

By the Committee on Education and Senators Mitchell, Horne and Dyer

304-1844A-00

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A bill to be entitled  
An act relating to education; amending s.  
236.025, F.S.; revising funding for exceptional  
student education programs; amending s.  
236.081, F.S.; revising funding for exceptional  
student education programs; amending s. 237.34,  
F.S.; revising reporting requirements for  
exceptional student education programs;  
providing an effective date.

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

Section 1. Section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.--

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing three ~~five~~ weighted cost factors and a categorical program; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral; and reduce the paperwork burden associated with state funding. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

1           (2)(a) The revised funding model uses existing basic,  
2 at-risk, and vocational ~~five~~ Florida Education Finance Program  
3 cost factors, three exceptional education cost factors, and a  
4 categorical program for exceptional student education  
5 programs. Exceptional education cost factors are determined by  
6 using a matrix of services to document the services that each  
7 exceptional student will receive. The nature and intensity of  
8 the services indicated on the matrix shall be consistent with  
9 the services described in each exceptional student's  
10 individual education plan.

11           (b) In order to generate funds using one of the three  
12 weighted cost factors, a matrix of services must be completed  
13 at the time of the student's initial placement into an  
14 exceptional student education program and at least once every  
15 3 years ~~least once each year~~ by ~~public school~~ personnel who  
16 have received approved training. ~~Additionally, each time an~~  
17 ~~exceptional student's individual education plan, family~~  
18 ~~support plan, or education plan is reviewed, the matrix of~~  
19 ~~services must also be reviewed.~~ Nothing listed in the matrix  
20 shall be construed as limiting the services a school district  
21 must provide in order to ensure that exceptional students are  
22 provided a free, appropriate public education. ensure that  
23 exceptional students are provided a free, appropriate public  
24 education.

25           (c) Students identified as exceptional, in accordance  
26 with Chapter 6A-6, F.A.C., who do not have a matrix of  
27 services as specified in paragraph (2)(b) shall generate funds  
28 on the basis of full-time-equivalent student membership in the  
29 Florida Education Finance Program at the same funding level  
30 per student as provided for nonexceptional students.  
31 Additional funds for these exceptional students will be

1 provided through the categorical program designated in  
2 paragraph (3)(a).

3 (3)(a) For students identified as exceptional who do  
4 not have a matrix of services, there is created a categorical  
5 program to provide these students with a free appropriate  
6 public education, in accordance with s. 230.23(4)(m) and rules  
7 of the state board, which shall be allocated annually to each  
8 school district in the amount provided in the General  
9 Appropriations Act. These funds shall be in addition to the  
10 funds appropriated on the basis of full-time-equivalent  
11 student membership in the Florida Education Finance Program,  
12 and the amount allocated for each school district shall not be  
13 adjusted after the initial allocation. These funds shall be  
14 used to provide the special education and related services to  
15 exceptional students as identified in their individual  
16 educational plans, family support plans, or educational plans.

17 (b) It is the Legislature's intent that the  
18 appropriation of funds for this categorical program be  
19 reviewed annually to reflect appropriate increases based on  
20 program growth and the costs of providing these services.

21 ~~(4)(3)~~ The Department of Education shall revise its  
22 monitoring systems for exceptional student education programs  
23 to include a review of delivery of services as indicated on  
24 the matrix of services.

25 ~~(5)(4)~~ The Department of Education shall adopt  
26 ~~promulgate~~ rules necessary to implement the revised funding  
27 model.

28 ~~(5) The funding level in the 1997-1998 FEFP for~~  
29 ~~exceptional student education shall be guaranteed for 3 years~~  
30 ~~so that no district will have a financial uncertainty during~~  
31 ~~the initial implementation of the revised funding model.~~

1 Section 2. Paragraphs (c) and (d) of subsection (1) of  
2 section 236.081, Florida Statutes, are amended to read:

3 236.081 Funds for operation of schools.--If the annual  
4 allocation from the Florida Education Finance Program to each  
5 district for operation of schools is not determined in the  
6 annual appropriations act or the substantive bill implementing  
7 the annual appropriations act, it shall be determined as  
8 follows:

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

13 (c) Determination of programs.--Cost factors based on  
14 desired relative cost differences between the following  
15 programs shall be established in the annual General  
16 Appropriations Act. The Commissioner of Education shall  
17 specify a matrix of services and intensity levels to be used  
18 by districts in the determination of the three weighted cost  
19 factors for exceptional students with the highest levels of  
20 need. For these students, the funding support level shall fund  
21 the exceptional students' education program, with the  
22 exception of extended school year services for students with  
23 disabilities.funding support for each exceptional student.  
24 ~~The funding support level for each exceptional student shall~~  
25 ~~fund the exceptional student's total education program.~~

- 26 1. Basic programs.--  
27 a. Kindergarten and grades 1, 2, and 3.  
28 b. Grades 4, 5, 6, 7, and 8.  
29 c. Grades 9, 10, 11, and 12.  
30 2. Programs for exceptional students.--  
31 a. ~~Support Level I.~~

1           ~~b. Support Level II.~~  
2           a.c. Support Level III.  
3           ~~b.d.~~ Support Level IV.  
4           ~~c.e.~~ Support Level V.  
5           3. Secondary career education programs.--  
6           ~~4. Students-at-risk programs.--~~  
7           ~~a. Dropout prevention and teenage parents.~~  
8           4.b. English for Speakers of Other Languages.--  
9           (d) Annual allocation calculation.--  
10          1. The Department of Education is authorized and  
11 directed to review all district programs and enrollment  
12 projections and calculate a maximum total weighted full-time  
13 equivalent student enrollment for each district for the K-12  
14 FEFP.  
15          2. Maximum enrollments calculated by the department  
16 shall be derived from enrollment estimates used by the  
17 Legislature to calculate the FEFP. If two or more districts  
18 enter into an agreement under the provisions of s.  
19 230.23(4)(d), after the final enrollment estimate is agreed  
20 upon, the amount of FTE specified in the agreement, not to  
21 exceed the estimate for the specific program as identified in  
22 paragraph (c), may be transferred from the participating  
23 districts to the district providing the program.  
24          3. As part of its calculation of each district's  
25 maximum total weighted full-time equivalent student  
26 enrollment, the department shall establish separate enrollment  
27 ceilings for each of two program groups. Group 1 shall be  
28 composed of grades K-3, grades 4-8, and grades 9-12, and  
29 programs for exceptional students. Group 2 shall be composed  
30 of students in at-risk ~~exceptional student education programs,~~  
31 ~~students-at-risk~~ programs, all basic programs other than the

1 programs in group 1, and all vocational programs in grades  
2 7-12.

3 a. The weighted enrollment ceiling for group 2  
4 programs shall be calculated by multiplying the final  
5 enrollment conference estimate for each program by the  
6 appropriate program weight. The weighted enrollment ceiling  
7 for program group 2 shall be the sum of the weighted  
8 enrollment ceilings for each program in the program group,  
9 plus the increase in weighted full-time equivalent student  
10 membership from the prior year for clients of the Department  
11 of Children and Family Services and the Department of Juvenile  
12 Justice.

13 b. If, for any calculation of the FEFP, the weighted  
14 enrollment for program group 2, derived by multiplying actual  
15 enrollments by appropriate program weights, exceeds the  
16 enrollment ceiling for that group, the following procedure  
17 shall be followed to reduce the weighted enrollment for that  
18 group to equal the enrollment ceiling:

19 (I) The weighted enrollment ceiling for each program  
20 in the program group shall be subtracted from the weighted  
21 enrollment for that program derived from actual enrollments.

22 (II) If the difference calculated under  
23 sub-sub-subparagraph (I) is greater than zero for any program,  
24 a reduction proportion shall be computed for the program by  
25 dividing the absolute value of the difference by the total  
26 amount by which the weighted enrollment for the program group  
27 exceeds the weighted enrollment ceiling for the program group.

28 (III) The reduction proportion calculated under  
29 sub-sub-subparagraph (II) shall be multiplied by the total  
30 amount of the program group's enrollment over the ceiling as  
31 calculated under sub-sub-subparagraph (I).

1 (IV) The prorated reduction amount calculated under  
2 sub-sub-subparagraph (III) shall be subtracted from the  
3 program's weighted enrollment. For any calculation of the  
4 FEFP, the enrollment ceiling for group 1 shall be calculated  
5 by multiplying the actual enrollment for each program in the  
6 program group by its appropriate program weight.

7 c. For program group 2, the weighted enrollment  
8 ceiling shall be a number not less than the sum obtained by:

9 (I) Multiplying the sum of reported FTE for all  
10 programs in the program group that have a cost factor of 1.0  
11 or more by 1.0, and

12 (II) By adding this number to the sum obtained by  
13 multiplying the projected FTE for all programs with a cost  
14 factor less than 1.0 by the actual cost factor.

15 4. Following completion of the weighted enrollment  
16 ceiling calculation as provided in subparagraph 3., a  
17 supplemental capping calculation shall be employed for those  
18 districts that are over their weighted enrollment ceiling. For  
19 each such district, the total reported unweighted FTE  
20 enrollment for group 2 programs shall be compared with the  
21 total appropriated unweighted FTE enrollment for group 2  
22 programs. If the total reported unweighted FTE for group 2 is  
23 greater than the appropriated unweighted FTE, then the excess  
24 unweighted FTE up to the unweighted FTE transferred from group  
25 2 to group 1 for each district by the Public School FTE  
26 Estimating Conference shall be funded at a weight of 1.0 and  
27 added to the funded weighted FTE computed in subparagraph 3.  
28 This adjustment shall be calculated beginning with the third  
29 calculation of the 1998-1999 FEFP.

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1           Section 3. Paragraph (b) of subsection (2) and  
2 paragraph (a) of subsection (3) of section 237.34, Florida  
3 Statutes, are amended to read:

4           237.34 Cost accounting and reporting.--

5           (2) COST REPORTING.--

6           (b) Each district shall report on a school-by-school  
7 and on an aggregate district basis expenditures for each  
8 program funded in s. 236.081(1)(c), except that programs for  
9 exceptional students in support levels III, IV, and V shall be  
10 reported on an aggregate basis.

11           (3) PROGRAM EXPENDITURE REQUIREMENTS.--

12           (a) Each district shall expend at least the percent of  
13 the funds generated by each of the programs listed herein on  
14 the aggregate total school costs for such programs:

15           1. Kindergarten and grades 1, 2, and 3, 90 percent.

16           2. Grades 4, 5, 6, 7, and 8, 80 percent.

17           3. Grades 9, 10, 11, and 12, 80 percent.

18           4. Programs for exceptional students, on an aggregate  
19 program basis, 90 ~~80~~ percent.

20           5. Grades 7 through 12 vocational education programs,  
21 on an aggregate program basis, 80 percent.

22           6. Students-at-risk programs, on an aggregate program  
23 basis, 80 percent.

24           7. Juvenile justice programs, on an aggregate program  
25 basis, 80 percent.

26           8. Any new program established and funded under s.  
27 236.081(1)(c), that is not included under subparagraphs 1.  
28 through 6., on an aggregate basis as appropriate, 80 percent.

29           Section 4. This act shall take effect upon becoming a  
30 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1390

The committee substitute differs from SB 1390 in the following ways:

The committee substitute does not create a state reports-control and forms-control management system committee.

The number of weighted cost factors for exceptional student education is decreased from five factors to three factors. The three cost factors serve students with the highest level of need.

A categorical program is created to serve students with the lowest level of need.

The percentage of program funds a district is required to spend on programs for exceptional students on an aggregate program basis is increased from 80 percent to 90 percent.