

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 The Conference Committee on CS for SB 1046, 1st Eng.

12 recommended the following amendment:

14 **Conference Committee Amendment (with title amendment)**

15 Delete everything after the enacting clause

17 and insert:

18 Section 1. Paragraph (c) of subsection (2) of section

19 551.106, Florida Statutes, is amended to read:

20 551.106 License fee; tax rate; penalties.--

21 (2) TAX ON SLOT MACHINE REVENUES.--

22 (c)1. Funds transferred to the Educational Enhancement

23 Trust Fund under paragraph (b) shall be used to supplement

24 public education funding statewide ~~and shall not be used for~~

25 ~~recurring appropriations.~~

26 2. If necessary to comply with any covenant

27 established pursuant to s. 1013.68(4), s. 1013.70(1), or s.

28 1013.737(3), funds transferred to the Educational Enhancement

29 Trust Fund under paragraph (b) shall first be available to pay

30 debt service on lottery bonds issued to fund school

31 construction in the event lottery revenues are insufficient

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 for such purpose or to satisfy debt service reserve
 2 requirements established in connection with lottery bonds.
 3 Moneys available pursuant to this subparagraph are subject to
 4 annual appropriation by the Legislature.

5 Section 2. Subsection (5) of section 1003.03, Florida
 6 Statutes, is amended to read:

7 1003.03 Maximum class size.--

8 (5) TEAM-TEACHING STRATEGIES.--

9 (a) School districts may use teaching strategies that
 10 include the assignment of more than one teacher to a classroom
 11 of students and that were implemented before July 1, 2005.

12 Effective July 1, 2005, school districts may implement
 13 additional teaching strategies that include the assignment of
 14 more than one teacher to a classroom of students for the
 15 following purposes only:

- 16 1. Pairing teachers for the purpose of staff
- 17 development.
- 18 2. Pairing new teachers with veteran teachers.
- 19 3. Reducing turnover among new teachers.
- 20 4. Pairing teachers who are teaching out-of-field with
- 21 teachers who are in-field.
- 22 5. Providing for more flexibility and innovation in
- 23 the classroom.
- 24 6. Improving learning opportunities for students,
- 25 including students who have disabilities.

26 (b) Teaching strategies, including team teaching,
 27 co-teaching, or inclusion teaching, implemented on or after
 28 July 1, 2005, pursuant to paragraph (a) may be implemented
 29 subject to the following restrictions:

- 30 1. Reasonable limits shall be placed on the number of
- 31 students in a classroom so that classrooms are not

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 overcrowded. Teacher-to-student ratios within a curriculum
2 area or grade level must not exceed constitutional limits.

3 2. At least one member of the team must have at least
4 3 years of teaching experience.

5 3. At least one member of the team must be teaching
6 in-field.

7 4. The teachers must be trained in team-teaching
8 methods within 1 year after assignment.

9 (c) As used in this subsection, the term:

10 1. "Team teaching" or "co-teaching" means two or more
11 teachers are assigned to a group of students and each teacher
12 is responsible for all of the students during the entire class
13 period. In order to be considered team teaching or
14 co-teaching, each teacher is responsible for planning,
15 delivering, and evaluating instruction for all students in the
16 class or subject for the entire class period.

17 2. "Inclusion teaching" means two or more teachers are
18 assigned to a group of students, but one of the teachers is
19 responsible for only one student or a small group of students
20 in the classroom.

21
22 The use of strategies implemented as outlined in this
23 subsection meets the letter and intent of the Florida
24 Constitution and the Florida Statutes which relate to
25 implementing class-size reduction, and this subsection applies
26 retroactively. A school district may not be penalized
27 financially or otherwise as a result of the use of any legal
28 strategy, including, but not limited to, those set forth in
29 subsection (3) and this subsection.

30 Section 3. Paragraph (e) of subsection (1) of section
31 1011.62, Florida Statutes, is amended, present paragraphs (p),

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 (q), (r), (s), and (t) of that subsection are redesignated as
 2 paragraphs (q), (r), (s), (t), and (u), respectively, a new
 3 paragraph (p) is added to that subsection, and paragraph (b)
 4 of subsection (6) and subsection (7) of that section are
 5 amended, to read:

6 1011.62 Funds for operation of schools.--If the annual
 7 allocation from the Florida Education Finance Program to each
 8 district for operation of schools is not determined in the
 9 annual appropriations act or the substantive bill implementing
 10 the annual appropriations act, it shall be determined as
 11 follows:

12 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 13 OPERATION.--The following procedure shall be followed in
 14 determining the annual allocation to each district for
 15 operation:

16 (e) Funding model for exceptional student education
 17 programs.--

18 1.a. The funding model uses basic, at-risk, support
 19 levels IV and V for exceptional students and career Florida
 20 Education Finance Program cost factors, and a guaranteed
 21 allocation for exceptional student education programs.
 22 Exceptional education cost factors are determined by using a
 23 matrix of services to document the services that each
 24 exceptional student will receive. The nature and intensity of
 25 the services indicated on the matrix shall be consistent with
 26 the services described in each exceptional student's
 27 individual educational plan.

28 b. In order to generate funds using one of the two
 29 weighted cost factors, a matrix of services must be completed
 30 at the time of the student's initial placement into an
 31 exceptional student education program and at least once every

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 3 years by personnel who have received approved training.
 2 Nothing listed in the matrix shall be construed as limiting
 3 the services a school district must provide in order to ensure
 4 that exceptional students are provided a free, appropriate
 5 public education.

6 c. Students identified as exceptional, in accordance
 7 with chapter 6A-6, Florida Administrative Code, who do not
 8 have a matrix of services as specified in sub-subparagraph b.
 9 shall generate funds on the basis of full-time-equivalent
 10 student membership in the Florida Education Finance Program at
 11 the same funding level per student as provided for basic
 12 students. Additional funds for these exceptional students
 13 will be provided through the guaranteed allocation designated
 14 in subparagraph 2.

15 2. For students identified as exceptional who do not
 16 have a matrix of services and students who are gifted in
 17 grades K through 8, there is created a guaranteed allocation
 18 to provide these students with a free appropriate public
 19 education, in accordance with s. 1001.42(4)(m) and rules of
 20 the State Board of Education, which shall be allocated
 21 annually to each school district in the amount provided in the
 22 General Appropriations Act. These funds shall be in addition
 23 to the funds appropriated on the basis of FTE student
 24 membership in the Florida Education Finance Program, and the
 25 amount allocated for each school district shall not be
 26 recalculated during the year. These funds shall be used to
 27 provide special education and related services for exceptional
 28 students and students who are gifted in grades K through 8.
 29 Beginning with the 2007-2008 fiscal year, a district's
 30 expenditure of funds from the guaranteed allocation for
 31 students in grades 9 through 12 who are gifted may not be

1 greater than the amount expended during the 2006-2007 fiscal
2 year for gifted students in grades 9 through 12.

3 (p) Calculation of supplemental allocation for
4 juvenile justice education programs.--Beginning with the
5 2007-2008 General Appropriations Act, the total K-12 weighted
6 full-time equivalent student membership in juvenile justice
7 education programs in each school district shall be multiplied
8 by the amount of the state average class-size-reduction factor
9 multiplied by the district's cost differential. An amount
10 equal to the sum of this calculation shall be allocated in the
11 FEFP to each school district to supplement other sources of
12 funding for students in juvenile justice education programs.

13 (6) CATEGORICAL FUNDS.--

14 (b) If a district school board finds and declares in a
15 resolution adopted at a regular meeting of the school board
16 that the funds received for any of the following categorical
17 appropriations are urgently needed to maintain school board
18 specified academic classroom instruction, the school board may
19 consider and approve an amendment to the school district
20 operating budget transferring the identified amount of the
21 categorical funds to the appropriate account for expenditure:

- 22 1. Funds for student transportation.
- 23 ~~2. Funds for in-service educational personnel~~
24 ~~training.~~
- 25 ~~2.3. Funds for safe schools.~~
- 26 ~~4. Funds for public school technology.~~
- 27 ~~3.5. Funds for supplemental academic instruction.~~

28 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

29 (a) Annually, in an amount to be determined by the
30 Legislature through the General Appropriations Act, there
31 shall be added to the basic amount for current operation of

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 the FEFP qualified districts a sparsity supplement which shall
2 be computed as follows:

$$\begin{array}{r}
 \text{4} \qquad \qquad \qquad \underline{1101.8918} \\
 \text{5} \quad \text{Sparsity Factor} = \quad 2700 + \text{district} \quad - \quad 0.1101 \\
 \text{6} \qquad \qquad \qquad \qquad \qquad \text{sparsity} \\
 \text{7} \qquad \qquad \qquad \qquad \qquad \text{index}
 \end{array}$$

8
9 except that districts with a sparsity index of 1,000 or less
10 shall be computed as having a sparsity index of 1,000, and
11 districts having a sparsity index of 7,308 and above shall be
12 computed as having a sparsity factor of zero. A qualified
13 district's full-time equivalent student membership shall equal
14 or be less than that prescribed annually by the Legislature in
15 the appropriations act. The amount prescribed annually by the
16 Legislature shall be no less than 17,000, but no more than
17 24,000.

18 (b) The district sparsity index shall be computed by
19 dividing the total number of full-time equivalent students in
20 all programs in the district by the number of senior high
21 school centers in the district, not in excess of three, which
22 centers are approved as permanent centers by a survey made by
23 the Department of Education.

24 (c) If the sparsity supplement calculated in paragraph
25 (a) and paragraph (b) for an eligible district is less than
26 \$100 per full-time equivalent student, the district's
27 supplement shall be increased to \$100 per FTE or to the
28 minimum amount per FTE designated in the General
29 Appropriations Act.

30 ~~(d)(e)~~ Each district's allocation of sparsity
31 supplement funds shall be adjusted in the following manner:

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 1. A maximum discretionary levy per FTE value for each
 2 district shall be calculated by dividing the value of each
 3 district's maximum discretionary levy by its FTE student
 4 count.

5 2. A state average discretionary levy value per FTE
 6 shall be calculated by dividing the total maximum
 7 discretionary levy value for all districts by the state total
 8 FTE student count.

9 3. A total potential funds per FTE for each district
 10 shall be calculated by dividing the total potential funds, not
 11 including Florida School Recognition Program funds and the
 12 minimum guarantee, for each district by its FTE student count.

13 4. A state average total potential funds per FTE shall
 14 be calculated by dividing the total potential funds, not
 15 including Florida School Recognition Program funds and the
 16 minimum guarantee, for all districts by the state total FTE
 17 student count.

18 5. For districts that have a levy value per FTE as
 19 calculated in subparagraph 1. higher than the state average
 20 calculated in subparagraph 2., a sparsity wealth adjustment
 21 shall be calculated as the product of the difference between
 22 the state average levy value per FTE calculated in
 23 subparagraph 2. and the district's levy value per FTE
 24 calculated in subparagraph 1. and the district's FTE student
 25 count and -1. However, no district shall have a sparsity
 26 wealth adjustment that, when applied to the total potential
 27 funds calculated in subparagraph 3., would cause the
 28 district's total potential funds per FTE to be less than the
 29 state average calculated in subparagraph 4.

30 6. Each district's sparsity supplement allocation
 31 shall be calculated by adding the amount calculated as

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 specified in paragraphs (a) and (b) and the wealth adjustment
2 amount calculated in this paragraph.

3 Section 4. Paragraph (b) of subsection (5) of section
4 1011.71, Florida Statutes, is repealed.

5 Section 5. Gifted student education.--

6 (1) By December 1, 2007, the Office of Program Policy
7 Analysis and Government Accountability shall submit a report
8 to the Governor, the President of the Senate, the Speaker of
9 the House of Representatives, and the Commissioner of
10 Education on gifted services and programming provided to
11 public school students in kindergarten through grade 12. The
12 report shall include findings based on the following:

13 (a) A survey of each school district to identify:

14 1. The methods used to identify gifted students and
15 the grade levels and number of schools using each method.

16 2. The number of gifted students identified under each
17 of the methods specified under subparagraph 1. during the
18 2005-2006 and 2006-2007 school years.

19 3. Whether the district implements a plan under rule
20 6A-6.03019(2)(b), Florida Administrative Code, to increase the
21 participation of students from underrepresented groups in
22 gifted programming and the number of students by grade level
23 who were identified as gifted under such a plan in the
24 2005-2006 and 2006-2007 school years.

25 4. The types of services and programming provided to
26 gifted students according to grade level, the number of
27 schools in which the services and programming are offered, and
28 the number of students by grade level who received the
29 services and programming during the 2005-2006 and 2006-2007
30 school years. Services and programming identified for high
31 school students shall be limited to courses coded with state

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 course code numbers identifying the courses as honors or
2 gifted.

3 5. The amount of the exceptional student education
4 guaranteed allocation expended by the district during the
5 2005-2006 and 2006-2007 school years for gifted services and
6 programming according to each grade level and school within
7 the district.

8 (b) An assessment of the advantages and disadvantages
9 of current Florida law that classifies gifted students as
10 exceptional students.

11 (c) A review of the practices of other states for
12 identifying gifted students and for providing and funding
13 gifted services and programming.

14 (2) The report shall include, but need not be limited
15 to, a summary, discussion, and evaluation of the findings
16 under subsection (1); recommendations for the improvement of
17 gifted identification practices and services and programming
18 provided to students in kindergarten through grade 12 who are
19 gifted or otherwise academically talented; and proposed
20 statutory changes to implement the report's recommendations.

21 Section 6. This act shall take effect July 1, 2007.

22
23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27

28 and insert:

29 A bill to be entitled

30 An act relating to education; amending s.

31 551.106, F.S.; providing that certain funds

Bill No. CS for SB 1046, 1st Eng.

Barcode 061800

1 transferred to the Educational Enhancement
2 Trust Fund may be used for recurring
3 appropriations; amending s. 1003.03, F.S.;
4 defining the terms "team teaching,"
5 "co-teaching," and "inclusion teaching" for
6 purposes of provisions authorizing the use of
7 various teaching strategies in order to
8 implement requirements for class-size
9 reduction; amending s. 1011.62, F.S.; revising
10 the funding model for exceptional student
11 education programs to provide additional funds
12 for students who are gifted in graded K through
13 8; providing a formula for calculating a
14 supplemental allocation for juvenile justice
15 education programs; deleting certain
16 categorical appropriations that a district
17 school board may, pursuant to resolution,
18 transfer and use for academic classroom
19 instruction; providing for an increase in a
20 district's sparsity supplement under certain
21 conditions; repealing s. 1011.71(5)(b), F.S.,
22 relating to obsolete provisions limiting
23 certain uses of proceeds from the district
24 school tax; requiring the Office of Program
25 Policy Analysis and Government Accountability
26 to submit a report relating to gifted student
27 education to the Governor, the Legislature, and
28 the Commissioner of Education; providing report
29 requirements; providing an effective date.

30
31