

Committee Substitute for Senate Bill No. 1046

An act relating to education; amending s. 551.106, F.S.; providing that certain funds transferred to the Educational Enhancement Trust Fund may be used for recurring appropriations; amending s. 1003.03, F.S.; defining the terms “team teaching,” “co-teaching,” and “inclusion teaching” for purposes of provisions authorizing the use of various teaching strategies in order to implement requirements for class-size reduction; amending s. 1011.62, F.S.; revising the funding model for exceptional student education programs to provide additional funds for students who are gifted in graded K through 8; providing a formula for calculating a supplemental allocation for juvenile justice education programs; deleting certain categorical appropriations that a district school board may, pursuant to resolution, transfer and use for academic classroom instruction; providing for an increase in a district’s sparsity supplement under certain conditions; repealing s. 1011.71(5)(b), F.S., relating to obsolete provisions limiting certain uses of proceeds from the district school tax; requiring the Office of Program Policy Analysis and Government Accountability to submit a report relating to gifted student education to the Governor, the Legislature, and the Commissioner of Education; providing report requirements; providing an effective date.

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

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

551.106 License fee; tax rate; penalties.—

(2) TAX ON SLOT MACHINE REVENUES.—

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

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

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

1003.03 Maximum class size.—

(5) TEAM-TEACHING STRATEGIES.—

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

1. Pairing teachers for the purpose of staff development.
2. Pairing new teachers with veteran teachers.
3. Reducing turnover among new teachers.
4. Pairing teachers who are teaching out-of-field with teachers who are in-field.
5. Providing for more flexibility and innovation in the classroom.
6. Improving learning opportunities for students, including students who have disabilities.

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

1. Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.
2. At least one member of the team must have at least 3 years of teaching experience.
3. At least one member of the team must be teaching in-field.
4. The teachers must be trained in team-teaching methods within 1 year after assignment.

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

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

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

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

Section 3. Paragraph (e) of subsection (1) of section 1011.62, Florida Statutes, is amended, present paragraphs (p), (q), (r), (s), and (t) of that subsection are redesignated as paragraphs (q), (r), (s), (t), and (u), respectively, a new paragraph (p) is added to that subsection, and paragraph (b) of subsection (6) and subsection (7) of that section are amended, to read:

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

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

(e) Funding model for exceptional student education programs.—

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate

public education, in accordance with s. 1001.42(4)(m) and rules of the State Board of Education, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. Beginning with the 2007-2008 fiscal year, a district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

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

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.
- ~~2.—Funds for in-service educational personnel training.~~
- ~~2.3.~~ Funds for safe schools.
- ~~4.—Funds for public school technology.~~
- ~~3.5.~~ Funds for supplemental academic instruction.

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) If the sparsity supplement calculated in paragraph (a) and paragraph (b) for an eligible district is less than \$100 per full-time equivalent student, the district's supplement shall be increased to \$100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act.

~~(d)~~(e) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.

5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.

6. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 4. Paragraph (b) of subsection (5) of section 1011.71, Florida Statutes, is repealed.

Section 5. Gifted student education.—

(1) By December 1, 2007, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education on gifted services and programming provided to public school students in kindergarten through grade 12. The report shall include findings based on the following:

(a) A survey of each school district to identify:

1. The methods used to identify gifted students and the grade levels and number of schools using each method.

2. The number of gifted students identified under each of the methods specified under subparagraph 1. during the 2005-2006 and 2006-2007 school years.

3. Whether the district implements a plan under rule 6A-6.03019(2)(b), Florida Administrative Code, to increase the participation of students from underrepresented groups in gifted programming and the number of students by grade level who were identified as gifted under such a plan in the 2005-2006 and 2006-2007 school years.

4. The types of services and programming provided to gifted students according to grade level, the number of schools in which the services and programming are offered, and the number of students by grade level who received the services and programming during the 2005-2006 and 2006-2007 school years. Services and programming identified for high school students shall be limited to courses coded with state course code numbers identifying the courses as honors or gifted.

5. The amount of the exceptional student education guaranteed allocation expended by the district during the 2005-2006 and 2006-2007 school years for gifted services and programming according to each grade level and school within the district.

(b) An assessment of the advantages and disadvantages of current Florida law that classifies gifted students as exceptional students.

(c) A review of the practices of other states for identifying gifted students and for providing and funding gifted services and programming.

(2) The report shall include, but need not be limited to, a summary, discussion, and evaluation of the findings under subsection (1); recommendations for the improvement of gifted identification practices and services and programming provided to students in kindergarten through grade 12 who are gifted or otherwise academically talented; and proposed statutory changes to implement the report's recommendations.

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

Approved by the Governor May 24, 2007.

Filed in Office Secretary of State May 24, 2007.