

**FLORIDA SCHOOL BOARDS ASSOCIATION**

**COMPARISON OF HOUSE & SENATE CONFORMING BILLS**

(4/1/11)

ISSUE	STATUTE	HOUSE – HB 5101	SENATE – SB 2120
Bonds Serviced by the Gross Receipts Tax	215.61	[Not Included]	Provides that, in making the determination of the amount that can be serviced by the gross receipts tax, the State Board of Education (SBE) must disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue (DOR) as a direct result of a refund request made pursuant to the settlement reached in litigation regarding AT&T Mobility Wireless Data. The DOR must provide to the SBE, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.
Florida Information Resource Network (FIRN)	1001.271	[Not Included]	Provides that the Commissioner must facilitate and coordinate the use of the FIRN by school districts, the Florida College System, universities, and other eligible users <i>[deletes all current provisions relating to the Commissioner, upon requisition, purchasing discounted internet access services]</i> .
Distance Learning – Duties of DOE	1001.28	[Not Included]	Deletes reference to the Florida Knowledge Network as it relates to DOE’s distance learning duties
Regional Education Consortium Services	1001.451	[Not Included]	<ul style="list-style-type: none"> <li>• Provides that incentive grants to qualifying Regional Education Consortia are subject to funds provided in the General Appropriations Act;</li> <li>• Provides that the board of directors of a regional consortium service organization may use various means to generate revenue in support of its activities</li> <li>• Provides that consortia may acquire, use, and dispose of patents, copyrights, trademarks, licenses and rights. Ownership of all such items must vest in the state, with the board of directors having full right of use and full right to retain the revenues derived. Any funds realized must be considered internal funds and must be used to support the organization’s marketing, research, and development to improve services to its member districts.</li> </ul>

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Charter School Capital Outlay Funding	1002.33	<p data-bbox="898 172 1066 196">[Not Included]</p> <ul style="list-style-type: none"> <li data-bbox="657 394 1314 542">• Adds charter school capital outlay funds [s.1013.62] to lottery capital outlay funds [s. 1011.72(2)], that were shared with a charter school-in-the-workplace prior to July 1, 291 2010, to funds that are deemed to have met the authorized expenditure requirements for such funds.</li> <li data-bbox="657 548 1314 1045">• A charter school system shall be designated a local educational agency (LEA) for the purpose of receiving federal funds, in the same manner as a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and DOE in which the governing board accepts full responsibility for all LEA requirements and the charter school system complies with the following: <ul style="list-style-type: none"> <li data-bbox="657 802 1314 857">(a) Includes both conversion charter schools and non-conversion charter schools;</li> <li data-bbox="657 863 1205 888">(b) Has all schools located in the same county;</li> <li data-bbox="657 894 1314 950">(c) Has a total enrollment exceeding the total enrollment of at least one school district in the state;</li> <li data-bbox="657 956 1119 980">(d) Has the same governing board; and</li> <li data-bbox="657 987 1314 1042">(e) Does not contract with a for-profit service provider for management of school operations.</li> </ul> </li> </ul> <p data-bbox="657 1052 1314 1107">Such designation does not apply to other provisions of law unless specifically provided by law.</p>	<ul style="list-style-type: none"> <li data-bbox="1335 172 1992 386">• Amends eligibility to enroll in a charter school to include students living in a development in which a business entity provides the charter school facility and related property of a specified value. Such students must be entitled to 50% of the student stations in the charter school provided that the student meets existing enrollment provisions.</li> <li data-bbox="1335 393 1440 417">• [Same]</li> <li data-bbox="1335 548 1451 573">• [Similar]</li> </ul>
School District Virtual Instruction Program	1002.45	<ul style="list-style-type: none"> <li data-bbox="657 1140 1314 1321">• Provides that, by October 1, 2011 and each October thereafter, each school district must provide to DOE a copy of each contract and the amounts paid per unweighted FTE for services procured via contract with the Florida Virtual School (FLVS) or franchise of FLVS, an approved provider, or another approved school district</li> <li data-bbox="657 1328 1314 1476">• Each school district must expend the difference in funds provided for a student participating in the school district virtual instruction program and the price paid for contracted services for the district's local instructional improvement system or other technological tools</li> </ul>	<p data-bbox="1581 1140 1749 1164">[Not Included]</p>

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School Year VPK Program – Private Provider	1002.55	<ul style="list-style-type: none"> <li>• Increases the maximum number of students allowed in a VPK class from 18 to 20 students</li> <li>• Provides that classes composed of 11 or fewer students must have at least one instructor that holds a child development associate credential or equivalent</li> </ul>	[Not Included]
School Year VPK Program – Public School Provider	1002.63	Provides that classes composed of 12 or more students (formerly 11 or more students) must have, in addition to one instructor that holds a child development associate credential or equivalent, at least one instructor that meets other minimum requirements	[Not Included]
Early Learning Coalition	1002.71	Provides that, beginning with the 2011-2012 fiscal year, each early learning coalition may retain and expend for administrative purposes no more than 4.0% (rather than 4.5%) of the funds paid by the coalition to private prekindergarten providers and public schools	[Not Included]
Class Size Requirements	1003.01	<ul style="list-style-type: none"> <li>• Amends the definition of "core curricula courses" to mean:               <ul style="list-style-type: none"> <li>- Language arts/reading, mathematics, and science courses in prekindergarten through grade 3;</li> <li>- Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level;</li> <li>- Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level;</li> <li>- Courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessments, excluding any extracurricular courses;</li> <li>- Exceptional student education courses;</li> <li>- English for Speakers of Other Languages courses</li> </ul> </li> <li>• Amends the definition of "extracurricular courses" to include courses that may result in college credit</li> </ul>	<ul style="list-style-type: none"> <li>• [Similar]</li> <li>• [Same]</li> </ul>

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Maximum Class Size	1003.03	<ul style="list-style-type: none"> <li>• Provides that each year, by the October student membership survey, school districts must be in compliance with class size requirements and class size maximums must be maintained after the October student membership survey <b>except:</b></li> <li>* in the case of an extreme emergency beyond the control of the district school board</li> <li>* in the case of a student who enrolls in a school after the October student membership survey. In such case, the student may be assigned to an existing class that temporarily exceeds the maximum number of students if the school board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class. Up to three students above the maximum may be assigned to a teacher in grades K-3, and up to five students above the respective maximums may be assigned to a teacher in grades 4 - 12. In addition, the school board must develop a plan for the school to be in full compliance with class size maximums by the next October student membership survey.</li> <li>• Provides that for a core curricula high school course in which a student in grades 4 - 8 is enrolled for high school graduation credit, the maximum number of students for compliance purposes will be 25</li> </ul> <p style="text-align: center;">[Not Included]</p>	<ul style="list-style-type: none"> <li>• [Same]</li> <li>• [Same]</li> <li>• Directs DOE to identify core curricula courses in the Course Code Directory</li> </ul>
Instructional Materials	1006.28	Replaces references to the term "textbooks" with the term "instructional materials"	[Not Included]
Local Learning Management System	1006.281	<ul style="list-style-type: none"> <li>• Renames as "Local Instructional Improvement Systems" and defines it to mean a system that uses digital tools that provide teachers, administrators, students, and parents with data and resources to manage continuous instructional improvement and integrate instructional information with student-level data to provide predictions of future student achievement.</li> <li>• By June 30, 2014, a school district's local instructional improvement system must comply with minimum standards published by DOE.</li> </ul>	[Not Included]

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Transition to Electronic and Digital Instructional Material Pilot Program	1006.282	[Not Included]	<ul style="list-style-type: none"> <li>• Provides that a district school board may designate pilot schools to implement the transition to instructional materials that are in an electronic or a digital format</li> <li>• Defines the terms “electronic format” and “digital format” as used in this context</li> <li>• A school board may designate pilot schools only if the school district has implemented a learning management system that meets certain specifications; requests only the electronic format of instructional materials; uses at least 50% of the pilot school’s annual allocation for the purchase of electronic or digital instructional materials included on the state-adopted list.</li> <li>• By August 1 of each year beginning in 2011, the school board must report to DOE the school or schools that have been designated as a pilot school. The report must include, among other things, the grade(s) and course(s) included in the pilot and the projected costs and savings associated with the pilot.</li> <li>• By September 1 of each year beginning in 2012, each school board must provide to DOE, the governor, and appropriations chairs a review of the pilot school that includes, among other things, successful practices; cost-effectiveness; and impacts on student performance</li> </ul>
State Instructional Materials Committee	1006.29	<ul style="list-style-type: none"> <li>• Replaces the state instructional materials committee with 3 state or national experts in the content areas submitted for adoption that are appointed by the Commissioner; these reviewers must evaluate the instructional materials for alignment with state standards, level of instructional support, accuracy, and progression Reviewers will only evaluate electronic format materials. Two reviewers will conduct the initial review, but if the two reviewers reach different results, the third reviewer will determine which results will be recommended</li> <li>• The commissioner will ask each district superintendent to nominate one teacher or district content supervisor to review two or three of the submissions recommended by the state reviewers. District reviewers must rate the submissions on the instructional usability of the resources</li> <li>• Beginning in 2014-2015, all adopted instructional materials for students K-12 must be provided in a digital format</li> </ul>	[Not Included]

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Instructional Materials – Bids or Proposals	1006.33	<ul style="list-style-type: none"> <li>• Provides that a school district may not request samples of instructional materials in addition to the electronic format</li> <li>• Provides that the advertisement for bids for instructional materials must give information regarding digital specifications that have been adopted by DOE, including minimum format requirements that will enable electronic and digital content to be accessed through the district's local instructional improvement system. Beginning with specifications released in 2013, the digital specifications must require the capability for searching by state standards and site and student-level licensing. The digital format specifications must be appropriate for the interoperability of the content. DOE may not adopt specifications that require the instructional materials to include specific references to FCAT standards or Next Generation Sunshine State Standards and benchmarks at point of student use</li> </ul>	[Not Included]
Instructional Materials – Term of Adoption	1006.36	Provides that the term of adoption of any instructional materials must be a 5-year (rather than 6-year) period beginning on April 1 following the adoption, except that the commissioner may approve more frequent adoptions.	[Not Included]
Instructional Materials – Use of Instructional Materials Allocation	1006.40	Provides that, by the 2013-2014 fiscal year, each district school board must use at least 50% of the annual allocation for the purchase of digital or electronic instructional materials included on the state-adopted list	[Not Included]
Funds for the Operation of Schools  <i>(Continued on next page)</i>	1011.62	<ul style="list-style-type: none"> <li>• [Not Included in this bill but included in Higher Education conforming bill – HB 5201]</li> <li>• Provides that a maximum value of 0.3 FTE student membership shall be calculated for each student who completes an industry-certified career and professional academy program; the State Board of Education must adopt rules to establish a process for weighting the value of industry certification based on the rigor of the certification and its employment value to state businesses and industry</li> </ul>	<ul style="list-style-type: none"> <li>• Deletes the provision to reimburse a community college for the costs incurred when a high school student enrolls in a community college adult education course to earn high school credits; high school students will no longer be funded for adult education courses taken on the postsecondary level</li> <li>• Provides that a value of 0.1, 0.2, or 0.3 FTE student membership shall be calculated for each student who completes an industry-certified career and professional academy program; DOE must assign the appropriate FTE equivalent value for each certification, with 50% based on rigor and 50% based on employment value</li> </ul>

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Funds for the Operation of Schools  <i>(Continued from last page)</i>	1011.62	<ul style="list-style-type: none"> <li>• For the 2011-2012 fiscal year, provides that the FTE student membership for the Florida Virtual School for students who are also enrolled in a school district shall be multiplied by 0.228 (rather than 0.144), and such value will be added to the total FTE student membership</li> <li>• Provides that a school district that meets the maximum class size requirements may use class size reduction operating categorical funds for any lawful operating expenditure; however, priority must be given to increasing salaries of classroom teachers</li> </ul>	<p style="text-align: center;">[Not Included]</p> <ul style="list-style-type: none"> <li>• [Same]</li> </ul>
District School Tax	1011.71	<ul style="list-style-type: none"> <li>• Repeals s. 1011.71(3)(b) relating to critical needs millage, effective June 30, 2011</li> <li>• Provides that, for the 2011-2012 and 2012-2013 fiscal years, the 0.25 critical needs millage may be levied in the districts in which it was authorized by the voters of the district in the 2010 general election. Funds generated by this additional millage may not be included in the calculation of the FEFP in the 2011-2012 fiscal year or any subsequent fiscal year and must not be incorporated in the calculation of any hold-harmless or other component of the FEFP in any fiscal year</li> <li>• Provides that a school district may expend up to \$200 (rather than \$100) per FTE from the revenue generated by the 1.5 capital outlay millage levy for authorized expenditures</li> </ul>	<ul style="list-style-type: none"> <li>• [Similar]</li> <li>• [Similar, but provides that in those districts that have voter approved authority to levy the 0.25 critical needs millage, a compression adjustment may be calculated and added to the district's FEFP allocation, subject to determination in the General Appropriations Act]</li> </ul> <p style="text-align: center;">[Not Included]</p>
Merit Award Program	1012.225	[Not Included]	Provides that state funding for this program will be discontinued following payment of awards for the 2010-2011 fiscal year
Class Size Reduction Lottery Revenue Bond Program	1013.737	[Not Included]	Renames as the "Class Size Reduction and Educational Facilities Lottery Revenue Bond Program" to expand the program to provide facilities for purposes in addition to class size reduction
Reductions for Audit Findings	Unnumbered Section of Florida Statutes	Provides that, if the Commissioner determines that a school district acted in good faith, he or she may waive the equal-dollar reduction for audit findings during the 2008-2009 and 2009-2010 fiscal years which were related to the purchase of software or the cost of premiums for property insurance and casualty insurance	[Not Included]

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Class Size Penalties	Unnumbered Section of Florida Statutes	[Not Included]	Provides that, notwithstanding the required review by the Legislative Budget Commission, the Legislature adopts the alternate compliance calculation amounts to the class size operating categorical as set forth in Budget Amendment EOG #O2011-0074; the Commissioner must modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment and Florida Statutes. <i>[This provision will take effect upon this act becoming a law]</i>
Effective Date		July 1, 2011	Except as otherwise expressly provided, July 1, 2011

NOTE: The bills contain numerous amendments to other sections of law to conform with the provisions outlined in this comparison