

Bill No. SB 1046

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Proposed Committee Substitute by the Committee on Education
Pre-K - 12 Appropriations

1 A bill to be entitled
2 An act relating to education; amending s.
3 551.106, F.S.; providing that certain funds
4 transferred to the Educational Enhancement
5 Trust Fund may be used for recurring
6 appropriations; amending s. 1003.01, F.S.;
7 clarifying that the term "exceptional student"
8 for purposes of ch. 1003, F.S., includes gifted
9 students in grades K through 8; amending s.
10 1003.03, F.S.; defining the terms "team
11 teaching," "co-teaching," and "inclusion
12 teaching" for purposes of provisions
13 authorizing the use of various teaching
14 strategies in order to implement requirements
15 for class-size reduction; amending s. 1011.62,
16 F.S.; providing a formula for calculating a
17 supplemental allocation for juvenile justice
18 education programs; deleting certain
19 categorical appropriations that a district
20 school board may, pursuant to resolution,
21 transfer and use for academic classroom
22 instruction; repealing s. 1011.71(5)(b), F.S.,
23 relating to obsolete provisions limiting
24 certain uses of proceeds from the district
25 school tax; providing an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Paragraph (c) of subsection (2) of section
30 551.106, Florida Statutes, is amended to read:

31 551.106 License fee; tax rate; penalties.--

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

2 (c)1. Funds transferred to the Educational Enhancement
3 Trust Fund under paragraph (b) shall be used to supplement
4 public education funding statewide ~~and shall not be used for~~
5 ~~recurring appropriations.~~

6 2. If necessary to comply with any covenant
7 established pursuant to s. 1013.68(4), s. 1013.70(1), or s.
8 1013.737(3), funds transferred to the Educational Enhancement
9 Trust Fund under paragraph (b) shall first be available to pay
10 debt service on lottery bonds issued to fund school
11 construction in the event lottery revenues are insufficient
12 for such purpose or to satisfy debt service reserve
13 requirements established in connection with lottery bonds.
14 Moneys available pursuant to this subparagraph are subject to
15 annual appropriation by the Legislature.

16 Section 2. Paragraph (a) of subsection (3) of section
17 1003.01, Florida Statutes, is amended to read:

18 1003.01 Definitions.--As used in this chapter, the
19 term:

20 (3)(a) "Exceptional student" means any student who has
21 been determined eligible for a special program in accordance
22 with rules of the State Board of Education. The term includes
23 students who are gifted in grades K through 8 and students
24 with disabilities who are mentally handicapped, speech and
25 language impaired, deaf or hard of hearing, visually impaired,
26 dual sensory impaired, physically impaired, emotionally
27 handicapped, specific learning disabled, hospital and
28 homebound, autistic, developmentally delayed children, ages
29 birth through 5 years, or children, ages birth through 2
30 years, with established conditions that are identified in
31 State Board of Education rules pursuant to s. 1003.21(1)(e).

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1 Section 3. Subsection (5) of section 1003.03, Florida
2 Statutes, is amended to read:

3 1003.03 Maximum class size.--

4 (5) TEAM-TEACHING STRATEGIES.--

5 (a) School districts may use teaching strategies that
6 include the assignment of more than one teacher to a classroom
7 of students and that were implemented before July 1, 2005.
8 Effective July 1, 2005, school districts may implement
9 additional teaching strategies that include the assignment of
10 more than one teacher to a classroom of students for the
11 following purposes only:

12 1. Pairing teachers for the purpose of staff
13 development.

14 2. Pairing new teachers with veteran teachers.

15 3. Reducing turnover among new teachers.

16 4. Pairing teachers who are teaching out-of-field with
17 teachers who are in-field.

18 5. Providing for more flexibility and innovation in
19 the classroom.

20 6. Improving learning opportunities for students,
21 including students who have disabilities.

22 (b) Teaching strategies, including team teaching,
23 co-teaching, or inclusion teaching, implemented on or after
24 July 1, 2005, pursuant to paragraph (a) may be implemented
25 subject to the following restrictions:

26 1. Reasonable limits shall be placed on the number of
27 students in a classroom so that classrooms are not
28 overcrowded. Teacher-to-student ratios within a curriculum
29 area or grade level must not exceed constitutional limits.

30 2. At least one member of the team must have at least
31 3 years of teaching experience.

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1 3. At least one member of the team must be teaching
2 in-field.

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

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

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

13 2. "Inclusion teaching" means two or more teachers are
14 assigned to a group of students, but one of the teachers is
15 responsible for only one student or a small group of students
16 in the classroom.

17
18 The use of strategies implemented as outlined in this
19 subsection meets the letter and intent of the Florida
20 Constitution and the Florida Statutes which relate to
21 implementing class-size reduction, and this subsection applies
22 retroactively. A school district may not be penalized
23 financially or otherwise as a result of the use of any legal
24 strategy, including, but not limited to, those set forth in
25 subsection (3) and this subsection.

26 Section 4. Present paragraphs (p), (q), (r), (s), and
27 (t) of subsection (1) of section 1011.62, Florida Statutes,
28 are redesignated as paragraphs (q), (r), (s), (t), and (u),
29 respectively, a new paragraph (p) is added to that subsection,
30 and paragraph (b) of subsection (6) of that section is
31 amended, to read:

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1 1011.62 Funds for operation of schools.--If the annual
 2 allocation from the Florida Education Finance Program to each
 3 district for operation of schools is not determined in the
 4 annual appropriations act or the substantive bill implementing
 5 the annual appropriations act, it shall be determined as
 6 follows:

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

11 (p) Calculation of supplemental allocation for
 12 juvenile justice education programs.--Beginning with the
 13 2007-2008 General Appropriations Act, the total K-12 weighted
 14 full-time equivalent student membership in juvenile justice
 15 education programs in each school district shall be multiplied
 16 by the amount of the state average class-size-reduction factor
 17 multiplied by the district's cost differential. An amount
 18 equal to the sum of this calculation shall be allocated in the
 19 FEFP to each school district to supplement other sources of
 20 funding for students in juvenile justice education programs.

21 (6) CATEGORICAL FUNDS.--

22 (b) If a district school board finds and declares in a
 23 resolution adopted at a regular meeting of the school board
 24 that the funds received for any of the following categorical
 25 appropriations are urgently needed to maintain school board
 26 specified academic classroom instruction, the school board may
 27 consider and approve an amendment to the school district
 28 operating budget transferring the identified amount of the
 29 categorical funds to the appropriate account for expenditure:

- 30 1. Funds for student transportation.
- 31 ~~2. Funds for in-service educational personnel~~

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1 ~~training.~~

2 ~~2.3.~~ Funds for safe schools.

3 ~~4.~~ Funds for public school technology.

4 ~~3.5.~~ Funds for supplemental academic instruction.

5 Section 5. Paragraph (b) of subsection (5) of section
6 1011.71, Florida Statutes, is repealed.

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

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