



Conference Committee on Education Pre-K-12 Appropriations/Pre-K-12

Senate Offer # 1 on Proviso and Conforming

Meeting Packet

Thursday, April 30, 2009

1:00 p.m.

412 Knott Building

**2009-2010 PreK-12
Major Conforming Bill Differences**

Issue	Senate Bill - 1676	House Bill – 5005	House Offer #1	Senate Offer #1
FIRN	<ul style="list-style-type: none"> Revises statutory references to Florida Information Resource Network (FIRN). Establishes a new methodology for districts to purchase internet services. 	Same.	Same	
School Board Member Salaries	Requires school board members' salaries shall be the lesser of the amount set in statute or legislators' salaries for the 2009-10 fiscal year.	Same.	Modified Position	Accept House Offer to Cap at Beginning Teacher Pay
School District and Superintendent Employment Contracts	Allows earned leave and benefits for contract employees (including superintendents) to not be counted in the one-year limitation on state funds for buy-outs or contract settlements.	Same.	Same	
Elected Superintendents' Salaries	<ul style="list-style-type: none"> Allows elected superintendents to voluntarily reduce their salaries and Requires that elected superintendent salaries be reduced by 5% for FY 2009-10. 	Same.	Modified Position at 2%	Senate Position
Appointed Superintendents' Salaries	<ul style="list-style-type: none"> Limits contract amounts from state funds for appointed superintendents' salaries to \$225,000. Encourages school districts with appointed superintendents to negotiate 5% reduction to the superintendent's salary for FY 2009-10. 	Same.	Same	
Regional Education Consortia	Allows funds provided in the GAA to be prorated among eligible consortia for 2009-2010 only.	Same, but not limited to 2009-2010.	Senate Position	
180 day instruction requirement and flexibility	<ul style="list-style-type: none"> Allows school districts to have the hourly equivalent of 180 day school year. 	<ul style="list-style-type: none"> Similar. Also deletes minimum term in ss. 1001.42, 1002.43, or 1003.02, for days or hours. Allows school districts to expand the length of the school year in days and/or hours beyond 180 days. 	Senate Position	
Charter School Class Size Compliance	Requires charter schools to comply with Class Size Reduction by adding class size to the list of statutes that charter schools are not exempt from.	Not in HB.	Senate Position **	Senate Position
Florida Virtual School Funding	<ul style="list-style-type: none"> Limits funding to core curricula courses. Clarifies programs for FTE reporting and funding. Caps FTE at 1.0 when combined with the FTE earned by the school district. Eliminates .114 bonus FTE. 	<ul style="list-style-type: none"> Eliminates class size funding. Same. Clarifies programs for FTE reporting and funding. Allows district franchises to be reported for funding up to August 31 of the subsequent fiscal year. 	Accept Senate Offer	<p>Clarification on Agreed Offers: Core and 1.0 caps removed. FLVS will not receive class size funding. Bonus FTE only provided for public school students. Overall FLVS funding reduction limited to 10% per student. No change to franchise reporting of FTE.</p>

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School District Virtual Instruction Programs	<ul style="list-style-type: none"> • Opens up the grades 9-12 virtual program by eliminating requirement that students in grades 9-12 can only be served in district virtual instruction programs if they are in DJJ, dropout prevention, or career and vocational programs. • (Keeps line item funding for K to 8 programs as part of program phase-out). 	<ul style="list-style-type: none"> • Allows only DJJ programs for grades 9–12 district virtual programs. • Requires a district to provide access to the virtual instruction program for a student who was in one of the two K to 8 programs in 2008-2009 (eliminates line-item funding in budget). • Makes optional for school districts to offer district virtual instruction programs. • Clarifies that the school district virtual instruction program is separate from the Florida Virtual School and must be full-time for grades K-8 and part-time or full-time for grades 9-12 for DJJ only (as an exit option). • Requires the school district to use one or more providers for its program. • Requires that 80% of the direct instruction be provided by Florida certified teachers using technology. • Requires DOE to provided districts with a list of not more than 2 approved providers for K to 8 virtual and 2 approved providers for 9 to 12 virtual programs. • Removes charter school – district agreements for provision of virtual school programs and removes charter school FTE eligibility for funding. • Requires all providers to have background screening for employees. • Revises accreditation requirements for providers by renaming and adding Northwest Association of Accredited Schools and Western Association of Schools and Colleges. • Removes the blanket approval for the two K to 8 providers. 	Modified House Position	Conceptually approve modified House position, with continued work required.

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		<ul style="list-style-type: none"> • Removes the grade requirement for school district aggregate virtual school program. • Requires each K to 8 program provider to receive a statewide grade. • Applies sanctions for failure to the provider rather than to the school district program. • Allows district K to 8 virtual instruction program to be counted until Aug. 31 of each year. 		
VPK attendance policies	Clarifies attendance policies and FTE reporting requirements for VPK students and providers.	Same.	Same	
Class size reduction	<ul style="list-style-type: none"> • Provides an additional year of school level compliance and delays implementation at classroom level until 2010-11 school year. • Revises the transfer calculation for 2010-2011 for noncompliance to be a reduction in the noncompliant district's class size operating categorical equal to the number of students that the district is out of compliance by. • Requires simulation of the new penalty calculation in 2009-2010. 	<ul style="list-style-type: none"> • Same delay provision. 	Senate Position	
Regional Autism Centers	No change in SB.	<ul style="list-style-type: none"> • Changes the autism center at FSU to be established within the College of Medicine instead of the Department of Communication Disorders to align statute with current operating procedures at the university. 	House Position	Accept House Offer
School Food Service Programs	<ul style="list-style-type: none"> • Requires that school districts annually set school meal prices for lunch and breakfast in amounts that when including federal reimbursements and state allocations would not require transfers from the district's operating funds. • Authorizes school districts to offer in 2010-2011, universal free breakfast only in schools in which 80 percent or more of students qualify for free or reduced meals. 	<ul style="list-style-type: none"> • Same for inclusion of state allocations for setting meal prices. 	Senate Position	
Instructional Materials	<ul style="list-style-type: none"> • Defines instructional materials to include electronic media and software. • Allows flexible use of funds after March 1st, 2010. • Changes the adoption cycle from 6-years to 8- 	<ul style="list-style-type: none"> • Same definition of instructional materials. • Same flexible use provision after March 1st, 2010. 	Senate position on hardware issue	Clarification on Agreed Offer: Agreed on definition change. Agreed on March 1 st , 2010 flexibility. All other issues not

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	<ul style="list-style-type: none"> years. • Waives the requirement for school districts to purchase materials adopted in 2009-10 (math) if certain criteria are met. 	<ul style="list-style-type: none"> • Allows school districts to purchase hardware that is bundled with state adopted instructional materials. 		approved.
CLAST fees	Requires fees assessed of all students, <i>public</i> and private. (Assessment budget provides for an increase in Trust Fund authority to allow for funding from fees to cover cost.)	Similar. Requires DOE to collaborate with the BOG to set the fees for all students at a level that will cover the cost of test development and administration. (Assessment budget provides for an increase in Trust Fund authority to allow for funding from fees to cover cost.)	Modified House Position	Modified Plan: Remove requirement for CLAST and remove revenue from Assessment and Evaluation. Modify testing requirements to formalize existing valid test alternatives.
Indirect cost limitations	Prohibits state funds appropriated to the Division of Public Schools within the DOE to be used to pay indirect costs to universities, community colleges, school districts or any other entity.	Not in HB. (However, proviso retains the no indirect cost provision for state funds for FDLRS and Autism Centers).	Senate Position	
Electronic Transfer of funds	AG office recommended language to allow the electronic transfer of funds in school districts.	Same.	Same	
School District Travel and cell phone expenditures	Restricts school districts from using public funds for out-of-state travel, cell phones or other electronic communication devices without the specific approval of the school board.	Not in HB. (However, FEFP proviso provides that before districts eliminate certain courses and extracurricular programs, they must first eliminate funding for cell phones, travel, and blackberries.)	Modified Senate Position	Accept House Offer. Clarification: Certain programs have higher priority than employee travel and communication device payments.
Teacher & Principal Contracts	<ul style="list-style-type: none"> • Allows districts to establish the total annual number of contract days for teachers for up to 10 months. • Limits principal service contracts to 10 months unless otherwise specifically authorized by the school board. 	<ul style="list-style-type: none"> • Retains 196 contract days. • Does not modify length of principal contracts. 	Senate Position	
Teacher professional service contracts and years of service	<ul style="list-style-type: none"> • Does not allow NR federal stabilization funds to be used for new professional service contracts. • Removes requirement that districts recognize years of experience for determination of pay for <u>out-of-state</u> teachers seeking new employment in Florida. In-state teacher may waive the experience limitation. 	<ul style="list-style-type: none"> • Similar. Allows districts to automatically offer an additional annual contract to teachers who have completed 3 years of service if the district is experiencing extraordinary financial circumstances. • Similar, but also removes requirement that districts recognize years of experience for determination of pay for <u>in-state</u> and <u>out-of-state</u> teachers seeking new employment. 	Senate Position	
FEFP calculation changes	<ul style="list-style-type: none"> • Prohibits districts from being funded for FTE 	<ul style="list-style-type: none"> • Same restriction on study hall. 	Accept	Agreement on:

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	<p>reported in study hall.</p> <ul style="list-style-type: none"> • Provides flexible use of categorical funds. • Counts categorical funds in total funds for operations by legislating them in the GAA without listing in statute. • Reduces bonus AP/AICE/IB and industry certified FTE by 50%, and reduces the bonuses to teachers by 20%, effective for funding in 2009-2010. 	<ul style="list-style-type: none"> • Same flexible use of categorical funds. • Similar changes to count categorical funds in the total funds for operations (90% calculation) by listing them in the statute. • Prohibits districts from being funded for on-the-job training courses. • Revises the RLE calculation to require DOR to adjust the final taxable values for the 4th FEFP calculation based on the 3-yr average change in taxable value for school purposes on which the tax bills are computed and the values reflecting final administrative actions of VAB and judicial decisions. 	<p>Senate Offer on AP/IB/AICE</p> <p>Maintain House Position on Final Taxable Value in FEFP 4th Calculation</p> <p>Senate Position on On-the-job training</p>	<ul style="list-style-type: none"> • Study Hall FTE reported prohibited. • Flexible categoricals as per both bills. • Categoricals in total funds. • OJT FTE is allowed. • AP/IB/AICE at current weights. <p>Senate Position on tax roll VAB adjustments (no change to current law).</p>
School-based funding	No change in SB.	Requires class-size reduction funds to be counted in the required allocation to individual schools within a district.	House Position	Accept House Offer
Capital Millage	<ul style="list-style-type: none"> • Reduces the authorized capital improvement millage levy from 1.75 to 1.5 mills. • Waives the three-fourths limit on use of proceeds from the capital improvement millage levy for lease-purchase agreements entered into before June 30, 2009 for the 2009-2010 fiscal year. • Removes June 30, 2010 time limitation for school districts to pay property and casualty insurance premiums and purchase or lease driver's education and maintenance vehicles from the revenue generated by the discretionary capital improvement levy of property taxes. • Retains the \$100 cap on expenditures for property and casualty insurance premiums and motor vehicles. • Authorizes the Commissioner of Education to waive penalties associated with the audit citations for districts using capital funds to purchases of software in the 2007-2008 fiscal year. 	<ul style="list-style-type: none"> • Same for all provisions, except that the HB Provides <u>unlimited</u> authority <u>retroactive to July 1, 2008</u> for school districts to pay property and casualty insurance premiums and purchase or lease driver's education and maintenance vehicles from the revenue generated by the discretionary capital improvement levy of property taxes. 	House Position	Senate Position

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	<ul style="list-style-type: none"> Authorizes school districts to levy up to an additional 0.25 mills for capital improvement needs in lieu of an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act for 2009-2010. 			
Teacher Certification	No change in SB. (However, Assessment budget provides increase in Teacher's Certification Exam TF authority to allow for increase in fees up to \$100 cap so no conforming bill language is required; fees will not entirely fund exam cost.)	Removes the \$100 cap for an exam fee, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration. (Assessment budget authority is increased to allow for fee increase to cover the exam cost.)	House Position	Accept House Position
Teacher's Lead Program – administration through centralized electronic system	Authorizes the Department of Education to establish a pilot program to manage the Florida Teachers Lead Program through a centralized electronic system.	Same.	Same	
Discretionary Bonus Program	<ul style="list-style-type: none"> Creates a Discretionary Bonus Program which districts may use for MAP, Excellent Teaching, another bonus program, or any other purpose. 	<ul style="list-style-type: none"> Does not create a new bonus program. Modifies the Excellent Teaching Program. Requires teachers certified after July 1, 2009 to teach in low-performing schools as determined by the DOE in order to be eligible for a bonus. 	House Position	<p>Maintain Current Law on Excellent Teachers</p> <p>MAP funds maintained in separate MAP Categorical at level provided in budget (\$20m in Senate Offer)</p>
Charter School Capital Outlay funding	<ul style="list-style-type: none"> Changes criteria for charter schools to be eligible to receive PECO for capital outlay to require the governing board to have been established in the state for 3 or more years. 	<ul style="list-style-type: none"> Does not revise charter school capital outlay eligibility criteria for capital outlay. Allows charter schools to spend capital outlay funds for the same purposes as school districts (adds software, property & casualty insurance premiums, and motor vehicles). 	<p>Senate Position on Bullet One</p> <p>House position on Bullet Two</p>	Accept House Offer
Special Facility Construction Account	<ul style="list-style-type: none"> Allows current participating districts, Liberty and Wakulla to levy less millage consistent with reduction in capital millage in order to participate. 	<ul style="list-style-type: none"> Similar. Same for Liberty and Wakulla, but also modifies millage and payback for anticipated Special Facilities Project for Calhoun county. 	House Position	Accept House Offer
FEFP incorporate by reference	Incorporates the FEFP calculations by reference.	Same.	Same	
Additional Item: Qualified School Construction Bonds	New federal tax credit bonds for school construction.			Additional Senate Offer
Additional Item: ESOL Professional Development	Pilot Study on revised inservice requirements for Reading teachers to earn an ESOL endorsement.			Additional Senate Offer

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Additional Item: Building Code Revision	For 2009-2010, waive the “Green” requirements for school facility construction for one year and clarify that districts are only required to build to current building codes.			Additional Senate Offer

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Line Item	Issue	Senate	House	House Offer #1	Senate Offer #1
Section 1, before SA 1	TANF MOE Listing	None.	Commissioner to identify up to \$10,145,148.	House Position	Senate Position
7	School Recognition	\$50 per FTE	\$75 per FTE	House Position	Modified Position at \$60
76	School District Salary, Travel and Cell Phone Expenditure Restrictions	None in proviso. (Senate conforming bill limits.)	Requires non-instructional personnel reductions of 20% prior to reductions to instructional personnel staff and requires reductions to travel and cell phone expenditures prior to the elimination of extracurricular programs	Senate Position	
76	Discretionary Bonus Allocation Creation	Creates "Discretionary Bonus Program" for districts to reward teachers for outstanding performance either through the MAP program, Excellent Teaching Program, another bonus, or any other purpose.	Retains MAP reference. Excellent Teaching is still funded in NonFEFP SA 82 with conforming bill language to limit new bonus recipients to teaching in low performing schools.	House Position	Modified Senate Position. \$20 million mandatory for MAP. Mandatory Excellent Teacher bonus for certified teachers in low performing schools. Remaining funds must be used for bonus programs (MAP, Excellent Teaching, or District Bonus).
76	OJT Limits	Limits OJT course hours to 25 per week for FTE purposes.	None. (Conforming bill eliminates FTE funding for OJT.)	Senate Position	
76	Union County Millage Error	Authorizes Commissioner to adjust 2009-10 discretionary millage to offset 2008-09 error.	None.	Senate Position	
81	Online Union Catalog Plan (SUNLINK, CCLA, FCLA)	No change.	Requires DOE to collaborate with SUNLINK, CCLA, FCLA and the Florida Electronic Library at the Dept. of State to provide a plan for establishing an on-line union catalog that is capable of searching the combined library holdings of K-12 public schools, universities, community colleges and public libraries.	House Position	Accept House Offer

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Line Item	Issue	Senate	House	House Offer #1	Senate Offer #1
86A	K-8 Virtual School Category	Keeps category for continued phase-out. Allows the current providers to serve students who were served in 2008-2009 in 2009-2010 for \$4,704 per student.	Category eliminated. Funds in the FEFP.	Accept Senate Offer	
100	Federal Education Technology Funding Earmark for STEM Courses	None.	Requires DOE to do a competitive grant from the \$30.3 million in federal stimulus funds for school districts to demonstrate the use of technology in STEM (Science, Technology, Engineering & Math) courses.	Modified House Position	Accept House Offer
102	High Fructose Limitation for School Lunch Program	None.	High Fructose corn syrup food items may not be purchased from the funds.	Senate Position	
118-136 (SBOE)	Childhood Food Allergies	None.	Requires DOE to report the various school district policies related to childhood food allergies.	House Position	Accept House Offer
125	Virtual Curriculum Marketplace Creation	None.	Requires DOE to establish a virtual curriculum marketplace to assist districts in obtaining online or digital content.	House Position	Modified House Position. Utilize the existing "Orange Grove" system with the addition of private vendors. The program expansion shall be self supporting through fees charged for curriculum use.
136	Shared Data Center Consolidation Plan	Requires DOE to submit a plan to transfer all in-house data center services to NSRC and NWRDC.	None.	Senate Position	
Additional Item	Federal Stabilization Funds	Provides funding contingency language for receipt of federal approval, DOE or BOG guidance for reporting, Governor authority for adjustment if entity is ineligible and recipient compliance for receipt of funds.			Senate Offer to Include
Additional Item	Supplemental Education Services	Providers of Title I Supplemental Educational Services shall be permitted to serve students in groups of 10 or fewer.			Senate Offer to Include
Additional Item	Supplemental Academic Instruction	Modify priority language in SAI to include intensive math instruction as a priority for districts.			Senate Offer to Include

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