

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Prior to the November 2002 General Election, s. 1, Art. IX of the State Constitution provided:

The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

In the November 2002 General Election, the voters approved an amendment that added the following language to s. 1, Art. IX of the State Constitution:

To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

1. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;
2. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
3. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until

the maximum number of students per classroom does not exceed the requirements of this subsection.

The amendment reached the ballot as a result of a citizen petition initiative to amend the constitution. In an advisory opinion to the Attorney General, the court determined that the initiative was valid. In reaching that conclusion, the court stated:

Although, as a result of the amendment, the Legislature may choose to fund the building of new schools to achieve the maximum class size goal of the proposed amendment, this is not the only method of ensuring that the number of students meets the numbers set forth in the amendment. 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[.]¹

The bill provides for the implementation of the amendment to reduce class size. As part of the implementation, the bill addresses the need to ensure that quality instruction is provided in the smaller classrooms.

SECTION SUMMARY

The bill implements the class size reduction amendment to the Florida Constitution in a manner that provides a high-quality education through small class sizes as well as well-educated, well-trained, well-compensated, and effective classroom teachers and school administrators who maintain orderly, disciplined classrooms conducive to student learning.

Section 1. Definitions

The bill amends 1003.01, F.S., to define “core-curricula courses” and “extra-curricular courses” for the purpose of identifying courses that are subject to the class size requirement. The bill provides that the definitions of “core-curricula” and “extracurricular courses” only apply to the implementation of class size reduction requirements.

Section 1, Art. IX of the State Constitution provides that the requirements of the amendment to reduce class size do not apply to extracurricular courses. The bill defines “core-curricula courses” to mean those courses defined by the State Board of Education as:

- Mathematics.
- Language arts / reading.
- Science.
- Social studies.
- Foreign language.
- English for Speakers of Other Languages.
- Exception student education
- Courses taught in traditional, self-contained elementary school classrooms.

The bill defines “extracurricular courses” to mean those courses not defined as “core-curricula courses,” including but not limited to:

- Physical education.
- Fine arts.
- Performing fine arts.
- Vocational education.
- Career and technical education.

¹ *Advisory Opinion to the Attorney General RE: Florida’s Amendment to Reduce Class Size*, No. SC01-2421, April 25, 2002.

Section 2. Class Size Reduction Implementation

The bill substantially amends s. 1003.03, F.S., to incorporate the maximum class sizes specified in the constitutional amendment. Beginning in the 2010-2011 school year, the maximum number of students who may be assigned to each teacher who is teaching core-curricula courses in public school classrooms is as follows:

- Pre-kindergarten through grade three -- no more than 18.
- Grades 4 through 8 -- no more than 22.
- Grades 9 through 12 -- no more than 25.

The constitutional amendment requires that the average number of students in each classroom must be reduced by at least two students per year until the maximum number of students per classroom does not exceed the requirements of the amendment. The bill provides three calculations for determining “average” relative to the complying with the two-student per year reduction required by the constitutional amendment:

- 2003-2004 through 2005-2006 – average calculated at the district level.
- 2006-2007 through 2007-2008 – average calculated at the school level.
- 2008-2009 and thereafter – average calculated at the individual classroom level.

The bill specifies the baseline count for class size reduction is February 2003.

The bill provides school districts with a number of implementation options, which the districts may employ in order to comply with the two-student per year reduction and maximum class size requirements. These options include, but are not limited to:

1. Adopt policies to encourage dual enrollment.
2. Adopt policies to encourage participation in the Florida Virtual School.
3. Repeal policies to require more than 24 credits for graduation and adopt policies that allow students to graduate from high school as soon as they pass the 10th grade FCAT and complete courses required for graduation.
4. Use methods to maximize use of instructional personnel.
5. Use methods to reduce cost of construction, including use of prototype designs, SMART schools designs, and SIT participation
6. Use joint-use facilities.
7. Use block scheduling
8. Redraw school attendance zones.
9. Use double or alternative sessions.
10. Use year round schools.
11. Review collective bargaining for provisions that hinder implementing class size.
12. Use any other method not prohibited by law.

The bill provides three phases of accountability measures to ensure that districts comply with the class size reduction requirements. The first phase, which begins in the 2003-2004 fiscal year, provides that the Department of Education (DOE) will determine which districts are not meeting two-student-per-year reduction goals during the October FEFP calculation. DOE must calculate an amount from the district’s operating categorical funds proportionate to the amount of class size reduction not accomplished. The FEFP allocation conference will verify DOE’s numbers and the Executive Office of the Governor will transfer the equivalent amount from the district’s undistributed categorical funds to the district’s fixed capital outlay appropriation. The bill provides that the amount transferred will be the lesser of the DOE calculated amount or the undistributed balance of the district’s class size reduction categorical. However, based upon recommendation by the Commissioner of Education that the State Board review that a district did make appropriate effort to reduce class size, the Legislative Budget Commission may approve an alternative amount of funds to transfer.

During the second phases of accountability, which begins in the 2005-2006 school year, DOE will determine districts not meeting two-student-per-year reduction goals based upon a comparison of the current year October count and the February 2003 baseline count. Unless those districts come into compliance based on February count, the district must implement one of the following:

1. Year-round schools
2. Double sessions
3. Rezoning
4. Maximize use of instructional staff by changing teaching loads and scheduling of planning periods, using district employees and adjunct educators, extended school day, or multiple sessions.

Superintendents must report to Commissioner the extent to which they will implement any of the hammers. The bill provides that this authority is in addition to the Commissioner's enforcement authority pursuant to s.1008.32, F.S.

During the final accountability phase, which begins in 2006-2007, the bill provides that the Commissioner of Education must annually determine which districts are not meeting the class size reduction requirements and must develop a constitutional compliance plan for such districts, which may include redrawing school attendance zones. The bill provides that this authority is in addition to the Commissioner's enforcement authority pursuant to s.1008.32, F.S.

Section 3. Class Size Reduction Operating Categorical Funds

The bill creates the Class Size Reduction operating categorical. Funds are allocated to districts as prescribed in General Appropriations Act (GAA). Districts that do not meet the constitutional class size maximums or the two-student reduction requirement must use the funds for class size reduction. Districts that meet the constitutional class size maximums or the two-student reduction requirement may use the funds for any lawful operating expenditure, but should give priority in the use of the funds to increase classroom teacher salary or to implement the teacher salary career ladder.

Section 4. Classrooms for Kids Program

The bill creates the Classrooms for Kids Program to allocate facilities funds to all 67 districts. The bill specifies that the allocation formula is same as Classrooms First Program: 25% based upon student enrollment, 65% based upon growth, 10% based upon age and square footage of facilities.

The bill limits participation to those districts that have entered into an interlocal agreement pursuant to the current statutory schedule and certified that their FISH data is accurate and up-to-date.

The bill specifies that districts may use the funds to:

1. Construct, renovate, remodel, & repair projects that are in excess of projects identified in 5-yr work plan adopted prior to March 15, 2003.
2. Purchase or lease-purchase relocatables that are in excess of projects identified in 5-yr work plan adopted prior to March 15, 2003.

Section 5. District Effort Recognition Program

The bill creates the District Effort Recognition Program, to be funded as provided in the GAA. The bill limits participation to those districts that have done any of the following:

- Levies ½ cent sales tax.
- Levies 1 cent local government infrastructure tax
- Levies voted millage

The bill specifies that the district effort amount is calculated to determine distribution, based upon revenue generated from each of these levies the prior year multiplied times the number of months remaining in the tax. Districts must report the amount of outstanding debt service to maturity of the remaining to be added to other revenues levied. The bill limits funds used for calculation to only those identified for fixed capital outlay from the prior year.

Districts that do not meet the constitutional class size maximums or the two-student reduction requirement must use the funds for class size reduction. Districts that meet the constitutional class size maximums or the two-student reduction requirement may use the funds for any lawful capital outlay purpose.

Section 6. Class Size Reduction Lottery Revenue Bond Program

The bill creates s. 1013.737, F.S., the Class Size Reduction Lottery Revenue Bond Program, to provide additional lottery bonding authority. The bill requires the Commissioner to provide timely encumbrance of funds for authorized projects. The bill authorizes the issuance of lottery revenue bonds to finance educational facilities for class size reduction; provides that the bonds are payable from lottery revenues and do not constitute a general obligation of the state; provides that the bonds will be issued by the Division of Bond Finance, and the total principal amount of bonds, excluding refinancing, will be as provided in the GAA.

Section 7. Allocation of Lottery Revenues

The bill amends subsection (2) of s. 24.121, F.S., which currently provides for allocation of lottery revenue and expenditure of funds for public education and specifies that in FY 1997-98 and for 30 years thereafter a maximum \$180 million of lottery funds shall be reserved to meet the requirements of bonds issued under s. 1013.68, F.S., or distributed to school districts for the Classrooms First Program; that these funds are intended to provide up to \$2.5 billion for public school facilities; that final bonds under this authorization have been issued; that funding for all capital outlay projects authorized by the 1997 Legislation has been finalized and all required bonding has been completed.

The bill amends s. 24.121(2), F.S., to removes the \$180 million limitation on the amount of lottery revenues that may be pledged to the payment of debt service. The bill also makes conforming revisions related to bond programs funded from lottery revenues. The bill also removes reference to amount of distribution to the Classrooms First Program.

Section 8. Deferred Retirement Option Program (DROP)

The bill amends s. 121.091, F.S., which relates to benefits payable under the state retirement system. The bill amends several provisions which relate to participation in the Deferred Retirement Option Program in order to allow a district school superintendent to authorize K-12 instructional personnel to participate in the DROP for 96 months instead of the current 60 months. The bill allows a similar extended participation by instructional personnel at the Florida School for the Deaf and the Blind, subject to authorization by the Board of Trustees of the Florida School for the Deaf and Blind. The bill provides that the extended participation beyond the initial 60-month period by such members shall be pursuant to an annual contract.

Section 9. Corporate Income Tax Credit

The bill amends s. 220.187, F.S., which relates to credits for contributions to nonprofit scholarship-funding organizations. The bill increases the statewide cap on the total amount of corporate income tax credits and carryforward of tax credits from \$50 to \$88 million each fiscal year. The bill allows donations that exceed the current year's tax liability of the corporation to carry forward for a period not to exceed three years, pursuant to a request. The carryforward applies to all approved contributions made after January 1, 2002. Additionally, the bill requires parents to notify the school district within 15

days of choosing for their child to attend a private school pursuant to the recipient of a corporate income tax credit scholarship.

Section 10. Notification of Acceleration Opportunities

The bill amends s. 1003.02, F.S., which relates to district school board operations and control of public K-12 education within the school district. The bill creates paragraph (i) for s. 1003.02(1), F.S., which requires school districts to annually notify parents at the beginning of each school year, of opportunities for students to participate in accelerated learning mechanisms, such as Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment and Florida Virtual School. The bill repeals a reference to “small school,” to conform to other changes made in the act.

Section 11. High School Graduation Requirements

The bill amends s. 1003.43, F.S., which provides the general requirements for high school graduation. The bill provides flexibility for earning one-half credit in life management skills by removing the limitation that such credit may only be earned in the 9th or 10th grade. The bill specifies that parenting skills are a required component of instruction for life management. The bill also provides that completion of one-half semester in Reserve Officer Training Corps drill classes may be used to satisfy the half-credit physical education requirement.

Section 12. Accelerated High School Graduation Options

The bill creates s. 1003.429, F.S., to provide accelerated high school graduation options. Students can select one of the three options beginning in the 2003 – 2004 school year. The options are as follows:

Regular high school program (current requirements under s. 1003.43, F.S.; 15 ½ academic credits & 8 ½ electives)

- 4 credits English
- 3 credits math, including algebra I
- 3 credits science, with specific courses specified
- 3 credits social science, with specific courses specified
- 1 credit practical arts or fine arts
- ½ credit in life management
- 1 credit in physical education
- 8 ½ credits in electives.

3-year standard college prep program (15 academic credits & 3 electives)

- 4 credits English
- 3 credits math at algebra I level or higher from list of university admissions courses
- 3 credits science
- 3 credits social science
- 2 credits foreign language
- 3 credits in electives

3-year career prep program (15 academic credits & 3 electives):

- 4 credits English
- 3 credits math, including algebra I
- 3 credits science
- 3 credits social science
- 2 credits foreign language
- 3 credits in electives

The bill specifies that the options are exercised at the sole discretion of the parent and the student. If an option is not chosen, the bill provides that the choice defaults to the traditional high school graduation option specified in s. 103.43, F.S. Regardless of the option selected, the student must still obtain a passing score on the FCAT and maintain a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the required academic courses in order to receive a standard high school diploma.

Beginning in 2003-2004 school year, school boards must provide parents of 6-12 grade students with information concerning the 3-year and 4-year graduation options. School boards may not create additional requirements for the 3-year graduation options.

Section 13. State University Admission

The bill amends s. 1007.261, F.S., which relates to state university admissions, to conform to changes made by the addition of the accelerated graduation options.

Section 14. Definition of High School "Credit"

The bill amends s. 1003.436, F.S., which relates to the definition of "credit." The bill provides an exemption from the general requirement of 135 hours of bona fide instruction in order to earn a high school credit. The bill allows such credit to be earned upon 120 hours of instruction at a high school for which the district school board has implemented block scheduling.

Section 15. Categorical Fund Flexibility

The bill amends s. 1011.62, F.S., to continue to authorize flexibility for the use of certain categorical funds. However, the flexibility for the use of teacher recruitment and retention funds is repealed.

Section 16. Equity in School-Level Funding

The bill amends s. 1011.69, F.S., which relates to equity in school-level funding. The bill removes obsolete language and provides that the funds appropriated in the General Appropriations Act for the Class Size Reduction operating categorical are excluded from the school-level allocation in the Equity in School-Level Funding Act. The bill also requires that district school boards allocate an average of 90%, but no less than 80%, of the funds generated by a school to the school that generates the funds.

Section 17. Review of School Construction Rules

The bill amends s. 1013.03, F.S., to require the Department of Education to review, by October 1, 2003, all rules related to school construction to identify requirements that are outdated, obsolete, or could be amended to provide additional flexibility to school districts in implementing class size reduction. The State Board of Education must act on the recommendations by December 31, 2003.

Section 18. Educational Plant Surveys

The bill amends s. 1013.31, F.S., which relates to educational plant surveys. The bill requires school districts to periodically update the Florida Inventory of School Houses (FISH). The bill requires the State Board of Education to adopt rules to establish the time frame for periodic updating of the FISH data.

Section 19. Florida Virtual School

Section 1002.37, F.S., establishes the Florida Virtual School and provides for its governance. The Virtual School provides courses for students in grades 9 through 12 through electronic means. The

school is funded annually in the General Appropriations Act through a "Specific Appropriation". Public school students can take courses offered through the Virtual School concurrently with courses taken while enrolled in a public school. School districts can report for funding through the Florida Education Finance Program (FEFP) the courses its students complete through the Virtual School.

The bill amends s. 1002.37, F.S., to provide that the Florida Virtual School be funded in the FEFP, rather than the current line-item funding. Pursuant to the bill, funding is to be based on "credit successfully completed" with 6 credits comprising one full-time equivalent student (FTE). The intended effect is to increase the number of grade 9-12 public school students taking courses through the Florida Virtual School in order to assist with the requirement to reduce class size. By funding through a straight FEFP allocation, the bill also eliminates double funding for Florida Virtual School courses taken by public school students. The bill allows the board of trustees to enter into franchise agreements with district school boards and allows for such franchises to count the associated FTE. The bill also authorizes the Florida Virtual School to administer the local funds derived from its activities and to accrue revenue from supplemental support organizations.

Section 20. Florida Virtual School FTE

The bill amends s. 1011.61, F.S., to provide that a Florida Virtual School FTE student shall consist of six full credit completions in specified courses and that credit completions can be a combination of either full or half credit. The bill authorizes students enrolled in both a public school and Florida Virtual School to exceed the 180 day maximum; however, the public school is not authorized to report days over the 180 days.

Section 21. Florida Business and Education in School Together (Florida BEST) Program

The bill creates a new program to encourage partnerships between businesses and education. The Florida BEST program is intended to assist with class size reduction by encouraging businesses to house K-3 public schools in the business facilities.

Section 22. Private Facilities Expansion

The bill allows a business or corporation to expand the square footage of its current or proposed facility to accommodate a BEST school, notwithstanding any local ordinance or regulation, and requires the facilities to comply with the State Uniform Building Code for Educational Facilities Construction and state and local health, environmental and safety laws and codes.

Sections 23. Repeal of Statutes

The bill repeals s. 1002.33(13), F.S., which limits the number of charter schools that can operate in a school district; s. 1012.41, F.S., which requires school districts to employ a director of career and technical education; s. 1012.73, F.S., which relates to the Florida mentor Teacher School Pilot Program; and s. 1013.41, F.S., which relates to the construction of small schools.

Section 24. Transfer of Operating Funds

The bill creates an exception from requirements limiting the transferability of appropriations in order to authorize the EOG to transfer funds from appropriations for public school operations to fixed capital outlay appropriations for class size reduction pursuant to s. 1003.03(4)(a), F.S. The amount of such transfer is to be based upon recommendations of the FEFP conference allocation or the Legislative Budget Commission.

Section 25. Charter Districts

The bill substantially amends s. 1003.62, F.S., to change the charter district pilot program to a statewide academic performance-based charter district program. An academic performance-based charter district is one in which at least 50% of schools earn "A" or "B" and no schools earn a "D" or "F" for 2 consecutive years. Districts that fail to maintain the appropriate percentage of "A" or "B" schools for two consecutive years will have their academic performance-based charter district status terminated. The bill also grandfathers in the original charter pilot programs until the later of July 1, 2007 or the end of the 5-year renewal contract issued by the State Board of Education.

Section 26. Cost Per Student Station

The bill amends s. 1013.64(6), F.S., which relates to funds for comprehensive educational plant needs. The bill updates in statute the allowable costs per student station to reflect that they are currently \$12,755 for an elementary school, \$14,624 for a middle school, and \$19,352 for a high school in January 2002 dollars as adjusted annually by the Consumer Price Index. In addition, the bill adds certain funds that may not be used for new construction of educational plant space in excess of the above costs per student station to include the Classrooms First Program funds, effort index grant funds, nonvoted 2-mill levy of ad valorem property taxes, Classrooms for Kids Infrastructure Program funds, and the District Effort Recognition Program funds. Finally, the bill requires the school districts to report to the Department of Education any new construction that exceeds the state limitations on costs per student station.

Section 27. Better Educated Students and Teachers (BEST) Program Guiding Principles

Provides that the Legislature intends to empower teachers to lead in the teaching of students; to maintain orderly classrooms; to be well compensated and retained for quality; be well rewarded for high student performance; and supported by exemplary school administrators.

The bill calls on teacher preparation programs, district school boards, district and school-based administrators to support and cooperate in the accomplishment of the Legislature's purposes and principles.

Sections 28 - 31. Support for BEST Principles; Clerical Support

Requires each district school board, each school superintendent and each district and school-based administrator to cooperate to accomplish the guiding principles of the BEST Florida Teaching Act of 2003.

Encourages each district school board to employ clerical personnel or volunteers who are not classroom teachers to assist teachers in non-instructional activities such as paperwork and recordkeeping duties, and clarifies that the teacher remains responsible for all instructional activities, including classroom management and grading student performance. Requires the board to support the authority of each teacher, pursuant to s. 1003.32, and each school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and school bus.

Specifies that each district school superintendent and each school principal are to fully support and cooperate in the accomplishment of the principles of the BEST Florida Teaching; and should fully support the authority of each teacher, pursuant to s. 1003.32, and each school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and school bus.

Sections 32, 34. Student Rights and Responsibilities

Requires that public school students be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students, in accordance with s. 1003.32.

Requires each public K-12 student to remain in attendance throughout the school year unless excused for illness or other good cause, and to comply fully with the school's code of conduct.

Requires the parent of each public K-12 student to cooperate with the authority of the student's school board, superintendent, principal, teachers and school bus drivers to remove the student from the classroom or the school bus pursuant to ss. 1003.31 and 1003.32 if the student is disobedient, disrespectful, violent, abusive, uncontrollable or disruptive, and where appropriate and available, to place the student in an alternative educational setting.

Section 33.

Amends s. 1002. 42, F.S., to conform a cross-reference.

Sections 35 - 36. **Student Disciplinary Actions**

Requires the district school board, district school superintendent and school principal to fully support the authority of teachers and school bus drivers to remove the student from the classroom or the school bus pursuant to ss. 1003.31 and 1003.32 if the student is disobedient, disrespectful, violent, abusive, uncontrollable or disruptive, and where appropriate and available, to place the student in an alternative educational setting.

Provides that teachers and other instructional personnel shall have the authority to take actions to ensure that students have an opportunity to learn in an orderly and disciplined classroom, requires teachers and other instructional personnel to maintain an orderly and disciplined classroom and allows teachers and other instructional personnel to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom for behavior management intervention.

Broadens the ability of teachers or instructional personnel to press charges if there is reason to believe that a crime has been committed on school property or during school activities.

Empowers a teacher to send a student to the principal's office to maintain discipline in the classroom and to recommend an appropriate consequence consistent with the student code of conduct; and requires the principal to employ the teacher's recommended consequence or impose a more serious disciplinary action if the student's history of disruptive behavior warrants it; or if the principal determines that a lesser disciplinary action is appropriate, he or she should consult with the teacher prior to the final decision.

Renames the committee created in each school to determine placement of a student when a teacher withholds consent to that student's return to the classroom as a "placement review" committee. It defines the membership of the placement review committee to include one teacher selected by the teacher that removed the student, and it gives the teacher who removed the student a right to appeal the decision of the placement review committee if that decision is contrary to the decision of the teacher to withhold consent to the return of the removed student. The bill requires the school principal to notify each teacher about the availability, the procedures and the criteria for the placement review committee.

Requires a principal to report on a quarterly basis to the superintendent and the school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and requires the superintendent to report these data to the department annually. It requires the Commissioner of Education to annually review each district's compliance with this section and success in achieving orderly classrooms, and requires the Commissioner to use all

appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

Requires each teacher or other member of the staff who knows or has reason to believe that any person has committed or has made a credible threat to commit violence on school property to report that in accordance with s. 1006.13; requires the superintendent and principal to fully support good faith reporting; and provides civil and criminal immunity for those who make good faith reports.

Sections 37. Teacher Preparation Programs

The intent of the Legislature is to require the State Board of Education to attain a system for development and approval of teacher preparation programs that allows postsecondary teacher preparation institutions to employ varied and innovative techniques and to help students who have substandard reading and computational skills and limited English proficiency.

The amendment defines the rules for a Uniform Core Curricula for each state-approved teacher preparation program, which must include, without limitation, a State Board of Education-identified foundation in scientifically-researched, knowledge-based reading-literacy and computational skills acquisition, classroom management, school safety, professional ethics, education law, human development and learning, and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpreting data, and using data to improve student achievement.

The Uniform Core Curricula rules shall not require additional time-to-degree, but may be phased in to enable teacher preparation programs to supplant state board-identified pedagogy courses with the courses prescribed by the rules. The amendment requires that any teacher preparation system developed by the Department of Education must accord with the rules.

The bill requires state-approved teacher preparation programs to incorporate scientifically-researched, knowledge-based reading and computational skills instruction so that program graduates will be able to provide the necessary academic foundations for their students at whatever grade level they choose to teach.

The bill grants to the State Board of Education authority to approve a student who graduates from a college or university approved by State Board rule for admission into a teacher preparation program.

The bill requires each teacher preparation program to guarantee that its graduates will demonstrate core skills during their first two years immediately following graduation from the program or following initial certification, whichever occurs first. It requires the teacher preparation program to provide additional training, at no cost, to any educator who fails to demonstrate essential skills. The training shall consist of an individualized plan agreed upon by the school district and the postsecondary institution that includes specific learning outcomes. The bill provides that the postsecondary institution assumes no responsibility for the educator's employment contract with the employer.

The bill requires the Department of Education to annually provide an analysis of the graduates of teacher preparation programs with respect to the competencies assessed by examination pursuant to s. 1012.56, F.S., and makes continued program approval contingent on the results of periodic reviews, on a schedule determined by the State Board of Education, of the teacher preparation program. The bill also includes as part of the annually administered survey of employer satisfaction a question about whether the educator maintains an orderly and disciplined classroom conducive to student learning.

The bill authorizes district school boards to pay student teachers during their internships.

The bill provides that pilot teacher preparation programs may be established at any college or university that has a state board-approved teacher preparation program. It requires pilot teaching programs for high achieving students to give priority consideration to students obtaining academic degrees in math,

science, engineering, reading or identified critical shortage areas, and requires each student in a pilot program to teach for at least 3 years after receiving a degree. It requires each pilot program to include a year-long paid teaching assignment at a low-performing school, and requires the assignment of a mentor teacher with specific education requirements and training or certification by the National Board of Professional Teaching.

Sections 38 - 39. Support for Teacher Authority for Student Discipline

Requires each district school superintendent and each school principal to fully support the authority of their teachers, pursuant to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting.

Requires each school principal to fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive uncontrollable or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting. Requires the principal or principal's designee to give full consideration to the recommendation for discipline made by a teacher or other member of the instructional staff or bus driver when making a decision regarding student referral or discipline.

Section 40. Teacher Recruitment and Retention

Requires all departments of all public and nonpublic postsecondary institutions to cooperate with the Department of Education in the recruitment of qualified teachers.

Requires the department to advertise in public and nonpublic postsecondary institutions as opposed to schools of education and to publish and distribute information pertaining to all routes toward teacher certification in Florida.

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

Requires the department to include in its job fair in and out-of-state potential educators as well as current educators.

Provides that subject to the proviso in the General Appropriations Act, the Commissioner may use funds appropriated by the Legislature and funds from federal grants and other sources to incentivize teacher recruitment and preparation programs.

Provides that the Commissioner may contract with entities other than and including approved teacher preparation programs to provide intensive teacher training leading to passing the required certification exams for the desired subject area or coverage.

Requires the Commissioner to survey school districts to evaluate the effectiveness of such programs.

Section 41. Teacher Salary Career Ladder

Beginning with the 2004-2005 academic year, each district school board shall implement a salary career ladder for classroom teachers as defined in s. 1012.01(2)(a), F.S. Performance shall be defined as designated in s. 1012.34(3)(a)1.-7., F.S.

Requires school boards to designate categories of classroom teachers reflecting specific salary career levels for "Associate Teacher," "Professional Teacher," "Lead Teacher," and "Mentor Teacher."

Defines "Associate Teacher" as a classroom teacher who has not received a professional certificate or who has a professional certificate but has been evaluated as a low-performing teacher.

Defines "Professional Teacher" as a classroom teacher who has received a professional certificate.

Defines "Lead Teacher" as a classroom teacher in the school district who is responsible for leading others in the school as department chair, lead teacher, grade-level teacher, intern coordinator or professional development coordinator. A lead teacher must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. To be eligible for the designation of lead teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a "professional teacher" for at least one year.

Defines "Mentor Teacher" as a classroom teacher in the school district who serves as a regular mentor to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. They must also participate on a regular basis in the direct instruction of low-performing students. To be eligible for designation as a mentor teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a "lead teacher" for at least two years.

The bill provides that promotion of a teacher to a higher level on the salary career ladder shall be based on prescribed performance criteria and not based upon length of service.

Provides that a school district shall not assign a higher percentage than the district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the district average of minority and economically disadvantaged students or schools that are graded "D" or "F". The bill authorizes school boards to provide salary incentives to meet this requirement and prohibits any school board from signing a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

The bill requires the State Board of Education to develop a long-range plan to implement a differentiated pay model for teachers beginning in the 2004-2005 academic year, based upon the differentiated classroom teacher categories described above. No later than December 1, 2003, the State Board shall approve guidelines and criteria for the district plans. District school boards shall develop plans to implement the salary career ladder and submit the plans to the State Board by March 1, 2004.

Section 42.

Clarifies that the school superintendent is responsible for and shall perform specified duties.

Requires, beginning with the 2004-2005 academic year, that the school superintendent recommend a salary schedule for classroom teachers that is consistent with teacher compensation provisions of s. 1012.231.

Section 43. Educator Certification

Provides that a statement of status of eligibility for certification is valid for 3 (instead of 2) years after its date of issuance, except as otherwise provided by law. Eliminates the provision authorizing reissue of a statement of status of eligibility for an additional 2 year period under certain circumstances.

Clarifies that a "mastery of general knowledge" may be demonstrated by a valid professional standard teaching certificate issued by another state; a valid certificate issued by the National Board for Teaching Standards; or documentation of two semesters of successful teaching in a community

college, state university, or private college or university that awards an associate's or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.

Broadens category of acceptable means of demonstrating "mastery of subject area knowledge" by removing completion of graduate-level subject area specialization requirements; the requirement that a valid teaching certificate from another state include an examination of the mastery of subject area; the requirement that a teacher provide a valid teaching certificate from another state combined with a valid certificate from a nationally recognized organization; and the requirement that a teacher have 2 years of continuous successful full-time teaching or administrative experience during the 5 year period immediately preceding the date of application for certification.

Broadens category of acceptable means of demonstrating "mastery of professional preparation and education competence" with a valid teaching certificate issued by another state; a valid certificate issued by the National Board for Teaching Standards; or documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate's or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program. It removes the requirement that a teacher have 2 years of continuous successful full-time teaching or administrative experience during the 5 year period immediately preceding the date of application for certification.

Section 44. Adjunct Educators

Requires district school boards to adopt rules to allow for the issuance of adjunct teaching certificates to eligible applicants and that adjunct certificates are to be issued to qualified applicants.

Provides that an applicant who demonstrates sufficient subject area mastery through passage of a subject area test shall be considered to have expertise in the subject area to be taught.

The bill also removes the requirement that an adjunct complete 60 inservice points or 3 college credit hours for renewal of the adjunct certificate.

Section 45. Renewal of Certificates

Clarifies that district school boards are to renew professional certificates to persons who hold state-issued professional certificates according to law.

Requires that a complete renewal application and fee be submitted and requires the Commissioner of Education to notify NBPTS certificate holders of the renewal requirements.

Requires as a condition of renewal that a teacher receive education in clinical educator training pursuant to s. 1004.04(6)(b) and credits or points in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition.

Corrects cross-references.

Section 46. Additions or Changes to Certificates

Provides that a school district may process via a Department of Education website certificates for applications of public school employees, including the addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of paragraph (4)(a) of s.1012.56, or the completion of the requirements of an approved district program or in-service components for an endorsement; a reissued certificate to reflect a name change; and a duplicate certificate to replace a lost or damaged certificate.

Provides that the employing school district shall charge the individual a fee not to exceed the amount charged by the department for these services. Requires each school district to retain a portion of the fee as defined in the rules of the state board. Requires that the portion of the fee sent to the department be used for maintenance of the technology system, the web application, and posting and mailing of the certificate of renewal of an educator certificate.

Section 47. School Community Professional Development Act

Amends the School Community Professional Development Act to define the “school community” to include students and parents.

Removes authority of school district to identify and include additional members of the school community in the professional development activities required by the Act.

Includes among activities designed to implement the Act the use of scientifically research-based educational activities to encourage students.

Eliminates references to the system of professional development of school administrative personnel.

Allows a school district to contract with a private entity for professional development services if the district can demonstrate to the Commissioner that a better product can be acquired or the district’s education goals can be better met.

Section 48. Bright Futures Scholarship Program

The bill corrects a cross-reference to the high school diploma or its equivalent required for eligibility for the program.

Section 49. Qualified Public Educational Facilities Private Activity Bond Allocation Act

Section 50. Performance-Pay Evaluations of Teachers

Requires that beginning with the 2004-2005 academic year, a school district’s 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder created by s. 1012.231, F.S.

Section 51. Educational Leadership Development

Requires the State Board of Education to adopt rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance and school grade.

Section 52. Facilities Life Cycle Cost Analysis

The bill requires school districts to compare the life-cycle costs of materials used by providers when constructing or expanding school capacity to ensure that school construction provides the best long-term value.

Section 53. Severability Clause

Provides for severability of the provisions of the act.

Section 54. Construction with 2003 Regular Session Laws

Provides for construction of the act with laws passed during the 2003 Regular Legislative Session.

Section 55. Effective Date

Provides an effective date of July 1, 2003, except as otherwise expressly provided for in the act, and provides that the changes to the Deferred Retirement Option Program shall take effect on June 1, 2003.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.01, F.S., to define “core-curricula courses” and “extra-curricular courses” for the purpose of identifying courses that are subject to the class size requirement.

Section 2. Amends 1003.03, F.S., to incorporate the maximum class sizes specified in the constitutional amendment.

Section 3. Creates s. 1011.685, F.S., the Class Size Reduction Operating Categorical Fund.

Section 4. Creates s. 1013.735, F.S., the Classrooms for Kids Program.

Section 5. Creates s. 1013.736 F.S., the District Effort Recognition Program.

Section 6. Creates s. 1013.737 F.S., the Class Size Reduction Lottery Revenue Bond Program.

Section 7. Amends s. 24.121, F.S., to conform lottery allocations and expenditures to implement Section 6.

Section 8. Amends s. 121.091, F.S., to allow extended participation in the Deferred Retirement Option Program (DROP) in certain circumstances.

Section 9. Amends s. 220.187, F.S.; to increase the statewide cap on the total amount of corporate income tax credit from \$50 to \$88 million; provides additional flexibility for scholarship-funding organizations to use the contributions in a timely manner.

Section 10. Amends s. 1003.02, F.S., to require notification of acceleration opportunities; repeals a reference to “small school,” to conform.

Section 11. Amends s. 1003.43, F.S., to provide for parenting skills instruction and flexibility for earning one-half credit in life management skills.

Section 12. Creates s. 1003.429, F.S., to provide accelerated high school graduation options.

Section 13. Amends s. 1007.261, F.S., which relates to university admissions, to conform to other changes made in the act.

Section 14. Amends s.1003.436, F.S., to reduce the number of class hours of instruction required to receive one credit from 135 hours to 120 hours.

Section 15. Amends s. 1011.62, F.S., relating to flexibility to transfer teacher recruiting and retention categorical funds to other budget categories.

Section 16. Amends s. 1011.69, F.S., to provide that the funds appropriated in the General Appropriations Act for the Class Size Reduction operating categorical are excluded from the school-level allocation in the Equity in School-Level Funding Act; additionally requires that district school boards allocate an average of 90%, but no less than 80%, of the funds generated by a school to the school that generates the funds.

Section 17. The bill adds new subsection (13) to s. 1013.03, F.S., to require the Department of Education to review, and the State to take action regarding, rules related to school construction to identify requirements that are outdated, obsolete, or could be amended to provide additional flexibility to school districts.

Section 18. Amends s. 1013.31, F.S., to require school districts to periodically update the Florida Inventory of School Houses (FISH).

Section 19. Amends s. 1002.37, F.S., to provide priorities for student enrollment; to provide authority for the Florida Virtual School to award diplomas; to provide that the Florida Virtual School is to be funded in the Florida Education Finance Program.

Section 20. Amends s. 1011.61, F.S., relating to counting FTE for the Florida Virtual School.

Section 21. Creates the Florida Business and Education in School Together (Florida BEST) Program.

Section 22. The bill provides that a business may expand its current or proposed facility to incorporate a BEST school, notwithstanding any local ordinance or regulation.

Section 23. Repeals ss. 1002.33(13), 1007.261(2), 1012.41, 1013.43 and 1012.73, F.S.

Section 24. The bill adds a new subsection (13) to s. 216.292, F.S., authorizing the Governor to transfer operating funds to capital outlay funds based on FEFP allocations, subject to notice and review.

Section 25. Amends s. 1003.62, F.S., to change the charter district pilot program to a statewide academic performance-based charter district program.

Section 26. Amends s. 1013.64, F.S., which relates to current cost per student station requirements for educational facilities; deletes an exception from cost per student station limits on projects funded with certain sources of revenue.

Section 27. Creates s. 1000.41, F.S., expressing legislative intent and guiding principles for Better Educated Students and Teacher (BEST) Florida teaching.

Section 28. Amends s. 10001.33, F.S., to require administrators to support teacher empowerment.

Section 29. Amends s. 1001.42, F.S., to encourage school districts to provide clerical support to teachers.

Section 30. Amends s. 1001.51, F.S., to add new subsections requiring superintendent support for BEST principles and discipline in classrooms and on school buses.

Section 31. Amends s. 1001.54, F.S., requiring principal support for BEST principles and discipline in classrooms and on school buses.

Section 32. Amends s. 1002.20, F.S., to provide students and parents the right of students to be in orderly, disciplined classrooms conducive to student learning.

Section 33. Amends s. 1002.42, F.S., to correct a cross reference.

Section 34. Amends s. 1003.04, F.S., requiring parents of public school student to cooperate with authorities if their student is disobedient, disrespectful, violent, abusive, uncontrollable or disruptive.

Section 35. Amends s. 1003.31, F.S., requiring each school board, superintendent, and principal to fully support the authority of teachers and school bus drivers to maintain discipline.

Section 36. Amends s. 1003.32, F.S., to strengthen and broaden teachers' authority to maintain a disciplined classroom environment and to press charges if there is reason to believe a crime has been committed on campus.

Section 37. Amends s. 1004.04, F.S., regarding teacher preparation programs.

Section 38. Amends s. 1006.08(1), F.S., to require the school superintendent to fully support the authority of principals, teachers and bus drivers in student disciplinary cases.

Section 39. Amends s. 1006.09, F.S., to require the principal to fully support the authority of teachers and bus drivers in student disciplinary cases.

Section 40. Amends s. 1012.05, F.S., relating to teacher recruitment and retention.

Section 41. Creates s. 1012.231, F.S., relating to teacher salary career ladder.

Section 42. Amends s. 1012.27, F.S., relating to public school personnel.

Section 43. Amends s. 1012.56, F.S., relating to educator certification requirements.

Section 44. Amends s. 1012.57, F.S. requiring school districts to adopt rules to issue adjunct teaching certificates, and provide that an applicant who passes a subject area test shall be considered to have subject area expertise.

Section 45. Amends s. 1012.585, F.S., relating to professional certificate renewal.

Section 46. Creates s. 1012.586, F.S., relating to additions or changes to certificates.

Section 47. Amends s. 1012.98, F.S., relating to the School Community Professional Development Act.

Section 48. Amends s. 1009.531, F.S., relating to the Bright Futures Scholarship Program.

Section 49. Creates Part VIII of Chapter 159, F.S., the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act.

Section 50. Amends s. 1012.22, F.S., to require for performance evaluation of teachers within each career ladder level.

Section 51. Creates s. 1012.987, F.S., relating to principal leadership designation.

Section 52. Amends s. 1013.35, F.S., to require school boards to consider a life cycle cost analysis of building materials.

Section 53. Provides for severability of the provisions of the act.

Section 54. Provides for construction of law with laws passed during 2003 Regular Legislative Session.

Section 55. Provides for effective dates.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: There will be an incidental revenue impact based on the professional certificate change associated with the additional fee charged to certificate-holders by the Department of Education.
2. Expenditures: There will be a significant fiscal impact on state expenditures associated with implementing the constitutional class size reduction requirements.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: As of the date of this analysis, the fiscal impact of the bill was still being determined.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill does not require any city or county to spend funds or to take any action requiring the expenditure of funds.
2. Other: None.

B. RULE-MAKING AUTHORITY: District school boards and the State Board Of Education are provided with limited authority to promulgate rules in accordance with the specified provisions of this act.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.