

1 A bill to be entitled
 2 An act relating to public school flexibility; amending
 3 s. 1001.02, F.S.; prohibiting the State Board of
 4 Education from adopting rules that require the
 5 redirection of certain funding; amending s. 1001.42,
 6 F.S.; deleting a requirement relating to the opening
 7 date for schools in a school district; amending s.
 8 1002.31, F.S.; providing that the calculation for
 9 compliance with class size maximums for certain public
 10 schools of choice shall be the average at the school
 11 level; amending s. 1003.455, F.S.; revising
 12 requirements relating to physical education for
 13 elementary school students; amending s. 1011.62, F.S.;
 14 revising provisions relating to the transfer of
 15 categorical funds to maintain specified academic
 16 classroom instruction; amending s. 1013.03, F.S.;
 17 revising provisions relating to student station and
 18 auxiliary facility space allocations; providing that a
 19 school district is not required to comply with the
 20 State Uniform Building Code for Public Educational
 21 Facilities Construction; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraph (n) of subsection (2) of section
 26 1001.02, Florida Statutes, is amended to read:

27 1001.02 General powers of State Board of Education.—

28 (2) The State Board of Education has the following duties:

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29 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
 30 120.54, within statutory authority. However, no rule may be
 31 adopted which would require any school or school district to
 32 redirect local, state, or federal funding in order to comply
 33 with the rule.

34 Section 2. Paragraph (f) of subsection (4) of section
 35 1001.42, Florida Statutes, is amended to read:

36 1001.42 Powers and duties of district school board.—The
 37 district school board, acting as a board, shall exercise all
 38 powers and perform all duties listed below:

39 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
 40 SCHOOLS.—Adopt and provide for the execution of plans for the
 41 establishment, organization, and operation of the schools of the
 42 district, including, but not limited to, the following:

43 (f) Opening and closing of schools; fixing uniform date.—
 44 Adopt policies for the opening and closing of schools and fix
 45 uniform dates; ~~however, beginning with the 2007-2008 school~~
 46 ~~year, the opening date for schools in the district may not be~~
 47 ~~earlier than 14 days before Labor Day each year.~~

48 Section 3. Subsection (9) is added to section 1002.31,
 49 Florida Statutes, to read:

50 1002.31 Public school parental choice.—

51 (9) For a school or program that is a public school of
 52 choice under this section, the calculation for compliance with
 53 class size maximums, pursuant to s. 1003.03, shall be the
 54 average number of students at the school level.

55 Section 4. Subsection (3) of section 1003.455, Florida
 56 Statutes, is amended to read:

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57 | 1003.455 Physical education; assessment.—

58 | (3) Each district school board shall provide 150 minutes
59 | of physical education each week for students in kindergarten
60 | through grade 5 and for students in grade 6 who are enrolled in
61 | a school that contains one or more elementary grades ~~so that on~~
62 | ~~any day during which physical education instruction is conducted~~
63 | ~~there are at least 30 consecutive minutes per day.~~ Beginning
64 | with the 2009-2010 school year, the equivalent of one class
65 | period per day of physical education for one semester of each
66 | year is required for students enrolled in grades 6 through 8.
67 | Students enrolled in such instruction shall be reported through
68 | the periodic student membership surveys, and records of such
69 | enrollment shall be audited pursuant to s. 1010.305. Such
70 | instruction may be provided by any instructional personnel as
71 | defined in s. 1012.01(2), regardless of certification, who are
72 | designated by the school principal.

73 | Section 5. Subsection (6) of section 1011.62, Florida
74 | Statutes, is amended to read:

75 | 1011.62 Funds for operation of schools.—If the annual
76 | allocation from the Florida Education Finance Program to each
77 | district for operation of schools is not determined in the
78 | annual appropriations act or the substantive bill implementing
79 | the annual appropriations act, it shall be determined as
80 | follows:

81 | (6) CATEGORICAL FUNDS.—

82 | (a) In addition to the basic amount for current operations
83 | for the FEFP as determined in subsection (1), the Legislature
84 | may appropriate categorical funding for specified programs,

85 activities, or purposes.

86 (b) If a district school board finds and declares in a
 87 resolution adopted at a regular meeting of the school board that
 88 the funds received for any ~~of the following~~ categorical
 89 appropriations are ~~urgently~~ needed to maintain school board
 90 specified academic classroom instruction, the school board may
 91 consider and approve an amendment to the school district
 92 operating budget transferring the identified amount of the
 93 categorical funds to the appropriate account for expenditure:

- 94 ~~1. Funds for student transportation.~~
- 95 ~~2. Funds for safe schools.~~
- 96 ~~3. Funds for supplemental academic instruction.~~
- 97 ~~4. Funds for research-based reading instruction.~~
- 98 ~~5. Funds for instructional materials if all instructional~~
 99 ~~material purchases necessary to provide updated materials~~
 100 ~~aligned to Next Generation Sunshine State Standards and~~
 101 ~~benchmarks and that meet statutory requirements of content and~~
 102 ~~learning have been completed for that fiscal year, but no sooner~~
 103 ~~than March 1. Funds available after March 1 may be used to~~
 104 ~~purchase hardware for student instruction.~~

105 (c) Each district school board shall include in its annual
 106 financial report to the Department of Education the amount of
 107 funds the school board transferred from any ~~each of the~~
 108 categorical fund pursuant to paragraph (b) ~~funds identified in~~
 109 ~~this subsection~~ and the specific academic classroom instruction
 110 for which the transferred funds were expended. The Department of
 111 Education shall provide instructions and specify the format to
 112 be used in submitting this required information as a part of the

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113 district annual financial report. The Department of Education
114 shall submit a report to the Legislature that identifies by
115 district and by categorical fund the amount transferred and the
116 specific academic classroom activity for which the funds were
117 expended.

118 ~~(d) If a district school board transfers funds from its~~
119 ~~research-based reading instruction allocation, the board must~~
120 ~~also submit to the Department of Education an amendment~~
121 ~~describing the changes that the district is making to its~~
122 ~~reading plan approved pursuant to paragraph (9)(d).~~

123 Section 6. Paragraph (a) of subsection (10) of section
124 1013.03, Florida Statutes, is amended to read:

125 1013.03 Functions of the department and the Board of
126 Governors.—The functions of the Department of Education as it
127 pertains to educational facilities of school districts and
128 Florida College System institutions and of the Board of
129 Governors as it pertains to educational facilities of state
130 universities shall include, but not be limited to, the
131 following:

132 (10)(a) Review and validate surveys proposed or amended by
133 the boards and recommend to the Commissioner of Education, or
134 the Chancellor of the State University System, as appropriate,
135 for approval, surveys that meet the requirements of this
136 chapter.

137 1. The term "validate" as applied to surveys by school
138 districts means to review inventory data as submitted to the
139 department by district school boards; provide for review and
140 inspection, where required, of student stations and aggregate

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141 square feet of inventory changed from satisfactory to
142 unsatisfactory or changed from unsatisfactory to satisfactory;
143 compare new school inventory to allocation limits provided by
144 this chapter; review cost projections for conformity with cost
145 limits set by s. 1013.64(6); compare total capital outlay full-
146 time equivalent enrollment projections in the survey with the
147 department's projections; review facilities lists to verify that
148 student station and auxiliary facility space allocations do not
149 exceed the limits provided by this chapter and related rules;
150 review and confirm the application of uniform facility
151 utilization factors, where provided by this chapter or related
152 rules; utilize the documentation of programs offered per site,
153 as submitted by the board, to analyze facility needs; confirm
154 that need projections for career and adult educational programs
155 comply with needs documented by the Department of Education; and
156 confirm the assignment of full-time student stations to all
157 space except auxiliary facilities, which, for purposes of
158 exemption from student station assignment, include the
159 following:

- 160 a. Cafeterias.
- 161 b. Multipurpose dining areas.
- 162 c. Media centers.
- 163 d. Auditoriums.
- 164 e. Administration.
- 165 f. Elementary, middle, and high school resource rooms, ~~up~~
166 ~~to the number of such rooms recommended for the applicable~~
167 ~~occupant and space design capacity of the educational plant in~~
168 ~~the State Requirements for Educational Facilities, beyond which~~

169 ~~student stations must be assigned.~~

170 g. Elementary, middle, and high school skills labs, ~~up to~~
 171 ~~the number of such rooms recommended for the applicable occupant~~
 172 ~~and space design capacity of the educational plant in the State~~
 173 ~~Requirements for Educational Facilities, beyond which student~~
 174 ~~stations must be assigned.~~

175 h. Elementary school art, science, and music rooms. Middle
 176 and high school music rooms may not be assigned more than 30
 177 student stations.

178 i. Gymnasiums.

179 j. Middle and high school science labs that are separate
 180 from science classrooms.

181 k. Part-time exceptional student education rooms. Full-
 182 time exceptional student education rooms may not be assigned
 183 more than seven student stations.

184 2. The term "validate" as applied to surveys by Florida
 185 College System institutions and universities means to review and
 186 document the approval of each new site and official designation,
 187 where applicable; review the inventory database as submitted by
 188 each board to the department, including noncareer, and total
 189 capital outlay full-time equivalent enrollment projections per
 190 site and per college; provide for the review and inspection,
 191 where required, of student stations and aggregate square feet of
 192 space changed from satisfactory to unsatisfactory; utilize and
 193 review the documentation of programs offered per site submitted
 194 by the boards as accurate for analysis of space requirements and
 195 needs; confirm that needs projected for career and adult
 196 educational programs comply with needs documented by the

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197 Department of Education; compare new facility inventory to
198 allocations limits as provided in this chapter; review cost
199 projections for conformity with state averages or limits
200 designated by this chapter; compare student enrollment
201 projections in the survey to the department's projections;
202 review facilities lists to verify that area allocations and
203 space factors for generating space needs do not exceed the
204 limits as provided by this chapter and related rules; confirm
205 the application of facility utilization factors as provided by
206 this chapter and related rules; and review, as submitted,
207 documentation of how survey recommendations will implement the
208 detail of current campus master plans and integrate with local
209 comprehensive plans and development regulations.

210 Section 7. Notwithstanding any provision of law to the
211 contrary, a school district is not required to comply, but may
212 comply, with the State Uniform Building Code for Public
213 Educational Facilities Construction adopted pursuant to chapter
214 1013, Florida Statutes.

215 Section 8. This act shall take effect July 1, 2012.