

CHAPTER 2017-234

House Bill No. 3-A

An act relating to the Florida Education Finance Program; providing appropriations; providing for uses of funds; providing an effective date.

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

Section 1. The recurring sums of \$197,655,678 from the Educational Enhancement Trust Fund, \$60,138,902 from the State School Trust Fund, and \$8,029,190,367 from the General Revenue Fund, the nonrecurring sums of \$206,900,000 from the Educational Enhancement Trust Fund and \$10,300,000 from the State School Trust Fund, and a negative nonrecurring sum of \$63,240,813 from the General Revenue Fund are appropriated for the 2017-2018 Fiscal Year to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program category.

Section 2. The recurring sums of \$103,776,356 from the Educational Enhancement Trust Fund, \$86,161,098 from the State School Trust Fund, and \$2,907,797,252 from the General Revenue Fund are appropriated for the 2017-2018 Fiscal Year to the Department of Education in the Aid to Local Governments Grants and Aids – Class Size Reduction category.

Section 3. The recurring sum of \$134,582,877 from the Educational Enhancement Trust Fund is appropriated for the 2017-2018 Fiscal Year to the Department of Education in the Aid to Local Governments Grants and Aids – District Lottery and School Recognition category.

Section 4. The calculations of the Florida Education Finance Program (FEFP) for the 2017-2018 fiscal year are incorporated by reference in this act. The calculations are the basis for the appropriations made in sections 1, 2, and 3 of this act.

Section 5. Notwithstanding sections 24.121, 1011.62, 1011.67, 1011.685, 1011.71, and 1012.71, Florida Statutes, provisions of those sections which reference the General Appropriations Act or the annual appropriations act shall be governed by this act.

Section 6. (1) Funds provided in section 1 of this act shall be allocated using a base student allocation of \$4,203.95 for the FEFP.

(2)(a) Funds provided in section 1 of this act for the supplemental allocation for juvenile justice education programs shall be allocated pursuant to the formula provided in section 1011.62(10), Florida Statutes. The allocation factor shall be \$1,240.91.

(b) Juvenile justice education programs shall receive funds as provided in section 1003.52(13), Florida Statutes. Up to \$341 per student may be used

for high school equivalency examination fees for juvenile justice students who pass the high school equivalency exam in full, or in part, while in a juvenile justice education program and may be used for students in juvenile justice education programs to support equipment, specially designed curricula, and industry credentialing testing fees for students enrolled in career and technical education (CTE) courses that lead to industry recognized certifications.

(3) The Department of Education shall work with the Washington County School District and the Okeechobee County School District to determine, pursuant to section 1003.52(3), Florida Statutes, which district shall be the educational service provider for the full-time equivalent (FTE) students currently associated with Washington Special. Effective with the October 2017 FTE survey, the FTE associated with Washington Special in the FEFP will be reported by either the Washington County School District or the Okeechobee County School District. The FTE changes required shall be incorporated into the 2017-2018 third FEFP Calculation as determined by the FEFP Allocation Conference.

(4) The district cost differential for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

(5) From the funds provided in section 1 of this act, \$52,800,000 is provided for the Sparsity Supplement as defined in section 1011.62(7), Florida Statutes, for school districts of 24,000 and fewer FTE in the 2017-2018 fiscal year.

(6) Total Required Local Effort for Fiscal Year 2017-2018 shall be \$7,603,850,013. The total amount shall include adjustments made for the calculation required in section 1011.62(4)(a)-(c), Florida Statutes.

(7) The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1), Florida Statutes, by district school boards in Fiscal Year 2017-2018 shall be 0.748 mills. This millage shall be used to calculate the discretionary millage compression supplement as provided in section 1011.62(5), Florida Statutes. To be eligible for the supplement, a district must levy the maximum.

(8) Funds provided in section 1 of this act are based upon program cost factors for Fiscal Year 2017-2018 as follows:

(a) Basic Programs

- 1. K-3 Basic..... 1.107
- 2. 4-8 Basic..... 1.000
- 3. 9-12 Basic..... 1.001

(b) Programs for Exceptional Students

1. Support Level 4.....3.619

2. Support Level 5.....5.526

(c) English for Speakers of Other Languages.....1.212

(d) Programs for Grades 9-12 Career Education.....1.001

(9)(a) From the funds in section 1 of this act, \$1,060,770,374 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation as authorized by law to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. School districts that provided educational services in the 2016-2017 fiscal year for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in section 1010.20(3), Florida Statutes, for programs for exceptional students.

(b) The value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than three FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district’s FTEP allocations for the students being served. The supplemental value shall not exceed three FTE.

(10) The Declining Enrollment Supplement shall be calculated based on 25 percent of the decline between the prior year and current year unweighted FTE students pursuant to section 1011.62(8), Florida Statutes.

(11) From the funds in section 1 of this act, \$64,456,019 is provided for Safe Schools activities and shall be allocated as follows: \$62,660 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district’s share of the state’s total unweighted student enrollment. Safe schools funds are to be used by school districts in their compliance with sections 1006.07-1006.148, Florida Statutes, with priority given to establishing a school resource officer program pursuant to section 1006.12, Florida Statutes.

(12)(a) From the funds in section 1 of this act, \$712,207,631 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62 (1)(f), Florida Statutes. From these funds, at least \$75,000,000, together with funds provided in the district’s research-based reading instruction allocation and other available funds, shall be used by districts with one or more of the 300 lowest-performing elementary

schools based on the statewide, standardized English Language Arts assessment to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools. This additional instruction must be provided by teachers or reading specialists who are effective in teaching reading, or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading. Students enrolled in these schools who have level 5 reading assessment scores may choose to participate in the program on an optional basis. ESE centers shall not be included in the 300 schools.

(b) The Department of Education shall provide guidance to school districts for documentation of the expenditures for this additional instruction to ensure that all local, state, and federal funds are maximized for the total instructional program and that the funds used in these schools do not supplant federal funds. School districts shall submit a report to the Department of Education in a format prepared by the department that includes summary information, including funding sources, expenditures, and student outcomes for each of the participating schools that shall be submitted to the Speaker of the House of Representatives, President of the Senate, and Governor by September 30, 2017. Pursuant to section 1008.32, Florida Statutes, the State Board of Education shall withhold funds from a school district that fails to comply with this requirement.

(c) The funds provided for the Supplemental Academic Instruction allocation shall consist of a base amount that shall have a workload adjustment based on changes in FTE. In addition, an additional amount is provided for districts with schools on the list of the 300 lowest-performing elementary schools. District allocations from these additional funds shall be based on each district's level of per student funding in the reading instruction allocation and the supplemental academic instruction categorical fund, and on the total FTE for each of the schools. The categorical funding shall be recalculated during the fiscal year following an updated designation of the 300 lowest-performing elementary schools and shall be based on actual student membership from the FTE surveys. If the recalculated total allocation is greater than the amount provided in this act, the allocation shall be prorated to the level of the appropriation, based on each district's share of the total.

(13) From the funds in section 1 of this act, \$130,000,000 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of \$115,000 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the total K-12 base funding. From these funds, at least \$15,000,000 shall be used to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in the 300 lowest-performing elementary schools based on the statewide, standardized English Language Arts assessment pursuant to sections 1008.22(3) and 1011.62(9), Florida Statutes. This additional instruction must be provided by teachers or reading specialists who are effective in

teaching reading. Students enrolled in these schools who have level 5 reading assessment scores may choose to participate in the program on an optional basis. ESE centers shall not be included in the 300 schools. Pursuant to section 1008.32, Florida Statutes, the State Board of Education shall withhold funds from a school district that fails to comply with this requirement.

(14)(a) From the funds provided in section 1 of this act, \$230,743,258 is provided for Instructional Materials including \$12,184,490 for Library Media Materials, \$3,330,427 for the purchase of science lab materials and supplies, \$10,329,494 for dual enrollment instructional materials, and \$3,114,988 for the purchase of digital instructional materials for students with disabilities. The growth allocation per FTE shall be \$303.69 for the 2017-2018 fiscal year. School districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in section 1011.62(1)(i), Florida Statutes.

(b) From the funds provided for Instructional Materials, \$165,000,000 shall be available to school districts to purchase instructional content, as well as electronic devices and technology equipment, and infrastructure. The purchases made in the 2017-2018 fiscal year must comply with the minimum or recommended requirements for instructional content, hardware, software, networking, security and bandwidth, and the number of students per device as developed and published by the Department of Education. Prior to release of the funds by the department to the school districts, each school district shall certify to the Commissioner of Education an expenditure plan for the purchase of instructional content and technology. If the district intends to use any portion of the funds for technology, the district must certify that it has the instructional content necessary to provide instruction aligned to the adopted statewide benchmarks and standards. If the district intends to use the funds for technology, the district must include an expenditure plan for the purchase of electronic devices and technology equipment, and infrastructure that demonstrates the alignment of devices and equipment with the minimum or recommended requirements. The department shall provide a report to the Legislature on or before March 1, 2018, that summarizes the district expenditures for these funds.

(15) From funds provided in section 1 of this act, \$438,875,286 is provided for Student Transportation as provided in section 1011.68, Florida Statutes.

(16) From funds provided in section 1 of this act, \$45,286,750 is provided for the Teachers Classroom Supply Assistance Program and shall be given to teachers pursuant to section 1012.71, Florida Statutes. The allocation shall not be recalculated during the school year.

(17) From the funds provided in section 1 of this act, \$12,883,871 is provided for a Federally Connected Student Supplement to be calculated to support the education of students connected with federally owned military

installations, National Aeronautics and Space Administration (NASA) property, and Indian lands pursuant to section 1011.62(13), Florida Statutes. The supplement shall be the sum of a student allocation and an exempt property allocation. To participate, districts must be eligible for federal Impact Aid funding under Section 8003, Title VIII of the Elementary and Secondary Education Act of 1965. The amount allocated for each eligible school district shall be recalculated during the year, using actual student membership, as amended, from the most recent February survey and the tax-exempt valuation from the most recent assessment roll. Upon recalculation, if the total allocation is greater than the amount provided in this act, it must be prorated to the level of the appropriation based on each district's share of the total recalculated amount.

(18) Funds provided in section 1 of this act for the Virtual Education Contribution shall be allocated pursuant to the formula provided in section 1011.62(11), Florida Statutes. The contribution shall be based on \$5,230 per FTE.

(19) Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

(20) From the funds in section 1 of this act, \$80,000,000 is provided for the Digital Classrooms allocation as provided in section 1011.62(12), Florida Statutes. The minimum amount to be allocated to each district is \$500,000. Twenty percent of the funds provided may be used for professional development, including in-state conference attendance or online coursework, to enhance the use of technology for digital instructional strategies.

Section 7. Funds appropriated in section 2 of this act are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be \$1,317.03, for grades 4 to 8 shall be \$898.36, and for grades 9 to 12 shall be \$900.53. The class size reduction allocation shall be recalculated based on enrollment through the October 2017 FTE survey except as provided in section 1003.03(4), Florida Statutes. If the total class size reduction allocation is greater than the appropriation in section 2 of this act, funds shall be prorated to the level of the appropriation based on each district's calculated amount. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

Section 8. Funds appropriated in section 3 of this act are provided for the Florida School Recognition Program to be allocated as awards of up to \$100 per student to qualified schools pursuant to section 1008.36, Florida Statutes. If there are funds remaining after payment to qualified schools, the balance shall be allocated as discretionary lottery funds to all school districts based on each district's K-12 base funding. From these funds, school districts shall allocate up to \$5 per unweighted student to be used at the

discretion of the school advisory council pursuant to section 24.121(5), Florida Statutes. If funds are insufficient to provide \$5 per student, the available funds shall be prorated.

Section 9. This act shall take effect July 1, 2017.

Approved by the Governor June 26, 2017.

Filed in Office Secretary of State June 26, 2017.