

By the Fiscal Responsibility Council and Representative  
Lynn

1                                   A bill to be entitled  
2           An act relating to public school funding;  
3           amending s. 236.081, F.S.; deleting the  
4           calculation of full-time equivalent membership  
5           with respect to community college or university  
6           dual enrollment; amending s. 236.083, F.S.,  
7           relating to funds for student transportation;  
8           conforming provisions; amending s. 239.115,  
9           F.S., relating to funds for operation of adult  
10          general education and vocational education  
11          programs; conforming provisions; amending s.  
12          240.1161, F.S., relating to interinstitutional  
13          articulation agreements; conforming provisions;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Subsection (1) of section 236.081, Florida  
19 Statutes, is amended to read:

20           236.081 Funds for operation of schools.--If the annual  
21 allocation from the Florida Education Finance Program to each  
22 district for operation of schools is not determined in the  
23 annual appropriations act or the substantive bill implementing  
24 the annual appropriations act, it shall be determined as  
25 follows:

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

30           (a) Determination of full-time equivalent  
31 membership.--During each of several school weeks, including

1 | scheduled intersessions of a year-round school program during  
2 | the fiscal year, a program membership survey of each school  
3 | shall be made by each district by aggregating the full-time  
4 | equivalent student membership of each program by school and by  
5 | district. The department shall establish the number and  
6 | interval of membership calculations, except that for basic and  
7 | special programs such calculations shall not exceed nine for  
8 | any fiscal year. The district's full-time equivalent  
9 | membership shall be computed and currently maintained in  
10 | accordance with regulations of the commissioner. Beginning  
11 | with the 1999-2000 school year, each school district shall  
12 | also document the daily attendance of each student in  
13 | membership by school and by district. An average daily  
14 | attendance factor shall be computed by dividing the total  
15 | daily attendance of all students by the total number of  
16 | students in membership and then by the number of days in the  
17 | regular school year. Beginning with the 2001-2002 school year,  
18 | the district's full-time equivalent membership shall be  
19 | adjusted by multiplying by the average daily attendance  
20 | factor.

21 |         (b) Determination of base student allocation.--The  
22 | base student allocation for the Florida Education Finance  
23 | Program for kindergarten through grade 12 shall be determined  
24 | annually by the Legislature and shall be that amount  
25 | prescribed in the current year's General Appropriations Act.

26 |         (c) Determination of programs.--Cost factors based on  
27 | desired relative cost differences between the following  
28 | programs shall be established in the annual General  
29 | Appropriations Act. The Commissioner of Education shall  
30 | specify a matrix of services and intensity levels to be used  
31 | by districts in the determination of the two weighted cost

1 factors for exceptional students with the highest levels of  
2 need. For these students, the funding support level shall fund  
3 the exceptional students' education program, with the  
4 exception of extended school year services for students with  
5 disabilities.

- 6 1. Basic programs.--
  - 7 a. Kindergarten and grades 1, 2, and 3.
  - 8 b. Grades 4, 5, 6, 7, and 8.
  - 9 c. Grades 9, 10, 11, and 12.
- 10 2. Programs for exceptional students.--
  - 11 a. Support Level IV.
  - 12 b. Support Level V.
  - 13 3. Secondary career education programs.--
  - 14 4. English for Speakers of Other Languages.--
- 15 (d) Annual allocation calculation.--

16 1. The Department of Education is authorized and  
17 directed to review all district programs and enrollment  
18 projections and calculate a maximum total weighted full-time  
19 equivalent student enrollment for each district for the K-12  
20 FEFP.

21 2. Maximum enrollments calculated by the department  
22 shall be derived from enrollment estimates used by the  
23 Legislature to calculate the FEFP. If two or more districts  
24 enter into an agreement under the provisions of s.  
25 230.23(4)(d), after the final enrollment estimate is agreed  
26 upon, the amount of FTE specified in the agreement, not to  
27 exceed the estimate for the specific program as identified in  
28 paragraph (c), may be transferred from the participating  
29 districts to the district providing the program.

30 3. As part of its calculation of each district's  
31 maximum total weighted full-time equivalent student

1 enrollment, the department shall establish separate enrollment  
2 ceilings for each of two program groups. Group 1 shall be  
3 composed of grades K-3, grades 4-8, and grades 9-12. Group 2  
4 shall be composed of students in exceptional student education  
5 programs, English for Speakers of Other Languages programs,  
6 all basic programs other than the programs in group 1, and all  
7 vocational programs in grades 7-12.

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

18         b. If, for any calculation of the FEFP, the weighted  
19 enrollment for program group 2, derived by multiplying actual  
20 enrollments by appropriate program weights, exceeds the  
21 enrollment ceiling for that group, the following procedure  
22 shall be followed to reduce the weighted enrollment for that  
23 group to equal the enrollment ceiling:

24             (I) The weighted enrollment ceiling for each program  
25 in the program group shall be subtracted from the weighted  
26 enrollment for that program derived from actual enrollments.

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

3 (III) The reduction proportion calculated under  
4 sub-sub-subparagraph (II) shall be multiplied by the total  
5 amount of the program group's enrollment over the ceiling as  
6 calculated under sub-sub-subparagraph (I).

7 (IV) The prorated reduction amount calculated under  
8 sub-sub-subparagraph (III) shall be subtracted from the  
9 program's weighted enrollment. For any calculation of the  
10 FEFP, the enrollment ceiling for group 1 shall be calculated  
11 by multiplying the actual enrollment for each program in the  
12 program group by its appropriate program weight.

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

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

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

21 4. Following completion of the weighted enrollment  
22 ceiling calculation as provided in subparagraph 3., a  
23 supplemental capping calculation shall be employed for those  
24 districts that are over their weighted enrollment ceiling. For  
25 each such district, the total reported unweighted FTE  
26 enrollment for group 2 programs shall be compared with the  
27 total appropriated unweighted FTE enrollment for group 2  
28 programs. If the total reported unweighted FTE for group 2 is  
29 greater than the appropriated unweighted FTE, then the excess  
30 unweighted FTE up to the unweighted FTE transferred from group  
31 2 to group 1 for each district by the Public School FTE

1 Estimating Conference shall be funded at a weight of 1.0 and  
2 added to the funded weighted FTE computed in subparagraph 3.  
3 This adjustment shall be calculated beginning with the third  
4 calculation of the 1998-1999 FEFP.

5 (e) State funding for certain adult disabled  
6 students.--If an adult student has been determined to be a  
7 disabled student eligible for an approved educational program  
8 for disabled adults provided pursuant to s. 239.301 and rules  
9 of the State Board of Education and is enrolled in a class  
10 with curriculum frameworks developed for the program, state  
11 funding for that student shall be provided at a level double  
12 that of the special adult general education program cost  
13 factor for the purpose of generating weighted full-time  
14 equivalent membership for time served in the program.

15 (f) Small, isolated high schools.--Districts which  
16 levy the maximum nonvoted discretionary millage, exclusive of  
17 millage for capital outlay purposes levied pursuant to s.  
18 236.25(2), may calculate full-time equivalent students for  
19 small, isolated high schools by multiplying the number of  
20 unweighted full-time equivalent students times 2.75; provided  
21 the percentage of students at such school passing both parts  
22 of the high school competency test, as defined by law and  
23 rule, has been equal to or higher than such percentage for the  
24 state or district, whichever is greater. For the purpose of  
25 this section, the term "small, isolated high school" means any  
26 high school which is located no less than 28 miles by the  
27 shortest route from another high school; which has been  
28 serving students primarily in basic studies provided by  
29 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
30 (c)6.; and which has a membership of no more than 100

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1 students, but no fewer than 28 students, in grades 9 through  
2 12.

3 ~~(g) Calculation of full-time equivalent membership~~  
4 ~~with respect to instruction from community colleges or~~  
5 ~~universities.--Students enrolled in community college or~~  
6 ~~university dual enrollment instruction pursuant to s. 240.116~~  
7 ~~may be included in calculations of full-time equivalent~~  
8 ~~student memberships for basic programs for grades 9 through 12~~  
9 ~~by a district school board. Such students may also be~~  
10 ~~calculated as the proportional shares of full-time equivalent~~  
11 ~~enrollments they generate for the community college or~~  
12 ~~university conducting the dual enrollment instruction. Early~~  
13 ~~admission students shall be considered dual enrollments for~~  
14 ~~funding purposes. Students may be enrolled in dual enrollment~~  
15 ~~instruction provided by an eligible independent college or~~  
16 ~~university and may be included in calculations of full-time~~  
17 ~~equivalent student memberships for basic programs for grades 9~~  
18 ~~through 12 by a district school board. However, those~~  
19 ~~provisions of law which exempt dual enrolled and early~~  
20 ~~admission students from payment of instructional materials,~~  
21 ~~registration, matriculation, and laboratory fees shall not~~  
22 ~~apply to students who select the option of enrolling in an~~  
23 ~~eligible independent institution. An independent college or~~  
24 ~~university which is located and chartered in Florida, is not~~  
25 ~~for profit, is accredited by the Commission on Colleges of the~~  
26 ~~Southern Association of Colleges and Schools or the~~  
27 ~~Accrediting Commission of the Association of Independent~~  
28 ~~Colleges and Schools, and which confers degrees as defined in~~  
29 ~~s. 246.021 shall be eligible for inclusion in the dual~~  
30 ~~enrollment or early admission program. Students enrolled in~~  
31 ~~dual enrollment instruction shall be exempt from the payment~~

1 ~~of registration, matriculation, and laboratory fees. No~~  
2 ~~student enrolled in college credit mathematics or English dual~~  
3 ~~enrollment instruction shall be funded as a dual enrollment~~  
4 ~~unless the student has successfully completed the relevant~~  
5 ~~section of the entry-level examination required pursuant to s.~~  
6 ~~240.117.~~

7       (g)~~(h)~~ Coenrollment.--If a high school student wishes  
8 to earn high school credits from a community college and  
9 enrolls in one or more adult secondary education courses at  
10 the community college, the community college shall be  
11 reimbursed for the costs incurred because of the high school  
12 student's coenrollment as provided in the General  
13 Appropriations Act.

14       (h)~~(i)~~ Instruction in family and consumer  
15 sciences.--Students in grades K through 12 who are enrolled  
16 for more than six semesters in practical arts family and  
17 consumer sciences courses may not be counted as full-time  
18 equivalent students for this instruction.

19       (i)~~(j)~~ Instruction in exploratory career  
20 education.--Students in grades 7 through 12 who are enrolled  
21 for more than four semesters in exploratory career education  
22 may not be counted as full-time equivalent students for this  
23 instruction.

24       (j)~~(k)~~ Calculation of additional full-time equivalent  
25 membership based on international baccalaureate examination  
26 scores of students.--A value of 0.24 full-time equivalent  
27 student membership shall be calculated for each student  
28 enrolled in an international baccalaureate course who receives  
29 a score of 4 or higher on a subject examination. A value of  
30 0.3 full-time equivalent student membership shall be  
31 calculated for each student who receives an international



1 baccalaureate diploma. Such value shall be added to the total  
2 full-time equivalent student membership in basic programs for  
3 grades 9 through 12 in the subsequent fiscal year. During the  
4 1997-1998, 1998-1999, and 1999-2000 school years of the pilot  
5 program authorized in s. 240.116, students enrolled in the  
6 Advanced International Certificate of Education Program shall  
7 generate full-time equivalent student membership in a manner  
8 that is equitable to the manner in which students enrolled in  
9 the International Baccalaureate Program generate full-time  
10 equivalent student membership. During 1997-1998, a maximum of  
11 40 students in each participating school district is  
12 authorized to generate full-time equivalent student membership  
13 in the pilot program, and in 1998-1999 and 1999-2000 a maximum  
14 of 80 students per year in each participating school district  
15 is authorized to generate full-time equivalent student  
16 membership in the pilot program.

17 (k)~~(l)~~ Instruction in career education.--Effective for  
18 the 1985-1986 school year and thereafter, district pupil  
19 progression plans shall provide for the substitution of  
20 vocational courses for the nonelective courses required for  
21 high school graduation pursuant to s. 232.246. A student in  
22 grades 9 through 12 who enrolls in and satisfactorily  
23 completes a job-preparatory program may substitute credit for  
24 a portion of the required four credits in English, three  
25 credits in mathematics, and three credits in science. The  
26 credit substituted for English, mathematics, or science earned  
27 through the vocational job-preparatory program shall be on a  
28 curriculum equivalency basis as provided for in the State  
29 Course Code Directory. The State Board of Education shall  
30 authorize by rule vocational course substitutions not to  
31 exceed two credits in each of the nonelective academic subject

1 areas of English, mathematics, and science. School districts  
2 shall provide for vocational course substitutions not to  
3 exceed two credits in each of the nonelective academic subject  
4 areas of English, mathematics, and science, upon adoption of  
5 vocational student performance standards by the school board  
6 pursuant to s. 232.2454. A vocational program which has been  
7 used as a substitute for a nonelective academic credit in one  
8 subject area may not be used as a substitute for any other  
9 subject area. The credit in practical arts or exploratory  
10 career education required for high school graduation pursuant  
11 to s. 232.246(1) shall be funded as a career education course.

12 (1)~~(m)~~ Calculation of additional full-time equivalent  
13 membership based on college board advanced placement scores of  
14 students.--A value of 0.24 full-time equivalent student  
15 membership shall be calculated for each student in each  
16 advanced placement course who receives a score of 3 or higher  
17 on the College Board Advanced Placement Examination for the  
18 prior year and added to the total full-time equivalent student  
19 membership in basic programs for grades 9 through 12 in the  
20 subsequent fiscal year. Each district must allocate at least  
21 80 percent of the funds provided to the district for advanced  
22 placement instruction, in accordance with this paragraph, to  
23 the high school that generates the funds. The school district  
24 shall distribute to each classroom teacher who provided  
25 advanced placement instruction:

26 1. A bonus in the amount of \$50 for each student  
27 taught by the Advanced Placement teacher in each advanced  
28 placement course who receives a score of 3 or higher on the  
29 College Board Advanced Placement Examination.

30 2. An additional bonus of \$500 to each Advanced  
31 Placement teacher in a school designated performance grade

1 category "D" or "F" who has at least one student scoring 3 or  
2 higher on the College Board Advanced Placement Examination,  
3 regardless of the number of classes taught or of the number of  
4 students scoring a 3 or higher on the College Board Advanced  
5 Placement Examination.

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7 Bonuses awarded to a teacher according to this paragraph shall  
8 not exceed \$2,000 in any given school year and shall be in  
9 addition to any regular wage or other bonus the teacher  
10 received or is scheduled to receive.

11 (m)~~(n)~~ Year-round-school programs.--The Commissioner  
12 of Education is authorized to adjust student eligibility  
13 definitions, funding criteria, and reporting requirements of  
14 statutes and rules in order that year-round-school programs  
15 may achieve equivalent application of funding requirements  
16 with non-year-round-school programs.

17 (n)~~(o)~~ Extended-school-year program.--It is the intent  
18 of the Legislature that students be provided additional  
19 instruction by extending the school year to 210 days or more.  
20 Districts may apply to the Commissioner of Education for funds  
21 to be used in planning and implementing an  
22 extended-school-year program. The Department of Education  
23 shall recommend to the Legislature the policies necessary for  
24 full implementation of an extended school year.

25 (o)~~(p)~~ Determination of the basic amount for current  
26 operation.--The basic amount for current operation to be  
27 included in the Florida Education Finance Program for  
28 kindergarten through grade 12 for each district shall be the  
29 product of the following:

30 1. The full-time equivalent student membership in each  
31 program, multiplied by

1           2. The cost factor for each program, adjusted for the  
2 maximum as provided by paragraph (c), multiplied by

3           3. The base student allocation.

4           (p)~~(c)~~ Computation for funding through the Florida  
5 Education Finance Program.--The State Board of Education may  
6 adopt rules establishing programs and courses for which the  
7 student may earn credit toward high school graduation.

8           Section 2. Paragraph (d) of subsection (1) of section  
9 236.083, Florida Statutes, is amended to read:

10           236.083 Funds for student transportation.--The annual  
11 allocation to each district for transportation to public  
12 school programs of students in membership in kindergarten  
13 through grade 12, in migrant and exceptional student programs  
14 below kindergarten, and in any other state-funded  
15 prekindergarten program shall be determined as follows:

16           (1) Subject to the rules of the commissioner, each  
17 district shall determine the membership of students who are  
18 transported:

19           (d) By reason of being vocational, dual enrollment, or  
20 students with disabilities transported from one school center  
21 to another to participate in an instructional program or  
22 service; or students with disabilities, transported from one  
23 designation to another in the state, provided one designation  
24 is a school center and provided the student's individual  
25 educational plan (IEP) identifies the need for the  
26 instructional program or service and transportation to be  
27 provided by the school district. A "school center" is defined  
28 as a public school center, public community college, public  
29 university, or other facility rented, leased, or owned and  
30 operated by the school district or another public agency. A  
31 "dual enrollment student" is defined as a public school

1 student in membership in both a public secondary school  
2 program and a public community college or a public university  
3 program under a written agreement to partially fulfill ss.  
4 229.814 and 240.115 ~~and earning full-time equivalent~~  
5 ~~membership under s. 236.081(1)(g);~~

6 Section 3. Subsection (10) of section 239.115, Florida  
7 Statutes, is amended to read:

8 239.115 Funds for operation of adult general education  
9 and vocational education programs.--

10 (10) A high school student dually enrolled under s.  
11 240.116 in a workforce development program funded through the  
12 Workforce Development Education Fund and operated by a  
13 community college or school district technical center  
14 generates the amount calculated by the Workforce Development  
15 Education Fund, including any payment of performance funding,  
16 ~~and the proportional share of full-time equivalent enrollment~~  
17 ~~generated through the Florida Education Finance Program for~~  
18 ~~the student's enrollment in a high school.~~ If a high school  
19 student is dually enrolled in a community college program,  
20 including a program conducted at a high school, the community  
21 college earns the funds generated through the Workforce  
22 Development Education Fund ~~and the school district earns the~~  
23 ~~proportional share of full-time equivalent funding from the~~  
24 ~~Florida Education Finance Program.~~ If a student is dually  
25 enrolled in a technical center operated by the same district  
26 as the district in which the student attends high school, that  
27 district earns the funds generated through the Workforce  
28 Development Education Fund ~~and also earns the proportional~~  
29 ~~share of full-time equivalent funding from the Florida~~  
30 ~~Education Finance Program.~~ If a student is dually enrolled in  
31 ~~a workforce development program provided by a technical center~~

1 ~~operated by a different school district, the funds must be~~  
2 ~~divided between the two school districts proportionally from~~  
3 ~~the two funding sources.~~ A student may not be reported for  
4 funding in a dual enrollment workforce development program  
5 unless the student has completed the basic skills assessment  
6 pursuant to s. 239.213.

7 Section 4. Subsection (5) of section 240.1161, Florida  
8 Statutes, is amended to read:

9 240.1161 District interinstitutional articulation  
10 agreements.--

11 (5) School districts and community colleges may enter  
12 into additional interinstitutional articulation agreements  
13 with state universities for the purposes of this section.  
14 School districts may also enter into interinstitutional  
15 articulation agreements with eligible independent colleges and  
16 universities ~~pursuant to s. 236.081(1)(g).~~ State universities  
17 and community colleges may enter into interinstitutional  
18 articulation agreements with nonpublic secondary schools  
19 pursuant to s. 240.116.

20 Section 5. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

With respect to public school funding, deletes the calculation of full-time equivalent membership based on community college or university dual enrollment. Deletes provisions relating to the generation of Florida Education Finance Program funds by students dually enrolled in vocational education programs.