

PreK-12 Appropriations Subcommittee Meeting Packet

**March 22, 2011
9:00 a.m. – 11:30 a.m.
Morris Hall**



The Florida House of Representatives
APPROPRIATION COMMITTEE

PreK-12 Appropriations Subcommittee

Dean Cannon
Speaker

Marti Coley
Chair

MEETING AGENDA

Morris Hall
March 22, 2011

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** OPPAGA Presentation Mentoring Report
- IV.** Budget Workshop
- V.** Consideration of the following PCB(s):

PCB PKAS 11-03 – Pre-Kindergarten through Grade 12 Education
- VI.** Meeting Adjourned

A photograph of the Florida State Capitol building, showing its iconic dome and classical architecture, set against a blue sky with white clouds.

State-Funded Mentoring Program Performance Mixed; Take Stock and Best Buddies Do Well - OPPAGA Report 11-XX

Tim Elwell
Staff Director, Education
OPPAGA

Scope

- 2010 General Appropriations Act:
 - Directed OPPAGA to examine the effectiveness of all mentoring programs currently funded by the state. Specific outcomes that we were required to look at:
 - Attendance rates
 - Reading and Math FCAT scores
 - Grade Promotion
 - Conduct and Behavior

The State Provides Funding to Six Mentoring Programs for K-12 Students

Program	Description	Fiscal Year 2010-11 Funding
Take Stock in Children	Provides adult mentors and encourages students to finish high school and attend college	\$4,000,000
Bigs in School (Big Brothers Big Sisters)	Provides adult mentors to primarily elementary school students	\$2,270,880
Boys and Girls Clubs	Provides tutoring and group mentoring services to elementary and middle school students after school at club locations	\$1,809,941
YMCA Reads!	Provides volunteer mentors to help primarily early elementary students improve early reading skills	\$899,967
Best Buddies	Provides peer-to-peer mentors to primarily high school students with special needs	\$689,973
Teen Trendsetters	Provides volunteer teen mentors to help primarily early elementary students improve early reading skills	\$316,533
Total Appropriation		\$9,987,294

State-Supported Mentoring Programs Vary in Three Areas

Program	Program Structure			Budget	Program Focus			
	Type of Mentoring	Type of Mentor	Ratio	Location	Portion Funded by State ¹	Program Goals	Grades Served	Low Income
Best Buddies	Social	Peer-to-peer	1-to-1	On campus	55%	Social Inclusion for intellectually challenged students	Primarily high school	66%
Bigs in Schools (Big Brothers Big Sisters)	Academic/Life skills	Adult-to-student	1-to-1	On campus	26%	Works within low performing schools to provide academic assistance for at-risk students	Primarily elementary	88%
Boys and Girls Clubs	Life skills/Academic	Adult-to-student	18-to-1	Primarily off-campus	4%	Serves at-risk and low performing students after school	Elementary and middle school	87%
Take Stock In Children	Life skills	Adult-to-student	1-to-1	On campus	47%	Provides mentors and college scholarships for low-income children	Majority in high school	99%
Teen Trendsetters	Academic	Teen-to-elementary student	1-to-1	On campus	38%	Increases the number of mentors available for academically at-risk youth	Early Elementary	71%
YMCA Reads!	Academic	Adult-to-student	2.6-to-1	On campus	81%	Provides mentoring and tutoring assistance in reading to at-risk students in low-performing schools	Early Elementary	90%

Performance Categories

Performance Category	
Behavioral Outcomes	Chronic Absences (21 or more days)
	Discipline Incidents
Academic Outcomes	Reading at Grade Level (FCAT)
	Performing Math at Grade Level (FCAT)
	Grade Promotion
	High School Completion
	Higher Education Participation

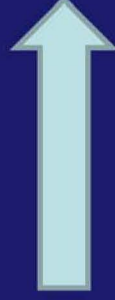
Methodology

Example: Percent Chronically Absent (Absent 21 or more days)

Bigs in
Schools (9%)



Comparison
Group (9%)



Bigs in
Schools (7%)



Comparison
Group (7%)



Baseline Year

Outcome Year (2009-10)

Take Stock in Children Participants Outperformed Peers in All Seven Performance Areas Examined

Performance Category	Percentage		Statistically Significant (95%)	
	Take Stock in Children	Comparison Group		
Behavioral Outcomes	Chronic Absences (21 or more days)	11%	13%	Yes
	Discipline Incidents	15%	23%	Yes
	Reading at Grade Level (FCAT)	56%	49%	Yes
Academic Outcomes	Performing Math at Grade Level (FCAT)	86%	76%	Yes
	Grade Promotion	97%	91%	Yes
	High School Completion	94%	71%	Yes
	Higher Education Participation	69%	45%	Yes

Outcomes for Best Buddies Participants Exceeded Those of Peers in Three Areas

Performance Category	Percentage		Statistically Significant (95%)
	Best Buddies	Comparison Group	
Behavioral Outcomes	17%	14%	No
	12%	16%	Yes
Academic Outcomes	36%	27%	Yes
	52%	51%	No
	85%	84%	No
	66%	56%	Yes

Compared to Their Peers, Boys and Girls Club Participants Had Fewer Chronic Absences and Higher Math Scores

Performance Category	Percentage		Statistically Significant (95%)	
	Boys and Girls Club	Comparison Group		
Behavioral Outcomes	Chronic Absences (21 or more days)			
	Elementary School	3%	5%	Yes
	Middle School	6%	9%	Yes
	Discipline Incidents			
	Elementary School	12%	10%	Yes
	Middle School	38%	38%	No
Academic Outcomes	Reading at Grade Level (FCAT)			
	Elementary School	65%	60%	Yes
	Middle School	55%	57%	Yes
	Performing Math at Grade Level (FCAT)			
	Elementary School	62%	56%	Yes
	Middle School	52%	45%	Yes
Grade Promotion				
Elementary School	92%	92%	No	
Middle School	96%	93%	Yes	

Teen Trendsetters Participants Outperformed Peers in One Area but Grade Promotion Rates Were Lower

Performance Category	Percentage		Statistically Significant (95%)	
	Teen Trendsetters	Comparison Group		
Behavioral Outcomes	Chronic Absences (21 or more days)	4%	5%	Yes
	Discipline Incidents	6%	7%	No
Academic Outcomes	Reading at Grade Level (FCAT)	64%	Third Grade FCAT No Baseline Comparison	
	Performing Math at Grade Level (FCAT)	73%	Third Grade FCAT No Baseline Comparison	
	Grade Promotion	87%	91%	Yes

YMCA Reads! Participants Had Better Outcomes Than Peers in Two Areas but Had Lower Grade Promotion Rates

Performance Category	Percentage		Statistically Significant (95%)	
	YMCA Reads!	Comparison Group		
Behavioral Outcomes	Chronic Absences (21 or more days)	5%	7%	Yes
	Discipline Incidents	4%	6%	Yes
Academic Outcomes	Reading at Grade Level (FCAT)	52%	Third Grade FCAT No Baseline Comparison	
	Performing Math at Grade Level (FCAT)	63%	Third Grade FCAT No Baseline Comparison	
	Grade Promotion	81%	91%	Yes

Outcomes for Bigs in Schools Participants Did Not Surpass Those of Peers

Performance Category	Percentage		Statistically Significant (95%)
	Bigs in School	Comparison Group	
Behavioral Outcomes	7%	7%	No
	12%	10%	Yes
Academic Outcomes	51%	53%	No
	45%	47%	Yes
	85%	93%	Yes

PreK -12 Appropriations 2011-12

FY 2011-12 Chair's Recommended Budget							
Policy Area/Budget Entity	FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1							
2		384,606,382	-	-	-	384,606,382	-
3							
4							
5		7,683,038,846	234,800,000	936,700,000	-	8,854,538,846	831,331,639
6							
7		60,810,760	-	-	141,363,945	202,174,705	468,361
8							
9		14,902,210	-	-	2,689,986,109	2,704,888,319	-
10							
11		6,506,648	-	-	-	6,506,648	-
12							
13		54,635,154	-	-	154,491,210	209,126,364	-
14							
15							
16							
17		1,110.0	8,204,500,000	234,800,000	936,700,000	2,985,841,264	12,361,841,264
							831,800,000

Early Learning - PreKindergarten Education

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
1	TRANSFER VOLUNTARY PREK TO AWI	331,610,249			72,762,557	404,372,806	-	
2	Startup Budget Adjustments - Deduct Nonrecurring				(72,762,557)	(72,762,557)	-	
3	Align Appropriations with Revenue Estimates					-	-	
3a	Restore Nonrecurring Funding	43,727,021				43,727,021	-	
3b	Administrative Reduction	(1,849,074)				(1,849,074)	-	Savings associated with admin reduction from 4.5% to 4%.
3c	Workload for Enrollment Growth	11,118,186				11,118,186	-	Increased student enrollment.
4						-	-	
5	TOTAL, TRANSFER VOLUNTARY PREK TO AWI	384,606,382	-	-	-	384,606,382	-	4.9% reduction in total funding from prior year. Generates a -7% per student change in funding from current year.
6								
7	G/A-EARLY LEARNING STDS/ACCOUNTABILITY	384,000				384,000	-	
8	Align Appropriations with Revenue Estimates	(384,000)				(384,000)	-	100% to maximize FEFP funds.
9						-	-	
10	TOTAL, G/A-EARLY LEARNING STDS/ACCOUNTABILITY	-	-	-	-	-	-	
11								
12	TOTAL, PREKINDERGARTEN EDUCATION	384,606,382	-	-	-	384,606,382	-	5% reduction from prior year.

Division of Public Schools - FEFP

FY 2011-12 Chair's Recommended Budget							
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
1 G/A-FEFP	5,837,094,898	9,036,490	24,438,902	872,664,689	6,743,234,979	-	
2 Startup Budget Adjustments - Deduct Nonrecurring	(215,475,823)			(872,664,689)	(1,088,140,512)	-	
3 Align Appropriations with Revenue Estimates					-	-	
4 Restore Nonrecurring	477,763,370				477,763,370	34,931,639	
4a FRS Adjustment	(521,200,000)				(521,200,000)	-	Current placeholder for FRS policy. Decisions will be made in the Appropriations Committee.
4b Transfer from School Recognition		39,952,697			39,952,697	-	
4c Eliminate Merit Award Program (MAP)	(20,000,000)				(20,000,000)	-	
4d Adjustment to Offset Tax Roll Changes	271,828,860				271,828,860	-	
5 Balance to Principal State School Trust Fund Revenues	(818,173,124)	(7,926,876)	826,100,000		-	796,400,000	
6					-	-	
7 TOTAL, G/A-FEFP	5,011,838,181	41,062,311	850,538,902	-	5,903,439,394	831,331,639	
8							
9 G/A-CLASS SIZE REDUCTION	2,737,984,020	103,776,356	86,161,098		2,927,921,474	-	
10 Startup Budget Adjustments - Deduct Nonrecurring	(25,000,000)				(25,000,000)	-	
11 Align Appropriations with Revenue Estimates	(41,783,355)				(41,783,355)	-	
12					-	-	
13					-	-	
14					-	-	
15 TOTAL, G/A-CLASS SIZE REDUCTION	2,671,200,665	103,776,356	86,161,098	-	2,861,138,119	-	
16							
17 G/A-DIST LOTTERY/SCHOOL RECOGNITION		129,914,030			129,914,030	-	
18 Align Appropriations with Revenue Estimates					-	-	
19 Reduce Awards from \$75 to \$50 per student and transfer to FEFP		(39,952,697)			(39,952,697)	-	
20					-	-	
21					-	-	
22 TOTAL, G/A-DIST LOTTERY/SCHL RECOGNITION	-	89,961,333	-	-	89,961,333	-	
23							
24 TOTAL FEFP	7,683,038,846	234,800,000	936,700,000	-	8,854,538,846	831,331,639	Generates a -6.96% per student change in funding from current year. Factors include: - Increased enrollment - Reduced tax roll - Loss of stimulus - Not including .25 supermajority millage in the formula - Includes FRS reduction

Division of Public Schools - State Grants/Non - FEFP

FY 2011-12 Chair's Recommended Budget

Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
1 G/A-INSTRUCTIONAL MATERIALS	1,255,285			488,564	1,743,849	-	
2 Recurring Funds:					-	-	
3 Partially Sighted Materials	131,493				131,493	-	
4 Sunlink Library Database	100,000				100,000	-	
5 Instructional Materials Management	73,792				73,792	-	
6 Learning thru Listening	779,817				779,817	-	
7 Nonrecurring Funds:					-	-	
8 PAEC Distance Learning				480,000	480,000	-	
9 Partially Sighted Materials				8,564	8,564	-	
10 Learning thru Listening	170,183				170,183	-	
11 Startup Budget Adjustments - Deduct Nonrecurring	(170,183)			(488,564)	(658,747)	-	
12 Align Appropriations with Revenue Estimates					-	-	
12a Partially Sighted Materials	(131,493)				(131,493)	-	Add proviso to the Exceptional Education item #166 for program continuation.
12b Sunlink Library Database	(100,000)				(100,000)	-	Merged with CCLA in higher education budget.
12c Instructional Materials Management	(73,792)				(73,792)	-	Propose no substitute teacher funds with change of instructional materials adoption process.
12d Learning thru Listening	(114,817)				(114,817)	-	30% reduction to PY to maximize FEFP funds.
12e Restore Nonrecurring Funds - PAEC Distance Learning	336,000				336,000	-	30% reduction to PY to maximize FEFP funds.
13					-	-	
14 TOTAL, G/A-INSTRUCTIONAL MATERIALS	1,001,000	-	-	-	1,001,000	-	
15							
16 G/A-EXCELLENT TEACHING	21,244,177				21,244,177	-	
17 Startup Budget Adjustments - Deduct Nonrecurring	(21,244,177)				(21,244,177)	-	
18 Align Appropriations with Revenue Estimates					-	-	
19					-	-	
20 TOTAL, G/A-EXCELLENT TEACHING	-	-	-	-	-	-	Nonrecurring funding in FY 2010-11
21							
22 G/A-READING INITIATIVES	-			7,300,000	7,300,000	-	
23 Startup Budget Adjustments - Deduct Nonrecurring				(2,300,000)	(2,300,000)	-	
24 Align Appropriations with Revenue Estimates				(5,000,000)	(5,000,000)	-	Reduce Federal Budget Authority as program has ended.
25					-	-	
26 TOTAL, G/A-READING INITIATIVES	-	-	-	-	-	-	
27							
28 G/A-ASSIST LOW PERFORMING SCHOOLS	3,211,801			723,379	3,935,180	-	
29 Startup Budget Adjustments - Deduct Nonrecurring				(723,379)	(723,379)	-	
30 Align Appropriations with Revenue Estimates	(1,605,901)				(1,605,901)	-	50% reduction to base to maximize FEFP funds - DOE contracts with non-profit organizations to prepare students and train teachers for success in AP and other advanced college preparatory courses.
31					-	-	
32 TOTAL, G/A- ASSIST LOW PERFORMING SCHOOLS	1,605,900	-	-	-	1,605,900	-	

Division of Public Schools - State Grants/Non - FEFP

FY 2011-12 Chair's Recommended Budget

Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
33							
34	G/A-MENTORING/STUDENT ASSISTANCE	14,045,761		1,183,735	15,229,496	-	
35	Recurring Funds:				-	-	
36	Best Buddies	689,973			689,973	-	
37	Take Stock in Children	3,000,000			3,000,000	-	
38	Big Brothers Big Sisters	1,709,935			1,709,935	-	
39	Florida Alliance of Boys and Girls Clubs	1,559,941			1,559,941	-	
40	YMCA State Alliance	899,967			899,967	-	
41	Nonrecurring Funds:				-	-	
42	Take Stock in Children	1,000,000			1,000,000	-	
43	Big Brothers Big Sisters	560,945			560,945	-	
44	Florida Alliance of Boys and Girls Clubs	250,000			250,000	-	
45	Governor's Mentoring Initiatives			316,533	316,533	-	
46	Competitive Bid Projects	4,375,000		867,202	5,242,202	-	
47	Startup Budget Adjustments - Deduct Nonrecurring	(6,185,945)		(1,183,735)	(7,369,680)	-	
48	Align Appropriations with Revenue Estimates				-	-	
48a	Best Buddies	(206,992)			(206,992)	-	30% reduction to PY to maximize FEFP funds.
48b	Take Stock in Children				-	-	25% reduction to PY to maximize FEFP funds.
48c	Big Brothers Big Sisters	(574,495)			(574,495)	-	50% reduction to PY to maximize FEFP funds.
48d	Florida Alliance of Boys and Girls Clubs	(654,971)			(654,971)	-	50% reduction to PY to maximize FEFP funds.
48e	YMCA State Alliance	(449,984)			(449,984)	-	50% reduction to PY to maximize FEFP funds.
49					-	-	
50	TOTAL, G/A- MENTORING/STUDENT ASSISTANCE	5,973,374	-	-	5,973,374	-	
51							
52	G/A-COLLEGE REACH OUT PROGRAM	1,825,106		411,060	2,236,166	-	
53	Startup Budget Adjustments - Deduct Nonrecurring			(411,060)	(411,060)	-	
54	Align Appropriations with Revenue Estimates	(912,553)			(912,553)	-	50% reduction to base to maximize FEFP funds - program prepares low-income educationally disadvantaged students in grades 6 through 12 to pursue and complete a postsecondary education.
55					-	-	
56	TOTAL, G/A-COLLEGE REACH OUT PROGRAM	912,553	-	-	912,553	-	
57							
58	G/A-DIAG/LEARNING RESOURCE CENTERS	2,348,554		136,465	2,485,019	-	
59	Recurring Funds:				-	-	
60	University of Florida	466,719			466,719	-	
61	University of Miami	439,480			439,480	-	
62	Florida State University	438,138			438,138	-	
63	University of South Florida	458,092			458,092	-	
64	UF Health Science Center at Jacksonville	546,125			546,125	-	
65	Nonrecurring Funds:				-	-	
66	University of Florida			27,119	27,119	-	
67	University of Miami			25,537	25,537	-	

Division of Public Schools - State Grants/Non - FEFP

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
68	Florida State University				25,458	25,458	-	
69	University of South Florida				26,618	26,618	-	
70	UF Health Science Center at Jacksonville				31,733	31,733	-	
71	Startup Budget Adjustments - Deduct Nonrecurring				(136,465)	(136,465)	-	
72	Align Appropriations with Revenue Estimates							
72a	University of Florida	(96,341)			(96,341)		25% reduction to PY to maximize FEFP funds.	
72b	University of Miami	(90,717)			(90,717)			
72c	Florida State University	(90,441)			(90,441)			
72d	University of South Florida	(94,560)			(94,560)		Add proviso to the Exceptional Education item #166 for the Multidisciplinary Centers.	
72e	UF Health Science Center at Jacksonville	(112,732)			(112,732)			
73								
74	TOTAL, G/A-DIAG/LEARNING RESOURCE CENTERS	1,863,763	-	-	-	1,863,763	-	
75								
76	G/A-NEW WORLD SCHOOL OF THE ARTS	595,286			193,276	788,562	-	
77	Startup Budget Adjustments - Deduct Nonrecurring				(193,276)	(193,276)	-	
78	Align Appropriations with Revenue Estimates	(201,005)				(201,005)	-	
79							50% reduction to base to maximize FEFP funds - No other public school receives additional direct funding outside the FEFP.	
80	TOTAL, G/A-NEW WORLD SCHOOL OF THE ARTS	394,281	-	-	-	394,281	-	
81								
82	G/A-SCHOOL DISTRICT MATCHING GRANT	1,285,584			354,288	1,639,872	-	
83	Startup Budget Adjustments - Deduct Nonrecurring				(354,288)	(354,288)	-	
83a	Restore Nonrecurring Funds	354,288				354,288	-	
84	Align Appropriations with Revenue Estimates	(245,981)				(245,981)	-	
85							15% reduction to PY to maximize FEFP funds - challenge grants to public school district education foundations for programs that serve low-performing students.	
86	TOTAL, G/A-SCHOOL DISTRICT MATCHING GRANT	1,393,891	-	-	-	1,393,891	-	
87								
88	TEACHER DEATH BENEFITS	20,000				20,000	-	
89	Align Appropriations with Revenue Estimates						-	
90							-	
91	TOTAL, TEACHER DEATH BENEFITS	20,000	-	-	-	20,000	-	
92							Annual Policy Premium	
93	RISK MANAGEMENT INSURANCE	529,117			39,277	568,394	-	
94	Align Appropriations with Revenue Estimates						-	
95							Statewide policy decision not in subcommittee's jurisdiction.	
96	TOTAL, RISK MANAGEMENT INSURANCE	529,117	-	-	39,277	568,394	-	
97								
98	G/A- AUTISM PROGRAM	5,893,731			342,460	6,236,191	-	
99	Recurring Funds:						-	
100	USF Florida Mental Health Institute	1,033,689				1,033,689	-	
101	UF College of Medicine	716,817				716,817	-	
102	University of Central Florida	885,209				885,209	-	
103	UM Pediatrics including Nova	1,120,396				1,120,396	-	
104	Florida Atlantic University	560,602				560,602	-	

Division of Public Schools - State Grants/Non - FEFP

FY 2011-12 Chair's Recommended Budget

Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
105 UF at Jacksonville	746,999				746,999	-	
106 FSU	830,019				830,019	-	
107 Nonrecurring Funds:					-	-	
108 USF Florida Mental Health Institute				60,063	60,063	-	
109 UF College of Medicine				41,651	41,651	-	
110 University of Central Florida				51,436	51,436	-	
111 UM Pediatrics including Nova				65,102	65,102	-	
112 Florida Atlantic University				32,574	32,574	-	
113 UF at Jacksonville				43,405	43,405	-	
114 FSU				48,229	48,229	-	
115 Startup Budget Adjustments - Deduct Nonrecurring				(342,460)	(342,460)	-	
116 Align Appropriations with Revenue Estimates					-	-	
116a USF Florida Mental Health Institute	(213,375)				(213,375)	-	25% reduction to PY to maximize FEFP funds.
116b UF College of Medicine	(147,966)				(147,966)	-	
116c University of Central Florida	(182,725)				(182,725)	-	
116d UM Pediatrics including Nova	(231,273)				(231,273)	-	
116e Florida Atlantic University	(115,720)				(115,720)	-	
116f UF at Jacksonville	(154,196)				(154,196)	-	
116g FSU	(171,333)				(171,333)	-	
117					-	-	
118 TOTAL, G/A-AUTISM PROGRAM	4,677,143	-	-	-	4,677,143	-	
119							
120 G/A-REGIONAL ED CONSORTIUM SERVICES	1,445,390			166,075	1,611,465	-	
121 Startup Budget Adjustments - Deduct Nonrecurring				(166,075)	(166,075)	-	10% reduction to PY to align with FEFP funds - operating funds for school districts with 20,000 or fewer unweighted full-time equivalent students to enter into cooperative agreements to form a regional consortium service organization.
122 Align Appropriations with Revenue Estimates					-	-	
123					-	-	
124 TOTAL, G/A-REGIONAL ED CONSORTIUM SERVICES	1,445,390	-	-	-	1,445,390	-	
125							
126 TEACHER PROFESSIONAL DEVELOPMENT	236,691			134,616,337	134,853,028	-	
127 Recurring Funds:					-	-	
128 FL Association of District Superintendents Training	171,618				171,618	-	
129 Principal of the Year	35,239				35,239	-	
130 Teacher of the Year	22,431				22,431	-	
131 School Related Personnel of the Year	7,403				7,403	-	
132 Nonrecurring Funds:					-	-	
133 FL Association of District Superintendents Training				25,691	25,691	-	
134 Principal of the Year				5,275	5,275	-	
135 Teacher of the Year				3,357	3,357	-	
136 School Related Personnel of the Year				1,108	1,108	-	
137 Startup Budget Adjustments - Deduct Nonrecurring				(35,431)	(35,431)	-	
138 Align Appropriations with Revenue Estimates					-	-	

Division of Public Schools - State Grants/Non - FEFP

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
138a	FL Association of District Superintendents Training	(168,186)				(168,186)	-	In combination with federal funds, provides training for new and current superintendents and other district level leaders. 98% reduction to base to maximize FEFP funds.
138b	Principal of the Year	(34,534)				(34,534)	-	In combination with federal funds, bonus awards to recipients of the Principal and Assistant Principal Achievement Award. 98% reduction to base to maximize FEFP funds.
138c	Teacher of the Year	(21,982)				(21,982)	-	In combination with federal funds, bonus awards to district teachers of the year and winner of the Christa McAuliffe Ambassador for Education (Teacher of the Year). 98% reduction to base to maximize FEFP funds.
138d	School Related Personnel of the Year	(7,255)				(7,255)	-	In combination with federal funds, bonus awards to the School-Related Employee of the Year finalists and the state winner. 98% reduction to base to maximize FEFP funds.
139					-	-		
140	TOTAL, TEACHER PROFESSIONAL DEVELOPMENT	4,734	-	-	134,580,906	134,585,640	-	
141								
142	G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	1,052,437			1,935,655	2,988,092	-	
143	Recurring Funds:				-	-		
144	State Science Fair	39,463			39,463	-		
145	Academic Tourney	65,770			65,770	-		
146	Arts for a Complete Education	131,539			131,539	-		
147	Florida Holocaust Museum	131,539			131,539	-		
148	Project to Advance School Success (PASS)	678,645			678,645	-		
149	Nonrecurring Funds:				-	-		
150	State Science Fair			2,569	2,569	-		
151	Academic Tourney			4,282	4,282	-		
152	Arts for a Complete Education			8,564	8,564	-		
153	Florida Holocaust Museum	5,481		8,564	14,045	-		
154	Learning for Life			1,242,590	1,242,590	-		
155	Girl Scouts of Florida			382,335	382,335	-		
156	Black Male Explorers			286,751	286,751	-		
157	Startup Budget Adjustments - Deduct Nonrecurring	(5,481)			(1,935,655)	(1,941,136)	-	
158	Align Appropriations with Revenue Estimates					-	-	
158a	State Science Fair	(39,463)				(39,463)	-	Supplemental funds for regional and state science competitions. 100% reduction to base to maximize FEFP funds.
158b	Academic Tourney	(65,770)				(65,770)	-	Supplemental funds for "brain bowl." 100% reduction to base to maximize FEFP funds.

Division of Public Schools - State Grants/Non - FEFP

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
158c	Arts for a Complete Education	(131,539)				(131,539)	-	Supplemental funds for teacher professional development. 100% reduction to base to maximize FEFP funds.
158d	Florida Holocaust Museum	(131,539)				(131,539)	-	Add proviso to Federal Grants line #13 to identify funding for Holocaust Task Force and African American Task Force. 100% reduction to base to maximize FEFP funds.
158e	Project to Advance School Success (PASS)	(678,645)				(678,645)	-	Supplemental funds for school administrator mentoring and assistance. 100% reduction to base to maximize FEFP funds.
158f	Learning for Life	869,813				869,813	-	Restore 70% of PY nonrecurring funds.
158g	Girl Scouts of Florida	267,635				267,635	267,635	Restore 70% of PY nonrecurring funds.
158h	Black Male Explorers	200,726				200,726	200,726	Restore 70% of PY nonrecurring funds.
159					-	-		
160	TOTAL, G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	1,338,174	-	-	-	1,338,174	468,361	
161								
162	G/A-EXCEPTIONAL EDUCATION	1,495,717			2,576,329	4,072,046	-	
163	Startup Budget Adjustments - Deduct Nonrecurring				(242,975)	(242,975)	-	Add proviso for Partially Sighted Pupils and FDLRS Multidisciplinary Centers. 50%
164	Align Appropriations with Revenue Estimates	(747,859)				(747,859)	-	reduction to base GR to maximize FEFP funds.
165					-	-		
166	TOTAL, G/A-EXCEPTIONAL EDUCATION	747,858	-	-	2,333,354	3,081,212	-	
167								
168	FL SCHOOL FOR THE DEAF & THE BLIND	38,229,756			8,297,077	46,526,833	-	
169	Startup Budget Adjustments	120,363				136,553	-	
170	Startup Budget Adjustments - Deduct Nonrecurring				(3,905,354)	(3,905,354)	-	Net 6.96% reduction to PY to align with FEFP per student funding level.
171	Restore Nonrecurring	530,533				530,533	-	
172	TOTAL, FL SCHOOL FOR THE DEAF & THE BLIND	38,880,652	-	-	4,407,913	43,288,565	-	
173								
174	TR/DMS/HR SVCS/STW CONTRACT	26,173			2,861	29,034	-	
175	Startup Budget Adjustments	(3,243)				(3,609)	-	Statewide policy decision not in subcommittee's jurisdiction.
176								
177	TOTAL, TR/DMS/HR SVCS/STW CONTRACT	22,930	-	-	2,495	25,425	-	
178								
179	TOTAL, STATE GRANTS/NON-FEFP	60,810,760	-	-	141,363,945	202,174,705	468,361	21.40% reduction from prior year.

Division of Public Schools Federal Grants - K-12 Programs

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
1	G/A-PROJECTS, CONTRACTS, & GRANTS							
2				4,099,420	4,099,420	-		
3	TOTAL, G/A-PROJECTS, CONTRACTS, & GRANTS							
4	-	-	-	4,099,420	4,099,420	-		
5	G/A-FEDERAL GRANTS & AIDS							
6	Startup Budget Adjustments - Deduct Nonrecurring							
7				2,458,835,191	2,458,835,191	-		
8	ARRA - Title I Funds							
9				(496,810,650)	(496,810,650)	-		
10	ARRA - IDEA Funds							
11				(422,519,656)	(422,519,656)	-		
12	ARRA - Education Technology							
13				(24,475,720)	(24,475,720)	-		
14	ARRA - Education for Homeless Children							
15				(2,116,410)	(2,116,410)	-		
16	Align Appropriations with Revenue Estimates							
17					-	-		
18	TOTAL, G/A-FEDERAL GRANTS & AIDS							
19	-	-	-	1,512,912,755	1,512,912,755	-	Add proviso to identify funding for Holocaust Task Force and African American Task Force.	
20	DOMESTIC SECURITY							
21	Budget Authority							
22				5,409,971	5,409,971	-		
23	TOTAL, DOMESTIC SECURITY							
24	-	-	-	5,409,971	5,409,971	-		
25	G/A-STRAT EDUC INITIATIVES							
26	Budget Authority							
27				196,922,877	196,922,877	-	Race to the Top - Year 2	
28	TOTAL, G/A-STRAT EDUC INITIATIVES							
29	-	-	-	196,922,877	196,922,877	-		
30	G/A-PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS							
31	Budget Authority							
32				28,333,892	28,333,892	-	Partnership for Assessment of Readiness for College and Careers (PARCC) - Year 2	
33	TOTAL, G/A-PARTNERSHIP FOR ASSESSMENT OF REA							
34	-	-	-	28,333,892	28,333,892	-		
35	G/A-SCHOOL LUNCH PROGRAM							
36	Align Appropriations with Revenue Estimates							
37				804,333,624	804,333,624	-		
38	Additional budget authority							
39				137,973,570	137,973,570	-	Increase in the number of free and reduced food program recipients.	
40	TOTAL, G/A-SCHOOL LUNCH PROGRAM							
41	-	-	-	942,307,194	942,307,194	-		
42	G/A-SCHOOL LUNCH PROG/STATE MATCH							
43	Startup Budget Adjustments - Deduct Nonrecurring							
44				16,886,046	2,532,907	-		
45	Align Appropriations with Revenue Estimates							
46				(1,983,836)	(2,532,907)	-		
47					(1,983,836)	-	25% reduction to breakfast supplement program to maximize FEFP funds.	

Division of Public Schools Federal Grants - K-12 Programs

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
23						-	-	
24	TOTAL, G/A-SCHOOL LUNCH PROG/STATE MATCH	14,902,210	-	-	-	14,902,210	-	
25								
26	TOTAL, FEDERAL GRANTS K-12 PROGRAMS	14,902,210	-	-	2,689,986,109	2,704,888,319	-	17.70% decrease in budget authority from prior year.

Division of Public Schools - Educational Media & Technology Services

FY 2011-12 Chair's Recommended Budget							
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
1 CAPITOL TECHNICAL CENTER	178,968			24,996	203,964	-	
2 Startup Budget Adjustments - Deduct Nonrecurring				(24,996)	(24,996)	-	
3 Align Appropriations with Revenue Estimates	(67,896)				(67,896)	-	Room 901 Capitol houses the facilities for the Florida Channel. 46% reduction to base to maximize FEFP funds.
4					-	-	
5 TOTAL, CAPITOL TECHNICAL CENTER	111,072	-	-	-	111,072	-	
6							
7 G/A-INSTRUCTIONAL TECHNOLOGY	1,030,000				1,030,000	-	
8 Nonrecurring Funds:					-	-	
9 NEFEC Web-based Instruction for Credit Recovery	1,000,000				1,000,000	-	
10 Broward Educational Programming	30,000				30,000	-	
11 Startup Budget Adjustments - Deduct Nonrecurring	(1,030,000)				(1,030,000)	-	
12 Align Appropriations with Revenue Estimates					-	-	
13					-	-	
14 TOTAL, G/A-INSTRUCTIONAL TECHNOLOGY	-	-	-	-	-	-	Nonrecurring funding in FY 2010-11
15							
16 FEDERAL EQUIP MATCHING GRANTS	627,356				627,356	-	
17 Startup Budget Adjustments - Deduct Nonrecurring	(500,000)				(500,000)	-	
18 Align Appropriations with Revenue Estimates	(63,678)				(63,678)	-	
18a Transfer GR to Public Broadcasting	(63,678)				(63,678)	-	Transfers balance to Public Broadcasting program.
19					-	-	
20 TOTAL, FEDERAL EQUIP MATCHING GRANTS	-	-	-	-	-	-	
21							
22 G/A-PUBLIC BROADCASTING	7,555,361			1,490,208	9,045,569	-	
23 Recurring Funds:					-	-	
24 Governmental & Cultural Affairs Programming	437,429				437,429	-	
25 Florida Channel Closed Captioning	299,691				299,691	-	
26 Year Round Coverage - Florida Channel	1,148,851				1,148,851	-	
27 Public Radio & TV Stations	5,669,390				5,669,390	-	
28 Nonrecurring Funds:					-	-	
29 Governmental & Cultural Affairs Programming				86,278	86,278	-	
30 Florida Channel Closed Captioning				59,111	59,111	-	
31 Year Round Coverage - Florida Channel				226,597	226,597	-	
32 Public Radio & TV Stations				1,118,222	1,118,222	-	
33 Startup Budget Adjustments - Deduct Nonrecurring				(1,490,208)	(1,490,208)	-	
34 Align Appropriations with Revenue Estimates					-	-	

Division of Public Schools - Educational Media & Technology Services

		FY 2011-12 Chair's Recommended Budget						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
34a	Governmental & Cultural Affairs Programming	(70,834)			(70,834)	-	Supports Florida Crossroads TV program and Capital Report radio broadcast. 30% reduction to PY to maximize FEFP funds.	
34b	Florida Channel Closed Captioning	(48,530)			(48,530)	-	Closed captioning as mandated by FCC. 30% reduction to PY to maximize FEFP funds.	
34c	Year Round Coverage - Florida Channel	(186,037)			(186,037)	-	Supports production of daily 12-hour block of programming. 30% reduction to PY to maximize FEFP funds.	
34d	Public Radio & TV Stations	(918,062)			(918,062)	-	Supplemental funds for 13 TV and radio stations. 30% reduction to PY to maximize FEFP funds.	
34e	Transfer GR from Federal Equipment Matching Grant	63,678			63,678	-		
35					-	-		
36	TOTAL, G/A-PUBLIC BROADCASTING	6,395,576	-	-	-	6,395,576	-	
37								
38	TOTAL, ED MEDIA & TECH SERVICES	6,506,648	-	-	-	6,506,648	- 41.13% reduction from prior year.	

State Board of Education

		FY 2011-12 DRAFT Chair's Recommended Budget							
Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
1	SALARIES & BENEFITS	1,128.00	20,914,315			52,056,109	72,970,424	-	
2	Startup Budget Adjustments		59,851			142,016	201,867	-	
3	Startup Budget Adjustments - Deduct Nonrecurring	(10.00)				(1,276,752)	(1,276,752)	-	
4	Align Appropriations with Revenue Estimates					-	-	-	
4a	Transfer GR from Contracted Services		636,327				636,327	-	
4b	Deduct Agency Data Center Services Funding	(8.00)				(478,637)	(478,637)	-	
5						-	-	-	
6	TOTAL, SALARIES & BENEFITS	1,110.00	21,610,493	-	-	50,442,736	72,053,229	-	0.60% reduction to base to maximize FEFP funds.
7									
8	OTHER PERSONAL SERVICES		239,515			2,014,766	2,254,281	-	
9	Align Appropriations with Revenue Estimates					-	-	-	
10						-	-	-	
11	TOTAL, OTHER PERSONAL SERVICES		239,515	-	-	2,014,766	2,254,281	-	
12									
13	EXPENSES		2,845,008			18,563,177	21,408,185	-	
14	Align Appropriations with Revenue Estimates					-	-	-	
14a	Deduct Agency Data Center Services Funding					(295,593)	(295,593)	-	
14b	Reductions From Technology Service Consolidation					(172,276)	(172,276)	-	
15						-	-	-	
16	TOTAL, EXPENSES		2,845,008	-	-	18,095,308	20,940,316	-	
17									
18	OPERATING CAPITAL OUTLAY		48,390			1,669,302	1,717,692	-	
19	Align Appropriations with Revenue Estimates					-	-	-	
20						-	-	-	
21	TOTAL, OPERATING CAPITAL OUTLAY		48,390	-	-	1,669,302	1,717,692	-	
22									
23	ASSESSMENT & EVALUATION		35,648,861			47,988,864	83,637,725	-	
24	Startup Budget Adjustments - Deduct Nonrecurring					(5,748,056)	(5,748,056)	-	
25	Align Appropriations with Revenue Estimates		(9,698,315)				(9,698,315)	-	
25a	Deduct Agency Data Center Services Funding		(68,514)				(68,514)	-	
25b	Reductions From Technology Service Consolidation		(140,966)				(140,966)	-	
25c	FCAT - Pearson contract Liquidated Damages Admin TF budget authority					10,846,041	10,846,041	-	
26						-	-	-	
27	TOTAL, ASSESSMENT & EVALUATION		25,741,066	-	-	53,086,849	78,827,915	-	5.75% reduction to base to maximize FEFP funds.
28									
29	TRANSFER TO DIV OF ADMIN HEARINGS		282,410				282,410	-	
30	Additional Assessment from DOAH					-	-	-	
30a	Direct Billing For Administrative Hearings		(21,588)				(21,588)	-	Statewide policy decision not in subcommittee's jurisdiction.
31						-	-	-	
32	TOTAL, TRANSFER TO DIV OF ADMIN HEARINGS		260,822	-	-	-	260,822	-	
33									
34	CONTRACTED SERVICES		636,327			20,421,772	21,058,099	-	
35	Align Appropriations with Revenue Estimates					-	-	-	
35a	Transfer GR to Salaries and Benefits		(636,327)				(636,327)	-	3% reduction to offset loss of nonrecurring funds in Salaries and Benefits.

State Board of Education

		FY 2011-12 DRAFT Chair's Recommended Budget							
Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
36						-	-		
37	TOTAL, CONTRACTED SERVICES			-	-	20,421,772	20,421,772	-	
38									
39	G/A-CHOICES PRODUCT SALES				400,000	400,000	-		
40									
41	TOTAL, CHOICES PRODUCT SALES			-	-	400,000	400,000	-	
42									
43	ED FACILITIES RES & DEV PROJECTS				200,000	200,000	-		
44									
45	TOTAL, ED FACILITIES RES & DEV PROJECTS			-	-	200,000	200,000	-	
46									
47	STUDENT FINANCIAL ASSISTANCE/MIS				484,993	484,993	-		
48									
49	TOTAL, STUDENT FINANCIAL ASSISTANCE/MIS			-	-	484,993	484,993	-	
50									
51	RISK MANAGEMENT INSURANCE		186,198			543,530	729,728	-	
52								Statewide policy decision not in subcommittee's jurisdiction.	
53	TOTAL, RISK MANAGEMENT INSURANCE		186,198	-	-	543,530	729,728	-	
54									
55	TR/DMS/HR SERVICES STW CONTRACT		178,042			334,626	512,668	-	
56	Startup Budget Adjustments		(22,062)			(42,804)	(64,866)	-	
56a	Deduct Agency Data Center Services Funding					(55,288)	(55,288)	-	
57								Statewide policy decision not in subcommittee's jurisdiction.	
58	TOTAL, TR/DMS/HR SERVICES STW CONTRACT		155,980	-	-	236,534	392,514	-	
59									
60	DATA PROCESSING SERVICES / EDU TECH / INFO SVCS		3,603,494			6,514,621	10,118,115	-	
61	Startup Budget Adjustments		5,086			8,313	13,399	-	
62	Startup Budget Adjustments - Deduct Nonrecurring					(606,955)	(606,955)	-	
63	Align Appropriations with Revenue Estimates							-	
63a	Deduct Agency Data Center Services Funding		(96,930)				(96,930)	-	
63b	Reductions From Technology Service Consolidation		(129,412)			(24,773)	(154,185)	-	
64								-	
65	TOTAL, DATA PROCESSING SERVICES		3,382,238	-	-	5,891,206	9,273,444	-	
66									
67	DATA PROCESSING SERVICES/SOUTHWOOD SHARED RESOURCE CENTER					17,327	17,327	-	
68								-	
69	TOTAL, DP SERVICES/SOUTHWOOD			-	-	17,327	17,327	-	
70									
71	DATA PROCESSING SERVICES/NORTHWOOD SHARED RESOURCE CENTER		30,000			157,369	187,369	-	
72	Startup Budget Adjustments					(157,369)	(157,369)	-	
72a	Reductions From Technology Service Consolidation		(30,000)				(30,000)	-	
73								-	
74	TOTAL, DP SERVICES/NORTHWOOD			-	-	-	-	-	
75									
76	DATA PROCESSING SERVICES/NORTHWEST REGIONAL DATA CENTER							-	
77	Startup Budget Adjustments					157,369	157,369	-	

State Board of Education

		FY 2011-12 DRAFT Chair's Recommended Budget							
Appropriation Category		FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
77a	Add Services Provided By Primary Data Center		165,444			829,518	994,962	-	
78							-	-	
79	TOTAL, DP SERVICES/NORTHWEST		165,444	-	-	986,887	1,152,331	-	
80									
81	TOTAL, STATE BOARD OF EDUCATION	1,110.00	54,635,154	-	-	154,491,210	209,126,364	-	8.18% reduction from prior year.
82									
83	SALARY RATE ADJUSTMENT								
84	Budget Adjustment	(10)	(448,298)				(448,298)		
85	TOTAL, SALARY RATE ADJUSTMENTS						(448,298)		

FLORIDA EDUCATION FINANCE PROGRAM
2011-2012 FEFP - PREK-12 APPROPRIATIONS SUBCOMMITTEE CHAIR RECOMMENDATION

Statewide Summary
Comparison to 2010-2011 Third Calculation

	2010-2011 Third Calculation	2011-2012 PKAS Chair Recommendation	Difference	Percentage Difference
MAJOR FEFP FORMULA COMPONENTS				
Unweighted FTE	2,638,795.13	2,655,237.15	16,442.02	0.62%
Weighted FTE	2,843,258.65	2,864,243.06	20,984.41	0.74%
School Taxable Value	1,445,620,545,163	1,407,824,467,012	(37,796,078,151)	-2.61%
Required Local Effort Millage	5.380	5.380	0.000	0.00%
.748 Discretionary Millage	0.748	0.748	0.000	0.00%
.250 Discretionary Millage	0.250	0.250	0.000	0.00%
Total Millage	6.378	6.378	0.000	0.00%
Base Student Allocation	3,623.76	3,564.46	(59.30)	-1.64%
FEFP DETAIL				
WFTE x BSA x DCD	10,310,064,798	10,218,184,594	(91,880,204)	-0.89%
Declining Enrollment Supplement	7,775,762	5,234,919	(2,540,843)	-32.68%
Sparsity Supplement	35,754,378	35,754,378	0	0.00%
Lab School Discretionary Contribution	15,100,194	12,758,885	(2,341,309)	-15.51%
Safe Schools	67,133,784	66,035,207	(1,098,577)	-1.64%
.748 Millage Compression	140,926,426	137,707,730	(3,218,696)	-2.28%
.250 Millage Compression	0	0	0	
Supplemental Academic Instruction	639,315,534	631,722,085	(7,593,449)	-1.19%
ESE Guaranteed Allocation	980,571,070	966,764,580	(13,806,490)	-1.41%
Reading Instruction Allocation	101,731,186	100,066,457	(1,664,729)	-1.64%
Merit Award Program (MAP)	20,000,000	0	(20,000,000)	-100.00%
DJJ Supplemental	8,337,158	8,043,982	(293,176)	-3.52%
Instructional Materials	216,918,478	214,698,300	(2,220,178)	-1.02%
Student Transportation	430,693,345	426,285,164	(4,408,181)	-1.02%
Teachers Lead Program	33,220,437	32,676,818	(543,619)	-1.64%
Minimum Guarantee	1,785,571	0	(1,785,571)	-100.00%
Federal SFSF Education Funds	855,582,711	0	(855,582,711)	-100.00%
Federal SFSF Discretionary Funds	17,081,978	0	(17,081,978)	-100.00%
TOTAL FEFP	13,881,992,810	12,855,933,099	(1,026,059,711)	-7.39%
ADJUSTMENTS				
Required Local Effort Taxes	7,197,944,104	6,952,621,142	(245,322,962)	-3.41%
Federal Funds	872,664,689	0	(872,664,689)	-100.00%
LESS ADJUSTMENTS	8,070,608,793	6,952,621,142	(1,117,987,651)	-13.85%
STATE FEFP	5,811,384,017	5,903,311,957	91,927,940	1.58%
DISTRICT LOTTERY/SCHOOL RECOGNITION FUNDS	129,914,030	89,961,333	(39,952,697)	-30.75%
STATE CATEGORICAL PROGRAMS				
Class Size Reduction Allocation	2,913,825,383	2,861,138,119	(52,687,264)	-1.81%
TOTAL STATE CATEGORICAL FUNDING	2,913,825,383	2,861,138,119	(52,687,264)	-1.81%
TOTAL STATE FUNDING	8,855,123,430	8,854,411,409	(712,021)	-0.01%
LOCAL FUNDING				
Total Required Local Effort	7,197,944,104	6,952,621,142	(245,322,962)	-3.41%
.748 Discretionary Local Effort	1,018,844,954	992,332,415	(26,512,539)	-2.60%
.250 Discretionary Local Effort	0	0	0	
TOTAL LOCAL FUNDING	8,216,789,058	7,944,953,557	(271,835,501)	-3.31%
TOTAL FUNDING (State and Local)	17,071,912,488	16,799,364,966	(272,547,522)	-1.60%
TOTAL FUNDING (State, Local & Federal)	17,944,577,177	16,799,364,966	(1,145,212,211)	-6.38%
Total Dollars per Unweighted FTE	6,800.29	6,326.88	(473.41)	-6.96%

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKAS 11-03 PreKindergarten through Grade 12 Education
SPONSOR(S): PreK-12 Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee		Seifert	Heflin

SUMMARY ANALYSIS

The bill amends statutory provisions necessary to conform the statutes to appropriations made in the General Appropriations Act for the 2011-2012 fiscal year.

The bill amends statutes relating to:

- Aligning Charter School Capital Outlay statutes with changes made during the 2010 legislative session;
- Requiring school districts to report to the DOE the amount spent per FTE for contracts for virtual instruction;
- Requiring the difference in the amount spent and the amount earned through the FEFP for students in school district virtual instruction programs to be used to purchase technology in the school district;
- Modifying student teacher ratio requirements in the Voluntary Prekindergarten Program to maximize VPK funds and provide flexibility for VPK providers;
- Modifying the administrative rate for the early learning coalitions from 4.5% to 3% to maximize VPK funds and provide flexibility for VPK providers;
- Clarifying the definition of core courses to be counted for class size compliance;
- Allowing students enrolling in classes after the October student membership survey to be placed in existing classrooms provided that the district prepares a plan that describes how the district will be in compliance the following year;
- Allowing compliant districts flexibility in use of their class size reduction operation categorical funds;
- Identifying variable bonus weights, to be used in the FEFP industry certification bonus add-on, based on the difficulty of obtaining the industry certification and the value of having the industry certification in terms of employment and wage earning capability;
- Codifying and changing the name of learning management system to local instructional improvement system to align with the minimum standards of Race to the Top;
- Replacing the word "textbook" with "instructional material" to allow for multiple delivery options of instructional materials;
- Restructuring the instructional materials adoption process to require reviewers to only evaluate electronic format of materials; defining electronic and digital formats; and providing dates to incorporate digital materials in the classroom;
- Aligning terminology with the restructuring of the instructional materials adoption process and modifying bid specifications;
- Requiring school districts to use 50% of the instruction materials categorical for the purchase of electronic or digital materials by the 2012-2013 school year and providing flexibility in the materials purchased with the remaining 50% of funding; and
- Repealing school districts authority to levy additional discretionary millage; allowing the 16 school boards that received voter approval of the referendum on the 2010 general election to levy, by supermajority vote, the 0.250 mill for the 2011-2012 and 2012-2013 fiscal years; and clarifying that revenues from the 0.250 mill will not be included in the FEFP.

The bill aligns priority to funding for the core mission of classroom instruction.

Except as otherwise specifically provided, the bill takes effect July 1, 2010.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Capital Outlay

A charter school is not eligible for a capital outlay funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or it is directly or indirectly operated by the school district. Section 1002.33(15), F.S., provides that in order to reduce the school and classroom overcrowding and to offset the high cost of educational facilities, the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status is encouraged. A charter school-in-the-workplace may be established when a business provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment and enrolls students according to racial/ethnic balances. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, for the duration of its use as a public school. The bill aligns capital outlay funds authorized in s.1013.62, F.S., which have been shared with a charter school-in-the-workplace prior to July 1, 2010, to be considered to have met the authorized expenditure requirements for such funds. This change was made during the 2010 legislative session but the reference to s. 1013.62, F.S. was inadvertently omitted.

Voluntary Prekindergarten student ratios

Current law states that each public and private prekindergarten class for the school year Voluntary Prekindergarten (VPK) program must be composed of at least four students but may not exceed 18 students. The bill changes the maximum number of students allowed in a voluntary prekindergarten class for the school year program from 18 to 20 students.

In order to protect the health and safety of students, each prekindergarten provider must provide appropriate adult supervision for students at all times. For each prekindergarten class composed of 11 or more students the classroom must have a prekindergarten instructor who has a child development associate (CDA) credential and at least one adult prekindergarten instructor who is of good moral character and has been screened using the level two background screening required in s. 435.04, F.S.¹ The bill also requires classes composed of 12 or more students, rather than 11 or more students, to have instructors meeting these qualifications.

For the 2010-2011 fiscal year, each early learning coalition may retain and expend not more than 4.5 percent of the funds paid by the coalition to private kindergarten providers and public schools. The bill reduces the coalition administrative percentage from 4.5 percent to 3 percent.

School District Virtual Instruction Programs

Beginning with the 2009-2010 school year, each school district has provided eligible students within its boundaries the option of participating in a virtual instruction program. A 'virtual instruction program' (VIP) is a program that takes place in an interactive learning environment created through technology in which the student and teacher are separated from each other by time, space, or both. The law further specifies that Florida-certified teachers are primarily responsible for instructing the students. The purpose of this program is to make instruction available to district students using online and distance education technology in a nontraditional classroom, i.e., primarily outside of public school buildings. In practice, most students access the online instruction from their homes. This program provides an additional school choice option for parents and a tool districts can use to meet class size requirements.

Districts may:

¹ s. 1002.55(3)(c), F.S.

- Contract with Florida Virtual School
- Establish a franchise of Florida Virtual School
- Contract with a provider approved by the Department of Education
- Enter into an agreement with another school district
- Enter into an agreement with a Florida community college

Contracts may include multidistrict agreements executed by a regional consortium for its member districts.

Districts may contract or enter agreements with more than one of the above entities to provide a school district VIP for their students. In addition, districts may operate their own program and may contract with these or other entities to provide segments of their program, such as the curriculum and/or learning management system. As with other educational options, the programs vary from district to district. However, students in all districts and at all grade levels have the option to participate in a fully-online educational program offered as a school choice option by their school districts.

The school district continues to generate Florida Education Finance Program (FEFP) funding from these students. The school district and provider determine in their contract how much of the funding per student the provider will receive.

The bill requires each school district to annually provide a copy of the contract and amounts paid per student to the Department of Education. The bill also requires the difference in funds received by the school district from the FEFP and the amount negotiated with the provider to be used for the district's local instructional improvement system or other technological tools that are required to access electronic and digital instructional materials.

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 maximums. 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 12.²

The implementation schedule for reducing the number students per classroom by at least two students per year is as follows:³

- 2003-2004 through 2005-2006⁴ at the district level;
- 2006-2007 through 2009-2010⁵ at the school level; and
- 2010-2011 and thereafter, at the classroom level.

Since adoption of the class size reduction amendment, average class sizes have been reduced as follows:

² s. 1(a), Art. IX of the State Constitution.

³ s. 1003.03(2), F.S.

⁴ 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.

⁵ 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. Chapter 2009-59, L.O.F. extended school level compliance to 2009-2010.

District Average Class Size⁶

	<u>Grades PK-3</u>	<u>Grades 4-8</u>	<u>Grades 9-12</u>
2002-03	23.07	24.16	24.10
2003-04	20.54	22.43	24.06
2004-05	18.98	21.32	23.73
2005-06	18.16	20.48	22.96
2006-07	17.01	19.45	22.22
2007-08	16.28	18.76	21.39
2008-09	15.95	18.60	21.49
2009-10	16.39	18.91	21.94
2010-11	15.49	17.87	20.47

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	\$2,729,491,033	\$0	\$2,729,491,033
2009-2010	\$2,845,578,849	\$0	\$2,845,578,849
2010-2011	\$2,913,825,383	\$0	\$2,913,825,383
Total Year to Date Appropriations	\$16,185,733,885	\$2,533,400,000	\$18,719,133,885

Florida law provides the statutory framework for making adjustments to appropriations for school districts that fail to meet required class size reductions. From 2003-2004 to 2005-2006, compliance was measured at the district level. For fiscal years 2006-2007 through 2009-2010 compliance has been measured at the school level. For fiscal year 2010-2011 compliance has been measured at the classroom level for traditional schools⁷ and at the school level for charter schools⁸. The adjustment is calculated by the Department of Education and verified by the Florida Education Finance Program Allocation Conference. The amount of funds adjusted is to be the lesser of the amount calculated or the undistributed balance of the district's class size reduction operating categorical. The Commissioner of Education may make a recommendation to the Legislative Budget Commission for an alternate amount of funds for the compliance calculation⁹, if the Commissioner of Education has evidence that a district was unable to meet the class size requirement despite appropriate efforts to do so.

For the initial calculation completed on December 29, 2010, 44,556 traditional public school classrooms in 35 school districts and 3 lab schools were not in compliance with class size requirements, for a potential total compliance adjustment amount from the class size operating categorical of \$40,795,637. Forty-four charter schools were not in compliance with school level class size requirements, for a

⁶ Florida Department of Education, 2011 Legislative Information Request, January 2011

⁷ s. 1003.03(1), F.S.

⁸ s. 1002.33(16)(b)3., F.S.

⁹ s. 1003.03(4)(c), F.S.

potential total compliance adjustment amount from the class size operating categorical of \$2,292,191. The Commissioner reviewed evidence presented by school districts and charter schools, and determined data reporting errors and unexpected student growth were factors to be considered. On a date yet to be determined, the Commissioner of Education will recommend that the Legislative Budget Commission approve the alternate compliance calculation amounts of \$31,305,124 for traditional public schools and \$355,539 for charter schools.

Following approval of the alternate compliance calculation amounts by the Legislative Budget Commission, the Commissioner will reallocate a portion of the compliance calculation amounts to districts and charter schools that have fully met class size requirements.¹⁰ This reallocation may be up to 5 percent of the base student allocation multiplied by the total district FTE students, but cannot exceed 25 percent of the total funds reduced, resulting in a reallocation of \$7,826,281 for traditional schools and \$88,885 for charter schools. The funds remaining after the reallocation will be returned to districts and charter schools that were not in compliance with class size requirements, that submitted a plan by February 15, 2011 describing the specifications that will be taken to fully comply with class size requirements by October of the 2011-12 school year¹¹. For this year, all districts and charter schools not in compliance submitted a plan by the deadline, so that the remaining funds, or 75%, will be returned.

The bill redefines the terms “core-curricula” courses. Under current law, the DOE defines the courses as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional, self-contained elementary school classrooms.¹² Under the bill, these courses are specified by grade levels, subjects measured by state assessments, required high school graduation requirements, and subgroups of students. Pursuant to the bill, the following are “core –curricula courses”:

- Language arts/reading, mathematics, and science courses in prekindergarten through grade 3;
- Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level;
- Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level;
- Courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessments, excluding any extracurricular courses;
- Exceptional student education courses; and English for Speakers of Other Languages courses.

For a core-curricula high school course in which a student in grades 4 through 8 is enrolled for high school graduation credit, the maximum number of students for compliance purposes will be 25. Finally, the term “extracurricular courses” would also be expanded to include courses that may result in college credit. Current law specifies that these courses include physical education, fine arts, performing fine arts, and career education.

Florida high school students are currently required to complete 24 credits in order to earn a high school diploma. Students must also earn passing scores on the Florida Comprehensive Assessment Test (FCAT) or attain a passing score on the SAT or ACT. Beginning in the 2010-2011 school year, high school graduation requirements increase to include more rigorous courses. Students will be required to pass statewide, standardized end-of-course (EOC) assessments in specific courses beginning with the 2011-2012 school year. Beginning with students entering grade 9 in the following school years, courses include Geometry (2010-2011), Biology I (2011-2012), Algebra II (2012-2013), Chemistry or physics (2013-2014), and an additional equally rigorous science course (2013-2014).¹³

¹⁰ s. 1003.03(4)(d), F.S.

¹¹ s. 1003.03(4)(e), F.S.

¹² Courses offered under ss. 1002.37 (the Florida Virtual School), 1002.415 (the K-8 Virtual School Program), and 1002.45 (the school district virtual instruction (VIP) programs), F.S., are excluded.

¹³ See ch. 2010-22, L.O.F., codified in ss. 1003.428 and 1003.429, F.S

The DOE notes that in 2010-2011, there were 849 core courses. Under the current bill, there would be 288 core courses.¹⁴ The decrease would primarily be based on foreign languages, courses that may generate college credit, (for example, Advanced Placement and Dual Enrollment courses,) courses without state assessments, and courses that are not required for graduation at the middle and high school level.

Under the bill, a timeframe is specified for satisfying and maintaining class size maximums, with specific exceptions for an extreme emergency beyond the district's control and when a new student enrolls after the October student membership survey period. Based on a school district's determination that not assigning the student would be impractical, educationally unsound, or disruptive to student learning, a student could be assigned to an existing class that temporarily exceeds the class size maximums. However, the maximum number of students who can be assigned to a teacher may not exceed the following:

- Prekindergarten through 3rd grade, the number of students may not exceed 21;
- 4th grade through 8th grade, the number of students may not exceed 27; and
- 9th grade through 12th grade, the number of students may not exceed 30.

This temporary exception is also contingent upon a district school board's plan for providing that a school will be in full compliance with the maximum class size requirements by the following year's October survey.

Finally, the bill provides that only a school district that meets the maximum class size requirements may use the class size reduction operational categorical funds for any lawful operating expenditure.

Instructional Materials

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 that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.¹⁵

State funding for instructional materials is provided annually in the General Appropriations Act in proviso as part of the calculation of the Florida Education Finance Program (FEFP).¹⁶ In the 2010-2011 fiscal year, \$216,918,478 was appropriated for instructional materials.¹⁷ Once the funds are distributed to the district school boards, each board must use at least 50 percent of the funds allocated to purchase instructional materials on the state-adopted list.¹⁸ A district school board may use the remaining 50 percent of the annual allocation to purchase materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.¹⁹ Under current law, state-adopted instructional materials and non state-

¹⁴ March 15, 2011 email from DOE.

¹⁵ s. 1006.28(1), F.S.

¹⁶ The Florida Education Finance Program (FEFP) is the mechanism used by the state to fund the operating costs of Florida's school districts. See s. 1011.67, F.S. and s. 1011.67(1), F.S.

¹⁷ Specific Appropriation 78, § 2, ch. 2010-152, L.O.F.

¹⁸ For purposes of state adoption, "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after 2012-2013 for students in grades 9 through 12 shall also be provided in an electronic format. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. s. 1006.29(4), F.S., and s. 1006.40(3)(a), F.S.

¹⁹ Items not on the state-adopted list must be used to purchase instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased

adopted instructional materials have similar meanings. However, both definitions explicitly exclude the purchase of electronic or computer hardware even if such hardware is bundled with software or other electronic media, and exclude equipment and supplies.²⁰

Currently, school districts purchase computer equipment with state FEFP and capital outlay funds.²¹ Additionally, federal funding for fiscal year 2009-2010 included \$30.3 million for education technology from the American Recovery and Reinvestment Act of 2009 appropriated through the state's 2009-2010 GAA.²² The DOE was directed to implement a technology grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in science, technology, engineering, and mathematics (STEM) content areas. The student portion was to be used to incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion was to be used to combine the use of laptops and personal learning devices and must include the development and delivery of professional development linked to the newly adopted math and science standards.

In addition, federal entitlement funds are provided through the No Child Left Behind Title IID – Enhancing Education Through Technology program to school districts based on their Title I allocation.²³ School districts also have flexibility in the expenditure of categorical funding provided for specific purposes within the Florida Education Finance Program, including funding provided for instructional materials, but only after March 1, 2011,²⁴ and hardware is explicitly prohibited from being purchased with this source of funding.

On August 24, 2010, Florida was named a winner of \$700 million in phase 2 of the federal Race to the Top²⁵ education reform competition.²⁶ As funded, fifty percent of the state's total award will be distributed to participating school districts according to the federal Title I allocation formula, and the remaining 50 percent will fund state-level projects designed to benefit all school districts statewide.²⁷ A requirement of the Memorandum of Understanding between the DOE and participating school districts is to ensure that each school possesses the technology, including hardware, connectivity, and other necessary infrastructure to provide teachers and students sufficient access to strategic tools for improved classroom instruction and computer-based assessment.²⁸

The bill amends section 1006.28, F.S., replacing the term textbook with instructional material to provide districts flexibility by allowing for multiple delivery options of instructional materials.

The bill amends section 1006.281, F.S., changing the name of learning management system to local instructional improvement system to align with the minimum standards of Race to the Top. The section provides guidelines and instructions for implementation of electronic local instructional improvement

instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. s. 1006.40(4), F.S., and s. 1006.40(3)(b), F.S.²⁰ s. 1006.29(4), F.S.

²¹ The Discretionary Capital Outlay Levy is a statutorily authorized discretionary property tax that district school boards may levy without approval of the electorate. School districts are authorized to purchase equipment (including computers for classrooms) with this fund source. See s. 1011.71(2), F.S.

²² Specific Appropriation 100, § 2, ch. 2009-81, L.O.F.

²³ Department of Education website http://www.fldoe.org/bii/Instruct_Tech/EETT/

²⁴ s. 1011.62(6), F.S.

²⁵ Through the federal Race to the Top competitive grant program, the U.S. Department of Education encourages and rewards states to propose education reforms focused on helping struggling schools, elevating the effectiveness of teaching professionals and education leaders, building internationally recognized education standards and assessments, and improving state education data systems. American Recovery and Reinvestment Act of 2009, Section 14006(c), Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

²⁶ Press Release issued August 24, 2010, *Nine States and the District of Columbia Win Second Round Race to the Top Grants*, U.S. Department of Education. See <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants>.

²⁷ American Recovery and Reinvestment Act of 2009, Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

²⁸ Florida Department of Education, *Florida's Race to the Top Application – Participating Local Education Agency Memorandum of Understanding*, p.8, December 9, 2009. See <http://www.fldoe.org/ARRA/Racetothetop.asp>.

STORAGE NAME:
DATE:

systems that provide teachers, staff, students and parents the ability to organize and access electronic instructional materials and other teaching and learning tools as determined to be appropriate by the school district.

The bill amends section 1006.29, F.S., restructuring the state instructional materials adoption process by replacing the Instructional Materials Committees with 3 expert reviewers appointed by the Commissioner of Education and a teacher or supervisor nominated by each school district superintendent. The reviewers will only evaluate electronic format of materials thereby eliminating the need to travel to meet as a group as was the process for hardback books. The statutory amendment also defines electronic and digital formats so the two may be distinguished for the adoption process. Also included is a timeline to phase-in, by grade group, digital instructional materials in the classroom.

The bill amends section 1006.33, F.S., to align terminology with the restructuring of the instructional materials adoption process and provide digital specifications that do not require Florida specific references at the point of student use for the instructional materials publisher bid process.

The bill amends section 1006.40, F.S., in order to continue to require school districts to use at least 50% of the funds allocated to purchase instructional materials on the state-adopted list. By the 2013-2014 fiscal year, the allocation can be used to purchase instructional materials on the state-adopted list in digital or electronic format. A district school board may continue to use the remaining 50 percent of the annual allocation to purchase materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.

The bill repeals section 1006.43, F.S., which eliminates duplicative and nonessential language pertaining to the instructional materials process.

The bill amends sections 1001.01, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32, 1006.34, 1006.35, 1006.36, 1006.38, and 1006.39, F.S., to align terminology with the restructuring of the instructional materials adoption process.

Bonus Funding for Student Performance for Certain Courses and Diplomas

Section 1003.492, F.S., provides for students in career and professional academies to become professionally certified in high-demand fields. A list of high demand industry certifications is identified and approved by the state workforce board.²⁹ As specified in State Board of Education rule 6A-6.0573, the State Board of Education approves an annual "Industry Certification Funding List" which is comprised of industry certifications from the comprehensive list that meet certain criteria³⁰. If the career academy student takes the appropriate courses, earns an industry certification on the SBE approved funding list, and graduates from high school, the school district earns a bonus of 0.3 FTE, or roughly \$1,100 per student.³¹

The bill requires the DOE to identify variable bonus weights based on the difficulty of obtaining the industry certification and the value of having the industry certification in terms of employment and wage earning capability. The bill maintains the maximum bonus at 0.3 FTE for students earning industry certification. The new rates are expected to be within the existing funding levels.

School District Discretionary Non-voted Capital Improvement Millage

Section 1011.71(3)(b), F.S., provides school boards with the flexibility to levy an additional discretionary 0.25 millage for critical operation needs or fixed capital outlay based on supermajority vote of school board and passage of a voter approved referendum in the 2010 general election. The referendum provides the school board with the authority to annually approve by a supermajority vote for the 2011-

²⁹ This list is also known as the "Comprehensive Industry Certification List."

³⁰ State Board of Education rule 6A-6.0573

³¹ s. 1011.62(1)(p), F.S.

2012 and 2012-2013 fiscal years to levy 0.25 mills. There were 39 districts that submitted ballot language, and of those, 20 districts received voter approval. Of the 20 that were approved, 16 were approved for 0.25 mill for critical operations, 1 was approved for 0.25 mill for critical fixed capital outlay, and 3 were approved for 4-year voted millage as per section 1011.73(2), F.S.

For those districts that received voter approval for the 0.25 millage for critical operation needs or fixed capital outlay, the measure must be approved by a supermajority of the school board in the 2011-2012 and 2012-2013 fiscal years. The bill repeals the authority for school boards to levy the 0.25 mill additional levy for critical capital or operating needs after the 2010-2011 fiscal year, but allows the districts that received voter approval at the 2010 general election to levy the millage for the 2011-2012 and 2012-2013 fiscal years by supermajority vote of the school board. This millage will not be included in the FEFP for compression or for local funding.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.10, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 2: Amends s. 1002.33, F.S., clarifying that capital outlay funds shared by school districts with a charter school in the workplace prior to July 1, 2010, have met the expenditure requirements for capital outlay funding.

Section 3: Amends s. 1002.45, F.S., requiring school districts to report contract prices for school district virtual instruction programs and requiring school districts to expend certain funds for technology infrastructure.

Section 4: Amends s. 1002.55, F.S., changing the maximum number of students per prekindergarten class in a private school-year VPK program from 18 to 20.

Section 5: Amends s. 1002.63, F.S., changing the maximum number of students per prekindergarten class in a private school-year VPK program from 18 to 20.

Section 6: Amends s. 1002.71, F.S., reducing the early learning coalition administrative percentage from 4.85 percent to 3.0 percent.

Section 7: Amends s. 1003.01, F.S., changing the definition of core courses to be counted for class size compliance.

Section 8: Amends s. 1003.03, F.S., allowing school districts to place new enrollments that come in after the October student membership count to be placed in existing classrooms provided that the district submits a plan to the Commissioner of Education that describes what the district will do to be in compliance the following school year.

Section 9: Amends s. 1003.492, F.S., authorizing, as part of the existing rulemaking authority used to specify the criteria for an "Industry Certification Funding List," the identification of variable FEFP bonus weights for the successful completion of industry-certified career and professional academy programs based on the difficulty of obtaining the industry certification and the value of having the industry certification in terms of employment and earning capability.

Section 10: Amends s. 1006.28, F.S., replacing the word "textbook" with "instructional material" to allow for multiple delivery options of instructional materials.

Section 11: Amends s. 1006.281, F.S., codifying and changing the name of learning management system to local instructional improvement system to align with the minimum standards of the Race to the Top grant.

Section 12: Amends s. 1006.29, F.S., restructuring the instructional materials adoption process to require reviewers to only evaluate electronic format of materials; defining electronic and digital formats; and providing dates to incorporate digital instructional materials in the classroom.

Section 13: Amends s. 1006.30, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 14: Amends s. 1006.31, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 15: Amends s. 1006.32, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 16: Amends s. 1006.33, F.S., aligning terminology with the restructuring of the instructional materials adoption process and modifying bid specifications.

Section 17: Amends s. 1006.34, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 18: Amends s. 1006.35, F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 19: Amends s. 1006.36., F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 20: Amends s. 1006.38., F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 21: Amends s. 1006.39., F.S., aligning terminology with the restructuring of the instructional materials adoption process.

Section 22: Amends s. 1006.40., F.S., requiring, by the 2012-13 school year, school districts to use 50% of the instruction materials categorical in the FEFP for the purchase of electronic or digital materials and providing flexibility in the materials purchased with the remaining 50% of funding.

Section 23: Amends s. 1011.62., F.S., incorporating, as part of the existing rulemaking authority used to specify the criteria for an "Industry Certification Funding List," the variable FEFP bonus weights for the successful completion of industry-certified career and professional academy programs based on the difficulty of obtaining the industry certification and the value of having the industry certification in terms of employment and earning capability.

Section 24: Repeals s. 1006.43, F.S., eliminating requirement for DOE to include a request for instructional materials funding in the legislative budget request.

Section 25: Amends s. 1011.685, F.S., allowing flexibility for districts to use their class size reduction categorical operating funds if they are compliant with class size requirements.

Section 26: Amends s. 1011.71, F.S., repealing school board supermajority voted 0.250 millage levy.

Section 27: Providing an effective date.

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:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill repeals the authority for school boards to levy the 0.25 mill additional levy for critical capital or operating needs after the 2010-2011 fiscal year, but allows the voter approved referendum at the 2010 general election to be levied for the 2011-2012 and 2012-2013 fiscal years. The levy is expected to generate \$32 million for the districts that received voter approval.

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

The bill maximizes VPK funds and provides flexibility for VPK providers by changing the maximum number of students per voluntary prekindergarten (VPK) school-year program classroom from 18 to 20 students. This bill has no effect on per student funding, but would create an increase for the amount of funding per school year class room by \$5,124 in a classroom with 20 students.³²

In addition, the bill modifies the classroom teacher to student ratio for the regular school year voluntary prekindergarten (VPK) program from 1:10 to 1:11. For classrooms of 11 or fewer students the teacher must meet the requirement of s. 1002.55(3)(c) F.S. For school year program classrooms with at least 12, or up to 20 students, the second instructor is only required to pass a level 2 background screening.

The bill reduces the administrative rate for early learning coalitions from 4.5 percent to 3.0 percent providing an estimated savings of \$5.4 million.

The bill provides flexibility to school districts by requiring the difference in funds received by the school district from the FEFP and the amount negotiated with the school district virtual instruction providers to be used for the district's local instructional improvement system or other technological tools that are required to access electronic and digital instructional materials. There is an estimated 2,200 FTE participating in school district virtual instruction programs at an estimated average price of \$4,800³³. The estimated per student funding saved is estimated to be \$6,025³⁴, creating a difference of \$1,225 which is an estimated savings to the district of 20 percent. The savings is to be used for the district's

³² Specific Appropriation 75, § 2, ch. 2010-152, L.O.F., sets the summer program BSA at \$2,179 and the school-year program BSA at \$2,562 for FY 2010-2011. Ss. 1002.55(2)(f) & 1002.63(7), F.S., sets the maximum number of students in a school year VPK program at 18 per classroom. $\$2,562 \times 18 = \$46,116$; $\$2,562 \times 20 = \$51,240$; $\$51,240 - \$46,116 = \$5,124$.

³³ Florida Senate Interim Report 2011-215, dated October 2010.

³⁴ Estimated per student funding saved is based on the per student amount of the 2010-11 Third FEFP Calculation components of: Base Funding, Discretionary Compression, Exception Student Education Guaranteed Allocation, Supplemental Academic Instruction Allocation, Reading Allocation, State Discretionary Lottery Funds, Instructional Materials, Student Transportation, and Class Size Reduction Allocation.

local instructional improvement system or other technological tools that are required to access electronic and digital instructional materials. The actual amount available will vary by district and is unknown at this time. The bill also requires negotiated contract prices to be provided to the Department of Education by October 1 of each year.

The bill provides potential savings to school districts by clarifying the definition of core courses to be counted for class size compliance and allowing students enrolling in classes after the October student membership survey to be placed in existing classrooms provided that the district prepares a plan that describes how the district will be in compliance the following year. This year, there are 849 courses used in determining class size compliance. By clarifying the definition of core courses, there would be 288 courses resulting in savings to school districts due to a significant reduction to the non-compliance calculation due to the change in the number of classes counted toward class size compliance. The bill also continues to allow compliant districts flexibility in use of their class size reduction operation categorical funds.

The bill provides a financial incentive for career and professional academies to encourage students to obtain more difficult certifications by identifying variable bonus weights, to be incorporated in the FEFP industry certification bonus add-on, based on the difficulty of obtaining the industry certification and the value of having the industry certification in terms of employment and wage earning capability. The total add-on for this program continues to be capped at \$15 million.

The bill provides cost savings and flexibility to school districts by modifying the instructional materials statutes. The bill aligns language with the minimum standards of Race to the Top and expands the options for instructional materials to include electronic and digital formats which will provide savings due to no printing costs. The bill restructures the instructional materials adoption process to require reviewers to only evaluate electronic format of materials reducing travel expenses for the Department of Education and the school districts. The bill also provides cost savings to publishers and the school districts by not requiring Florida specific references in the materials (such as FCAT or Sunshine State Standards benchmark crosswalks) thereby allowing products to be sold to other states resulting in reduced production expenses.

The bill also requires, by the 2012-2013 school year, school districts to use 50% of the instruction materials categorical for the purchase of electronic or digital materials and flexibility in the materials purchased with the remaining 50% of funding. This change accommodates the inclusion of electronic or digital materials as part of the potential cost savings in the instructional materials categorical to school districts.

The bill provides an estimated \$8.3 million savings in state costs by clarifying that revenues from the 0.250 mill will not be included in the FEFP. The bill repeals the authority for school boards to levy the 0.25 mill additional levy for critical capital or operating needs after the 2010-2011 fiscal year, but allows the voter approved referendum at the 2010 general election to be levied for the 2011-2012 and 2012-2013 fiscal years.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

This bill may be subject to constitutional challenge, based on the class size provision contained in s. 1, Art. IX, state constitution. Specifically, a potential challenge could be made that this proposed language authorizes maximums in excess of the caps provided in the Florida constitution. In an advisory opinion to the Attorney General on the validity of the class size constitutional amendment, the Florida Supreme Court referred to the Legislature's role as intended by the initiative as follows:

Rather than restricting the Legislature, the proposed amendment gives the Legislature latitude in designing ways to reach the class size goal articulated in the ballot initiative.³⁵

³⁵ *Advisory Opinion to the Attorney General re: Florida's Amendment to Reduce Class Size*, 816 So.2d 580, 584-85 (S.Ct. 2002).

The court also indicated that the primary purpose of the amendment is the legislative funding of reduced class size. This bill does not address the amount the Legislature appropriates for class size. Rather, it provides operational flexibility to school districts to meet the class size maximums, while assuring that children attending public schools obtain a high quality education.

B. RULE-MAKING AUTHORITY:

The bill provides the Department of Education the authority to establish guidelines for school districts to use when purchasing technological equipment from categorical funds within the FEFP.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to prekindergarten through grade 12
 3 education funding; amending s. 1001.10, F.S.; conforming
 4 provisions to changes made by the act relating to the
 5 review of instructional materials; amending s. 1002.33,
 6 F.S.; revising provisions relating to charter school
 7 capital outlay funding; amending s. 1002.45, F.S.,
 8 relating to school district virtual instruction programs;
 9 requiring school districts to expend certain funds for the
 10 district's local instructional improvement system or other
 11 technological tools; amending s. 1002.55, F.S.; revising
 12 requirements for school-year private prekindergarten
 13 program providers; amending s. 1002.63, F.S.; revising
 14 requirements for school-year prekindergarten programs
 15 delivered by public schools; amending s. 1002.71, F.S.;
 16 revising provisions relating to the amount of funds
 17 retained by an early learning coalition for administration
 18 of prekindergarten education programs; amending s.
 19 1003.01, F.S.; redefining the terms "core-curricula
 20 courses" and "extracurricular courses"; amending s.
 21 1003.03, F.S.; revising class size requirements; providing
 22 requirements for the assignment of a student to a class
 23 that exceeds the class size maximum; amending s. 1003.492,
 24 F.S.; requiring State Board of Education rules to
 25 establish a process for weighting the value of industry
 26 certifications for career education programs; amending s.
 27 1006.28, F.S.; revising school district duties to provide
 28 instructional materials; replacing references to the term

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29 "textbooks" with the term "instructional materials";
 30 amending s. 1006.281, F.S.; defining the term "local
 31 instructional improvement system"; providing system
 32 requirements for managing instructional improvement and
 33 student learning; requiring each school district to
 34 provide access to its system; requiring State Board of
 35 Education rules and minimum standards for local
 36 instructional improvement systems; amending s. 1006.29,
 37 F.S.; replacing references to the term "state
 38 instructional materials committees" with the term "state
 39 instructional materials reviewers"; requiring the
 40 Commissioner of Education to appoint state or national
 41 experts to review and evaluate instructional materials;
 42 providing for school district reviewers to review
 43 recommendations for state adoption; requiring adopted
 44 instructional materials to be provided in an electronic or
 45 a digital format; amending s. 1006.30, F.S.; revising
 46 provisions relating to the affidavit of state
 47 instructional materials reviewers to conform to changes
 48 made by the act; amending s. 1006.31, F.S.; revising
 49 provisions relating to the duties of each state
 50 instructional materials reviewer to conform to changes
 51 made by the act; amending s. 1006.32, F.S.; revising
 52 provisions relating to prohibited acts to conform to
 53 changes made by the act; amending s. 1006.33, F.S.,
 54 relating to bids or proposals and advertisements of
 55 instructional materials; providing requirements for
 56 digital specifications; amending s. 1006.34, F.S.;

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57 revising powers and duties of the commissioner and the
 58 Department of Education in selecting and adopting
 59 instructional materials; providing an exemption from the
 60 requirement that a rule having certain regulatory costs be
 61 ratified by the Legislature; amending s. 1006.35, F.S.;
 62 conforming provisions relating to the accuracy of
 63 instructional materials to changes made by the act;
 64 amending s. 1006.36, F.S.; reducing the term of adoption
 65 of instructional materials from a 6-year period to a 5-
 66 year period; amending s. 1006.38, F.S.; revising
 67 provisions relating to the duties, responsibilities, and
 68 requirements of instructional materials publishers and
 69 manufacturers; requiring electronic delivery of copies of
 70 instructional materials to the department; amending s.
 71 1006.39, F.S.; revising provisions relating to the
 72 production and dissemination of educational materials and
 73 products by the department to conform to changes made by
 74 the act; amending s. 1006.40, F.S.; revising provisions
 75 relating to the use of the annual allocation for the
 76 purchase of instructional materials; repealing s. 1006.43,
 77 F.S., relating to department expenses and its annual
 78 legislative budget request; amending s. 1011.62, F.S.;
 79 revising provisions relating to the value of student
 80 membership for certain students in career and professional
 81 academy programs for purposes of education funding;
 82 amending s. 1011.685, F.S.; revising provisions relating
 83 to the use of class size reduction operating categorical
 84 funds; amending s. 1011.71, F.S.; conforming provisions to

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85 changes made by the act; repealing provisions relating to
 86 the levy of additional millage for critical capital outlay
 87 or operating needs; authorizing the levy in certain school
 88 districts; providing restrictions; providing an effective
 89 date.

90
 91 Be It Enacted by the Legislature of the State of Florida:

92
 93 Section 1. Paragraph (o) of subsection (6) of section
 94 1001.10, Florida Statutes, is amended to read:

95 1001.10 Commissioner of Education; general powers and
 96 duties.—

97 (6) Additionally, the commissioner has the following
 98 general powers and duties:

99 (o) To develop criteria for use by state instructional
 100 materials reviewers ~~committees~~ in evaluating materials submitted
 101 for adoption consideration. The criteria shall, as appropriate,
 102 be based on instructional expectations reflected in curriculum
 103 frameworks and student performance standards. The criteria for
 104 each subject or course shall be made available to publishers of
 105 instructional materials pursuant to the requirements of chapter
 106 1006.

107 Section 2. Subsection (19) of section 1002.33, Florida
 108 Statutes, is amended to read:

109 1002.33 Charter schools.—

110 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
 111 for capital outlay funds pursuant to s. 1013.62. Capital outlay
 112 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been

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113 shared with a charter school-in-the-workplace prior to July 1,
 114 2010, are deemed to have met the authorized expenditure
 115 requirements for such funds.

116 Section 3. Paragraph (e) is added to subsection (1) of
 117 section 1002.45, Florida Statutes, to read:

118 1002.45 School district virtual instruction programs.—

119 (1) PROGRAM.—

120 (e)1. Each school district shall provide to the department
 121 by October 1, 2011, and by each October 1 thereafter, a copy of
 122 each contract and the amounts paid per unweighted full-time
 123 equivalent student for services procured pursuant to paragraph
 124 (c).

125 2. Each school district shall expend the difference in
 126 funds provided for a student participating in the school
 127 district virtual instruction program pursuant to subsection (7)
 128 and the price paid for contracted services procured pursuant to
 129 paragraph (c) for the district's local instructional improvement
 130 system pursuant to s. 1006.281 or other technological tools that
 131 are required to access electronic and digital instructional
 132 materials.

133 Section 4. Paragraphs (c) and (f) of subsection (3) of
 134 section 1002.55, Florida Statutes, are amended to read:

135 1002.55 School-year prekindergarten program delivered by
 136 private prekindergarten providers.—

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

140 (c) The private prekindergarten provider must have, for

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141 | each prekindergarten class of 11 children or fewer, at least one
 142 | prekindergarten instructor who meets each of the following
 143 | requirements:

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

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

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

152 |

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

157 | 2. The prekindergarten instructor must successfully
 158 | complete an emergent literacy training course approved by the
 159 | department as meeting or exceeding the minimum standards adopted
 160 | under s. 1002.59. This subparagraph does not apply to a
 161 | prekindergarten instructor who successfully completes approved
 162 | training in early literacy and language development under s.
 163 | 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
 164 | establishment of one or more emergent literacy training courses
 165 | under s. 1002.59 or April 1, 2005, whichever occurs later.

166 | (f) Each of the private prekindergarten provider's
 167 | prekindergarten classes must be composed of at least 4 students
 168 | but may not exceed 20 ~~18~~ students. In order to protect the

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169 health and safety of students, each private prekindergarten
 170 provider must also provide appropriate adult supervision for
 171 students at all times and, for each prekindergarten class
 172 composed of 12 ~~11~~ or more students, must have, in addition to a
 173 prekindergarten instructor who meets the requirements of
 174 paragraph (c), at least one adult prekindergarten instructor who
 175 is not required to meet those requirements but who must meet
 176 each requirement of paragraph (d). This paragraph does not
 177 supersede any requirement imposed on a provider under ss.
 178 402.301-402.319.

179 Section 5. Subsection (7) of section 1002.63, Florida
 180 Statutes, is amended to read:

181 1002.63 School-year prekindergarten program delivered by
 182 public schools.—

183 (7) Each prekindergarten class in a public school
 184 delivering the school-year prekindergarten program must be
 185 composed of at least 4 students but may not exceed 18 students.
 186 In order to protect the health and safety of students, each
 187 school must also provide appropriate adult supervision for
 188 students at all times and, for each prekindergarten class
 189 composed of 12 ~~11~~ or more students, must have, in addition to a
 190 prekindergarten instructor who meets the requirements of s.
 191 1002.55(3)(c), at least one adult prekindergarten instructor who
 192 is not required to meet those requirements but who must meet
 193 each requirement of subsection (5).

194 Section 6. Subsection (7) of section 1002.71, Florida
 195 Statutes, is amended to read:

196 1002.71 Funding; financial and attendance reporting.—

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197 (7) The Agency for Workforce Innovation shall require that
 198 administrative expenditures be kept to the minimum necessary for
 199 efficient and effective administration of the Voluntary
 200 Prekindergarten Education Program. Administrative policies and
 201 procedures shall be revised, to the maximum extent practicable,
 202 to incorporate the use of automation and electronic submission
 203 of forms, including those required for child eligibility and
 204 enrollment, provider and class registration, and monthly
 205 certification of attendance for payment. A school district may
 206 use its automated daily attendance reporting system for the
 207 purpose of transmitting attendance records to the early learning
 208 coalition in a mutually agreed-upon format. In addition, actions
 209 shall be taken to reduce paperwork, eliminate the duplication of
 210 reports, and eliminate other duplicative activities. Beginning
 211 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning
 212 coalition may retain and expend no more than 3.0 ~~4.5~~ percent of
 213 the funds paid by the coalition to private prekindergarten
 214 providers and public schools under paragraph (5)(b). Funds
 215 retained by an early learning coalition under this subsection
 216 may be used only for administering the Voluntary Prekindergarten
 217 Education Program and may not be used for the school readiness
 218 program or other programs.

219 Section 7. Subsections (14) and (15) of section 1003.01,
 220 Florida Statutes, are amended to read:

221 1003.01 Definitions.—As used in this chapter, the term:

222 (14) "Core-curricula courses" means:

223 (a) Language arts/reading, mathematics, and science
 224 courses in prekindergarten through grade 3.

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225 (b) Courses in grades 4 through 8 in subjects that are
 226 measured by state assessment at any grade level.

227 (c) Courses in grades 9 through 12 in subjects that are
 228 measured by state assessment at any grade level.

229 (d) Courses that are specifically identified by name in
 230 law as required for high school graduation and that are not
 231 measured by state assessment, excluding any extracurricular
 232 courses.

233 (e) Exceptional student education courses.

234 (f) English for Speakers of Other Languages courses.
 235 ~~courses defined by the Department of Education as mathematics,~~
 236 ~~language arts/reading, science, social studies, foreign~~
 237 ~~language, English for Speakers of Other Languages, exceptional~~
 238 ~~student education, and courses taught in traditional self-~~
 239 ~~contained elementary school classrooms.~~

240
 241 The term is limited in meaning and used for the sole purpose of
 242 designating classes that are subject to the maximum class size
 243 requirements established in s. 1, Art. IX of the State
 244 Constitution. This term does not include courses offered under
 245 ss. 1002.37, 1002.415, and 1002.45.

246 (15) "Extracurricular courses" means all courses that are
 247 not defined as "core-curricula courses," which may include, but
 248 are not limited to, physical education, fine arts, performing
 249 fine arts, ~~and~~ career education, and courses that may result in
 250 college credit. The term is limited in meaning and used for the
 251 sole purpose of designating classes that are not subject to the
 252 maximum class size requirements established in s. 1, Art. IX of

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253 the State Constitution.

254 Section 8. Subsections (1) and (2) of section 1003.03,
 255 Florida Statutes, are amended to read:

256 1003.03 Maximum class size.—

257 (1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.—~~Each year, on or
 258 before the October student membership survey, school districts
 259 must be in compliance with the following class size requirements
 260 ~~Pursuant to s. 1, Art. IX of the State Constitution, beginning~~
 261 ~~in the 2010-2011 school year:~~

262 (a) The maximum number of students assigned to each
 263 teacher who is teaching core-curricula courses in public school
 264 classrooms for prekindergarten through grade 3 may not exceed 18
 265 students.

266 (b) The maximum number of students assigned to each
 267 teacher who is teaching core-curricula courses in public school
 268 classrooms for grades 4 through 8 may not exceed 22 students.
 269 The maximum number of students assigned to a core-curricula high
 270 school course in which a student in grades 4 through 8 is
 271 enrolled shall be governed by the requirements in paragraph (c).

272 (c) The maximum number of students assigned to each
 273 teacher who is teaching core-curricula courses in public school
 274 classrooms for grades 9 through 12 may not exceed 25 students.

275
 276 These maximums shall be maintained after the October student
 277 membership survey, except as provided in paragraph (2) (b) or due
 278 to an extreme emergency beyond the control of the district
 279 school board.

280 (2) IMPLEMENTATION.—

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281 (a) The Department of Education shall annually calculate
 282 class size measures described in subsection (1) based upon the
 283 October student membership survey.

284 (b) A student who enrolls in a school after the October
 285 student membership survey may be assigned to an existing class
 286 that temporarily exceeds the maximum number of students in
 287 subsection (1) if the district school board determines it to be
 288 impractical, educationally unsound, or disruptive to student
 289 learning to not assign the student to the class. If the district
 290 school board makes this determination:

291 1. Up to three students above the maximum as provided in
 292 paragraph (1)(a) may be assigned to a teacher in kindergarten
 293 through grade 3.

294 2. Up to five students above the maximums as provided in
 295 paragraphs (1)(b) and (c), respectively, may be assigned to a
 296 teacher in grades 4 through 12.

297 3. The district school board must develop a plan for the
 298 school to be in full compliance with the maximum class size in
 299 subsection (1) by the next October student membership survey.

300 ~~(b) Prior to the adoption of the district school budget~~
 301 ~~for 2010-2011, each district school board shall hold public~~
 302 ~~hearings and provide information to parents on the district's~~
 303 ~~website, and through any other means by which the district~~
 304 ~~provides information to parents and the public, on the~~
 305 ~~district's strategies to meet the requirements in subsection~~
 306 ~~(1).~~

307 Section 9. Subsection (2) of section 1003.492, Florida
 308 Statutes, is amended to read:

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309 | 1003.492 Industry-certified career education programs.—
 310 | (2) The State Board of Education shall use the expertise
 311 | of Workforce Florida, Inc., and Enterprise Florida, Inc., to
 312 | develop and adopt rules pursuant to ss. 120.536(1) and 120.54
 313 | for implementing an industry certification process. The rules
 314 | must establish a process for weighting the value of industry
 315 | certifications based on the rigor of the certification and its
 316 | employment value to state businesses and industry. Industry
 317 | certification shall be defined by the Agency for Workforce
 318 | Innovation, based upon the highest available national standards
 319 | for specific industry certification, to ensure student skill
 320 | proficiency and to address emerging labor market and industry
 321 | trends. A regional workforce board or a career and professional
 322 | academy may apply to Workforce Florida, Inc., to request
 323 | additions to the approved list of industry certifications based
 324 | on high-demand job requirements in the regional economy. The
 325 | list of industry certifications approved by Workforce Florida,
 326 | Inc., and the Department of Education shall be published and
 327 | updated annually by a date certain, to be included in the
 328 | adopted rule.

329 | Section 10. Subsection (1), paragraph (a) of subsection
 330 | (2), and paragraphs (b) and (e) of subsection (3) of section
 331 | 1006.28, Florida Statutes, are amended to read:

332 | 1006.28 Duties of district school board, district school
 333 | superintendent; and school principal regarding K-12
 334 | instructional materials.—

335 | (1) DISTRICT SCHOOL BOARD.—The district school board has
 336 | the duty to provide adequate instructional materials for all

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337 students in accordance with the requirements of this part. The
 338 term "adequate instructional materials" means a sufficient
 339 number of student or site licenses ~~textbooks~~ or sets of
 340 materials that are available in bound, unbound, kit, or package
 341 form and may consist of hard-backed or soft-backed textbooks,
 342 electronic content, consumables, learning laboratories,
 343 manipulatives, electronic media, and computer courseware or
 344 software that serve as the basis for instruction for each
 345 student in the core courses of mathematics, language arts,
 346 social studies, science, reading, and literature, ~~except for~~
 347 ~~instruction for which the school advisory council approves the~~
 348 ~~use of a program that does not include a textbook as a major~~
 349 ~~tool of instruction.~~ The district school board has the following
 350 specific duties:

351 (a) Courses of study; adoption.—Adopt courses of study for
 352 use in the schools of the district.

353 (b) Instructional materials ~~Textbooks~~.—Provide for proper
 354 requisitioning, distribution, accounting, storage, care, and use
 355 of all instructional materials ~~furnished by the state~~ and
 356 furnish such other instructional materials as may be needed. The
 357 district school board shall ensure ~~assure~~ that instructional
 358 materials used in the district are consistent with the district
 359 goals and objectives and the curriculum frameworks adopted by
 360 rule of the State Board of Education, as well as with the state
 361 and district performance standards provided for in s.
 362 1001.03(1).

363 (c) Other instructional materials.—Provide such other
 364 teaching accessories and aids as are needed for the school

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365 district's educational program.

366 (d) School library media services; establishment and
 367 maintenance.—Establish and maintain a program of school library
 368 media services for all public schools in the district, including
 369 school library media centers, or school library media centers
 370 open to the public, and, in addition such traveling or
 371 circulating libraries as may be needed for the proper operation
 372 of the district school system.

373 (2) DISTRICT SCHOOL SUPERINTENDENT.—

374 (a) The district school superintendent has the duty to
 375 recommend such plans for improving, providing, distributing,
 376 accounting for, and caring for instructional materials ~~textbooks~~
 377 and other instructional aids as will result in general
 378 improvement of the district school system, as prescribed in this
 379 part, in accordance with adopted district school board rules
 380 prescribing the duties and responsibilities of the district
 381 school superintendent regarding the requisition, purchase,
 382 receipt, storage, distribution, use, conservation, records, and
 383 reports of, and management practices and property accountability
 384 concerning, instructional materials, and providing for an
 385 evaluation of any instructional materials to be requisitioned
 386 that have not been used previously in the district's schools.
 387 The district school superintendent must keep adequate records
 388 and accounts for all financial transactions for funds collected
 389 pursuant to subsection (3), as a component of the educational
 390 service delivery scope in a school district best financial
 391 management practices review under s. 1008.35.

392 (3) SCHOOL PRINCIPAL.—The school principal has the

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393 following duties for the management and care of instructional
394 materials at the school:

395 (b) Money collected for lost or damaged instructional
396 materials ~~books~~; enforcement.—The school principal shall collect
397 from each student or the student's parent the purchase price of
398 any instructional material the student has lost, destroyed, or
399 unnecessarily damaged and to report and transmit the money
400 collected to the district school superintendent. The failure to
401 collect such sum upon reasonable effort by the school principal
402 may result in the suspension of the student from participation
403 in extracurricular activities or satisfaction of the debt by the
404 student through community service activities at the school site
405 as determined by the school principal, pursuant to policies
406 adopted by district school board rule.

407 (e) Accounting for instructional materials ~~textbooks~~.—
408 Principals shall see that all instructional materials ~~books~~ are
409 fully and properly accounted for as prescribed by adopted rules
410 of the district school board.

411 Section 11. Section 1006.281, Florida Statutes, is amended
412 to read:

413 1006.281 Local instructional improvement Learning
414 ~~management~~ systems.—

415 (1) A "local instructional improvement system" means a
416 system that uses digital tools that provide teachers,
417 administrators, students, and parents with data and resources to
418 systematically manage continuous instructional improvement. The
419 system supports relevant activities such as instructional
420 planning, information gathering and analysis, rapid-time

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421 reporting, decisionmaking on appropriate instructional sequence,
 422 and evaluating the effectiveness of instruction. The system
 423 shall integrate instructional information with student-level
 424 data to provide predictions of future student achievement.

425 (2)(1) Each school district shall provide teachers,
 426 administrators, students, and parents ~~To ensure that all school~~
 427 ~~districts have equitable access to a local instructional~~
 428 improvement system. The system must provide access to electronic
 429 and digital ~~digitally rich instructional materials, districts~~
 430 ~~are encouraged to provide access to an electronic learning~~
 431 ~~management system that allows teachers, students, and parents to~~
 432 ~~access, organize, and use electronically available instructional~~
 433 ~~materials and teaching and learning tools and resources,~~
 434 including the ability for ~~and that enables teachers and~~
 435 administrators to manage, assess, and track student learning.

436 (3)(2) By June 30, 2014, a school district's local
 437 instructional improvement system shall comply with minimum
 438 standards published by the Department of Education. The system
 439 must ~~To the extent fiscally and technologically feasible, a~~
 440 ~~school district's electronic learning management system should~~
 441 allow for a single, authenticated sign-on and include the
 442 following functionality:

443 (a) Vertically searches for, gathers, and organizes
 444 specific standards-based instructional materials.

445 (b) Enables teachers to prepare lessons, individualize
 446 student instruction, and use best practices in providing
 447 instruction, including the ability to connect student assessment
 448 data with electronic and digital instructional materials.

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449 (c) Provides communication, including access to up-to-date
 450 student performance data, in order to help teachers and parents
 451 better serve the needs of students.

452 (d) Provides access for administrators to ensure quality
 453 of instruction within every classroom.

454 (e) Enables district staff to plan, create, and manage
 455 professional development and to connect professional development
 456 with staff information and student performance data.

457 (f)(e) Provides access to multiple content providers and
 458 provides the ability to seamlessly connect the local
 459 instructional improvement system to electronic and digital
 460 content.

461 (4)(3) The Department of Education shall provide advisory
 462 assistance as requested by school districts in their deployment
 463 of a local instructional improvement district-electronic
 464 learning management system.

465 (5) The State Board of Education shall adopt rules
 466 pursuant to ss. 120.536(1) and 120.54 to administer this
 467 section, including rules that establish minimum standards for a
 468 local instructional improvement system.

469 Section 12. Section 1006.29, Florida Statutes, is amended
 470 to read:

471 1006.29 State instructional materials reviewers
 472 committees.-

473 ~~(1) Each school year, not later than April 15, the~~
 474 ~~commissioner shall appoint state instructional materials~~
 475 ~~committees composed of persons actively engaged in teaching or~~
 476 ~~in the supervision of teaching in the public elementary, middle,~~

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477 | ~~or high schools and representing the major fields and levels in~~
 478 | ~~which instructional materials are used in the public schools~~
 479 | ~~and, in addition, lay citizens not professionally connected with~~
 480 | ~~education. Committee members shall receive training pursuant to~~
 481 | ~~subsection (5) in competencies related to the evaluation and~~
 482 | ~~selection of instructional materials.~~

483 | ~~(a) There shall be 10 or more members on each committee.~~
 484 | ~~At least 50 percent of the members shall be classroom teachers~~
 485 | ~~who are certified in an area directly related to the academic~~
 486 | ~~area or level being considered for adoption, 2 shall be~~
 487 | ~~laypersons, 1 shall be a district school board member, and 2~~
 488 | ~~shall be supervisors of teachers. The committee must have the~~
 489 | ~~capacity or expertise to address the broad racial, ethnic,~~
 490 | ~~socioeconomic, and cultural diversity of the state's student~~
 491 | ~~population. Personnel selected as teachers of the year at the~~
 492 | ~~school, district, regional, or state level are encouraged to~~
 493 | ~~serve on instructional materials committees.~~

494 | ~~(b) The membership of each committee must reflect the~~
 495 | ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~
 496 | ~~the state, including a balanced representation from the state's~~
 497 | ~~geographic regions.~~

498 | (1) (a) (e) The commissioner shall determine annually the
 499 | areas in which instructional materials shall be submitted for
 500 | adoption, taking into consideration the desires of the district
 501 | school boards. The commissioner shall also determine the number
 502 | of titles to be adopted in each area.

503 | (b) By April 15 of each school year, the commissioner
 504 | shall appoint three state or national experts in the content

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505 areas submitted for adoption to review the instructional
 506 materials and evaluate the content for alignment with the
 507 applicable Next Generation Sunshine State Standards. These
 508 reviewers shall be designated as state instructional materials
 509 reviewers and shall review the materials for the level of
 510 instructional support and the accuracy and appropriateness of
 511 progression of introduced content. Instructional materials shall
 512 be made available to the reviewers in an electronic format. The
 513 initial review of the materials shall be made by only two of the
 514 three reviewers. If the two reviewers reach different results,
 515 the third reviewer shall determine which results shall be
 516 recommended. The reviewers shall independently make
 517 recommendations to the commissioner regarding materials that
 518 should be placed on the list of adopted materials through an
 519 electronic feedback review system.

520 (c) The commissioner shall request each district school
 521 superintendent to nominate one classroom teacher or district-
 522 level content supervisor to review two or three of the
 523 submissions recommended by the state instructional materials
 524 reviewers. School districts shall ensure that these district
 525 reviewers are provided with the support and time necessary to
 526 accomplish thorough review of the instructional materials.
 527 District reviewers shall independently rate the recommended
 528 submissions on the instructional usability of the resources.

529 ~~(2)(a) All appointments shall be as prescribed in this~~
 530 ~~section. No member shall serve more than two consecutive terms~~
 531 ~~on any committee. All appointments shall be for 18-month terms.~~
 532 ~~All vacancies shall be filled in the manner of the original~~

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533 ~~appointment for only the time remaining in the unexpired term.~~
 534 ~~At no time may a district school board have more than one~~
 535 ~~representative on a committee. The commissioner and a member of~~
 536 ~~the department whom he or she shall designate shall be~~
 537 ~~additional and ex officio members of each committee.~~

538 ~~(b) The names and mailing addresses of the members of the~~
 539 ~~state instructional materials committees shall be made public~~
 540 ~~when appointments are made.~~

541 ~~(c) The district school board shall be reimbursed for the~~
 542 ~~actual cost of substitute teachers for each workday that a~~
 543 ~~member of its instructional staff is absent from his or her~~
 544 ~~assigned duties for the purpose of rendering service to the~~
 545 ~~state instructional materials committee. In addition, committee~~
 546 ~~members shall be reimbursed for travel expenses and per diem in~~
 547 ~~accordance with s. 112.061 for actual service in meetings of~~
 548 ~~committees called by the commissioner. Payment of such travel~~
 549 ~~expenses shall be made from the appropriation for the~~
 550 ~~administration of the instructional materials program, on~~
 551 ~~warrants to be drawn by the Chief Financial Officer upon~~
 552 ~~requisition approved by the commissioner.~~

553 ~~(d) Any member of a committee may be removed by the~~
 554 ~~commissioner for cause.~~

555 ~~(3) All references in the law to the state instructional~~
 556 ~~materials committee shall apply to each committee created by~~
 557 ~~this section.~~

558 (2)(4) For purposes of state adoption, "instructional
 559 materials" means items having intellectual content that by
 560 design serve as a major tool for assisting in the instruction of

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561 a subject or course. These items may be available in bound,
 562 unbound, kit, or package form and may consist of hardbacked or
 563 softbacked textbooks, electronic content, consumables, learning
 564 laboratories, manipulatives, electronic media, and computer
 565 courseware or software. A publisher or manufacturer providing
 566 instructional materials as a single bundle shall also make the
 567 instructional materials available as separate and unbundled
 568 items, each priced individually. A publisher may also offer
 569 sections of state-adopted instructional materials in digital or
 570 electronic versions at reduced rates to districts, schools, and
 571 teachers.

572 (3) Beginning in the 2014-2015 academic year, all adopted
 573 Any instructional materials adopted after 2012-2013 for students
 574 in kindergarten grades 9 through grade 12 must shall also be
 575 provided in a digital an electronic format. For purposes of
 576 state adoption, the term "digital format" means text-based or
 577 image-based content in a form that provides the student with
 578 various interactive functions; that can be searched, tagged,
 579 distributed, and utilized for individualized and group learning;
 580 that includes multimedia content such as video clips,
 581 animations, and virtual reality; and that has the ability to be
 582 accessed anytime and anywhere. Beginning in the 2012-2013
 583 academic year for grades 9 through 12 and in the 2013-2014
 584 academic year for kindergarten through grade 8, all adopted
 585 instructional materials must be provided in an electronic or a
 586 digital format. For purposes of state adoption, the term
 587 "electronic format" means text-based or image-based content in a
 588 form that is produced on, published by, and readable on

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589 computers or other digital devices and is an electronic version
 590 of a printed book, whether or not any printed equivalent exists.
 591 The term does not include electronic or computer hardware even
 592 if such hardware is bundled with software or other electronic
 593 media, nor does it include equipment or supplies.

594 ~~(4)-(5)~~ The department shall develop a training program for
 595 persons selected as state instructional materials reviewers and
 596 school district reviewers ~~to serve on state instructional~~
 597 ~~materials committees~~. The program shall be structured to assist
 598 reviewers ~~committee members~~ in developing the skills necessary
 599 to make valid, culturally sensitive, and objective decisions
 600 regarding the content and rigor of instructional materials. All
 601 persons serving as ~~on~~ instructional materials reviewers
 602 ~~committees~~ must complete the training program prior to beginning
 603 the review and selection process.

604 Section 13. Section 1006.30, Florida Statutes, is amended
 605 to read:

606 1006.30 Affidavit of state instructional materials
 607 reviewers ~~committee members~~.—Before transacting any business,
 608 each state instructional materials reviewer ~~member of a state~~
 609 ~~committee~~ shall make an affidavit, to be filed with the
 610 department commissioner, that:

611 (1) The reviewer ~~member~~ will faithfully discharge the
 612 duties imposed upon him or her ~~as a member of the committee~~.

613 (2) The reviewer ~~member~~ has no interest, ~~and while a~~
 614 ~~member of the committee he or she will assume no interest~~, in
 615 any publishing or manufacturing organization that ~~which~~ produces
 616 or sells instructional materials.

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617 (3) The reviewer ~~member~~ is in no way connected, ~~and while~~
 618 ~~a member of the committee he or she will assume no connection,~~
 619 with the distribution of the instructional materials.

620 (4) The reviewer does not have any direct or indirect
 621 pecuniary interest ~~member is not pecuniarily interested, and~~
 622 ~~while a member of the committee he or she will assume no~~
 623 ~~pecuniary interest, directly or indirectly,~~ in the business or
 624 profits of any person engaged in manufacturing, publishing, or
 625 selling instructional materials designed for use in the public
 626 schools.

627 (5) The reviewer ~~member~~ will not accept any emolument or
 628 promise of future reward of any kind from any publisher or
 629 manufacturer of instructional materials or his or her agent or
 630 anyone interested in, or intending to bias his or her judgment
 631 in any way in, the selection of any materials to be adopted.

632 (6) The reviewer understands that it is unlawful for any
 633 ~~member of a state instructional materials committee to discuss~~
 634 matters relating to instructional materials submitted for
 635 adoption with any agent of a publisher or manufacturer of
 636 instructional materials, either directly or indirectly, except
 637 during the period when the publisher or manufacturer is
 638 providing a presentation for the reviewer during his or her
 639 review of ~~committee has been called into session for the purpose~~
 640 ~~of evaluating instructional materials submitted for adoption.~~
 641 ~~Such discussions shall be limited to official meetings of the~~
 642 ~~committee and in accordance with procedures prescribed by the~~
 643 ~~commissioner for that purpose.~~

644 Section 14. Section 1006.31, Florida Statutes, is amended

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645 to read:

646 1006.31 Duties of each state instructional materials
 647 reviewer ~~committee~~.—The duties of each state instructional
 648 materials reviewer ~~committee~~ are:

649 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
 650 ~~commissioner, at a place in the state designated by him or her,~~
 651 ~~for the purpose of evaluating and recommending instructional~~
 652 ~~materials for adoption by the state. All meetings of state~~
 653 ~~instructional materials committees shall be announced publicly~~
 654 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
 655 ~~the date of convening. All meetings of the committees shall be~~
 656 ~~open to the public.~~

657 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
 658 ~~adoption. An employee of the department shall serve as secretary~~
 659 ~~to the committee and keep an accurate record of its proceedings.~~
 660 ~~All records of committee motions and votes, and summaries of~~
 661 ~~committee debate shall be incorporated into a publishable~~
 662 ~~document and shall be available for public inspection and~~
 663 ~~duplication.~~

664 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
 665 the department ~~commissioner~~ for evaluating instructional
 666 materials submitted by publishers and manufacturers in each
 667 adoption.

668 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
 669 carefully all instructional materials submitted, to ascertain
 670 which instructional materials, if any, submitted for
 671 consideration ~~best~~ implement the selection criteria developed by
 672 the department ~~commissioner~~ and those curricular objectives

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673 included within applicable performance standards provided for in
 674 s. 1001.03(1).

675 (a) When recommending instructional materials for use in
 676 the schools, each reviewer ~~committee~~ shall include only
 677 instructional materials that accurately portray the ethnic,
 678 socioeconomic, cultural, and racial diversity of our society,
 679 including men and women in professional, career, and executive
 680 roles, and the role and contributions of the entrepreneur and
 681 labor in the total development of this state and the United
 682 States.

683 (b) When recommending instructional materials for use in
 684 the schools, each reviewer ~~committee~~ shall include only
 685 materials that ~~which~~ accurately portray, whenever appropriate,
 686 humankind's place in ecological systems, including the necessity
 687 for the protection of our environment and conservation of our
 688 natural resources and the effects on the human system of the use
 689 of tobacco, alcohol, controlled substances, and other dangerous
 690 substances.

691 (c) When recommending instructional materials for use in
 692 the schools, each reviewer ~~committee~~ shall require such
 693 materials as he or she ~~it~~ deems necessary and proper to
 694 encourage thrift, fire prevention, and humane treatment of
 695 people and animals.

696 (d) When recommending instructional materials for use in
 697 the schools, each reviewer ~~committee~~ shall require, when
 698 appropriate to the comprehension of students, that materials for
 699 social science, history, or civics classes contain the
 700 Declaration of Independence and the Constitution of the United

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701 States. A reviewer may not recommend any ~~No~~ instructional
 702 materials ~~shall be recommended by any committee~~ for use in the
 703 schools which contain any matter reflecting unfairly upon
 704 persons because of their race, color, creed, national origin,
 705 ancestry, gender, or occupation.

706 (e) Any instructional material ~~All instructional materials~~
 707 recommended by a reviewer ~~each committee~~ for use in the schools
 708 shall be, to the satisfaction of each reviewer ~~committee~~,
 709 accurate, objective, and current and suited to the needs and
 710 comprehension of students at their respective grade levels.
 711 Reviewers ~~Instructional materials committees~~ shall consider for
 712 adoption materials developed for academically talented students
 713 such as those enrolled in advanced placement courses.

714 (3) ~~(5)~~ REPORT OF REVIEWER COMMITTEE. ~~Each committee,~~ After
 715 a thorough study of all data submitted on each instructional
 716 material, to submit an electronic ~~and after each member has~~
 717 ~~carefully evaluated each instructional material, shall present a~~
 718 ~~written~~ report to the department ~~commissioner~~. Such report
 719 shall be made public, and must ~~shall~~ include responses to each
 720 section of the report format prescribed by the department.

721 ~~(a) A description of the procedures used in determining~~
 722 ~~the instructional materials to be recommended to the~~
 723 ~~commissioner.~~

724 ~~(b) Recommendations of instructional materials for each~~
 725 ~~grade and subject field in the curriculum of public elementary,~~
 726 ~~middle, and high schools in which adoptions are to be made. If~~
 727 ~~deemed advisable, the committee may include such other~~
 728 ~~information, expression of opinion, or recommendation as would~~

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729 ~~be helpful to the commissioner. If there is a difference of~~
 730 ~~opinion among the members of the committee as to the merits of~~
 731 ~~any instructional materials, any member may file an expression~~
 732 ~~of his or her individual opinion.~~

733
 734 ~~The findings of the committees, including the evaluation of~~
 735 ~~instructional materials, shall be in sessions open to the~~
 736 ~~public. All decisions leading to determinations of the~~
 737 ~~committees shall be by roll call vote, and at no time will a~~
 738 ~~secret ballot be permitted.~~

739 Section 15. Section 1006.32, Florida Statutes, is amended
 740 to read:

741 1006.32 Prohibited acts.—

742 (1) A ~~No~~ publisher or manufacturer of instructional
 743 material, or any representative thereof, may not ~~shall~~ offer to
 744 give any emolument, money, or other valuable thing, or any
 745 inducement, to any district school board official or state
 746 ~~member of a state-level~~ instructional materials reviewer
 747 ~~committee~~ to directly or indirectly introduce, recommend, vote
 748 for, or otherwise influence the adoption or purchase of any
 749 instructional materials.

750 (2) A ~~No~~ district school board official or ~~member of a~~
 751 state instructional materials reviewer may not ~~committee shall~~
 752 solicit or accept any emolument, money, or other valuable thing,
 753 or any inducement, to directly or indirectly introduce,
 754 recommend, vote for, or otherwise influence the adoption or
 755 purchase of any instructional material.

756 (3) A ~~No~~ district school board or publisher may not

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757 | participate in a pilot program of materials being considered for
 758 | adoption during the 18-month period before the official adoption
 759 | of the materials by the commissioner. Any pilot program during
 760 | the first 2 years of the adoption period must have the prior
 761 | approval of the commissioner.

762 | (4) Any publisher or manufacturer of instructional
 763 | materials or representative thereof or any district school board
 764 | official or state instructional materials reviewer ~~committee~~
 765 | ~~member~~, who violates any provision of this section commits a
 766 | misdemeanor of the second degree, punishable as provided in s.
 767 | 775.082 or s. 775.083. Any representative of a publisher or
 768 | manufacturer who violates any provision of this section, in
 769 | addition to any other penalty, shall be banned from practicing
 770 | business in the state for a period of 1 calendar year. ~~Any~~
 771 | ~~district school board official or state instructional materials~~
 772 | ~~committee member who violates any provision of this section, in~~
 773 | ~~addition to any other penalty, shall be removed from his or her~~
 774 | ~~official position.~~

775 | (5) This section does not prohibit ~~Nothing in this section~~
 776 | ~~shall be construed to prevent~~ any publisher, manufacturer, or
 777 | agent from supplying, for purposes of examination, necessary
 778 | sample copies of instructional materials to any district school
 779 | board official or state instructional materials reviewer
 780 | ~~committee member.~~

781 | (6) This section does not prohibit ~~Nothing in this section~~
 782 | ~~shall be construed to prevent~~ a district school board official
 783 | or state instructional materials reviewer ~~committee member~~ from
 784 | receiving sample copies of instructional materials.

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785 (7) This section does not ~~Nothing contained in this~~
 786 ~~section shall be construed to~~ prohibit or restrict a district
 787 school board official from receiving royalties or other
 788 compensation, other than compensation paid to him or her as
 789 commission for negotiating sales to district school boards, from
 790 the publisher or manufacturer of instructional materials
 791 written, designed, or prepared by such district school board
 792 official, and adopted by the commissioner or purchased by any
 793 district school board. No district school board official shall
 794 be allowed to receive royalties on any materials not on the
 795 state-adopted list purchased for use by his or her district
 796 school board.

797 (8) A ~~No~~ district school superintendent, district school
 798 board member, teacher, or other person officially connected with
 799 the government or direction of public schools may not ~~shall~~
 800 receive during the months actually engaged in performing duties
 801 under his or her contract any private fee, gratuity, donation,
 802 or compensation, in any manner whatsoever, for promoting the
 803 sale or exchange of any instructional material ~~school book~~, map,
 804 or chart in any public school, or be an agent for the sale or
 805 the publisher of any instructional material ~~school textbook~~ or
 806 reference work, or have direct or indirect pecuniary interest ~~be~~
 807 ~~directly or indirectly pecuniarily interested~~ in the
 808 introduction of any such instructional material ~~textbook~~, and
 809 any such agency or interest disqualifies ~~shall disqualify~~ any
 810 person so acting or interested from holding any district school
 811 board employment whatsoever, and the person commits a
 812 misdemeanor of the second degree, punishable as provided in s.

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813 775.082 or s. 775.083; however, ~~provided that~~ this subsection
 814 ~~does shall~~ not prevent ~~be construed as preventing~~ the adoption
 815 of any instructional material ~~book~~ written in whole or in part
 816 by a Florida author.

817 Section 16. Paragraphs (b) and (e) of subsection (1) and
 818 subsections (2) and (4) of section 1006.33, Florida Statutes,
 819 are amended to read:

820 1006.33 Bids or proposals; advertisement and its
 821 contents.-

822 (1)

823 (b) The advertisement shall state that, beginning in 2010-
 824 2011, each bidder shall furnish electronic sample ~~specimen~~
 825 copies of all instructional materials submitted, at a time
 826 designated by the department, which ~~specimen~~ copies shall be
 827 identical with the copies approved and accepted by ~~the members~~
 828 ~~of the state instructional materials reviewers committee,~~ as
 829 prescribed in this section, and with the copies furnished to the
 830 department and district school superintendents, as provided in
 831 this part. A school district may not request ~~Any district school~~
 832 ~~superintendent who requires~~ samples in addition to the
 833 electronic format ~~must request these samples through the~~
 834 ~~department.~~

835 (e) The advertisement shall give information regarding
 836 digital as to how specifications that ~~which~~ have been adopted by
 837 the department, including minimum format requirements that will
 838 enable electronic and digital content to be accessed through the
 839 district's local instructional improvement system and a variety
 840 of mobile, electronic, and digital devices. Beginning with

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841 specifications released in 2013, the digital specifications
 842 shall require the capability for searching by state standards
 843 and site and student-level licensing. The digital format
 844 specifications shall be appropriate for the interoperability of
 845 the content. The department may not adopt specifications that
 846 require the instructional materials to include specific
 847 references to FCAT standards or Next Generation Sunshine State
 848 Standards and benchmarks at point of student use ~~in regard to~~
 849 ~~paper, binding, cover boards, and mechanical makeup can be~~
 850 ~~secured. In adopting specifications, the department shall make~~
 851 ~~an exception for instructional materials that are college-level~~
 852 ~~texts and that do not meet department physical specifications~~
 853 ~~for secondary materials, if the publisher guarantees replacement~~
 854 ~~during the term of the contract.~~

855 (2) The bids submitted shall be for furnishing the
 856 designated materials in accordance with specifications of the
 857 department. The bid shall state the lowest wholesale price at
 858 which the materials will be furnished, at the time the adoption
 859 period provided in the contract begins, ~~delivered f.o.b. to the~~
 860 ~~Florida depository of the publisher, manufacturer, or bidder.~~

861 (4) Sample Specimen copies of all instructional materials
 862 that have been made the bases of contracts under this part
 863 shall, upon request for the purpose of public inspection, be
 864 made available by the publisher to the department and the
 865 district school superintendent of each district school board
 866 that adopts the instructional materials from the state list upon
 867 request for the purpose of public inspection. ~~All contracts and~~
 868 ~~bonds executed under this part shall be signed in triplicate.~~

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869 | ~~One copy of each contract and an original of each bid, whether~~
 870 | ~~accepted or rejected, shall be preserved with the department for~~
 871 | ~~at least 3 years after termination of the contract.~~

872 | Section 17. Subsections (1), (2), (3), and (7) of section
 873 | 1006.34, Florida Statutes, are amended to read:

874 | 1006.34 Powers and duties of the commissioner and the
 875 | department in selecting and adopting instructional materials.-

876 | (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.-The
 877 | State Board of Education shall adopt rules prescribing
 878 | ~~commissioner shall prescribe~~ the procedures by which the
 879 | department shall evaluate instructional materials submitted by
 880 | publishers and manufacturers in each adoption. The rules shall
 881 | be exempt from the legislative ratification requirement in s.
 882 | 120.541(3). Included in these procedures shall be provisions
 883 | affording ~~which afford~~ each publisher or manufacturer or his or
 884 | her representative an opportunity to provide a virtual
 885 | presentation to ~~present to members of the state instructional~~
 886 | materials reviewers on ~~committees~~ the merits of each
 887 | instructional material submitted in each adoption.

888 | (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.-

889 | (a) The department shall notify all publishers and
 890 | manufacturers of instructional materials who have submitted bids
 891 | that within 3 weeks after the deadline for receiving bids, at a
 892 | designated time and place, it will open the bids submitted and
 893 | deposited with it. At the time and place designated, the bids
 894 | shall be opened, read, and tabulated in the presence of the
 895 | bidders or their representatives. No one may revise his or her
 896 | bid after the bids have been filed. When all bids have been

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897 | carefully considered, the commissioner shall, from the list of
 898 | suitable, usable, and desirable instructional materials reported
 899 | by the state instructional materials reviewers ~~committee~~, select
 900 | and adopt instructional materials for each grade and subject
 901 | field in the curriculum of public elementary, middle, and high
 902 | schools in which adoptions are made and in the subject areas
 903 | designated in the advertisement. The adoption shall continue for
 904 | the period specified in the advertisement, beginning on the
 905 | ensuing April 1. The adoption shall not prevent the extension of
 906 | a contract as provided in subsection (3). The commissioner shall
 907 | always reserve the right to reject any and all bids. The
 908 | commissioner may ask for new sealed bids from publishers or
 909 | manufacturers whose instructional materials were recommended by
 910 | the state instructional materials reviewers ~~committee~~ as
 911 | suitable, usable, and desirable; specify the dates for filing
 912 | such bids and the date on which they shall be opened; and
 913 | proceed in all matters regarding the opening of bids and the
 914 | awarding of contracts as required by this part. In all cases,
 915 | bids shall be accompanied by a cash deposit or certified check
 916 | of from \$500 to \$2,500, as the department ~~commissioner~~ may
 917 | direct. The department, in adopting instructional materials,
 918 | shall give due consideration both to the prices bid for
 919 | furnishing instructional materials and to the report and
 920 | recommendations of the state instructional materials reviewers
 921 | ~~committee~~. When the commissioner has finished with the report of
 922 | the state instructional materials reviewers ~~committee~~, the
 923 | report shall be filed and preserved with the department and
 924 | shall be available at all times for public inspection.

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925 (b) In the selection of instructional materials, library
 926 media books, and other reading material used in the public
 927 school system, the standards used to determine the propriety of
 928 the material shall include:

929 1. The age of the students who normally could be expected
 930 to have access to the material.

931 2. The educational purpose to be served by the material.
 932 In considering instructional materials for classroom use,
 933 priority shall be given to the selection of materials which
 934 encompass the state and district school board performance
 935 standards provided for in s. 1001.03(1) and which include the
 936 instructional objectives contained within the curriculum
 937 frameworks approved by rule of the State Board of Education.

938 3. The degree to which the material would be supplemented
 939 and explained by mature classroom instruction as part of a
 940 normal classroom instructional program.

941 4. The consideration of the broad racial, ethnic,
 942 socioeconomic, and cultural diversity of the students of this
 943 state.

944
 945 Any instructional material ~~No book or other material~~ containing
 946 ~~hard-core~~ pornography or otherwise prohibited by s. 847.012 may
 947 not shall be used or made available within any public school
 948 district.

949 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
 950 soon as practicable after the commissioner has adopted any
 951 instructional materials and all bidders that have secured the
 952 adoption of any instructional materials have been notified

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953 thereof by registered letter, the department ~~of Legal Affairs~~
 954 shall prepare a contract in proper form with every bidder
 955 awarded the adoption of any instructional materials. Each
 956 contract shall be executed by the commissioner ~~Governor and~~
 957 ~~Secretary of State under the seal of the state~~, one copy to be
 958 kept by the contractor, ~~one copy to be filed with the Department~~
 959 ~~of State~~, and one copy to be filed with the department. After
 960 giving due consideration to comments by the district school
 961 boards, the commissioner, with the agreement of the publisher,
 962 may extend or shorten a contract period for a period not to
 963 exceed 2 years; and the terms of any such contract shall remain
 964 the same as in the original contract. Any publisher or
 965 manufacturer to whom any contract is let under this part must
 966 give bond in such amount as the department ~~commissioner~~
 967 requires, payable to the state, conditioned for the faithful,
 968 honest, and exact performance of the contract. The bond must
 969 provide for the payment of reasonable attorney's fees in case of
 970 recovery in any suit thereon. The surety on the bond must be a
 971 guaranty or surety company lawfully authorized to do business in
 972 the state; however, the bond shall not be exhausted by a single
 973 recovery but may be sued upon from time to time until the full
 974 amount thereof is recovered, and the department may at any time,
 975 after giving 30 days' notice, require additional security or
 976 additional bond. The form of any bond or bonds or contract or
 977 contracts under this part shall be prepared and approved by the
 978 department ~~of Legal Affairs~~. At the discretion of the department
 979 ~~commissioner~~, a publisher or manufacturer to whom any contract
 980 is let under this part may be allowed a cash deposit in lieu of

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981 a bond, conditioned for the faithful, honest, and exact
 982 performance of the contract. The cash deposit, payable to the
 983 department, shall be placed in the Textbook Bid Trust Fund. The
 984 department may recover damages on the cash deposit given by the
 985 contractor for failure to furnish instructional materials, the
 986 sum recovered to inure to the General Revenue Fund.

987 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
 988 manufacturer of instructional materials fails or refuses to
 989 furnish ~~a book, or books, or other~~ instructional materials as
 990 provided in the contract, the publisher's or manufacturer's ~~his~~
 991 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
 992 ~~shall~~ make another contract ~~on such terms as it may find~~
 993 ~~desirable, after giving due consideration to the recommendations~~
 994 ~~of the commissioner.~~

995 Section 18. Subsection (2) of section 1006.35, Florida
 996 Statutes, is amended to read:

997 1006.35 Accuracy of instructional materials.—

998 (2) When errors in state-adopted materials are confirmed,
 999 the publisher of the materials shall provide to each district
 1000 school board that has purchased the materials the corrections in
 1001 a format approved by the department ~~commissioner~~.

1002 Section 19. Section 1006.36, Florida Statutes, is amended
 1003 to read:

1004 1006.36 Term of adoption for instructional materials.—

1005 (1) The term of adoption of any instructional materials
 1006 must be a 5-year ~~6-year~~ period beginning on April 1 following
 1007 the adoption, except that the commissioner may approve terms of
 1008 adoption of less than 5 ~~6~~ years for materials in content areas

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1009 which require more frequent revision. Any contract for
 1010 instructional materials may be extended as prescribed in s.
 1011 1006.34(3).

1012 (2) The department shall publish annually an official
 1013 schedule of subject areas to be called for adoption for each of
 1014 the succeeding 2 years, and a tentative schedule for years 3, 4,
 1015 and 5, ~~and 6~~. If extenuating circumstances warrant, the
 1016 commissioner may ~~order the department to~~ add one or more subject
 1017 areas to the official schedule and, ~~in which event the~~
 1018 ~~commissioner~~ shall develop criteria for such additional subject
 1019 area or areas and make them available to publishers as soon as
 1020 practicable before the date on which bids are due. The schedule
 1021 shall be developed so as to promote balance among the subject
 1022 areas so that the required expenditure for new instructional
 1023 materials is approximately the same each year in order to
 1024 maintain curricular consistency.

1025 Section 20. Subsections (2), (3), (5), and (14) through
 1026 (17) of section 1006.38, Florida Statutes, are amended to read:

1027 1006.38 Duties, responsibilities, and requirements of
 1028 instructional materials publishers and manufacturers.—Publishers
 1029 and manufacturers of instructional materials, or their
 1030 representatives, shall:

1031 (2) Electronically deliver fully developed sample specimen
 1032 copies of all instructional materials upon which bids are based
 1033 to the department pursuant to procedures adopted by the State
 1034 Board of Education ~~each member of a state instructional~~
 1035 ~~materials committee. At the conclusion of the review process,~~
 1036 ~~manufacturers submitting samples of instructional materials are~~

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1037 ~~entitled to the return thereof, at the expense of the~~
 1038 ~~manufacturers; or, in the alternative, the manufacturers are~~
 1039 ~~entitled to reimbursement by the individual committee members~~
 1040 ~~for the retail value of the samples.~~

1041 (3) Submit, at a time designated in s. 1006.33, the
 1042 following information:

1043 (a) Detailed specifications of the physical
 1044 characteristics of the instructional materials, including any
 1045 software or technological tools required for use by the
 1046 district, school, teachers, or students. The publisher or
 1047 manufacturer shall comply with these specifications if the
 1048 instructional materials are adopted and purchased in completed
 1049 form.

1050 (b) Evidence ~~Written proof~~ that the publisher has provided
 1051 materials that address the ~~written correlations to appropriate~~
 1052 ~~curricular objectives included within applicable performance~~
 1053 standards provided for in s. 1001.03(1) and that can be accessed
 1054 through the district's local instructional improvement system
 1055 and a variety of electronic, digital, and mobile devices.

1056 (5) Furnish the instructional materials offered by them at
 1057 a price in the state which, including all costs of electronic
 1058 transmission ~~transportation to their depositories,~~ may shall not
 1059 exceed the lowest price at which they offer such instructional
 1060 materials for adoption or sale to any state or school district
 1061 in the United States.

1062 ~~(14) For all other subject areas, maintain in the~~
 1063 ~~depository an inventory of instructional materials sufficient to~~
 1064 ~~receive and fill orders.~~

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1065 (14)~~(15)~~ Accurately and fully disclose only the names of
 1066 those persons who actually authored the instructional materials.
 1067 In addition to the penalties provided in subsection (16) ~~(17)~~,
 1068 the commissioner may remove from the list of state-adopted
 1069 instructional materials those instructional materials whose
 1070 publisher or manufacturer misleads the purchaser by falsely
 1071 representing genuine authorship.

1072 (15)~~(16)~~ Grant, without prior written request, for any
 1073 copyright held by the publisher or its agencies automatic
 1074 permission to the department or its agencies for the
 1075 reproduction of instructional materials ~~textbooks~~ and
 1076 supplementary materials in braille, ~~or~~ large print, or other
 1077 appropriate format ~~in the form of sound recordings~~, for use by
 1078 visually impaired students or other students with disabilities
 1079 that would benefit from use of the materials.

1080 (16)~~(17)~~ Upon the willful failure of the publisher or
 1081 manufacturer to comply with the requirements of this section, be
 1082 liable to the department in the amount of three ~~3~~ times the
 1083 total sum which the publisher or manufacturer was paid in excess
 1084 of the price required under subsections (5) and (6) and in the
 1085 amount of three ~~3~~ times the total value of the instructional
 1086 materials and services which the district school board is
 1087 entitled to receive free of charge under subsection (7).

1088 Section 21. Subsection (5) of section 1006.39, Florida
 1089 Statutes, is amended to read:

1090 1006.39 Production and dissemination of educational
 1091 materials and products by department.—

1092 (5) The department may ~~shall~~ not enter into the business

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1093 of producing or publishing instructional materials ~~textbooks, or~~
 1094 ~~the contents therein,~~ for general use in classrooms.

1095 Section 22. Subsection (2), paragraph (a) of subsection
 1096 (3), and subsection (4) of section 1006.40, Florida Statutes,
 1097 are amended to read:

1098 1006.40 Use of instructional materials allocation;
 1099 instructional materials, library books, and reference books;
 1100 repair of books.—

1101 (2) ~~(a)~~ Each district school board must purchase current
 1102 instructional materials to provide each student with a ~~textbook~~
 1103 ~~or other instructional materials~~ as a major tool of instruction
 1104 in core courses of the ~~appropriate~~ subject areas of mathematics,
 1105 language arts, science, social studies, reading, and literature
 1106 for kindergarten through grade 12. Such purchase must be made
 1107 within the first 2 years after the effective date of the
 1108 ~~adoption cycle; however, this requirement is waived for the~~
 1109 ~~adoption cycle occurring in the 2008-2009 academic year for~~
 1110 ~~schools within the district which are identified in the top four~~
 1111 ~~categories of schools pursuant to s. 1008.33, as amended by~~
 1112 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
 1113 ~~may provide a waiver of this requirement for the adoption cycle~~
 1114 ~~occurring in the 2008-2009 academic year if the district~~
 1115 ~~demonstrates that it has intervention and support strategies to~~
 1116 ~~address the particular needs of schools in the lowest two~~
 1117 ~~categories. Unless specifically provided for in the General~~
 1118 ~~Appropriations Act, the cost of instructional materials~~
 1119 ~~purchases required by this paragraph shall not exceed the amount~~
 1120 ~~of the district's allocation for instructional materials,~~

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1121 | ~~pursuant to s. 1011.67, for the previous 2 years.~~

1122 | ~~(b) The requirement in paragraph (a) does not apply to~~
 1123 | ~~contracts in existence before April 1, 2000, or to a purchase~~
 1124 | ~~related to growth of student membership in the district or for~~
 1125 | ~~instructional materials maintenance needs.~~

1126 | (3) (a) By the 2013-2014 fiscal year, each district school
 1127 | board shall use at least 50 percent of the annual allocation for
 1128 | the purchase of digital or electronic instructional materials
 1129 | included on the state-adopted list, except as otherwise
 1130 | authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~
 1131 | ~~the annual allocation shall be used to purchase items which will~~
 1132 | ~~be used to provide instruction to students at the level or~~
 1133 | ~~levels for which the materials are designed.~~

1134 | (4) Funds that are not used to purchase digital or
 1135 | electronic instructional materials may ~~The funds described in~~
 1136 | ~~subsection (3) which district school boards may use to purchase~~
 1137 | ~~materials not on the state-adopted list shall be used for the~~
 1138 | purchase of instructional materials or other items having
 1139 | intellectual content which assist in the instruction of a
 1140 | subject or course. These items may be available in bound,
 1141 | unbound, kit, or package form and may consist of hardbacked or
 1142 | softbacked textbooks, electronic content, replacements for items
 1143 | which were part of previously purchased instructional materials,
 1144 | consumables, learning laboratories, manipulatives, electronic
 1145 | media, computer courseware or software, and other commonly
 1146 | accepted instructional tools as prescribed by district school
 1147 | board rule. ~~The funds available to district school boards for~~
 1148 | ~~the purchase of materials not on the state-adopted list may not~~

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1149 ~~be used to purchase electronic or computer hardware even if such~~
 1150 ~~hardware is bundled with software or other electronic media~~
 1151 ~~unless the district school board has complied with the~~
 1152 ~~requirements in s. 1011.62(6)(b)5., nor may such funds be used~~
 1153 ~~to purchase equipment or supplies. However, when authorized to~~
 1154 ~~do so in the General Appropriations Act, a school or district~~
 1155 ~~school board may use a portion of the funds available to it for~~
 1156 ~~the purchase of materials not on the state adopted list to~~
 1157 ~~purchase science laboratory materials and supplies.~~

1158 Section 23. Section 1006.43, Florida Statutes, is
 1159 repealed.

1160 Section 24. Paragraph (p) of subsection (1) and paragraph
 1161 (b) of subsection (6) of section 1011.62, Florida Statutes, are
 1162 amended to read:

1163 1011.62 Funds for operation of schools.—If the annual
 1164 allocation from the Florida Education Finance Program to each
 1165 district for operation of schools is not determined in the
 1166 annual appropriations act or the substantive bill implementing
 1167 the annual appropriations act, it shall be determined as
 1168 follows:

1169 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1170 OPERATION.—The following procedure shall be followed in
 1171 determining the annual allocation to each district for
 1172 operation:

1173 (p) Calculation of additional full-time equivalent
 1174 membership based on certification of successful completion of
 1175 industry-certified career and professional academy programs
 1176 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified

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1177 in the Industry Certified Funding List pursuant to rules adopted
 1178 by the State Board of Education.—A maximum value of 0.3 full-
 1179 time equivalent student membership shall be calculated for each
 1180 student who completes an industry-certified career and
 1181 professional academy program under ss. 1003.491, 1003.492, and
 1182 1003.493 and who is issued the highest level of industry
 1183 certification identified annually in the Industry Certification
 1184 Funding List approved under rules adopted by the State Board of
 1185 Education and a high school diploma. The value of the full-time
 1186 equivalent student membership shall be determined by weights
 1187 adopted by the State Board of Education pursuant to s. 1003.492.
 1188 Such value shall be added to the total full-time equivalent
 1189 student membership in secondary career education programs for
 1190 grades 9 through 12 in the subsequent year for courses that were
 1191 not funded through dual enrollment. The additional full-time
 1192 equivalent membership authorized under this paragraph may not
 1193 exceed 0.3 per student. Each district must allocate at least 80
 1194 percent of the funds provided for industry certification, in
 1195 accordance with this paragraph, to the program that generated
 1196 the funds. Unless a different amount is specified in the General
 1197 Appropriations Act, the appropriation for this calculation is
 1198 limited to \$15 million annually. If the appropriation is
 1199 insufficient to fully fund the total calculation, the
 1200 appropriation shall be prorated.

1201 (6) CATEGORICAL FUNDS.—

1202 (b) If a district school board finds and declares in a
 1203 resolution adopted at a regular meeting of the school board that
 1204 the funds received for any of the following categorical

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1205 appropriations are urgently needed to maintain school board
 1206 specified academic classroom instruction, the school board may
 1207 consider and approve an amendment to the school district
 1208 operating budget transferring the identified amount of the
 1209 categorical funds to the appropriate account for expenditure:

- 1210 1. Funds for student transportation.
- 1211 2. Funds for safe schools.
- 1212 3. Funds for supplemental academic instruction.
- 1213 4. Funds for research-based reading instruction.
- 1214 5. Funds for instructional materials if all instructional
 1215 material purchases necessary to provide updated materials
 1216 aligned to Next Generation Sunshine State Standards and
 1217 benchmarks and that meet statutory requirements of content and
 1218 learning have been completed for that fiscal year, but no sooner
 1219 than March 1, ~~2011~~. Funds available after March 1 may be used to
 1220 purchase hardware for student instruction.

1221 Section 25. Subsection (2) of section 1011.685, Florida
 1222 Statutes, is amended to read:

1223 1011.685 Class size reduction; operating categorical
 1224 fund.—

1225 (2) Class size reduction operating categorical funds shall
 1226 be used by school districts to reduce class size as required in
 1227 s. 1003.03. A school district that meets the maximum class size
 1228 requirements may use the funds, ~~or the funds may be used~~ for any
 1229 lawful operating expenditure; however, priority shall be given
 1230 to increasing salaries of classroom teachers.

1231 Section 26. Paragraph (d) of subsection (2) and paragraph
 1232 (b) of subsection (3) of section 1011.71, Florida Statutes, are

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1233 amended to read:

1234 1011.71 District school tax.—

1235 (2) In addition to the maximum millage levy as provided in
 1236 subsection (1), each school board may levy not more than 1.5
 1237 mills against the taxable value for school purposes for district
 1238 schools, including charter schools at the discretion of the
 1239 school board, to fund:

1240 (d) The purchase, lease-purchase, or lease of new and
 1241 replacement equipment; computer hardware, including electronic
 1242 hardware and other hardware devices necessary for gaining access
 1243 to or enhancing the use of electronic content and resources or
 1244 to facilitate the access to and the use of a school district's
 1245 local instructional improvement ~~electronic learning management~~
 1246 system pursuant to s. 1006.281, excluding software other than
 1247 the operating system necessary to operate the hardware or
 1248 device; and enterprise resource software applications that are
 1249 classified as capital assets in accordance with definitions of
 1250 the Governmental Accounting Standards Board, have a useful life
 1251 of at least 5 years, and are used to support districtwide
 1252 administration or state-mandated reporting requirements.

1253 (3)

1254 (b) In addition to the millage authorized in this section,
 1255 each district school board may, by a super majority vote, levy
 1256 an additional 0.25 mills for critical capital outlay needs or
 1257 for critical operating needs. If levied for capital outlay,
 1258 expenditures shall be subject to the requirements of this
 1259 section. If levied for operations, expenditures shall be
 1260 consistent with the requirements for operating funds received

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1261 pursuant to s. 1011.62. If the district levies this additional
 1262 0.25 mills for operations, the compression adjustment pursuant
 1263 to s. 1011.62(5) shall be calculated and added to the district's
 1264 FEFP allocation. Millage levied pursuant to this paragraph is
 1265 subject to the provisions of s. 200.065. In order to be
 1266 continued after the 2010-2011 fiscal year, millage levied
 1267 pursuant to this paragraph must be approved by the voters of the
 1268 district at the 2010 general election or at a subsequent
 1269 election held at any time, except that not more than one such
 1270 election shall be held during any 12-month period. Any millage
 1271 so authorized shall be levied for a period not in excess of 2
 1272 years or until changed by another millage election, whichever is
 1273 earlier. If any such election is invalidated by a court of
 1274 competent jurisdiction, such invalidated election shall be
 1275 considered not to have been held. This paragraph is repealed
 1276 effective June 30, 2011. However, for the 2011-2012 and 2012-
 1277 2013 fiscal years, the 0.25 mills may be levied in the districts
 1278 in which it was authorized by the voters of the district in the
 1279 2010 general election. Funds generated by this additional
 1280 millage may not be included in the calculation of the Florida
 1281 Education Finance Program in the 2011-2012 fiscal year or any
 1282 subsequent fiscal year and must not be incorporated in the
 1283 calculation of any hold-harmless or other component of the
 1284 Florida Education Finance Program in any fiscal year.

1285 Section 27. This act shall take effect July 1, 2011.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB PKAS 11-03 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing PCB: PreK-12 Appropriations
2 Subcommittee

3 Representative(s) Coley offered the following:

4

5 **Amendment**

6 Remove line 212 and insert:

7 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of