

COMPARISON OF HOUSE & SENATE CONFORMING BILLS

(Revised 3/28/10)

ISSUE	STATUTE	HOUSE – HB 5101	SENATE – SB 1368
Discretionary Sales Surtax	212.055	Repeals the requirement for school districts to freeze noncapital local school property taxes when the district levies a capital outlay surtax	Same
Transfer Authority Between Appropriations Categories	216.292	Repeals the authorization for the Governor to transfer funds from the appropriation for public school operations to a fixed capital outlay appropriation for class size reduction (no longer applicable after full implementation)	Similar
School Board Member Compensation	1001.395	Not Included	Maintains current year policy by providing that, for the 2010-2011 fiscal year, the salary of each school board member shall be the amount calculated by the statutory formula or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less
Regional Consortium Service Organizations	1001.451	Provides that in any fiscal year if the appropriation is not sufficient to provide \$50,000 per participating school district, the amount may be less than \$50,000 and the appropriation will be prorated equally among participating districts	Similar
Developmental Research Schools (lab schools) Funding	1002.32	<ul style="list-style-type: none"> • Adds the critical needs .25 millage with the discretionary 1.5 millage in the calculation of funding for lab schools; • Increases the percentage of school taxable value from 95% to 96% 	Adds the critical needs .25 millage with the discretionary 1.5 millage in the calculation of funding for lab schools
Charter School Service Fees	1002.33	<ul style="list-style-type: none"> • Provides that district 1.5 mill capital outlay funds [s. 1011.71(2)] which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds; • Provides that a sponsor may only withhold up to a 5% administrative fee for enrollment up to and including 250 (rather than 500) students 	<ul style="list-style-type: none"> • Provides that charter schools must comply with statutes pertaining to maximum class size; • Provides that district 1.5 mill capital outlay funds [s. 1011.71(2)] which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds; • Provides that a sponsor may only withhold up to a 5% administrative fee for enrollment up to and including 250 (rather than 500) students; • Creates new provision to provide that a sponsor may withhold only up to a 5% administrative fee for enrollment for up to and including 500 students within the system for <p style="text-align: right;"><i>(Continued on next page)</i></p>

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Charter School Service Fees <i>(continued)</i>	1002.33		a system of charter schools that includes conversion and nonconversion charter schools, has all schools located in the same municipality, has a total enrollment exceeding the total enrollment of at least one school district in the state, has the same governing board, and does not contract with a for-profit service provider for management of school operations; the difference between the total administrative fee calculation and the amount of the administrative fee withheld for such system of charter schools may be used for instructional, administrative, and/or capital outlay purposes
Florida Virtual Schools (FLVS) Funding	1002.37	<ul style="list-style-type: none"> • Adds the critical needs .25 millage with the discretionary 1.5 millage in the calculation of funding for lab schools; • Increases the percentage of school taxable value from 95% to 96% (percent increase is to match current allowable tax credit rate of 4%) 	<ul style="list-style-type: none"> • Adds the critical needs .25 millage with the discretionary 1.5 millage in the calculation of funding for lab schools; • Provides that half-credits earned by a student 20 weeks or more after beginning the course, and credits earned by a student 40 weeks or more after beginning the course, are not eligible to be funded and may not be reported
McKay Scholarships	1002.39	Provides that a student is not eligible for a quarterly payment if the private school misses the 30 day deadline to verify the student's participation and submit fee schedules to DOE.	Not Included
School District Virtual Instruction Programs	1002.45	Expands eligibility for school district virtual programs to include the sibling of a currently enrolled student and to a student with a disability or condition in which the treating physician certifies that the student's welfare or the welfare of other students would be jeopardized if the student regularly attends class in a physical classroom	<ul style="list-style-type: none"> • Revises definition of "approved provider" to include a public community college; • Modifies program to provide that the program shall be full-time for students enrolled in kindergarten through grade 12 and full-time or part-time for students in grades 9 through 12 who are enrolled in dropout prevention and academic intervention programs, DJJ programs, core curricula courses to meet class size requirements, or community colleges; • Provides that, if the provider is a community college, its instructors meet the certification requirements for instructional staff; • Provides that a community college provider may not report students who are served in a school district virtual instruction program for funding under the Community College Program Fund; • Deletes provision calling for a DOE study on the advisability of school districts contracting with providers.

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VPK School Year Program – Private Provider	1002.55	Not Included	Provides that each of the private prekindergarten provider’s classes must be composed of at least 4 students but may not exceed 24 (rather than 18) students; classes composed of 12 children or fewer must have 1 teacher that has CDA credential, each class composed of 13 to 20 students must have 1 teacher who has CDA credential and at least 1 one teacher who meets training requirements, each class composed of 21-24 students must have an additional teacher who has CDA credential
VPK School Year Program – Public Schools	1002.63	Not Included	Provides that each of the public school prekindergarten provider’s classes must be composed of at least 4 students but may not exceed 24 (rather than 18) students; each class composed of 13 to 20 students must have 1 teacher who has CDA credential and at least 1 one teacher who meets training requirements; each class composed of 21-24 students must have an additional teacher who has CDA credential
VPK Funding	1002.71	Not Included	Provides that, beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 % (rather than 4.85%) of the funds paid by the coalition to private prekindergarten providers and public schools to administer the VPK program
School District Planning for Meeting Class Size Requirements	N/A	Requires each school board to develop two plans – one based on current class size requirements to be implemented if constitutional class size requirements remain unchanged, and another to be implemented if class size requirements are revised; prior to adoption of the 2010-11 district budget, each school board must hold public hearings and provide information to the public on the district’s two plans including a review of school attendance zones, the impact on the district’s budget for the district to comply with the class size requirements, and the potential impact if the district fails to comply; districts that are already in compliance with class size requirements as of the 2009-10 school year are exempt from these provisions; nothing in these provisions may be construed to allow school districts to campaign for or against revision of the class size requirements and districts must comply with s. 106.113.	Not Included

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<p>Maximum Class Size</p> <p><i>[NOTE: These provisions assume that class size requirements WILL be amended in accordance with legislative proposal]</i></p>	<p>1003.03</p>	<p>Implementation is revised to provide that DOE must calculate the 2010-11 class size based on the February 2011 student membership survey. Beginning of the 2011-12 school year and annually thereafter, DOE must calculate class size based on the October student membership survey. The calculation for compliance for each of the three grade groupings shall be the number of students assigned to each teacher in an individual classroom. Each teacher assigned to a classroom must be included in the calculation. Implementation options are revised to encourage students to take courses from school district virtual instruction programs in addition to Florida Virtual School courses.</p> <p>Accountability provisions are revised to provide that, for the 2010-11 school year, if at the time of the February student membership survey the school district's class size exceeds the maximums, DOE shall:</p> <ul style="list-style-type: none"> • Identify, for each grade group, the number of FTE students that exceeds the maximum number of students assigned to any teacher in an individual class; • Multiply the total number of FTE students that exceeds the maximum class size for each grade group by the district's FTE dollar amount of the CSR operating categorical allocation for that year and calculate the total for all three grade groups; • Reduce the district's CSR operating categorical allocation by an amount equal to the calculation above. For the 2011-12 school year and annually thereafter, if at the time of the 3rd FEFP calculation a school district's class size exceeds the maximums, DOE shall reduce the district's CSR operating categorical allocation as calculated above. <p>The Commissioner retains the authority to recommend a 50% reduction in the penalty. Also, in lieu of the reduction calculation, the Commissioner may recommend a budget amendment to reduce an alternative amount in certain circumstances.</p>	<p>Implementation is revised to provide that DOE must annually calculate class size measures based upon the October student membership survey, except that the calculation for 2010-2011 shall be based on the February student membership survey. The calculation for compliance for each of the three grade groupings shall be the number of students assigned to each teacher in an individual class and the average number of students at the school level assigned to each teacher. Each teacher assigned to any classroom must be included in the calculation. Implementation options are revised to encourage students to take courses from school district virtual instruction programs in addition to Florida Virtual School courses.</p> <p>Accountability provisions are revised to provide that if DOE determines that the number of students assigned to any individual class exceeds the classroom maximum, or that the school average is greater than the school level maximum, DOE shall:</p> <ul style="list-style-type: none"> • Identify, for each of the three grade groups, the number of FTE students in an individual classroom that are greater than the classroom maximum and the number of FTE students that are greater than the school level average, not including the number of FTE that are greater than the classroom maximum; • Multiply the total number of FTE students calculated above which exceed the maximum class size for each grade group by the district's FTE dollar amount of the CSR allocation for that year and calculate the total dollar amount for all three grade groups; • Multiply the total number of FTE students as calculated above which exceed the maximum by the amount of the BSA adjusted by the DCD; • Reduce the district's CSR operating categorical allocation by an amount equal to the sum of the calculations above. <p>The commissioner is authorized to withhold the distribution of CSR allocation funds to the extent necessary to comply. In lieu of the reduction calculation, the Commissioner may recommend a budget amendment to reduce an alternative amount in certain circumstances</p>

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<p>Industry Certified Career Education Programs</p>	<p>1003.492</p>	<p>Not Included</p>	<p>Provides that the list of industry certifications approved by Workforce Florida to be published and undated annually must also be approved by DOE</p>

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Gifted Student Education	1003.572	Provides that, for students in K-12, each school board must annually report to DOE by school and grade level, the number of students classified as gifted, the types of gifted student education services that it provides and the number of students receiving each service, and performance data for students receiving gifted student education services. When reporting the number of students, district school boards must classify students according to race, ethnicity, limited English proficient status, and free or reduced-price lunch eligibility status. DOE must develop data elements to facilitate district school board reporting and the State Board of Education shall adopt rules to implement these provisions.	Not Included
Instructional Materials	1006.28	Not Included	Revises the definition of “adequate instructional materials” to include “electronic content”
Electronic Learning Management Systems	1006.281	<p>Creates a new section to encourage districts to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and that enables teachers to manage, assess, and track student learning. To the extent feasible, a district’s electronic learning management system should allow for a single, authenticated sign-on and include functionality that:</p> <ul style="list-style-type: none"> • Vertically searches for, gathers, and organizes specific standards-based instructional materials; • Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction; • Provides communication, including access to student performance data; • Provides access for administrators to ensure quality of instruction within every classroom; • Provides access to multiple content providers. <p>DOE must provide assistance as requested by school districts in their deployment of a district electronic learning management system.</p>	Same

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State Instructional Materials	1006.29	Revises definition of “instructional materials” to include “electronic textbooks”. Provides that a publisher or manufacturer providing instructional materials as a single bundle must also make the materials available as separate and unbundled items, each priced individually	Similar
Instructional Materials Bids or Proposals	1006.33	Provides that instructional materials adopted after 2012-2013 for students in grades 9 through 12 shall primarily be adopted and delivered in electronic format. Beginning in the 2010-2011 fiscal year, the advertisement for bids must state that each bidder must furnish electronic specimen copies of all instructional materials submitted. Provides that any district school superintendent who requires samples in addition to samples in electronic format must request those samples through DOE.	Similar
Instructional Materials – Powers and Duties of the Commissioner and DOE	1006.34	Authorizes the Commissioner to add to the list of recommended instructional materials submitted by the instructional materials advisor committees if publishers of such materials meet the procedural requirements established for submission and timely appealed any failure to adopt and the materials are aligned with the Next Generation Sunshine State Standards	Not Included
Instructional Materials Allocation	1006.40	Provides that, beginning with the 2012-2013 fiscal year, the funds available to school boards for the purchase of materials not on the state-adopted list may be used to purchase electronic or computer hardware if such hardware is provided for the sole purpose of delivering instructional materials content in an electronic format. The funds provided for instructional materials may not be used to purchase equipment or supplies	Provides that, beginning with the 2012-2013 fiscal year, not less than 10% of the annual allocation must be used to purchase items for which the major tool of instruction is used electronically.
Articulate Acceleration Mechanisms	1007.27	Provides that students in public secondary schools enrolled in such courses shall be deemed authorized users of the state-funded electronic library resources provided by Florida colleges and state universities. Verification of eligibility shall be in accordance with rules established by the State Board of Education and the Board of Governors and processes implemented by Florida colleges and state universities.	Similar

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School Grading System	1008.34	Not Included	Revises the list of student assessment data used in determining school grades to include the “successful completion” (rather than “participation”) rate of all eligible students enrolled in the school and enrolled in AP, IB, dual enrollment, AICE, and courses leading to industry certification in a career and professional academy
Budget Public Hearings	1011.03	Not Included	Substantially revises the content and publication requirements for the district tentative budget to provide that each district school board must cause a summary of its tentative budget, including the proposed millage levies as provided for by law, to be posted online and advertised one time in a newspaper of general circulation published in the district or to be posted at the courthouse if there be no such newspaper. The list of detailed graphs and information is deleted
Minimum Requirements of the FEFP – Minimum Term	1011.60	Not Included	Removes the rulemaking authority of the State Board of Education regarding the minimum 180 day term
Funds for Operation of Schools	1011.62	<ul style="list-style-type: none"> • Proves that weighted funding for the IB program may be expended solely for the payment of administrative costs and teacher bonuses and, after all IB programmatic expenses have been paid by the school district, the remaining balance of funding must be provided to the school that generated the funding • Weighted funding for successful completion of industry-certified career and professional academy programs is reduced from 0.3 to 0.16 FTE. The appropriation is limited to \$8 million (rather than \$15 million) annually. • Increases to 96% (rather than 95%) of the estimated state total taxable value in determining the millage rate needed to generate the Required Local Effort • Expands flexibility in the use of certain categorical funds to maintain academic classroom instruction or to provide technological equipment that supports student learning; specifies that the term “technological equipment is limited to hardware, devices, or equipment necessary for gaining access to or enhancing the use of an electronic textbook and other types of digitally rich instructional materials, or facilitating access to and the use of a school district's electronic learning and data management systems <p style="text-align: center;"><i>(Continued on next page)</i></p>	<ul style="list-style-type: none"> • Weighted funding of a student enrolled in an IB course who receives a score of 4 or higher is reduced from 0.16 to 0.1 FTE, the bonus amount is reduced from \$50 to \$25, the additional bonus in low performing schools is reduced from \$500 to \$250, and the total bonus is reduced from \$2,000 to \$1,000 • Weighted funding of a student enrolled in an AICE course who receives a score of E or higher is reduced from 0.16 to 0.1 FTE for a full-credit course (from 0.08 to 0.05 for a half-credit course), the bonus amount is reduced from \$50 to \$25 for a full-credit course (from \$25 to \$12.50 for a half-credit course), the additional bonus in low performing schools is reduced from \$500 to \$250 for a full-credit course (from \$250 to \$125 for a half-credit course), maximum additional bonus must not exceed \$250 (rather than \$500) in any given school year, and the total bonus is reduced from \$2,000 to \$1,000 • Weighted funding of a student enrolled in an AP course who receives a score of 3 or higher is reduced from 0.16 to 0.1 FTE, a student who receives a score of 3 but did not take the AP course is not eligible for the 0.1 FTE membership, the bonus amount is reduced from \$50 to \$25, the additional bonus in low performing schools is reduced from \$500 to \$250, and the total bonus is reduced from \$2,000 to \$1,000 <p style="text-align: center;"><i>(Continued on next page)</i></p>

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Funds for Operation of Schools (<i>continued</i>)	1011.62	<ul style="list-style-type: none"> • Provides that technological equipment purchased from categorical funds must meet specific performance standards. DOE is encouraged to negotiate enterprise agreements with interested vendors and service providers. By February 1, 2011, DOE must publish a list of recommended vendors and service providers. Districts choosing devices or services from vendors or providers not on DOE's list may seek a waiver from the Commissioner if their proposed purchases represent better value for the district. • Provides that flexibility with funds for instructional materials is contingent upon purchases necessary to provide update materials aligned to the Next Generation Sunshine State Standards and benchmarks have been completed for that fiscal year, but no sooner than March 1, 2011 • Revises calculation of Sparsity Supplement to exclude Merit Award program funds from the calculation of total potential funds per FTE • Revises the calculation of total potential funds to provide that no calculation subsequent to the appropriation shall result in negative state funds for any district. 	<ul style="list-style-type: none"> • Each district must allocate at least 80% of the funds provided for industry certification to the program that generated the funds. • Deletes the calculation of additional FTE membership for FLVS students who are also enrolled in a school district • Provides that flexibility with funds for instructional materials is contingent upon purchases necessary to provide updated materials aligned to the Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011; specifies that funds available after March 1 may be used to purchase hardware used to provide student instruction. • Revises calculation of Sparsity Supplement to exclude Merit Award program funds from the calculation of total potential funds per FTE • Revises the calculation of total potential funds to provide that no calculation subsequent to appropriation shall result in negative state funds for any district.
Funds for instructional Materials	1011.67	Deletes provision setting time line and percentage of funds to be distributed	Same
Distribution of FEFP Funds	1011.66	Not Included	Deletes provision authorizing release of FEFP funds in the first quarter of the fiscal year to any school district whose net state FEFP funding is less than 60% of it gross state and local FEFP funding
Funds for Student Transportation	1011.68	Provides that the base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by a prior year's average per student cost for transportation as determined by the Legislature.	Similar

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District School Tax	1011.71	Provides that, in order to be continued after the 2010-2011 fiscal year, the .25 critical needs millage levy must be approved by the voters at the 2010 general election or a subsequent election held at any time, except that only one such election can be held during a 12-month period. Any millage so authorized shall be levied for no more than 2 years or until changed by another millage election. If any such election is invalidated, the invalidated election shall be considered not to have been held.	Deletes the requirement for the .25 critical needs millage levy to be approved by the voters of the district at the next general election.
Noninstructional Contractors / Background Screening	1012.467	Not Included	Provides that school districts must accept reciprocity of level 2 screenings for Florida High School Athletic Association Officials
Positions for which Certificates are Required	1012.55	Provides that positions that require certification include personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment	Same
Charter School Capital Outlay Funding	1013.62	Provides that a charter school in-the-workplace serving students in facilities that are proved by a business partner are eligible to receive charter school capital outlay funding	Same
Special Facilities Construction Account	1013.64	Not Included	<ul style="list-style-type: none"> • Provides that a district may not receive funding for more than one approved project in any 5-year (rather than 3-year) period • Provides that such a project must be recommended in the most recent survey conducted and approved by the Office of Educational Facilities in cooperation with the school district • Provides that, for the prior 5 years, the district must have levied the maximum allowable millage • Provides that final phase III plans must be reviewed and approved by the Office of Educational Facilities