporated in the calculation of any hold-harmless
 1033 or other component of the Florida Education Finance Program
 1034 formula in any year. If an increase in required local effort,
 1035 when added to existing millage levied under the 10-mill limit,
 1036 would result in a combined millage in excess of the 10-mill
 1037 limit, any millage levied pursuant to this subsection shall be
 1038 considered to be required local effort to the extent that the
 1039 district millage would otherwise exceed the 10-mill limit.

1040 (8) Notwithstanding subsection (2), for the 2009-2010
 1041 fiscal year, if the revenue from 1.5 mills is insufficient to
 1042 meet the payments due under a lease-purchase agreement entered
 1043 into before June 30, 2009, by a district school board pursuant
 1044 to paragraph (2)(e), or to meet other critical district fixed
 1045 capital outlay needs, the board, in addition to the 1.5 mills,
 1046 may levy up to 0.25 mills for fixed capital outlay in lieu of
 1047 levying an equivalent amount of the discretionary mills for
 1048 operations as provided in the General Appropriations Act for
 1049 2009-2010. Millage levied pursuant to this subsection is subject
 1050 to the provisions of s. 200.065 and, combined with the 1.5 mills
 1051 authorized in subsection (2), may not exceed 1.75 mills. If the

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1052 district chooses to use up to 0.25 mills for fixed capital
 1053 outlay, the discretionary millage compression supplement
 1054 pursuant to s. 1011.62(5) shall be calculated for the standard
 1055 discretionary millage that is not eligible for transfer to
 1056 capital outlay.

1057 Section 28. Subsection (2) of section 1011.73, Florida
 1058 Statutes, is amended to read:

1059 1011.73 District millage elections.--

1060 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 1061 district school board, pursuant to resolution adopted at a
 1062 regular meeting, shall direct the county commissioners to call
 1063 an election at which the electors within the school district may
 1064 approve an ad valorem tax millage as authorized under s.
 1065 1011.71(7)~~(8)~~. Such election may be held at any time, except
 1066 that not more than one such election shall be held during any
 1067 12-month period. Any millage so authorized shall be levied for a
 1068 period not in excess of 4 years or until changed by another
 1069 millage election, whichever is earlier. If any such election is
 1070 invalidated by a court of competent jurisdiction, such
 1071 invalidated election shall be considered not to have been held.

1072 Section 29. Paragraph (g) of subsection (3) of section
 1073 1012.33, Florida Statutes, is amended to read:

1074 1012.33 Contracts with instructional staff, supervisors,
 1075 and school principals.--

1076 (3)

1077 (g) For contracts in the 2009-2010 or 2010-2011 fiscal
 1078 year, the period of service provided in this section may be
 1079 extended by 1 year for an annual contract employee in the

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1080 district who has at least 3 years of service when prescribed by
 1081 the district school board based upon extraordinary financial
 1082 circumstances in the district. Beginning July 1, 2001, for each
 1083 ~~employee who enters into a written contract, pursuant to this~~
 1084 ~~section, in a school district in which the employee was not~~
 1085 ~~employed as of June 30, 2001, or was employed as of June 30,~~
 1086 ~~2001, but has since broken employment with that district for 1~~
 1087 ~~school year or more, for purposes of pay, a district school~~
 1088 ~~board must recognize and accept each year of full-time public~~
 1089 ~~school teaching service earned in the State of Florida or~~
 1090 ~~outside the state and for which the employee received a~~
 1091 ~~satisfactory performance evaluation. Instructional personnel~~
 1092 ~~employed pursuant to s. 121.091(9)(b)3. are exempt from the~~
 1093 ~~provisions of this paragraph.~~

1094 Section 30. Subsection (1) of section 1012.59, Florida
 1095 Statutes, is amended to read:

1096 1012.59 Certification fees.--

1097 (1) The State Board of Education, by rule, shall establish
 1098 separate fees for applications, examinations, certification,
 1099 certification renewal, late renewal, recordmaking, and
 1100 recordkeeping, and may establish procedures for scheduling and
 1101 administering an examination upon an applicant's request. Each
 1102 fee shall be based on department estimates of the revenue
 1103 required to implement the provisions of law with respect to
 1104 certification of school personnel. The application fee shall be
 1105 nonrefundable. Each examination fee shall be sufficient to cover
 1106 the actual cost of developing and administering the examination,
 1107 ~~but shall not exceed \$100 for an examination.~~

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1108 Section 31. Subsection (6) is added to section 1012.71,
 1109 Florida Statutes, to read:
 1110 1012.71 The Florida Teachers Lead Program.--
 1111 (6) For the 2009-2010 fiscal year, the Department of
 1112 Education is authorized to conduct a pilot program to determine
 1113 the feasibility of managing the Florida Teachers Lead Program
 1114 through a centralized electronic system. The pilot program
 1115 system must:
 1116 (a) Be established through a competitive procurement
 1117 process.
 1118 (b) Provide the capability for participating teachers to
 1119 make purchases from online sources.
 1120 (c) Provide the capability for participating teachers to
 1121 make purchases from local vendors by means other than online
 1122 purchasing.
 1123 (d) Generally comply with the provisions of this section.
 1124 (e) Be subject to annual auditing requirements to ensure
 1125 accountability for funds received and disbursed.
 1126 (f) Provide for the return of funds not used on an annual
 1127 basis to the state.
 1128
 1129 Participation by a school district in this pilot program shall
 1130 be on a voluntary basis. The department may limit the number of
 1131 participating districts to the number it deems feasible to
 1132 adequately measure the viability of the pilot program. The
 1133 department is not required to implement this pilot program if it
 1134 determines the number of school districts willing to participate

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1135 is insufficient to adequately measure the viability of the pilot
 1136 program.

1137 Section 32. Paragraph (a) of subsection (2) of section
 1138 1012.72, Florida Statutes, is amended, and subsection (4) is
 1139 added to that section, to read:

1140 1012.72 Dale Hickam Excellent Teaching Program.--

1141 (2) The Dale Hickam Excellent Teaching Program is created
 1142 to provide categorical funding for bonuses for teaching
 1143 excellence. The bonuses may be provided for initial
 1144 certification for up to one 10-year period. The Department of
 1145 Education shall distribute to each school district an amount as
 1146 prescribed annually by the Legislature for the Dale Hickam
 1147 Excellent Teaching Program. For purposes of this section, the
 1148 Florida School for the Deaf and the Blind shall be considered a
 1149 school district. Unless otherwise provided in the General
 1150 Appropriations Act, each distribution shall be the sum of the
 1151 amounts earned for the following:

1152 (a) An annual bonus equal to 10 percent of the prior
 1153 fiscal year's statewide average salary for classroom teachers to
 1154 be distributed to the school district to be paid to each
 1155 individual classroom teacher who holds NBPTS certification and
 1156 is employed by the district school board or by a public school
 1157 within the school district. For a classroom teacher who attains
 1158 NBPTS certification after July 1, 2009, in order to be eligible
 1159 for a bonus, the individual shall teach in a low-performing
 1160 school as determined by the State Board of Education. The
 1161 district school board shall distribute the annual bonus to each
 1162 individual who meets the requirements of this paragraph and who

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1163 is certified annually by the district to have demonstrated
 1164 satisfactory teaching performance pursuant to s. 1012.34. The
 1165 annual bonus may be paid as a single payment or divided into not
 1166 more than three payments.

1167 (4) The State Board of Education may adopt rules to
 1168 administer the provisions for payment of the bonuses and to
 1169 establish definitions of low-performing schools and determine
 1170 the eligibility of teachers.

1171 Section 33. Paragraph (b) of subsection (6) of section
 1172 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of
 1173 Florida, is amended, and subsection (7) is added to that
 1174 section, to read:

1175 1013.64 Funds for comprehensive educational plant needs;
 1176 construction cost maximums for school district capital
 1177 projects.--Allocations from the Public Education Capital Outlay
 1178 and Debt Service Trust Fund to the various boards for capital
 1179 outlay projects shall be determined as follows:

1180 (6)

1181 (b)1. A district school board, including a district school
 1182 board of an academic performance-based charter school district,
 1183 must not use funds from the following sources: Public Education
 1184 Capital Outlay and Debt Service Trust Fund; School District and
 1185 Community College District Capital Outlay and Debt Service Trust
 1186 Fund; Classrooms First Program funds provided in s. 1013.68;
 1187 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
 1188 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
 1189 1011.71(2); Classrooms for Kids Program funds provided in s.
 1190 1013.735; District Effort Recognition Program funds provided in

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1191 s. 1013.736; or High Growth District Capital Outlay Assistance
 1192 Grant Program funds provided in s. 1013.738 for any new
 1193 construction of educational plant space with a total cost per
 1194 student station, including change orders, that equals more than:
 1195 a. \$17,952 for an elementary school,
 1196 b. \$19,386 for a middle school, or
 1197 c. \$25,181 for a high school,

1198
 1199 (January 2006) as adjusted annually to reflect increases or
 1200 decreases in the Consumer Price Index.

1201 2. A district school board must not use funds from the
 1202 Public Education Capital Outlay and Debt Service Trust Fund or
 1203 the School District and Community College District Capital
 1204 Outlay and Debt Service Trust Fund for any new construction of
 1205 an ancillary plant that exceeds 70 percent of the average cost
 1206 per square foot of new construction for all schools.

1207 (7) Notwithstanding subsection (2), the district school
 1208 board of Wakulla County shall contribute 1.25 mills in the 2009-
 1209 2010 fiscal year and 0.25 mills in the 2010-2011 fiscal year to
 1210 the cost of currently funded special facilities construction
 1211 projects. The district school board of Liberty County shall
 1212 contribute 1.25 mills in the 2009-2010 fiscal year, 1.25 mills
 1213 in the 2010-2011 fiscal year, and 0.50 mills in the 2011-2012
 1214 fiscal year to the cost of currently funded special facilities
 1215 construction projects. If funds are made available in the
 1216 General Appropriations Act for the 2009-2010 fiscal year for the
 1217 district school board of Calhoun County from the Special
 1218 Facility Construction Account, the district school board of

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YEAR

1219 Calhoun County shall contribute 1.25 mills for each of the
 1220 fiscal years from the 2009-2010 fiscal year through the 2011-
 1221 2012 fiscal year and 0.75 mills in the 2012-2013 fiscal year to
 1222 the cost of currently funded special facilities construction
 1223 projects.

1224 Section 34. Section 9 of chapter 2008-142, Laws of
 1225 Florida, is repealed.

1226 Section 35. In order to implement Specific Appropriations
 1227 X, X, and X through X of the General Appropriations Act for the
 1228 2009-2010 fiscal year, the calculations of the Florida Education
 1229 Finance Program for the 2009-2010 fiscal year in the document
 1230 entitled "Public School Funding - The Florida Education Finance
 1231 Program," dated April X, 2009, and filed with the Clerk of the
 1232 House of Representatives, are incorporated by reference for the
 1233 purpose of displaying the calculations used by the Legislature,
 1234 consistent with requirements of the Florida Statutes, in making
 1235 appropriations and reductions in appropriations for the Florida
 1236 Education Finance Program.

1237 Section 36. This act shall take effect July 1, 2009;
 1238 however, the provisions of s. 1011.71, Florida Statutes, as
 1239 amended by this act, shall operate retroactively to July 1,
 1240 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

PCB Name: PCB PAC 09-01

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
2 Representative(s) **Flores** offered the following:

Amendment (with title amendment)

Between lines 1170 and 1171 insert:

Section 33. Paragraphs (f) through (h) are added to subsection (2) of section 1013.62, Florida Statutes, to read:

1013.62 Charter schools capital outlay funding.--

(2) A charter school's governing body may use charter school capital outlay funds for the following purposes:

(f) Effective July 1, 2008, the purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements.

(g) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

(h) The purchase, lease purchase, or lease of driver's education vehicles; motor vehicles used for maintenance or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 operation of plants and equipment; security vehicles; or
23 vehicles used in storing or distributing materials and
24 equipment.

25

26 Conversion charter schools may use capital outlay funds received
27 through the reduction in the administrative fee provided in s.
28 1002.33(20) for renovation, repair, and maintenance of school
29 facilities that are owned by the sponsor.

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T I T L E A M E N D M E N T

34

Remove line(s) 100 and insert:

35

rules; amending s. 1013.62, F.S.; providing additional uses for

36

charter school capital outlay funds; amending s. 1013.64, F.S.;

37

conforming provisions;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

PCB Name: **PCB PAC 09-01**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
2 Representative **Coley** offered the following:

Amendment (with directory and title amendments)

Remove lines 1207-1223 and insert:

6 (7) Notwithstanding subsection (2), the district school board
7 of Wakulla County shall contribute 1.0 mills in the 2009-2010
8 fiscal year and 0.50 mills in the 2010-2011 fiscal year to the
9 cost of currently funded special facilities construction
10 projects. The district school board of Liberty County shall
11 contribute 1.0 mills for each of the fiscal years from the 2009-
12 2010 fiscal year through the 2011-2012 fiscal year to the cost
13 of currently funded special facilities construction projects. If
14 funds are made available in the General Appropriations Act for
15 the 2009-2010 fiscal year for the district school board of
16 Calhoun County from the Special Facility Construction Account,
17 the district school board of Calhoun County shall contribute
18 1.125 mills for each of the fiscal years from the 2009-2010
19 fiscal year through the 2012-2013 fiscal year to the cost of
20 currently funded special facilities construction projects.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

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D I R E C T O R Y A M E N D M E N T

Remove line(s) **Start Line-End Line** and insert:

Directory Amendment Text

T I T L E A M E N D M E N T

Remove line(s) **Start Line-End Line** and insert:

Title Amendment Text

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

PCB Name: **PCB PAC 09-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
 2 Representative(s) **Clarke-Reed** offered the following:

3
 4 **Amendment (with title amendment)**
 5 Remove lines 793-796

6
 7
 8
 9
 10 -----

T I T L E A M E N D M E N T

11 Remove line(s) 69-70 and insert:
 12 enrolled in study hall may not be included in the calculation of
 13 full-
 14

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

PCB Name: **PCB PAC 09-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
 2 Representative(s) **Bullard** offered the following:

Amendment (with title amendment)

Remove lines 1072-1093

T I T L E A M E N D M E N T

Remove line(s) 89-92 and insert:
cross-reference; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

PCB Name: **PCB PAC 09-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
 2 Representative(s) **Clarke-Reed** offered the following:

Amendment (with title amendment)

Remove lines 1108-1136

T I T L E A M E N D M E N T

Remove line(s) 94-97 and insert:
provisions; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

PCB Name: **PCB PAC 09-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Appropriations Committee
 2 Representative(s) **Kiar** offered the following:

Amendment (with title amendment)

Remove lines 1137-1170

T I T L E A M E N D M E N T

Remove line(s) 98-100 and insert:

1013.64, F.S.; conforming provisions;

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 13 Middle School Civics Education Assessment
SPONSOR(S): PreK-12 Policy Committee and McBurney
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee	11 Y, 0 N, As CS	Duncan	Ahearn
1)	PreK-12 Appropriations Committee		Clark <i>[Signature]</i>	Heflin <i>[Signature]</i>
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Current law requires middle school students to successfully complete, among other courses, three middle school or higher courses in social studies in order to be promoted. One semester of the three social studies courses must include the study of state and federal government and civics education.

The Committee Substitute (CS) for House Bill 13 provides that, beginning with students entering grade 6 in the 2011-2012 school year, promotion from a school composed of grades 6, 7, and 8 requires the successful completion of a one-semester civics education course. The one-semester civics education course is included in the three middle school social studies courses currently required for promotion.

The civics education course must include the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and the Constitution of the United States.

The CS provides that during the 2011-2012 school year, an end-of-course assessment in civics education must be administered as a field test at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education must constitute 30% of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.

The CS includes the statewide, standardized end-of-course assessment in civics education at the middle school level as a factor in designating a school's grade beginning in the 2012-2013 school year.

The CS does not appear to create a fiscal impact on school districts or local governments. Given the timeline provided in the bill, the start-up activities will be phased in by the Department of Education. See FISCAL COMMENTS section of this analysis.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Middle School Social Studies Requirements

Current law requires middle school students to successfully complete, among other courses, three middle school or higher courses in social studies in order to be promoted. One semester of the three social studies courses must include the study of state and federal government and civics education.¹

Sunshine State Standards

The Sunshine State Standards establish core curricula and benchmarks for student achievement. The State Board of Education is reviewing the Sunshine State Standards and replacing them with Next Generation Sunshine State Standards that specify the core content knowledge and skills that K-12 public school students are expected to acquire.² In December 2008, the State Board of Education adopted the Next Generation Sunshine Standards for Social Studies.³ Below are the social studies content areas required at each grade level.

6th Grade: geography, economics, world history, and civics and government.

7th Grade: geography, economics, and civics and government.

8th Grade: American history, geography, economics, and civics and government.⁴

Student Assessment

The Florida Comprehensive Assessment Test (FCAT) measures student achievement in grades 3 through 11 using benchmarks from the Sunshine State Standards.⁵ The FCAT consists of criterion-

¹ Middle school students are required to successfully complete three middle school or higher courses in English, mathematics, social studies, and science in order to be promoted. See section 1003.4156, F.S.

² Section 1003.41, F.S.

³ <http://www.floridastandards.org/Standards/FLStandardSearch.aspx>.

⁴ *Id.*

⁵ Section 1008.22(3), F.S.

referenced tests in reading, writing, mathematics, and science.⁶ Reading and mathematics are tested annually in grades 3 through 10. Writing and science are tested once at the elementary, middle, and high school levels.⁷ Students take the FCAT Science test in grades 5, 8, and 11.⁸

End-of-course assessments for subject areas also may be administered in addition to the comprehensive assessments. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the Department of Education (DOE).⁹

Currently, a civics assessment is administered in the state periodically in grades 4, 8, and 12 to randomly selected schools across the state as part of the National Assessment of Educational Progress (NAEP).¹⁰ The NAEP is an assessment administered in grades 4, 8, and 12 and provides a basis for comparing knowledge and skills of Florida students with students in other states, and with the nation as a whole. The two major goals of NAEP are to measure student achievement and to report changes in performance over time. NAEP does not provide scores at the school or individual student levels.¹¹

School Grades

All public schools, including charter schools, which have at least 30 students with valid FCAT scores in reading for the current and prior years and at least 30 students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.¹² Student achievement data from the FCAT are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.¹³

Currently, a school's grade is based upon a combination of:

- Student achievement scores, including achievement scores for students seeking a special diploma.
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, must be included no later than the 2009-2010 school year.
- Improvement of the lowest 25th percentile of students in the school in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance.¹⁴

Effect of Proposed Changes

Middle School Social Studies Requirements

The Committee Substitute (CS) for House Bill 13 provides that, beginning with students entering grade 6 in the 2011-2012 school year, promotion from a school composed of grades 6, 7, and 8 requires the successful completion of a one-semester civics education course. The one-semester civics education course is included in the three middle school social studies courses currently required for promotion.

⁶ Section 1008.22(3)(c)2., F.S. A criterion-referenced test (CRT) is an assessment in which an individual's performance is compared to a specific learning objective or performance standard and not to the performance of other students. CRTs show how well students performed on specific goals or standards rather than just telling how their performance compares to a norm group of students nationally or locally. The FCAT is based on the *Sunshine State Standards* and measures student progress toward meeting these standards. Florida Department of Education, *FCAT Handbook: A Resource for Educators*, 5 (2005), available at <http://fcats.fldoe.org/handbk/complete.pdf>.

⁷ Section 1008.22(3)(c), F.S.

⁸ Rule 6A-1.09422(3)(a), F.S.

⁹ Section 1008.22(3)(c), F.S.

¹⁰ Department of Education, Analysis of PCS for HB 13, March 20, 2009.

¹¹ <http://www.fldoe.org/asp/naep/flparticipation.asp>, Florida Department of Education, Assessment and School Performance, National Assessment of Educational Progress.

¹² Section 1008.34(3)(a)1., F.S. and Rule 6A-1.09981(4), F.A.C.

¹³ Section 1008.34, F.S.

¹⁴ Section 1008.34(3)(b)1., F.S.

The civics education course must include the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and the Constitution of the United States.

End-of-Course Assessment

The CS provides that during the 2011-2012 school year, an end-of-course assessment in civics education must be administered as a field test¹⁵ at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education must constitute 30% of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.

School Grades

The CS includes the statewide, standardized end-of-course assessment in civics education at the middle school level as a factor in designating a school's grade beginning in the 2012-2013 school year.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.4156, F.S., relating to general requirements for middle school promotion.

Section 2: Amends s. 1008.22, F.S., relating to student assessment program for public schools.

Section 3: Amends s. 1008.34, F.S., relating to school grading system; school report cards; and district grade.

Section 4: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The CS does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The CS does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The CS does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹⁵ **Field-test questions** are newly-developed questions that are being tried out before they can be used on a future test. Field-test questions must be tried out at least one year before they are used to decide a student's score. If the data on the field-test questions are acceptable, then the questions may be used on an actual test and count toward a student's score. See

<http://www.fldoe.org/faq/default.asp?Dept=202&ID=656>.

D. FISCAL COMMENTS:

DOE Comment:

Generally, the estimated first year fiscal impact at the state-level for adding one examination, in one grade and subject, administered to all students, is approximately \$1,000,000. However, given the timeline provided in the bill, the start-up activities are able to be phased in between FY10 and FY11, as follows:

- FY10 (\$500,000). Activities to include selecting a contractor or amending a current contract, convening educator and experts to assist in developing test and item specifications, as well as other start-up activities.
- FY11 (\$500,000). Activities to include developing test items and preparing field test forms and administration and reporting procedures.
- FY12 (\$500,000- \$1,000,000) Cost depends on the number of students to be tested, assumes computer-based administration). Activities to include field-testing and analyzing the results of the civics end-of-course assessment. Since this is the first year of the civics requirement, it is assumed that the field test sample will be much smaller than in subsequent years.
- FY13 (\$1,500,000) Cost depends on the number of students to be tested, assumes computer-based administration). Activities to include administering the civics end-of-course assessment and reporting student results.¹⁶

Thirty-three (33) states include civics, citizenship education, or social studies in state assessments¹⁷ and 7 of these states use end-of-course assessments¹⁸ to evaluate student performance. Considering that statewide assessments, including end-of-course assessments, in civics, citizen education, or social studies are available, some of the costs associated with development of test items, the preparation of field tests, and administrative and reporting procedures may be mitigated.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The CS does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

¹⁶ Department of Education, Analysis of PCS for HB 13, March 20, 2009.

¹⁷ Alabama, Arizona, Arkansas, California, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. See <http://mb2.ecs.org/reports/Report.aspx?id=107>, Education Commission of the States, State Notes – Citizenship Education in Assessment and Accountability Systems, 2008.

¹⁸ Georgia, Indiana, Maryland, Mississippi, North Carolina, Oklahoma, and Virginia. See <http://mb2.ecs.org/reports/Report.aspx?id=107>, Education Commission of the States, State Notes – Citizenship Education in Assessment and Accountability Systems, 2008.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 25, 2009, the PreK-12 Policy Committee reported the Proposed Committee Substitute favorably. The differences between the CS and the HB 13 are as follows:

- HB 13 amended the social studies standards of the Sunshine State Standards to require an emphasis on the integration of civics education at all grade levels, based on the framework provided by the National Standards for Civics and Government. The CS does not include this provision or amend the social studies standards.
- The CS amends the middle school requirements for promotion to provide that beginning in the 2011-2012 school year, students entering grade 6 are required to successfully complete a one-semester civics education course as part of the current three social studies courses they are required to complete for promotion. HB 13 did not include that requirement.
- HB 13 amended the state assessment program to require that a Florida Comprehensive Assessment Test (FCAT) in social studies be administered at least once at the elementary, middle, and high school levels beginning with the 2014-2015 school year. The CS does not include this provision, but does require an end-of-course assessment.
- The CS provides that during the 2011-2012 school year, an end-of-course assessment in civics education must be administered as a field test at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education must constitute 30% of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit. HB 13 did not include this provision.
- The CS includes the statewide, standardized end-of-course assessment in civics education at the middle school level as a factor in designating a school's grade beginning in the 2012-2013 school year. HB 13 did not contain this provision.

1 A bill to be entitled
 2 An act relating to middle school civics education
 3 assessment; amending s. 1003.4156, F.S.; providing
 4 requirements for a civics education course that a student
 5 must successfully complete for middle grades promotion
 6 beginning with students entering grade 6 in the 2011-2012
 7 school year; amending s. 1008.22, F.S.; requiring the
 8 administration of an end-of-course assessment in civics
 9 education as a field test at the middle school level
 10 during the 2011-2012 school year; providing requirements
 11 for course grade and course credit for subsequent school
 12 years; amending s. 1008.34, F.S.; requiring the inclusion
 13 of civics education end-of-course assessment data in
 14 determining school grades beginning with the 2012-2013
 15 school year; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

19 Section 1. Paragraph (a) of subsection (1) of section
 20 1003.4156, Florida Statutes, is amended to read:

21 1003.4156 General requirements for middle grades
 22 promotion.--

23 (1) Beginning with students entering grade 6 in the 2006-
 24 2007 school year, promotion from a school composed of middle
 25 grades 6, 7, and 8 requires that:

26 (a) The student must successfully complete academic
 27 courses as follows:

28 1. Three middle school or higher courses in English. These
 29 courses shall emphasize literature, composition, and technical
 30 text.

31 2. Three middle school or higher courses in mathematics.
 32 Each middle school must offer at least one high school level
 33 mathematics course for which students may earn high school
 34 credit.

35 3. Three middle school or higher courses in social
 36 studies, one semester of which must include the study of state
 37 and federal government and civics education. Beginning with
 38 students entering grade 6 in the 2011-2012 school year, one of
 39 these courses must be a one-semester civics education course
 40 that a student successfully completes in accordance with s.
 41 1008.22(3)(c) and that includes the roles and responsibilities
 42 of federal, state, and local governments; the structures and
 43 functions of the legislative, executive, and judicial branches
 44 of government; and the meaning and significance of historic
 45 documents, such as the Articles of Confederation, the
 46 Declaration of Independence, and the Constitution of the United
 47 States.

48 4. Three middle school or higher courses in science.

49 5. One course in career and education planning to be
 50 completed in 7th or 8th grade. The course may be taught by any
 51 member of the instructional staff; must include career
 52 exploration using CHOICES for the 21st Century or a comparable
 53 cost-effective program; must include educational planning using
 54 the online student advising system known as Florida Academic
 55 Counseling and Tracking for Students at the Internet website

56 | FACTS.org; and shall result in the completion of a personalized
 57 | academic and career plan.

58 |
 59 | Each school must hold a parent meeting either in the evening or
 60 | on a weekend to inform parents about the course curriculum and
 61 | activities. Each student shall complete an electronic personal
 62 | education plan that must be signed by the student; the student's
 63 | instructor, guidance counselor, or academic advisor; and the
 64 | student's parent. By January 1, 2007, the Department of
 65 | Education shall develop course frameworks and professional
 66 | development materials for the career exploration and education
 67 | planning course. The course may be implemented as a stand-alone
 68 | course or integrated into another course or courses. The
 69 | Commissioner of Education shall collect longitudinal high school
 70 | course enrollment data by student ethnicity in order to analyze
 71 | course-taking patterns.

72 | Section 2. Paragraph (c) of subsection (3) of section
 73 | 1008.22, Florida Statutes, is amended to read:

74 | 1008.22 Student assessment program for public schools.--

75 | (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 76 | design and implement a statewide program of educational
 77 | assessment that provides information for the improvement of the
 78 | operation and management of the public schools, including
 79 | schools operating for the purpose of providing educational
 80 | services to youth in Department of Juvenile Justice programs.
 81 | The commissioner may enter into contracts for the continued
 82 | administration of the assessment, testing, and evaluation
 83 | programs authorized and funded by the Legislature. Contracts may

84 | be initiated in 1 fiscal year and continue into the next and may
 85 | be paid from the appropriations of either or both fiscal years.
 86 | The commissioner is authorized to negotiate for the sale or
 87 | lease of tests, scoring protocols, test scoring services, and
 88 | related materials developed pursuant to law. Pursuant to the
 89 | statewide assessment program, the commissioner shall:
 90 | (c) Develop and implement a student achievement testing
 91 | program known as the Florida Comprehensive Assessment Test
 92 | (FCAT) as part of the statewide assessment program to measure a
 93 | student's content knowledge and skills in reading, writing,
 94 | science, and mathematics. Other content areas may be included as
 95 | directed by the commissioner. Comprehensive assessments of
 96 | reading and mathematics shall be administered annually in grades
 97 | 3 through 10. Comprehensive assessments of writing and science
 98 | shall be administered at least once at the elementary, middle,
 99 | and high school levels. End-of-course assessments for a subject
 100 | may be administered in addition to the comprehensive assessments
 101 | required for that subject under this paragraph. An end-of-course
 102 | assessment must be rigorous, statewide, standardized, and
 103 | developed or approved by the department. The content knowledge
 104 | and skills assessed by comprehensive and end-of-course
 105 | assessments must be aligned to the core curricular content
 106 | established in the Sunshine State Standards. During the 2011-
 107 | 2012 school year, an end-of-course assessment in civics
 108 | education shall be administered as a field test at the middle
 109 | school level. During the 2012-2013 school year, each student's
 110 | performance on the statewide, standardized end-of-course
 111 | assessment in civics education shall constitute 30 percent of

112 the student's final course grade. Beginning with the 2013-2014
 113 school year, a student must earn a passing score on the end-of-
 114 course assessment in civics education in order to pass the
 115 course and receive course credit. The commissioner may select
 116 one or more nationally developed comprehensive examinations,
 117 which may include, but need not be limited to, examinations for
 118 a College Board Advanced Placement course, International
 119 Baccalaureate course, or Advanced International Certificate of
 120 Education course or industry-approved examinations to earn
 121 national industry certifications as defined in s. 1003.492, for
 122 use as end-of-course assessments under this paragraph, if the
 123 commissioner determines that the content knowledge and skills
 124 assessed by the examinations meet or exceed the grade level
 125 expectations for the core curricular content established for the
 126 course in the Next Generation Sunshine State Standards. The
 127 commissioner may collaborate with the American Diploma Project
 128 in the adoption or development of rigorous end-of-course
 129 assessments that are aligned to the Next Generation Sunshine
 130 State Standards. The testing program must be designed as
 131 follows:

- 132 1. The tests shall measure student skills and competencies
- 133 adopted by the State Board of Education as specified in
- 134 paragraph (a). The tests must measure and report student
- 135 proficiency levels of all students assessed in reading, writing,
- 136 mathematics, and science. The commissioner shall provide for the
- 137 tests to be developed or obtained, as appropriate, through
- 138 contracts and project agreements with private vendors, public
- 139 vendors, public agencies, postsecondary educational

140 institutions, or school districts. The commissioner shall obtain
 141 input with respect to the design and implementation of the
 142 testing program from state educators, assistive technology
 143 experts, and the public.

144 2. The testing program shall be composed of criterion-
 145 referenced tests that shall, to the extent determined by the
 146 commissioner, include test items that require the student to
 147 produce information or perform tasks in such a way that the core
 148 content knowledge and skills he or she uses can be measured.

149 3. Beginning with the 2008-2009 school year, the
 150 commissioner shall discontinue administration of the selected-
 151 response test items on the comprehensive assessments of writing.
 152 Beginning with the 2012-2013 school year, the comprehensive
 153 assessments of writing shall be composed of a combination of
 154 selected-response test items, short-response performance tasks,
 155 and extended-response performance tasks, which shall measure a
 156 student's content knowledge of writing, including, but not
 157 limited to, paragraph and sentence structure, sentence
 158 construction, grammar and usage, punctuation, capitalization,
 159 spelling, parts of speech, verb tense, irregular verbs, subject -
 160 verb agreement, and noun-pronoun agreement.

161 4. A score shall be designated for each subject area
 162 tested, below which score a student's performance is deemed
 163 inadequate. The school districts shall provide appropriate
 164 remedial instruction to students who score below these levels.

165 5. Except as provided in s. 1003.428(8)(b) or s.
 166 1003.43(11)(b), students must earn a passing score on the grade
 167 10 assessment test described in this paragraph or attain

168 concordant scores as described in subsection (10) in reading,
 169 writing, and mathematics to qualify for a standard high school
 170 diploma. The State Board of Education shall designate a passing
 171 score for each part of the grade 10 assessment test. In
 172 establishing passing scores, the state board shall consider any
 173 possible negative impact of the test on minority students. The
 174 State Board of Education shall adopt rules which specify the
 175 passing scores for the grade 10 FCAT. Any such rules, which have
 176 the effect of raising the required passing scores, shall apply
 177 only to students taking the grade 10 FCAT for the first time
 178 after such rules are adopted by the State Board of Education.

179 6. Participation in the testing program is mandatory for
 180 all students attending public school, including students served
 181 in Department of Juvenile Justice programs, except as otherwise
 182 prescribed by the commissioner. If a student does not
 183 participate in the statewide assessment, the district must
 184 notify the student's parent and provide the parent with
 185 information regarding the implications of such nonparticipation.
 186 A parent must provide signed consent for a student to receive
 187 classroom instructional accommodations that would not be
 188 available or permitted on the statewide assessments and must
 189 acknowledge in writing that he or she understands the
 190 implications of such instructional accommodations. The State
 191 Board of Education shall adopt rules, based upon recommendations
 192 of the commissioner, for the provision of test accommodations
 193 for students in exceptional education programs and for students
 194 who have limited English proficiency. Accommodations that negate
 195 the validity of a statewide assessment are not allowable in the

196 administration of the FCAT. However, instructional
 197 accommodations are allowable in the classroom if included in a
 198 student's individual education plan. Students using
 199 instructional accommodations in the classroom that are not
 200 allowable as accommodations on the FCAT may have the FCAT
 201 requirement waived pursuant to the requirements of s.
 202 1003.428(8)(b) or s. 1003.43(11)(b).

203 7. A student seeking an adult high school diploma must
 204 meet the same testing requirements that a regular high school
 205 student must meet.

206 8. District school boards must provide instruction to
 207 prepare students to demonstrate proficiency in the core
 208 curricular content established in the Next Generation Sunshine
 209 State Standards adopted under s. 1003.41, including the core
 210 content knowledge and skills necessary for successful grade-to-
 211 grade progression and high school graduation. If a student is
 212 provided with instructional accommodations in the classroom that
 213 are not allowable as accommodations in the statewide assessment
 214 program, as described in the test manuals, the district must
 215 inform the parent in writing and must provide the parent with
 216 information regarding the impact on the student's ability to
 217 meet expected proficiency levels in reading, writing, and
 218 mathematics. The commissioner shall conduct studies as necessary
 219 to verify that the required core curricular content is part of
 220 the district instructional programs.

221 9. District school boards must provide opportunities for
 222 students to demonstrate an acceptable level of performance on an

223 alternative standardized assessment approved by the State Board
 224 of Education following enrollment in summer academies.

225 10. The Department of Education must develop, or select,
 226 and implement a common battery of assessment tools that will be
 227 used in all juvenile justice programs in the state. These tools
 228 must accurately measure the core curricular content established
 229 in the Sunshine State Standards.

230 11. For students seeking a special diploma pursuant to s.
 231 1003.438, the Department of Education must develop or select and
 232 implement an alternate assessment tool that accurately measures
 233 the core curricular content established in the Sunshine State
 234 Standards for students with disabilities under s. 1003.438.

235 12. The Commissioner of Education shall establish
 236 schedules for the administration of statewide assessments and
 237 the reporting of student test results. The commissioner shall,
 238 by August 1 of each year, notify each school district in writing
 239 and publish on the department's Internet website the testing and
 240 reporting schedules for, at a minimum, the school year following
 241 the upcoming school year. The testing and reporting schedules
 242 shall require that:

243 a. There is the latest possible administration of
 244 statewide assessments and the earliest possible reporting to the
 245 school districts of student test results which is feasible
 246 within available technology and specific appropriations;
 247 however, test results must be made available no later than the
 248 final day of the regular school year for students.

249 b. Beginning with the 2010-2011 school year, a
 250 comprehensive statewide assessment of writing is not

251 administered earlier than the week of March 1 and a
 252 comprehensive statewide assessment of any other subject is not
 253 administered earlier than the week of April 15.

254 c. A statewide standardized end-of-course assessment is
 255 administered within the last 2 weeks of the course.

256

257 The commissioner may, based on collaboration and input from
 258 school districts, design and implement student testing programs,
 259 for any grade level and subject area, necessary to effectively
 260 monitor educational achievement in the state, including the
 261 measurement of educational achievement of the Sunshine State
 262 Standards for students with disabilities. Development and
 263 refinement of assessments shall include universal design
 264 principles and accessibility standards that will prevent any
 265 unintended obstacles for students with disabilities while
 266 ensuring the validity and reliability of the test. These
 267 principles should be applicable to all technology platforms and
 268 assistive devices available for the assessments. The field
 269 testing process and psychometric analyses for the statewide
 270 assessment program must include an appropriate percentage of
 271 students with disabilities and an evaluation or determination of
 272 the effect of test items on such students.

273 Section 3. Paragraph (c) of subsection (3) of section
 274 1008.34, Florida Statutes, is amended to read:

275 1008.34 School grading system; school report cards;
 276 district grade.--

277 (3) DESIGNATION OF SCHOOL GRADES.--

278 (c) Student assessment data used in determining school
 279 grades shall include:

280 1. The aggregate scores of all eligible students enrolled
 281 in the school who have been assessed on the FCAT and, beginning
 282 with the 2012-2013 school year, the statewide, standardized end-
 283 of-course assessment in civics education at the middle school
 284 level.

285 2. The aggregate scores of all eligible students enrolled
 286 in the school who have been assessed on the FCAT and who have
 287 scored at or in the lowest 25th percentile of students in the
 288 school in reading, mathematics, or writing, unless these
 289 students are exhibiting satisfactory performance.

290 3. Effective with the 2005-2006 school year, the
 291 achievement scores and learning gains of eligible students
 292 attending alternative schools that provide dropout prevention
 293 and academic intervention services pursuant to s. 1003.53. The
 294 term "eligible students" in this subparagraph does not include
 295 students attending an alternative school who are subject to
 296 district school board policies for expulsion for repeated or
 297 serious offenses, who are in dropout retrieval programs serving
 298 students who have officially been designated as dropouts, or who
 299 are in programs operated or contracted by the Department of
 300 Juvenile Justice. The student performance data for eligible
 301 students identified in this subparagraph shall be included in
 302 the calculation of the home school's grade. As used in this
 303 section and s. 1008.341, the term "home school" means the school
 304 to which the student would be assigned if the student were not
 305 assigned to an alternative school. If an alternative school

306 chooses to be graded under this section, student performance
 307 data for eligible students identified in this subparagraph shall
 308 not be included in the home school's grade but shall be included
 309 only in the calculation of the alternative school's grade. A
 310 school district that fails to assign the FCAT scores of each of
 311 its students to his or her home school or to the alternative
 312 school that receives a grade shall forfeit Florida School
 313 Recognition Program funds for 1 fiscal year. School districts
 314 must require collaboration between the home school and the
 315 alternative school in order to promote student success. This
 316 collaboration must include an annual discussion between the
 317 principal of the alternative school and the principal of each
 318 student's home school concerning the most appropriate school
 319 assignment of the student.

320 4. Beginning with the 2009-2010 school year for schools
 321 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 322 11, and 12, the data listed in subparagraphs 1.-3. and the
 323 following data as the Department of Education determines such
 324 data are valid and available:

325 a. The high school graduation rate of the school as
 326 calculated by the Department of Education;

327 b. The participation rate of all eligible students
 328 enrolled in the school and enrolled in College Board Advanced
 329 Placement courses; International Baccalaureate courses; dual
 330 enrollment courses; Advanced International Certificate of
 331 Education courses; and courses or sequence of courses leading to
 332 industry certification, as determined by the Agency for

333 Workforce Innovation under s. 1003.492(2) in a career and
 334 professional academy, as described in s. 1003.493;

335 c. The aggregate scores of all eligible students enrolled
 336 in the school in College Board Advanced Placement courses,
 337 International Baccalaureate courses, and Advanced International
 338 Certificate of Education courses;

339 d. Earning of college credit by all eligible students
 340 enrolled in the school in dual enrollment programs under s.
 341 1007.271;

342 e. Earning of an industry certification, as determined by
 343 the Agency for Workforce Innovation under s. 1003.492(2) in a
 344 career and professional academy, as described in s. 1003.493;

345 f. The aggregate scores of all eligible students enrolled
 346 in the school in reading, mathematics, and other subjects as
 347 measured by the SAT, the ACT, and the common placement test for
 348 postsecondary readiness;

349 g. The high school graduation rate of all eligible at-risk
 350 students enrolled in the school who scored at Level 2 or lower
 351 on the grade 8 FCAT Reading and Mathematics examinations;

352 h. The performance of the school's students on statewide
 353 standardized end-of-course assessments administered under s.
 354 1008.22; and

355 i. The growth or decline in the data components listed in
 356 sub-subparagraphs a.-h. from year to year.

357

358 The State Board of Education shall adopt appropriate criteria
 359 for each school grade. The criteria must also give added weight
 360 to student achievement in reading. Schools designated with a

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361 grade of "C," making satisfactory progress, shall be required to
 362 demonstrate that adequate progress has been made by students in
 363 the school who are in the lowest 25th percentile in reading,
 364 mathematics, or writing on the FCAT, unless these students are
 365 exhibiting satisfactory performance. Beginning with the 2009 -
 366 2010 school year for schools comprised of high school grades 9,
 367 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 368 school grades must also give added weight to the graduation rate
 369 of all eligible at-risk students, as defined in this paragraph.
 370 Beginning in the 2009-2010 school year, in order for a high
 371 school to be designated as having a grade of "A," making
 372 excellent progress, the school must demonstrate that at-risk
 373 students, as defined in this paragraph, in the school are making
 374 adequate progress.

375 Section 4. This act shall take effect July 1, 2009.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1227 Regional Professional Development Academies
SPONSOR(S): State & Community Colleges & Workforce Policy Committee and Proctor
TIED BILLS: **IDEN./SIM. BILLS:** SB 2272

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) State & Community Colleges & Workforce Policy Committee	8 Y, 0 N, As CS	Beagle	White
2) PreK-12 Appropriations Committee		Clark <i>RC</i>	Heflin <i>Att</i>
3)			
4)			
5)			

SUMMARY ANALYSIS

Florida law enacted in 1999 established a statewide system of regional professional development academies (RPDAs) to provide inservice professional development services to school districts. RPDAs are governed by an independent board and provide such services via contract with participating school districts. A system of RPDAs throughout the state has never materialized; however, one RPDA, the Schultz Center for Teaching and Leadership in Jacksonville, Florida, has been established pursuant to this legislation.

Existing law addresses the initial creation of RPDAs by: (a) specifying criteria for initial proposals and the receipt of start-up funding; (b) requiring a RPDA to own or lease a facility to deliver training onsite; (c) requiring a RPDA to be governed by an independent board; and (d) authorizing a RPDA to contract with school districts for the provision of professional development services. Current law does not specify what the contract must address.

The bill revises the above-described law so that it addresses existing RPDAs, rather than start-ups. It removes references in current law to initial proposals and start-up funding and, instead, establishes requirements to govern the day-to-day operations of an existing RPDA and provide greater specification for the contents and fiscal accountability of contracts between a RPDA and school districts.

Under the bill, the contract between a RPDA and a district school board must require the RPDA to: (a) be responsible for the prudent and lawful use of all public and private funds; (b) document that funds received from the district are expended for authorized purposes and that services provided by the RPDA are commensurate to the amount paid by the district; (c) make its records available for inspection by the school board's auditor and the Auditor General; (d) annually report its activities and expenditures; and (e) be annually audited. The bill adds provisions authorizing a RPDA to receive and administer: property; private and public funds; and income from training services. It further specifies that intellectual property generated by school district personnel at a RPDA must be shared by the two entities, as provided in the contract.

Finally, the bill removes provisions in current law which require a RPDA to be financially self-sufficient after one year and to pay the operating and maintenance costs of its facility. It also removes the provision that authorized a school district to lease a district facility to a RPDA and to pay for renovations of the facility to accommodate the RPDA. These amendments address recent Auditor General findings. (Please see discussion of audit findings at pages 3 and 5.)

The bill does not appear to have a fiscal impact on state or local government.

The bill takes effect on July 1, 2009.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Regional Professional Development Academies

Current Florida law provides for a coordinated system of professional development for teachers, managers, and administrators to enable the education community to meet state and local student achievement standards and state education goals.¹ Each school district must develop a professional development system and master plan for inservice activities. School district plans must be approved by the Department of Education (DOE).²

Legislation enacted in 1999 authorized the establishment of a statewide system of inservice professional development. It authorized the creation of regional professional development academies (RPDAs) to be the delivery mechanism for this system.³ Statute requires RPDAs to collaborate with local business partners to develop training programs, and market such programs to schools or individuals in the region.⁴

Organization & Funding: Statute establishes RPDAs to be private sector entities and not a component of any school district or governmental unit to which it provides services.⁵ RPDAs may receive start-up funding from the Commissioner of Education or legislative appropriation. Statute provides several eligibility criteria for receipt of start-up funds. A RPDA must:

- Be established in collaboration with one or more district school boards, local businesses, and postsecondary institutions, which may award college credit for courses offered by RPDA programs;
- Demonstrate capacity to improve: teaching skills in mathematics, reading, and algebra; the use of instructional technology; and classroom management via varied delivery methods;
- Propose a plan for providing professional development training and follow-up coaching for educators, schools, and school districts to improve student achievement and meet state and local educational goals;
- Own or lease a facility. A participating district school board may: (1) lease a site or facility to the RPDA for a nominal fee; and (2) pay all or part of the cost to renovate it. The RPDA must be responsible for all operational, maintenance, and repair costs;
- Be operated under contract with its public partners and governed by an independent board;

¹ Section 1012.98, F.S.

² *Id.*

³ Section 64, ch. 99-398, L.O.F

⁴ Section 1012.985, F.S.

⁵ Section 1012.985(2)(b), F.S.

- Match start-up funds with an equal or greater amount of funding from private sources during its first year of operation, unless the RPDA is operated by a regional educational consortium;
- Demonstrate the ability to be self-supporting within one-year after opening through fees for service, grants, or private funds; and
- Be under contract to provide professional development services to participating school districts. It may also market services to other school districts, private schools, or individuals not under contract.⁶

A RPDA is required to achieve financial self sufficiency after its first year of operation through the collection of service fees, grants, or private funds.⁷ It may receive subsequent funding to develop, expand, or assess existing programs or to create new programs.⁸

Status of RPDAs currently in Florida: The initial legislation envisioned a system of regionally based academies to be established in each region of the state to deliver inservice training.⁹ This never materialized. The Schultz Center for Teaching and Leadership in Jacksonville, FL is Florida's sole RPDA. The Center is a nonprofit corporation and is operated by an independent board. A chief executive officer is appointed by the board to oversee day-to-day operations.¹⁰ It provides professional development services to Baker, Clay, Duval, Nassau, and St. John's County schools.¹¹ It leases its facility from the Duval County School Board. The district operates and maintains the facility.¹²

Audit Findings: The financial relationship between the Duval County school district and the Schultz Center has been reviewed in recent annual audits conducted by the Auditor General (AG). Audit reports for FY 2003-2004 and FY 2006-2007 indicate the following state law issues:

- The Center is not financially self-sufficient. Section 1012.985(1)(f), F.S., requires the Center to be financially self sufficient after its first year of operation. The AG reports state that it is unlikely that the Center could operate without district financial support. It notes that a substantial portion of the Center's funding is provided by the district and most training programs are conducted by district staff.¹³
- The district, not the Center, pays the operating, maintenance, and repair costs for the facility that the Center leases from the district. According to Duval County representatives, the district pays these costs because it owns the building. They also note that the Center funded \$8 million in renovations for the facility.¹⁴ Under s. 1012.985(1)(g), F.S., the district is authorized to pay for facility renovations and the Center is to be responsible for the facility's operating, maintenance, and repair costs.¹⁵

The AG reports also find that district use of federal professional development grant funds to pay for teacher training services provided by the Center does not comply with federal guidelines for use of grant funds. Its payments to the Center for training exceeded the Center's costs to provide such services. Federal requirements stipulate that the amount paid must be "necessary and reasonable."¹⁶

⁶ Section 1012.985(1), F.S.

⁷ Section 64, ch. 99-398, L.O.F.

⁸ Section 1012.985(2)(a), F.S.; *See* § 1, ch. 06-151, L.O.F.

⁹ Section 64, ch. 99-398, L.O.F.

¹⁰ *See* The Schultz Center for Teaching & Leadership, About Us, Questions and Answers, <http://www.schultzcenter.org/history.shtml> (last visited Mar. 22, 2009); *See id.* at Board of Directors/Leadership Council, <http://www.schultzcenter.org/board-leadership.shtml> (last visited Mar. 22, 2009).

¹¹ *See id.* at School Districts Served by the Schultz Center, <http://www.schultzcenter.org/schooldistricts.shtml> (last visited Mar. 20, 2009).

¹² *See* "Finding No. 12," Florida Auditor General, *Duval County District School Board: Operational Audit: FY 2003-2004*, Report No. 2006-002 (July 2005) available at http://www.myflorida.com/audgen/pages/pdf_files/2006-002.pdf; "Finding No. 11," Florida Auditor General, *Duval County District School Board: Financial, Operational, and Federal Single Audit: FY 2006-2007*, Report No. 2008-084 (February 2008) available at http://www.myflorida.com/audgen/pages/pdf_files/2008-084.pdf.

¹³ *Id.*

¹⁴ E-mail from Duval County representatives dated March 23, 2009.

¹⁵ *Id.*

¹⁶ *See* "Federal Awards Finding No. 9," Florida Auditor General, Report No. 2008-084; Federal grants for teacher and principal funding are provided under 20 U.S.C. § 6613. The AG report cited here refers to two circulars issued by the U.S. Office of

In addition, due to the Center's close relationship to the district, the AG determined that the Center is a subrecipient of federal funds and not a vendor. Subrecipients must comply with federal requirements in the same manner as the primary recipient of grant funds. Such compliance is not required of vendors.¹⁷ According to an opinion issued by the district's internal auditor, the federal issues raised in these AG audit reports cannot be appropriately addressed via legislation. Thus, the bill provisions described below are not intended to remedy federal compliance issues cited by the AG.¹⁸

Effect of Proposed Changes

Current law, established in 1999, addresses the initial creation of RPDAs by:

- Providing for the establishment of a "statewide system" of RPDAs. This system, however, has never materialized.¹⁹ The only RPDA in existence is the Shultz Center.
- Specifying criteria for receiving start-up funds to establish a new RPDA. These criteria include requirements that the RPDA: demonstrate the capacity to improve teaching skills; propose a plan for providing professional development training for educators, schools, and school districts; match start-up funds with private funds during its first year of operation; and demonstrate the ability to be self-supporting within one-year.²⁰
- Requiring a RPDA to own or lease a facility to provide on-site instruction and to pay all operational, maintenance, and repair costs for the facility.²¹
- Authorizing a school district to lease a district facility to the RPDA and to pay all or part of any facility renovation costs necessary to accommodate the RPDA.²²
- Requiring a RPDA to be governed by an independent board and to contract to provide professional development services to districts and others. Current law does not specify what the contract must address.²³

The bill revises the above-described law so that it addresses existing RPDAs, rather than start-ups. It establishes requirements to govern the day-to-day operations of an existing RPDA and provides greater specification for the contents and fiscal accountability of contracts between a RPDA and school districts.

Under the bill, references in current law to start-up funding and initial proposals to establish a RPDA are removed, but requirements for a RPDA to be governed by an independent board of directors and to operate under contract with its public partners are retained. The bill adds that the contract between a RPDA and a district school board must require:

- The RPDA board of directors to: (a) be responsible for the prudent use of all public and private funds; and (b) ensure that funds are used in accordance with applicable laws, bylaws, and contracts.
- The RPDA to document that: (a) funds received from the district are expended for authorized purposes prescribed in the contract; and (b) services provided by the RPDA are commensurate to the amount paid by the district. Such records must be available for inspection by the school board's auditor and the AG.
- Each district school board to approve RPDA participation in district programs and services, including RPDA use of district property, personnel, and services.
- The RPDA to annually report its activities and expenditures to its board and each party to the contract.

Management and Budget. Circular A-87 refers to acceptable costs. Circular A-133 refers to recipients and subrecipients. *See* U.S. Office of Management and Budget, Circulars, <http://www.whitehouse.gov/omb/circulars/index.html> (last visited Mar. 20, 2009).

¹⁷ *Id.*

¹⁸ Duval County School District, Impact of SB 2272 and HB 1227 to Duval County School District (March 3, 2009).

¹⁹ Section 1012.985(1), F.S.

²⁰ Section 1012.985(1)(b), (c), and (f), F.S.

²¹ Section 1012.985(1)(g), F.S.

²² *Id.*

²³ Section 1012.985(1)(c), F.S.

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- The RPDA to be audited annually by an independent certified public accountant and to provide a copy of the audit to each party to the contract.

The bill also retains existing law providing that a RPDA may receive funding from the DOE or via legislative appropriation for program assessment, creation, or expansion²⁴, and it adds provisions authorizing a RPDA to receive, hold, invest, and administer: property; private, local, state, and federal funds; and income from training services. It further provides that intellectual property generated by school district personnel at the RPDA must be shared by the two entities, as provided in the contract.

Finally, the bill removes provisions in current law which require a RPDA to be financially self-sufficient after one year and to pay operating and maintenance costs for its facility.²⁵ It also removes the provision that authorizes a school district to pay all or part of any facility renovation costs necessary to accommodate the RPDA.²⁶ These amendments address the AG's findings regarding the Duval County School District and the Schultz Center, and should enable these parties to continue its current operations without future audit criticism on these points. As discussed above in "*Audit Findings*," the Schultz Center funded the renovations for the facility it leases from the school district and the district, as it owns the facility, pays for facility operating, maintenance, and repair costs. Further, the bill permits the school district to continue to provide significant resources to the Shultz Center, but will require documentation and audits to ensure that funds received from the district are expended by the Center for authorized purposes and that services provided by the Center are commensurate to the amount paid by the district.

B. SECTION DIRECTORY:

Section 1.: Amending s. 1012.985, F.S.; revising statutory requirements for RPDAs; establishing contract requirements; authorizing RPDAs to manage property and funds.

Section 2.: Providing an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not have a direct economic impact on the private sector.

²⁴ Section 1012.985(2)(a), F.S.

²⁵ Section 1012.985(1)(f) and (g), F.S.

²⁶ Section 1012.985(1)(g), F.S.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 25, 2009, the State & Community Colleges & Workforce Policy Committee adopted a strike-everything amendment and reported the bill favorably as a committee substitute (CS). The CS differs from the original bill as follows:

- The amendment adds new provisions specifying requirements for contracts between RPDA's and district school boards. Under the CS, contracts must: establish board of director responsibility for prudent use of funds and compliance with requirements governing fund use; require the RPDA to document that district funds it receives are commensurate to the services provided to the district and expended for authorized purposes; require school board approval of RPDA participation in district programs and services; require the RPDA to annually report its finances and activities; and require the RPDA to be audited annually.
- The amendment adds new provisions authorizing a RPDA to receive, hold, invest, and administer: property; private, local, state, and federal funds; and income from training services. It also provides that intellectual property generated by school district personnel at the RPDA must be shared by the entities, as provided in the contract.
- The amendment removes original bill provisions requiring one school district to be designated as the fiscal agent for a RPDA.

This analysis is drafted to the CS.

1 A bill to be entitled
 2 An act relating to regional professional development
 3 academies; amending s. 1012.985, F.S.; providing for
 4 regional academies rather than a statewide system of
 5 organization; providing duties of regional professional
 6 development academies; deleting provisions that require
 7 academies to meet certain criteria in order to receive
 8 start-up funds; specifying requirements for contracts
 9 between district school boards and academies; deleting
 10 requirements relating to first-year funding and academy
 11 financial self-sufficiency in future years; authorizing
 12 the academies to administer property and moneys received
 13 from various sources; requiring that income generated from
 14 certain activities be shared between the academy and the
 15 district school board; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 1012.985, Florida Statutes, is amended
 20 to read:

21 1012.985 Regional ~~Statewide~~ ~~system for inservice~~
 22 professional development academies.--

23 (1) The intent of this section is to facilitate ~~establish~~
 24 a ~~statewide~~ system of professional development that provides a
 25 wide range of ~~targeted~~ inservice training to teachers, managers,
 26 and administrative personnel which is designed to upgrade skills
 27 and knowledge needed to attain ~~reach~~ world class standards in
 28 education. The system shall consist of a network of professional

29 development academies that ~~in each region of the state which~~ are
 30 operated in partnership with area business partners to develop
 31 and deliver high-quality training programs for ~~purchased by~~
 32 school districts. Each regional professional development academy
 33 ~~The academies shall be established to~~ meet the human resource
 34 development needs of professional educators, schools, and school
 35 districts and shall. ~~Funds appropriated for the initiation of~~
 36 ~~professional development academies shall be allocated by the~~
 37 ~~Commissioner of Education, unless otherwise provided in an~~
 38 ~~appropriations act. To be eligible for startup funds, the~~
 39 academy must:

40 (a) Support ~~Be established by~~ the collaborative efforts of
 41 one or more district school boards, members of the business
 42 community, and the postsecondary educational institutions which
 43 may award college credits for courses taught at the academy.

44 ~~(b) Demonstrate the capacity to provide effective training~~
 45 ~~to improve teaching skills in the areas of elementary reading~~
 46 ~~and mathematics, the use of instructional technology, high~~
 47 ~~school algebra, and classroom management, and to deliver such~~
 48 ~~training using face-to-face, distance learning, and~~
 49 ~~individualized computer-based delivery systems.~~

50 ~~(c) Propose a plan for responding in an effective and~~
 51 ~~timely manner to the professional development needs of teachers,~~
 52 ~~managers, administrative personnel, schools, and school~~
 53 ~~districts relating to improving student achievement and meeting~~
 54 ~~state and local education goals.~~

55 (b)(d) ~~Demonstrate the ability to~~ Provide high-quality
 56 trainers and training and appropriate followup and coaching for

57 all participants, and support school personnel in increasing
 58 student achievement ~~in positively impacting student performance.~~

59 ~~(c)(e)~~ Be operated under contract with its public
 60 partners. Contracts between district school boards and each
 61 regional professional development academy shall require:

62 1. The academy's independent board of directors to be
 63 responsible for the prudent use of all public and private funds
 64 and to ensure that such funds are used in accordance with
 65 applicable laws, bylaws, and contractual agreements.

66 2. The academy to retain proper documentation evidencing
 67 that district school board funds provided to the academy are
 68 expended for authorized purposes as prescribed in the contract
 69 and that services to district school boards are commensurate to
 70 the funds paid to the academy for such services. The academy's
 71 records shall be available for inspection by the district school
 72 board's internal auditor and the Auditor General.

73 3. Each district school board to approve any participation
 74 by the academy in the district's programs or services, including
 75 use of the district's facilities, furnishings, equipment, other
 76 chattels, personnel, or services.

77 4. The academy to provide an annual report of its
 78 activities and expenditures to its independent board of
 79 directors and each party to the contract.

80 5. The academy to be annually audited by an independent
 81 certified public accountant retained and paid for by the academy
 82 and to provide a copy of the audit report to each party to the
 83 contract.

84 (d) ~~Be~~ and governed by an independent board of directors,
 85 which should include at least one district school superintendent
 86 and one district school board chair from the participating
 87 school districts, the president of the collective bargaining
 88 unit that represents the majority of the region's teachers, and
 89 at least three individuals who are not employees or elected or
 90 appointed officials of the participating school districts.
 91 Regional educational consortia as defined in s. 1001.451 satisfy
 92 the requirements of this paragraph.

93 ~~(f) Be financed during the first year of operation by an~~
 94 ~~equal or greater match from private funding sources and~~
 95 ~~demonstrate the ability to be self-supporting within 1 year~~
 96 ~~after opening through fees for services, grants, or private~~
 97 ~~contributions. Regional educational consortia as defined in s.~~
 98 ~~1001.451 which serve rural areas of critical economic concern~~
 99 ~~are exempt from the funding match required by this paragraph.~~

100 ~~(g) Own or lease a facility that can be used to deliver~~
 101 ~~training onsite and through distance learning and other~~
 102 ~~technology-based delivery systems. The participating district~~
 103 ~~school boards may lease a site or facility to the academy for a~~
 104 ~~nominal fee and may pay all or part of the costs of renovating a~~
 105 ~~facility to accommodate the academy. The academy is responsible~~
 106 ~~for all operational, maintenance, and repair costs.~~

107 (e) ~~(h)~~ Provide professional development services for the
 108 participating school districts as specified in the contract and
 109 may provide professional development services to other school
 110 districts, private schools, and individuals on a fee-for-
 111 services basis.

112 (2) ~~Upon compliance with the requirements for the first~~
 113 ~~year of operation in paragraph (1)(f),~~ A regional professional
 114 development academy may:

115 (a) ~~May~~ Receive funds from the Department of Education or
 116 as provided in the General Appropriations Act for the purpose of
 117 developing programs, expanding services, assessing inservice
 118 training and professional development, or other programs that
 119 are consistent with the mission of the academy and the needs of
 120 the state and region; and

121 (b) Receive, hold, invest, and administer property and any
 122 moneys acquired from private, local, state, and federal sources,
 123 as well as technical and professional income generated or
 124 derived from activities of the academy, for the benefit of the
 125 academy and the fulfillment of its mission. Income generated by
 126 school district personnel at the academy from trademarks,
 127 copyrights, and patents shall be shared between the academy and
 128 the district school board as outlined in the contract.

129 ~~(b) Is not, by virtue of providing services to one or more~~
 130 ~~school districts, a component of any school district or any~~
 131 ~~governmental unit to which the regional professional development~~
 132 ~~academy provides services.~~

133 Section 2. This act shall take effect July 1, 2009.