

COMPARISON OF HOUSE AND SENATE 2009-2010 EDUCATION BUDGET CONFORMING BILLS

ISSUE	STATUTE	SB 1676	HB 5005
Technology Issues	1001.20(4)(a)	Adds responsibility to the DOE Office of Technology and Information Services to assist school districts in securing Internet access and telecommunications services, including those eligible for funding under the federal Universal Service Fund.	Identical
	1001.271	Creates section to provide that, upon requisition by school districts or other eligible users of FIRN, the Commissioner must purchase the nondiscounted portion of Internet access services; the requisition must identify the source of funds from which the commissioner is to make payments.	Identical
	1001.28(2)	Amends DOE's distance learning duties to provide that DOE must coordinate the use of existing resources, including state satellite transponders, the FIRN, the Florida Knowledge Network and distance learning initiatives	Identical
Compensation of School Board Members	1001.395	Adds subsection (3) to provide that, for the 2009-2010 fiscal year, the salary of each district school board member shall be the amount calculated pursuant to s. 1001.395(1) or the salary of members of the Legislature, pursuant to s. 11.13 or any other law, whichever is less	Identical
Compensation for District School Superintendents	1001.47	Adds subsections (6) and (7) to provide that elected district school superintendents may reduce their salary rate on a voluntary basis and that, for the 2009-2010 fiscal year, the salary of each elected district school superintendent calculated pursuant to s. 1001.47 shall be reduced by 5%	Identical
	1001.50	Adds subsections (5) & (6) to provide that an appointed superintendent may not receive more than \$225,000 in remuneration annually from state funds; defines "remuneration" to mean salary, bonuses, and cash-equivalent compensation, excluding retirement & health insurance benefits; encourages school boards and appointed superintendents to review the superintendent's annual remuneration for FY 2009-2010 and agree to a reduction of at least 5%.	Identical

ISSUE	STATUTE	SB 1676	HB 5005
Employment Contracts	1001.42(25) 1001.50(2)	Clarifies a provision adopted during the January 2009 Special Session relating to contract buy-out to specify that it does not prohibit the payment of earned leave and benefits accrued by the employee or superintendent before the contract termination	Identical
Regional Consortium Service Organizations	1001.451(2)(c)	Provides that, for FY 2009-2010 the appropriation for regional consortium service organizations may be less than \$50,000 per school district and eligible member; provision expires July 1, 2010	Makes permanent that the appropriation for regional consortium service organizations may be less than \$50,000 per school district and eligible member.
Charter Schools/Class Size	1002.33(16)(a)	Requires charter schools to comply with statutes pertaining to class size	Not Included
Private Tutoring Programs	1002.43(1)(c)	Not Included	Provides that regular school attendance may be achieved by attendance in a private tutoring program if students are required to be in actual attendance for the length of time prescribed by statute (deletes the word "minimum" before "length")
Florida Virtual School	1002.37(3)	Amends (a) and (b) to provide that an FTE student is one student who has successfully completed six credits in core curricula courses; a student who completes fewer than six credits in core curricula courses must be counted as a fraction of an FTE student; the maximum value for funding an FTE student in kindergarten through grade 12, including credits earned through the Florida Virtual School during the summer, combined with credits and FTE earned through a school district may not exceed one FTE membership per student per year	Amends (g) to provide that additional state funds that may be provided to the Florida Virtual School may not be provided for the purpose of fulfilling class size requirements
School District Virtual Instruction Programs <i>(Continued on next page)</i>	1002.45	Not Included	<ul style="list-style-type: none"> Amends (1)(a) to provide that, beginning with the 2009-2010 school year, school districts are authorized, rather than required, to provide eligible students with the option of participating in a virtual instruction program operated by the school district which is a program separate from the Florida Virtual School; adds another purpose for the program is to provide an exit option for students in DJJ programs; requires that the program must be full-time for students enrolled in kindergarten through grade 8 and full-time or part-time for students enrolled in grades 9-12 in DJJ programs

ISSUE	STATUTE	SB 1676	HB 5005
School District Virtual Instruction Programs <i>(Continued on next page)</i>	1002.45	Not Included Not Included Not Included Not Included Not Included Not Included Not Included Not Included Not Included Not Included	<ul style="list-style-type: none"> • Amends (1)(b) to require each school district to use one or more contracted providers approved by DOE • Deletes (1)(c) to eliminate the provision authorizing a charter school to enter into a joint agreement with the school district for the charter school's students to participate in a district virtual instruction program • Creates a new (1)(c) to require that, except for DJJ programs, at least 80% (rather than 85%) of the direct instruction is provided by a Florida certified teacher using some form of technology with the student and teacher are separated by time, space, or both • Creates (1)(d) to provide that, if a student was enrolled in a K-8 Virtual School Program for the 2008-2009 school year and the student resides in a school district that does not offer a virtual instruction program, the school district must provide the student access to the virtual school program in which the student was previously enrolled • Amends (2) relating to provider qualifications to provide that, on or before March 1, 2009, DOE must provide school districts with a list of no more than two approved providers for the K-8 virtual instruction program and no more than two approved providers for the DJJ virtual instruction program • Amends (2)(e) to require that a provider must utilize Florida certified teachers; deletes the requirement that certified teachers provide 85% of the instruction [see amendment to (1)(c) above] • Creates new (2)(f) to require that a provider must require all school employees to have background screening as required by s. 1012.32 • Creates (2)(g) to require that a provider provides no more than 20% of instruction to the student by a parent or an instructional coach • Amends (2)(h) [formerly (2)(f)] to revise and expand the list of accrediting bodies available to meet the requirement that a provider is accredited • Specifies that the Florida Virtual School is an approved provider (any other existing or potential providers must apply and be approved by DOE)

ISSUE	STATUTE	SB 1676	HB 5005
School District Virtual Instruction Programs	1002.45	<p>Deletes (7)(c) that had limited funding for district virtual instruction courses for students in grades 9-12 to DJJ programs, dropout prevention programs, and career and vocational programs</p> <p>Not Included</p> <p>Not Included</p> <p>Not Included</p> <p>Not Included</p> <p>Not Included</p>	<ul style="list-style-type: none"> • Amends (7)(c) to provide that funding for district virtual instruction courses for students in grades 9-12 is limited to DJJ programs • Amends (8)(a) to provide that each school district K-8 virtual instruction program must participate in the statewide assessment program and in the state's education performance accountability system; deletes the provision that the program receive a school grade and deletes the provision that the school district is considered a school for the purposes of school grades • Amends (8)(b) to provide that DOE must aggregate by provider the statewide assessment scores of the students in each school district K-8 virtual instruction program at the end of each year and publish a statewide school grade for each provider • Amends (8)(c) to provide that a provider (rather than a program) that is designated with a grade of "D" or "F" must file a school improvement plan with DOE • Amends (8)(d) to provide that the school district must terminate its program with a provider if the provider program receives a grade of "D" or "F" for 2 years during any consecutive 4-year period • Amends (8)(e) to provide that a school district that terminates its contract with a provider may contract with another approved provider
VPK Program Funding and Attendance	1002.71	Amends (4) and (6) to provide that a child who has not completed more than 70% (rather than 10%) of the hours authorized to be reported may withdraw from the program and reenroll in a program; total funding for a child who reenrolls may not exceed one FTE student; provides that, beginning with FY 2009-2010, for school-year programs, a student's attendance may be reported on a pro rata basis as a fraction of an FTE student; provides that, at most, 20% of the total payment made on behalf of a student may be for hours a student is absent; provides that a private provider or public school may not receive payment for absences that occur before a student's first day, or after a student's last day, of attendance	Identical

ISSUE	STATUTE	SB 1676	HB 5005
Class Size Requirements	1003.03	<p>Amends (2) to provide that the calculation for compliance for each of the 3 grade groupings will remain at the school level for 2009-2010 and will be at the individual classroom level for 2010-2011</p> <p>Amends (4) by deleting the existing methodology for calculating funding sanctions for school districts that fail to meet class size requirements and creates a similar methodology to be used beginning in FY 2010-2011 and thereafter; provides that, if DOE determines that the number of students assigned to any individual class exceeds the class size maximum at the time of the third FEFP calculation, DOE must identify, for each grade group, the number of classes in which the enrollment exceeds the maximum, the number of students which exceed the maximum for each such class, and the total number of students which exceed the maximum for all classes; DOE must then determine the number of FTE students which exceed the maximum class size for each grade group, multiply that total by the district's FTE dollar amount of the class-size-reduction allocation for that year, and calculate the total for all three grade groups. The district's class-size-reduction operating categorical allocation will then be reduced by an amount equal to the sum of the calculation. These funds will be placed in reserve and the undistributed funds shall revert to the General Revenue Fund; provides that, in lieu of the reduction calculation, the Commissioner may recommend a budget amendment to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation</p>	<p>Identical</p> <p>Not included</p>
Regional Autism Centers	1004.55	Not Included	Amends (1)(a) to transfer the FSU location from the Department of Communication Disorders to the College of Medicine
School Food Services	1006.06	Amends (5)(b) to include state allocations in addition to federal reimbursements when the school district sets prices for breakfast meals that are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds	Identical

ISSUE	STATUTE	SB 1676	HB 5005
Instructional Materials	1006.28	Amends (1) to provide that the term “adequate instructional materials” means a sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.	Identical
	1006.36	Amends (1) and (2) to increase the term of adoption of any instructional materials from 6 years to 8 years	Not Included
	1006.40	Amends (2)(a) to provide that the requirement that school districts purchase instructional materials within the first 2 years after the effective date of the adoption cycle is waived for the 2009-2010 academic year if the district certifies to the Commissioner that the district has sufficient instructional materials to implement the newly adopted state standards for mathematics Not Included	Not Included Amends (4) to provide that funds available to school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware unless such hardware is bundled with other state-adopted instructional materials such as textbooks, software, or other electronic media
College Level Communication & Mathematics Skills (CLAST)	1008.29	Amends (7) to provide that the State Board of Education, by rule, must establish fees for the administration of the CLAST to public and private postsecondary students (<i>currently, only private postsecondary students pay a fee</i>) Not Included	Amends (7) to provide that the State Board of Education must collaborate with the Board of Governors to establish rules instituting uniform fees for all students, including private postsecondary students, who take the CLAST; the fees must be sufficient to cover the actual cost of developing and administering the exam Deletes (8)(a) to eliminate provisions for fees and administration of the CLAST at community colleges at times other than the regularly scheduled dates
Workforce Education Management Information System	1008.41	Amends (1)(c) to authorize, rather than require, the use of FIRN	Identical

ISSUE	STATUTE	SB 1676	HB 5005
Indirect Cost Limitation	1010.06	Creates section to provide that state funds appropriated to the Division of Public Schools may not be used to pay indirect cost to a university, community college, school district, or any other entity.	Not Included
Electronic Transfer of Funds	1010.11	In addition to direct deposit, wire transfer, withdrawal, and investment, adds "payment" as an authorized electronic transaction	Identical
Expenditure of Funds by School Boards	1011.09	Creates (4) to provide that, during FY 2009-2010, unless specifically approved by the school board, public funds may not be expended for out-of-state travel or cellular phones, cellular phone service, PDAs, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method.	Not Included
School Depositories	1011.18	Creates (4) to provide that a district superintendent that has been specifically authorized to do so may transfer funds to pay expenses, expenditures, or other disbursements that must be evidenced by an invoice or other appropriate documentation	Identical
Minimum Term	1011.60	<ul style="list-style-type: none"> • Amends (2) to provide that the minimum term for operation of schools must be 180 days (rather than "at least" 180 days) or equivalent hours • Amends (3)(d) by deleting the requirement of 196 days of service and providing that the total annual number of days of service will be adopted by the school board • Amends (3)(f) to provide that the number of days of service adopted by the school board must not require more than 10 calendar months of service for principals and other school site administrators and may require up to 10 months of service, excluding Sundays and other holidays, for all members of the instructional staff; provides that principals and other school site administrators may serve more than 10 calendar months of service if specifically approved by the school board, and any such service on a 12-month basis may include reasonable allowance for vacation or further study as prescribed by the school board in accordance with rules of the State Board of Education 	<ul style="list-style-type: none"> • Similar <i>[also makes conforming changes to s. 1003.02]</i> • Amends (3)(d) to provide for 196 days of service or the equivalent on an hourly basis • Amends (3)(f) to provide for 196 days of service or the equivalent on an hourly basis

ISSUE	STATUTE	SB 1676	HB 5005
FEFP Definitions for Full Time Equivalent Student	1011.61	<p>Not included</p> <ul style="list-style-type: none"> • Amends(1)(c)(V) to provide that a Florida Virtual School FTE student must consist of six full credit completions in the programs listed in s. 1011.62 (1)(c)1.b. for grades 6-8 and programs listed in s. 1011.62(1)(c)1.c. for grades 9-12 	<ul style="list-style-type: none"> • Amends (1)(c)(III) to provide that the an FTE student for a school district K-8 virtual instruction programs must consist of a student who has successfully completed a basic program and who is promoted to a higher grade by August 31 each year; the maximum value for funding a student in a virtual instruction program is one FTE for a school year or equivalent • Amends(1)(c)(V) to provide an FTE for the Florida Virtual School or of any approved district franchise of the Florida Virtual School must consist of six full credit completions in the programs listed in 1011.62(1)(c)1.b. for grades 6-8 and the programs listed in 1011.62(1)(c)1.c. for grades 9-12; a school district franchise full-time equivalent student may be reported for funding up to August 31 of each year
Funds for Operation of Schools / Computation of FTE students	1011.62(1)	<ul style="list-style-type: none"> • Adds (l) to provide that a student who is enrolled in study hall may not be included in the calculation of FTE student membership for funding • Amends (m) to provide that, for the IB program, a value of 0.08 FTE will be calculated for each student who receives a score of 4 or higher on a subject exam and a value of 0.16 FTE will be calculated for each student who receives an IB diploma; IB teachers will receive a bonus of \$40 for each student who receives a score of 4 or higher on the IB exam and an additional bonus of \$400 will be awarded to an IB teacher in a school designated with a grade of “D” or “F” who has at least one student scoring 4 or higher on the IB exam. Bonuses awarded to an IB teacher may not exceed \$1,600 in any given school year • Amends (n)-(p) to provides similar reductions for AICE, AP, and career and professional academy programs • Eliminates the additional FTE calculation for the Florida Virtual School • Adds an unnumbered section to provide that the amendments made to (m)-(p) apply to bonues earned in FY 2008-2009 for funding in FY 2009-2010 	<p>Identical</p> <p>Adds (m) to provide that a student who participates in on-the-job training, excluding classroom instruction, may not be included in the calculation of FTE for funding (<i>renumbers subsequent subsections</i>)</p> <p>Not Included</p> <p>Not Included</p> <p>Not Included</p>

ISSUE	STATUTE	SB 1676	HB 5005
Funds for the Operation of Schools / Computation of Required Local Effort	1011.62(4)	<p>Amends (a)1.b. to clarify that the calculation of the 90% limitation on revenue from Required Local Effort for a district's total FEFP funding shall be calculated and adopted by the Legislature</p> <p>Not Included</p>	<p>Not Included</p> <p>Amends (b)2. to provide that for each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the DOR must certify the taxable value for school purposes on which the tax bills are computed and mailed to taxpayers, adjusted by the average percentage difference, over the most recent 3 years, between the taxable value for school purposes on which the tax bills are computed and the taxable value for school purposes on which the tax bills are computed as adjusted to reflect final administrative actions of value adjustment board and judicial decisions</p>
Funds for the Operation of Schools / Categorical Programs	1011.62(6)	<ul style="list-style-type: none"> • Amends (b) to extend flexibility in the use of instructional materials to March 1, 2010 • Repeals Section 9 of chapter 2008-142 Laws of Florida which makes the flexible use of categorical funds permanent 	<p>Identical</p> <p>Not Included</p>
Funds for the Operation of Schools / Total Allocation of State Funds	1011.62(12)	Amends (a) by deleting the calculation formula	Amends (a) by adding the allocation for instructional materials, student transportation, and Florida Teachers Lead Program to the calculation formula
Discretionary Bonus Allocation for Outstanding Performance	1011.675	Creates the Discretionary Bonus Allocation for Outstanding Performance for school districts to recognize and reward outstanding performance of students, teachers, and school-based administrators in an amount to be determined by the Legislature; during the 2009-2010 and 2010-2011 fiscal years, school districts may use the funds or for the Merit Award Program the Excellent Teaching Program, or for any other purpose that the district school board deems appropriate.	Not Included
Student Transportation Categorical	1011.68	Repeals (7) to eliminate the provision that any funds received by a school district for transportation that are not required to transport students may be transferred to the district's Florida Education Finance Program	Not Included

ISSUE	STATUTE	SB 1676	HB 5005
Class Size Reduction Categorical	1011.685	Amends (2) to provide that class size reduction operating categorical funds must be used to reduce class size, or may be used for any lawful operating expenditure; priority must be given to increasing classroom teacher salaries	Not Included
Equity in School Level Funding	1011.69	Not Included	Repeals (4)(b) to eliminate the exemption of class size reduction operating categorical funds from the requirement that district school boards allocate to schools an average of 90% of the funds generated by all schools and guarantee that each school receives at least 80% of the funds generated by that school
District School Tax	1011.71	<ul style="list-style-type: none"> • Amends (2) to reduce, from 1.75 mills to 1.5 mills, the millage that school districts may levy • Amends (2)(e) to provide that, for FY 2009-2010, the three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009 • Amends (4) by eliminating the expiration date for the authorization to expend up to \$100 per unweighted FTE to fund the purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment or for the payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants • Provides that if the Commissioner determines that a school district acted in good faith, he or she may waive the equal dollar reduction for audit findings for FY 2007-2008 year that were related to the purchase of software • Creates (9) to provide that, for FY 2009-2010, if the revenue from 1.5 mills is insufficient for payments due under a lease-purchase agreement or for other critical capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations. If the district chooses to levy 0.25 mills for capital outlay, the compression adjustment will be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay 	<p>Identical</p> <p>Identical</p> <ul style="list-style-type: none"> • Adds (2)(k) to add the payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants as an authorized use of these funds <i>[deletes (4)]</i> • Adds (2)(l) to add the purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment as an authorized use of these funds <i>[deletes (4)]</i> <p>Similar <i>[provided in new (4)]</i></p> <p>Identical <i>[created in (8)]</i></p>

ISSUE	STATUTE	SB 1676	HB 5005
Contracts with Instructional Staff	1012.33	<ul style="list-style-type: none"> • Amends (3)(g) by deleting the requirement that the school district recognize years of service earned outside Florida; provides that an employee may voluntarily waive recognition of in-state years of service • Adds (9) to provide that, for FY 2009-2010 and FY 2010- 2011, district school boards should not enter into a new professional service contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds 	<ul style="list-style-type: none"> • Amends (3)(g) to provide that, for contracts in FY 2009-2010 or FY 2010-2011, the period of service may be extended by 1 year for an annual contract employee in the district who has at least 3 years of service when prescribed by the district school board based upon extraordinary financial circumstances in the district; deletes all provisions relating to recognition of years of service Not Included
Certification Fees	1012.59	Not Included	Amends (1) by deleting the \$100 limit on exam fees
Florida Teachers Lead Program	1012.71	Adds (6) to provide that, for FY 2009-2010, DOE is authorized to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; the pilot program must be established through a competitive process and provide teachers with the capability to purchase from online sources and local vendors; provides that the pilot program would be subject to annual auditing requirements and must provide for all unused funds to be returned to the state at the close of each fiscal year; provides that participation in the pilot program would be voluntary for school districts and individual teachers; provides that DOE is not required to implement this pilot program if the number of school districts willing to participate is insufficient to adequately test the viability of the pilot program	Identical
Excellent Teaching Program	1012.72	Not Included	Amends (2)(a) to provide that a classroom teacher who attains NBPTS certification after July 1, 2009 must teach in a low performing school in order to be eligible for a bonus; provides rule making authority to the State Board of Education to establish definitions of low performing schools and determine eligibility of teachers

ISSUE	STATUTE	SB 1676	HB 5005
Charter School Capital Outlay	1013.62	<p>Amends (1) by adding to the requirement that, in order to be eligible for capital outlay funds, the charter school must be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state</p> <p>Not Included</p>	<p>Not Included</p> <p>Creates (2)(f) to provide that, effective July 1, 2008, charter school governing boards are authorized to use charter school capital outlay funds for the purchase, lease-purchase, or lease of new and replacement equipment, and certain enterprise resource software, for payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities, and for the purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment</p>
Funds for Educational Plant Needs	1013.64	<p>Adds (7) to provide that the Wakulla County school board must contribute 1 mill in FY 2009-2010 and 0.50 mill in FY 2010-2011 to the cost of currently funded special facilities construction projects; The Liberty County school board must contribute 1 mill in FY 2009-2010, 1 mill in FY 2010-2011, and 1 mill in FY 2011-2012 to the cost of currently funded special facilities construction projects</p>	<p>Adds (7) to provide that the Wakulla County school board must contribute 1 mill in FY 2009-2010 and 0.50 mill in FY 2010-2011 to the cost of currently funded special facilities construction projects; the Liberty County school board must contribute 1 mill in FY 2009-2010, 1 mill in FY 2010-2011, and 1 mill in FY 2011-2012 to the cost of currently funded special facilities construction projects; provides that if funds are made available for FY 2009-2010, the Calhoun County school board must contribute 1.125 mills in FY 2009-2010, 1.125 mills in FY 2010-2011, 1.125 mills in FY 2011-2012, and 1.125 mills in FY 2012-2013 to the cost of currently funded special facilities construction projects</p>