

ENROLLED

HB 3A

2017A Legislature

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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-

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26 | 2018 Fiscal Year to the Department of Education in the Aid to
 27 | Local Governments Grants and Aids - District Lottery and School
 28 | Recognition category.

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

34 | Section 5. Notwithstanding sections 24.121, 1011.62,
 35 | 1011.67, 1011.685, 1011.71, and 1012.71, Florida Statutes,
 36 | provisions of those sections which reference the General
 37 | Appropriations Act or the annual appropriations act shall be
 38 | governed by this act.

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

42 | (2) (a) Funds provided in section 1 of this act for the
 43 | supplemental allocation for juvenile justice education programs
 44 | shall be allocated pursuant to the formula provided in section
 45 | 1011.62(10), Florida Statutes. The allocation factor shall be
 46 | \$1,240.91.

47 | (b) Juvenile justice education programs shall receive
 48 | funds as provided in section 1003.52(13), Florida Statutes. Up
 49 | to \$341 per student may be used for high school equivalency
 50 | examination fees for juvenile justice students who pass the high

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51 school equivalency exam in full, or in part, while in a juvenile
52 justice education program and may be used for students in
53 juvenile justice education programs to support equipment,
54 specially designed curricula, and industry credentialing testing
55 fees for students enrolled in career and technical education
56 (CTE) courses that lead to industry recognized certifications.

57 (3) The Department of Education shall work with the
58 Washington County School District and the Okeechobee County
59 School District to determine, pursuant to section 1003.52(3),
60 Florida Statutes, which district shall be the educational
61 service provider for the full-time equivalent (FTE) students
62 currently associated with Washington Special. Effective with the
63 October 2017 FTE survey, the FTE associated with Washington
64 Special in the FEFP will be reported by either the Washington
65 County School District or the Okeechobee County School District.
66 The FTE changes required shall be incorporated into the 2017-
67 2018 third FEFP Calculation as determined by the FEFP Allocation
68 Conference.

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

72 (5) From the funds provided in section 1 of this act,
73 \$52,800,000 is provided for the Sparsity Supplement as defined
74 in section 1011.62(7), Florida Statutes, for school districts of
75 24,000 and fewer FTE in the 2017-2018 fiscal year.

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76 (6) Total Required Local Effort for Fiscal Year 2017-2018
 77 shall be \$7,603,850,013. The total amount shall include
 78 adjustments made for the calculation required in section
 79 1011.62(4)(a)-(c), Florida Statutes.

80 (7) The maximum nonvoted discretionary millage which may
 81 be levied pursuant to the provisions of section 1011.71(1),
 82 Florida Statutes, by district school boards in Fiscal Year 2017-
 83 2018 shall be 0.748 mills. This millage shall be used to
 84 calculate the discretionary millage compression supplement as
 85 provided in section 1011.62(5), Florida Statutes. To be eligible
 86 for the supplement, a district must levy the maximum.

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

89 (a) Basic Programs

90 1. K-3 Basic.....1.107
 91 2. 4-8 Basic.....1.000
 92 3. 9-12 Basic.....1.001

93 (b) Programs for Exceptional Students

94 1. Support Level 4.....3.619
 95 2. Support Level 5.....5.526

96 (c) English for Speakers of Other Languages1.212
 97 (d) Programs for Grades 9-12 Career Education.....1.001

98 (9)(a) From the funds in section 1 of this act,
 99 \$1,060,770,374 is provided to school districts as an Exceptional
 100 Student Education (ESE) Guaranteed Allocation as authorized by

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101 law to provide educational programs and services for exceptional
102 students. The ESE Guaranteed Allocation funds are provided in
103 addition to the funds for each exceptional student in the per
104 FTE student calculation. School districts that provided
105 educational services in the 2016-2017 fiscal year for
106 exceptional students who are residents of other districts shall
107 not discontinue providing such services without the prior
108 approval of the Department of Education. Expenditure
109 requirements for the ESE Guaranteed Allocation shall be as
110 prescribed in section 1010.20(3), Florida Statutes, for programs
111 for exceptional students.

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

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

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

138 (12) (a) From the funds in section 1 of this act,
139 \$712,207,631 is for Supplemental Academic Instruction to be
140 provided throughout the school year pursuant to section 1011.62
141 (1) (f), Florida Statutes. From these funds, at least
142 \$75,000,000, together with funds provided in the district's
143 research-based reading instruction allocation and other
144 available funds, shall be used by districts with one or more of
145 the 300 lowest-performing elementary schools based on the
146 statewide, standardized English Language Arts assessment to
147 provide an additional hour of instruction beyond the normal
148 school day for each day of the entire school year for intensive
149 reading instruction for the students in each of these schools.
150 This additional instruction must be provided by teachers or

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151 reading specialists who are effective in teaching reading, or by
152 a K-5 mentoring reading program that is supervised by a teacher
153 who is effective at teaching reading. Students enrolled in these
154 schools who have level 5 reading assessment scores may choose to
155 participate in the program on an optional basis. ESE centers
156 shall not be included in the 300 schools.

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

171 (c) The funds provided for the Supplemental Academic
172 Instruction allocation shall consist of a base amount that shall
173 have a workload adjustment based on changes in FTE. In addition,
174 an additional amount is provided for districts with schools on
175 the list of the 300 lowest-performing elementary schools.

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176 District allocations from these additional funds shall be based
177 on each district's level of per student funding in the reading
178 instruction allocation and the supplemental academic instruction
179 categorical fund, and on the total FTE for each of the schools.
180 The categorical funding shall be recalculated during the fiscal
181 year following an updated designation of the 300 lowest-
182 performing elementary schools and shall be based on actual
183 student membership from the FTE surveys. If the recalculated
184 total allocation is greater than the amount provided in this
185 act, the allocation shall be prorated to the level of the
186 appropriation, based on each district's share of the total.

187 (13) From the funds in section 1 of this act, \$130,000,000
188 is provided for a K-12 comprehensive, district-wide system of
189 research-based reading instruction. The amount of \$115,000 shall
190 be allocated to each district and the remaining balance shall be
191 allocated based on each district's proportion of the total K-12
192 base funding. From these funds, at least \$15,000,000 shall be
193 used to provide an additional hour of intensive reading
194 instruction beyond the normal school day for each day of the
195 entire school year for the students in the 300 lowest-performing
196 elementary schools based on the statewide, standardized English
197 Language Arts assessment pursuant to sections 1008.22(3) and
198 1011.62(9), Florida Statutes. This additional instruction must
199 be provided by teachers or reading specialists who are effective
200 in teaching reading. Students enrolled in these schools who have

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201 level 5 reading assessment scores may choose to participate in
202 the program on an optional basis. ESE centers shall not be
203 included in the 300 schools. Pursuant to section 1008.32,
204 Florida Statutes, the State Board of Education shall withhold
205 funds from a school district that fails to comply with this
206 requirement.

207 (14) (a) From the funds provided in section 1 of this act,
208 \$230,743,258 is provided for Instructional Materials including
209 \$12,184,490 for Library Media Materials, \$3,330,427 for the
210 purchase of science lab materials and supplies, \$10,329,494 for
211 dual enrollment instructional materials, and \$3,114,988 for the
212 purchase of digital instructional materials for students with
213 disabilities. The growth allocation per FTE shall be \$303.69 for
214 the 2017-2018 fiscal year. School districts shall pay for
215 instructional materials used for the instruction of public high
216 school students who are earning credit toward high school
217 graduation under the dual enrollment program as provided in
218 section 1011.62(1)(i), Florida Statutes.

219 (b) From the funds provided for Instructional Materials,
220 \$165,000,000 shall be available to school districts to purchase
221 instructional content, as well as electronic devices and
222 technology equipment, and infrastructure. The purchases made in
223 the 2017-2018 fiscal year must comply with the minimum or
224 recommended requirements for instructional content, hardware,
225 software, networking, security and bandwidth, and the number of

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226 students per device as developed and published by the Department
 227 of Education. Prior to release of the funds by the department to
 228 the school districts, each school district shall certify to the
 229 Commissioner of Education an expenditure plan for the purchase
 230 of instructional content and technology. If the district intends
 231 to use any portion of the funds for technology, the district
 232 must certify that it has the instructional content necessary to
 233 provide instruction aligned to the adopted statewide benchmarks
 234 and standards. If the district intends to use the funds for
 235 technology, the district must include an expenditure plan for
 236 the purchase of electronic devices and technology equipment, and
 237 infrastructure that demonstrates the alignment of devices and
 238 equipment with the minimum or recommended requirements. The
 239 department shall provide a report to the Legislature on or
 240 before March 1, 2018, that summarizes the district expenditures
 241 for these funds.

242 (15) From funds provided in section 1 of this act,
 243 \$438,875,286 is provided for Student Transportation as provided
 244 in section 1011.68, Florida Statutes.

245 (16) From funds provided in section 1 of this act,
 246 \$45,286,750 is provided for the Teachers Classroom Supply
 247 Assistance Program and shall be given to teachers pursuant to
 248 section 1012.71, Florida Statutes. The allocation shall not be
 249 recalculated during the school year.

250 (17) From the funds provided in section 1 of this act,

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251 \$12,883,871 is provided for a Federally Connected Student
 252 Supplement to be calculated to support the education of students
 253 connected with federally owned military installations, National
 254 Aeronautics and Space Administration (NASA) property, and Indian
 255 lands pursuant to section 1011.62(13), Florida Statutes. The
 256 supplement shall be the sum of a student allocation and an
 257 exempt property allocation. To participate, districts must be
 258 eligible for federal Impact Aid funding under Section 8003,
 259 Title VIII of the Elementary and Secondary Education Act of
 260 1965. The amount allocated for each eligible school district
 261 shall be recalculated during the year, using actual student
 262 membership, as amended, from the most recent February survey and
 263 the tax-exempt valuation from the most recent assessment roll.
 264 Upon recalculation, if the total allocation is greater than the
 265 amount provided in this act, it must be prorated to the level of
 266 the appropriation based on each district's share of the total
 267 recalculated amount.

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

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

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276 district school board policy.

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

285 Section 7. Funds appropriated in section 2 of this act are
286 provided to implement the requirements of sections 1003.03 and
287 1011.685, Florida Statutes. The class size reduction allocation
288 factor for grades prekindergarten to grade 3 shall be \$1,317.03,
289 for grades 4 to 8 shall be \$898.36, and for grades 9 to 12 shall
290 be \$900.53. The class size reduction allocation shall be
291 recalculated based on enrollment through the October 2017 FTE
292 survey except as provided in section 1003.03(4), Florida
293 Statutes. If the total class size reduction allocation is
294 greater than the appropriation in section 2 of this act, funds
295 shall be prorated to the level of the appropriation based on
296 each district's calculated amount. The Commissioner of Education
297 may withhold disbursement of these funds until a district is in
298 compliance with reporting information required for class size
299 reduction implementation.

300 Section 8. Funds appropriated in section 3 of this act are

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301 provided for the Florida School Recognition Program to be
302 allocated as awards of up to \$100 per student to qualified
303 schools pursuant to section 1008.36, Florida Statutes. If there
304 are funds remaining after payment to qualified schools, the
305 balance shall be allocated as discretionary lottery funds to all
306 school districts based on each district's K-12 base funding.
307 From these funds, school districts shall allocate up to \$5 per
308 unweighted student to be used at the discretion of the school
309 advisory council pursuant to section 24.121(5), Florida
310 Statutes. If funds are insufficient to provide \$5 per student,
311 the available funds shall be prorated.

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