

1 A bill to be entitled
2 An act relating to education; amending s.
3 551.106, F.S.; providing that certain funds
4 transferred to the Educational Enhancement
5 Trust Fund may be used for recurring
6 appropriations; amending s. 1003.03, F.S.;
7 defining the terms "team teaching,"
8 "co-teaching," and "inclusion teaching" for
9 purposes of provisions authorizing the use of
10 various teaching strategies in order to
11 implement requirements for class-size
12 reduction; amending s. 1011.62, F.S.; revising
13 the funding model for exceptional student
14 education programs to provide additional funds
15 for students who are gifted in graded K through
16 8; providing a formula for calculating a
17 supplemental allocation for juvenile justice
18 education programs; deleting certain
19 categorical appropriations that a district
20 school board may, pursuant to resolution,
21 transfer and use for academic classroom
22 instruction; providing for an increase in a
23 district's sparsity supplement under certain
24 conditions; repealing s. 1011.71(5)(b), F.S.,
25 relating to obsolete provisions limiting
26 certain uses of proceeds from the district
27 school tax; requiring the Office of Program
28 Policy Analysis and Government Accountability
29 to submit a report relating to gifted student
30 education to the Governor, the Legislature, and
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1 the Commissioner of Education; providing report
2 requirements; providing an effective date.

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

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6 Section 1. Paragraph (c) of subsection (2) of section
7 551.106, Florida Statutes, is amended to read:

8 551.106 License fee; tax rate; penalties.--

9 (2) TAX ON SLOT MACHINE REVENUES.--

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

14 2. If necessary to comply with any covenant
15 established pursuant to s. 1013.68(4), s. 1013.70(1), or s.
16 1013.737(3), funds transferred to the Educational Enhancement
17 Trust Fund under paragraph (b) shall first be available to pay
18 debt service on lottery bonds issued to fund school
19 construction in the event lottery revenues are insufficient
20 for such purpose or to satisfy debt service reserve
21 requirements established in connection with lottery bonds.
22 Moneys available pursuant to this subparagraph are subject to
23 annual appropriation by the Legislature.

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

26 1003.03 Maximum class size.--

27 (5) TEAM-TEACHING STRATEGIES.--

28 (a) School districts may use teaching strategies that
29 include the assignment of more than one teacher to a classroom
30 of students and that were implemented before July 1, 2005.
31 Effective July 1, 2005, school districts may implement

1 additional teaching strategies that include the assignment of
 2 more than one teacher to a classroom of students for the
 3 following purposes only:

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

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

- 18 1. Reasonable limits shall be placed on the number of
 19 students in a classroom so that classrooms are not
 20 overcrowded. Teacher-to-student ratios within a curriculum
 21 area or grade level must not exceed constitutional limits.
- 22 2. At least one member of the team must have at least
 23 3 years of teaching experience.
- 24 3. At least one member of the team must be teaching
 25 in-field.
- 26 4. The teachers must be trained in team-teaching
 27 methods within 1 year after assignment.

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

- 29 1. "Team teaching" or "co-teaching" means two or more
 30 teachers are assigned to a group of students and each teacher
 31 is responsible for all of the students during the entire class

1 period. In order to be considered team teaching or
2 co-teaching, each teacher is responsible for planning,
3 delivering, and evaluating instruction for all students in the
4 class or subject for the entire class period.

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

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

18 Section 3. Paragraph (e) of subsection (1) of section
19 1011.62, Florida Statutes, is amended, present paragraphs (p),
20 (q), (r), (s), and (t) of that subsection are redesignated as
21 paragraphs (q), (r), (s), (t), and (u), respectively, a new
22 paragraph (p) is added to that subsection, and paragraph (b)
23 of subsection (6) and subsection (7) of that section are
24 amended, to read:

25 1011.62 Funds for operation of schools.--If the annual
26 allocation from the Florida Education Finance Program to each
27 district for operation of schools is not determined in the
28 annual appropriations act or the substantive bill implementing
29 the annual appropriations act, it shall be determined as
30 follows:

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

5 (e) Funding model for exceptional student education
6 programs.--

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

17 b. In order to generate funds using one of the two
18 weighted cost factors, a matrix of services must be completed
19 at the time of the student's initial placement into an
20 exceptional student education program and at least once every
21 3 years by personnel who have received approved training.
22 Nothing listed in the matrix shall be construed as limiting
23 the services a school district must provide in order to ensure
24 that exceptional students are provided a free, appropriate
25 public education.

26 c. Students identified as exceptional, in accordance
27 with chapter 6A-6, Florida Administrative Code, who do not
28 have a matrix of services as specified in sub-subparagraph b.
29 shall generate funds on the basis of full-time-equivalent
30 student membership in the Florida Education Finance Program at
31 the same funding level per student as provided for basic

1 students. Additional funds for these exceptional students
2 will be provided through the guaranteed allocation designated
3 in subparagraph 2.

4 2. For students identified as exceptional who do not
5 have a matrix of services and students who are gifted in
6 grades K through 8, there is created a guaranteed allocation
7 to provide these students with a free appropriate public
8 education, in accordance with s. 1001.42(4)(m) and rules of
9 the State Board of Education, which shall be allocated
10 annually to each school district in the amount provided in the
11 General Appropriations Act. These funds shall be in addition
12 to the funds appropriated on the basis of FTE student
13 membership in the Florida Education Finance Program, and the
14 amount allocated for each school district shall not be
15 recalculated during the year. These funds shall be used to
16 provide special education and related services for exceptional
17 students and students who are gifted in grades K through 8.
18 Beginning with the 2007-2008 fiscal year, a district's
19 expenditure of funds from the guaranteed allocation for
20 students in grades 9 through 12 who are gifted may not be
21 greater than the amount expended during the 2006-2007 fiscal
22 year for gifted students in grades 9 through 12.

23 (p) Calculation of supplemental allocation for
24 juvenile justice education programs.--Beginning with the
25 2007-2008 General Appropriations Act, the total K-12 weighted
26 full-time equivalent student membership in juvenile justice
27 education programs in each school district shall be multiplied
28 by the amount of the state average class-size-reduction factor
29 multiplied by the district's cost differential. An amount
30 equal to the sum of this calculation shall be allocated in the
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1 FEFP to each school district to supplement other sources of
2 funding for students in juvenile justice education programs.

3 (6) CATEGORICAL FUNDS.--

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

12 1. Funds for student transportation.

13 ~~2. Funds for in service educational personnel~~
14 ~~training.~~

15 ~~2.3.~~ Funds for safe schools.

16 ~~4. Funds for public school technology.~~

17 ~~3.5.~~ Funds for supplemental academic instruction.

18 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

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

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30 except that districts with a sparsity index of 1,000 or less
31 shall be computed as having a sparsity index of 1,000, and

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

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

14 (c) If the sparsity supplement calculated in paragraph
15 (a) and paragraph (b) for an eligible district is less than
16 \$100 per full-time equivalent student, the district's
17 supplement shall be increased to \$100 per FTE or to the
18 minimum amount per FTE designated in the General
19 Appropriations Act.

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

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

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

30 3. A total potential funds per FTE for each district
31 shall be calculated by dividing the total potential funds, not

1 including Florida School Recognition Program funds and the
2 minimum guarantee, for each district by its FTE student count.

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

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

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

24 Section 4. Paragraph (b) of subsection (5) of section
25 1011.71, Florida Statutes, is repealed.

26 Section 5. Gifted student education.--

27 (1) By December 1, 2007, the Office of Program Policy
28 Analysis and Government Accountability shall submit a report
29 to the Governor, the President of the Senate, the Speaker of
30 the House of Representatives, and the Commissioner of
31 Education on gifted services and programming provided to

1 public school students in kindergarten through grade 12. The
2 report shall include findings based on the following:

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

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

6 2. The number of gifted students identified under each
7 of the methods specified under subparagraph 1. during the
8 2005-2006 and 2006-2007 school years.

9 3. Whether the district implements a plan under rule
10 6A-6.03019(2)(b), Florida Administrative Code, to increase the
11 participation of students from underrepresented groups in
12 gifted programming and the number of students by grade level
13 who were identified as gifted under such a plan in the
14 2005-2006 and 2006-2007 school years.

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

24 5. The amount of the exceptional student education
25 guaranteed allocation expended by the district during the
26 2005-2006 and 2006-2007 school years for gifted services and
27 programming according to each grade level and school within
28 the district.

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

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

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

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

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