

FOR CONSIDERATION By the Committee on Budget

576-03025E-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. 1013.03, F.S.;

50 authorizing the Commissioner of Education to grant
51 waivers to district school boards from certain
52 requirements relating to the validation of surveys and
53 inventory data under certain circumstances; amending
54 s. 1013.35, F.S.; requiring that each district school
55 board have a financial management and performance
56 audit conducted of the district's educational planning
57 and construction activities; requiring that the
58 calculation required in s. 1003.03(4)(a)4., F.S., be

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

68
69 Be It Enacted by the Legislature of the State of Florida:
70

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

74 1001.42 Powers and duties of district school board.—The
75 district school board, acting as a board, shall exercise all
76 powers and perform all duties listed below:

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

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88 ~~and benefits in accordance with the district's leave and~~
89 ~~benefits policies which were accrued by the employee before the~~
90 ~~contract terminates.~~

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

97 ~~(26)~~~~(25)~~ ADOPT RULES.—Adopt rules pursuant to ss.
98 120.536(1) and 120.54 to implement this section.

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

101 1001.50 Superintendents employed under Art. IX of the State
102 Constitution.—

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

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117 Section 3. Paragraph (a) of subsection (20) of section
118 1002.33, Florida Statutes, is amended to read:
119 1002.33 Charter schools.—
120 (20) SERVICES.—
121 (a)1. A sponsor shall provide certain administrative and
122 educational services to charter schools. These services shall
123 include contract management services; full-time equivalent and
124 data reporting services; exceptional student education
125 administration services; services related to eligibility and
126 reporting duties required to ensure that school lunch services
127 under the federal lunch program, consistent with the needs of
128 the charter school, are provided by the school district at the
129 request of the charter school, that any funds due to the charter
130 school under the federal lunch program be paid to the charter
131 school as soon as the charter school begins serving food under
132 the federal lunch program, and that the charter school is paid
133 at the same time and in the same manner under the federal lunch
134 program as other public schools serviced by the sponsor or the
135 school district; test administration services, including payment
136 of the costs of state-required or district-required student
137 assessments; processing of teacher certificate data services;
138 and information services, including equal access to student
139 information systems that are used by public schools in the
140 district in which the charter school is located. Student
141 performance data for each student in a charter school,
142 including, but not limited to, FCAT scores, standardized test
143 scores, previous public school student report cards, and student
144 performance measures, shall be provided by the sponsor to a
145 charter school in the same manner provided to other public

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146 schools in the district.

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

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

161 3. For high-performing charter schools, as defined in ch.
162 2011-232, a sponsor may withhold a total administrative fee of
163 up to 2 percent for enrollment up to and including 250 students
164 per school.

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

169 a. Includes both conversion charter schools and
170 nonconversion charter schools;

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

172 c. Has a total enrollment exceeding the total enrollment of
173 at least one school district in the state;

174 d. Has the same governing board; and

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

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

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

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

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

197 Section 4. Paragraph (a) of subsection (4) of section
198 1003.03, Florida Statutes, is amended to read:

199 1003.03 Maximum class size.—

200 (4) ACCOUNTABILITY.—

201 (a) If the department determines that the number of
202 students assigned to any individual class exceeds the class size
203 maximum, as required in subsection (1), based upon the October

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204 student membership survey, the department shall:

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

208 2. Determine the number of FTE students which exceeds the
209 maximum for each grade group.

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

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

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

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

226 1003.52 Educational services in Department of Juvenile
227 Justice programs.—

228 (12) (a) Funding for eligible students enrolled in juvenile
229 justice education programs shall be provided through the Florida
230 Education Finance Program as provided in s. 1011.62 and the
231 General Appropriations Act. Funding shall include, at a minimum:

232 1. Weighted program funding or the basic amount for current

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233 operation multiplied by the district cost differential as
234 provided in s. 1011.62(1)(r) and (2);

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

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

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

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

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

261 5. A proportionate share of the district's proration to

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

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

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

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

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

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291 Students shall be funded for no more than 25 hours per week of
292 direct instruction.

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

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

297 1006.40 Use of instructional materials allocation;
298 instructional materials, library books, and reference books;
299 repair of books.—

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

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

313 1011.61 Definitions.—Notwithstanding the provisions of s.
314 1000.21, the following terms are defined as follows for the
315 purposes of the Florida Education Finance Program:

316 (1) A "full-time equivalent student" in each program of the
317 district is defined in terms of full-time students and part-time
318 students as follows:

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

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

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

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

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

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

347 (IV) A full-time equivalent student for students in grades
348 6 through 12 in a virtual instruction program under s.

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

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

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

375 (VII) Each successfully completed credit earned under the
376 alternative high school course credit requirements authorized in
377 s. 1002.375, which is not reported as a portion of the 900 net

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378 hours of instruction pursuant to subparagraph (1)(a)1., shall be
379 calculated as 1/6 FTE.

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

390
391 The department shall determine and implement an equitable method
392 of equivalent funding for experimental schools and for schools
393 operating under emergency conditions, which schools have been
394 approved by the department to operate for less than the minimum
395 school day.

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

402 Section 8. Paragraph (f) of subsection (1), paragraph (b)
403 of subsection (6), subsection (9), and paragraph (b) of
404 subsection (13) of section 1011.62, Florida Statutes, are
405 amended to read:

406 1011.62 Funds for operation of schools.—If the annual

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

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

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

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

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

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

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

461 4. The Florida State University School, as a lab school, is
462 authorized to expend from its FEFP or Lottery Enhancement Trust
463 Fund allocation the cost to the student of remediation in
464 reading, writing, or mathematics for any graduate who requires

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465 remediation at a postsecondary educational institution.

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

470 (6) CATEGORICAL FUNDS.—

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

479 1. Funds for student transportation.

480 2. Funds for safe schools.

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

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

491 5. Funds for instructional materials if all instructional
492 material purchases necessary to provide updated materials
493 aligned to Next Generation Sunshine State Standards and

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494 benchmarks and that meet statutory requirements of content and
495 learning have been completed for that fiscal year, but no sooner
496 than March 1. Funds available after March 1 may be used to
497 purchase hardware for student instruction.

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

499 (a) The research-based reading instruction allocation is
500 created to provide comprehensive reading instruction to students
501 in kindergarten through grade 12. For the 2012-2013 and 2013-
502 2014 fiscal years, priority shall be given to providing an
503 additional hour per day of intensive reading instruction beyond
504 the normal school day for each day of the entire school year to
505 each school district's lowest-performing students. The intensive
506 reading instruction delivered in this additional hour shall
507 include: research-based reading instruction that has been proven
508 to accelerate progress of students exhibiting a reading
509 deficiency; differentiated instruction based on student
510 assessment data to meet students' specific reading needs;
511 explicit and systematic reading development in phonemic
512 awareness, phonics, fluency, vocabulary, and comprehension, with
513 more extensive opportunities for guided practice, error
514 correction, and feedback; and the integration of social studies,
515 science, and mathematics-text reading, text discussion, and
516 writing in response to reading. For the 2012-2013 and 2013-2014
517 fiscal years, a school district may not hire more reading
518 coaches than were hired during the 2011-2012 fiscal year unless
519 all students in kindergarten through grade 5 who demonstrate a
520 reading deficiency, as determined by district and state
521 assessments, including students scoring Level 1 or Level 2 on
522 FCAT Reading, are provided an additional hour per day of

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523 intensive reading instruction beyond the normal school day for
524 each day of the entire school year.

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

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

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

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

545 ~~3.1.~~ The provision of highly qualified reading coaches to
546 specifically support teachers in making instructional decisions
547 based on student data, and improve teacher delivery of effective
548 reading instruction, intervention, and reading in the content
549 areas based on student need.

550 ~~4.2.~~ Professional development for school district teachers
551 in scientifically based reading instruction, including

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552 strategies to teach reading in content areas and with an
553 emphasis on technical and informational text.

554 ~~5.3.~~ The provision of summer reading camps for all students
555 in kindergarten through grade 2 who demonstrate a reading
556 deficiency as determined by district and state assessments, and
557 students in grades 3 through 5 who score at Level 1 on FCAT
558 Reading.

559 ~~6.4.~~ The provision of supplemental instructional materials
560 that are grounded in scientifically based reading research.

561 ~~7.5.~~ The provision of intensive interventions for ~~middle~~
562 ~~and high school~~ students in kindergarten through grade 12 who
563 have been identified as having a reading deficiency or who are
564 reading below grade level as determined by the FCAT.

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

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

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

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

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

623 Section 9. Paragraph (a) of subsection (10) of section
624 1013.03, Florida Statutes, is amended to read:

625 1013.03 Functions of the department and the Board of
626 Governors.—The functions of the Department of Education as it
627 pertains to educational facilities of school districts and
628 Florida College System institutions and of the Board of
629 Governors as it pertains to educational facilities of state
630 universities shall include, but not be limited to, the
631 following:

632 (10) (a) Review and validate surveys proposed or amended by
633 the boards and recommend to the Commissioner of Education, or
634 the Chancellor of the State University System, as appropriate,
635 for approval, surveys that meet the requirements of this
636 chapter.

637 1. The term "validate" as applied to surveys by school
638 districts means to review inventory data as submitted to the

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639 department by district school boards; provide for review and
640 inspection, where required, of student stations and aggregate
641 square feet of inventory changed from satisfactory to
642 unsatisfactory or changed from unsatisfactory to satisfactory;
643 compare new school inventory to allocation limits provided by
644 this chapter; review cost projections for conformity with cost
645 limits set by s. 1013.64(6); compare total capital outlay full-
646 time equivalent enrollment projections in the survey with the
647 department's projections; review facilities lists to verify that
648 student station and auxiliary facility space allocations do not
649 exceed the limits provided by this chapter and related rules;
650 review and confirm the application of uniform facility
651 utilization factors, where provided by this chapter or related
652 rules; utilize the documentation of programs offered per site,
653 as submitted by the board, to analyze facility needs; confirm
654 that need projections for career and adult educational programs
655 comply with needs documented by the Department of Education; and
656 confirm the assignment of full-time student stations to all
657 space except auxiliary facilities, which, for purposes of
658 exemption from student station assignment, include the

659 following:

- 660 a. Cafeterias.
- 661 b. Multipurpose dining areas.
- 662 c. Media centers.
- 663 d. Auditoriums.
- 664 e. Administration.
- 665 f. Elementary, middle, and high school resource rooms, up
666 to the number of such rooms recommended for the applicable
667 occupant and space design capacity of the educational plant in

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668 the State Requirements for Educational Facilities, beyond which
669 student stations must be assigned.

670 g. Elementary school skills labs, up to the number of such
671 rooms recommended for the applicable occupant and space design
672 capacity of the educational plant in the State Requirements for
673 Educational Facilities, beyond which student stations must be
674 assigned.

675 h. Elementary school art and music rooms.

676
677 The Commissioner of Education may grant a waiver from the
678 requirements of this subparagraph if a district school board
679 determines that such waiver will make possible a substantial
680 savings of funds or will be advantageous to the welfare of the
681 educational system. The district school board shall present a
682 full statement to the commissioner which sets forth the facts
683 that warrant the waiver. If the commissioner denies a request
684 for a waiver, the district school board may appeal such decision
685 to the State Board of Education.

686 2. The term "validate" as applied to surveys by Florida
687 College System institutions and universities means to review and
688 document the approval of each new site and official designation,
689 where applicable; review the inventory database as submitted by
690 each board to the department, including noncareer, and total
691 capital outlay full-time equivalent enrollment projections per
692 site and per college; provide for the review and inspection,
693 where required, of student stations and aggregate square feet of
694 space changed from satisfactory to unsatisfactory; utilize and
695 review the documentation of programs offered per site submitted
696 by the boards as accurate for analysis of space requirements and

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697 needs; confirm that needs projected for career and adult
698 educational programs comply with needs documented by the
699 Department of Education; compare new facility inventory to
700 allocations limits as provided in this chapter; review cost
701 projections for conformity with state averages or limits
702 designated by this chapter; compare student enrollment
703 projections in the survey to the department's projections;
704 review facilities lists to verify that area allocations and
705 space factors for generating space needs do not exceed the
706 limits as provided by this chapter and related rules; confirm
707 the application of facility utilization factors as provided by
708 this chapter and related rules; and review, as submitted,
709 documentation of how survey recommendations will implement the
710 detail of current campus master plans and integrate with local
711 comprehensive plans and development regulations.

712 Section 10. Paragraph (f) of subsection (2) of section
713 1013.35, Florida Statutes, is amended to read:

714 1013.35 School district educational facilities plan;
715 definitions; preparation, adoption, and amendment; long-term
716 work programs.—

717 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
718 FACILITIES PLAN.—

719 (f) ~~Commencing on October 1, 2002, and~~ Not less than once
720 every 5 years ~~thereafter~~, the district school board shall have
721 ~~contract with a qualified, independent third party to conduct a~~
722 financial management and performance audit conducted of the
723 educational planning and construction activities of the
724 district. An audit conducted by the Office of Program Policy
725 Analysis and Government Accountability and the Auditor General

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726 pursuant to s. 1008.35 satisfies this requirement.

727 Section 11. Notwithstanding the amendments made by this act
728 to s. 1003.03(4)(a)4., Florida Statutes, for the 2011-2012
729 fiscal year, the calculation required by that subparagraph shall
730 be an amount equal to 50 percent of the base student allocation
731 adjusted by the district cost differential. This section shall
732 take effect upon this act becoming a law.

733 Section 12. Notwithstanding the required review by the
734 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
735 Florida Statutes, and s. 41 of chapter 2011-55, Laws of Florida,
736 for the 2011-2012 fiscal year, the alternate compliance
737 calculation amounts to the class size operating categorical fund
738 authorized by s. 1003.03(4)(c), Florida Statutes, shall be the
739 reduction calculation required by s. 1003.03(4), Florida
740 Statutes. The Commissioner of Education shall modify payments to
741 districts as required by s. 1003.03(4), Florida Statutes, for
742 the 2011-2012 fiscal year. This section shall take effect upon
743 this act becoming a law.

744 Section 13. Except as otherwise expressly provided in this
745 act and except for this section, which shall take effect upon
746 this act becoming a law, this act shall take effect July 1,
747 2012.