



Schools & Learning Council Meeting Packet

**March 20, 2007
212 Knott
1:00 – 4:00 pm**

**Marco Rubio
Speaker**

**Joe H. Pickens
Council Chair**



The Florida House of Representatives

Schools & Learning Council

Marco Rubio
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Chair

Meeting Agenda
Tuesday, March 20, 2007
212 Knott
1:00 – 4:00 PM

- I.** Roll Call
- II.** Consideration of PCB SLC 07-15 -- Education Funding.
Budget workshop.
- III.** Closing Comments / Meeting Adjourned

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families – The bill transfers K-8 Virtual School Program funding from a grant basis to the Florida Education Finance Program.

B. EFFECT OF PROPOSED CHANGES:

K-8 Virtual School Program

Through proviso in the General Appropriations Act (GAA), the 2003 Legislature authorized the Department of Education (DOE) to provide for the creation of at least two K-8 Virtual School pilot programs. The two pilot programs selected by the DOE were Connections Academy, Inc. and K12, Inc. The schools provide computers and help cover the cost of Internet access for their students who complete 10 to 30% of their work on-line depending on the grade level. Both of these schools utilize the parent or other responsible adult as the students' primary teachers while the virtual school teachers oversee the students' progress by checking samples of their work. These programs use on-line curriculum, lessons, and progress tests as well as books and other more traditional learning materials. A parent-teacher telephone conference is required at least once every two weeks. However, parents can reach virtual school teachers through e-mail or telephone at other times.

The 2006 Legislature established the K-8 Virtual School Program as an optional educational choice program within the Department of Education (chapter 2006-48, Laws of Florida). Like the K-8 Virtual School pilot programs, the K-8 Virtual School Program is to deliver academic instruction through the use of on-line and distance learning technology to full-time students in kindergarten through eighth grade. Each student enrolled in a K-8 virtual school must take state assessment tests within the student's school district of residence, which must provide that student with access to the district's testing facilities.

Students enrolled in a K-8 virtual school are subject to the compulsory attendance requirements of s. 1003.21. Student attendance must be verified according to procedures of the Department of Education. Enrollment is reported to the Department of Education by the virtual schools and is open to any K-8 student in this state if the student meets at least one of the following conditions:

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

An appropriation category in the General Appropriations Act was created to fund the K-8 Virtual School Program in the amount of \$7.2 million during the 2006 Session. The per student grant award was not to exceed \$5,200, which allowed 1,384 students to be served. State funding for each school participating in the K-8 Virtual School Program is based on total program enrollment and the amount per student.

This bill amends s. 1002.415, F.S., to provide the K-8 Virtual School Program with the mission to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed.

This bill deletes the requirement that state funding for each school participating in the K-8 Virtual School Program shall be based on a total program enrollment and amount per student and replaces it with language that makes the K-8 Virtual School Program part of the Florida Education Finance Program (FEFP) with a district cost differential of 1.000. The definition of an FTE is amended to include K-8 virtual school students. An FTE for a K-8 Virtual School Program student in kindergarten through grade 5 is defined as the promotion of a student to the next grade level. An FTE for a K-8 Virtual School Program student in grades 6-8 is defined as the completion of six credits. The K-8 virtual schools are to report the full-time equivalent (FTE) students to the Department of Education.

For the 2007-08 school year, funding models indicate K-8 virtual schools will receive between \$5,900 and \$5,940 per FTE. The per FTE state average funding in the 2006-07 FEFP is \$6,840, which is a savings of about \$900 for each K-8 virtual school student. Students enrolled in a K-8 virtual school would also generate a savings in capital outlay expenditures because these students receive services in their homes and would not require a classroom. In addition to the FEFP funding, this bill would allow K-8 virtual schools to receive funding through grants and donations.

K-8 virtual schools must be nonprofit and must meet certain standards and accountability. Each K-8 virtual school must participate in the statewide assessment program and is subject to the school grading system. A K-8 virtual school with a performance grade category of "D" or "F" must file a school improvement plan with the Department of Education for review to determine the causes for low performance and to develop a plan for correction and improvement. This bill prohibits these schools from enrolling more students until a performance grade of "C" or greater is achieved.

This bill requires K-8 virtual schools to serve any student who meets the profile for success in this educational delivery context. Priority is to be given to students who need access to virtual courses in order to meet their educational needs and goals in a home environment, and those seeking accelerated access to move at their own pace in their educational progress.

This bill also requires K-8 virtual schools to enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program. In such case, all applications are required to have an equal chance of being admitted through a random selection process.

This bill deletes statutory references to the two pilot K-8 virtual schools which were allowed to continue through the 2006-2007 school year.

Florida Education Finance Program

In addition to the basic amount for current operations for the FEFP, the Legislature may appropriate categorical funding for specified programs, activities, or purposes. This bill deletes obsolete statutory language in s. 1011.62, F.S., referencing two categoricals which are no longer funded by specific appropriation in the General Appropriations Act. They are: 1) funds for in services educational personnel training and 2) funds for public school technology.

Two Mill Capital Outlay Revenue

Obsolete language limiting the amount of Two Mill Capital Outlay Revenue a district school board may spend on security vehicles, vehicles used in storing and distributing materials and equipment, and certificates of participation issued for any purpose during fiscal years 2000-2001 through 2002-2003 is deleted from s. 1011.71, F.S.

Class Size Reduction

This bill adds definitions to s. 1003.03, F.S., to clarify the meaning of team-teaching, co-teaching, and inclusion teaching strategy for use in determining class size reduction requirements. "Team-teaching" and "co-teaching" are defined as two or more teachers assigned to a group of students and each teacher is responsible for all of the students during the entire class period. In order to be considered team-teaching

or co-teaching each teacher is responsible for planning, delivering, and evaluating instruction for all students in a class or subject for the entire class period. "Inclusion teaching strategy" is defined as two or more teachers assigned to a group of students, but one of the teachers is only responsible for one student or a small group of students in the classroom.

Public Education Capital Outlay and Debt Service Trust Fund

The Public Education Capital Outlay and Debt Service Trust Fund (PECO) is a state program that provides capital outlay and building maintenance funds to school districts from revenue derived from a tax collected on the gross receipts from the sale of utility services. The amount collected each year varies based on economic conditions.

This bill amends s. 1013.64(1), F.S., which governs building maintenance allocations from the PECO Fund, assigning modular non-combustible facilities a 35 year building life. Section 1013.64(3), F.S., is amended to clarify the definition of capital outlay full-time equivalent membership to include only K-12 students for whom the school district is required to provide the educational facility and the educational program, consistent with current policy. This definition is used in determining school district capital outlay allocations.

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.415, F.S., providing a mission for the K-8 Virtual School Program; revising the definition of full-time equivalent student; requiring K-8 virtual schools to enroll eligible children; deleting pilot school provisions; revising funding rules for K-8 virtual schools.

Section 2. Creates new paragraphs in s. 1003.03, F.S., defining team-teaching, co-teaching and inclusion teaching strategy.

Section 3. Amends s. 1011.61, F.S., revising the definition of full-time equivalent student to include K-8 virtual school students; allowing membership in the K-8 Virtual School Program for more than 180 days.

Section 4. Amends s. 1011.62, F.S., deleting obsolete categorical appropriation language.

Section 5. Amends s. 1011.71, F.S., deleting obsolete language.

Section 6. Amends s. 1013.64, F.S., specifying the useful life of a modular non-combustible facility; clarifying the definition of capital outlay full-time equivalent membership for use in determining school district capital outlay funds.

Section 7. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

This bill provides funding for the K-8 Virtual School Program through the Florida Education Finance Program, instead of through a specific appropriation in the General Appropriations Act. For the 2007-08 school year, funding models indicate K-8 virtual schools will receive between \$5,900 and \$5,940 per FTE. The per FTE state average funding in the 2006-07 FEFP is \$6,840, which is a savings of about \$900 for each K-8 virtual school student. Students enrolled in a K-8 virtual school would also generate a savings in capital outlay expenditures because these students receive

services in their homes and would not require a classroom. The number of students that may participate in this program is not known.

Section 1013.64(3), F.S., is amended to clarify the definition of capital outlay full-time equivalent membership to include only K-12 students for whom the school district is required to provide the educational facility and the educational program, consistent with current policy. This definition is used in determining school district capital outlay allocations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See "FISCAL IMPACT ON STATE GOVERNMENT"

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill 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.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to education funding; amending s.
 3 1002.415, F.S.; providing a mission for the K-8 Virtual
 4 School Program; revising the definition of full-time
 5 equivalent student for certain students participating in
 6 the K-8 Virtual School Program; requiring the enrollment
 7 of eligible students who submit timely applications unless
 8 the number of applications exceed the capacity of a
 9 programs; removing provisions provision relating to pilot
 10 schools; revising funding for the K-8 Virtual School
 11 Program to include a definition of full-time equivalent
 12 student, providing reporting requirements, establishing
 13 the district cost differential, providing for funding from
 14 the General Appropriations Act, and allowing for
 15 participating schools to receive other funds; creating new
 16 paragraphs in s. 1003.03, F.S.; defining team-teaching,
 17 co-teaching and inclusion teaching strategy; amending s.
 18 1011.61, F.S.; revising the definition of full-time
 19 equivalent student to include K-8 Virtual School students;
 20 allowing membership in the K-8 Virtual School program for
 21 more than 180 days; amending s. 1011.62, F.S.; deleting
 22 obsolete categorical appropriation language; amending s.
 23 1011.71, F.S.; amending s. 1013.64, F.S.; specifying the
 24 useful life of a modular non-combustible facility;
 25 clarifying the definition of capital outlay full-time
 26 equivalent membership for use in determining school
 27 district capital outlay funds; providing an effective
 28 date.
 29

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

31

32 Section 1. Section 1002.415, Florida Statutes, is amended
33 to read:

34 1002.415 K-8 Virtual School Program.—

35 (1) (a) Subject to annual legislative appropriation, a
36 kindergarten through grade 8 virtual school program is
37 established within the Department of Education for the purpose of
38 making academic instruction available to full-time students in
39 kindergarten through grade 8 using on-line and distance learning
40 technology. The department shall use an application process to
41 select schools to deliver program instruction.

42 (b) The mission of the K-8 Virtual School Program is to
43 provide students with technology-based educational opportunities
44 to gain the knowledge and skills necessary to succeed. The
45 school shall serve any student in the state who meets the profile
46 for success in this educational delivery context and shall give
47 priority to:

48 1. Students who need access to K-8 courses in order to meet
49 their educational needs and goals in a home environment.

50 2. Students seeking accelerated access to move at their own
51 pace in their educational progress.

52 (2) ~~(1)~~ SCHOOL ELIGIBILITY.--

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

55 1. Be nonsectarian in its programs, admission policies,
56 employment practices, and operations;

57 2. Comply with the antidiscrimination provisions of s.
58 1000.05;

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59 3. Participate in the state's school accountability system
60 created in s. 1008.31;

61 4. Locate its administrative office in this state and
62 require its administrative and instructional staff members to be
63 state residents; and

64 5. Require no tuition or student registration fee.

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

67 (3) ~~(2)~~ APPLICATION.--

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

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

78 2. All members of the school's instructional staff are
79 certified professional educators under the provisions of chapter
80 1012; and

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

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

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

87 2. An annual financial plan for each year of operation of

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88 | the school for a minimum of 3 years. The plan must contain
 89 | anticipated fund balances based on revenue projections, a
 90 | spending plan based on projected revenues and expenses, and a
 91 | description of controls that will safeguard finances and
 92 | projected enrollment trends.

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

96 | (4)~~(3)~~ PARTICIPATING SCHOOLS.--

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

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

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

- 111 | 1. All necessary instructional materials;
- 112 | 2. All equipment, including, but not limited to, a
 113 | computer, computer monitor, and printer for each household that
 114 | has a student enrolled in the virtual school; and
- 115 | 3. Access to or reimbursement for all Internet services
 116 | necessary for on-line delivery of instruction for each household

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117 | that has a student enrolled in the virtual school.

118 | (d) The K-8 virtual school shall enroll an eligible student
 119 | who submits a timely application, unless the number of
 120 | applications exceeds the capacity of a program. In such case,
 121 | all applications shall have an equal chance of being admitted
 122 | through a random selection process.

123 | ~~(4) PILOT SCHOOLS.--~~

124 | ~~(a) The two pilot K-8 virtual schools provided for in the~~
 125 | ~~2005 General Appropriations Act may continue operation for the~~
 126 | ~~entire 2006-2007 school year.~~

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

130 | ~~(c) Each pilot school must complete the application~~
 131 | ~~requirements of this section and be approved by the department in~~
 132 | ~~order to participate in the K-8 Virtual School Program beyond the~~
 133 | ~~2006-2007 school year.~~

134 | (5) STUDENT ELIGIBILITY.--

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

138 | 1. Spent the prior school year in attendance at a public
 139 | school in this state and was enrolled and reported by a public
 140 | school district for funding during the preceding October and
 141 | February for purposes of the Florida Education Finance Program
 142 | surveys;

143 | 2. Was enrolled during the prior school year in a K-8
 144 | virtual school funded pursuant to this section or from funds
 145 | provided in the 2005 General Appropriations Act;

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146 3. Is eligible to enroll in kindergarten or the first
147 grade; or

148 4. Has a sibling who is currently enrolled in a
149 participating K-8 virtual school and was enrolled at the end of
150 the prior school year.

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

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

159 (6) FUNDING.—

160 (a) A "full-time equivalent student" for the K-8 Virtual
161 School Program shall be as defined in s. 1011.61(1)(c). ~~State~~
162 ~~funding for each school participating in the K-8 Virtual School~~
163 ~~Program shall be based on a total program enrollment and amount~~
164 ~~per full-time equivalent student established annually in the~~
165 ~~General Appropriations Act.~~

166 (b) Full-time equivalent students for the K-8 Virtual
167 School Program shall be reported only by the K-8 virtual school
168 to the Department of Education in the manner prescribed by the
169 department and shall be funded through the Florida Education
170 Finance Program. School districts shall report full-time
171 equivalent student membership only for courses for which the
172 district provides the instruction. ~~Upon proper documentation of~~
173 ~~student enrollment, which must be reviewed and approved by the~~
174 ~~department, payments shall be made to participating schools in~~

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175 ~~four equal payments no later than September 1, November 1,~~
 176 ~~February 1, and April 15 of each academic year. The initial~~
 177 ~~payment shall be made after the department verifies each~~
 178 ~~student's admission to the school, and subsequent payments shall~~
 179 ~~be made upon verification of the continued enrollment and~~
 180 ~~attendance of the student.~~

181 (c) The district cost differential as provided in s.
 182 1011.62(2) shall be established as 1.000.

183 (d) A K-8 virtual school that participates in the K-8
 184 Virtual School Program shall receive state funds as may be
 185 provided in the General Appropriations Act.

186 (e) In addition to the funds provided in the General
 187 Appropriations Act, a K-8 virtual school may receive other funds
 188 from grants and donations.

189 (7) ASSESSMENT AND ACCOUNTABILITY.--

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

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

197 (c) A K-8 virtual school with a performance grade category
 198 of less than "C" may not increase enrollment until at least a
 199 performance grade category of "C" is achieved.

200 (d)~~(e)~~ The department shall terminate the contract of any
 201 participating K-8 virtual school that receives a performance
 202 grade category of "D" or "F" for 2 years during any consecutive
 203 4-year period.

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204 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--
 205 (a) At the end of a contract with a K-8 virtual school, the
 206 department may choose not to renew the contract for any of the
 207 following grounds:
 208 1. Failure to participate in the state's education
 209 accountability system created in s. 1008.31, as required in this
 210 section;
 211 2. Failure to receive a school performance grade of "C" or
 212 better under the school grading system created by s. 1008.34 for
 213 any 2 years in a consecutive 4-year period;
 214 3. Failure to meet generally accepted standards of fiscal
 215 management;
 216 4. Violation of law;
 217 5. Failure of the Legislature to fund the program; or
 218 6. Other good cause shown.
 219 (b) During the term of the contract, the department may
 220 terminate the contract for any of the grounds listed in paragraph
 221 (a).
 222 (c) If a contract is not renewed or is terminated, the K-8
 223 virtual school is responsible for all debts of the school.
 224 (d) If a contract is not renewed or is terminated, a
 225 student who attended the school must be allowed to be enrolled in
 226 a public school in the county in which the student is a resident.
 227 (9) RULES.--The State Board of Education shall adopt rules
 228 under ss. 120.536(1) and 120.54 to administer this section.
 229
 230 Section 2. Paragraphs (c) and (d) are added to subsection
 231 (5) of section 1003.03, Florida Statutes, to read:
 232 1003.03 Maximum class size.--

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233 (5) TEAM-TEACHING STRATEGIES.--

234 (c) Team-teaching or co-teaching means two or more teachers
 235 assigned to a group of students and each teacher is responsible
 236 for all of the students during the entire class period. In order
 237 to be considered team-teaching or co-teaching each teacher is
 238 responsible for planning, delivering, and evaluating instruction
 239 for all students in a class or subject for the entire class
 240 period.

241 (d) Inclusion teaching strategy means two or more teachers
 242 are assigned to a group of students, but one of the teachers is
 243 only responsible for one student or a small group of students in
 244 the classroom.

245
 246 The use of strategies implemented as outlined in this subsection
 247 meets the letter and intent of the Florida Constitution and the
 248 Florida Statutes which relate to implementing class-size
 249 reduction, and this subsection applies retroactively. A school
 250 district may not be penalized financially or otherwise as a
 251 result of the use of any legal strategy, including, but not
 252 limited to, those set forth in subsection (3) and this
 253 subsection.

254
 255 Section 3. Paragraph (c) of subsection (1) of section
 256 1011.61, Florida Statutes, is amended to read:

257 1011.61 Definitions.--Notwithstanding the provisions of s.
 258 1000.21, the following terms are defined as follows for the
 259 purposes of the Florida Education Finance Program:

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

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262 students as follows:

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

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

266 b. A combination of full-time or part-time students in any
267 one of the programs listed in s. 1011.62(1)(c) which is the
268 equivalent of one full-time student based on the following
269 calculations:

270 (I) A full-time student, except a postsecondary or adult
271 student or a senior high school student enrolled in adult
272 education when such courses are required for high school
273 graduation, in a combination of programs listed in s.
274 1011.62(1)(c) shall be a fraction of a full-time equivalent
275 membership in each special program equal to the number of net
276 hours per school year for which he or she is a member, divided by
277 the appropriate number of hours set forth in subparagraph (a)1.
278 or subparagraph (a)2. The difference between that fraction or sum
279 of fractions and the maximum value as set forth in subsection (4)
280 for each full-time student is presumed to be the balance of the
281 student's time not spent in such special education programs and
282 shall be recorded as time in the appropriate basic program.

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

285 (III) A K-8 Virtual School Program full-time equivalent
286 student in kindergarten through grade 5 in the programs listed in
287 s. 1011.62(1)(c)1. a. and b. shall be the promotion of a student
288 to the next grade level.

289 (IV) A K-8 Virtual School Program full-time equivalent
290 student in grades 6 through 8 shall consist of six full credit

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291 completions in the program listed in s. 1011.62(1)(c)1. b. Credit
 292 completions can be a combination of either full credits or half
 293 credits. A student who completes less than six credits shall be
 294 a fraction of a full-time equivalent student. Half-credit
 295 completions shall be included in determining a full-time
 296 equivalent student. Credit completed by a student in excess of
 297 the minimum required for that student for promotion to the next
 298 grade level is not eligible for funding.

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

303 2. A student in membership in a program scheduled for more
 304 or less than 180 school days is a fraction of a full-time
 305 equivalent membership equal to the number of instructional hours
 306 in membership divided by the appropriate number of hours set
 307 forth in subparagraph (a)1.; however, for the purposes of this
 308 subparagraph, membership in programs scheduled for more than 180
 309 days is limited to students enrolled in juvenile justice
 310 education programs, the K-8 Virtual School Program, and the
 311 Florida Virtual School.

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

317
 318 Section 4. Subsection (6) of Section 1011.62, Florida
 319 Statutes, is amended to read:

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320 1011.62 Funds for operation of schools.--If the annual
 321 allocation from the Florida Education Finance Program to each
 322 district for operation of schools is not determined in the annual
 323 appropriations act or the substantive bill implementing the
 324 annual appropriations act, it shall be determined as follows:

325
 326 (6) CATEGORICAL FUNDS.--

327
 328 (a) In addition to the basic amount for current operations for
 329 the FEFP as determined in subsection (1), the Legislature may
 330 appropriate categorical funding for specified programs,
 331 activities, or purposes.

332
 333 (b) If a district school board finds and declares in a
 334 resolution adopted at a regular meeting of the school board that
 335 the funds received for any of the following categorical
 336 appropriations are urgently needed to maintain school board
 337 specified academic classroom instruction, the school board may
 338 consider and approve an amendment to the school district
 339 operating budget transferring the identified amount of the
 340 categorical funds to the appropriate account for expenditure:

341
 342 1. Funds for student transportation.

343
 344 ~~2. Funds for in-service educational personnel training.~~

345
 346 2.~~3.~~ Funds for safe schools.

347
 348 ~~4. Funds for public school technology.~~

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3. 5. Funds for supplemental academic instruction.

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

Section 5. Subsection (5) of Section 1011.71, Florida Statutes is amended to read:

1011.71 District school tax.—

(5)(a) It is the intent of the Legislature that, by July 1, 2003, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, maintenance, and repair of the educational plant; for the purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction; for the rental or lease of existing buildings, or space within existing buildings, originally constructed or used for purposes other than education, for conversion to use as educational facilities; for the opening day collection for the library media center of a new school; for the purchase, lease-purchase, or lease of school

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378 buses or the payment to a private entity to offset the cost of
 379 school buses pursuant to paragraph (2)(i); and for servicing of
 380 payments related to certificates of participation issued for any
 381 purpose prior to the effective date of this act. Costs associated
 382 with the lease-purchase of equipment, educational plants, and
 383 school buses may include the issuance of certificates of
 384 participation on or after the effective date of this act and the
 385 servicing of payments related to certificates so issued. For
 386 purposes of this section, "maintenance and repair" is defined in
 387 s. 1013.01.

388
 389 ~~(b) For purposes not delineated in paragraph (a) for which~~
 390 ~~proceeds received from millage levied under subsection (2) may be~~
 391 ~~legally expended, a district school board may spend no more than~~
 392 ~~the following percentages of the amount the district spent for~~
 393 ~~these purposes in fiscal year 1995-1996:~~

394
 395 ~~1. In fiscal year 2000-2001, 40 percent.~~

396
 397 ~~2. In fiscal year 2001-2002, 25 percent.~~

398
 399 ~~3. In fiscal year 2002-2003, 10 percent.~~

400
 401 (b) ~~(e)~~ Beginning July 1, 2003, revenue generated by the
 402 millage levy authorized by subsection (2) must be used only for
 403 the purposes delineated in paragraph (a).

404
 405 (c) ~~(d)~~ Notwithstanding any other provision of this subsection,
 406 if through its adopted educational facilities plan a district has

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407 clearly identified the need for an ancillary plant, has provided
 408 opportunity for public input as to the relative value of the
 409 ancillary plant versus an educational plant, and has obtained
 410 public approval, the district may use revenue generated by the
 411 millage levy authorized by subsection (2) for the acquisition,
 412 construction, renovation, remodeling, maintenance, or repair of
 413 an ancillary plant.

414
 415 A district that violates these expenditure restrictions shall
 416 have an equal dollar reduction in funds appropriated to the
 417 district under s. 1011.62 in the fiscal year following the audit
 418 citation. The expenditure restrictions do not apply to any school
 419 district that certifies to the Commissioner of Education that all
 420 of the district's instructional space needs for the next 5 years
 421 can be met from capital outlay sources that the district
 422 reasonably expects to receive during the next 5 years or from
 423 alternative scheduling or construction, leasing, rezoning, or
 424 technological methodologies that exhibit sound management.

425
 426 Section 6. Paragraph (a) of Subsection (1) and Paragraph
 427 (a) of Subsection (3) of Section 1013.64, Florida Statutes are
 428 amended to read:

429
 430 1013.64 Funds for comprehensive educational plant needs;
 431 construction cost maximums for school district capital projects.-
 432 -Allocations from the Public Education Capital Outlay and Debt
 433 Service Trust Fund to the various boards for capital outlay
 434 projects shall be determined as follows:

435

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436 (1)(a) Funds for remodeling, renovation, maintenance, repairs,
 437 and site improvement for existing satisfactory facilities shall
 438 be given priority consideration by the Legislature for
 439 appropriations allocated to the boards from the total amount of
 440 the Public Education Capital Outlay and Debt Service Trust Fund
 441 appropriated. These funds shall be calculated pursuant to the
 442 following basic formula: the building value times the building
 443 age over the sum of the years' digits assuming a 50-year building
 444 life. For modular non-combustible facilities 35 year life and for
 445 relocatable facilities, a 20-year life shall be used. "Building
 446 value" is calculated by multiplying each building's total
 447 assignable square feet times the appropriate net-to-gross
 448 conversion rate found in state board rules and that product times
 449 the current average new construction cost. "Building age" is
 450 calculated by multiplying the prior year's building age times 1
 451 minus the prior year's sum received from this subsection divided
 452 by the prior year's building value. To the net result shall be
 453 added the number 1. Each board shall receive the percentage
 454 generated by the preceding formula of the total amount
 455 appropriated for the purposes of this section

456
 457 (3)(a) Each district school board shall receive an amount from
 458 the Public Education Capital Outlay and Debt Service Trust Fund
 459 to be calculated by computing the capital outlay full-time
 460 equivalent membership as determined by the department. Such
 461 membership must include, but is not limited to:

- 462
 463 1. K-12 students for whom the school district is required to
 464 provide the educational facility and the educational program,

465 | except hospital and homebound part-time students; and
 466 | 2. Students who are career education students, and adult
 467 | disabled students and who are enrolled in school district career
 468 | centers. The capital outlay full-time equivalent membership shall
 469 | be determined for kindergarten through the 12th grade and for
 470 | career centers by averaging the unweighted full-time equivalent
 471 | student membership for the second and third surveys and comparing
 472 | the results on a school-by-school basis with the Florida
 473 | Inventory for School Houses. The capital outlay full-time
 474 | equivalent membership by grade level organization shall be used
 475 | in making the following calculations: The capital outlay full-
 476 | time equivalent membership by grade level organization for the
 477 | 4th prior year must be used to compute the base-year allocation.
 478 | The capital outlay full-time equivalent membership by grade-level
 479 | organization for the prior year must be used to compute the
 480 | growth over the highest of the 3 years preceding the prior year.
 481 | From the total amount appropriated by the Legislature pursuant to
 482 | this subsection, 40 percent shall be allocated among the base
 483 | capital outlay full-time equivalent membership and 60 percent
 484 | among the growth capital outlay full-time equivalent membership.
 485 | The allocation within each of these groups shall be prorated to
 486 | the districts based upon each district's percentage of base and
 487 | growth capital outlay full-time membership. The most recent 4-
 488 | year capital outlay full-time equivalent membership data shall be
 489 | used in each subsequent year's calculation for the allocation of
 490 | funds pursuant to this subsection. If a change, correction, or
 491 | recomputation of data during any year results in a reduction or
 492 | increase of the calculated amount previously allocated to a
 493 | district, the allocation to that district shall be adjusted

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494 | correspondingly. If such recomputation results in an increase or
 495 | decrease of the calculated amount, such additional or reduced
 496 | amounts shall be added to or reduced from the district's future
 497 | appropriations. However, no change, correction, or recomputation
 498 | of data shall be made subsequent to 2 years following the initial
 499 | annual allocation.

500 | (b) Funds accruing to a district school board from the
 501 | provisions of this section shall be expended on needed projects
 502 | as shown by survey or surveys under the rules of the State Board
 503 | of Education.

504 | (c) A district school board may lease relocatable educational
 505 | facilities for up to 3 years using nonbonded PECO funds and for
 506 | any time period using local capital outlay millage.

507 | (d) Funds distributed to the district school boards shall be
 508 | allocated solely based on the provisions of paragraphs (1)(a) and
 509 | (2)(a) and paragraph (a) of this subsection. No individual school
 510 | district projects shall be funded off the top of funds allocated
 511 | to district school boards.

512 |
 513 | Section 7. This act shall take effect July 1, 2007.

514 |

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. PCB SLC 07-15

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 bill: Schools & Learning Council
2 Representative(s) Pickens offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 1002.415, Florida Statutes, is amended
7 to read:

8 1002.415 K-8 Virtual School Program.--

9 (1) PROGRAM; MISSION.--

10 (a) Subject to annual legislative appropriation, a
11 kindergarten through grade 8 virtual school program is
12 established within the Department of Education for the purpose
13 of making academic instruction available to full-time students
14 in kindergarten through grade 8 using on-line and distance
15 learning technology. The department shall use an application
16 process to select schools to deliver program instruction.

17 (b) The mission of the K-8 Virtual School Program is to
18 provide students with technology-based educational opportunities
19 to gain the knowledge and skills necessary to succeed. The
20 school shall serve any student in the state who meets the
21 profile for success in this educational delivery context and
22 shall give priority to:

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23 1. Students who need access to K-8 courses in order to
24 meet their educational needs and goals in a home environment.

25 2. Students seeking accelerated access to move at their
26 own pace in their educational progress.

27 (2)(1) SCHOOL ELIGIBILITY.--

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

30 1. Be nonsectarian in its programs, admission policies,
31 employment practices, and operations;

32 2. Comply with the antidiscrimination provisions of s.
33 1000.05;

34 3. Participate in the state's school accountability system
35 created in s. 1008.31;

36 4. Locate its administrative office in this state and
37 require its administrative and instructional staff members to be
38 state residents; and

39 5. Require no tuition or student registration fee.

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

42 (3)(2) APPLICATION.--

43 (a) The Department of Education shall provide an
44 application form to be completed by each school seeking to
45 participate in the K-8 Virtual School Program. Initial
46 application forms must be made available in sufficient time to
47 enable schools to apply and be approved to participate in the K-
48 8 Virtual School Program by the beginning of the 2007-2008
49 school year. In addition to information that may be required by
50 the department, applicants must provide verification that:

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

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53 2. All members of the school's instructional staff are
54 certified professional educators under the provisions of chapter
55 1012; and

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

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

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

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

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

72 ~~(4)(3)~~ PARTICIPATING SCHOOLS.--

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

80 (b) A school approved to participate in the program is
81 deemed to be an independent virtual school providing, on behalf
82 of the state, a program of instruction that is full time, of 180

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83 days' duration, and an on-line program of instruction to
84 students in kindergarten through grade 8.

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

87 1. All necessary instructional materials;

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

91 3. Access to or reimbursement for all Internet services
92 necessary for on-line delivery of instruction for each household
93 that has a student enrolled in the virtual school.

94 (d) Except as provided in paragraph (7)(b), a K-8 virtual
95 school shall enroll an eligible student who meets the profile
96 for success in this educational delivery context and who submits
97 a timely application, prioritized in accordance with paragraph
98 (1)(b), unless the number of such applications exceeds the
99 capacity of a program. In such case, students who have submitted
100 such applications shall have an equal chance of being admitted
101 through a random selection process.

102 ~~(4) PILOT SCHOOLS.--~~

103 ~~(a) The two pilot K-8 virtual schools provided for in the~~
104 ~~2005 General Appropriations Act may continue operation for the~~
105 ~~entire 2006-2007 school year.~~

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

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

113 (5) STUDENT ELIGIBILITY.--

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114 (a) Enrollment in a ~~each~~ participating K-8 virtual school
115 is open to any K-8 student in this state who meets the profile
116 for success in this educational delivery context in accordance
117 with paragraph (1)(b) if the student meets at least one of the
118 following conditions:

119 1. Spent the prior school year in attendance at a public
120 school in this state and was enrolled and reported by a public
121 school district for funding during the preceding October and
122 February for purposes of the Florida Education Finance Program
123 surveys;

124 2. Was enrolled during the prior school year in a K-8
125 virtual school funded pursuant to this section ~~or from funds~~
126 ~~provided in the 2005 General Appropriations Act;~~

127 3. Is eligible to enroll in kindergarten or the first
128 grade; or

129 4. Has a sibling who is currently enrolled in a
130 participating K-8 virtual school and was enrolled at the end of
131 the prior school year.

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

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

140 (6) FUNDING.--

141 (a) A "full-time equivalent student" for the K-8 Virtual
142 School Program shall be as defined in s. 1011.61(1)(c). ~~State~~
143 ~~funding for each school participating in the K-8 Virtual School~~
144 ~~Program shall be based on a total program enrollment and amount~~

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145 ~~per full-time equivalent student established annually in the~~
146 ~~General Appropriations Act.~~

147 (b) Full-time equivalent students for the K-8 Virtual
148 School Program shall be reported only by the K-8 virtual school
149 to the Department of Education in the manner prescribed by the
150 department and shall be funded through the Florida Education
151 Finance Program. School districts shall report full-time
152 equivalent student membership only for courses for which the
153 district provides the instruction. ~~Upon proper documentation of~~
154 ~~student enrollment, which must be reviewed and approved by the~~
155 ~~department, payments shall be made to participating schools in~~
156 ~~four equal payments no later than September 1, November 1,~~
157 ~~February 1, and April 15 of each academic year. The initial~~
158 ~~payment shall be made after the department verifies each~~
159 ~~student's admission to the school, and subsequent payments shall~~
160 ~~be made upon verification of the continued enrollment and~~
161 ~~attendance of the student.~~

162 (c) The district cost differential as provided in s.
163 1011.62(2) shall be established as 1.000.

164 (d) A K-8 virtual school that participates in the K-8
165 Virtual School Program shall receive state funds as may be
166 provided in the General Appropriations Act.

167 (e) In addition to the funds provided in the General
168 Appropriations Act, a K-8 virtual school may receive other funds
169 from grants and donations.

170 (7) ASSESSMENT AND ACCOUNTABILITY.--

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

174 (b) A K-8 virtual school that has a performance grade
175 category of "D" or "F" must file a school improvement plan with

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176 the department for consultation to determine the causes for low
177 performance and to develop a plan for correction and
178 improvement. Such a school may not increase its enrollment until
179 it achieves a performance grade category of "C" or better.

180 (c) The department shall terminate the contract of any
181 participating K-8 virtual school that receives a performance
182 grade category of "D" or "F" for 2 years during any consecutive
183 4-year period.

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

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

188 1. Failure to participate in the state's education
189 accountability system created in s. 1008.31, as required in this
190 section;

191 2. Failure to receive a school performance grade of "C" or
192 better under the school grading system created by s. 1008.34 for
193 any 2 years in a consecutive 4-year period;

194 3. Failure to meet generally accepted standards of fiscal
195 management;

196 4. Violation of law;

197 5. Failure of the Legislature to fund the program; or

198 6. Other good cause shown.

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

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

204 (d) If a contract is not renewed or is terminated, a
205 student who attended the school must be allowed to be enrolled

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206 in a public school in the county in which the student is a
207 resident.

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

210 Section 2. Paragraphs (c) and (d) are added to subsection
211 (5) of section 1003.03, Florida Statutes, to read:

212 1003.03 Maximum class size.--

213 (5) TEAM-TEACHING STRATEGIES.--

214 (c) Team teaching or co-teaching means that two or more
215 teachers are assigned to a group of students and each teacher is
216 responsible for all of the students during the entire class
217 period. In order to be considered team teaching or co-teaching,
218 each teacher is responsible for planning, delivering, and
219 evaluating instruction for all students in a class or subject
220 for the entire class period.

221 (d) Inclusion teaching strategy means that two or more
222 teachers are assigned to a group of students, but one of the
223 teachers is only responsible for one student or a small group of
224 students in the classroom.

225

226 The use of strategies implemented as outlined in this subsection
227 meets the letter and intent of the Florida Constitution and the
228 Florida Statutes which relate to implementing class-size
229 reduction, and this subsection applies retroactively. A school
230 district may not be penalized financially or otherwise as a
231 result of the use of any legal strategy, including, but not
232 limited to, those set forth in subsection (3) and this
233 subsection.

234 Section 3. Paragraph (c) of subsection (1) of section
235 1011.61, Florida Statutes, is amended to read:

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236 1011.61 Definitions.--Notwithstanding the provisions of s.
237 1000.21, the following terms are defined as follows for the
238 purposes of the Florida Education Finance Program:

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

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

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

245 b. A combination of full-time or part-time students in any
246 one of the programs listed in s. 1011.62(1)(c) which is the
247 equivalent of one full-time student based on the following
248 calculations:

249 (I) A full-time student, except a postsecondary or adult
250 student or a senior high school student enrolled in adult
251 education when such courses are required for high school
252 graduation, in a combination of programs listed in s.
253 1011.62(1)(c) shall be a fraction of a full-time equivalent
254 membership in each special program equal to the number of net
255 hours per school year for which he or she is a member, divided
256 by the appropriate number of hours set forth in subparagraph
257 (a)1. or subparagraph (a)2. The difference between that fraction
258 or sum of fractions and the maximum value as set forth in
259 subsection (4) for each full-time student is presumed to be the
260 balance of the student's time not spent in such special
261 education programs and shall be recorded as time in the
262 appropriate basic program.

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

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265 (III) A K-8 Virtual School Program full-time equivalent
266 student shall be reported in the programs listed in
267 s.1011.62(1)(c)1.a. and b.

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

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

280

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

286 Section 4. Subsection (6) of section 1011.62, Florida
287 Statutes, is amended to read:

288 1011.62 Funds for operation of schools.--If the annual
289 allocation from the Florida Education Finance Program to each
290 district for operation of schools is not determined in the
291 annual appropriations act or the substantive bill implementing
292 the annual appropriations act, it shall be determined as
293 follows:

294 (6) CATEGORICAL FUNDS.--

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

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

- 307 1. Funds for student transportation.
308 ~~2. Funds for in-service educational personnel training.~~
309 ~~2.3.~~ Funds for safe schools.
310 ~~4. Funds for public school technology.~~
311 ~~3.5.~~ Funds for supplemental academic instruction.

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

320 Section 5. Subsection (5) of Section 1011.71, Florida
321 Statutes, is amended to read:

322 1011.71 District school tax.--

323 (5)(a) It is the intent of the Legislature that, by July
324 1, 2003, revenue generated by the millage levy authorized by
325 subsection (2) should be used only for the costs of

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326 construction, renovation, remodeling, maintenance, and repair of
327 the educational plant; for the purchase, lease, or lease-
328 purchase of equipment, educational plants, and construction
329 materials directly related to the delivery of student
330 instruction; for the rental or lease of existing buildings, or
331 space within existing buildings, originally constructed or used
332 for purposes other than education, for conversion to use as
333 educational facilities; for the opening day collection for the
334 library media center of a new school; for the purchase, lease-
335 purchase, or lease of school buses or the payment to a private
336 entity to offset the cost of school buses pursuant to paragraph
337 (2)(i); and for servicing of payments related to certificates of
338 participation issued for any purpose prior to the effective date
339 of this act. Costs associated with the lease-purchase of
340 equipment, educational plants, and school buses may include the
341 issuance of certificates of participation on or after the
342 effective date of this act and the servicing of payments related
343 to certificates so issued. For purposes of this section,
344 "maintenance and repair" is defined in s. 1013.01.

345 ~~(b) For purposes not delineated in paragraph (a) for which~~
346 ~~proceeds received from millage levied under subsection (2) may~~
347 ~~be legally expended, a district school board may spend no more~~
348 ~~than the following percentages of the amount the district spent~~
349 ~~for these purposes in fiscal year 1995-1996:~~

- 350 1. ~~In fiscal year 2000-2001, 40 percent.~~
- 351 2. ~~In fiscal year 2001-2002, 25 percent.~~
- 352 3. ~~In fiscal year 2002-2003, 10 percent.~~

353 ~~(b)(e)~~ Beginning July 1, 2003, revenue generated by the
354 millage levy authorized by subsection (2) must be used only for
355 the purposes delineated in paragraph (a).

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356 (c)~~(d)~~ Notwithstanding any other provision of this
357 subsection, if through its adopted educational facilities plan a
358 district has clearly identified the need for an ancillary plant,
359 has provided opportunity for public input as to the relative
360 value of the ancillary plant versus an educational plant, and
361 has obtained public approval, the district may use revenue
362 generated by the millage levy authorized by subsection (2) for
363 the acquisition, construction, renovation, remodeling,
364 maintenance, or repair of an ancillary plant.

365

366 A district that violates these expenditure restrictions shall
367 have an equal dollar reduction in funds appropriated to the
368 district under s. 1011.62 in the fiscal year following the audit
369 citation. The expenditure restrictions do not apply to any
370 school district that certifies to the Commissioner of Education
371 that all of the district's instructional space needs for the
372 next 5 years can be met from capital outlay sources that the
373 district reasonably expects to receive during the next 5 years
374 or from alternative scheduling or construction, leasing,
375 rezoning, or technological methodologies that exhibit sound
376 management.

377 Section 6. Paragraph (a) of subsection (1) and paragraph
378 (a) of subsection (3) of section 1013.64, Florida Statutes, are
379 amended to read:

380 1013.64 Funds for comprehensive educational plant needs;
381 construction cost maximums for school district capital
382 projects.--Allocations from the Public Education Capital Outlay
383 and Debt Service Trust Fund to the various boards for capital
384 outlay projects shall be determined as follows:

385 (1)(a) Funds for remodeling, renovation, maintenance,
386 repairs, and site improvement for existing satisfactory

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387 facilities shall be given priority consideration by the
388 Legislature for appropriations allocated to the boards from the
389 total amount of the Public Education Capital Outlay and Debt
390 Service Trust Fund appropriated. These funds shall be calculated
391 pursuant to the following basic formula: the building value
392 times the building age over the sum of the years' digits
393 assuming a 50-year building life. For modular noncombustible
394 facilities, a 35- year life shall be used and, for relocatable
395 facilities, a 20-year life shall be used. "Building value" is
396 calculated by multiplying each building's total assignable
397 square feet times the appropriate net-to-gross conversion rate
398 found in state board rules and that product times the current
399 average new construction cost. "Building age" is calculated by
400 multiplying the prior year's building age times 1 minus the
401 prior year's sum received from this subsection divided by the
402 prior year's building value. To the net result shall be added
403 the number 1. Each board shall receive the percentage generated
404 by the preceding formula of the total amount appropriated for
405 the purposes of this section.

406 (3)(a) Each district school board shall receive an amount
407 from the Public Education Capital Outlay and Debt Service Trust
408 Fund to be calculated by computing the capital outlay full-time
409 equivalent membership as determined by the department. Such
410 membership must include, but is not limited to:

411 1. K-12 students for whom the school district is required
412 to provide the educational facility, except hospital and
413 homebound part-time students; and

414 2. Students who are career education students, and adult
415 disabled students and who are enrolled in school district career
416 centers. The capital outlay full-time equivalent membership
417 shall be determined for kindergarten through the 12th grade and

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418 for career centers by averaging the unweighted full-time
419 equivalent student membership for the second and third surveys
420 and comparing the results on a school-by-school basis with the
421 Florida Inventory for School Houses. The capital outlay full-
422 time equivalent membership by grade level organization shall be
423 used in making the following calculations: The capital outlay
424 full-time equivalent membership by grade level organization for
425 the 4th prior year must be used to compute the base-year
426 allocation. The capital outlay full-time equivalent membership
427 by grade-level organization for the prior year must be used to
428 compute the growth over the highest of the 3 years preceding the
429 prior year. From the total amount appropriated by the
430 Legislature pursuant to this subsection, 40 percent shall be
431 allocated among the base capital outlay full-time equivalent
432 membership and 60 percent among the growth capital outlay full-
433 time equivalent membership. The allocation within each of these
434 groups shall be prorated to the districts based upon each
435 district's percentage of base and growth capital outlay full-
436 time membership. The most recent 4-year capital outlay full-time
437 equivalent membership data shall be used in each subsequent
438 year's calculation for the allocation of funds pursuant to this
439 subsection. If a change, correction, or recomputation of data
440 during any year results in a reduction or increase of the
441 calculated amount previously allocated to a district, the
442 allocation to that district shall be adjusted correspondingly.
443 If such recomputation results in an increase or decrease of the
444 calculated amount, such additional or reduced amounts shall be
445 added to or reduced from the district's future appropriations.
446 However, no change, correction, or recomputation of data shall
447 be made subsequent to 2 years following the initial annual
448 allocation.

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449 Section 7. This act shall take effect July 1, 2007.

450
451 ===== T I T L E A M E N D M E N T =====

452 Remove the entire title and insert:

453 A bill to be entitled

454 An act relating to education funding; amending s.
455 1002.415, F.S.; providing a mission for the K-8 Virtual
456 School Program; revising eligibility requirements for
457 school participation and student enrollment; providing for
458 enrollment in a K-8 virtual school of eligible students
459 who submit timely applications unless the number of
460 applications exceeds the capacity of a program; removing
461 provisions relating to pilot K-8 virtual schools; revising
462 funding for the K-8 Virtual School Program to include a
463 definition of full-time equivalent student; providing
464 reporting requirements; establishing the district cost
465 differential; providing for funding from the General
466 Appropriations Act and authorizing schools to receive
467 other funds; prohibiting a school from increasing
468 enrollment until it achieves a specified performance grade
469 category; amending s. 1003.03, F.S., relating to maximum
470 class size; defining team teaching, co-teaching, and
471 inclusion teaching strategy; amending s. 1011.61, F.S.;
472 revising the definition of full-time equivalent student to
473 include K-8 virtual school students; authorizing certain
474 membership of such students; amending s. 1011.62, F.S.;
475 deleting obsolete provisions relating to categorical
476 funding; amending s. 1011.71, F.S.; deleting obsolete
477 language relating to expenditure of capital outlay
478 millage; amending s. 1013.64, F.S.; specifying the useful
479 life of certain educational facilities; clarifying the

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480 definition of capital outlay full-time equivalent
481 membership for use in determining school district capital
482 outlay funds; providing an effective date.