



**Conference Senate Committee on Education Pre-K – 12
Appropriations/
House Pre-K-12 Appropriations**

**Senate Offer #1
Conforming Bill Language**

**Thursday, April 22, 2010
12:00 noon – 1:00 p.m.
404 House Office Building**

PreK-12 Education Appropriations Conference Committee
2010-2011 Conforming Bill

| | Issue | House Bill 5101 | Senate Bill 1368 | House Offer #1 | Senate Offer #1 |
|---|---------------------------------------|--|---|---|-------------------------------------|
| 1 | School District Capital Outlay Surtax | Clarifies millage restrictions relative to school district capital outlay surtax. | Same. | Close out. | Same – closed. |
| 2 | Class Size Reduction Transfer | Repeals the authorization for the EOG to transfer funds from the appropriation for public school operations to a fixed capital outlay appropriation for class size reduction. | Same meaning, drafting slightly different. | Same meaning small technical change needed. | Technical House Offer – closed. |
| 3 | School Board members Salaries | Reverts to statutorily calculated salaries. | Provides lower of the statutorily calculated amount or the district's beginning teacher salary. (Same policy as 2009-10). | House position. | Senate position. |
| 4 | Regional Education Consortiums | Re-authorizes payments per participating district for Regional Education Consortiums to be less than \$50,000 and prorated depending on legislative appropriation. | Same. | Close out. | House Offer, but for one year only. |
| 5 | FEFP – Lab schools funding | Changes the percent of school taxable value to be used in the calculation of funding for the lab schools to 96 percent. (Lab School Discretionary Contribution) | | House position. | Senate position. |
| 6 | Charter schools | | Requires charter schools to comply with statutory maximum class size reduction requirements. | House position. | Senate position. |
| 7 | Charter schools | | Exempts charter schools from payment of exactions. | Senate position. | Senate – closed. |
| 8 | Charter schools | Provides that capital outlay funds to be shared with a charter school in the workplace prior to July 1, 2010 have met statutory expenditure requirements. | Same. | Close out. | Same – closed. |
| 9 | Charter schools | Limits the administrative over-head that school districts charge charter schools by limiting the administrative fee to 5% of the first 250 students (reduced from 500 students). | Same. | Close out. | Same – closed. |

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| 10 | Charter schools | | Limits school district administrative fee to 5% of the first 500 students in a system of charter schools. | House position. | Senate position. |
| 11 | Florida Virtual School | Changes the percent of school taxable value to be used in the calculation of funding for the Florida Virtual School to 96 percent. (Lab School Discretionary Contribution) | | House position. | Senate position. |
| 12 | Florida Virtual School | | Limits half-credit courses to 20 weeks or less, and full-credit courses to 40 weeks or less in order to be eligible for funding. | House position. | Accept House – closed. |
| 13 | McKay scholarship payments | Clarifies deadlines for private schools to submit student verification data prior to payment of quarterly payments. | | House position. | Accept House – closed. |
| 14 | School District Virtual Instruction Program | | Districts may contract with community colleges as a provider for the virtual instruction program. Colleges may not report the FTE for funding in the Community College Program Fund. | Senate position. | Senate – closed. |
| 15 | School District Virtual Instruction Program | | For Grades 9-12, allows districts to offer core curricula courses to meet class size requirements. | Senate position. | Senate – closed. |
| 15a | School District Virtual Instruction Program | | | | Senate Offer is to adopt modified House proviso position in the conforming bill to authorize charter schools and school districts to utilize virtual instruction providers for virtual instruction to be provided to currently enrolled students on a part-time basis for any course. |
| 16 | School District Virtual Instruction Program | Expands eligibility for the school district virtual programs to include siblings of a currently enrolled student of a school district virtual instruction program and students with a disability or medical | | House position. | Senate position. |

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| | | condition which has been documented by a physician without having to be counted in the public school enrollment counts for the prior year. | | | |
| 17 | Voluntary Prekindergarten | | Changes the maximum number of students per prekindergarten class in a private school-year VPK program from 18 to 24 and increasing the teacher credential requirements to at least two CDAs in each classroom with more than 20 students. | House position, see Senate and House budget offers #1 | House – closed. |
| 18 | Voluntary Prekindergarten | | Changes the maximum number of students per prekindergarten class in a public school-year VPK program from 18 to 24 and increasing the teacher credential requirements to at least two CDAs in each classroom with more than 20 students. | House position, see Senate and House budget offers #1 | House – closed. |
| 19 | Voluntary Prekindergarten | | Modifies coalition administrative percentage to 4.5%. | Senate position. | Senate – closed. |
| 20 | Class Size Reduction | Requires school districts to develop plans for complying with class size requirements. | Does not include planning requirements. | House position. | Senate position. |
| 21 | Class Size Reduction | Provides implementing provisions if HJR 7039 is adopted by the voters at the 2010 general election. | Same, but drafted differently (SJR 2). | Same meaning small technical change needed. | Technical – closed. |
| 22 | Class Size Reduction | Provides implementing provisions if HJR 7039 is not adopted by the voters at the 2010 general election. | Same, but drafted differently (SJR 2). | Same meaning small technical change needed. | Technical – closed. |
| 23 | Class Size Reduction | Provides for the calculation of a penalty for noncompliance based on the Class Size Reduction categorical only. | Provides for the calculation of a penalty for noncompliance based on the Class Size Reduction categorical and Base FEFP funding. | House position. | Senate position. |
| 23a | Class Size Reduction | Compliance calculated in February for 2010-11 only. | Compliance calculated in February for 2010-11 only. | | Modified position: |

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| | | | | | Class size reduction calculation to be based on October count and calculated pursuant to the current constitutional ratios. |
| 24 | Class Size Reduction | If resolution passes, does not have the school average component included in the penalty calculation for noncompliance. | If resolution passes, has two-part penalty calculation that includes the school level average and the class size maximum. | House position. | Senate position. |
| 25 | Industry Certified Career Education Programs | | Provides DOE with the authority to participate in approval of the industry certification list. | Senate position. | Senate – closed. |
| 26 | Expenditure reports for gifted students | Requires the Department of Education and school districts to develop data elements and report expenditures by specific student exceptionality to identify expenditures specifically for gifted students. | | House position. | Senate position. |
| 27 | Instructional Materials | | Includes “electronic content” in the meaning of “adequate instructional materials.” | Senate position. | Senate – closed. |
| 28 | Learning Management Systems - Tech Standards | Adds requirements for minimum system components for Learning Management and Content Management systems and technology standards. | Same, but requires the systems to provide access to multiple content providers | Senate position. | Senate – closed. |
| 29 | Instructional Materials | Adds “electronic textbooks” to the definition of “adequate instructional materials” that serve as the basis for instruction and requiring publishers or manufacturers of instructional materials as single bundles to also make available those instructional materials as unbundled items that are priced individually. | Similar, drafted slightly different; uses the term “electronic content”. | Joint position: 1006.29 State instructional materials committees.— (4) For purposes of state adoption, “instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning | Modified: 1006.29 State instructional materials committees.— (4) For purposes of state adoption, “instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning |

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| | | | | <p>laboratories, manipulatives, electronic media, and computer courseware or software. <u>A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after 2012-2013 for students in grades 9 through 12 shall be provided primarily in an electronic format. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies</u></p> | <p>laboratories, manipulatives, electronic media, and computer courseware or software. <u>A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after 2012-2013 for students in grades 9 through 12 shall also be provided in an electronic format.</u> The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.</p> |
| 30 | Instructional Materials – Virtual Curriculum | Requires instructional materials adopted after 2012-2013 to be adopted primarily in an electronic format; requiring all samples submitted by bidders to the DOE be in electronic format; and requiring superintendents to request samples in addition to the electronic samples through the DOE. | Same, drafted slightly different. | <p>Joint position:</p> <p>1006.33 Bids or proposals; advertisement and its contents.— (1)(a) Beginning on or before May 15 of any year in which an instructional materials adoption is to be initiated, the department shall advertise in the Florida Administrative Weekly 4 weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15, sealed bids or proposals to be deposited with the department will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1 following the adoption. (b) The advertisement shall state that, <u>beginning in 2010-2011</u>, each bidder shall furnish <u>electronic</u> specimen copies of all instructional materials submitted, at a time designated by the department, which specimen copies shall be identical with the copies approved and accepted by the members of the state instructional materials committee, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part. <u>Any district school superintendent who requires samples in addition</u></p> | <p>Accept House Offer – closed.</p> <p>1006.33 Bids or proposals; advertisement and its contents.— (1)(a) Beginning on or before May 15 of any year in which an instructional materials adoption is to be initiated, the department shall advertise in the Florida Administrative Weekly 4 weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15, sealed bids or proposals to be deposited with the department will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1 following the adoption. (b) The advertisement shall state that, <u>beginning in 2010-2011</u>, each bidder shall furnish <u>electronic</u> specimen copies of all instructional materials submitted, at a time designated by the department, which specimen copies shall be identical with the copies approved and accepted by the members of the state instructional materials committee, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part. <u>Any district school superintendent who requires samples in addition</u></p> |

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| | | | | to the electronic format must request those samples through the department. | to the electronic format must request those samples through the department. |
| 31 | Instructional Materials Adoption Process | Allows the Commissioner of Education to add to the list of recommended materials submitted by the instructional materials advisory committees in certain circumstances. | | House position. | Senate position. |
| 32 | Instructional Materials | Adds "electronic textbooks" to the definition of "adequate instructional materials" and authorizes the use of instructional materials funding to purchase materials not on the state-adopted list including computer hardware that is used for the sole purpose of delivering instructional materials content in an electronic format. | Similar, but uses the term "electronic content" and indicates that by 2012-03, not less than 10% of the instructional materials allocation shall be used to purchase electronic instructional materials. Does not allow the purchase of computer hardware. | Modified House position: 1006.40 Use of instructional materials allocation; (4) The funds described in subsection (3) which district school boards may use to purchase materials not on the state adopted list shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, <u>electronic content</u> , replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. <u>Beginning with the 2012-2013 fiscal year, the funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic hardware and other devices necessary for gaining access to or enhancing the use of electronic content and resources; and facilitating access to and the use of a school district's electronic learning management system pursuant to s. 1006. 281.</u> or computer hardware even if such hardware is bundled with software or other electronic media, nor The funds provided for instructional materials may <u>not</u> such funds be used to purchase equipment or supplies. However, when | Senate position; plus specific authorization in s. 1011.71(2)(d) to use 1.5 mill school district capital outlay funding for electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources; hardware to facilitate the access to and the use of a school district's electronic learning management system pursuant to s. 1006. 281, excluding software. |

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| | | | | authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies. | |
| 33 | Library Automation and Public Education library search functionality | Requires secondary students enrolled in acceleration courses or programs such as advanced placement, early admission, dual enrollment, the Advanced International Certificate of Education Program and the International Baccalaureate Program be provided access to the electronic library resources provided by the Florida colleges and state universities. | Same; drafted slightly different. | Senate position. | Senate – closed. |
| 34 | School Grades | | Eliminates points for students taking AP, IB, AICE, and industry certification courses who do not successfully complete the course (to eliminate the incentive to place students that are not ready in these courses). | House position. | Accept House – closed. |
| 35 | District Summary Budget Advertisement | | Adjusts advertisement requirements to reduce costs. | Senate position. | Senate – closed. |
| 36 | 180 Day Flexibility | | Clarifies requirement for 180 day school year. | House position. | Accept House – closed. |
| 37 | FEFP – Bonus FTE | Requires International Baccalaureate bonus funds to be paid to the school generating the bonus FTE after program expenses are paid by the district. | | Modify House position: <u>Each school district shall allocate 100 percent of the funds received for international baccalaureate instruction to the school whose students generate such funds and within that school program that generates such funds. Funds allocated in accordance with this paragraph shall be expended solely for the payment of allowable</u> | Modified position: <u>Each school district shall allocate 80 percent of the funds received from international baccalaureate bonus FTE funding to the school program whose students generate such funds and to school programs that prepare prospective students to enroll in international baccalaureate courses. Such funds shall be expended solely for</u> |

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| | | | | costs associated with the international baccalaureate program and bonuses for teachers who provide international baccalaureate instruction. Such allowable costs are only those associated with international baccalaureate annual school fees, international baccalaureate examination fees, and salaries and benefits for school-based international baccalaureate coordinators; supplemental books, instructional supplies, instructional equipment, or instructional materials for international baccalaureate courses; programs or activities that identify prospective international baccalaureate students or prepare prospective students to enroll in international baccalaureate courses; and training or professional development for international baccalaureate teachers. | the payment of allowable costs associated with the international baccalaureate program. Allowable costs include salary, benefits, and bonuses for teachers and program coordinators for the international baccalaureate program and teachers and coordinators who prepare prospective students for the international baccalaureate program. Allowable costs also include supplemental books, instructional supplies, instructional equipment or instructional materials for international baccalaureate courses, other activities that identify prospective international baccalaureate students or prepare prospective students to enroll in international baccalaureate courses, and training or professional development for international baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from international baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. |
| 38 | FEFP – Bonus FTE | | Reduces bonus weight from .16 to .1 FTE for AP, IB, and AICE programs. | House position. | Modified Senate: Reduce bonus weight from .16 to .13 FTE for AP, IB, and AICE programs. |
| 39 | FEFP – Bonus FTE Program | | Reduces teacher bonus by 50% for AP, IB, and AICE programs. | House position. | Modified Senate: Reduces teacher bonus by 10% for AP, IB, and AICE programs. |
| 40 | FEFP – Bonus FTE | Reduces the bonus from 0.3 FTE to 0.16 FTE for students earning industry certification; limiting the funding in the FEFP to \$8 million in total for all bonus FTE earning industry certification. | | Senate position. | Senate – closed. |
| 41 | FEFP - Bonus FTE Program | | 80% of Industry Certification Bonus funds are to be paid to the program where earned. | Senate position. | Senate – closed. |
| 42 | FEFP – Bonus FTE | | Repeals the .114 bonus FTE for the | House position. | Senate position. |

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| | | | Florida Virtual School. | | |
| 43 | FEFP - RLE | Changes the percent of school taxable value (collection factor from 95% to 96%) to be used in the calculation of the RLE. | | House position. | Senate position. |
| 44 | FEFP - Categoricals | Provides additional flexibility to districts to use categorical funds for technological equipment to support student learning if adopted by board resolution. | | Senate position. | Senate – closed. |
| 45 | FEFP – Instructional Materials | Extends school districts the flexibility to use the instructional materials categorical for technological equipment to support student learning after adequate instructional purchases have been made, but no sooner than March 1, 2011. Provides definition/description of technological equipment and requires a procurement opportunity to be conducted by the department. | Similar, but the use of instructional materials funds would be for hardware to provide student instruction. | Senate position. | Senate – closed. |
| 46 | FEFP - Sparsity | Provides technical adjustment to Sparsity Supplement calculation. | Same. | | Same – closed. |
| 47 | FEFP – Total Funds | Clarifies the funds included in the total allocation of state funds to each district for current operation. | Same. | | Same – closed. |
| 48 | School district minimum classroom expenditure requirements | | Technical – Conforms to #35. | Senate position. | Senate – closed. |
| 49 | FEFP – Instructional Materials | Repeals the requirement for early release schedule of instructional materials funding. | Same | | Same – closed. |
| 50 | FEFP – Advance Payment | | Repeals advance FEFP payment for districts with greater percent of local funds. | Modified Senate position: 1011.66 Distribution of FEFP funds; ...Upon the request of any school district whose | Senate position. |

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| | | | | net state FEFP funding is less than 65.60 percent of its gross state and local FEFP funding, the Department of Education shall distribute to that school district in the first quarter of the fiscal year an amount from the funds appropriated for the FEFP in the General Appropriations Act up to a maximum of 10.15 percent of that school district's gross state and local FEFP funding or that school district's net state FEFP funding, whichever is less. | |
| 51 | FEFP – Student Transportation | Authorizes the per student cost designated for the base transportation dollar allocation for disabled students to be designated in the GAA each year. | Similar; does not base factor on prior year cost. | Senate position. | Senate - closed. |
| 52 | FEFP - .25 Critical Needs Millage | Clarifies that in order for school districts to continue the .25 critical needs millage after the 2010-2011 fiscal year, the voters must approve the referendum at the 2010 general election and if the measure fails, it cannot be put before the voters again for a full year. Also, the millage will have to be reauthorized by the voters every two years. | Removes the requirement for a voter referendum. | House position. | Senate position. |
| 53 | District millage elections | Technical - Corrects a cross reference. | Same. | Close out. | Same – closed. |
| 54 | Re-employment of Retired Teachers | | For re-hire of retired teachers, clarifies exemption for prior years of service requirement for pay purposes. | Senate position. | Senate – closed. |
| 55 | Background screenings of Non-instructional contractors | | Requires school districts to accept reciprocity of level 2 screenings for Florida High School Athletic Association officials. | Senate position. | Senate – closed. |
| 56 | Off-site instructors | Authorizes an off-site instructor for a traditional classroom in a virtual environment to be the instructor of record for purposes of FTE reporting. | Same. | Close out. | Same – closed. |

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| 57 | Charter Schools | Provides eligibility of Charter Schools in the Workplace for Charter School Capital Outlay funding. | Same. | Close out. | Same – closed. |
| 58 | Special Facility Construction Account (PECO) | | Requires an additional 5 years of millage levy for district eligibility. | House position. | Senate position. |
| 59 | Special Facility Construction Account (PECO) | | Requires DOE to review and determine district eligibility. | House position. | Senate position. |
| 60 | FEFP by Reference | Implements the FEFP by reference. (Done in implementing bill.) | Implements the FEFP by reference. | | Accept House – closed. |
| 61 | Effective Date | July 1, 2010 | Same. | | Same – closed. |
| New Issues | | | | | |
| 61a | Jefferson County School district transportation survey | NA | NA | <u>The Commissioner of Education is authorized to administer one-time student transportation survey for the Jefferson County School District, to serve as a substitute for the statewide, scheduled February survey which was omitted by the district. The survey process shall be conducted according to standard survey procedures, and the result shall be incorporated into the 2009-10 Student Transportation final calculation.</u> | House position, with additional language approved in proviso discussions on required consulting assistance. |
| 61b | Automotive service technology education programs | NA | NA | See attached language. | Senate position. |
| 61c | Teacher Quality Task Force | NA | NA | See attached language. | Still under review. |
| 62 | African American and Holocaust History Instruction | NA | NA | | 1003.42 Required instruction.-- (1) Each district school board shall provide... (h) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society. <u>Instructional materials shall include the contributions of African Americans to American</u> |

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