

By Representative Harrell

1                                   A bill to be entitled  
2           An act relating to education finance; creating  
3           s. 236.08109, F.S.; authorizing school  
4           districts to opt out of the restrictions  
5           applied to allocations for formula-funded  
6           categorical programs and to use such funds at  
7           their discretion; exempting certain allocations  
8           tied to federal funds; providing requirements  
9           to obtain such discretionary spending  
10          authority; requiring certain reporting;  
11          providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Section 236.08109, Florida Statutes, is  
16 created to read:

17           236.08109 Discretionary spending authority on funds  
18 allocated for formula-funded categorical programs.--

19           (1) Notwithstanding s. 236.081 or any other provision  
20 of law to the contrary, any school district receiving funds  
21 appropriated in the General Appropriations Act for  
22 formula-funded categorical programs and allocated as provided  
23 by the Florida Education Finance Program Appropriation  
24 Allocation Conference pursuant to s. 236.078 may, if  
25 authorized by the Commissioner of Education, treat those funds  
26 as a lump-sum allocation to be spent for the purposes for  
27 which allocated in any manner determined by the school board  
28 or for any other purposes as determined by the school board.  
29 The discretionary spending authority granted by this section  
30 does not apply to funds allocated to a categorical program as  
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1 a necessary condition to the receipt of federal funds for that  
2 program.

3 (2) The Commissioner of Education shall grant the  
4 discretionary spending authority under this section for a  
5 period of one fiscal year to any school district that submits  
6 a request for such spending authority to the commissioner  
7 prior to the convening of the initial allocation conference  
8 under s. 236.078, provided that at least one of the following  
9 eligibility requirements is met:

10 (a) The school district has earned a district  
11 performance grade of "A" or "B" as determined pursuant to s.  
12 229.57(16).

13 (b) The school district has no school within the  
14 district with a school performance grade below the grade of  
15 "B" as determined pursuant to s. 229.57(8).

16 (c) The school district has been granted deregulated  
17 status pursuant to s. 228.0565.

18 (d) The school district has submitted, with the  
19 request for discretionary spending authority, a plan that  
20 establishes improvement goals for low-performing schools  
21 within the district. The plan must include:

22 1. The number and type of schools within the district.

23 2. The performance grades for each school within the  
24 district.

25 3. The number of schools within the district with a  
26 performance grade of "D" or "F" that the district intends to  
27 improve at least one letter grade during the year in which  
28 discretionary spending authority is granted.

29 (3) In reporting its expenditures under s. 237.34, a  
30 school district granted discretionary spending authority under  
31 this section shall report on a school-by-school and a

1 district-aggregate basis how all funds, including federal  
2 funds, allocated to the district for formula-funded  
3 categorical programs were expended.

4 Section 2. This act shall take effect July 1, 2002.

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7 HOUSE SUMMARY

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9 Authorizes school districts to opt out of the  
10 restrictions applied to allocations for formula-funded  
11 categorical programs and to use such funds at their  
12 discretion. Exempts certain allocations tied to federal  
13 funds. Provides requirements to obtain such  
14 discretionary spending authority. Requires reporting on  
15 the expenditure of all categorical funds allocated,  
16 including federal funds. See bill for details.

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