

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 703 w/CS Class Size Reduction

SPONSOR(S): Pickens

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/S 1436 and CS/S 1646

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education Innovation (Sub)	4 Y, 2 N	Ager	Bohannon
2) Education K - 20	16 Y, 10 N w/CS	Ager	Bohannon
3) Finance & Tax (Sub)	14 Y, 6 N	Levin	Diez-Arguelles
4) Education Appropriations (Sub)	12Y, 5N	Mizereck	Mizereck
5) Appropriations		Mizereck	Hansen

SUMMARY ANALYSIS

The bill provides for the implementation of the class size reduction amendment to s. 1, Art. IX of the State Constitution, which prescribes the maximum number of students that may be assigned to a teacher in a public school classroom by the 2010-2011 school year. Beginning in fiscal year (FY) 2003-2004, the amendment requires the Legislature to provide sufficient funds to reduce the average number of students per classroom by at least two students per year until the requirements of the amendment are satisfied.

The bill defines the terms "core-curricula courses" and "extracurricular courses;" provides options for reducing the average number of students per classroom by at least two students per year; provides procedures for school districts and the Department of Education to utilize in determining average class size and monitoring the required reductions; and provides accountability measures to ensure implementation of the class size reduction requirements. The bill amends several statutes to provide greater flexibility and efficiency for school districts in meeting the class size reduction requirements. The bill extends the length of time certain personnel may participate in the DROP from 60 months to 96 months, at the discretion of the district school superintendent. The Department of Management Services is required to contact the Internal Revenue Service to determine that the proposed changes to the DROP comply with IRS qualifications.

The bill preserves and expands educational choice options available to students and parents. The bill increases the cap on corporate income tax credit for contributions to scholarship funding organizations from \$50M to \$100 million. The bill creates additional education grant programs.

The bill creates a Class Size Reduction operating categorical fund and provides for the allocation and use of funds for reducing average class size by at least two students per year beginning in FY 2003-2004. The bill creates the Class Size Reduction Infrastructure Program, which provides for funds to be allocated to all school districts based on a statewide formula similar to the 1997 Classrooms First Capital Outlay Program. The bill also creates the District Effort Recognition Capital Outlay Program, which provides for funds to be allocated to school districts in which the district's voters by referendum have approved supplemental local revenue for public school capital outlay. All districts will have equal opportunity to participate in this program with funds allocated based on the statewide formula prescribed in this bill.

The bill has a fiscal impact. Please refer to the "Fiscal Analysis & Economic Impact Statement" section of this analysis.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0703h.ap.doc

DATE: April 15, 2003

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.

Section 1.

The bill provides that this act may be cited as “The 2003 Class Size Reduction Act.”

Section 2.

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 definition of “extracurricular courses” only applies 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 “extracurricular courses” to mean those courses not defined as “core-curricula 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.

Section 3.

The bill substantially amends s. 1003.03, F.S., to incorporate the maximum class sizes specified in the constitutional amendment. The bill provides legislative intent that class size reduction should be implemented in an efficient manner that preserves choice options available to students and parents. The bill establishes a legislative finding that choice alternatives to traditional public school instruction are not subject to the class size reduction requirements. These alternatives include:

- Lab schools.
- Charter schools.
- The Florida Virtual School.

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

- Eligible K – 8 virtual schools.
- The Florida School for the Deaf and Blind
- Advanced Placement courses.
- International Baccalaureate courses.
- Advanced International Certificate of Education courses.
- Dual enrollment courses.

The bill also requires that school districts make efforts to reduce exceptional student education and English for Speakers of Other Languages class size below the constitutional maximums as necessary to provide high-quality education.

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 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 March 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:

- Adopting policies to facilitate accelerated high school graduation.
- Adopting policies to encourage students to take dual enrollment courses and courses from the Florida Virtual School.
- Adopting policies to allow students to enroll in an eligible K – 8 virtual schools.
- Using methods to maximize the use of instructional staff.
- Using nontraditional school calendars or alternative scheduling.
- Using innovative methods to reduce the cost of school construction.
- Redrawing school attendance zones.
- Providing Florida Learning Access grants, pursuant to s.1002.395, F.S., which is created by the bill.

Beginning in 2004-2005, the bill provides that the Commissioner of Education must annually determine which districts are not meeting the class size reduction requirements and calculate a proportionate amount of the district’s class size operating categorical funds to be transferred from operations to capital outlay.

Beginning in 2006-2007, the bill provides that the Commissioner of Education must annually determine which districts are not meeting the two-student-per-year reduction and must require such districts to implement at least one of the following accountability measures:

- Rezoning.
- Year-round schools.
- Double-sessions.

- Florida Learning Access Grants.
- Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying district employees that have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

Beginning in 2007-2008, 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 4.

The bill creates s. 1011.685, F.S., the Class Size Reduction Operating Categorical Fund. This section provides for the allocation of funds to be used to meet the class size reduction requirement described in section 3 of the bill. The appropriated funds are to be allocated to each school district in the amount proscribed by the Legislature in the General Appropriations Act. School districts that do not meet the class size reduction requirements may use the funds for any lawful purpose to reduce class size, but should give priority to using the funds to hire or compensate classroom teachers. School districts that meet the class size reduction requirements may use the funds for any lawful operating expense, but should give priority to increasing the salaries of classroom teachers.

Section 5.

The bill creates the Class Size Reduction Infrastructure Program. This section provides for the allocation of capital outlay funds as appropriated by the Legislature in the General Appropriations Act. The program is to be administered similarly to the state capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Class Size Reduction Infrastructure Program funds may be used to purchase or lease-purchase relocatable facilities or to facilitate the construction, remodeling, or repair of educational facilities. Such purchase, construction, remodeling, or repair must be designed to reduce class size and must be in addition to the projects in the districts' five year work programs.

Section 6.

The bill creates s. 1013.736 F.S., the District Effort Recognition Program, which provides for effort recognition capital outlay grants to eligible districts from funds appropriated by the Legislature in the General Appropriations Act. All school districts in which the voters have provided, through a local referendum, local funds for district capital outlay projects are eligible to participate in the District Effort Recognition Program. The following sources of funds are available through referendum to all school districts:

- Half-cent school capital outlay surtax authorized in s. 212.055(6), F.S.
- Participation in the levy of the local government infrastructure sales surtax authorized in s. 212.055(2), F.S.
- Millage for capital outlay purposes as authorized in s. 9, Article VII of the State Constitution.

The bill provides for calculating the district effort amount, and allocating and distributing funds. School districts that do not meet the constitutional class size requirements must use the funds for capital outlay to reduce class size. Districts that have met the class size requirements may use the funds for any lawful capital outlay purpose.

Section 7.

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 or school administrators to participate in the DROP for 96 months instead of the current 60 months.

Section 8.

The bill requires the Department of Management Services to request an opinion from the Internal Revenue Service (IRS) concerning the qualified status of the changes to DROP pursuant amendments to s. 121.091, F.S., as made by the act. The bill specifies that the changes to the DROP effect by the act are contingent upon a favorable ruling by the IRS. In the event that the IRS fails to act upon the request for a ruling, a favorable legal opinion from a qualified tax attorney may be substituted for the ruling.

Section 9.

The bill amends s. 1001.42(20), F.S., which relates to the powers and duties of district school boards. The bill repeals a reference to the term "small school," to conform to other changes made by the act.

Section 10.

The bill creates s. 1002.395, F.S., the Florida Learning Access Grants (FLAG) Act. Pursuant to the FLAG Act, a district school board may choose to implement the provisions in order to reduce class size. Alternatively, districts may be required to participate in the FLAG program in order to reduce class size pursuant to the accountability measures created in s. 1003.03(5), F.S.

The bill allows the parent of any K-12 student in a participating school district who has been previously in attendance in the public school system during the October and February FTE counts to opt to receive a \$3500 FLAG grant for purposes of attending an eligible private school of the parent's choice. Alternatively, the parent may opt to have the student remain in the school in which the student is enrolled.

If the parent of a student elects to receive the FLAG grant, the bill provides that the grant may be renewed until the student graduates from high school. The bill also requires that participating parents ensure that the children take a nationally normed examination for each grade 3 through 10, the results of which are to be provided to the parent. The bill provides that the amount of the FLAG grant annually adjusts in accordance with increases or decreases in the Consumer Price Index.

Section 11.

The bill creates s. 1002.396, F.S., the Kindergarten Grants Program. The bill allows the parent of any child who will be 5 years of age by September 1 of the school year or who is otherwise eligible to attend kindergarten to either enroll the child in kindergarten in a public school within the district other than the one to which the child is assigned or to receive a \$3500 grant for purposes of attending an eligible kindergarten of the parent's choice. The bill specifies that, pursuant to the exercise of either option, the parent is responsible for the child's transportation to kindergarten.

Section 12.

The bill creates s. 1002.397, F.S., the K-8 Virtual Schools Grants Program. The bill allows the parent of any child who is eligible to attend kindergarten or who is eligible to attend grades 1-8 and has been previously in attendance in the public school system during the October and February FTE counts to opt to receive a \$3500 K-8 virtual school grant for purposes of attending an eligible K-8 virtual school of the parent's choice. The bill annually adjusts the scholarship award amount in accordance with increases or decreases in the Consumer Price Index. The bill specifies that K-8 virtual schools must

provide instructional materials, a computer, a printer, and an internet connection to at no additional charge over the cost of tuition.

Section 13

The bill amends s. 220.187, F.S., which relates to credits for contributions to nonprofit scholarship-funding organizations. The bill provides for annual adjustments to contribution levels, tax credit amounts, and the \$3500 scholarship award amount in accordance with increases or decreases in the Consumer Price Index. The bill increases the statewide cap on the total amount of corporate income tax credit from \$50 to \$100 million and provides for adjustments based on the Consumer Price index..

The bill provides additional flexibility for scholarship-funding organizations (SFOs) to use the contributions in a timely manner. Currently, SFOs must use the contributions within the same fiscal year in which the contribution is received. The bill provides that SFOs may use the contributions within the same fiscal year, or within six months of receiving the contribution, whichever is later.

Section 14.

The bill amends s. 1002.20, F.S., which provides the rights of K-12 parents and students. The bill provides additional references to the Florida Virtual School and K-8 virtual schools, to conform to changes made by the act.

Section 15.

Section 1002.33(13), F.S., provides that the number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students. The bill repeals s. 1002.33(13), F.S., to remove the limitation on the number of charter schools allowed to operate in a district. The bill provides conforming cross-references in accordance with other changes made by the act.

Section 16.

The bill amends s. 1002.41, F.S., which relates to home education programs, to conform to other changes made by the act.

Section 17.

Section 1007.27, F.S., provides for articulated acceleration mechanisms. Articulated acceleration is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.

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 notification of acceleration opportunities. The bill repeals a reference to "small school," to conform to other changes made in the act.

Section 18.

The bill creates s. 1003.429, F.S., to provide accelerated high school graduation options. The bill provides a 3-year standard college preparatory program, which requires 15 academic credits and 3 elective credits for graduation. The bill also provides a 3-year career preparatory program, which requires 15 academic credits and 3 elective credits for graduation. 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.

Section 19.

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

Section 20.

The bill amends s. 1003.436, F.S., which relates to the definition of "credit." The bill reduces the number of hours of classroom instruction required to receive one credit from the current 135 hours of instruction to 120 hours. The bill also specifies that the district school board may award a student credit for fewer than 120 hours of classroom instruction based upon documented mastery of the course requirements and Sunshine State Standards.

Section 21.

The bill amends s. 1007.261, F.S., which relates to state university admissions, to conform to changes made by the act.

Section 22.

Section 1007.27, F.S., provides for articulated acceleration mechanisms, which are intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. The bill provides additional legislative intent for s. 1007.27, F.S., that the use of acceleration mechanisms be maximized. The bill also requires school districts and public postsecondary institutions to annually notify parents and students of acceleration opportunities. The bill provides rulemaking authority for the State Board of Education to implement the provisions of this section.

Section 23.

The bill requires the State Board of Education to conduct a review concerning the use of acceleration mechanisms.

Section 24.

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. The bill authorizes the State Board of Education to waive rules and law in specified circumstances. The bill limits designation eligibility to "high-performing school districts," which are defined as those with a minimum of 50 percent of schools earning a performance grade of "A" or "B" and no more than 5 percent of the schools earn a "D" or "F," in the school grading system, pursuant to s. 1008.34, F.S. The bill authorizes the State Board of Education to adopt rules to implement this section.

Section 25.

The bill amends s. 1011.62, F.S., removing flexibility to transfer teacher recruiting and retention categorical funds to other budget categories. The bill requires public notice prior to exercising the remaining flexibility options.

Section 26.

The bill amends s. 1011.68, F.S., to correct a cross reference

Section 27.

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 28.

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 29.

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 30.

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 priorities for student enrollment. The bill also provides authority for the Florida Virtual School to award diplomas. Additionally, the bill specifies that the Florida Virtual School is to 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.

Section 31.

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 32.

The bill amends s. 1013.64(6), F.S., which relates to funds for comprehensive educational plant needs. The bill clarifies the provisions relating to cost per student station limits by specifying the types of revenue required to meet the cost limits. The bill adjusts upward from the current costs per student station, beginning January 2002. The bill deletes an exception from cost per student station limits on projects funded with certain sources of revenue. The bill requires the Department of Education annually review district compliance with the cost per student station limits and to withhold PECO funds of districts that do not comply.

Section 33.

The bill repeals subsection (2) of s. 1007.261, F.S., which provides a university admissions requirement to conform, s. 1012.41, F.S., requiring school districts to employ a director of career and technical education to conform, and s. 1013.43, F.S., relating to construction of small schools, to conform.

Section 34.

The bill authorizes the Governor to transfer operating funds to capital outlay funds based on FEFP allocations, subject to the notice and review provisions of s. 216.177, F.S.

Section 35.

The bill provides for severability of the provisions of this act.

Section 36.

The bill provides an effective date of July 1, 2003, except as otherwise expressly provided for in this act.

C. SECTION DIRECTORY:

Section 1. The bill provides that this act may be cited as “The 2003 Class Size Reduction Act.”

Section 2. The bill 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 3. The bill substantially amends 1003.03, F.S., to incorporate the maximum class sizes specified in the constitutional amendment.

Section 4. The bill creates s. 1011.685, F.S., the Class Size Reduction Operating Categorical Fund.

Section 5. The bill creates s. 1013.735, F.S., the Class Size Reduction Infrastructure Program.

Section 6. The bill creates s. 1013.736 F.S., the District Effort Recognition Program.

Section 7. The bill amends s. 121.091, F.S., to allow extended participation in the Deferred Retirement Option Program (DROP) in certain circumstances.

Section 8. The bill requires the Department of Management Services to request an expedited opinion from the United States Internal Revenue Service as to the qualified status of the changes to the DROP.

Section 9. The bill repeals a reference to the term “small school,” in conformity with the act.

Section 10. The bill creates s. 1002.395, F.S., the Florida Learning Access Grants (FLAG) Act.

Section 11. The bill creates s. 1002.396, F.S., the Kindergarten grants program.

Section 12. The bill creates s. 1002.397, F.S., the K-8 Virtual Schools grants program.

Section 13. The bill amends s. 220.187, F.S.; to adjust amounts based on fluctuations in the Consumer Price Index and to increase the statewide cap on the total amount of corporate income tax credit from \$50 to \$100 million; provides additional flexibility for scholarship-funding organizations to use the contributions in a timely manner.

Section 14. The bill amends s. 1002.20, F.S., to conform to other changes relating to the Florida Virtual School and K-8 virtual schools made by the act.

Section 15. The bill repeals s. 1002.33(13), F.S., which limits the number of charter schools allowed to operate in a district.

Section 16. The bill amends s. 1002.41, F.S., to conform to other changes made by the act.

Section 17. The bill creates paragraph (i) for s. 1003.02, F.S., to require notification of acceleration opportunities; repeals a reference to “small school,” to conform.

Section 18. The bill creates s. 1003.429, F.S., to provide accelerated high school graduation options.

Section 19. The bill amends s. 1003.43, F.S., to provide for parenting skills instruction; to provide flexibility for earning one-half credit in life management skills.

Section 20. The bill 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; allows further reduction in certain circumstances.

Section 21. The bill amends s. 1007.261, F.S., which relates to university admissions, to conform to other changes made in the act.

Section 22. The bill amends s. 1007.27, F.S., to provide legislative intent that the use of acceleration mechanisms be maximized; to required notification of acceleration opportunities; to provide for rulemaking.

Section 23. The bill requires the State Board of Education to conduct a review concerning the use of acceleration mechanisms.

Section 24. 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.

Section 25. The bill amends s. 1011.62, F.S., relating to flexibility to transfer teacher recruiting and retention categorical funds to other budget categories.

Section 26. The bill amends s. 1011.68, F.S., to correct a cross reference.

Section 27. The bill amends s. 1011.69, F.S., to remove obsolete language and 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 28. The bill amends 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 29. The bill amends s. 1013.31, F.S., to require school districts to periodically update the Florida Inventory of School Houses (FISH).

Section 30. The bill 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 31. The bill amends s. 1011.61, F.S., relating to counting FTE for the Florida Virtual School.

Section 32. The bill 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 33. The bill repeals s. 1007.261(2), F.S., which provides a university admissions requirement, s. 1012.41, F.S., which requires school districts to employ a director of career and technical education, and s. 1013.43, F.S., which provides requirements to construct small schools.

Section 34. Authorizes the Governor to transfer operating funds to capital outlay funds based on FEFP allocations, subject to notice and review.

Section 35. The bill provides for severability of the provisions of this act.

Section 36. The bill provides for effective dates.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: FY 03 - 04

Increase in the scholarship funding organization
corporate income tax credit
from \$50M to \$100M (\$50 M)

This amount will be adjusted to reflect annual changes
In the consumer price index.

2. Expenditures:

House Bill 1789 includes the following expenditures in support of this legislation:

Class Size Reduction:

1. Class size reduction operating categorical (SA 59A)	\$300,000,000
2. Class size reduction capital outlay (SA 1A, 12B, and 14A)	\$283,036,000

These expenditures are sufficient for meeting the constitutional requirements of the class size amendment to the Florida Constitution for the 2003-2004 fiscal year. Additional costs for class size reduction will be incurred in each year up to and including 2010 when the constitutional targets must be

met. After 2010, there will be ongoing costs to ensure no class exceeds the mandated maximum number of students.

BEST Program:

1. BEST categorical Fellows Program (SA3B, 58D)	\$315,000,000
2. Fellows Program (section 69 of this act as amended 4/15/03)	\$ 1,076,500
2. Teacher student loan reimbursement (SA 54)	\$ 2,557,566

Funding for the BEST program and associated Fellows Program and teacher student loan reimbursement are also sufficient only for fiscal year 2003-2004. According to the Department of Education, implementation of the \$31,000 minimum starting salary in 2004-2005 will require an additional \$76,000,000.

Additional funds will be required annually for the Fellows Program until it reaches full implementation at an annual cost of \$1,076,500 for each of the four years of potential participation, totaling \$4,306,000 for the initial group of participants. Upon employment, estimates of maximum annual costs associated with initial signing bonuses are \$1,186,013. This is based upon a distribution of participants consistent with the current percentage of schools graded A, B, C, D, and F. However, if all 200 teaching fellows chose to be assigned to schools graded D or F, costs for initial signing bonuses would be \$2,153,000.

Funding for the teacher student loan reimbursement program will be determined annually in the General Appropriations Act; increased demand for the program is anticipated and increased funding commensurate with demand will likely be requested in the future. The number of teachers projected to participate in the program in 2003-04 is based on the maximum number of teachers determined to be eligible in 2002-03 in the Critical Teacher Shortage Student Loan Forgiveness (CTSSLF) Program. The Teacher Student Loan Reimbursement Program replaces the CTSSLF program. Costs in the first year of this program, 2003-04, for the 1,705 teachers at \$1,500 each are estimated to be \$2,557,500. The fiscal impact for the 1,705 teachers for the second, third, and fourth years would be \$4,262,500 (\$2,500 each), \$5,967,500 (\$3,500 each), and \$7,672,500 (\$4,500 each), respectively.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill amends s. 220.187, F.S., which relates to credits for contributions to nonprofit scholarship-funding organizations. The bill provides for annual adjustments to contribution levels, tax credit amounts, and the \$3500 scholarship award amount in accordance with increases or decreases in the Consumer Price Index. The bill increases the statewide cap on the total amount of corporate income tax credit from \$50 to \$100 million.

The bill provides additional flexibility for scholarship-funding organizations (SFOs) to use the contributions in a timely manner. Currently, SFOs must use the contributions within the same fiscal year in which the contribution is received. The bill provides that SFOs may use the contributions within the same fiscal year, or within six months of receiving the contribution, whichever is later.

The bill requires additional expenditures by the state associated with instructional and administrative personnel exercising the option to extend participation in DROP. Cost-savings may result to the extent that students opt to exercise any of the accelerated graduation options provided by the bill. Cost-savings may also be associated with the provision that allows cost-overruns related to student stations to be withheld from PECO funding in the following year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect municipal or county government.

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

On March 31, 2003 the Committee on Education K -20 adopted a strike-all amendment that made substantial changes to the bill, as reflected in the analysis, above.

On April 9, 2003 the Finance & Tax Committee heard HB 703 w/ CS. No amendments were adopted.

On April 11, 2003 Representatives Kilmer, Pickens, Simmons, Baxley, Attkisson, Meador, and Arza offered a strike all amendment that combines the provisions of HB 703 with committee substitute, and HB 901 with committee substitute. The amendment was reported favorably by the Education Appropriations Subcommittee and includes the following changes, as explained below:

Relating to clause

Provides that the bill is to be entitled an act relating to quality education.

WHEREAS clauses.

Provides an additional whereas clause including a legislative finding that a high-quality education requires not only small classroom sizes but also well-educated, well-trained, well-compensated, and effective classroom

teachers and school administrators who maintain orderly, disciplined classrooms conducive to student learning.

Section 1.

Provides that the act shall be known by the popular name the “Quality Education Act,” with the emphasis of the act focused on class size reduction and better educated students and teachers (BEST).

Section 2.

(No changes; see section 2 of analysis for HB 703 w/CS.)

Section 3.

The amendment provides an additional option for district school boards in implementing class size reduction requirements relating to the adoption of policies to encourage the use of charter schools that meet standards specified by the State Board of Education.

The amendment revises one of the accountability policies provided in the bill to ensure compliance with the class size reduction requirements by restoring original language in HB 703 to provide that “undistributed” rather than “unencumbered” are the subject of the transfer authority. Beginning in 2004, the bill allows the Executive Office of the Governor to initiate transfer of certain funds (pursuant to the provisions of Chapter 216) belonging to a school district that is not in compliance with the class size reduction requirements. The amendment specifies that the transfer shall be to an approved fixed capital outlay appropriation for class size reduction in an amount equivalent to the district’s class size reduction operating funds. The amendment specifically protects undistributed funds that have been encumbered for classroom teacher contracts from being included in the transfer.

Section 4.

Revises provision relating to the allocation of Class Size Reduction operating categorical funds; provides that allocation to districts shall be made based on the district’s proportionate share of FEEP base funding; provides that the funds are to be released by the State Board of Education upon approval of the district’s class size reduction plan; revises flexibility in use of funds to specify that priority should be given to hiring career teachers.

Section 5.

Revises provisions relating to the Class Size Reduction Infrastructure Program; removes language relating to the administration and allocation of funds; provides an additional participation requirement that district school boards receive approval from the State Board of Education for a capital outlay plan based upon documented infrastructure need, and limited only to construction, renovation, or remodeling expenditures for class size reduction.

Section 6.

Revises provisions relating to the District Effort Recognition Program; provides additional eligibility criteria to allow participation by a school district that has levied the full two mills of nonvoted discretionary capital outlay, as authorized by s. 1001.71(2), F.S., or a school district that receives school impact fees greater than \$500 per dwelling unit; removes language relating to calculation of the district effort amount; revises language relating to the allocation and use of funds to refer to a district school board’s approved capital outlay plan based upon documented infrastructure need, and limited only to construction, renovation, or remodeling expenditures for class size reduction.

Section 7.

Creates s. 1013.737, F.S., the Class Size Reduction Lottery Revenue Bond Program, which 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, shall not exceed \$600 million; provides that prior to the release of funds, the State Board of Education must approved each school district's expenditure plan; provides that the district's expenditure plan must be based upon documented infrastructure need, and limited only to construction, renovation, or remodeling expenditures for class size reduction.

Section 8.

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 amendment to s. 24.121(2), F.S., removes limitations on the amount of lottery revenues that may be pledged to the payment of debt service; removes reference to amount of distribution to the Classrooms First Program; provides authority to issue and use such bonds as specified in the Class Size Reduction Lottery Revenue Bond Program, created by s. 1013.737, F.S. (see section 7 of the amendment).

Additionally, the amendment removes language in the bill that required the Department of Management Services to obtain an approval letter from the IRS concerning the changes made to DROP by the bill. DMS sought and received a legal opinion from the Gray-Harris law firm that there is no need to require an approval letter. According to the legal opinion, the changes made to the DROP do not appear to affect a tax qualification issue, nor does it create a new transaction (see section 8 of HB 703 w/ CS).

Section 9.

Contains, unchanged, the provisions of section 7 of HB 703 w/ CS.

Section 10.

Contains, unchanged, the provisions of section 9 of HB 703 w/ CS.

Section 11.

Contains, unchanged, the provisions of section 10 of HB 703 w/ CS, except that the popular name is changed to the "Florida Learning Access Grants Program," rather than "act."

Section 12.

Contains, unchanged, the provisions of section 11 of HB 703 w/ CS.

Section 13.

Contains, unchanged, the provisions of section 12 of HB 703 w/ CS, except that the award amount is increased from \$3500 to \$4800, based upon documented provider costs.

Section 14.

Contains, unchanged, the provisions of section 14 of HB 703 w/ CS, except that s.220.187(6), F.S., is also amended in order to allow donations that exceed the current year's tax liability of the corporation to carry forward for a period not to exceed three years.

Section 15.

Contains, unchanged, the provisions of section 14 of HB 703 w/ CS.

Section 16.

Contains, unchanged, the provisions of section 15 of HB 703 w/ CS.

Section 17.

Contains, unchanged, the provisions of section 16 of HB 703 w/ CS.

Section 18.

Contains, unchanged, the provisions of section 17 of HB 703 w/ CS.

Section 19.

Contains, unchanged, the provisions of section 18 of HB 703 w/ CS.

Section 20.

Contains, unchanged, the provisions of section 19 of HB 703 w/ CS.

Section 21.

Contains, unchanged, the provisions of section 20 of HB 703 w/ CS.

Section 22.

Contains, unchanged, the provisions of section 21 of HB 703 w/ CS, except that the current minimum admissions standards specified in s. 1007.261(2), are not repealed in this section, but are repealed in section 36 of the amendment.

Section 23.

Contains, unchanged, the provisions of section 22 of HB 703 w/ CS.

Section 24.

Contains, unchanged, the provisions of section 23 of HB 703 w/ CS.

Section 25.

Contains, unchanged, the provisions of section 24 of HB 703 w/ CS, except that a grandfather provision is provided for the current pilot program districts operating in Volusia, Hillsborough, and Orange counties.

Section 26.

Contains, unchanged, the provisions of section 25 of HB 703 w/ CS, except that funds for instructional materials are added to the list of categorical funds for which flexibility is provided in s. 1011.62(5), F.S.

Section 27.

Contains, unchanged, the provisions of section 26 of HB 703 w/ CS.

Section 28.

Contains, unchanged, the provisions of section 27 of HB 703 w/ CS.

Section 29.

Contains, unchanged, the provisions relating to educator certification requirements as amended by HB 901 w/ CS.

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 other such nationally recognized organization as determined by the State Board of Education 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; or a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.

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. Allows for demonstration of mastery of subject area knowledge with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.

Broadens category of acceptable means of demonstrating mastery of professional preparation and education competence with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.

Provides that demonstration of mastery of professional preparation and education competence by 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.

Removes the requirement that a teacher demonstrates 2 years of continuous successful full-time teaching or administrative experience during the 5 year period immediately preceding the date of application for certification.

Provides that state board rules relating to mastery of professional preparation and education competence shall be revised as necessary according to s. 1004.04(2).

Removes the provision requiring a temporary certificate holder to meet the mastery of general knowledge eligibility requirement of paragraph (2)(g) within 1 calendar year of employment under the temporary certificate.

Allows the extension of the temporary certificate for 2 years under certain circumstances, even if the requirements of paragraph (2)(g) are not met. Allows the department to reissue a temporary certificate for 2 additional years based on emergency need, and requires a written request be submitted prior to any reassurance, stating the basis for the emergency need.

Section 30.

Contains, unchanged, the provisions relating to adjunct educators as amended by HB 901 w/ CS.

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.

Section 31.

Contains, unchanged, the provisions of section 28 of HB 703 w/ CS.

Section 32.

Contains, unchanged, the provisions of section 29 of HB 703 w/ CS.

Section 33.

Contains, unchanged, the provisions of section 30 of HB 703 w/ CS.

Section 34.

Contains, unchanged, the provisions of section 31 of HB 703 w/ CS.

Section 35.

Contains, unchanged, the provisions of section 32 of HB 703 w/ CS.

Section 36.

Provides for the repeal of s.1007.261(2), F.S., relating to current standards for minimum admissions to a state university; s. 1012.41, F.S., requiring school districts to employ a director of career and technical education; s. 1013.21, F.S., relating to the reduction of relocatables; and s. 1013.43, F.S., relating to construction of small schools.

Section 37.

Contains, unchanged, the provisions of section 34 of HB 703 w/ CS.

Section 38.

Contains the legislative intent and guiding principles for BEST Florida Teaching, as provided in HB 901 w/ CS.

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

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 39 -42.

Contains the teacher empowerment provisions of HB 901 w/ CS.

Encourages 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.

Requires 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; Encourages the support of 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 should fully support and cooperate in the accomplishment of the principles of the BEST Florida Teaching Act of 2003; 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 43 & 45.

Contains the parental responsibility and student rights provisions of HB 901 w/ CS.

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 comply with school attendance laws 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.

Sections 47.

Contains the "teacher authority for maintaining discipline" provisions of HB 901 w/ CS.

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 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 different disciplinary action is appropriate, he or she should consult with the teacher prior to the final decision.

Encourages each district school board, each district school superintendent and each school principal to support their teachers' authority to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom, referencing s. 1003.32.

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.

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 48.

Contains the provisions relating to teacher preparation programs, as provided in HB 901 w/ CS.

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.

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

The amendment requires the State Board to review the standards and recommendations of the American Board for Certification of Teacher Excellence in addition to the National Board for Professional Teacher Standards in setting criteria for state program approval, standards of excellence and requirements for in-service education.

The amendment 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 Standards or the American Board for Certification of Teacher Excellence.

Sections 46, 49, and 50.

Contains the provisions relating to discipline and school safety, as provided in HB 901 w/ CS.

Encourages each district school board, 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.

Encourages each school district superintendent to fully support the authority of his or her principals, 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.

Encourages each school principal to fully support the authority of his or her principals, 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. 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 51.

Contains the teacher student loan reimbursement program, as provided in HB 901 w/ CS.

Renames the Critical Teacher Shortage Student Loan Forgiveness Program as the Teacher Student Loan Reimbursement Program.

Provides that the program is established to encourage qualified personnel with undergraduate or graduate degrees in mathematics, science, engineering, reading or State-Board of Education-designated critical teacher shortage areas to seek employment as teachers in Florida publicly funded schools, and states that the primary purpose of the program is to enhance the quality of Florida's teacher workforce by making repayments toward loans received by the selected students.

Under the program, repayments are intended to be made to qualified applicants who apply during their first full year. Repayment shall be prorated if the teacher teaches at least 90 days during the first year of teaching in a publicly funded school in Florida.

Authorizes the Department of Education to make loan principal payments on behalf of persons with degrees in mathematics, science, engineering, reading or state board-designated critical teacher shortage areas who are certified to teach in Florida public schools.

Repayments may be made of up to \$1,500 the first year the person is employed as a teacher in a publicly funded school in Florida; up to \$2,500 for the second year the person is employed as a teacher in a publicly funded school in Florida; up to \$3,500 for the third year the person is employed as a teacher in a publicly funded school in Florida; up to \$4,500 for the fourth year and each subsequent year, up to a maximum of 10 years, the person is employed as a teacher in a publicly funded school in Florida.

Provides that all payments are contingent on continued proof of satisfactory employment in a teacher position in a publicly funded school and shall be made directly to the holder of the loan and/or applicant. A teacher shall remain eligible for loan reimbursement in accordance with the bill for up to the maximum of 10 years if he or she continues to teach in a critical shortage area at a publicly funded school in Florida.

Prohibits students who receive a state scholarship or fellowship loan from participating in the Teacher Student Loan Reimbursement Program.

Provides that the Department shall advertise the availability of the program and must advise school districts, postsecondary institutions and the public of the criteria and application procedures.

Section 52.

Contains the teaching fellows program, as provided in HB 901 w/ CS.

Creates the Teaching Fellows Program to encourage graduate students in mathematics, science and engineering disciplines to enter the teaching profession in public schools in Florida, and provides that the program shall be administered by the Department of Education.

Provides an annual stipend of \$5,000 for each approved teaching fellow who is enrolled full-time in one of Florida's public or private universities in a graduate program in a mathematics, science or engineering discipline or state board-designated critical teacher shortage area and commits to teach in a publicly funded school in Florida for 5 consecutive years immediately following completion of the graduate program.

Provides that the intent of the Legislature is that the total amount appropriated annually for the program be sufficient to provide 200 fellows with stipends of \$5,000 per year and to provide a \$5,000 signing bonus to each fellow upon initial employment as a teacher in a Florida public school graded A, B or C; or a \$10,000 signing bonus upon employment in a Florida public school graded D or F, \$5,000 at initial employment and \$5,000 upon completion of the first year of teaching.

A student may receive a stipend from the program for up to 4 consecutive years if the student remains enrolled full-time in an eligible program and makes satisfactory progress toward a graduate degree in a program in mathematics, science or engineering discipline, or state board-designated critical teacher shortage area.

A teaching fellow who receives a stipend pursuant to this section and attends a state university shall also receive a waiver of tuition and out-of-state fees, if applicable, at that university. If a teaching fellow graduates and is employed for 5 consecutive years in a Florida publicly funded school, the fellow is not obligated to repay the amount received as stipends, bonus or tuition and fee waivers pursuant to the program.

If the fellow does not obtain a graduate degree within 4 years, or if the fellow graduates but does not teach in a Florida publicly funded school for 5 consecutive years following graduation, the fellow must repay the Department of Education, on a schedule to be determined by the department, the total amount awarded for stipends, bonus and tuition and fee waivers received pursuant to this program plus annual interest of 8 percent accruing from the date of the scholarship payment. Monies repaid are to be deposited into the State Student Financial Assistance Trust Fund.

Provides that the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

Prohibits fellows from participating in the Teacher Loan Reimbursement Program.

Requires the department to advertise the availability of the program and advise school districts, postsecondary institutions and the public of the criteria and application procedures.

Provides the State Board of Education with rule making authority to implement the program.

Requires that the section is to be implemented only to the extent as specifically funded and authorized by law.

Section 53.

Contains provisions relating to the BEST Florida Teaching Categorical Fund, as provided in HB 901 w/ CS.

Establishes the Better Educated Students and Teachers (BEST) Florida teaching categorical fund for salary career ladder and performance pay reserve bonuses.

Creates a categorical fund to fund differentiated teacher salaries pursuant to s. 1012.231(2) and requires school boards to access the fund by complying with s. 1012.22(1)(c)4. by rewarding each of their classroom teachers in the "career teacher" category pursuant to s. 1012.231(2)(b) whose students demonstrate more than a year's worth of learning in one year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7) with an annual performance bonus of up to \$3,000.

Beginning with the 2003-2004 academic year, categorical funds shall be allocated annually to each school district based on each district's proportional share of full-time K-12 classroom teachers. These funds shall be in addition to funds appropriated on the basis of full-time equivalent student membership in the Florida Education Finance Program and shall be included in the total potential funds of each school district. Requires that these funds be used only to fund a salary career ladder pursuant to s. 1012.231(2).

Requires each district school board to use a portion of its performance pay reserve funds required pursuant to s. 1012.22(1)(c)4. to provide BEST Florida Teaching bonuses of up to \$3,000 to full-time K-12 classroom teachers in the "career teacher" category pursuant to s. 1012.231(2)(b) whose students demonstrate more than a year's worth of learning in one year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7).

Provides that to be eligible for categorical funds, each school superintendent must submit to the Education Commissioner and receive approval of a plan detailing the district's salary career ladder for teacher salary

levels and a plan detailing the district's methodology for selecting the teachers in the "career teacher" category who will receive the performance bonus and how it will use a portion of its performance pay reserve funds required by s. 1012.22(1)(c)4. to fund the bonuses.

Provides that any teacher in the "career teacher" category under s. 1012.231(2)(b) who receives performance bonuses for 2 years in a 4-year period shall be considered for promotion to "lead teacher" pursuant to s. 1012.231(2)(c).

Section 54.

Contains the provisions relating to teacher recruitment and retention, as provided in HB 901 w/ CS. 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. Provides that the purpose of the program is to recruit and prepare individuals who do not graduate from state-approved teacher education programs to teach in a Florida public school.

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 55.

Contains the provisions relating to teacher compensation, as provided in HB 901 w/ CS.

Requires that beginning with the 2003-2004 academic year, each district school board shall develop, and shall present to the State Board of Education by June 30, 2004, a plan to be implemented beginning with the 2004-2005 academic year for compensation of classroom teachers at no less than \$31,000 in 2003 dollars, indexed to the Consumer Price Index thereafter, pursuant to legislative appropriations.

These plans must provide for phased-in incremental implementation that maintains separation between years of service for each differentiated classroom teacher category.

Provides that effective the 2005-2006 academic year, the minimum beginning salary shall be considered a statewide minimum standard just as minimum number of school days, designation of duties of instructional personnel and minimum certification standards, and as such will not be subject to collective bargaining under chapter 447.

Beginning with the 2003-2004 academic year, each district school board shall use its share of the BEST Florida Teaching categorical to fund a salary career ladder for classroom teachers, with the highest salary level

based on outstanding performance and assignment of additional duties. Performance shall be defined as designated in s. 1012.34(3)(a)1-7 and shall also include local assessments as required by s. 1008.22(7) to determine learning gains in grades and classes not measured by the FCAT.

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

Defines "Associate Teacher" as a classroom teacher who has not yet fully validated all essential teaching competencies, including the educator accomplished practices as established in State Board of Education rule, or who have not qualified through reciprocal certification options identified in s. 1012.56, or who are low performing teachers. The school board is authorized to demote any chronically low performing teacher to associate teacher.

Defines "Career Teacher" as a classroom teacher who has fully validated all essential teaching competencies, including the educator accomplished practices as established in state board rule or who has qualified through reciprocal certification options identified in s. 1012.56.

Defines "Lead Teacher" as the highest performing 5 percent of classroom teachers in the district, after mentor teachers, who have demonstrated outstanding performance as evidenced by improved student achievement and who are responsible for leading others in the school as department chair, lead teacher, grade level teacher, intern coordinator or professional development coordinator. The bill requires lead teachers to participate on a regular basis with the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. Lead teachers shall be paid an additional annual salary of \$5,000.

Defines "Mentor Teacher" as the highest performing 3 percent of classroom teachers who have demonstrated sustained outstanding performance as evidenced by improved student achievement and other factors as defined by the State Board of Education, and who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. The bill requires mentor teachers to serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. It also requires a mentor teacher to participate on a regular basis with the direct instruction of low-performing students. Mentor teachers shall be paid an additional salary of \$10,000.

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".

Authorizes school boards to provide salary incentives to meet this requirement. Prohibits any school board from signing a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

Sections 56 & 57.

Contains the provisions relating to administrative support, as provided in HB 901 w/ CS

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

Requires, beginning in the 2003-2004 academic year, each school superintendent to include in his recommendation to the school board for positions that need to be filled a provision for the employment of clerical personnel or volunteers who are not classroom teachers 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, beginning with the 2003-2004 academic year, that the school superintendent recommend a salary schedule for classroom teachers that is consistent with teacher compensation provisions of s. 1012.231.

Requires school principals to apply the personnel assessment system established by s. 1012.231 beginning with the 2003-2004 academic year. It also requires the principal to ensure that 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.

Section 58.

Contains the provisions relating to the renewal of an educator certificate, as provided in HB 901 w/CS.

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.

Provides that, as authorized by state board rule, a teacher with a valid certificate issued by the American Board for Certification of Teacher Excellence is deemed to meet state renewal requirements for the life of the teacher's American Board certificate in the subject shown on the American Board certificate.

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 59.

Contains the provisions relating to the additions or changes to educator certificates, as provided in HB 901 w/CS.

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 60.

Contains the provisions relating to the Dale Hickam Excellent Teaching Program, as provided in HB 901 w/CS.

Amends the Dale Hickam Excellent Teaching Program to provide that, contingent upon approval from the State Board of Education, the incentives and privileges extended to the National Board of Professional Teaching Standards (NBPTS) and to a teacher who holds a valid certificate issued by the NBPTS shall be extended to

the American Board for Certification of Teacher Excellence (ABCTE) and to a teacher who holds a valid master teacher certificate issued by the ABCTE.

Provides that categorical funding for incentives and bonuses shall be distributed to the ABCTE as well as the school district or the NBPTS, if approved by the State Board of Education.

Provides that a fee subsidy may be paid by the Department of Education to the ABCTE as well as the NBPTS, if approved by the State Board of Education, and includes the ABCTE certification program as an acceptable prerequisite for a teacher under the Dale Hickam program.

Provides that a teacher who participates in the ABCTE master teacher certification program is eligible for the portfolio preparation incentive.

Provides that the annual bonus paid to a person holding an NBPTS certification may also be paid to a person holding an ABCTE master teacher certificate, if approved by the State Board of Education.

Provides that the annual bonus paid to teachers who agree to mentor teachers who do not hold NBPTS certificates applies for those teachers who mentor teachers who do not hold ABCTE certification, if approved by the State Board of Education.

Provides that beginning with the 2003-2004 academic year, annual bonuses pursuant to this section shall be limited to teachers who demonstrate outstanding student performance in accordance with s. 1012.34(3)(a)1-7 and demonstrate significant successful efforts in mentoring other teachers, including beginning teachers or those teachers needing assistance.

A teacher who completes the certification program but fails to receive NBPTS or ABCTE master teacher certification, if approved by the State Board of Education, is not required to repay the amount of the certification fee paid by the state if the teacher teaches in a public school in Florida for 1 year.

Provides that a person who receives a certification fee subsidy paid to the NBPTS or ABCTE, if approved by the State Board of Education, consents to the withholding of wages to repay the state the amount of the fee subsidy.

Section 62.

Contains provisions relating to the School Community Professional Development Act, as provided in HB 901 w/ CS.

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 63.

Contains provisions relating to educational leadership, as provided in HB 901 w/ CS.

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

Requires the State Board of Education to designate incentives available to personnel who earn principal leadership designation including, but not limited to, merit pay, expanded discretionary spending flexibility, relaxed regulation or reporting requirements, additional professional development resources and public recognition.

Requires the Department of Education to provide a system for the recruitment, preparation and education leadership development of school administrative personnel.

Provides that standards for such a system, which shall be adopted by the State Board of Education, must include without limitation improved student achievement; increased emphasis on reading using the latest scientific knowledge-based research in reading and the administrator's role as a successful school leader in reading reform efforts; instructional leadership; data analysis; school safety; community and family involvement; operational management; and school finance.

Requires that each education leadership development program provide all participants full information on not less than an annual basis to update the participants on the status of, and rationale for changes to, state and federal law and funding policies.

Requires that education leadership programs be consistent with adopted standards and be approved by the Department of Education. Provides that alternative education leadership programs that meet the standard of and are approved by the Department of Education may be offered by a school district or postsecondary institution.

Authorizes the Commissioner of Education may conduct K-20 leadership institutes for the purpose of communicating the state's education priorities, best practices and other related research and facilitating the formation of K-20 partnership.

Section 64.

Contains provisions relating to resignation of principal and teachers from failing schools, as provided in HB 901 w/ CS.

Provides that, notwithstanding any other provision of law to the contrary, when a school is graded "F" or receives a second consecutive grade of "D," the elected superintendent or, if the superintendent is appointed, the district school board, may request the resignation of the principal and teachers.

Section 65.

Contains provisions relating to collective bargaining contracts, as provided in HB 901 w/ CS.

Requires each school board to review and consider amending any collective bargaining contract that may hinder the implementation of the Act.

Section 66.

Contains provisions relating to classroom teacher survey, as provided in HB 901 w/ CS.

Directs the Commissioner of Education to make an e-mail survey of classroom teachers to determine whether they have received improved support from school boards, superintendents and principals for paperwork

reduction and classroom discipline and requires the Commissioner to use the enforcement authority of s. 1008.32, F.S. to ensure compliance with the BEST Florida Teaching Act of 2003.

Sections 44, 61 and 67.

Contains miscellaneous provisions from HB 901 w/ CS.

Corrects a cross reference in s. 1002.42(13), F.S., relating to private schools.

Repeals s. 1012.73, F.S., relating to the Florida Mentor Teacher School Pilot Program.

Amends s. 121.021, F.S., to remove a reference to s. 1012.73, which is repealed.

Section 68.

Conforms a cross reference, relating to the repeal of s. 1013.21, F.S.

Section 69.

Provides for severability of the provisions of the act.

Section 70.

Provides an effective date of July 1, 2003, except as otherwise expressly provided for in the act