



Bill Number: CS/HB 511, Enrolled

Bill Title: School Districts/Academically High Performing School Districts/Two Mill Levy Authority

Bill Sponsor: Schools & Learning Council and Representative Kendrick

Effective Date: Upon becoming law

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Executive Summary:

This act has two major parts, one pertaining to exemptions from law and rule for a school district that meets certain accountability standards, and one pertaining to spending authority for the revenue from the two mill capital outlay levy.

Academically High Performing School Districts

This act creates s. 1003.621, F.S., to authorize certain exemptions from law and rule for a school district that meets the following criteria:

- Beginning with 2004-05 school year, earns a grade of A for 2 consecutive years.
- Has no district-operated school that earns a grade of F.
- Complies with all class size reduction requirements.
- Has no material weaknesses or noncompliance in its annual financial audit.

An academically high-performing school district is exempt from a number of statutes and rules that govern school districts. With several important exceptions, the district is exempt from chapters 1000 through 1013, F.S., and from the State Board of Education rules that implement those statutes.

A school district may NOT waive the following:

- Statutes pertaining to services for students with disabilities; civil rights/discrimination; student health, safety, and welfare; student assessment program and school grading system.
- Statutes pertaining to financial matters, except that a high performing district may waive the required program expenditure levels for grades K-12; these levels are specified in s. 1010.20(3)(a)1., 2., and 3., F.S.
- Statutes pertaining to planning and budgeting, except that a high performing district may waive the required comprehensive reading plan specified in s. 1011.62(9)(d), F.S.; these districts are approved to receive the research-based reading instruction allocation without complying with those provisions of law.
- Statutes governing election or compensation of district school board members.
- Section 1012.22(1)(c) and 1012.27(2), F.S., relating to differentiated pay and performance pay policies.
- Statutes pertaining to educational facilities, except that a high performing district may waive s.1013.20, F.S., relating to covered walkways for portables and s. 1013.21, F.S., relating to relocatable facilities over 20 years old.
- Statutes pertaining to instructional materials, except that a high performing school district may waive the requirement to requisition state-adopted instructional materials from the depository of the publisher with whom a contract has been made (s. 1006.37, F.S.); a high performing school district may also waive the

Florida Department of Education

requirement to use 50 percent or more of the annual instructional materials allocation on items to provide instruction at the level for which the items are designed (s.1006.40[3][a], F.S.)

Academically high-performing school districts retain the designation for 3 years and may renew if criteria are still met. If a district fails to meet the criteria upon renewal, it must provide written notification to the State Board of Education. The criteria for renewal are that the district:

- Complies with all class size requirements.
- Has no material weaknesses or noncompliance in its annual financial audit.
- Earns a grade of A for 2 years within the previous 3-year period.

If an academically high-performing school district has a district-operated school with a grade of F at any time during the 3-year designation period, it loses the designation. If the district meets original eligibility requirements in the future, it can regain the designation.

As required by the Constitution, the district school board will supervise the academically high-performing district as its governing board.

The district shall submit to the State Board of Education and the Legislature an annual report on December 1 to include to following:

- Longitudinal performance of students in math, reading, writing, science, and any other subject included in the statewide assessment program.
- Longitudinal performance of students by grade level and subgroup in math, reading, writing, science, and any other subject included in the statewide assessment program.
- Longitudinal performance regarding efforts to close the achievement gap.
- Number and percentage of students who take an AP exam; and longitudinal performance of students who take an AP exam by demographic group, age, gender, race, Hispanic origin, and participation in National School Lunch Program.
- Evidence of compliance with criteria to be designated an academically high-performing school district
- A description and status of each waiver.

The State Board of Education is to identify reporting requirements in state law that duplicate those required by the No Child Left Behind Act of 2001 and recommend to the Legislature by December 1, 2007, how to eliminate the duplicative requirements in state law.

Two Mill Levy for Capital Outlay Purposes

This act also amends s. 1011.71, F.S., relating to the use of the two mill capital outlay tax. The act deletes obsolete provisions that phased out certain uses of the two mill funds; this phase-out was complete July 1, 2003. The act codifies the authority to use the revenue for "payment of the cost of the opening day collection for the library media center of a new school."

The act prohibits districts' use of the funds for vehicles other than for the purchase, lease-purchase, or lease of school buses, except in the following specific circumstances. For districts that meet the criteria below, additional spending authority is provided for purchase of vehicles and for payment of premiums for property and casualty insurance. To have this expanded authority, a school district must have:

1. Met the reduction requirements regarding class size for the current year, pursuant to s. 1003.03, F.S.
2. Received an unqualified opinion on its financial statements for the preceding 3 years.
3. Had no material weaknesses or instances of material noncompliance noted in an audit for the preceding 3 years.

Florida

Department of Education

4. Certified to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

A school district that meets these additional requirements may expend revenue generated by the authorized millage levy to fund the following items:

1. The purchase, lease-purchase, or lease of driver's educational 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..
2. Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated from the two mill levy may be expended only for nonrecurring operational expenditures of the school district.

The act also amends the Truth in Millage (TRIM) law, s. 200.065(9)(a), F.S., to require districts to add the newly authorized insurance premium payments to the list of projects funded by intended additional taxes; the required wording is: "payment of premiums for property and casualty insurance necessary to insure the educational and ancillary plants of the school district."

Finally, the act makes technical amendments to conform cross-references to the statutes amended by the act.

General Implementation Timeline:

- The bill takes effect upon becoming law
- December 1, 2007 - The State Board of Education must recommend ways to eliminate duplicative requirements between state law and No Child Left Behind to the Legislature
- December 1 of each year - Academically high-performing districts must report on their student performance to the State Board of Education