
**Senate Committee:
Education Pre-K–12 Appropriations**

CS/CS/SB 1676 — Pre-K–12 Education Funding

by Policy and Steering Committee on Ways and Means; Education Pre-K–12 Appropriations Committee; and Senator Wise

This bill revises school funding statutes to conform them to the General Appropriations Act (GAA). The bill:

- Establishes the Florida Qualified School Construction Bond Act for school districts in Florida to participate in federal bond programs under the American Recovery and Reinvestment Act.
- Adds an additional duty to the Office of Technology and Information Services in the Office of the Commissioner of Education to assist school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.
- Authorizes the Commissioner, upon requisition by a school district and other eligible users of the Florida Information Resource Network (FIRN), to purchase the non-discounted portion of Internet access services and to identify the source of funds from which the commissioner is to make payment.
- Clarifies the distance learning duties of the Department of Education (DOE) to include coordinating FIRN.
- Requires that, for FY 2009-2010, school board member salaries shall be the lesser of the amount calculated pursuant to statute or the salary of beginning teachers in the district.
- Clarifies that earned leave and benefits for contract employees, including superintendents, are not to be counted in the one-year salary limitation from state funds for contract settlements.
- Requires funds provided in the GAA for Regional Education Consortia to be prorated among eligible consortia for 2009-2010.
- Provides that elected school district superintendents may reduce their salaries voluntarily and requires that elected superintendent salaries shall be reduced by 2 percent for FY 2009-2010.
- Prohibits school districts from entering into contracts for a school district superintendent salary paid from state funds that is in excess of \$225,000 and encourages school districts with appointed superintendents to negotiate a 5 percent reduction to the superintendent's salary for 2009-2010.
- Clarifies that the Florida Virtual School (FLVS) shall not receive funding through the Florida Education Finance Program (FEFP) for class size reduction and provides that the FLVS 0.114 bonus FTE is to be calculated for public school students only.

- Modifies the school district virtual instruction program by:
 - Defining virtual instruction to be that which is provided in an interactive environment created by using technology where the student and teacher are separated by space or time or both.
 - Requiring direct instruction by a certified teacher for 80 percent of instruction in grades 6-12 and 50 percent for grades K-5.
 - Allowing districts to establish virtual programs by contracting with the Florida Virtual School, establishing a Florida Virtual School franchise, contracting with other DOE approved providers, or creating an agreement with another district. In addition, multidistrict contractual agreements may be executed by regional consortia. Neither the multidistrict contract nor agreements between districts have to take place between contiguous districts.
 - Allowing full-time virtual instruction for K-12 through a school district virtual instruction program with approved providers; also allowing 9-12 part-time or full-time through a school district virtual instruction program with approved providers for at-risk students only.
 - Modifying the accountability requirements for K-8 virtual instruction programs to:
 - Remove the grading requirement for a school district aggregate virtual school program.
 - Require DOE to aggregate the student performance data for all students served by a particular provider to provide each K-8 program provider with a statewide grade.
 - Apply sanctions or corrective actions for failure to the provider rather than to the school district program.
 - Modifying contract provider qualifications to require Florida-certified teachers, background screenings and renewal of DOE approval every 3 years.
 - Clarifying the accreditation requirements for virtual instruction programs.
 - Clarifying eligibility for funding of virtual instruction programs to allow funding based on course completion for grades 6-8.
- Clarifies when a student in a Voluntary Prekindergarten Program (VPK) can withdraw and re-enroll.
- Provides that student attendance in VPK may be reported on a prorata basis as a fraction of a full-time equivalent student.
- Clarifies the number of allowable paid absences in VPK programs.
- Clarifies that a VPK provider may not receive payment for absences that occur before a student's first or after a student's last day of attendance.
- Continues class size compliance at the school level for 2009-2010 and delays implementation at the classroom level until the 2010-2011 school year; revises the compliance calculation beginning in 2010-2011 to be a reduction in the noncompliant district's class size operating categorical for each student that is over the maximum allowed; and requires that the revised compliance calculation be simulated in 2009-2010.

- Revises the establishment of the regional autism center at Florida State University within the College of Medicine.
- Requires that school districts include state allocations for school breakfast programs in the annual breakfast meal rates in order to offset the costs of school breakfast programs. Requires universal breakfast to be provided only in schools in which 80 percent or more of students qualify for free or reduced-price meals instead of in all schools.
- Requires contiguous districts to have reciprocal agreements for school bus transportation services, inspections and screening requirements for public schools.
- 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.
- Defines instructional materials to include electronic media and software and allows flexible use of instructional materials funds after March 1st, 2010.
- Requires districts to purchase literature and language arts materials for schools in the two lowest categories of performance, unless waived by the Commissioner because the district is using intervention and support strategies to address the schools' deficiencies.
- Repeals CLAST and the examination fee and authorizes alternative testing and remediation requirements to be established by the State Board of Education in conjunction with the Board of Governors. Continues special examination process for students with disabilities.
- Authorizes the Commissioner of Education to employ FIRN to perform certain functions relating to workforce education.
- 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, and provides that art, music, and similar programs for students have a higher funding priority than payment for employee travel and communication devices.
- Authorizes "payments" through appropriate types of electronic transactions and provides documentation requirements for electronic payments.
- Provides flexibility for the number of days or the hourly equivalent of school operations for participation in the FEFP.
- Clarifies definitions for full-time equivalent membership reporting for the FEFP.
- Provides that students enrolled in study hall shall not be reported for funding in the FEFP calculation; provides flexible use of categorical funds; and includes FEFP categorical funds in total funds for operations.
- Provides for restoration of revenue from prior year unrealized local effort by requiring a prior period funding millage adjustment to be certified at the time of the second calculation of the FEFP.

- Requires class size reduction funds to be included in the 80 percent calculation of funds provided to schools within a district.
- 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 FY 2009-2010.
- Removes the June 30, 2010 time limit in which school districts may 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 millage; 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 for purchases of software in FY 2007-2008.
- Provides school districts with flexibility to levy 0.25 mills for capital improvement needs instead of for operations as provided in the General Appropriations Act.
- Authorizes district school boards, by a super majority vote, to levy an optional 0.25 mill for critical capital outlay needs or for critical operating needs. If used for operations, districts in which 0.25 mills generate less than the state average are to be provided the difference in state funds allocated through the FEFP. In order to continue this levy it must be approved by the voters of the district in the next general election.
- Allows districts to establish the total annual number of required days of service for employees.
- Provides that employment contracts for principals, other school site administrators, and instructional personnel may not require more than 10 calendar months of service unless specifically approved by the district school board.
- Provides that non-recurring federal stabilization funds should not be used for new teacher professional service contracts.
- Removes the requirement that for purposes of pay, districts must recognize out-of-state years of service and provides that an employee may voluntarily waive this requirement for in-state service.
- Removes the \$100 cap on teacher certification exam fees, 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.
- Authorizes the DOE to establish a pilot program to manage the Florida Teachers Lead Program through a centralized electronic system.
- Changes eligibility criteria for charter schools to receive PECO for capital outlay when under a governing board that has been established in the state for 3 or more years and also allows charter schools to use PECO funds to purchase software and motor vehicles and to pay for property and casualty insurance premiums.

- Modifies the capital millage levy requirements for school districts currently participating in the Special Facility Construction Account.
- Adopts a building code revision for 2009-2010 to waive the “green” requirements for school facility construction for one year and clarifies that districts are only required to build to current state and education building codes.
- Incorporates the FEFP by reference.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 75-43