

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 0030-A

SPONSOR: Senators Constantine & Carlton

SUBJECT: Quality Education

DATE: May 13, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Golden</u>	<u>Coburn</u>	<u>AP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill contains provisions to implement the amendment to Section 1, Article IX of the State Constitution approved by voters in the November 2002 General Election (Amendment No. 9 to reduce class size). The amendment establishes the maximum number of students in certain grade groups assigned to a teacher teaching in a public school classroom beginning in the 2010-2011 school year. In addition the amendment requires that 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 does not exceed the requirement in 2010-2011.

The bill defines the terms "core-curricula courses" and "extra-curricula courses" for the purpose of identifying courses that are subject to class size requirements; incorporates the class size limits set by the constitution as amended; provides implementing procedures 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 determine average class size and to monitor required reductions; outlines options available to a school district in meeting the class size requirements; and provides accountability measures to ensure implementation.

The bill creates a Class Size Reduction Operating Categorical Fund and provides for the allocation and use of appropriated funds for reducing average class size by at least two students per year beginning with the 2003-2004 fiscal year.

The bill creates a Class Size Reduction Lottery Revenue Bond Program and provides for the allocation and use of appropriated funds for class size reduction. Two capital outlay programs are created: 1) The Classrooms for Kids Program provides for funds to be allocated to all school districts based on a statewide formula (same formula as used for the 1997 Classrooms First

Capital Outlay Program); 2) The District Effort Recognition Capital Outlay Program 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 revises the costs per student station in constructing educational facilities.

The bill amends the corporate income tax credit scholarship program to provide a cap of \$88 million in annual tax credits and carryforward of tax credits. Participating corporations may carryforward their unused tax credit for up to three years by submitting a request.

The bill creates accelerated high school graduation options to include the standard high school graduation requirements, a college preparatory program, and a career preparatory program.

The bill amends several statutes to assist with teacher recruitment and retention including extending DROP to 96 months for instructional personnel in K-12 and at the Florida School for the Deaf and the Blind at the discretion of the district school superintendent or Board of Trustees of the Florida School for the Deaf and the Blind, respectively. The bill establishes a differentiated pay model for instructional personnel with four levels: associate teacher, professional teacher, lead teacher, and mentor teacher.

The bill creates The Florida Business and Education in School Together (Florida BEST) program. Businesses are encouraged to house k-3 public schools in business facilities.

The bill substantially amends sections 24.121, F.S.; 121.091, F.S.; 216.292, F.S.; 220.187, F.S.; 1001.33, F.S.; 1001.42, F.S.; 1001.51, F.S.; 1001.54, F.S.; 1002.20, F.S.; 1002.37, F.S.; 1002.42, F.S.; 1003.01, F.S.; 1003.02, F.S.; 1003.03, F.S.; 1003.04, F.S.; 1003.31, F.S.; 1003.32, F.S.; 1003.43, F.S.; 1003.436, F.S.; 1003.63, F.S.; 1004.01, F.S.; 1004.04, F.S.; 1006.08, F.S.; 1006.09, F.S.; 1007.261, F.S.; 1009.31, F.S.; 1011.61, F.S.; 1011.62, F.S.; 1011.69, F.S.; 1012.05, F.S.; 1012.22, F.S.; 1012.27, F.S.; 1012.56, F.S.; 1012.57, F.S.; 1012.585, F.S.; 1012.98, F.S.; 1013.03, F.S.; 1013.31, F.S.; and 1013.64, F.S.;

The bill creates sections 159.831, F.S.; 159.832, F.S.; 159.833, F.S.; 159.834, F.S.; 159.835, F.S.; 1003.429, F.S.; 1004.01, F.S.; 1013.368, F.S.; 1011.685, F.S.; 1012.231, F.S.; 1012.586, F.S.; 1012.987, F.S.; 1013.735, F.S.; 1013.736, F.S.; and 1013.737.

The bill repeals sections 1002.33(13), F.S.; 1012.41, F.S.; 1012.73, F.S.; and 1013.43, F.S.

II. Present Situation:

Section 1003.03, Florida Statutes, currently identifies maximum class size goals. The goal for kindergarten through grade 3 is 20 students per teacher, except for "D" and "F" schools the goal is 15 students per teacher. No student to teacher ratio is identified for other grade groupings.

Recent action of the Legislature to support increased student achievement in public schools include the following, specifically addressing class size reduction:

1. In the 1995-96 General Appropriations Act \$40,000,000 was earmarked for class size reduction in the proviso for the Florida Education Finance Program (FEFP).
2. In the General Appropriations Acts for each of the following fiscal years; 1996-97, 1997-98, 1998-99, and 1999-2000, \$100,000,000 of categorical funding was appropriated for school districts to use to reduce class size for kindergarten through grade 3.
3. In 1999, the Legislature appropriated \$100,000,000 from the General Revenue Fund and allocated those funds to school districts specifically for construction of facilities to reduce class size.
4. Beginning with the 1999-2000 General Appropriations Act and continuing through 2002-03, the Legislature has included class size reduction as an authorized purpose of the funds appropriated in the Supplemental Academic Instruction categorical fund.

In November 2002 the voters of Florida approved an amendment to Section 1, Article IX of the State Constitution to provide that by the beginning of the 2010-2011 school year the maximum number of students assigned to a teacher teaching in public school classrooms shall be as follows: for students in prekindergarten through grade 3 no more than 18; for students in grades 4-8 no more than 22; and for students in grades 9-12 no more than 25.

The amendment further provides that 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 does not exceed the requirement in 2010-2011.

Implementing legislation needs to be enacted to begin with the 2003-2004 fiscal year. Among the actions the legislature should consider are: to define certain terms used in the amendment language; authorize procedures of implementation; and determine funding. Indications are that the current number of teachers available is insufficient to both meet the amendment's requirements and to replace currently employed teachers who will be retiring or leaving the teaching profession for other reasons. The need for classroom facilities depends on how districts choose to utilize existing facilities to meet the teacher/pupil ratios provided in the amendment. Information on the utilization and need for facilities will become available through implementation and improvement in data collection.

Subsection (2) of s. 24.121, F.S., provides for allocation of lottery revenue and expenditure of funds for public education. It provides 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. It states that these funds are intended to provide up to \$2.5 billion for public school facilities. The final bonds under this authorization have been issued. Funding for all capital outlay projects authorized by the 1997 Legislation has been finalized and all required bonding has been completed.

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.

III. Effect of Proposed Changes:

The bill implements, beginning with the 2003-2004 fiscal year, the November 2002 amendment to Section 1, Article IX of the State Constitution relating to class size reduction. Following is a section by section description of the proposed changes.

Section 1 defines “core-curricula courses” and “extra-curricular courses” for the purpose of identifying courses that are subject to the class size requirement. Core-curricula courses defined by the Department of Education as mathematics, language arts, reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms are subject to the maximum class size requirements established in the constitution.

Section 2 incorporates the maximum class sizes specified in the constitutional amendment.

Maximum class size requirements

- Beginning in the 2010-2011 school year, the maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms is: for pre-kindergarten through grade three, no more than 18; for grades 4 through 8, no more than 22; for grades 9 through 12, no more than 25.

Implementation of class size reduction

- Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximum class size requirements, shall reduce the average number of students per classroom for each of the three grade groups by at least two students per year. Determination of the average number of students per classroom for each of the three grade groups shall be as follows:
 - Fiscal years 2003-2004 through 2005-2006 shall be calculated at the district level.
 - Fiscal years 2006-2007 through 2007-2008 shall be calculated at the school level.
 - Fiscal years 2008-2009 through 2009-2010 shall be calculated at the individual classroom level.
- The Department of Education must annually calculate district class size using student membership surveys.
- School districts, before adopting the 2004-2005 budget, must conduct public hearings to review school district attendance zones.

Implementation Options

- School districts must consider but are not required to implement certain options to meet the class size reductions.

Accountability

- Beginning in the 2003-2004 fiscal year, if any district does not meet the two-student-per-year reduction requirement, the Department of Education shall calculate an amount which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's Class Size Reduction Operating Categorical allocation to the district's fixed capital outlay appropriation to be used to meet the class size reduction requirements. The amount transferred shall not be greater than the undistributed balance in the district's class size reduction operating categorical allocation. However, the Legislative Budget Commission may approve an alternate amount of funds to be transferred if the State Board of Education determines that a district has been unable to meet class size reduction requirements despite appropriate efforts.
- Beginning in the 2005-2006 school year each district that has not met the two-student-per-year reduction is required to implement one of the following policies in the subsequent school year: (1) year-round schools, (2) double sessions, (3) rezoning, or (4) maximizing use of instructional staff by changing teacher loads and planning periods, using adjunct educators, returning district employees who have professional certification to the classroom, or operating beyond normal operating hours or more than one session per day.
- Beginning in the 2006-2007 school year each district that has not met the two-student-per-year reduction is required to implement a constitutional compliance plan prepared by the Department of Education until the district complies with the constitutional class size maximum.

Section 3 creates s. 1011.685, F.S., the Class Size Reduction Operating Categorical Fund. This section provides for the allocation of funds as appropriated in the General Appropriations Act to be used to meet the class size reduction requirement. Any funds not required to meet the class size reduction requirement may be used for any lawful operating expense; however, priority must be given to increase the salaries of classroom teachers and implement the salary career ladder as defined in s. 1012.231, F.S.

Section 4 creates s. 1013.735, F.S., the Classrooms for Kids Program, which provides for the allocation of capital outlay funds as appropriated in the General Appropriations Act to be used to provide educational facilities to reduce class size. These funds are for projects that are in addition to the projects in the districts' five year work programs. Funds may be used: (1) to construct, renovate, remodel, or repair, educational facilities and to purchase or lease-purchase relocatable educational facilities.

Section 5 creates s. 1013.736, F.S., the District Effort Recognition Program which provides effort recognition capital outlay grants to eligible districts from funds appropriated in the General Appropriations Act. All school districts in which the voters through referendum have provided local funds for district capital outlay projects are eligible. 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.; and 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 6 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. The bonds are payable from lottery revenues and do not constitute a general obligation of the state. The bonds will be issued by the Division of Bond Finance, and the total principal amount of bonds, excluding refinancing, shall not exceed the limitations as specifically provided in the General Appropriations Act. The program provides revenue to fund the Classrooms for Kids Program and the District Effort Recognition Program.

Section 7 amends s. 24.121, F.S., to make technical conforming revisions relating to bond programs funded from lottery revenues. It deletes a \$180 million cap on the amount of lottery revenue that can be transferred to the Educational Enhancement Trust Fund, and removes a reference to providing up to \$2.5 billion for public school facilities.

Section 8 amends the provisions of the Deferred Retirement Option Program (DROP) related to members who are instructional personnel in K-12 schools and in the Florida School for the Deaf and the Blind. A district school superintendent, or the Board of Trustees of the Florida School for the Deaf and the Blind as applicable, may authorize instructional personnel on an annual contractual basis to participate in the DROP for 96 months instead of the current 60 months.

Section 9 increases the total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year to \$88 million for the corporate income tax credit scholarship program. Participating corporations may carry forward any unused amount of the tax credit up to 3 years if the corporation submits a request. The carryforward limitation applies to all approved contributions made after January 1, 2002. As a condition for participating in the program, a parent must notify the child's school district of an intention to enroll his or her child in an eligible nonpublic school within 15 days of the parent's decision.

Section 10 requires a district school board to notify parents of students who are in or entering high school of accelerated learning mechanisms such as advanced placement, International Baccalaureate, dual enrollment, and other acceleration options.

Section 11 provides a school district with greater flexibility in offering the one-half credit in life management skills, adds parenting skills within the life management one-half credit, and adds completion of one semester in a Reserve Office Training Corps (ROTC) drills class as satisfying the one-half credit requirement in physical education.

Section 12 creates s. 1003.429, F.S., which establishes accelerated high school graduation options. Beginning in the 2003-2004 school year, all students scheduled to graduate in 2004 may select one of three options for high school graduation: (1) completion of the general requirements for high school graduation pursuant to s. 1003.43, F.S.; (2) completion of a 3-year standard

college preparatory program that requires a minimum of 18 academic credits in grades 9 through 12 in certain courses; or (3) completion of a 3-year career preparatory program requiring a minimum of 18 academic credits in grades 9 through 12 in certain courses. District school boards may not establish a greater number of requirements to meet the accelerated high school graduation options. Students would still be required to meet passing scores on the FCAT and maintain a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the required academic courses.

Section 13 revises the state university admission requirements to recognize the high school graduation options by requiring 18 academic credits instead of 19 for the college-preparatory curriculum with three electives as provided in law instead of four.

Section 14 provides an exemption from the 135 hours of bona fide instruction to 120 hours in meeting the requirements for high school graduation for a school in which the district school board has implemented block scheduling.

Section 15 continues the greater authorized flexibility for the use of certain categorical funds with the exception of funds authorized for teacher recruitment and retention.

Section 16 revises the Equity in School-Level Funding Act to provide that an average of 90 percent of the funds generated by all schools in a district shall be allocated to those schools and a minimum of 80 percent of the funds generated by a particular school shall remain at the school. In addition, funds appropriated in the General Appropriations Act for the Class Size Reduction Operating Categorical Fund are excluded from the requirements of the Equity in School-Level Funding Act.

Section 17 requires the Department of Education to review its rules related to educational facilities construction to identify requirements that could be amended to provide districts with additional flexibility in meeting the class size reduction requirement.

Section 18 requires school districts to periodically update the Florida Inventory of School Houses (FISH). The State Board of Education is required to adopt rules to establish the time frame for periodic updating.

Section 19 authorizes the Florida Virtual School to administer the local school funds derived from its activities, accrue supplemental revenue from supplemental support organizations, and establish franchise agreements with district school boards. In addition, the Virtual School shall be funded in the Florida Education Finance Program. Funding is to be based on “credit successfully completed” with 6 credits comprising one full-time equivalent student (FTE). The effect is to increase the number of grade 9-12 public school students taking courses through the Virtual School to assist with the requirement to reduce class size and to eliminate double funding for Virtual School courses taken by public school students.

Section 20 amends s. 1011.61 (1) (c), F.S., providing that a Florida Virtual School full-time equivalent 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.

Section 21 creates a new program to encourage business and education partnerships. The Florida Business and Education in School Together (Florida BEST) program would encourage businesses to house k-3 public schools in the business' facility.

Section 22 provides certain exemptions from local ordinances and regulations for businesses which house a Florida BEST school.

Section 23 repeals s. 1002.33(13), F.S., limiting the number of charter schools that may be approved in a school district; s. 1012.41, F.S., requiring school districts to employ a director of career and technical education; s. 1012.73, F.S., relating to the Florida Mentor Teacher School Pilot Program; and s. 1013.41, F.S., relating to the construction of small schools.

Section 24 creates an exception from requirements limiting the transferability of appropriations to authorize the Executive Office of the Governor to transfer funds from appropriations for public school operations to fixed capital outlay appropriations for class size reduction pursuant to s. 1003.03(4)(a), F.S.

Section 25 revises the charter school district pilot program into a statewide program. The bill provides greater institutional flexibility to a charter school district, if a minimum of 50 percent of the charter district's schools earn an "A" or "B" and no school earns a "D" or "F" for two consecutive years. If the charter school district fails to maintain the appropriate percentage of "A" or "B" schools for two consecutive years, its special charter district status is terminated. The bill grandfathers the original pilot programs into current law requirements for maintaining its charter district status the later of July 1, 2007 or the end of the 5-year renewal contract issued by the State Board of Education.

Section 26 revises the costs per student station to \$12,755 for an elementary school, \$14,624 for a middle school, and \$19,352 for a high school in January 2002 dollars as adjusted annually by the Consumer Price Index. In addition, the bill adds certain funds that may not be used for new construction of educational plant space in excess of the above costs per student station to include the Classrooms First Program funds, effort index grant funds, nonvoted 2-mill levy of ad valorem property taxes, Classrooms for Kids Infrastructure Program funds, and the District Effort Recognition Program funds. Finally, the bill requires the school districts to report to the Department of Education any new construction that exceeds the state limitations on costs per student station.

Section 27 creates s. 1000.041, F.S., the Better Educated Students and Teachers (BEST) Florida Teaching Act of 2003 and provides for legislative purposes, guiding principles, and support.

Section 28 amends s. 1001.33, F.S., to require cooperation of school and district personnel in applying specific guiding principles.

Section 29 amends s. 1001.42, F.S., to require district school board support of guiding principles and the authority of teachers and school bus drivers to remove certain students from the classroom and the school bus. Encourages school boards to provide clerical personnel or

volunteers to assist teachers in noninstructional activities, including paperwork and recordkeeping. Teachers are still responsible for instruction, class management, and grading. Requires placement of students in alternative settings when appropriate and available. Modifies the policy for subdividing into schools-within-schools.

Section 30 amends s. 1001.51, F.S., to require cooperation and support from district school superintendents for the guiding principles and the authority for teachers and school bus drivers to remove certain students from the classroom and the school bus.

Section 31 mends s. 1001.54, F.S., to require cooperation and support from school principals for the guiding principles and the authority for teachers and school bus drivers to remove certain students from the classroom and the school bus.

Section 32 amends s. 1002.20, F.S., to provide for student and parental rights with respect to an orderly and disciplined classroom.

Section 33 amends s. 1002.42, F.S., to change a cross-reference.

Section 34 mends s. 1003.04, F.S., to require student conduct and parental cooperation with school and district authority for the removal of disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. Public school students must attend school and comply with the code of student conduct. This provision of law is no longer a goal.

Section 35 amends s. 1003.31, F.S., to require support for the authority of teachers and bus drivers to remove certain students from the classroom and the school bus.

Section 36 amends s. 1003.32, F.S., to revise provisions relating to the teacher's authority and responsibility for the control of students. Teachers and other instructional personnel may remove a student from their classrooms. The bill broadens their authority under this provision to press charges for crimes committed on school property, during school transportation, or during school sponsored activities. The bill changes the disciplinary process under this provision. When a teacher sends a student to the principal's office to maintain order in the classroom, he or she may recommend an appropriate consequence, consistent with the student code of conduct. The principal may either apply the teacher's recommended consequence or a more serious disciplinary action, if warranted by the student's disciplinary history. Prior to taking disciplinary action, the principal must consult with the teacher, if he or she determines that a lesser disciplinary action is appropriate. The bill deletes the requirement for the principal's discipline management techniques to be consistent with the student code of conduct. The bill renames the review committee as the school placement review committee and changes the committee membership. This committee determines the student's placement when the teacher withholds consent for the student to return to the classroom. The teacher may appeal a decision of the placement review committee to the district school superintendent. Also, the bill requires principals to report to the school district superintendent and school board on incidents involving a teacher's withholding of consent. The superintendents must report this information to the Department of Education. The bill requires an annual review by the Commissioner of Education of not only school district compliance, but also district success in achieving orderly classrooms.

The Commissioner must use all appropriate enforcement action, including withholding disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

Teachers or other staff members who have reason to believe that a person has committed or has made a credible threat to commit a violent crime on school property must report this knowledge or suspicion in accordance with s. 1006.13, F.S. School district superintendents and principals must support this good faith reporting requirement. Persons making good faith reports are immune from civil or criminal liability.

Section 37 amends s. 1004.04, F.S., to revise provisions relating to state approval of teacher preparation programs. The State Board of Education is charged with attaining a system for development and approval of teacher preparation programs.

The State Board of Education rules for uniform core curricula for teacher preparation programs are expanded to incorporate instruction in the following areas: a State Board of Education identified foundation in scientifically researched, knowledge-based reading literacy and computational skills acquisition; classroom management; school safety; professional ethics; educational law; human development and learning; and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of data, and use of data to improve student achievement. The rules may be phased-in and may not require an additional time-to-degree period. State-approved teacher preparation programs must include additional instruction.

Initial state program approval by the Department of Education

State-approved teacher preparation programs must include scientifically researched, knowledge-based reading literacy and computational skills instruction. Programs must be adopted to include the new uniform core curricula. The bill clarifies, for one of the prerequisites for admission to the program, that each student have a specified grade point average from a college or university accredited by an association defined or otherwise approved by state board rule.

Continued program approval/Employer satisfaction

Teacher preparation programs must guarantee the high quality of their graduates during the first 2 years immediately following graduation from the program or following initial certification, whichever occurs first. Educators who fail to demonstrate the required skills must be provided additional training by the teacher preparation program at no expense to the educator or the employer. The bill provides that the training must consist of a specific plan. The postsecondary educational institution is not responsible for the educator's employment contract with the employer. The bill adds to the areas included in the employer satisfaction survey.

Preservice field experience

The bill authorizes district school boards to pay for student teacher internships.

Pilot pre-teacher/teacher preparation programs

The bill provides for priority consideration for students obtaining academic degrees in mathematics, science, engineering, reading, or identified critical teacher shortage areas. Pilot programs must be designed to include a year-long paid teaching assignment at a low-performing

school site during the 4th year of the state university teacher preparation program. Teacher education pilot programs for high achieving students may be authorized by the Commissioner of Education at colleges and universities with state-approved teacher education programs.

Section 38 amends s. 1006.08, F.S., to require the support of district school superintendents for student discipline.

Section 39 amends s. 1006.09, F.S., to require the support of school principals for student discipline.

Section 40 amends s. 1012.05, F.S., to require the Department of Education to provide for one-stop shopping for teacher career information (the First Response Center) and on-line support (the Teacher Lifeline Network). The bill authorizes the use of funds as incentives to recruit and prepare teachers who do not graduate from state-approved teacher preparation programs. The Commissioner of Education may contract with approved teacher preparation programs and others to provide intensive teacher training to enable individuals to pass the required examinations for subject area or coverage. The Commissioner must also evaluate the effectiveness of these training programs.

Section 41 creates s. 1012.231, F.S., to require the school districts to implement a differentiated pay model for teachers in the 2004-2005 academic year. Districts, beginning with the 2004-2005 academic year, must implement a salary career ladder. To develop differentiated salary levels, the bill requires the following categories of classroom teachers:

- Associate teacher;
- Professional teacher;
- Lead teacher; and
- Mentor teacher.

School districts may 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." School boards may provide salary incentives to meet this requirement.

Section 42 amends s. 1012.27, F.S., to make technical changes to the duties of district school superintendents. Requires a recommended salary schedule that is consistent with the districts' career ladder.

Section 43 amends s. 1012.56, F.S., to revise the time period (from 2 to 3 years) for which an official statement of status of eligibility for certification is valid. The bill eliminates the provision allowing the department to reissue these statements. The bill also revises the requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence, as well as the provisions relating to temporary certificates. The bill revises the existing requirements for persons holding certificates from other states.

The bill revises the acceptable means of demonstrating mastery of knowledge (general and subject area) and professional preparation and education competence to include:

- Holding a valid standard teaching certificate issued by another state, or
- Holding a valid certificate issued by the National Board for Professional Teaching Standards.

An acceptable means of demonstrating mastery of general knowledge and professional competence includes having documentation of 2 semesters of successful teaching experience in a community college, state university, or private college or university that:

- Awards an associate or higher degree; and
- Is an accredited institution; or
- Is a higher education institution with a quality program identified by the Department of Education.

Applicants may demonstrate subject area mastery by completing subject area specialization requirements specified in State Board rule. The bill eliminates the requirement for completing these requirements at the graduate level. For applicants who hold certificates from other states, the bill eliminates the current experience and out-of-state examination requirements.

Section 44 amends s. 1012.57, F.S., to require district school boards to adopt rules to issue adjunct teaching certificates to qualified applicants. Qualified applicants are persons who demonstrate sufficient subject area knowledge by passing a subject area test.

Section 45 amends s. 1012.585, F.S., to revise the renewal requirements for state-issued professional certificates and to correct a cross-reference for clinical educator training. Teachers holding national certification from the National Board for Professional Teaching Standards must complete a renewal application and submit a fee.

Section 46 creates s. 1012.586, F.S., to authorize school districts to process applications for certification via website, including additions of subject area coverage or endorsement on the basis of specified criteria, as well as certain duplicate and reissued certificates. School districts may charge employees fees; however, the fees may not exceed the fees charged by the Department of Education. District school boards must retain a portion of the fee, as defined by State Board rule. The bill specifies the use of the portion of the fee sent to the department.

Section 47 amends s. 1012.98, F.S., to revise the provisions of the School Community Professional Development Act. The bill deletes the authority of school districts to identify additional members of the school community as well as the Department of Education's responsibilities for recruitment, preparation, and professional development of school administrative personnel. The mandated task force is also eliminated.

Section 48 revises the Bright Futures Scholarship Program requirements to include earning a standard high school diploma under the high school accelerated graduation options.

Section 49 creates the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act." The program allocates the state volume limits on private activity bonds for qualified educational facilities. In addition, the program provides criteria to determine whether

bonds will be issued, including the need for the facility, the number of students served by the proposed facility, and the cost-effectiveness of the proposed facility.

Section 50 requires, beginning in the 2004-2005 academic year, a school district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder created under s. 1012.231, F.S.

Section 51 requires the State Board of Education to adopt rules through which principals may earn a principal leadership designation based on teacher retention, overall student performance, and school grade.

Section 52 requires school districts to compare the life-cycle costs of materials used by providers when constructing or expanding school capacity to ensure that school construction provides the best long-term value.

Section 53 provides a severability clause.

Section 54 provides for construction of legislation passed during the 2003 Regular Session in conformity with the bill if possible.

Section 55 provides an effective date of July 1, 2003, except as otherwise expressly provided for in this act, and changes to DROP, which shall take effect June 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The June, 2002 revenue estimating conference held prior to the November election estimated that the first year operating cost impact of the amendment would be \$628 million and that the operating cost would grow to \$2.8 billion in 2006/07. The conference estimated a cost of \$2.4 billion in facilities for the first year and a total facilities cost of \$9.4 billion. These estimates were based on the procedure of current law - current practice. The cost figures will change as more accurate data on currently available space is collected, as the legislature defines the terms used in the language of the amendment, and if there are changes in the current law and practice relating to flexibility in the use of funds, utilization of existing facilities construction standards, and to requirements for the recruitment and retention of teachers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.