

By the Committee on Budget

576-03452-12

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1 A bill to be entitled
2 An act relating to kindergarten through grade 12
3 education funding; amending s. 1001.42, F.S.;
4 requiring that any contract or employment agreement,
5 or renewal or renegotiation of an existing contract or
6 employment agreement, entered into by a school
7 district with an officer, agent, employee, or
8 contractor which contains a provision for severance
9 pay include provisions in s. 215.425, F.S., relating
10 to limitations on extra compensation, bonuses, and
11 severance pay; requiring that each district school
12 board enter into an interlocal agreement for the
13 purpose of establishing the School District
14 Consortium; amending s. 1001.50, F.S.; requiring that
15 any employment contract entered into by a district
16 school board with a district school superintendent
17 which contains a provision for severance pay include
18 provisions in s. 215.425, F.S.; amending s. 1002.33,
19 F.S.; revising provisions relating to the calculation
20 of the total administrative fee for providing
21 administrative and educational services to charter
22 schools; amending s. 1003.03, F.S.; extending dates
23 relating to calculations for the class size maximum;
24 amending s. 1003.52, F.S.; providing for the funding
25 of juvenile justice education programs; amending s.
26 1006.40, F.S.; authorizing the Commissioner of
27 Education to waive a requirement relating to the
28 purchase of current instructional materials for school
29 districts under certain circumstances; amending s.

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30 1011.61, F.S.; revising the definition of the term
31 "full-time equivalent student" for full-time students
32 enrolled in a combination of certain programs;
33 revising provisions relating to the funding of
34 students in kindergarten through grade 12 or
35 exceptional children in a prekindergarten program to
36 conform to changes made by the act; amending s.
37 1011.62, F.S.; requiring that each school district
38 having low-performing elementary schools use funds
39 from the supplemental academic instruction categorical
40 fund, along with the school district's research-based
41 reading instruction allocation, to provide an
42 additional hour of instruction per day for intensive
43 reading instruction; requiring that the Department of
44 Education monitor and track the implementation of each
45 school district's comprehensive reading plan and
46 report its findings to the Legislature by a specified
47 date each year; revising provisions relating to the
48 total allocation of state funds to each district for
49 current operations; amending s. 1011.71, F.S.;

50 deleting an obsolete fiscal year reference; amending
51 s. 1013.03, F.S.; authorizing the Commissioner of
52 Education to grant waivers to district school boards
53 from certain requirements relating to the validation
54 of surveys and inventory data under certain
55 circumstances; amending s. 1013.35, F.S.; requiring
56 that each district school board have a financial
57 management and performance audit conducted of the
58 district's educational planning and construction

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59 activities; requiring that the calculation required in
60 s. 1003.03(4)(a)4., F.S., be an amount equal to 50
61 percent of the base student allocation adjusted by the
62 district cost differential for a specified fiscal
63 year; specifying the formula to be used for the 2011-
64 2012 fiscal year in calculating the alternate
65 compliance calculation amounts to the class size
66 operating categorical fund, notwithstanding certain
67 other provisions of law; requiring that the
68 Commissioner of Education modify payments to school
69 districts; providing effective dates.

70

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

72

73 Section 1. Subsections (24) and (25) of section 1001.42,
74 Florida Statutes, are amended, and a new subsection (25) is
75 added to that section, to read:

76 1001.42 Powers and duties of district school board.—The
77 district school board, acting as a board, shall exercise all
78 powers and perform all duties listed below:

79 (24) EMPLOYMENT CONTRACTS.—If a school district enters into
80 a contract or employment agreement, or renewal or renegotiation
81 of an existing contract or employment agreement, with an
82 officer, agent, employee, or contractor which contains a
83 provision for severance pay, the contract or employment
84 agreement must include the provisions of s. 215.425. ~~A district~~
85 ~~school board may not enter into an employment contract that~~
86 ~~requires the district to pay from state funds an employee an~~
87 ~~amount in excess of 1 year of the employee's annual salary for~~

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88 ~~termination, buyout, or any other type of contract settlement.~~
 89 ~~This subsection does not prohibit the payment of earned leave~~
 90 ~~and benefits in accordance with the district's leave and~~
 91 ~~benefits policies which were accrued by the employee before the~~
 92 ~~contract terminates.~~

93 (25) INTERLOCAL AGREEMENTS.—Each district school board
 94 shall enter into an interlocal agreement as provided in s.
 95 163.01 for the purpose of establishing the School District
 96 Consortium and maximizing the purchasing power for goods and
 97 services. A consortium may be statewide or regional, as
 98 appropriate to achieve the lowest cost.

99 ~~(26)~~~~(25)~~ ADOPT RULES.—Adopt rules pursuant to ss.
 100 120.536(1) and 120.54 to implement this section.

101 Section 2. Subsection (2) of section 1001.50, Florida
 102 Statutes, is amended to read:

103 1001.50 Superintendents employed under Art. IX of the State
 104 Constitution.—

105 (2) Each ~~The~~ district school board ~~of each of such~~
 106 ~~districts~~ shall enter into an employment contract ~~contracts of~~
 107 ~~employment~~ with the district school superintendent and shall
 108 adopt rules relating to his or her appointment; however, if the
 109 employment contract contains a provision for severance pay, it
 110 must include the provisions required by s. 215.425. ~~the district~~
 111 ~~school board may not enter into an employment contract that~~
 112 ~~requires the district to pay from state funds a superintendent~~
 113 ~~an amount in excess of 1 year of the superintendent's annual~~
 114 ~~salary for termination, buyout, or any other type of contract~~
 115 ~~settlement. This subsection does not prohibit the payment of~~
 116 ~~earned leave and benefits in accordance with the district's~~

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117 ~~leave and benefits policies which were accrued by the~~
118 ~~superintendent before the contract terminates.~~

119 Section 3. Paragraph (a) of subsection (20) of section
120 1002.33, Florida Statutes, is amended to read:

121 1002.33 Charter schools.—

122 (20) SERVICES.—

123 (a)1. A sponsor shall provide certain administrative and
124 educational services to charter schools. These services shall
125 include contract management services; full-time equivalent and
126 data reporting services; exceptional student education
127 administration services; services related to eligibility and
128 reporting duties required to ensure that school lunch services
129 under the federal lunch program, consistent with the needs of
130 the charter school, are provided by the school district at the
131 request of the charter school, that any funds due to the charter
132 school under the federal lunch program be paid to the charter
133 school as soon as the charter school begins serving food under
134 the federal lunch program, and that the charter school is paid
135 at the same time and in the same manner under the federal lunch
136 program as other public schools serviced by the sponsor or the
137 school district; test administration services, including payment
138 of the costs of state-required or district-required student
139 assessments; processing of teacher certificate data services;
140 and information services, including equal access to student
141 information systems that are used by public schools in the
142 district in which the charter school is located. Student
143 performance data for each student in a charter school,
144 including, but not limited to, FCAT scores, standardized test
145 scores, previous public school student report cards, and student

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146 performance measures, shall be provided by the sponsor to a
147 charter school in the same manner provided to other public
148 schools in the district.

149 2. A total administrative fee for the provision of such
150 services shall be calculated based upon up to 5 percent of the
151 available funds defined in paragraph (17)(b) for all students,
152 except that when 75 percent or more of the students enrolled in
153 the charter school are exceptional students as defined in s.
154 1003.01(3), the 5 percent of those available funds shall be
155 calculated based on unweighted full-time equivalent students.

156 However, a sponsor may only withhold up to a 5-percent
157 administrative fee for enrollment for up to and including 250
158 students. For charter schools with a population of 251 or more
159 students, the difference between the total administrative fee
160 calculation and the amount of the administrative fee withheld
161 may only be used for capital outlay purposes specified in s.
162 1013.62(2).

163 3. For high-performing charter schools, as defined in ch.
164 2011-232, a sponsor may withhold a total administrative fee of
165 up to 2 percent for enrollment up to and including 250 students
166 per school.

167 4. In addition, a sponsor may withhold only up to a 5-
168 percent administrative fee for enrollment for up to and
169 including 500 students within a system of charter schools which
170 meets all of the following:

171 a. Includes both conversion charter schools and
172 nonconversion charter schools;

173 b. Has all schools located in the same county;

174 c. Has a total enrollment exceeding the total enrollment of

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175 at least one school district in the state;

176 d. Has the same governing board; and

177 e. Does not contract with a for-profit service provider for
178 management of school operations.

179 5. The difference between the total administrative fee
180 calculation and the amount of the administrative fee withheld
181 pursuant to subparagraph 4. may be used for instructional and
182 administrative purposes as well as for capital outlay purposes
183 specified in s. 1013.62(2).

184 6. For a high-performing charter school system that also
185 meets the requirements in subparagraph 4., a sponsor may
186 withhold a 2-percent administrative fee for enrollments up to
187 and including 500 students per system.

188 7. Sponsors shall not charge charter schools any additional
189 fees or surcharges for administrative and educational services
190 in addition to the maximum 5-percent administrative fee withheld
191 pursuant to this paragraph.

192 8. The sponsor of a virtual charter school may withhold a
193 fee of up to 5 percent. The funds shall be used to cover the
194 cost of services provided under subparagraph 1. and for the
195 school district's local instructional improvement system
196 pursuant to s. 1006.281 or other technological tools that are
197 required to access electronic and digital instructional
198 materials.

199 Section 4. Paragraph (a) of subsection (4) of section
200 1003.03, Florida Statutes, is amended to read:

201 1003.03 Maximum class size.—

202 (4) ACCOUNTABILITY.—

203 (a) If the department determines that the number of

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204 students assigned to any individual class exceeds the class size
205 maximum, as required in subsection (1), based upon the October
206 student membership survey, the department shall:

207 1. Identify, for each grade group, the number of classes in
208 which the number of students exceeds the maximum and the total
209 number of students which exceeds the maximum for all classes.

210 2. Determine the number of FTE students which exceeds the
211 maximum for each grade group.

212 3. Multiply the total number of FTE students which exceeds
213 the maximum for each grade group by the district's FTE dollar
214 amount of the class size categorical allocation for that year
215 and calculate the total for all three grade groups.

216 4. Multiply the total number of FTE students which exceeds
217 the maximum for all classes by an amount equal to 50 percent of
218 the base student allocation adjusted by the district cost
219 differential for the 2010-2011 fiscal year through the 2013-2014
220 fiscal year and by an amount equal to the base student
221 allocation adjusted by the district cost differential beginning
222 in the 2014-2015 ~~2011-2012~~ fiscal year and thereafter.

223 5. Reduce the district's class size categorical allocation
224 by an amount equal to the sum of the calculations in
225 subparagraphs 3. and 4.

226 Section 5. Subsection (12) of section 1003.52, Florida
227 Statutes, is amended to read:

228 1003.52 Educational services in Department of Juvenile
229 Justice programs.—

230 (12) (a) Funding for eligible students enrolled in juvenile
231 justice education programs shall be provided through the Florida
232 Education Finance Program as provided in s. 1011.62 and the

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233 General Appropriations Act. Funding shall include, at a minimum:

234 1. Weighted program funding or the basic amount for current
235 operation multiplied by the district cost differential as
236 provided in s. 1011.62(1)(r) and (2);

237 2. The supplemental allocation for juvenile justice
238 education as provided in s. 1011.62(10);

239 3. A proportionate share of the district's exceptional
240 student education guaranteed allocation, the supplemental
241 academic instruction allocation, and the instructional materials
242 allocation;

243 4. An amount equivalent to the proportionate share of the
244 state average potential discretionary local effort for
245 operations, which shall be determined as follows:

246 a. If the district levies the maximum discretionary local
247 effort and the district's discretionary local effort per FTE is
248 less than the state average potential discretionary local effort
249 per FTE, the proportionate share shall include both the
250 discretionary local effort and the compression supplement per
251 FTE. If the district's discretionary local effort per FTE is
252 greater than the state average per FTE, the proportionate share
253 shall be equal to the state average; or

254 b. If the district does not levy the maximum discretionary
255 local effort and the district's actual discretionary local
256 effort per FTE is less than the state average potential
257 discretionary local effort per FTE, the proportionate share
258 shall be equal to the district's actual discretionary local
259 effort per FTE. If the district's actual discretionary local
260 effort per FTE is greater than the state average per FTE, the
261 proportionate share shall be equal to the state average

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262 potential local effort per FTE; and

263 5. A proportionate share of the district's proration to
264 funds available, if necessary. The district school board shall
265 fund the educational program in a Department of Juvenile Justice
266 facility at the same or higher level of funding for equivalent
267 students in the district school system based on the funds
268 generated by state funding through the Florida Education Finance
269 Program for such students. It is the intent of the Legislature
270 that the school district maximize its available local, state,
271 and federal funding to a juvenile justice program.

272 ~~(a) Juvenile justice educational programs shall be funded~~
273 ~~in the appropriate FEFP program based on the educational~~
274 ~~services needed by the student for Department of Juvenile~~
275 ~~Justice programs in accordance with s. 1011.62.~~

276 (b) Juvenile justice educational programs to receive the
277 appropriate FEFP funding for Department of Juvenile Justice
278 programs shall include those operated through a contract with
279 the Department of Juvenile Justice and which are under purview
280 of the Department of Juvenile Justice quality assurance
281 standards for education.

282 (c) Consistent with the rules of the State Board of
283 Education, district school boards are required to request an
284 alternative FTE survey for Department of Juvenile Justice
285 programs experiencing fluctuations in student enrollment.

286 (d) FTE count periods shall be prescribed in rules of the
287 State Board of Education and shall be the same for programs of
288 the Department of Juvenile Justice as for other public school
289 programs. The summer school period for students in Department of
290 Juvenile Justice programs shall begin on the day immediately

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291 following the end of the regular school year and end on the day
292 immediately preceding the subsequent regular school year.
293 Students shall be funded for no more than 25 hours per week of
294 direct instruction.

295 (e) Each juvenile justice education program must receive
296 all federal funds for which the program is eligible.

297 Section 6. Subsection (2) of section 1006.40, Florida
298 Statutes, is amended to read:

299 1006.40 Use of instructional materials allocation;
300 instructional materials, library books, and reference books;
301 repair of books.—

302 (2) Each district school board must purchase current
303 instructional materials to provide each student with a major
304 tool of instruction in core courses of the subject areas of
305 mathematics, language arts, science, social studies, reading,
306 and literature for kindergarten through grade 12. Such purchase
307 must be made within the first 2 years after the effective date
308 of the adoption cycle; however, upon request of a school
309 district, the Commissioner of Education may provide a waiver of
310 the 2-year requirement if the school district demonstrates that
311 the content of the instructional materials is provided by
312 alternative means.

313 Section 7. Paragraph (c) of subsection (1) and subsection
314 (4) of section 1011.61, Florida Statutes, are amended to read:

315 1011.61 Definitions.—Notwithstanding the provisions of s.
316 1000.21, the following terms are defined as follows for the
317 purposes of the Florida Education Finance Program:

318 (1) A "full-time equivalent student" in each program of the
319 district is defined in terms of full-time students and part-time

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320 students as follows:

321 (c)1. A "full-time equivalent student" is:

322 a. A full-time student in any one of the programs listed in
323 s. 1011.62(1)(c); or

324 b. A combination of full-time or part-time students in any
325 one of the programs listed in s. 1011.62(1)(c) which is the
326 equivalent of one full-time student based on the following
327 calculations:

328 (I) A full-time student in a combination of programs listed
329 in s. 1011.62(1)(c) shall be a fraction of a full-time
330 equivalent membership in each ~~special~~ program equal to the
331 number of net hours per school year for which he or she is a
332 member, divided by the appropriate number of hours set forth in
333 subparagraph (a)1. or subparagraph (a)2. The sum of the
334 fractions for each program may not exceed the maximum value set
335 forth in subsection (4). ~~The difference between that fraction or~~
336 ~~sum of fractions and the maximum value as set forth in~~
337 ~~subsection (4) for each full-time student is presumed to be the~~
338 ~~balance of the student's time not spent in such special~~
339 ~~education programs and shall be recorded as time in the~~
340 ~~appropriate basic program.~~

341 (II) A prekindergarten handicapped student shall meet the
342 requirements specified for kindergarten students.

343 (III) A full-time equivalent student for students in
344 kindergarten through grade 5 in a virtual instruction program
345 under s. 1002.45 or a virtual charter school under s. 1002.33
346 shall consist of a student who has successfully completed a
347 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
348 promoted to a higher grade level.

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349 (IV) A full-time equivalent student for students in grades
350 6 through 12 in a virtual instruction program under s.
351 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
352 1002.33 shall consist of six full credit completions in programs
353 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
354 may be a combination of full-credit courses or half-credit
355 courses. Beginning in the 2014-2015 fiscal year, when s.
356 1008.22(3)(g) is implemented, the reported full-time equivalent
357 students and associated funding of students enrolled in courses
358 requiring passage of an end-of-course assessment shall be
359 adjusted after the student completes the end-of-course
360 assessment.

361 (V) A Florida Virtual School full-time equivalent student
362 shall consist of six full credit completions or the prescribed
363 level of content that counts toward promotion to the next grade
364 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
365 kindergarten through grade 8 and the programs listed in s.
366 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
367 may be a combination of full-credit courses or half-credit
368 courses. Beginning in the 2014-2015 fiscal year, when s.
369 1008.22(3)(g) is implemented, the reported full-time equivalent
370 students and associated funding of students enrolled in courses
371 requiring passage of an end-of-course assessment shall be
372 adjusted after the student completes the end-of-course
373 assessment.

374 (VI) Each successfully completed full-credit course earned
375 through an online course delivered by a district other than the
376 one in which the student resides shall be calculated as 1/6 FTE.

377 (VII) Each successfully completed credit earned under the

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378 alternative high school course credit requirements authorized in
379 s. 1002.375, which is not reported as a portion of the 900 net
380 hours of instruction pursuant to subparagraph (1)(a)1., shall be
381 calculated as 1/6 FTE.

382 2. A student in membership in a program scheduled for more
383 or less than 180 school days or the equivalent on an hourly
384 basis as specified by rules of the State Board of Education is a
385 fraction of a full-time equivalent membership equal to the
386 number of instructional hours in membership divided by the
387 appropriate number of hours set forth in subparagraph (a)1.;
388 however, for the purposes of this subparagraph, membership in
389 programs scheduled for more than 180 days is limited to students
390 enrolled in juvenile justice education programs and the Florida
391 Virtual School.

392
393 The department shall determine and implement an equitable method
394 of equivalent funding for experimental schools and for schools
395 operating under emergency conditions, which schools have been
396 approved by the department to operate for less than the minimum
397 school day.

398 (4) The maximum value for funding a student in kindergarten
399 through grade 12 or in a prekindergarten program for exceptional
400 children as provided in s. 1003.21(1)(e), ~~except for a student~~
401 ~~as set forth in sub-sub-subparagraph (1)(c)1.b.(I)~~, is one full-
402 time equivalent student membership for a school year or
403 equivalent.

404 Section 8. Paragraph (f) of subsection (1), paragraph (b)
405 of subsection (6), subsection (9), and paragraph (b) of
406 subsection (13) of section 1011.62, Florida Statutes, are

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407 amended to read:

408 1011.62 Funds for operation of schools.—If the annual
409 allocation from the Florida Education Finance Program to each
410 district for operation of schools is not determined in the
411 annual appropriations act or the substantive bill implementing
412 the annual appropriations act, it shall be determined as
413 follows:

414 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
415 OPERATION.—The following procedure shall be followed in
416 determining the annual allocation to each district for
417 operation:

418 (f) *Supplemental academic instruction; categorical fund.*—

419 1. There is created a categorical fund to provide
420 supplemental academic instruction to students in kindergarten
421 through grade 12. This paragraph may be cited as the
422 “Supplemental Academic Instruction Categorical Fund.”

423 2. Categorical funds for supplemental academic instruction
424 shall be allocated annually to each school district in the
425 amount provided in the General Appropriations Act. These funds
426 shall be in addition to the funds appropriated on the basis of
427 FTE student membership in the Florida Education Finance Program
428 and shall be included in the total potential funds of each
429 district. These funds shall be used to provide supplemental
430 academic instruction to students enrolled in the K-12 program.
431 For the 2012-2013 and 2013-2014 fiscal years, each school
432 district that has elementary schools designated as having a
433 grade of “D” or “F” or elementary schools that are on the
434 Persistently Low Achieving list shall use these funds, together
435 with the funds provided in the school district’s research-based

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436 reading instruction allocation and other available funds, to
437 provide an additional hour of instruction beyond the normal
438 school day for each day of the entire school year for the
439 purpose of providing intensive reading instruction for the
440 students in such elementary schools. After this requirement has
441 been met, supplemental instruction strategies may include, but
442 are not limited to: modified curriculum, reading instruction,
443 after-school instruction, tutoring, mentoring, class size
444 reduction, extended school year, intensive skills development in
445 summer school, and other methods for improving student
446 achievement. Supplemental instruction may be provided to a
447 student in any manner and at any time during or beyond the
448 regular 180-day term identified by the school as being the most
449 effective and efficient way to best help that student progress
450 from grade to grade and to graduate.

451 3. Effective with the 1999-2000 fiscal year, funding on the
452 basis of FTE membership beyond the 180-day regular term shall be
453 provided in the FEFP only for students enrolled in juvenile
454 justice education programs or in education programs for
455 juveniles placed in secure facilities or programs under s.
456 985.19. Funding for instruction beyond the regular 180-day
457 school year for all other K-12 students shall be provided
458 through the supplemental academic instruction categorical fund
459 and other state, federal, and local fund sources with ample
460 flexibility for schools to provide supplemental instruction to
461 assist students in progressing from grade to grade and
462 graduating.

463 4. The Florida State University School, as a lab school, is
464 authorized to expend from its FEFP or Lottery Enhancement Trust

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465 Fund allocation the cost to the student of remediation in
466 reading, writing, or mathematics for any graduate who requires
467 remediation at a postsecondary educational institution.

468 5. Beginning in the 1999-2000 school year, dropout
469 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
470 (b), and (c), and 1003.54 shall be included in group 1 programs
471 under subparagraph (d)3.

472 (6) CATEGORICAL FUNDS.—

473 (b) If a district school board finds and declares in a
474 resolution adopted at a regular meeting of the school board that
475 the funds received for any of the following categorical
476 appropriations are urgently needed to maintain school board
477 specified academic classroom instruction, the school board may
478 consider and approve an amendment to the school district
479 operating budget transferring the identified amount of the
480 categorical funds to the appropriate account for expenditure:

481 1. Funds for student transportation.

482 2. Funds for safe schools.

483 3. Funds for supplemental academic instruction if the
484 required additional hour of instruction beyond the normal school
485 day for each day of the entire school year has been provided for
486 elementary schools designated as having a grade of "D" or "F" or
487 elementary schools that are on the Persistently Low Achieving
488 list pursuant to paragraph (1)(f).

489 4. Funds for research-based reading instruction if the
490 required additional hour of instruction beyond the normal school
491 day for each day of the entire school year has been provided for
492 the lowest-performing students pursuant to paragraph (9)(a).

493 5. Funds for instructional materials if all instructional

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494 material purchases necessary to provide updated materials
495 aligned to Next Generation Sunshine State Standards and
496 benchmarks and that meet statutory requirements of content and
497 learning have been completed for that fiscal year, but no sooner
498 than March 1. Funds available after March 1 may be used to
499 purchase hardware for student instruction.

500 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

501 (a) The research-based reading instruction allocation is
502 created to provide comprehensive reading instruction to students
503 in kindergarten through grade 12. For the 2012-2013 and 2013-
504 2014 fiscal years, priority shall be given to providing an
505 additional hour per day of intensive reading instruction beyond
506 the normal school day for each day of the entire school year to
507 each school district's lowest-performing students. The intensive
508 reading instruction delivered in this additional hour shall
509 include: research-based reading instruction that has been proven
510 to accelerate progress of students exhibiting a reading
511 deficiency; differentiated instruction based on student
512 assessment data to meet students' specific reading needs;
513 explicit and systematic reading development in phonemic
514 awareness, phonics, fluency, vocabulary, and comprehension, with
515 more extensive opportunities for guided practice, error
516 correction, and feedback; and the integration of social studies,
517 science, and mathematics-text reading, text discussion, and
518 writing in response to reading. For the 2012-2013 and 2013-2014
519 fiscal years, a school district may not hire more reading
520 coaches than were hired during the 2011-2012 fiscal year unless
521 all students in kindergarten through grade 5 who demonstrate a
522 reading deficiency, as determined by district and state

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523 assessments, including students scoring Level 1 or Level 2 on
524 FCAT Reading, are provided an additional hour per day of
525 intensive reading instruction beyond the normal school day for
526 each day of the entire school year.

527 (b) Funds for comprehensive, research-based reading
528 instruction shall be allocated annually to each school district
529 in the amount provided in the General Appropriations Act. Each
530 eligible school district shall receive the same minimum amount
531 as specified in the General Appropriations Act, and any
532 remaining funds shall be distributed to eligible school
533 districts based on each school district's proportionate share of
534 K-12 base funding.

535 (c) Funds allocated under this subsection must be used to
536 provide a system of comprehensive reading instruction to
537 students enrolled in the K-12 programs, which may include the
538 following:

539 1. The provision of effective or highly effective reading
540 teachers to provide an additional hour per day of intensive
541 reading instruction to the lowest-performing elementary school
542 students.

543 2. Kindergarten through grade 5 reading intervention
544 teachers to provide intensive intervention during the school day
545 and in the required extra hour for students identified as having
546 a reading deficiency.

547 3.1. The provision of highly qualified reading coaches to
548 specifically support teachers in making instructional decisions
549 based on student data, and improve teacher delivery of effective
550 reading instruction, intervention, and reading in the content
551 areas based on student need.

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552 ~~4.2.~~ Professional development for school district teachers
553 in scientifically based reading instruction, including
554 strategies to teach reading in content areas and with an
555 emphasis on technical and informational text.

556 ~~5.3.~~ The provision of summer reading camps for all students
557 in kindergarten through grade 2 who demonstrate a reading
558 deficiency as determined by district and state assessments, and
559 students in grades 3 through 5 who score at Level 1 on FCAT
560 Reading.

561 ~~6.4.~~ The provision of supplemental instructional materials
562 that are grounded in scientifically based reading research.

563 ~~7.5.~~ The provision of intensive interventions for ~~middle~~
564 ~~and high school~~ students in kindergarten through grade 12 who
565 have been identified as having a reading deficiency or who are
566 reading below grade level as determined by the FCAT.

567 (d) Annually, by a date determined by the Department of
568 Education but before May 1, school districts shall submit a K-12
569 comprehensive reading plan for the specific use of the research-
570 based reading instruction allocation in the format prescribed by
571 the department for review and approval by the Just Read,
572 Florida! Office created pursuant to s. 1001.215. The plan
573 annually submitted by school districts shall be deemed approved
574 unless the department rejects the plan on or before June 1. If a
575 school district and the Just Read, Florida! Office cannot reach
576 agreement on the contents of the plan, the school district may
577 appeal to the State Board of Education for resolution. School
578 districts shall be allowed reasonable flexibility in designing
579 their plans and shall be encouraged to offer reading
580 intervention ~~remediation~~ through innovative methods, including

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581 career academies. The plan format shall be developed with input
582 from school district personnel, including teachers and
583 principals, and shall allow courses in core, career, and
584 alternative programs that deliver intensive reading remediation
585 through integrated curricula, provided that the teacher is
586 deemed highly qualified to teach reading or working toward that
587 status. No later than July 1 annually, the department shall
588 release the school district's allocation of appropriated funds
589 to those districts having approved plans. A school district that
590 spends 100 percent of this allocation on its approved plan shall
591 be deemed to have been in compliance with the plan. The
592 department may withhold funds upon a determination that reading
593 instruction allocation funds are not being used to implement the
594 approved plan. The department shall monitor and track the
595 implementation of each district plan, including conducting site
596 visits and collecting specific data on expenditures and reading
597 improvement results. By February 1 of each year, the department
598 shall report its findings to the Legislature.

599 (13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
600 CURRENT OPERATION.—The total annual state allocation to each
601 district for current operation for the FEFP shall be distributed
602 periodically in the manner prescribed in the General
603 Appropriations Act.

604 (b) The amount thus obtained shall be the net annual
605 allocation to each school district. However, if it is determined
606 that any school district received an underallocation or
607 overallocation for any prior year because of an arithmetical
608 error, assessment roll change required by final judicial
609 decision, full-time equivalent student membership error, or any

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610 allocation error revealed in an audit report, the allocation to
611 that district shall be appropriately adjusted. Beginning with
612 audits for the 2001-2002 fiscal year, if the adjustment is the
613 result of an audit finding in which group 2 FTE are reclassified
614 to the basic program and the district weighted FTE are over the
615 weighted enrollment ceiling for group 2 programs, the adjustment
616 shall not result in a gain of state funds to the district.
617 Beginning with the 2011-2012 fiscal year, if a special program
618 cost factor is less than the basic program cost factor, an audit
619 adjustment may not result in the reclassification of the special
620 program FTE to the basic program FTE. If the Department of
621 Education audit adjustment recommendation is based upon
622 controverted findings of fact, the Commissioner of Education is
623 authorized to establish the amount of the adjustment based on
624 the best interests of the state.

625 Section 9. Paragraph (e) of subsection (2) of section
626 1011.71, Florida Statutes, is amended to read:

627 1011.71 District school tax.—

628 (2) In addition to the maximum millage levy as provided in
629 subsection (1), each school board may levy not more than 1.5
630 mills against the taxable value for school purposes for district
631 schools, including charter schools at the discretion of the
632 school board, to fund:

633 (e) Payments for educational facilities and sites due under
634 a lease-purchase agreement entered into by a district school
635 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
636 exceeding, in the aggregate, an amount equal to three-fourths of
637 the proceeds from the millage levied by a district school board
638 pursuant to this subsection. ~~For the 2009-2010 fiscal year, The~~

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639 three-fourths limit is waived for lease-purchase agreements
640 entered into before June 30, 2009, by a district school board
641 pursuant to this paragraph.

642 Section 10. Paragraph (a) of subsection (10) of section
643 1013.03, Florida Statutes, is amended to read:

644 1013.03 Functions of the department and the Board of
645 Governors.—The functions of the Department of Education as it
646 pertains to educational facilities of school districts and
647 Florida College System institutions and of the Board of
648 Governors as it pertains to educational facilities of state
649 universities shall include, but not be limited to, the
650 following:

651 (10) (a) Review and validate surveys proposed or amended by
652 the boards and recommend to the Commissioner of Education, or
653 the Chancellor of the State University System, as appropriate,
654 for approval, surveys that meet the requirements of this
655 chapter.

656 1. The term "validate" as applied to surveys by school
657 districts means to review inventory data as submitted to the
658 department by district school boards; provide for review and
659 inspection, where required, of student stations and aggregate
660 square feet of inventory changed from satisfactory to
661 unsatisfactory or changed from unsatisfactory to satisfactory;
662 compare new school inventory to allocation limits provided by
663 this chapter; review cost projections for conformity with cost
664 limits set by s. 1013.64(6); compare total capital outlay full-
665 time equivalent enrollment projections in the survey with the
666 department's projections; review facilities lists to verify that
667 student station and auxiliary facility space allocations do not

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668 exceed the limits provided by this chapter and related rules;
669 review and confirm the application of uniform facility
670 utilization factors, where provided by this chapter or related
671 rules; utilize the documentation of programs offered per site,
672 as submitted by the board, to analyze facility needs; confirm
673 that need projections for career and adult educational programs
674 comply with needs documented by the Department of Education; and
675 confirm the assignment of full-time student stations to all
676 space except auxiliary facilities, which, for purposes of
677 exemption from student station assignment, include the
678 following:

- 679 a. Cafeterias.
- 680 b. Multipurpose dining areas.
- 681 c. Media centers.
- 682 d. Auditoriums.
- 683 e. Administration.
- 684 f. Elementary, middle, and high school resource rooms, up
685 to the number of such rooms recommended for the applicable
686 occupant and space design capacity of the educational plant in
687 the State Requirements for Educational Facilities, beyond which
688 student stations must be assigned.
- 689 g. Elementary school skills labs, up to the number of such
690 rooms recommended for the applicable occupant and space design
691 capacity of the educational plant in the State Requirements for
692 Educational Facilities, beyond which student stations must be
693 assigned.
- 694 h. Elementary school art and music rooms.

695
696 The Commissioner of Education may grant a waiver from the

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697 requirements of this subparagraph if a district school board
698 determines that such waiver will make possible a substantial
699 savings of funds or will be advantageous to the welfare of the
700 educational system. The district school board shall present a
701 full statement to the commissioner which sets forth the facts
702 that warrant the waiver. If the commissioner denies a request
703 for a waiver, the district school board may appeal such decision
704 to the State Board of Education.

705 2. The term "validate" as applied to surveys by Florida
706 College System institutions and universities means to review and
707 document the approval of each new site and official designation,
708 where applicable; review the inventory database as submitted by
709 each board to the department, including noncareer, and total
710 capital outlay full-time equivalent enrollment projections per
711 site and per college; provide for the review and inspection,
712 where required, of student stations and aggregate square feet of
713 space changed from satisfactory to unsatisfactory; utilize and
714 review the documentation of programs offered per site submitted
715 by the boards as accurate for analysis of space requirements and
716 needs; confirm that needs projected for career and adult
717 educational programs comply with needs documented by the
718 Department of Education; compare new facility inventory to
719 allocations limits as provided in this chapter; review cost
720 projections for conformity with state averages or limits
721 designated by this chapter; compare student enrollment
722 projections in the survey to the department's projections;
723 review facilities lists to verify that area allocations and
724 space factors for generating space needs do not exceed the
725 limits as provided by this chapter and related rules; confirm

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726 the application of facility utilization factors as provided by
727 this chapter and related rules; and review, as submitted,
728 documentation of how survey recommendations will implement the
729 detail of current campus master plans and integrate with local
730 comprehensive plans and development regulations.

731 Section 11. Paragraph (f) of subsection (2) of section
732 1013.35, Florida Statutes, is amended to read:

733 1013.35 School district educational facilities plan;
734 definitions; preparation, adoption, and amendment; long-term
735 work programs.—

736 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
737 FACILITIES PLAN.—

738 (f) ~~Commencing on October 1, 2002, and~~ Not less than once
739 every 5 years ~~thereafter~~, the district school board shall have
740 ~~contract with a qualified, independent third party to conduct a~~
741 financial management and performance audit conducted of the
742 educational planning and construction activities of the
743 district. An audit conducted by the Office of Program Policy
744 Analysis and Government Accountability and the Auditor General
745 pursuant to s. 1008.35 satisfies this requirement.

746 Section 12. Notwithstanding the amendments made by this act
747 to s. 1003.03(4)(a)4., Florida Statutes, for the 2011-2012
748 fiscal year, the calculation required by that subparagraph shall
749 be an amount equal to 50 percent of the base student allocation
750 adjusted by the district cost differential. This section shall
751 take effect upon this act becoming a law.

752 Section 13. Notwithstanding the required review by the
753 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
754 Florida Statutes, and s. 41 of chapter 2011-55, Laws of Florida,

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755 for the 2011-2012 fiscal year, the alternate compliance
756 calculation amounts to the class size operating categorical fund
757 authorized by s. 1003.03(4)(c), Florida Statutes, shall be the
758 reduction calculation required by s. 1003.03(4), Florida
759 Statutes. The Commissioner of Education shall modify payments to
760 districts as required by s. 1003.03(4), Florida Statutes, for
761 the 2011-2012 fiscal year. This section shall take effect upon
762 this act becoming a law.

763 Section 14. Except as otherwise expressly provided in this
764 act and except for this section, which shall take effect upon
765 this act becoming a law, this act shall take effect July 1,
766 2012.