

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021

NOTICE OF APPEAL

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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

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V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

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**THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA’S  
RESPONSE TO OWN YOUR SUCCESS ACADEMIES, INC’S  
d/b/a HILLSBOROUGH COUNTY ACCELERATION ACADEMY’S  
APPEAL OF DENIAL OF ITS CHARTER SCHOOL APPLICATION**

Appellee, THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA (“DISTRICT”), files this Response to the appeal of the denial of the application<sup>1</sup> of OWN YOUR SUCCESS ACADEMIES, INC. d/b/a HILLSBOROUGH COUNTY ACCELERATION ACADEMY (“the Applicant,” “the School” or “OYSA”). This appeal to the Charter School Appeals Commission (the “CSAC”) and State Board of Education (“SBE”) must be denied because the application failed to meet statutory requirements for a charter school.

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<sup>1</sup> Hereinafter the written notice of appeal filed by the Applicant with the Agency Clerk for the Department of Education (“FL DOE”), with the attachments on July 26, 2021 relating to the denial of its application, will be referred to as its “Notice of Appeal.”

## I. STATEMENT OF MATERIAL FACTS AND PROCEDURAL HISTORY

On January 28, 2021, the District's Department of Charter Schools received an application from the Applicant (the "Application"). See Appellant's Exhibit B – Charter Application. At the time the application was submitted, OYSA's representative, Ms. Cynthia J. Endicott, agreed to waive the statutory 90-day timeline set forth in Fla. Stat. §1002.33(6)(b)(3)(a) until the Hillsborough County School Board meeting on June 15, 2021. A copy of such waiver is attached hereto as Exhibit 1.<sup>2</sup> After a comprehensive review by the School District, on April 22, 2021, a Capacity interview was held over the Zoom Platform. Based on concerns raised during the interview and in the Application, the School District offered Applicant an opportunity to withdraw their application and reapply at another time or enter into discussions regarding alternative methods for providing services; however, the Applicant chose not to withdraw the Application.<sup>3</sup> Accordingly, the District made the recommendation to the Hillsborough County School Board (the "Board") to deny the Application.

The Board considered the application at its meeting on June 15, 2021 (See Appellant's Exhibit C – The relevant June 15, 2021 School Board Meeting Transcript) and denied the Application based on Applicant's failure to meet the standard for certain review criteria as set forth in the Florida Charter School Application Evaluation Instrument (the "Evaluation Instrument") and, in turn, comply with Fl. Stat. §1002.33. See Appellant's Exhibit G – Agenda Item Attachment and Evaluation of the Charter School. Accordingly, by letter dated June 24, 2021 (the "Denial Letter"), the District notified the Applicant of the denial and provided the specific reasons, in compliance with Fla. Stat. §1002.33 (6)(b)(3). The District sent the letter to

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<sup>2</sup> Despite allegations in the Appeal to the contrary, OYSA's Board of Directors was made aware of this waiver pursuant to an email from District employee, Ms. Amy Fordyce, dated January 29, 2021. A copy of such correspondence is attached hereto as Exhibit 2.

<sup>3</sup> Applicant applied to open charter schools in Manatee, Polk, and Pinellas Counties. However, upon being made aware of applications deficiencies withdrew its application in Pinellas. Likewise, Applicant submitted applications (nearly identical to one giving rise to this appeal) in Manatee and Polk, both of which were denied and not appealed.

the Applicant by email on June 24, 2021, and U.S. Mail on approximately June 25, 2021. See Appellant’s Exhibit A – Denial letter.

Thereafter, the Applicant filed its *Notice of Appeal of Denial of a Charter School Application and Petitioner’s Brief* (the “Appeal”) with the Agency Clerk for the Florida Department of Education. Despite the fact the Appeal states a date of July 22, 2021, the District did not receive the Appeal until July 26, 2021, thereby making the District’s response to the appeal due on August 25, 2021.<sup>4</sup> Thus, this Response by the District is timely filed.

**II. STANDARD OF REVIEW**

**Good Cause**

Denial of a charter application must be based on good cause. “Good cause” has been interpreted to mean a “legally sufficient reason.” *School Bd. of Osceola County v. UCP of Cent. Florida*, 905 So. 2d 909, 914 (Fla. 5th DCA 2005). See also *School Bd. of Volusia County v. Academies of Excellence, Inc.*, 974 So. 2d 1186 (Fla. 5th DCA 2008). Accordingly, a review of such a decision must be limited to determining whether the District abused its discretion in determining that such competent substantial evidence existed. The question, therefore, is not whether the CSAC or SBE would vote to approve the application, but whether, given the evidence, the Board reached a reasonable decision pursuant to the authority delegated to it by the legislature pursuant to Fla. Stat. §1002.33. If so, the Board’s decision must be upheld. See *DeGroot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957).

**III. ARGUMENT**

The District has good cause to deny the Application based upon the Applicant’s failure to comply with Fla. Stat. §1002.33. Fla. Stat. §1002.3(2) sets forth the guiding principles and

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<sup>4</sup> July 22<sup>nd</sup> was a Thursday. Pursuant to the Appeal, the Notice and Appeal were sent on that date to the District via overnight delivery. However, during July, the District is closed on Fridays. Accordingly, the District did not receive the Notice of Appeal until Monday, July 26, 2021.

purpose of Charter schools and states, in part:

(a) Charter Schools in Florida **shall be guided by the following principles:**

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
2. Promote enhanced academic success **and financial efficiency by aligning responsibility with accountability.**
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools **shall fulfill the following purposes:**

1. Improve student learning and academic achievement.
2. Increase learning opportunities **for all students**, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods. (emphasis added)

Further, section (6) of Fla. Stat. §1002.33, which governs the charter school application process and review states:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:

1. Demonstrates how the school will use the **guiding principles** and meet the statutorily **defined purpose** of a charter school.
2. ...
3. ...
4. ...
5. Contains an annual financial plan for each year requested by the charter for the operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and **a description of controls that will safeguard finances** and projected enrollment trends.
6. ...
7. ...
8. ...

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education...

1. ...
2. In order to ensure fiscal responsibility, an application for a charter school **shall include** a full accounting of expected assets, a projection of expected

sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

Accordingly, a failure to the use **any** of the guiding principles is sufficient for denial of an application. Likewise, failure to meet **any** of the charter school application requirements is sufficient for a denial. A consideration of the aggregate failures is not the standard; **a single failure, based on competent substantial evidence, justifies a denial.** Further, the District is required to utilize the Evaluation Instrument and the information contained therein as its basis for approving or denying an application. Accordingly, any failure to meet the standard set forth in the Evaluation Instrument is, in and of itself, a good cause for denial. The District, therefore, had good cause for the denial, based on each reason set forth below and all of which were articulated in the Denial Letter.

**A. The application does not comply with F.S. §1002.33(7)(a)2 because:**

**The educational program design and learning environment the school proposes are not consistent with the requirements in Florida Statutes for charter schools.**

**The proposed daily schedule does not comply with statutory requirements due to instructional minutes being completed outside the brick-and-mortar setting.**

The educational program design and learning environment are not consistent with statutory requirements due to the fact the application wholly fails to indicate the amount of seat time for each student. Fla. Stat. §1011.61(1)(a)(1) of the Florida Education Code defines a full-time student, in part, as:

A “full-time student” is one student on the membership roll of one school program or a combination of school programs listed in §1011.62(1)(c) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program

Accordingly, determination of a full-time student is, per statute, based on the number of net hours for a student. Further, the 2021 Full-Time Equivalent General Instructions 2020-2021 manual (the "Manual") expressly states, "FTE eligibility as related to attendance for students in grades PK-12 is not determined on a course-by-course basis; instead, it is determined on a **daily basis**." P. 10 of the Manual. A copy of the Manual is attached hereto as Exhibit 3. As such, daily seat time is required. The Manual further states

student reporting of blended learning courses for funding under the FEFP continues to be reported based on seat time. Class minutes for an online portion of a blended course shall be calculated based on seat time during documented hours dedicated to the course for which funding is sought...The amount of FTE reported for a blended learning course should be reflective of the student's schedule

Notwithstanding the foregoing, the Applicant wholly fails to indicate the hours attributable to Full-Time Equivalent ("FTE") course work. Rather, the Application only indicates the time of day general instructional programs will be start and stop. Application p. 99-101. The confusion regarding seat time is further compounded by the fact the application states both that "[s]tudents are required to attend campus **12 hours per week** and to work off-site virtually for **12 hours per week**" (for a total of 24 hours per week) and "each [Graduation Candidate] is expected to complete **25 hours of work each week**, with a combination of on-site and off-site learning opportunities." Application p. 99 and 15.

In its Appeal, Appellant seeks to avoid this shortcoming by attempting to create an exception under Fla. Stat. §1002.33(7)(a)(2)(b) by citing a "blended" learning environment. However, as seen in the explicit language from the manual quoted above, such exception does not exist. Daily seat time (either in person or "during hours dedicated to the course") is crucial in determining appropriate FTE calculations, and without such information, the District cannot

provide accurate funding, an Applicant cannot satisfy the guiding principle of “promot[ing] enhanced academic success and **financial efficiency...**” See Fla. Stat. §1002.33(2)(a)(2). Accordingly, the Board had good cause to deny the Application.

Beyond the foregoing, the educational program is not consistent with the requirements of the Florida statutes due to the fact the Application fails to include a Pupil Progression Plan. The Pupil Progression Plan is a crucial piece of any Charter application due to the fact it provides students, parents, and staff with the objective criteria that will be utilized to promote students to the next grade level. Without such information, the District cannot fully assess OYSA’s program design and the criteria it will utilize to ensure students achieve success; of critical importance given Applicants intent to assist students who struggle in traditional settings. However, Attachment E to the Application explicitly states, “[a] pupil progression plan is not applicable for Hillsborough County Acceleration Academy”; however, no exception exists whereby a school is exempt from having a student progression plan. Accordingly, the Board had good cause to deny the Application.

**B. The application does not comply with F.S. §1002.33(16)(a)3 and FS. §1002,33(6)(b)(2) because:**

- **A comprehensive and compelling plan for appropriate identification of students with special needs is not clearly articulated in the application.**
- **The application does not clearly describe the continuum of service for Exceptional Students that will be provided at the school.**
- **The application does not provide a clear understanding of how to ensure appropriate placement of students through the IEP process.**

The Application was appropriately denied due to the fact it did not provide services for students with special needs, in accordance with state and federal law. Specifically, the Evaluation Instrument requires “[a] comprehensive and compelling plan for appropriate identification of students with special needs.” Evaluation Instrument p. 7. However, given such

heightened standard of “comprehensive and compelling,” the Application only contained boilerplate language regarding the process for the multi-tiered system of supports (“MTSS”), yet MTSS is only the first step in identifying a student with special needs. Application p. 42. The District has always placed a strong emphasis on serving exceptional students. As such, the District anticipates that any charter school it sponsors will also share such emphasis and provide exceptional students all necessary resources. Accordingly, the failure to provide “comprehensive and compelling information” regarding the process for completing the remainder of the statutory steps in the process of identifying, placing and serving vulnerable students in Hillsborough County provides good cause for the denial of the application. Application p. 42.

Additionally, in regarding to appropriately placing students through the IEP process, the application only states:

The contract between Acceleration Academies and the Own Your Success Board specifically obligates Acceleration Academies to serve special education [Graduation Candidates] based on IEP goals that are written for mild to moderate students with disabilities under IDEA. This classification would include [Graduation Candidates] who are able to receive instruction with their nondisabled peers 40% to 100% of the school day.

Application p .42. Therefore, the plan only addresses Graduation Candidates; it does not address other students who may require additional services. Further, even when considering Graduation Candidates with disabilities under the IDEA, it is entirely unclear how it can be ensured that such vulnerable students receive “instruction with their nondisabled peers 40% to 100% of the school day”, when, as discussed in subsection “A” above, the application fails to indicate the seat time per day and the Appeal states that “students...should be given deference in how they receive their education.” Appeal p. 8. Of even greater concern, if a student only receives services with its nondisabled peers a portion of the time (by way of example, 40% of the time), the Application fails to indicate how he or she would receive direct services ( i.e. the other 60% of the time), given the proposed “12 hour per week on campus” and the “deference” given to students



regarding when and where they complete their coursework. As such, the application fails to indicate how the school will fulfill its purpose of increasing learning opportunities for “all students,” in accordance with Fl. Stat. §1002.33(2)(b)(2), and therefore, the application was appropriately denied.

**C. The application does not comply with F.S. §1002.33(10)(f) because:**

- **The application reflects limited understanding of the legal obligations regarding the education of English Language Learners and the school’s obligation under state and federal law.**
- **The application lacks a comprehensive and compelling plan for educating English Language Learners.**
- **The application lacks a clear plan for identifying, monitoring, and evaluating the progress of English Language Learner students, including exiting students from ELL services.**
- **The application does not include an enrollment projection of ELL students nor a staffing plan aligned to projections.**

The application was appropriately denied due to the fact it did not comply with the statutory requirements for English Language Learners. Florida Rule 6A-6.0902 sets for the Requirements for Identification, Eligibility, and Programmatic Assessment of English Language Learners and states:

- (1) Requirements for identification. Each student shall be surveyed upon initial registration in a Florida, public school. The survey shall contain the following questions:
  - (a) Is a language other than English used in the home?
  - (b) Did the student have a first language other than English?
  - (c) Does the student most frequently speak a language other than English?
- (2) Assessment to determine eligibility for appropriate services and funding.
  - (a) Each student who responded “yes” to any question on the home language survey **shall be assessed** to determine if the student is limited English proficient based on one of the standards set forth in this subsection...

Rule 6A-6.0902, F.A.C. Emphasis added in bold. Yet, notwithstanding the language that

students “shall be assessed,” the application only states, “[i]f the first answer only is YES, then the student **will not** be enrolled in an ESOL program.” Accordingly, the process for ELL in the Application disregards the applicable and controlling rule.

Likewise, pursuant to the Florida Standard Charter Contract, a charter school has the option to implement the district plan for ESOL Programmatic Program, or it can submit a plan to its sponsor for approval. In the current action, Applicant did not include in the application a plan; nor did it reflect an understanding of the District’s plan. Further, the District’s plan, submitted to the Florida Department of Education on May 7, 2019, states:

The Data Processors and/or the Registrar at the individual school site review the Student Enrollment Record (SER) form. Copies of the SER for students who have a “yes” response to any of the HLS questions will be provided to the assigned ESOL Resource Teacher and/or Bilingual Education Paraprofessional so as to assess students for program eligibility within 30 school days of registration.

Notwithstanding, in the Application, the Applicant states that the “**school registrar** will maintain an up-to-date log of all eligibility testing and results and all required documentation...”. See Application p. 45. Accordingly, even if the Application was approved, the OYSA would not be able to comply with the requirements of the Florida Standard Charter Contract due to the fact the Applicant does not implement the District plan, which requires such records to be provided to the “Teacher and/or Bilingual Education Paraprofessional” nor did Applicant propose the submittal of their own plan; such impossibility of performance was good cause for the denial of the Application. Florida Standard Charter Contract p. 4.

Beyond the foregoing, the application contains several other oversights and errors regarding ELL students, further indicating the Applicant does not intend to fulfill its purpose of “increase[ing] learning opportunities for **all** students.” Fla. Stat. §1002.33(2) The application states that “[i]f the second or third or both questions are answered YES, then the GC will be assessed within 20 days ...this is done through...administering the WIDA (ACCESS test) to

determine Limited English Proficiency (LEP) Levels”. Application p. 45. However, Applicant’s lack of understanding of ELL students, and the services required thereby, is evidence-based on the fact it is well established that the ACCESS test is not a screening tool but rather a performance evaluation instrument to determine the student’s English language acquisition and proficiency. Accordingly, applicant intends to utilize the incorrect instruments to identify ELL students. Likewise, Part C of the ELL section of the Application required Applicant to provide plans for exiting students from ELL services. Notwithstanding, Applicant only stated, “the ESOL teacher and/or the GC can initiate consideration of changes in services and supports based on student performance and needs.” Application p. 46. Therefore, unless initiated by the ESOL Teacher or the student, the ELL students have no clear path for exiting the program, and a student could, to their detriment and in conflict with the goals of the ELL program, remain in the program indefinitely. This uncertainty is further compounded by the fact, as discussed above, Applicants plans to utilize the ACCESS evaluation test, which should be utilized to determine a student’s yearly progress and promotion in the ELL program as its screening tool **for entry** into the ELL program.

Finally, the Evaluation Instrument requires “a realistic enrollment projection and staffing plan that aligns with projections,” yet Applicant wholly failed to provide an enrollment projection in the Application and only provided a hypothetical proposed enrollment of “8%-9.5%” in its Appeal. Evaluation Instrument p. 8. This oversight, coupled with the fact that the Revenue Estimate Worksheet fails to account for **any ELL** students, it makes apparent the Applicant did not plan to provide for the education of ELL students, in violation of state law. As such, the application again fails to indicate how the school will fulfill its purpose of increasing learning opportunities for “all students,” in accordance with Fl. Stat. §1002.33(2)(b)(2) or ensure “[s]tudents with disabilities and students served in English for Speakers of Other Languages

programs shall have an equal opportunity of being selected for enrollment...”, in accordance with Fl. Stat. §1002.33(10)(f)(2). Based on such statutory violations, the District had good cause for the denial.

**D. The application does not comply with F.S. §1002.33(6)(a)5 and §1002.33(6)(b)2 because:**

- **Budgetary projections are not consistent with all key aspects of the application, including planning for appropriate instructional seat time to ensure revenue is earned, appropriate staffing to ensure class size is met, expenses for an SSO or Guardian, transportation expenses, food services expenses, and the facility loan commitment letter to validate proposed revenues.**
- **The application does not provide a realistic assessment of projected sources of revenue and expenses to ensure financial viability of the school due to the Education Service Provider (ESP) retaining 95% of the school’s FEFP payments, the lack of accounting for the district’s administrative fee, lack of budgeting for the external audit, no ESOL students accounted for in projections and the additional expenses for regional and national support despite 95% of the budget already designated to the ESP.**
- **The plan to adjust the budget should non-guaranteed revenues not materialize as planned is minimally addressed in the application and not a sound plan.**

The District had good cause to deny the application due to the fact the application does not appropriately address revenue and expenses. As set forth above, a charter school application must “contain an annual financial plan...[that] must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses and a **description of controls that will safeguard finances** and projected enrollment trends.” Fla. Stat. §1002.33(6)(a)(5). In furtherance of the emphasis on safeguarding finances, Section 21 of the Standard Charter Application requires “a plan for the governing board to regularly exercise oversight over and take accountability for all financial operations of the school.” See Application p. 85.

Notwithstanding, as set forth in the application, OYSA intends to utilize Acceleration Academies (“Acceleration”) as its Education Service Provider (“ESP”). Acceleration is a third-party service provider, which, per the application, will receive 95% of the funds allocated to OYSA from the District; a proportion of funding inconceivable from the District perspective where the average allocation ranges from 9-13%.<sup>5</sup> Yet despite the fact Acceleration will receive such a substantial portion of the state funding, the Applicant wholly failed to include in the application a financial management system for day-to-day oversight by the Applicant’s governing board. Accordingly, despite the statutory requirements for a Charter application, Applicant failed to include “a description of controls that will safeguard finances.” Rather, in its Appeal, Applicant only attempts to justify such substantial portions of funds going to Acceleration due to the fact Acceleration “must pay all of school staff salaries, benefits, workers compensation, unemployment and premises liability insurance policies, professional development, special education services, accredited curriculum and instruction, school software and hardware, and all programmatic and licensed services.” Appeal p. 16. It can only be assumed that is it this substantial responsibility and control surrendered to the ESP, which resulted in the Applicant failing to include certain crucial expenses in its budget (see Denial Letter) and failing to include certain projections; however, such an assumption regarding the use of state-funded monies is impermissible.

If items are unaccounted for on the Applicant’s budget, it is entirely unclear if such services are being overlooked or if they are being relegated to the ESP. Without such clarity where these expenses lie, the District cannot ensure all necessary expenses are accounted for by the Applicant. Further, given that the ESP is not subject to regulation or oversight by the District,

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<sup>5</sup> It is important to note that despite the fact OYSA is established as a non-for-profit, the same cannot be said for Acceleration, which, is not subject to the District’s review. Accordingly, OYSA, the entity which would fall under the supervisory capacity of the Board and would be awarded FTE funds would then transfer 95% of those funds to Acceleration, at an unprecedented rate, without the accountability or oversight by the Board.

the District cannot review the budget of the ESP but rather is confined to the budget included in the Application. Accordingly, based on such uncertainty, Applicant failed to include an “expense projection that includes **full accounting of the costs of operation,**” and therefore, the District had good cause for the denial. Fla. Stat. §1002.33(6)(b)(2).

Beyond on the foregoing, the Board denied the application due to the fact the OYSA and Acceleration relationship, by its nature, disregards the guiding principles of a charter school by failing to ensure “enhanced academic success and financial efficiency by aligning responsibility with accountability”; specifically, OYSA maintains accountability to the Board, while the responsibility associated with providing educational services to “all students” via the state-funded monies is ceded to Acceleration (at a staggering percentage), which has no accountability to the Board and, as set forth below, seemingly nominal “accountability” to the OYSA governing board. Fl. Stat. §1002.33(2)(b)(2). Such a disparity is contrary to the purpose of Fla. Stat. §1002.33 and, as such, is sufficient for the denial of the Application.

**E. The application does not comply with F.S. §1002.33(6)(a)5, §1002.33(7)(a)9 and §1002.33(7)(a)1 because:**

- **The application states that the Board will review operating results presented by a contracted accounting firm monthly; however, due to the 95% of the FEFP being paid to the ESP, the board will retain little authority to exercise oversight over the financial operations of the school.**
- **The application does not provide a fiscal management system with clear roles and responsibilities for day-to-day operations and board oversight.**
- **The application does not provide clear provisions for an annual financial audit as this expense is not evident in the budget.**
- **The application does not clearly articulate public transparency of school financial health, especially given the majority of public funding will be given to the ESP.**
- **Insurance coverage requirements are not addressed in the application, only that the school will hire an insurance broker to ensure coverage. The insurance broker is not included in the budget.**

The Application was appropriately denied due to the fact the Applicant failed to meet certain statutory financial requirements. As an initial matter, and as set forth in subsection “D” above, one reason for the Board’s denial was due to the fact the OYSA and Acceleration relationship, by its nature, disregards the guiding principles of a charter school by failing to ensure “enhanced academic success and financial efficiency by **aligning responsibility with accountability.**” Additionally, this relationship creates serious concern regarding the power afforded to Acceleration. Specifically, due to the fact Acceleration is OYSA’s sole provider, the OYSA board has no option but to be subservient to Acceleration, including but not limited to failing to question the expenditure of the FTE monies and the day-to-day operation of the school; or risk the collapse of the entire school.

Beyond the foregoing, the application itself creates serious concerns regarding OYSA, Acceleration, and financial responsibility. On p. 86 of the application, included among Financial Management and Oversight, it states that “the Board will contract with a CPA firm” to complete an audit. However, the budget does not account for such an audit. Therefore, it is entirely uncertain if this is a cost borne by OYSA or if it is incorporated in the cost assigned to Acceleration (despite the fact such item is not listed as a cost associated to Acceleration in the Appeal). Likewise, the budget states that 8% of the state-funded monies will go to the District, as the Sponsor, and to the governing Board of OYSA, with the District receiving 5% thereof. Application p. 360. However, throughout the Application (and in the draft Management Agreement included with the Application), it repeatedly states that Acceleration, as the ESP, will be assigned 95% of the state funding. Application p. 360 and 393. Accordingly, the application contemplates OYSA expending 103% of its funding, an impossible feat. Therefore, the application once again creates uncertainty and, in doing so, fails to comply with the statutory requirements by failing to provide a realistic, much less attainable, “spending plan based on

projected revenues or expenses.” Fl. Stat. §1002.33(6)(a)(5). As such, the Board had good cause to deny the application.

**F. The application does not comply with F.S. §1002.33(6)(a) because:**

- **The Board has selected Acceleration Academies, LLC, a for-profit management company, as their ESP. The application did not include Addendum B to address the required criteria regarding the ESP.**
- **A draft management agreement is provided in the application and includes language throughout that provides the ESP authority over the charter school to include 95% of all FEFP funding paid to the ESP.**
- **During the capacity interview, concern arose that one of the founders of the ESP is also acting as legal representation for the governing board, disabling an arm’s length relationship between the board and the ESP.**

The Application was appropriately denied due to the fact the Applicant failed to meet certain application requirements. Fla. Stat. §1002.33(6)(a)(6) requires the application to include:

Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

Likewise, the Evaluation Instrument requires the sponsor to:

[R]eview the portfolio of schools operated by the applicant group, governing board, or ESP to determine if the academic and financial performance demonstrates the capacity to operate a high-quality charter school.

Evaluation Instrument p. 25. Accordingly, Addendum B, which requests information regarding other charter schools or programs operated by the ESP in the state, is a required portion of the Charter Application.<sup>6</sup> Notwithstanding, Applicant completely omitted Addendum B from its application, in its entirety, effectively prohibiting the District from fully evaluating or vetting the

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<sup>6</sup> It should be noted that the Applicant submitted an application for the Charter Program Grant Funds, which is a competitive grant issued by the Department of Education, this year using a nearly identical application to the one giving rise to this Appeal. However, the grant was rejected from the review process in Phase I which verifies completion of the application before it ever goes to a review team to review and rate for failing to include Addendum B.



Applicant. This omission, of such a material portion of the application, was, in and of itself, good cause for the denial.

Additionally, the Application included the draft management agreement, which contemplates Acceleration receiving 95% of all funding paid to the ESP. As discussed at length above, this relationship, by its nature, disregards the guiding principles of a charter school by failing to ensure “enhanced academic success and financial efficiency by aligning responsibility with accountability” and creates serious concern regarding the power afforded to Acceleration. However, Acceleration receiving 95% of the FTE and being the sole provider for the Applicant is not the only concern.

In the Appeal, it expressly states that “at no time has any founder of or counsel for the [Acceleration] represented the [OYSA] governing board in any legal matter.” However, in reviewing the Application, a Mr. David Sandstrom is named as the founder of Acceleration. Application p. 6. Yet, Mr. Sandstrom is also listed as Board Counsel for OYSA and is listed as the Board’s Registered Agent. Application p. 189. Based on such dual roles, it is inconceivable that Mr. Sandstrom, as Board Counsel, could, in good faith, assist the OYSA board in negotiating a management agreement with Acceleration at arm’s length. Accordingly, the District had good cause to deny pursuant to Fl. Stat. §1002.33(6)(a)(1), due to the fact Acceleration’s control over Applicant does not abide by the guiding principal of promoting financial efficiency and places an impermissible amount of power over the Charter School in a private for-profit company.

#### **IV. CONCLUSION**

The DISTRICT respectfully requests the SBE and the CSAC uphold the decision of the DISTRICT based on competent substantial evidence of good cause to deny the application, deny the request for attorneys’ fees and costs as no basis exists, and deny the Applicant’s appeal for reasons stated within this Response and award any further relief deemed just and proper,

including attorney's fees and costs pursuant to Section §1002.33(6)(d)(1), Florida Statutes.

Respectfully submitted this 20<sup>th</sup> day of August 2021.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of The School District of Hillsborough County Florida's Response to Own Your Success Academies, Inc's d/b/a Hillsborough County Acceleration Academy's has been emailed and five (5) bound versions sent via Federal Express to Christian Emerson, Christian.Emerson@fldoe.org, Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400. The response has also been provided via email and federal express to Thomas B. Sternberg, Esq., tbs@trippscott.com, TRIPP SCOTT, 110 SE Sixth Street, 15<sup>th</sup> Floor, 110 SE Sixth Street, Ft. Lauderdale, FL 33301, Attorney for Appellant, this 20th day of August 2021.

/s/ Jeffrey W. Gibson  
Jeffrey W. Gibson, Esquire  
Thomas Farrior, Esquire  
Attorney for Appellee



BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021  
NOTICE OF APPEAL

---

OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY  
APPLICANT/APPELLANT (“OYSA”)

---

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA  
APPELLEE (“DISTRICT”)

---

**APPENDIX TO  
THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA’S  
RESPONSE TO OWN YOUR SUCCESS ACADEMIES, INC’S  
d/b/a HILLSBOROUGH COUNTY ACCELERATION ACADEMY’S  
APPEAL OF DENIAL OF ITS CHARTER SCHOOL APPLICATION**

<b>EXHIBIT</b>	<b>DOCUMENT</b>
Appellant’s Exhibit A	Denial Letter
Appellant’s Exhibit B	Charter Application
Appellant’s Exhibit C	The relevant June 15, 2021 School Board Meeting Transcript
Appellant’s Exhibit G	Evaluation Instrument [Agenda Item Attachment and Evaluation of the Charter School]
Exhibit 1	Waiver
Exhibit 2	Email dated January 29, 2021 from Ms. Amy Fordyce
Exhibit 3	Manual
Exhibit 4	Cited Caselaw
	<i>School Bd. of Osceola County v. UCP of Cent. Florida</i> , 905 So. 2d 909, 914 (Fla. 5th DCA 2005)
	<i>School Bd. of Volusia County v. Academies of Excellence, Inc.</i> , 974 So. 2d 1186 (Fla. 5th DCA 2008)
	<i>DeGroot v. Sheffield</i> , 95 So. 2d 912, 916 (Fla. 1957)

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

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D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

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V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

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**DENIAL LETTER**

**APPELLANT’S EXHIBIT A**

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
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V.

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**CHARTER APPLICATION**

**APPELLANT’S EXHIBIT B**

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

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V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

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**THE RELEVANT JUNE 15, 2021 SCHOOL  
BOARD MEETING TRANSCRIPT**

**APPELLANT’S EXHIBIT C**

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
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APPLICANT/APPELLANT (“OYSA”)

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V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

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**EVALUATION INSTRUMENT  
[AGENDA ITEM ATTACHMENT AND  
EVALUATION OF THE CHARTER SCHOOL]**

**APPELLANT’S EXHIBIT G**





BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
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V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

---

**WAIVER**

**EXHIBIT 1**

School Board  
Lynn L. Gray, Chair  
Stacy A. Hahn, Ph.D., Vice Chair  
Nadia T. Combs  
Karen Perez  
Melissa Snively  
Jessica Vaughn  
Henry "Shake" Washington



Superintendent of Schools  
Addison Davis

Chief of Innovation  
Van Ayres

Supervisor, Charter Schools  
Cinzia DeLange, Ed.D

## Memorandum of Agreement between Charter Applicant and Hillsborough County Public Schools for Application Review Timeline 2021

Florida Statute 1002.33(6)(b)3.a. states, "A sponsor shall by majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application."

Due to the District School Board meeting calendar, we are requesting an extension of the 90-day timeline so that all applications may go to the Board for a vote on **June 15, 2021**. This would allow enough time for a thorough review while still giving the applicant ample time to prepare for opening in the case of an approval.

By signing this memorandum, you are agreeing to the extension requested by the Hillsborough County School Board.

I agree to the Hillsborough County School Board extension.

Proposed School Name: Hillsborough County Accelerator Academy  
Relation to the Application: Own Your Success Consultant to AA  
Name (printed): CYNTHIA J ENDICOTT  
Signature: Cynthia J Endicott  
Date: 1/28/21





BEFORE THE FLORIDA STATE BOARD OF EDUCATION

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THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA  
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**EMAIL DATED JANUARY 29, 2021 FROM  
MS. AMY FORDYCE**

**EXHIBIT 2**

Wednesday, February 3, 2021 2:57:59 PM

From:  Amy Fordyce  
Subject: Re(2): Application Received- Next Steps  
To:  Mark Graves <mgraves@accelerationacademy.org>  
Cc:  Thresa Giles <tgiles08@outlook.com>  
 Janae Thomas <jet07e@gmail.com>  
 Rick Martin <martinhomes@gmail.com>  
 David Parker <david.parker@cfl.ir.com>  
 Cinzia.Delange@sdhc.k12.fl.us  
 Brenda.Diaz@sdhc.k12.fl.us

Thank you Mr. Graves. See you then.

*Thank you,  
Amy*

Amy Fordyce  
District Resource Teacher, Charter, Innovation  
ROSSAC WellBeing4U Champion  
Hillsborough County Public Schools  
813-272-4159  
[amy.fordyce@sdhc.k12.fl.us](mailto:amy.fordyce@sdhc.k12.fl.us)

*Preparing Students for Life*



"The more we hold to that which is good, the faster we flee from that which is evil."  
Matthew Henry

Mark Graves <mgraves@accelerationacademy.org> on Wednesday, February 3, 2021 at 8:00 AM -0500 wrote:

\*\*The message(s) below originate outside of the Hillsborough County Public Schools email system.  
Use caution if the message contains attachments, links or requests for information\*\*



Good morning, Ms Fordyce:

Three of our four Founding Board members will be able to join us on Friday, Ms Thomas, Mr Martin and Mr Parker. I will also join the call as the representative of the CMO, Acceleration Academies.

See you all then,

Mark

Mark A. Graves  
President  
Acceleration Academies, LLC  
312.919.8445 (cell)  
<http://www.accelerationacademy.org>  
#ownyoursuccess

On Fri, Jan 29, 2021 at 12:18 PM Amy Fordyce <[amy.fordyce@sdhc.k12.fl.us](mailto:amy.fordyce@sdhc.k12.fl.us)> wrote:

Dear Mr. Graves,

Your charter school proposal/application has been received by Hillsborough County Public Schools and is presently under review.  
Please note that our office will communicate with the primary contact directly, but will also copy the members of the founding/governing board on correspondence in which their involvement is requested.

+++++

Each application cycle, Hillsborough County Public Schools offers an optional 30-minute presentation opportunity for your applicant team to share information regarding your application directly to the review team.  
**There will be no questions about your application at this time.**  
You may present in any format you prefer on the Zoom platform. We will make you a co-host in the meeting so that you may share your screen if you choose.  
***Please respond to this email with confirmation of your attendance and the presenter(s) name(s) by Wednesday, February 3.***

**Your 2021 Applicant Presentation Opportunity is scheduled for:**  
Date: Friday, February 5, 2021  
Between: 9:00-9:30 AM

**Zoom Meeting Details**

<https://us02web.zoom.us/j/82821116416?pwd=VVdUVEZldFQ0dGsxQWEyZ2ZrRitRZz09>

Meeting ID: 828 2111 6416  
Passcode: 1ZAd3R

=====

Prior to submitting our review findings to Superintendent Davis, we will hold an interview with your applicant team and the board members associated with the application proposal. **Please ensure members of the governing board are present at the interview in addition to any applicant team members. A list of attendees with names and titles associated with the application is requested by Thursday, April 1.**

**Your 2021 Applicant Capacity Interview is scheduled for:**

Date: Tuesday, April 13, 2021  
Between: 8:30-9:30 AM

**Zoom Meeting Details**

<https://us02web.zoom.us/j/82821116416?pwd=VVdUVEZldFQ0dGsxQWEyZ2ZrRitRZz09>

Meeting ID: 828 2111 6416  
Passcode: 1ZAd3R

+++++

Thank you for signing the memorandum of agreement to waive the statutory 90-day review window. Superintendent Davis will make his recommendation before the School Board of Hillsborough County for approval or denial of the application on **June 15, 2021**. Please note that our Board is in the process of revising the board meeting schedule and this specific date may change. We will notify you immediately should the June meeting date change. A copy of the signed waiver is attached for your records, along with a copy of the application review timeline and our application received checklist.

If you have any questions or concerns, please feel free to contact the Charter Office at 813-272-4049. Amy Fordyce [[amy.fordyce@sdhc.k12.fl.us](mailto:amy.fordyce@sdhc.k12.fl.us)] will be your primary contact for assistance.

*Thank you,  
Amy*

Amy Fordyce  
District Resource Teacher, Charter, Innovation  
Hillsborough County Public Schools  
813-272-4159



[amy.fordyce@sdhc.k12.fl.us](mailto:amy.fordyce@sdhc.k12.fl.us)

*Preparing Students for Life*



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**MANUAL**

**EXHIBIT 3**

Florida Department of Education  
Bureau of PK-20 Education Data Warehouse  
and Office of Funding and Financial Reporting

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# Full-time Equivalent (FTE) General Instructions 2020-21



Questions and comments regarding this publication should be directed to: Florida Department of Education, Bureau of PK-20 Education Data Warehouse, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850) 245-0400, [ASKEIAS@fldoe.org](mailto:ASKEIAS@fldoe.org)

# **FTE General Instructions**

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# Introduction

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The “FTE General Instructions 2020-21” includes new items and items that have been revised for clarification.

<u>Page Number</u>	<u>Note</u>
viii	4. Deletion of ‘Online Course Requirements’ to match wording in instructions for reporting.
1	Added ‘Dual Enrollment’ to Survey Period 5.
7	Removed Student Number Identifier, Florida, since it is being replaced with Florida Education Identifier.
8	Removed Alias Number Identifier.
17	Added Advanced Placement data element for Additional FTE section.
20-21	Added Dual Enrollment reporting and new data elements information to Additional FTE section.
21	Added four CAPE Innovation Courses in the Course Code Directory.
22	Removed the Location of Student data element since it is specific to virtual courses and does no relate to dual enrollment instruction.
34	Appendix A - Updated survey dates.
40-41	Changed school number 3520 to 3900.
45, 47, 49, 50, 52	Deletion of ‘Incomplete, Withdrew Failing, Withdrew Passing’, since a grade should be reported in Survey 4.
51, 56	Added ‘part-time’ to public virtual instruction for students in kindergarten through grade 12.
53	Added following sentence to last paragraph to assist in clarifying when FLVS Flex should report the course completion. ‘FTE should be reported for funding in the survey that corresponds with the period during which the student successfully completed the course.’
60-64	Appendix F - Added the following course numbers: 0708455, 1200997, 2000998, 3026021

## Overview

The 2020-21 Florida Education Finance Program (FEFP) provides funding for a 180-day regular school year, or the hourly equivalent of 180 days, with the following exceptions:

- Department of Juvenile Justice (DJJ) programs;
- Juveniles Incompetent to Proceed (JITP) programs;
- The Florida Virtual School (FLVS); and
- Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to Sections 1011.61, 1002.45 and 1003.498, Florida Statutes (F.S.).

However, Supplemental Academic Instruction (SAI) Allocation and the Reading Allocation funds may be used for PK-12 courses offered beyond the regular 180-day school year, including intersessions. Even if no associated funding is provided, districts are required to report summer school FTE, including the FTE associated with extended school year programs and summer reading programs, for use by the Florida Department of Education (FDOE) in preparing statistical reports, reviewing participation in selected summer programs, and planning for student growth.

Courses offered by FLVS, franchises of FLVS, district virtual instruction programs, district virtual course offerings, virtual courses delivered on a public school campus, and virtual charter schools will be funded on the basis of successful course completion. Details on the reporting of FTE for students in these virtual education programs can be found in Appendix E.

Section 1003.57, F.S., prohibits non-Florida resident exceptional students with disabilities who reside in a residential facility and receive special education or services from being reported for FTE funding through the FEFP. It further provides that the cost of instruction, facilities, and services for non-Florida-resident students with disabilities be provided by the placing authority in the student's home state of residence (e.g., public school entity, parent, other placing authority). It also provides that the Florida residential facility where the student is placed is responsible for billing and collecting payments from the placing authority.

Please refer to Appendix B for FEFP programs that are eligible for FTE reporting and funding for the current school year.

“Date certain” is the Friday of survey week.

Adult postsecondary career and technical education and adult general education programs are funded through Workforce Development. All adult postsecondary career and technical education and adult general education program information

is reported through the Workforce Development Information System (WDIS), with the exception of career postsecondary dual enrollment, for which the district of enrollment is eligible to earn funding under the FEFP.

These instructions explain the methodology for reporting eligible prekindergarten through grade 12 FTE by student by course. The instructions are organized as follows:

1. The first section outlines general guidelines for reporting, including general procedures, survey periods, eligibility criteria, definitions, and information regarding FTE reporting for unique scheduling approaches, such as year-round schools and extended school year.
2. The second section describes FTE recalibration to 1.0 and reporting guidelines.
3. The third section provides specific procedures, including record reporting, FTE calculation, the edit process, and procedures specific to PK-12 education.
4. The fourth section provides special instructions for reporting Advanced Placement courses, International Baccalaureate courses, Advanced International Certificate of Education courses, Industry-Certified Career Education courses, Early High School Graduation, Dual Enrollment courses, Blended Learning courses, Virtual courses delivered on a public school campus, Dropout Prevention Programs, and students enrolled in certain specific program areas. Instructions are also provided for students enrolled in nonpublic schools or home education programs who receive instructional services at public institutions and for hospital/homebound students.
5. The fifth section provides information on local record keeping procedures.
6. Appendix A provides the schedule of state processing dates.
7. Appendix B provides a list of FEFP programs eligible for FTE funding.
8. Appendix C provides reporting requirements for students participating in the John M. McKay Scholarships for Students with Disabilities Program.
9. Appendix D provides reporting requirements for students participating in the Family Empowerment Scholarship Program.
10. Appendix E provides virtual school student reporting instructions.

11. Appendix F provides a list of Course Code Directory courses that do not generate FTE for FEFP funding.
12. Appendix G provides the Student Information Database Reporting Requirements for Student Transportation (Surveys 1, 2, 3, and 4).

# General Guidelines for Reporting

---

## Regular School Year

A separate Student Course Schedule format record must be reported for each class in which a PK-12 student is in membership during each Survey Period, **regardless** of the funding eligibility of that student, to participate in the FEFP. This requirement includes students not eligible because of attendance and students funded through the Supplemental Academic Instruction (SAI) Allocation or the Reading Allocation.

The survey periods for record determination are set annually by the Commissioner of Education. For FTE reporting, the survey periods cover the following time frames:

1. **Survey Period 1 (July)** covers the time period from the beginning of the fiscal year (July 1) to the beginning of the defined 180-day school year.
2. **Survey Period 2 (October)** covers the first 90 days of the 180-day school year.
3. **Survey Period 3 (February)** covers the second 90 days of the 180-day school year.
4. **Survey Period 4 (June)** covers the period from the end of the 180-day school program to the end of the fiscal year (June 30).

An additional Survey Period, **Survey Period 5**, covers reporting of prior school year data including the Advanced Placement, Advanced International Certificate of Education, Dual Enrollment and International Baccalaureate programs. Supplemental FTE for successful completion of a career-themed course pursuant to Sections 1003.491, 1003.492, 1003.493, and 1003.4935, F.S., and issuance of the highest level of industry certification is also reported in Survey 5. Students who graduate early during the 2020-21 fiscal year under Section 1011.62(1)(p), F.S., will also be reported in Survey 5. The data for this survey period covers the entire school year and is due at the beginning of August. **It is critical that districts correctly report the FTE associated with these programs during the survey period processing time frame.**

## Hourly Equivalent to 180-Day School Year

Each district which participates in the state appropriations for the FEFP must operate all schools for a term of 180 actual teaching days, as prescribed by Section 1011.60(2), F.S., or the hourly equivalent of 180 actual teaching days, as prescribed in Rule 6A-1.045111, Florida Administrative Code (F.A.C.). The hourly equivalent for kindergarten through grade 3 is 720 instructional hours and 900 instructional hours for students in grades 4 through grade 12.

**Note:** Time allotted for lunch and changing class periods should not be reported as part of the “*FEFP Membership Minutes, Weekly*” data element.

## **End-of-Course Assessment**

For each full-time student who passes a statewide standardized end-of-course assessment without ever being enrolled in the corresponding course, the district may report  $\frac{1}{6}$  of an FTE per course as prescribed in Section 1011.61(1)(c)1.b.(VIII), F.S. These students should be reported in Survey 4 on the Student Course Schedule format with period number 9800 and FEFP program numbers 102 or 103. Funding for these students will be calculated in the Final FEFP calculation.

## **Extended School Year Survey Periods**

An extended-school-year program is separate and distinct from year-round school programs and summer school programs. Extended school year programs are a true extension of courses provided during the second semester of the regular 180-day school year with no break in instruction. Pursuant to Section 1011.62(1)(r), F.S., an extended-school-year program extends the school year to 210 days or more. Supplemental Academic Instruction allocation funds may be used for extended school year programs.

**The records for students attending the extended days of the school year must contain a Year-Round/Extended School Year FTE Indicator code of “B” to indicate that the record being reported is for extended school year instruction. The records for the first 180 days are reported as for any other 180-day school year records.**

Extended school year survey periods for record determination and FTE reporting are reported in Survey 4 (June) and Survey 1 (July) and are not eligible for FEFP funding.

## **Year-Round School Program Survey Periods**

Survey periods for the Year-Round School Program are the same as for the regular fiscal year. The following descriptions specify how the count weeks are determined and how they are used in determining attendance and membership for FTE eligibility.

### **Regular School Year Reporting**

Year-round schools should report the first 90 days of their regular 180-day school year in Survey 2 and the second 90 days of their regular 180-day school year in Survey 3, regardless of when the tracks are in session.

### **Tracks Not in Session**

If it is survey week and the year-round school student track is not in session, then the last five days that the track was in session prior to survey week for both the October and February survey periods become the established survey period. Use the final five days for survey week and the preceding six scheduled class days for determining eligibility,

and conduct the count in the normal manner. All current procedures for date certain and other related count issues apply.

## **Intersession**

If the student is participating in instruction beyond 180 days during an off-track period, the *FTE Reported, Course* for that student shall be reported in the survey period when the instruction occurs. For example, if the instruction occurs during the time frame covered by Survey Period 2, the FTE by student by course should be reported for that period either during the normal processing time for Survey Period 2 or as an amendment to Survey Period 2.

Intersession survey week should be established by using the middle day/middle week of the period. Determine attendance and membership for eligibility in the normal manner. **The records submitted for state processing must contain a Year-Round/Extended School Year FTE Indicator code of “A” to indicate that the FTE being reported is for “beyond 180-day” instruction.**

## **Alternate Survey Period**

Rule 6A-1.0451(2), F.A.C. states:

The Commissioner shall have the authority to establish for any school district or school an alternate date for an FTE student membership survey or transported student membership survey within eight (8) weeks of the regular statewide survey if evidence is submitted by the school district that indicates an abnormal fluctuation in student membership has occurred at the time of the statewide survey. The alternate date shall be established by the Commissioner prior to conducting the survey. In determining what constitutes an abnormal fluctuation, the Commissioner shall examine the historical trends in student membership and limit consideration to changes in which there is a variation in excess of twenty-five (25) percent in any school, or five (5) percent in the district between the membership count at the time of the statewide membership count and the alternate membership count due to factors such as major student boycotts; civil disturbances; in-migration or out-migration in agricultural, industrial, and federal installations or contractors; or providential causes beyond the control of the district school board.

Section 1003.52(13)(c), F.S., states that district school boards are required to request an alternative FTE survey for DJJ programs experiencing fluctuations in student enrollment.

The alternate survey date must be established by the Commissioner prior to conducting the scheduled statewide survey. If the Commissioner of Education approves an alternate survey period, the alternate survey data shall be used in place of the regular survey FTE and associated data, provided the FTE meets the percentage requirements specified in the rule.



When the district requests an alternate survey, the letter of response from the FDOE will include specific directions for confirmation of alternate survey results. If an alternate survey is approved, the district must still complete the originally scheduled survey and report the data for both the scheduled survey and the alternate survey.

## **Courses Eligible for FEFP Funding During Regular 180-Day School Year**

During Survey Periods 2 and 3, PK-12 students are eligible to earn FTE if the class meets or is scheduled to meet during the survey week and the student meets both program membership and attendance requirements. In addition, Student Course Schedule records should be transmitted for students in PK-12 programs/classes that operate outside of survey week during the time frame covered by the Survey Period. Please see Appendix E for virtual school student reporting requirements.

## **Courses Reported Beyond Regular 180-Day School Year (Summer School and Year-Round School Intersessions)**

PK-12 courses offered beyond the regular 180-day school year, including intersessions, except DJJ programs, Juveniles Incompetent to Proceed (JITP) programs, and FLVS courses are not funded through the FEFP. The FTE for intersession and summer school courses are reported even though the FTE does not earn FEFP funds.

For the purpose of course completion and credit recovery pursuant to Sections 1002.45 and 1003.498, F.S., virtual instruction programs and virtual charter schools may operate beyond the regular 180-day school year, in accordance with Section 1011.61(1)(c)2., F.S., and may report FTE for funding through the FEFP. Please refer to Appendix E for more detailed reporting instructions.

The following summer school criteria/guidelines must be followed:

1. Report the FTE for courses offered beyond the 180-day school year as described in the section "Reporting *FTE Reported, Course* for Summer Sessions."
2. A student in cooperative education or other programs incorporating on-the-job training, including apprenticeship, shall not be counted for more than 25 hours per week in all programs.
3. Do not report the FTE for enrichment or recreation courses.

**Note:** If reporting FTE for students in schools using a calendar with fewer than 1200 minutes per week for students in grade levels PK-3 or fewer than 1500 minutes a week for grade levels 4-12, for more than 180 instructional days, but not exceeding beyond

the last day of the fiscal year (June 30), then see Step 7, Paragraph C in the “Specific Guidelines for Reporting” section of these instructions.

# Recalibration of FTE to 1.0

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All student FTE enrollment is capped at 1.0 FTE, except for FTE reported by DJJ students beyond the 180-day school year and FTE related to the John M. McKay Scholarships for Students with Disabilities Program. School districts should report all FTE enrollment regardless of the 1.0 FTE cap.

The Florida Department of Education (FDOE) will combine all FTE enrollment reported for the student by all districts, including FLVS. The FDOE will then recalibrate all reported FTE enrollment for each student to 1.0 FTE, if the sum of all reported FTE for the student exceeds 1.0 FTE. The FTE reported for DJJ FTE enrollment earned beyond the 180-day school year, FTE related to McKay Scholarships, and FTE reported for the Family Empowerment Scholarship Program are not included in the recalibration to 1.0 FTE.

If a student only has FTE enrollment reported in one survey of the 180-day school year (Survey 2 or Survey 3), the FTE reported will be capped at 0.5 FTE, even if FTE is reported in Survey 1 and/or Survey 4, with exception to FTE reported by DJJ students beyond the 180-day school year and FTE related to McKay Scholarships.

# Specific Guidelines for Reporting

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## Determining FTE Reported by Student and Course for Classes Operating During Survey Week

For all classes operating during the survey week, the following procedures must be used to determine which student course schedules are reported.

### Step 1: Setting “Date Certain”

“Date certain” for each survey will be the Friday of survey week. This applies to all schools in all school districts. The “date certain” during the FTE survey week is the specific time for setting the student’s schedule as mentioned in the step below.

### Step 2: Student Course Schedule Record

A local student course record containing all of the elements that will be used in reporting *FTE Reported*, *Course* and for meeting other state information requirements must be developed for each course in which the student is in membership.

For more information regarding data elements, please see the student data element requirements at <http://www.fldoe.org/accountability/data-sys/database-manuals-updates/2020-21-student-info-system/index.stml>. The following must be included in the record:

- A. Record Identifiers
  - 1. District Number, Current Enrollment
  - 2. School Number, Current Enrollment
  - 3. Florida Education Identifier (FLEID)
  - 4. Survey Period Code
  - 5. Fiscal Year
  
- B. Course Identifier Information
  - 1. District Number, Current Instruction
  - 2. School Number, Current Instruction
  - 3. Term

4. Course Number
5. Section Number
6. Period Number
7. Days per Week
8. Class Minutes, Weekly
9. FEFP Membership Minutes, Weekly (set to 0000 [all zeroes])
10. FEFP Program Number
11. FTE Reported, Course (set to 0000 [all zeroes])
12. FTE Eligibility Flag

C. Other Data

1. Grade Level
2. English Language Learners: Instructional Model
3. Year-Round/Extended School Year FTE Indicator
4. Dual Enrollment Indicator
5. Career and Technical Education/Adult General Education Program Code
6. Location of Student

### Step 3: Membership/Enrollment

Each PK-12 student must meet the membership requirement as discussed in this paragraph to **be eligible to be reported**, and must also meet the attendance requirement discussed in Step 4 to **be eligible for funding**. On the Friday of survey week, the district must capture the student course schedule for **each student** who is on the membership roll for that week.

If the student has at least one day of membership during survey week, the student meets the membership requirement and is eligible for reporting. The student is in membership when he or she is **officially assigned** to a course or program by a school or district.

**Students who are not in membership during survey week should not be reported for FTE.** For example, if the student's last day of membership is Friday prior to survey week, the student does not meet the membership requirement and is not eligible to be reported.

For those PK-12 students who are not eligible to earn funding through the FEFP, but are still on the district's membership roll (e.g., summer school students exclusive of DJJ and JITP students, and other students not eligible to earn FTE through the FEFP), the district must submit all records with all elements completed with valid information. For students who are not funded through the FEFP, the district should report 999 as *the FEFP Program Number* and 0000 (all zeroes) for *FTE Reported, Course*. These records should be sent along with the records that will be addressed in Steps 4-10.

Also, the FTE for intersession and summer school courses is reported even though the FTE does not earn FEFP funds. Please refer to the section "Courses Reported Beyond Regular 180-Day School Year (Summer School and Year-Round School Intersessions)" for more information.

#### **Step 4: Attendance**

To receive FEFP funding for students, the district must determine whether students who have met the membership requirement have also met the attendance requirement outlined below. Using the Automated Student Attendance Record Keeping System, the district must verify that the student has been in attendance during the 11-day window.

A student is considered to have met the attendance requirement if the student has been in attendance at least one day of survey week or on one of the six scheduled school days preceding the survey week when the school was in session. If school is not scheduled on a day during survey week (five-day window), an additional day may not be added to the survey week (five-day window).

It should be noted that when the procedures outlined in the FDOE's Student Information Database *Attendance Procedures* are applied, **the appropriate withdrawal code is shown on the day following the last day of membership.**

FTE eligibility as related to attendance for students in grades PK-12 is not determined on a course-by-course basis; instead, it is **determined on a daily basis**. The documentation that verifies that the student met the attendance requirements for FTE eligibility must be maintained for a period of three years or until all applicable audits have been completed, whichever is longer.

For all students who meet the attendance requirements, Steps 5-9 must be followed. For those students who do not meet the attendance requirements, set the FTE Eligibility Flag to "N" and convert the record to the State Student Course Schedule format. The *FTE Reported, Course* field should be set to 0000 and the FEFP Program Number should be 999. Go to Step 9 for details regarding continued processing of those records.

The FTE for intersession and summer school courses is reported even though the FTE does not earn FEFP funds. Please refer to the section “Courses Reported Beyond Regular 180-Day School Year (Summer School and Year-Round School Intersessions)” for more information.

### **Step 5: Verification**

For all students who meet the attendance requirements specified in Step 4, the district must verify that the course number referenced in the local student course record is a valid and fundable course number listed in the official Course Code Directory for the reporting year or that it is in the Statewide Course Numbering System; additionally, the district must verify that the proper FEFP program number has been assigned to the course for that student. Private postsecondary course numbers are valid for courses in which a student is dually enrolled at such an institution.

Additionally, program membership through the various selection and placement procedures must be verified for students who are in special program categories. Audit records must be maintained for program membership as defined in the Local Record Keeping Procedures section. Other elements should be completed and verified as they relate to that course for that student.

### **Step 6: FEFP Program Number Assignment**

Report all student course records using the appropriate FEFP program number. Please refer to Appendix B for a list of FEFP programs and program cost factors.

Generally, students reported for funding in Programs 111, 112, 113, 254, or 255 should have their entire schedule reported under these program numbers, even if they are participating in English for Speakers of Other Languages (ESOL) or Career Education courses. There may be exceptions, including some hospital/homebound and dual enrollment students. Refer to the appropriate sections of this FTE General Instructions for more information.

In addition, FEFP Program Number 300 should be used when reporting secondary career education courses for students in grades 9-12. However, if students are reported for funding in Programs 111, 112, 113, 254, or 255, their entire schedule should be reported under these program numbers, even if they are participating in Career Education courses.

Use FEFP Program 999 for students who are not eligible for FEFP funding. Examples of students and courses that do not meet FEFP eligibility requirements include:

- Voluntary Prekindergarten (VPK) students (except for any time they are receiving part-time exceptional student education (ESE) services at the public school);

- Full-time Prekindergarten students (except for those receiving ESE services under FEFP 111, 254, 255);
- Students not meeting the attendance requirements;
- Dual enrollment laboratory courses funded through the corresponding lecture courses;
- Courses in the Course Code Directory identified as not generating FTE funding (see Appendix F);
- Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education; and
- Private school students served with Individuals with Disabilities Education Act (IDEA) funds.

Pursuant to Section 1004.925, F.S., all automotive service technology programs must be industry certified. The State Board of Education adopted Rule 6A-6.05731, F.A.C., regarding the certification requirements for these programs. Effective with the 2013-14 school year, students enrolled in automotive service technology education programs that are not industry certified are not eligible to be reported for state funding.

For any school with enrollments in automotive service technology programs in 2010-11, fundable FTE may not be reported for students in 2020-21 until such time as the program is certified in accordance with the law and State Board of Education rule. For programs established after 2010-11, school districts have three years for their programs to become certified.

For information about courses in automotive service technology programs, please see the career and technical education curriculum frameworks at <http://fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks>. Courses not eligible for FEFP funding should be reported using Program 999.

### **Step 7: Reporting FTE Reported, Course**

The number of hours for which a PK-3 student may report FTE is based on 720 hours per 180-day school year and 900 hours per 180-day school year for students in grades 4-12, with the exception of DJJ students and JITP students. (See the section on FTE Calculation and Reporting for Students in Department of Juvenile Justice Educational programs.)

To carry out the necessary calculations prior to creating the State Student Course Schedule format, certain conversions must be made to instructional time for specific students identified below to base instructional time on 1500 minutes weekly for all students. Please see the formulas below for conversion methodology.

- A. Students in Grade Level PK-3: FTE per minute for Survey 2 or 3 is equal to 0.00041667 FTE. **To determine the amount of FTE to report, multiply the**



number of *Class Minutes, Weekly* by 0.00041667, and round up to the 4<sup>th</sup> decimal place.

$$\text{Class Minutes, Weekly} \times 0.00041667 = \text{FTE}$$

Example: 250 *Class Minutes, Weekly*  $\times$  0.00041667 = 0.1042 FTE

- B. Students in Grade Level 4-12: FTE per minute for Survey 2 or 3 is equal to 0.00033333 FTE. To determine the amount of FTE to report, multiply the number of *Class Minutes, Weekly* by 0.00033333 and round up to the 4<sup>th</sup> decimal place.

$$\text{Class Minutes, Weekly} \times 0.00033333 = \text{FTE}$$

Example: 250 *Class Minutes, Weekly*  $\times$  0.00033333 = 0.0834 FTE

- C. Students in Grade Level PK-3 using a 720-hour school year with less than 20 hours of instruction weekly with more than 180 days and not exceeding beyond the last day of the fiscal year (June 30):

For Surveys 2 and 3, use the corresponding grade level from Step 7A above to determine the amount of FTE to report.

Instruction that occurs beyond the 180-day school year in the situation described above should be reported in Survey 4. To calculate the FTE for the instruction that occurs beyond the 180-day school year, divide the scheduled hours for the instructional days beyond the 180 days by 720 for grades PK-3. Then use the corresponding grade level category A from above to determine the amount of FTE to report.

Instruction reported in Surveys 2, 3, and 4 will be combined and recalibrated appropriately for students in schools using a 720-hour school year with less than 20 hours of instruction weekly with more than 180 days and not exceeding beyond the last day of the fiscal year (June 30).

**Note:** Schools using a 720-hour school year with less than 20 hours of instruction weekly must be indicated in the Master School ID (MSID) file.

- D. Students in Grade Level 4-12 using a 900-hour school year with less than 25 hours of instruction weekly with more than 180 days and not exceeding beyond the last day of the fiscal year (June 30):

For Surveys 2 and 3, use the corresponding grade level from Step 7B above to determine the amount of FTE to report.

Instruction that occurs beyond the 180-day school year in the situation described above should be reported in Survey 4. To calculate the FTE for the instruction that occurs beyond the 180-day school year, divide the scheduled hours for the instructional days beyond the 180 days by 900 hours for grades 4-12. Then use the corresponding grade level category B from above to determine the amount of FTE to report.

Instruction reported in Surveys 2, 3, and 4 will be combined and recalibrated appropriately for students in schools using a 900-hour school year with less than 25 hours of instruction weekly with more than 180 days and not exceeding beyond the last day of the fiscal year (June 30).

**Note:** Schools using a 900-hour school year with less than 25 hours of instruction weekly must be indicated in the MSID file.

### **Determining *FTE Reported, Course***

After equalizing the value of *Class Minutes, Weekly* for the students in the previous section, the following is required for all courses during Survey Periods 2 and 3:

- A. Using the course records from Step 6, determine the number of FEFP membership minutes the student is in membership for the first course. Using that value of *FEFP Membership Minutes, Weekly*, multiply the appropriate FTE per minute factor in this section to calculate the value of *FTE Reported, Course*. This value will be reported as the *FTE Reported, Course* for that course.
- B. For each subsequent course record for a student, repeat the process in Step A above. The resulting value is then added to the aggregated value of *FTE Reported, Course*. Repeat this process until there are no courses remaining to be considered for the student. A student's total reported FTE may exceed 1.0 FTE, prior to the recalibration by the FDOE.

### **Reporting Block-Scheduled Classes for FTE**

Districts in which schools are scheduling classes that rotate lengths or offerings from one week to the next must report these classes in the manner described below. Block scheduling of this type is reported as an average of the time students are scheduled in classes.

In order to properly report the block schedule:

- A. Determine the student's eligibility for reporting as it is normally determined.

- B. Add together the time the student is in each of the classes for the span of time being reported. This will include the survey week and the other weeks of the valid scheduling option.
- C. Use an average of the *Class Minutes, Weekly* to determine the value of *FTE Reported, Course*.

Example: A student is block scheduled for 10 hours of a math course and 10 hours of a science course for alternating weeks. During survey week, the student's schedule reflects 10 hours of the math course and 0 (zero) hours of the science course. For the week following survey week, the student's schedule reflects 0 (zero) hours of the math course and 10 hours of the science course. For survey week, the student's time for calculating FTE should be based on an average of five hours for the math course and five hours for the science course.

#### **Reporting *FTE Reported, Course* for Summer Sessions**

Within the PK-12 education program, if the June (Survey 4) or July (Survey 1) summer school period is scheduled so that it takes place outside the regularly scheduled survey week period, then a separate survey week will be established to count these students. The middle day or middle week of the summer period should be used as the basis for establishing the survey week. The same survey week is established for reporting both FTE students and transported FTE students.

FTE must be reported in the fiscal year when the instruction occurs. The FTE for instruction that occurs in June must be reported in the June survey (Survey 4), and the FTE for instruction that occurs in July must be reported in the July survey (Survey 1).

To calculate summer school FTE, divide scheduled hours for the summer session by 720 for grades PK-3 or 900 hours for grades 4-12. This section does not apply to Virtual Instruction Courses.

For other information regarding summer school reporting, please refer to the previous discussion in this document, "Courses Reported Beyond Regular 180-Day School Year."

#### **Reporting *FTE Reported, Course* for End-of-Course Assessments**

For full-time students who pass a statewide-standardized end-of-course assessment without ever being enrolled in the corresponding course, the district may report  $\frac{1}{6}$  of an FTE per course. These students should be reported in Survey Period 4 and will be funded in the Final FEFP calculation. The district must submit a Student Course Schedule record with the Course Number corresponding to the end-of-course assessment passed and a Period Number of 9800. No matching Teacher Course record is required.

## Step 8: Local Edit Process

Using the records and all of the reported values of *FTE Reported*, *Course*, the district must apply certain edits prior to conversion of the district records to the State Student Course Schedule format.

Among the specific edits to be performed, as they relate to FTE elements, are:

### A. OJT and DCT

Students who are enrolled in Course Numbers that are on-the-job training, cooperative training, or similar programs that include training at **non-school sites** must have **all time spent at school sites counted as part of membership hours**. Total membership hours for school site, non-school site, on-the-job training, and cooperative training programs shall not exceed 25 hours per week of membership. Total membership hours in such cases may not exceed normal student membership hours for students in that school. The district must keep appropriate documentation of the student's time and attendance (e.g., time card or other similar documentation).

Districts should report the time a student is enrolled in and scheduled to participate in the work-based activity. For example, if a student is scheduled to work nine hours a week in OJT and the student was sick four of the nine hours, the nine scheduled hours is still reported. The student must meet the membership and attendance requirements as outlined in Step 3 and Step 4 of this document.

### B. Pullout Classes

Pullout classes must be properly identified and reported with the appropriate period number. Also, the *Class Minutes, Weekly* must be adjusted for both the class from which the student was pulled and the class being reported as a pullout class.

### C. Prekindergarten FTE

Prekindergarten students are not eligible for funding under the FEFP with the exception of:

1. Children of students in the Teenage Parent program reported using course number 5100560 (Prekindergarten, Other) in FEFP Program Number 101;
2. Students ages 3 and older with Grade Level PK who are reported in FEFP Program Numbers 111, 254, or 255 (excluding students who are gifted); and

3. Students under age 3 reported in FEFP Program Numbers 111, 254, or 255 with disabilities (Exceptionality, Primary).

VPK students taught by the school district should be reported using course numbers 5100580 (regular school year) and 5100590 (summer). VPK students should be reported with FEFP Number 999 since they are not funded through the FEFP (except for any time they are receiving part-time ESE services at the public school).

Also, some part-time PK students may be reported for time receiving ESE services for ESE programs that are funded through the FEFP. The student should only be reported in an ESE program for the time receiving ESE instruction. Any remaining time should be reported as FEFP Program Number 999.

#### D. Survey Period Code

Except as indicated in Appendix E, the Survey Period Code must be valid for the period covered by the data. For example, if the data are being reported for the first 90 days of the 180-day school year, the Survey Period Code must be 2.

#### E. Verification of Requirements

Verify that the requirements of Section 1001.42, F.S., and Rule 6A-1.09441, F.A.C., have been met as they relate to the reporting of students under the FEFP.

### **Step 9: Conversion to Student Course Schedule Format**

Convert all district course records to the State Student Course Schedule format for running edits supplied by the FDOE.

### **Step 10: Audit File**

Create an audit file that must be retained until all audits are performed by **both the FDOE and the Office of the Auditor General**.

### **Step 11: FTE Amendments**

Rule 6A-1.0451(4), F.A.C., allows districts to make amendments to their FTE Student Membership surveys, or inform the FDOE of any claim or dispute pertaining to the FTE student membership reflected in the FDOE's FTE student membership or recalibration reports, in accordance with the following schedule:

Survey Period 1 (July) may not be amended after September 30, following the survey;

Survey Period 2 (October) may not be amended after December 15, following the survey;

Survey Period 3 (February) may not be amended after April 15, following the survey; and

Survey Period 4 (June) may not be amended after August 15, or until a membership survey audit has been completed, whichever takes place first.

Districts are encouraged to pay special attention to the error reports provided and make amendments accordingly. **When Student Course Schedule records are submitted for reporting FTE, matching Student Demographic Information, Teacher Course records, Prior School Status/Student Attendance, and Exceptional Student Education records for students with active Individual Education Plans must also be submitted in order to avoid nulling of FTE.**

# Additional Instructions/Information

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## Additional FTE

Survey 5 reporting of prior school year data, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, Industry Certified Career Education, Dual Enrollment and Early High School Graduation, covers the entire prior school year and is due at the beginning of August. Survey 5 bonus FTE data are used in the third, fourth, and final FEFP calculations of the fiscal year in which they are reported. For example, Survey 5, 2019-20 bonus FTE data are reported and funded in Fiscal Year 2020-21.

### Advanced Placement

For a district to earn additional FTE for students in advanced placement courses, they must meet the following reporting requirements:

1. A Student Course Schedule must be developed for the specific course and student.
2. The course number must refer to an advanced placement course in the Course Code Directory.
3. The value of *FTE Reported, Course* must be calculated as for any other course.
4. A Teacher Course Record must be created for the course.

To earn 0.16 additional FTE, the student must have been enrolled in the Advanced Placement (AP) course and scored 3 or higher on the subject examination. These values are to be reported, as appropriate, for the element *FTE Earned, College Entrance Examination Board Advanced Placement Test* on the Student Additional Funding format in August (Survey 5) in the year of enrollment. These values may only be reported as multiples of 0.16. **Records submitted with values that are not multiples of 0.16 will be rejected.**

To earn 0.3 additional FTE, the student must have received a College Board Advanced Placement Capstone Diploma while meeting the requirements for a standard high school diploma under section 1003.4282, F.S. These values are to be reported, as appropriate, for the element *FTE Earned, College Board Advanced Placement Capstone Diploma* on the Student Additional Funding format in August (Survey 5) in the year of enrollment.

These values may only be reported as multiples of 0.3. **Records submitted with values that are not multiples of 0.3 will be rejected.**

### **International Baccalaureate**

Districts may earn additional FTE for students who are in International Baccalaureate courses in the following two special cases:

1. When a student scores 4 or higher on a subject exam; and
2. When a student receives an International Baccalaureate diploma.

To report a student for funding for this category, the district must submit a Student Additional Funding format in Survey 5 for the student. The format item for each of the categories must be completed accordingly.

The student who has been enrolled in International Baccalaureate course(s) and who scores 4 or higher on the subject examination is eligible to earn 0.16 additional FTE for each subject area. Multiple values of 0.16 may be recorded for the student, as appropriate, for the element *FTE Earned, International Baccalaureate Score* on the Student Additional Funding format. **Records submitted with values that are not multiples of 0.16 will be rejected.**

For students who receive an International Baccalaureate diploma, the value of 0.30 FTE must be recorded for the element *FTE Earned, International Baccalaureate Diploma* on the Student Additional Funding format. **Only the value of 0.30 FTE may be recorded for this element; otherwise, the record will be rejected.**

### **Advanced International Certificate of Education**

Districts may earn additional FTE for students who are in Advanced International Certificate of Education courses under the following special circumstances:

1. When a student scores "E" or higher on a full-credit subject exam or "E" or higher on a half-credit subject exam; and
2. When a student receives an Advanced International Certificate of Education diploma.

To report a student for funding for this category, the district must submit a Student Additional Funding format in Survey 5 for the student. The format item for each of the categories must be completed accordingly.

The student who has been enrolled in Advanced International Certificate of Education course(s) and who scores "E" or higher on the subject examination is eligible to earn an



additional 0.16 FTE for each full-credit subject area. A value of 0.08 FTE student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of "E" or higher on a subject examination. Multiple values of 0.08 and 0.16 may be recorded for the students, as appropriate, for the element *FTE Earned, Advanced International Certificate of Education Score* on the Student Additional Funding format. **Records submitted with values that are not multiples of 0.08 will be rejected.**

For students who receive an Advanced International Certificate of Education diploma, the value of 0.30 FTE must be recorded for the element *FTE Earned, Advanced International Certificate of Education Diploma* on the Student Additional Funding format. **Only the value of 0.30 FTE may be recorded for this element; otherwise, the record will be rejected.**

## **Industry-Certified Career Education**

### **Survey 5**

#### **CAPE Digital Tool Certificates**

A value of 0.025 FTE student membership shall be calculated for CAPE Digital Tool certificates identified on the CAPE Industry Certification List and earned by students in elementary and middle school grades.

#### **CAPE Industry Certifications**

A value of 0.1 or 0.2 FTE student membership shall be calculated for each student who completes a career-themed course as defined in Section 1003.493(1)(b), F.S., who is issued a CAPE Industry Certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 FTE student membership shall be calculated for each student who is issued a CAPE Industry Certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE Industry Certifications that do not articulate for college credit, a value of 0.1 FTE student membership shall be calculated for each certification.

#### **CAPE Acceleration Industry Certifications**

A value of 0.5 FTE student membership shall be calculated for CAPE Acceleration Industry Certifications identified on the CAPE Industry Certification Funding List that articulate for 15 to 29 college credit hours.

A value of 1.0 FTE student membership shall be calculated for CAPE Acceleration Industry Certifications identified on the CAPE Industry Certification Funding List that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner.

#### **CAPE Innovation Course**

A value of 0.3 FTE student membership shall be calculated for each student who meets the academic and career performance expectations of the CAPE Innovation Course. CAPE Innovation Courses are also Advanced Placement courses, and funding may only be calculated for one type of additional FTE membership. In Survey 5 reporting, students who are reported with an industry certification outcome of "P" for the CAPE Innovation Course on the Industry Certification Outcome data element may not also be reported for the 0.16 Advanced Placement additional FTE calculation. There are four CAPE Innovation Courses in the Course Code Directory. The cost reporting code to be used with these courses is 300. See the following list with the required related industry certifications:

- 2102365 – Advanced Placement Microeconomics Innovation (Microsoft Office Specialist Excel)
- 1001425 – Advanced Placement English Language and Composition Innovation (Microsoft Office Specialist for Word)
- 0109355 – Advanced Placement Studio Art 2-D Design Portfolio Innovation (Adobe Certified Associate Visual Communication using Adobe Photoshop)
- 0200325 – Advanced Placement Computer Science A Innovation (CIW JavaScript Specialist)

For information, please see the following link:

<http://www.fldoe.org/core/fileparse.php/19879/urlt/2021-140500.pdf>.

### **General Notes**

The career-themed course in which the student participated must be reported on the Industry Certification Format record in the current year, with the student reported earning an industry certification on the CAPE Industry Certification Funding List in the course. The maximum FTE student membership value for any student in grades K through 8 is 0.1.

If a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value, per Section 1011.62(1)(o), F.S., shall be funded in the same manner as other non-dual enrollment course industry certifications.

For industry certifications funded in the FEFP, the payment of a teacher bonus is required as specified in Section 1011.62(1)(o)3., F.S. However, a bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher.

Rule 6A-6.0573, F.A.C., includes test administration procedures for the delivery of industry certification exams and prohibits teachers from administering industry

certification exams to students for whom they provide direct instruction for the certification.

### **Dual Enrollment**

Districts may earn additional FTE for certain students who are enrolled in dual enrollment instruction under the following special circumstances:

1. When a student completes a general education core course through a dual enrollment program with a grade of "A" while enrolled in an early college program pursuant to Section 1007.273, F.S.
2. When a student completes a general education core course through a dual enrollment program with a grade of "A."
3. When a student receives an associate degree through a dual enrollment program with a grade point average of 3.0 or better.

To report a student for funding for this category, the district must submit a Student Additional Funding format in Survey 5 for the student. The format item for each of the categories must be completed accordingly.

The student who has completed a general education core course through a dual enrollment program with a grade of "A" or better while enrolled in an early college program is eligible to earn an additional 0.16 FTE, while the student who completes the course while not enrolled in an early college program is eligible to earn an additional 0.08 FTE. Multiple values of 0.08 and 0.16 may be recorded for the students, as appropriate, for the element *FTE Earned, Academic Dual Enrollment Course* on the Student Additional Funding format. **Records submitted with values that are not multiples of 0.08 or 0.16 will be rejected.**

For students who receive an associate degree through the dual enrollment program with a grade point average of 3.0 or better, the value of 0.30 FTE must be recorded for the element *FTE Earned, Academic Dual Enrollment Associate Degree* on the Student Additional Funding format. **Only the value of 0.30 FTE may be recorded for this element; otherwise, the record will be rejected.**

### **Early High School Graduation**

Districts may earn additional FTE for students who graduate early pursuant to Section 1003.4281, F.S. Pursuant to Section 1011.62(1)(p), F.S., a district may earn 0.25 additional FTE for a student who graduates one semester in advance of the student's cohort and 0.5 additional FTE for a student who graduates 1 year or more in advance of the student's cohort. The additional FTE is reported by the school district where the student graduated.

The district must submit a Student Additional Funding format in Survey 5 for the student with the additional FTE amount indicated in the element *FTE Earned, Early Graduates* following the student's graduation.

The district of current enrollment, from which early high school graduation is claimed, will receive the funding for the early graduation. If the student was enrolled in the district as a full-time high school student for at least two years, the district shall report the additional FTE for payment in the subsequent fiscal year. If the student was enrolled in the district for less than two years, the district of enrollment shall report the additional FTE and shall transfer a proportionate share of the funds earned for early graduation to the district in which the student was previously enrolled.

## Dual Enrollment

Dual Enrollment membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the FTE student membership for an equivalent course if it were taught in the school district.

As a reminder, Section 1007.271(2), F.S., states in part that applied academics for adult education instruction, developmental education instruction, and other forms of pre-collegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity (courses with SCNS prefix "PEM"), are ineligible for inclusion in the dual enrollment program.

A home education student may not be claimed for dual enrollment funding through the FEFP.

Students enrolled in the Florida School for the Deaf and the Blind may not be claimed by any district for dual enrollment funding.

### Academic Dual Enrollment

For dual enrollment students at either a public or private college or university for which a district dual enrollment articulation agreement exists per Section 1007.271, F.S., the procedures below must be followed. **Please note: dual enrollment/early admittance agreements may only be with eligible post-secondary institutions as defined in Section 1011.62 (1)(i), Florida Statutes.**

**A student shall not be claimed for funding under this procedure when the student is enrolled in an ineligible private college or university or in a home education program.** Students who are dually enrolled in the **Florida College System, State University System, or an eligible private college or university** and who meet all eligibility requirements should be reported as follows:

1. A student course format must be developed for the specific course and student;
2. The course number must be from the Statewide Course Numbering System or the number of the course from the eligible nonpublic college or university;
3. The FEFP Program Number must be 103 or 113 (102 or 112 if student is taking dual enrollment while in grades 6-8);
4. The value of *FTE Reported, Course* must be calculated as the amount necessary to earn the FTE and the funding for an equivalent course if it were taught in the school district;
5. The school of instruction number must be C901-C928, U970-U980, or P001-P999 (i.e., a post-secondary institution);
6. The Dual Enrollment Indicator must be "A" or "E"; and
7. A teacher course record format must be created for the course.

The FTE reported for academic dual enrollment is credited for funding to the school of enrollment.

### **Career Dual Enrollment**

Applied academic instruction for postsecondary students is not funded through the FEFP. Districts providing this instruction report all related information through the Workforce Development Information System (WDIS). However, career dual enrollment for students in grades 9 through 12 is funded through the FEFP and such FTE is reported in Basic FEFP Program Numbers 103 or 113 (102 or 112 if student is taking dual enrollment while in grades 6-8).

The district of enrollment must report "*FTE Reported, Course*" for eligible career dual enrollment students in accordance with the instructional setting, as outlined below:

#### **1. Postsecondary Career Instruction Provided at a Technical Center Located in another School District**

The district of enrollment must create a student course record format with its district number and school number indicated for enrollment and instruction. **Documentation must be maintained to show that the student is a dual enrollment student.** The district of enrollment is the district sending the student for dual enrollment instruction.

The **District of Enrollment** must report the value of *FTE Reported, Course* in one of the Basic FEFP Program Numbers mentioned at the beginning of this section. The value of *FTE Reported, Course* must be calculated as the amount necessary to earn the FTE and the funding for an equivalent course if it were taught in the school district. *School Number, Current Instruction/Service* is that of the secondary school.

The value of *Class Minutes, Weekly* will be the value for that course **as taught in the district of instruction.**

The Dual Enrollment Indicator must be "C."

A matching teacher course record must be created for the student course record(s).

**Note:** The postsecondary career dual enrollment instruction is reported in WDIS by the technical center providing the instruction.

**2. Postsecondary Career Instruction Provided at a Florida College in the Same School District**

Students who are dually enrolled in the **Florida College System** or a **private college** for career instruction and who meet all eligibility requirements should be reported by the district of enrollment in one of the Basic FEFP Program Numbers mentioned at the beginning of this section. The *School Number, Current Instruction/Service* element should be the college number (C901-C928).

The Dual Enrollment Indicator must be "B," "C," or "E," as appropriate.

**3. Postsecondary Career Instruction Provided by the Florida College System or Private College Personnel on the Campus of a Secondary School**

When the postsecondary career instruction is provided by the Florida College System or private college personnel on the campus of a secondary school, the secondary school reports the dual enrollment courses using one of the FEFP Program Numbers mentioned at the beginning of this section.

In this case, the *School Number, Current Instruction/Service* is that of the secondary school.

The value of *FTE Reported, Course* must be calculated as the amount necessary to earn FTE and the funding for an equivalent course if it were taught in the school district.

The Dual Enrollment Indicator must be "B" or "C," as appropriate.

In addition to the student course records, matching teacher course records must be submitted.

**4. Postsecondary Career Instruction Provided at a Technical Center Located in the Same School District**

In this case, students are enrolled in and receive instruction at a secondary school and also receive postsecondary career instruction at a technical center operated by the same school district.

The secondary school must report the dual enrollment (postsecondary career) courses with one of the FEFP Program Numbers mentioned at the beginning of this section. The value of *FTE Reported, Course* must be calculated as the amount necessary to earn FTE and the funding for an equivalent course if it were taught in the school district. *School Number, Current Instruction/Service* is that of the technical center.

The Dual Enrollment Indicator must be "C."

The matching teacher course record(s) must be submitted.

**5. Postsecondary Career Instruction Provided On-Site at the Student's High School by a District Technical Center in the Same District**

In this case, students are enrolled in and receive instruction from a secondary school and also receive postsecondary career instruction at the student's high school campus operated by the school district.

The secondary school must report the dual enrollment (postsecondary career) courses with one of the FEFP Program Numbers mentioned at the beginning of this section. The value of *FTE Reported, Course* must be calculated as the amount necessary to earn the FTE and the funding for an equivalent course if it were taught in the school district. *School Number, Current Instruction/Service* is that of the technical center.

The Dual Enrollment Indicator must be "C."

The matching teacher course record(s) must be submitted.

## **Blended Learning Courses**

Pursuant to Section 1002.321(4)(e), F.S., a blended learning course consists of both traditional classroom and online instruction. Students in a blended learning course must

be full-time students of the school. To report a course as blended, personnel must be certified pursuant to Section 1012.55, F.S., and provide direct instruction pursuant to Section 1003.498, F.S. FTE student reporting of blended learning courses for funding under the FEFP continues to be reported based on seat time. Class minutes for an online portion of a blended course shall be calculated based on seat time during documented hours dedicated to the course for which funding is sought. Blended learning courses are identified on the data element *Blended Learning Course*, reported on the Teacher Course Format. Please refer to the data element "Blended Learning Course" at <http://www.fldoe.org/core/fileparse.php/19879/urlt/2021-197247.pdf> for more information.

The amount of FTE reported for a blended learning course should be reflective of the student's schedule. The total FTE reported for a full-year blended learning course should not exceed  $\frac{1}{6}$  FTE (0.1667) for Surveys 2 and 3 combined. Semester long courses should be reported with no more than  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE greater than  $\frac{1}{6}$  or  $\frac{1}{12}$  if the instruction provided exceeds 250 minutes weekly.

## Virtual School Courses Delivered on a Public School Campus

Districts should report virtual school courses delivered on the public school campus during the regular school day using the proper indicator on the data element *Location of Student* on the Student Course Schedule Record. This element is required for courses instructed in schools 7001, 7004, 7006, and 7023; for courses instructed in a virtual charter school; for courses instructed by FLVS (district of instruction 71); and FLVS courses under contract with the district to be offered on the public school campus. Please refer to Appendix E for detailed reporting instructions.

## Virtual Instruction Delivered Through the District

District virtual instruction programs should continue to be reported with the following school numbers: 7001 (VIP through private providers and state college providers), 7004 (FLVS franchise), 7006 (district virtual course offerings), and 7023 (VIP through district providers). Virtual charter schools each have distinct school numbers. Courses delivered through these programs or FLVS are reported based on successful completions regardless of the location of the student. Please refer to Appendix E for detailed reporting instructions.

## Dropout Prevention Programs

Dropout Prevention and Teenage Parent Programs, including Educational Alternatives Grades 4-8, and Educational Alternatives Grades 9-12 are reported in the appropriate Basic FEFP programs 101, 102, and 103. **Students in Dropout Prevention programs must be reported under the appropriate code on the *Dropout Prevention/Juvenile Justice Programs* data element.**



Preschool children of students enrolled in the Teenage Parent Program, which is authorized in Section 1003.54, F.S., are reported in FEFP Program Number 101 using the Course Number 5100560 and the Grade Level of PK. If the preschool child is also identified as a student with a disability, either FEFP Program Number 111 (K-3 Basic, with ESE Services), 254 (Support Level 4), or 255 (Support Level 5) is used for the exceptional courses.

## **English for Speakers of Other Languages (ESOL), FEFP Program Number 130**

In these programs, student FTE reported for FEFP funding shall comply with Section 1003.56, F.S., and the instruction shall be provided through courses listed in the current Course Code Directory as English for Speakers of Other Languages, English through ESOL, and basic subject areas of math, science, social studies, and computer literacy. These courses are also listed in [Appendix DD, Courses Eligible for English Language Learners \(ELL\) Weighted FTE](#), of the [FDOE PK-12 Database Manual, 2020-21](#). All students who are reported as English Language Learners and under the ESOL FEFP Program Number must be receiving instruction by appropriately qualified staff who use ESOL and/or heritage language strategies.

If the FEFP Program Number is 130, then the *ELL, PK-12* code must be "LY" or "LP." Records not meeting this criterion will be nulled during the state processing period.

**Note:** "LY" or "LP" students in grade PK cannot receive FEFP Program Number 130 funding.

## **FTE Calculation and Reporting for Students in Department of Juvenile Justice and Juveniles Incompetent to Proceed Educational Programs**

Section 1003.01(11)(a), F.S., describes the school year for DJJ Programs as follows:

Programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over 12 months. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

DJJ programs are not considered "extended school year" programs.

The following requirements are in effect:

1. FTE count periods shall be the same for DJJ programs as for other public school programs;
2. The calculation of FTE for students in DJJ programs shall be limited to 25 hours per week;
3. The school year shall be comprised of 250 days of instruction, with no more than 10 of these days used for teacher planning in residential programs and no more than 20 days used for teacher planning in nonresidential programs; and
4. Students participating in GED preparation programs shall be funded using the basic program cost factor.

DJJ FTE will be calculated just as all other FTE is calculated **based on scheduled instructional days per the calendar approved by the district school board**. The FTE is reported under the appropriate FEFP program (i.e., Basic, Career, ESE, ESOL). A DJJ student for Survey 2 and Survey 3 will be funded at a maximum of 1.0 FTE.

A school district must report no more than 90 days in Survey 2 and 90 days in Survey 3. The district may offer instruction for more than 90 days during each of these survey periods, but funding will not be provided for instruction in excess of 90 days.

The district may report up to an additional 70 days for funding in Survey 1 and Survey 4 combined. The actual number of days reported in these surveys depends on the approved calendar but in no case shall exceed 70 days. The maximum combined FTE reported for Surveys 1 and 4 shall not exceed 0.3888 FTE per student. For example, for a facility with a 240-day instructional year (a residential facility with 10 teacher planning days), the number of days reported in Survey 1 and Survey 4 combined will be 60 days. For a facility with a 230-day instructional year (a nonresidential facility with 20 teacher planning days), the number of days reported in Survey 1 and Survey 4 combined will be 50 days.

**A school district may not report more than 250 days of instruction for DJJ students.**

## **Definition of Department of Children and Families/Department of Juvenile Justice Clients**

As required by Section 1011.62(1)(d)3.b., F.S., a district's enrollment ceiling for group 2 shall be the sum of the weighted enrollment ceilings for each program in the group, plus the increase in weighted FTE student membership from the prior year for clients of the Department of Children and Families (DCF) and the DJJ.

To calculate the increase in weighted FTE student membership from the prior year for DCF and DJJ clients, the students reported under the code of "A" or "C," as described

below, for the data element *Student Characteristic, Agency Programs*, located on the student demographic format, are included.

Code A: The student is a client of DCF, is placed in a residential facility operated by the agency, and receives educational services from the local school district or through a contract with the local school district.

*This definition was designed to include students with disabilities who were placed in residential facilities (e.g., a developmental service) by DCF. It does not include students who are in foster care placements.*

Code C: The student is enrolled in a DJJ facility/program and receives educational services from the local school district.

*This definition was designed to include the DJJ or a private, public, or other governmental organization under contract with the DJJ that provides treatment, care, and custody or educational programs for youth in juvenile justice prevention, day treatment, detention, or residential programs. This definition encompasses programs such as PACE and AMI. Please note that in many DJJ facilities there may be more than one educational program that generates weighted FTE (e.g., ESE, Basic, ESOL, Career).*

As required by Section 1011.621, F.S., the FDOE, upon request by a school district and verification by the DJJ, shall direct a school district that receives FEFP funds attributed to a membership survey for children in secure detention care pursuant to Chapter 985 to transfer a pro rata share of the funds to another district that served the same students during the same survey period but was unable to report the students for funding. The amount of the funds transfer shall be based on the percentage of the survey period in which the students were served by each district.

## **Reporting Nonpublic School or Home Education Students for FTE Funding**

Nonpublic school or home education students who receive instruction in the public school district must be reported in the following manner on the FDOE's Student Information Database to assure accuracy for the various reports.

**The district must create all appropriate formats, and the school number code for *School Number, Current Enrollment* must be N999 for the nonpublic school student and N998 for the home education student.** The district of enrollment and the district of instruction will be reported as the number of the district providing the service.

For a student in a home education program taking a course through FLVS, funding shall be provided upon successful course completion if the parent verifies, upon enrollment for

each course, that the student is registered with the school district as a home education student pursuant to Section 1002.41(1)(a), F.S.

School districts should not report dual enrollment courses for home education students even if the courses are located on a district high school campus.

## **Reporting “Additional School Year” Students**

Students who complete the minimum number of credits and other requirements but are unable to meet the state graduation test score requirement, required grade point average, or other district school board requirements for graduation may be awarded a certificate of completion or may elect to remain in the secondary school as either a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy their identified deficiencies. This special instruction may be reported for FTE funding. In addition, exceptional education students may be eligible to attend school until they reach the age of 22 under the Free and Appropriate Public Education (FAPE) provisions of the Individuals with Disabilities Education Act (IDEA). Whether to provide services until the student’s 22<sup>nd</sup> birthday or through the school year of the student’s 22<sup>nd</sup> birthday is based on district policy.

## **Reporting Hospital/Homebound Students**

Hospital/homebound students, whose schedules and Individual Education Plans (IEP) specify the number of minutes per week that hospital/homebound services will be provided, should be reported during survey week like other students. These services can be provided at the student’s home, in a hospital, through telecommunications, computer devices, or other specified settings. If the student is scheduled to receive services, and has received services during survey week or one of the six days preceding survey week, the student’s scheduled time should be reported. The district should keep proper documentation to verify that the student received appropriate services, as stated in the IEP.

In some cases, a student may be served in a hospital, home setting, through telecommunications, computer devices, or other specified settings for some of the time, and at a school-based setting at other times. Students who are alternately assigned to the hospital/homebound program and the school-based program are reported for FTE based on their schedule during the survey week. If the student is scheduled to receive services, and has received services in either setting during survey week or one of the six days preceding survey week, the student’s scheduled time in both settings should be reported.

## **Reporting Therapies Occurring Less than Weekly**

Districts in which schools are scheduling therapies (e.g., speech, occupational, physical, orientation, mobility) on less than a weekly basis must report these classes in the manner

described below. Scheduling of this type is reported as a weekly average of the time students are scheduled in therapy.

In order to properly report the therapies occurring less than weekly:

- A. Determine the student's eligibility for reporting as it is normally determined.
- B. Add together the time the student is in therapy for the span of time being reported. This will include the survey week and the other weeks of the valid scheduling option.
- C. Use an average of the *Class Minutes, Weekly* to determine the value of *FTE Reported, Course*.

Example: A student is scheduled for two hours of occupational therapy every other week. The therapy is either pull-out (the student goes to a therapy room) or push-in (the occupational therapist integrates the therapy into the student's normal schedule). During survey week, the student receives zero hours of therapy. For the weeks prior to and following survey week, the student receives two hours of therapy. For survey week, the student's time for calculating FTE should be based on an average of one hour for therapy using the therapy course number and one hour subtracted from the course during which the therapy occurs.

## **Non-Resident ESE Students in Residential Facilities**

Non-Florida-resident Exceptional Student Education (ESE) students are not reported for FTE funding through the FEFP. The cost of instruction, facilities, and services for non-Florida-resident ESE students is provided by the placing authority in the student's home state of residence (i.e., public school entity, parent). The Florida residential facility serving the non-resident student is responsible for billing and collecting payments from the placing authority, pursuant to Section 1003.57(2)(c), F.S.

# Local Record Keeping Procedures

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## Requirements

Each district must establish the following local record-keeping procedures pursuant to Rule 6A-1.04513, F.A.C.:

- A. As of the “date certain” for the FTE membership surveys (Survey Periods 1-4) and End-of-Year reporting (Survey Period 5), the district shall create a master file containing all automated student records that will be used in submitting the automated student record formats required for the survey period by the FDOE. The master file may be stored in either local or state format.
- B. The district must use the following guidelines for maintaining the master file and for applying subsequent changes to student records after the State Records Processing Cycle:
  1. All changes made to student records during the State Records Processing Cycle shall be applied to the district's ongoing system as appropriate. No separate record of transactions during the State Records Processing Cycle is required unless district policy requires the maintenance of the transaction file.
  2. The master file can be maintained in a static state once created on the “date certain,” or changes recorded in the transaction file can be overlaid on the master file.
  3. Amendments submitted to the FDOE after the close of the State Records Processing Cycle must be maintained in a separate transaction file **by date of submission**.
  4. The district master file should be capable of replicating the district records as they existed in the state database at the close of the State Records Processing Cycle. Applications of the amendments submitted against the district master file, plus unchanged records on the district master file, must replicate the records used in funding and other reporting after the close of the survey period.
- C. After the close of Survey Periods 1-4 State Records Processing Cycle and after all subsequent amendments to these survey periods, the district superintendent must submit a letter to the FDOE stating the total unweighted FTE reported by the district and certifying that the district files and state record formats submitted by the district are accurate and complete.

- D. The school district will not be required to produce and maintain ESE 134, FTE-1 Survey forms or other hard-copy output of the above records at the school or district level, provided that the district's automated files are readily accessible for state auditing or monitoring activities for **three years**, or until applicable audits have been completed, whichever is longer.
- E. Appropriate internal procedures must be instituted by the district to ensure that accurate and complete automated records have been submitted by the district for the survey period and that the district automated system and other supporting documentation are sufficient to verify that statutory requirements for state reporting and local record keeping have been met.
- F. Verification of records must be easily accomplished. For example, bell schedules, Individual Education Plans, Matrix of Services forms, student schedules, and similar documentation must be maintained for audit purposes. Attendance documents must also be maintained in accordance with the requirements of the Automated Student Attendance Record Keeping System.
- G. Schedules, as well as entry and withdrawal records, must be maintained for students for whom funding under the Hospital/Homebound exceptional student education program is requested.
- H. For OJT and cooperative training programs, student class schedules or time cards, appropriately dated, must be kept.

Using the Automated Student Attendance Record-Keeping System, the district must verify that the student has been in attendance at least one of the days of the survey week or one of the six scheduled days preceding the survey week when the school was in session.

Continuous progress educational programs must be addressed in the district's Student Progression Plan. Appropriate documentation demonstrating a student's progress level should be available for audit purposes.

**APPENDIX A**  
**Schedule of State Processing Dates**  
**2020-21 through 2023-24**

<p><b>2020-2021</b></p> <p><u>Survey 1</u>  Survey Week: July 6-10, 2020  Due Date: July 24, 2020  State Processing: July 20-September 11, 2020  Final Update/Amendment Date: September 30, 2020</p> <p><u>Survey 2</u>  Survey Week: October 5-9, 2020  Due Date: October 16, 2020  State Processing: October 12- October 30, 2020  Final Update/Amendment Date: December 15, 2020</p> <p><u>Survey 3</u>  Survey Week: February 8-12, 2021  Due Date: February 19, 2021  State Processing: February 15-March 5, 2021  Final Update/Amendment Date: April 15, 2021</p> <p><u>Survey 4</u>  Survey Week: June 14-18, 2021  Due Date: July 2, 2021  State Processing: June 21-July 9, 2021  Final Update/Amendment Date: August 15, 2021</p>	<p><b>2021-2022</b></p> <p><u>Survey 1</u>  Survey Week July 12-16, 2021  Due Date: July 30, 2021  State Processing: July 26 – September 10, 2021  Final Update/Amendment Date: September 30, 2021</p> <p><u>Survey 2</u>  Survey Week: October 11-15, 2021  Due Date: October 22, 2021  State Processing: October 18 – November 5, 2021  Final Update/Amendment Date: December 15, 2021</p> <p><u>Survey 3</u>  Survey Week: February 7-11, 2022  Due Date: February 18, 2022  State Processing: February 14 – March 4, 2022  Final Update/Amendment Date: April 15, 2022</p> <p><u>Survey 4</u>  Survey Week: June 13-17, 2022  Due Date: July 1, 2022  State Processing: June 20 – July 8, 2022  Final Update/Amendment Date: August 15, 2022</p>
<p><b>2022-2023</b></p> <p><u>Survey 1</u>  Survey Week July 11-15, 2022  Due Date: July 29, 2022  State Processing: July 25 – September 9, 2022  Final Update/Amendment Date: September 30, 2022</p> <p><u>Survey 2</u>  Survey Week: October 10-14, 2022  Due Date: October 21, 2022  State Processing: October 17 – November 4, 2022  Final Update/Amendment Date: December 15, 2022</p> <p><u>Survey 3</u>  Survey Week: February 6-10, 2023  Due Date: February 17, 2023  State Processing: February 13 – March 3, 2023  Final Update/Amendment Date: April 15, 2023</p> <p><u>Survey 4</u>  Survey Week: June 12-16, 2023  Due Date: June 30, 2023  State Processing: June 19 – July 7, 2023  Final Update/Amendment Date: August 15, 2023</p>	<p><b>2023-2024</b></p> <p><u>Survey 1</u>  Survey Week July 10-14, 2023  Due Date: July 28, 2023  State Processing: July 24 – September 8, 2023  Final Update/Amendment Date: September 30, 2023</p> <p><u>Survey 2</u>  Survey Week: October 9-13, 2023  Due Date: October 20, 2023  State Processing: October 16 – November 3, 2023  Final Update/Amendment Date: December 15, 2023</p> <p><u>Survey 3</u>  Survey Week: February 5-9, 2024  Due Date: February 16, 2024  State Processing: February 12 – March 1, 2024  Final Update/Amendment Date: April 15, 2024</p> <p><u>Survey 4</u>  Survey Week: June 10-14, 2024  Due Date: June 28, 2024  State Processing: June 17 – July 5, 2024  Final Update/Amendment Date: August 15, 2024</p>



## APPENDIX B

### Florida Education Finance Program Numbers and Cost Factors

For 2020-21, the programs and numbers listed below will be used for reporting FTE and for program cost reporting.

Program/Category	Program Numbers To Be Used for Reporting on the Student Course Format and Program Cost Reporting	Program Cost Factor
<b>BASIC PROGRAMS</b>		
K-3 Basic *	101	1.124
4-8 Basic	102	1.000
9-12 Basic	103	1.012
K-3 Basic, with ESE Services **	111	1.124
4-8 Basic, with ESE Services	112	1.000
9-12 Basic, with ESE Services	113	1.012
<b>EXCEPTIONAL STUDENT EDUCATION</b>		
Support Level 4	254	3.644
Support Level 5	255	5.462
<b>ESOL</b>		
ESOL	130	1.184
<b>Career Education 9-12</b>		
Career Education 9-12	300	1.012

\* Includes Prekindergarten Students in Teen Parent Program (not ESE)

\*\* Includes Prekindergarten Exceptional Students if not Level 4 or Level 5

**APPENDIX C**  
**FDOE Student Information Database Reporting Requirements**  
**For Students Participating in the John M. McKay Scholarships for**  
**Students with Disabilities Program**  
**(October and February, Surveys 2 and 3)**

**School District Responsibilities**

- Maintain and report student demographic data.
- Report all students attending private schools in the John M. McKay Scholarship Program from lists provided by the FDOE.

**Note:** Chapter 2016-137, L.O.F., amended s. 1011.61(4), F.S. to state that a scholarship award provided to a student enrolled in the McKay Scholarship Program is not subject to the maximum value for funding, effective July 1, 2016. Enrollment in a FLVS or other virtual course by a student who is participating in the McKay Scholarship Program is subject to limitations set in s.1002.39(3)(f), F.S. The FTE reported for FLVS or other virtual courses the student completes remains subject to FTE recalibration.

**Record Formats for Students Participating in the John M. McKay Scholarships for Students with Disabilities Program**

The Student Demographic Information and Student Course Schedule record formats are required for reporting to the FDOE Student Information Database. Only one record of each type is required.

School Number 3518 should be used by all districts to report “School Number, Current Enrollment” for students participating in the John M. McKay Scholarships for Students with Disabilities Program. The “School Number, Current Instruction” is always the private school number. Additional data elements that are not listed on the record should be reported as appropriate.

Reports F71138 and F71139 are available for surveys 2 and 3 to assist in the proper reporting of McKay Scholarship students.

**Key Elements to Remember**

- ⇒ Enter the appropriate FTE for each student in Survey 2 as indicated on the September (F70581) and/or November (F70582) payment file and appropriate FTE for each student in Survey 3 as indicated on the February (F70581) and/or April (F70582) payment file. The district should not report FTE greater than the FTE on which the scholarship is based.

- ⇒ If a student appearing on the payment file provided by the FDOE is in a public school in your district during survey week, report that student as you would any public school student in your district with the appropriate corresponding records and school numbers.
- ⇒ The payment file provided by the FDOE will verify which students have had payments made on their behalf. For your district to receive the correct funding, be sure that all students on the payment file have been reported either in school 3518 or in the appropriate school in your district.
- ⇒ McKay Scholarship students who return to the school district for services may not be reported for funding through the FEFP for those additional services. Report McKay students for FEFP funding only as directed above, in a school in your district during survey week or as directed by the list generated by the FDOE.
- ⇒ Section 504 Accommodation Plan students must be reported using the same program cost factors the student generated in the public school prior to attending the private school. Section 504 students should not be reported under 111-113, 254, or 255 program codes.

### Student Demographic Information

District Number, Current Enrollment	Use reporting district number.
District Number, Current Instruction/Service	Use reporting district number.
School Number, Current Enrollment	Use school number 3518.
Residence County	Use the county number (01-67) of the last public school the student attended. For District 72 (FAU Lab Schools), only county numbers 50 and 56 are allowable. For District 73 (FSU Lab Schools), only county numbers 06 and 37 are allowable.

### Student Course Schedule

School Number, Current Enrollment	Use school number 3518.
School Number, Current Instruction	Always use private school number.
Course Number	Use McKay Scholarships Program Course Number, 2222222.

FEFP Program Number	<p>Use 111-113 for basic program with ESE services and 254-255 for ESE.</p> <p>Use 101-103, 130, and/or 300 for Section 504 Accommodation Plan students.</p>
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## **APPENDIX D**

### **FDOE Student Information Database Reporting Requirements For Students Participating in the Family Empowerment Scholarship Program**

**(October and February, Surveys 2 and 3)**

#### **School District Responsibilities**

- Maintain and report student demographic data.
- Report all students attending private schools in the Family Empowerment Scholarship Program from lists provided by the FDOE.

#### **Record Formats for Students Participating in the Family Empowerment Scholarship Program**

The Student Demographic Information and Student Course Schedule record formats are required for reporting to the FDOE Student Information Database. Only one record of each type is required.

School Number 3900 should be used by all districts to report “School Number, Current Enrollment” for students participating in the Family Empowerment Scholarship Program. The “School Number, Current Instruction” is always the private school number. Additional data elements that are not listed on the record should be reported as appropriate.

#### **Key Elements to Remember**

- ⇒ Enter 0.5000 FTE for each student in Survey 2 appearing on the October and/or November student file and 0.5000 FTE for each student in Survey 3 appearing on the February and/or April student file.
- ⇒ If a student appearing on the student file provided by the FDOE is in a public school in your district during survey week, report that student as you would any public school student in your district with the appropriate corresponding records and school numbers.

- ⇒ The student file provided by the FDOE will verify which students are expected to have payments made on their behalf. For your district to receive the correct funding, be sure that all students on the student file have been reported either in school 3900 or in the appropriate school in your district.
- ⇒ Family Empowerment Scholarship students who return to the school district for services may not be reported for funding through the FEFP for those additional services. Report Family Empowerment students for FEFP funding only as directed above, in a school in your district during survey week or as directed by the list generated by the FDOE.

**Student Demographic Information**

District Number, Current Enrollment	Use reporting district number.
District Number, Current Instruction/Service	Use reporting district number.
School Number, Current Enrollment	Use school number 3900.
Residence County	Use the county number (01-67). For District 72 (FAU Lab Schools), only county numbers 50 and 56 are allowable. For District 73 (FSU Lab Schools), only county numbers 06 and 37 are allowable.

**Student Course Schedule**

School Number, Current Enrollment	Use school number 3900.
School Number, Current Instruction	Always use private school number.
Course Number	Please see course code directory.
FEFP Program Number	101-103

**Note:** A scholarship award provided to a student enrolled in the Family Empowerment Scholarship is not subject to FTE recalibration.

## **APPENDIX E**

### **FDOE Student Information Database Reporting Requirements for Virtual School Students**

**Note: This Appendix applies to students participating in district virtual instruction programs, virtual charter schools, FLVS (full-time and part-time), virtual course offerings, and district franchises of FLVS.**

Student eligibility and funding for district virtual instruction programs, virtual charter schools, and virtual course offerings are described in Sections, 1002.37, 1002.45, 1002.455, 1003.498, 1002.33, and 1011.62(1)(c), F.S.

- For purposes of any virtual instruction program or a virtual charter school, “full-time equivalent (FTE)” has the same meaning as provided in Section 1011.61(1)(c)1.b.(III) or (IV), F.S.
- The school district providing the virtual instruction shall report FTE students for the district virtual instruction program to the FDOE in a manner described by the FDOE and funding shall be provided through the FEFP.
- If a student only has FTE enrollment reported in one survey (Survey 2 or Survey 3), the FTE will be recalibrated to 0.5 FTE, including FTE reported in Survey 1 and Survey 4, except for FTE reported by DJJ students beyond the 180-day school year.
- An FTE student in kindergarten through grade 8 in a full-time virtual instruction program or a virtual charter school shall consist of a student who has completed a course with a passing grade or credits earned that counts toward promotion to the next grade in programs listed in Section 1011.62(1)(c), F.S.
- An FTE student in grades 9 through 12 in a virtual instruction program or a virtual charter school shall consist of six full-credit completions. Credit completions may be a combination of either full-credit courses or half-credit courses.
- Courses delivered through district virtual programs, FLVS, and virtual charter schools are funded on successful completions, regardless of the location of the student. For the purposes of this document, a successful completion is defined as completing the course with a passing grade or credits earned. This means a student must pass and/or earn credit for a course or master curriculum required for student progression to the next grade level. For any course with an end-of-course (EOC) assessment component, the EOC assessment score must be calculated as 30 percent of the final grade for successful completion, as described in Section 1003.4282, F.S. Students

only generate funding for courses they pass, whether they are promoted or not.

- A student who does not complete a district virtual education course by the end of the regular school year, and the course was reported during Survey 2 or 3, may be reported for funding as long as the course is completed and reported no later than the deadline for amending the final student enrollment survey for that fiscal year. If a student was not enrolled and reported in the virtual education course during Survey 2 or 3, the student would need to complete the course by the end of the 180-day school year.
- Enrollment in a virtual credit recovery course is limited to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must re-take the course in order to be eligible to graduate with the student's cohort. Credit recovery that is completed after the close of the Survey 4 amendment window must be reported in Survey 4 of the following year. Virtual Charter schools can only serve their own students for credit recovery courses as they are designated as full-time schools and cannot serve on a part-time basis.
- Each student's appropriate Course Grade code should be reported in the indicated surveys. If a student is enrolled in a course but has not yet completed the course, the student should be reported as "In Progress." If a student withdrew from the course before completion, the student should be reported as "Withdrew Passing" or "Withdrew Failing." For more information, please refer to the data element "Course Grade" at <http://www.fldoe.org/core/fileparse.php/19879/urlt/2021-109225.pdf>.

## **District Virtual Instruction Programs: Grades K-12**

District virtual instruction programs may serve students enrolled in kindergarten through grade 12 on a full-time or part-time basis. The program may also serve students enrolled in dropout prevention and academic intervention programs under Section 1003.53, F.S., DJJ education programs under Section 1003.52, F.S., or core-curricula courses to meet class size requirements under Section 1003.03, F.S.

The school district providing the virtual instruction shall report students in grades kindergarten through grade 12 using the school number 7001 if contracting with FLVS or private providers. School number 7023 is reported for district instruction.

FTE greater than zero may be reported for students who successfully complete the virtual instruction program as described in the first section of Appendix E. Full-time district virtual programs may report FTE students with FEFP program numbers 101-103, 111-113, 130, 254, 255, or 300, as appropriate. Part-time district virtual programs may report students with Basic FEFP Program Numbers (101-103 or 111-113) and Program 300. For Surveys 2 and 3, *FTE Reported, Course* should be equal to 0.0000.





Students who successfully complete the district virtual instruction program should be reported in Survey 4 with the appropriate *FTE Reported, Course* for student course records. Students who do not successfully complete the district virtual instruction program should be reported in Survey 4 with *FTE Reported, Course* equal to 0.0000.

The amount of FTE reported for the successful virtual course completion should be reflective of the student's schedule. Report full-year virtual courses with  $\frac{1}{6}$  FTE (0.1667) and semester virtual courses with  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE that would be comparable in the brick and mortar course.

For example, a reading course for a student in grades K-8 at the brick and mortar school is scheduled for 450 class minutes weekly (90 minutes a day/five days a week), and the equivalent virtual reading course is covering the same amount of content as the brick and mortar course. The equivalent virtual reading course would be reported as 450 class minutes weekly with the appropriate FTE.

### Student Demographic Information

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	District providing the virtual instruction program.
School Number, Current Enrollment	Use school number 7001 or 7023 for full-time students. Use the student's official school of enrollment for part-time students.
Residence County	The county in which the student resides.

### Student Course Schedule

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use school number 7001 or 7023 for full-time students and the student's official school of enrollment for part-time students.	Use school number 7001 or 7023 for full-time students and the student's official school of enrollment for part-time students.
School Number, Current Instruction	Use school number 7001 or 7023.	Use school number 7001 or 7023.
FEFP Program Number	Use 101-103, 111-113, or 300 for part-time. All FEFP programs are allowed for full-time.	Use 101-103, 111-113, or 300 for part-time. All FEFP programs are allowed for full-time.

Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code such as "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
FTE Reported, Course	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Virtual Instruction Program Provider	For school 7001, use codes provided in <a href="#">Appendix CC</a> of the State Student Information Systems database documentation to designate the provider of virtual instruction programs.	For school 7001, use codes provided in <a href="#">Appendix CC</a> of the State Student Information Systems database documentation to designate the provider of virtual instruction programs.
Location of Student	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

**Also, report all other data elements and formats that apply to the student.**

## **District Virtual Course Offerings**

Districts may offer virtual courses for students enrolled in any school district. These courses must be identified in the course code directory and may serve students in kindergarten through grade 12. Any student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state, pursuant to Section 1003.498(2)(b)1., F.S. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to Section 1011.61(1)(c)1.b.(VI), F.S., and the home school district shall not report the student for funding for that course.

Virtual course offerings shall be reported with an FEFP Program Number of 101-103, 111-113, 130, 254, 255, or 300, as appropriate in Surveys 2 and 3, with *FTE Reported, Course* equal to 0.0000.

All virtual courses where students are enrolled for more than 14 days in a course should be reported in Survey 4 for completion rate purposes, but *FTE Reported, Course* greater than 0.0000 should only be reported for those courses in which the student had successful completions, as described in the first section Appendix E.

The amount of FTE reported for the successful virtual course completion should be reflective of the student's schedule. Report full-year virtual courses with  $\frac{1}{6}$  FTE (0.1667) and semester virtual courses with  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE that would be comparable in the brick and mortar course.

For example, a reading course for a student in grades K-8 at the brick and mortar school is scheduled for 450 class minutes weekly (90 minutes a day/five days a week), and the equivalent virtual reading course is covering the same amount of content as the brick and mortar course. The equivalent virtual reading course would be reported as 450 class minutes weekly with the appropriate FTE.

### Student Demographic Information

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	Use the district providing the virtual instruction. Use school number 7006.
School Number, Current Enrollment	Use the student's official school number of enrollment.
Residence County	The county in which the student resides.

### Student Course Schedule

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use the student's school number of enrollment.	Use the student's school number of enrollment.
School Number, Current Instruction	Use school number 7006.	Use school number 7006.
FEFP Program Number	Use 101-103, 111-113, 130, 254, 255, or 300.	Use 101-103, 111-113, 130, 254, 255, or 300.

Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Online Course Provider	Use codes provided in <a href="#">Appendix GG</a> of the State Student Information Systems database documentation to designate the online course provider.	Use codes provided in <a href="#">Appendix GG</a> of the State Student Information Systems database documentation to designate the online course provider.
<i>Location of Student</i>	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

## Florida Virtual School Courses Delivered on a Public School Campus

Districts should report students taking FLVS courses under contract between the district and FLVS to be delivered in brick-and-mortar schools during the regular school day using the proper indicator (code "T") on the data element, *Location of Student*, as long as these courses are on the student's master schedule. These courses are reported by the school district with the district of enrollment and instruction and the school of enrollment and instruction equal to the location of the facility where the student is taking the course(s).

If students in a public school district facility during the regular school day are taking a virtual instruction course (FLVS Flex or district virtual courses) that is **not** a FLVS course under contract with the district to be offered on the public school campus, use code "S".

In the instance where FLVS Flex courses are not offered under contract with the district, and the student is actually enrolled in FLVS' Flex program, then FLVS will report the Student Course Schedule record(s).

School districts may not report FTE for direct instruction provided by FLVS unless the instruction is provided by the district virtual instruction program through a contract with FLVS or the instruction is provided through a virtual course delivered under contract on a public school campus.

The amount of FTE reported for the successful virtual course completion should be reflective of the student's schedule. Report full-year virtual courses with  $\frac{1}{6}$  FTE (0.1667) and semester virtual courses with  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE that would be comparable in the brick and mortar course.

For example, a reading course for a student in grades K-8 at the brick and mortar school is scheduled for 450 class minutes weekly (90 minutes a day/five days a week), and the equivalent virtual reading course is covering the same amount of content as the brick and mortar course. The equivalent virtual reading course would be reported as 450 class minutes weekly with the appropriate FTE.

**Student Demographic Information**

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	District providing the virtual courses delivered on a public school campus.
School Number, Current Enrollment	Use the school number providing the virtual courses delivered on a public school campus.
Residence County	The county in which the student resides.

**Student Course Schedule**

	<b>Surveys 2 and 3</b>	<b>Survey 4</b>
School Number, Current Enrollment	Use the school number providing the virtual courses delivered on a public school campus.	Use the school number providing the virtual courses delivered on a public school campus.
School Number, Current Instruction	Use the school number providing the virtual courses delivered on a public school campus.	Use the school number providing the virtual courses delivered on a public school campus.

FEFP Program Number	Use 101-103, 111-113, 130, 254, 255, or 300.	Use 101-103, 111-113, 130, 254, 255, or 300.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
<i>Location of Student</i>	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

## Virtual Charter Schools

Virtual charter schools may offer virtual instruction programs to students in kindergarten through grade 12 on a full-time basis under Section 1002.33, F.S.

Virtual charter schools must use an approved virtual instruction provider to be eligible for FEFP funding. Use [Appendix CC](#) of the [State Student Information Systems](#) database documentation to designate the provider of virtual instruction.

All FTE must be reported based on successful completions. Successful completions are described in the first section of Appendix E.

Courses taken by students enrolled in a virtual charter school shall be reported with an FEFP Program Number of 101-103, 111-113, 130, 254, 255, or 300, as appropriate in Surveys 2 and 3, with *FTE Reported, Course* equal to 0.0000.

All virtual courses attempted should be reported in Survey 4, but *FTE Reported, Course* greater than 0.0000 should only be reported for successful completions as described in the first section of Appendix E.

The amount of FTE reported for the successful virtual course completion should be reflective of the student's schedule. Report full-year virtual courses with  $\frac{1}{6}$  FTE (0.1667) and semester virtual courses with  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE that would be comparable in the brick and mortar course.

For example, a reading course for a student in grades K-8 at the brick and mortar school is scheduled for 450 class minutes weekly (90 minutes a day/five days a week), and the equivalent virtual reading course is covering the same amount of content as the brick and mortar course. The equivalent virtual reading course would be reported as 450 class minutes weekly with the appropriate FTE.

### Student Demographic Information

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	Use reporting district number.
School Number, Current Enrollment	Use the student's school number of enrollment.

### Student Course Schedule

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use the student's school number of enrollment.	Use the student's school number of enrollment.
School Number, Current Instruction	Use the student's school number of instruction.	Use the student's school number of instruction.
FEFP Program Number	Use 101-103, 111-113, 130, 254, 255, or 300.	Use 101-103, 111-113, 130, 254, 255, or 300.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.



<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Virtual Instruction Provider	Use <a href="#">Appendix CC</a> of the State Student Information Systems database documentation to designate the provider of virtual instruction.	Use <a href="#">Appendix CC</a> of the State Student Information Systems database documentation to designate the provider of virtual instruction.
Location of Student	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

**Also, report all other data elements and formats that apply to the student.**

## Florida Virtual School Franchises

FTE reporting for approved franchises of FLVS is described in Section 1002.37(4), F.S.

School districts that operate an approved franchise of FLVS can offer full-time and part-time public virtual instruction for students in kindergarten through grade 12.

All approved franchises of FLVS should report FTE under the school number 7004 and the two-digit district number.

All FTE earned by franchises of FLVS must be reported on a successful completion basis as described in the first section of Appendix E. The completion of six credits is equal to 1.0000 unweighted FTE.

Courses taken by students enrolled in a franchise of FLVS full-time program may be reported with an FEFP program number of 101-103, 111-113, 130, 254, 255, or 300, as appropriate. The part-time program may be reported with a Basic FEFP Program Number (101-103 or 111-113, as appropriate) and program 300 in Surveys 2 and 3, with *FTE Reported, Course* equal to 0.0000.

All virtual courses where students are enrolled for more than 14 days in a course should be reported in Survey 4 for completion rate purposes, but *FTE Reported, Course* greater than 0.0000 should only be reported for those courses in which the student had successful completions as described in the first section of Appendix E.

The amount of FTE reported for the successful virtual course completion should be reflective of the student's schedule. Report full-year virtual courses with  $\frac{1}{6}$  FTE (0.1667) and semester virtual courses with  $\frac{1}{12}$  FTE (0.0834). However, grades K-8 may report minutes and FTE that would be comparable in the brick and mortar course.

For example, a reading course for a student in grades K-8 at the brick and mortar school is scheduled for 450 class minutes weekly (90 minutes a day/five days a week), and the equivalent virtual reading course is covering the same amount of content as the brick and mortar course. The equivalent virtual reading course would be reported as 450 class minutes weekly with the appropriate FTE.

### Student Demographic Information

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	Use reporting district number. Use school number 7004.
School Number, Current Enrollment	Use the student's school number of enrollment or, for full-time students, use 7004.

### Student Course Schedule

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use the student's school number of enrollment or, for full-time students, use 7004.	Use the student's school number of enrollment or, for full-time students, use 7004.
School Number, Current Instruction	Use school number 7004.	Use school number 7004.
FEFP Program Number	Use 101-103, 111-113, or 300 for part-time. All programs are allowed for full-time.	Use 101-103, 111-113, or 300 for part-time. All programs are allowed for full-time.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "A", "B", "C", etc.

End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Location of Student	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

Also, report all other data elements and formats that apply to the student.

## Florida Virtual School Flex (Part-time)

- FTE reporting for FLVS Flex is described in Section 1002.37(3)(a), F.S. FLVS Flex may provide part-time instruction for students in kindergarten through grade 12.
- Courses delivered by FLVS under contract with a school district on a public school campus must be reported by the school district in which the student is enrolled as described in a previous section titled, *Florida Virtual School Courses Delivered on a Public School Campus*.
- All FTE earned by FLVS Flex must be reported on a successful completion basis as described in the first section of Appendix E. A fraction of an FTE may be reported. For grades 6 through 12, one year-long course is equivalent to  $\frac{1}{6}$  FTE (0.1667) and a one semester course is equivalent to  $\frac{1}{12}$  FTE (0.0834).

### **For Grades K-12:**

Courses taken by students enrolled in FLVS Flex (part-time) program shall be reported with a Basic FEFP Program Number of 101, 102, 103, 111, 112, 113, or 300 in Surveys 1, 2, 3, and 4 with *FTE Reported, Course* equal to 0.0000 if the student is enrolled in a course and has not successfully completed the course by survey week.

To receive funding, students must successfully complete FLVS courses. Course completions may be reported during the regular 180-day school year and during the summer. FTE should be reported for funding in the survey that corresponds with the period during which the student successfully completed the course. Each half credit successfully completed is reported as 0.0834 FTE.

### Student Demographic Information

District Number, Current Enrollment	District in which the student is officially enrolled for graduation.
District Number, Current Instruction/Service	Use district number 71.
School Number, Current Enrollment	Use school number of enrollment.

### Student Course Schedule (Grades K-5)

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use school number of enrollment.	Use school number of enrollment.
School Number, Current Instruction	Use school number 0700 for grades K-5.	Use school number 0700 for grades K-5.
FEFP Program Number	Use 101, 102, 111, or 112 for Basic program.	Use 101, 102, 111, or 112 for Basic program.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Location of Student	Use codes provided in the database documentation to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

### Student Course Schedule (Grades 6-12)

	<b>Surveys 1, 2, 3, &amp; 4</b>
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School Number, Current Enrollment	Use school number of enrollment.
School Number, Current Instruction	Use 0500 for grades 6-8 or 0600 for grades 9-12.
FEFP Program Number	Use 102, 103, 112, 113, or 300.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.
End of Course Achievement Level	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000 if no credit is earned or if the course is in progress; a value greater than 0.0000 if credit is earned.
Location of Student	Use codes provided in the database documentation to designate the location of instruction.

**Also, report all other data elements and formats that apply to the student.**

## Florida Virtual School Full-time

FTE reporting for FLVS is described in Section 1002.37(3)(a), F.S.

- *FLVS may provide full-time instruction for students in kindergarten through grade 12.*
- *FLVS can report FTE for a student who has successfully completed courses. The completion of six credits is reported as 1.0 unweighted FTE. A student who completes fewer than six courses can be reported as a fraction of an FTE. One year-long course is equivalent to  $\frac{1}{6}$  FTE (.1667), and a one semester course is equivalent to  $\frac{1}{12}$  FTE (.0834).*

To receive funding, students must successfully complete FLVS courses. Courses taken by students enrolled in FLVS shall be reported with the appropriate FEFP Program Number in Surveys 2 and 3, with *FTE Reported, Course* equal to 0.0000.

All virtual courses where students are enrolled for more than 14 days in a course should be reported in Survey 4 for completion rate purposes, but *FTE Reported, Course* greater than 0.0000 should only be reported for those courses in which the student had successful completions as described in the first section of Appendix E.

### Student Demographic Information

District Number, Current Enrollment	Use district number 71.
District Number, Current Instruction/Service	Use district number 71.

School Number, Current Enrollment	Use school number 0300 for grades K-5, 0801 for grades 6-8, and 0400 for grades 9-12.
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### Student Course Schedule

	Surveys 2 and 3	Survey 4
School Number, Current Enrollment	Use school number 0300 for grades K-5, 0801 for grades 6-8, and 0400 for grades 9-12.	Use school number 0300 for grades K-5, 0801 for grades 6-8, and 0400 for grades 9-12.
School Number, Current Instruction	Use school number 0300 for grades K-5, 0801 for grades 6-8, and 0400 for grades 9-12.	Use school number 0300 for grades K-5, 0801 for grades 6-8, and 0400 for grades 9-12.
FEFP Program Number	Use program 101-103, 111-113, 130, 254, 255, or 300.	Use program 101-103, 111-113, 130, 254, 255, or 300.
Course Grade	Report the appropriate Course Grade code, such as "I" (Incomplete), "IP" (In-Progress), "WF" (Withdrew Failing), "WP" (Withdrew Passing), "A", "B", "C", etc.	Report the appropriate Course Grade code, such as "A", "B", "C", etc.
End of Course Achievement Level	Code "Z"	Use 1 through 5 if credit is earned or course is successfully completed; "Z" if no credit is earned, course is not a successful completion, or the virtual course does not require an EOC assessment.
<i>FTE Reported, Course</i>	0.0000	0.0000 if no credit is earned or course content is not completed; a value greater than 0.0000 if credit is earned or course is successfully completed.
Location of Student	Use codes provided in the database to designate the location of instruction.	Use codes provided in the database documentation to designate the location of instruction.

Also, report all other data elements and formats that apply to the student.

**APPENDIX F**  
**2020-21 Course Code Directory Courses That Do Not Generate FTE**  
**for FEFP Funding**

Note: The file name for the "Course Code Directory Courses That Do Not Generate FTE for FEFP Funding" is DPS.DISTRICT.GQ.F71424.Yyyy.

<b>COURSE #</b>	<b>TITLE (Abbreviated)</b>	<b>NOTES</b>
0051076	INTERM RE TCHR	District/School-based job assignment number (not a course)
0052016	PHY THER	District/School-based job assignment number (not a course)
0052017	OCCU THER	District/School-based job assignment number (not a course)
0052018	SPCH/LANG PATH	District/School-based job assignment number (not a course)
0052019	ORIEN/MOBLTY SPEC	District/School-based job assignment number (not a course)
0052028	INTERPRETER	District/School-based job assignment number (not a course)
0052029	ART SPEC	District/School-based job assignment number (not a course)
0052030	PTA	District/School-based job assignment number (not a course)
0052031	OTA	District/School-based job assignment number (not a course)
0052032	SPEECH THRPY AIDE	District/School-based job assignment number (not a course)
0061025	CHILD FIND SPEC	District/School-based job assignment number (not a course)
0061026	DIAGNOSTIC SPEC	District/School-based job assignment number (not a course)
0061131	SCH SOC WKR	District/School-based job assignment number (not a course)
0061231	COUNSELOR-E	District/School-based job assignment number (not a course)
0061232	COUNSELOR-M/J	District/School-based job assignment number (not a course)
0061233	COUNSELOR-SH SCH	District/School-based job assignment number (not a course)
0061234	COUNSELOR-AD/VOC SCH	District/School-based job assignment number (not a course)
0061235	COUNSELOR-EXC ED SCH	District/School-based job assignment number (not a course)
0061236	COUNSELOR-OTHER SCH	District/School-based job assignment number (not a course)
0061237	COUNSELOR-CAR ED	District/School-based job assignment number (not a course)
0061238	OCC/PL SPEC	District/School-based job assignment number (not a course)
0061420	SCH PSY	District/School-based job assignment number (not a course)
0062030	LIB/MED SPEC-E SCH	District/School-based job assignment number (not a course)
0062031	LIB/MED SPEC-M/J	District/School-based job assignment number (not a course)
0062032	LIB/MED SPEC-SH	District/School-based job assignment number (not a course)
0062033	LIB/MED SPEC-AD/VOC	District/School-based job assignment number (not a course)
0062034	LIB/MED SPEC-OTHER	District/School-based job assignment number (not a course)
0062035	LIB/MED SPEC-DISTO	District/School-based job assignment number (not a course)
0063019	DIRE VOC ED	District/School-based job assignment number (not a course)
0063020	DIRE EXC STU ED	District/School-based job assignment number (not a course)
0063059	SUP/COOR, VOC EDC ED	District/School-based job assignment number (not a course)

0063060	SUP/COOR,AGRI/NRE	District/School-based job assignment number (not a course)
0063070	SUP/COOR, OTHER VOC	District/School-based job assignment number (not a course)
0063071	SUP/COOR, VOC ED SNS	District/School-based job assignment number (not a course)
0063100	PRIMARY SPECIALIST	District/School-based job assignment number (not a course)
0063101	PROG SPEC	District/School-based job assignment number (not a course)
0063102	STAFFING SPEC	District/School-based job assignment number (not a course)
0063103	LEARN RE SPEC	District/School-based job assignment number (not a course)
0063104	TRANSI SPEC	District/School-based job assignment number (not a course)
0063105	BEHAVIOR SPEC	District/School-based job assignment number (not a course)
0073001	PRINC E SCH	District/School-based job assignment number (not a course)
0073002	PRINC M/J	District/School-based job assignment number (not a course)
0073003	PRINC SH	District/School-based job assignment number (not a course)
0073004	PRINC OTHER E&S SCH	District/School-based job assignment number (not a course)
0073005	PRINC EXC STU SCH	District/School-based job assignment number (not a course)
0073006	PRINC AD SCH	District/School-based job assignment number (not a course)
0073007	DIRE VOC TECN CTR	District/School-based job assignment number (not a course)
0073008	ASTP E	District/School-based job assignment number (not a course)
0073009	ASTP M/J	District/School-based job assignment number (not a course)
0073010	ASTP SH	District/School-based job assignment number (not a course)
0073011	ASTP OTHER E&S SCH	District/School-based job assignment number (not a course)
0073012	ASTP EXC STU SCH	District/School-based job assignment number (not a course)
0073013	ASTP AD SCH	District/School-based job assignment number (not a course)
0073014	AST DIRE VOC TECN	District/School-based job assignment number (not a course)
0073015	CURR COOR/ASTP E	District/School-based job assignment number (not a course)
0073016	CURR COOR/ ASTP M/J	District/School-based job assignment number (not a course)
0073017	CURR COOR/ASTP SH	District/School-based job assignment number (not a course)
0073018	CURR COOR/ASTP/OTHER	District/School-based job assignment number (not a course)
0073019	DEAN/ASTP E	District/School-based job assignment number (not a course)
0073020	DEAN/ASTP M/J	District/School-based job assignment number (not a course)
0073021	DEAN/ASTP SH	District/School-based job assignment number (not a course)
0073022	DEAN/ASTP OTHER SCH	District/School-based job assignment number (not a course)
0073023	ACTIVITIES DIRE	District/School-based job assignment number (not a course)
0073024	ATH DIRE	District/School-based job assignment number (not a course)
0073033	ATH TR	District/School-based job assignment number (not a course)
0073101	INTERN PRINC E	District/School-based job assignment number (not a course)
0073102	INTERN PRINC M/J	District/School-based job assignment number (not a course)
0073103	INTERN PRINC SH	District/School-based job assignment number (not a course)
0073104	INTERN PRINC E&S	District/School-based job assignment number (not a course)
0073105	INTERN PRINC EXC STU	District/School-based job assignment number (not a course)



0073108	INTERN ASTP E	District/School-based job assignment number (not a course)
0073109	INTERN ASTP M/J	District/School-based job assignment number (not a course)
0073110	INTERN ASTP SH	District/School-based job assignment number (not a course)
0073111	INTERN ASTP OTHER	District/School-based job assignment number (not a course)
0073112	INTERN ASTP EXC STU	District/School-based job assignment number (not a course)
0073113	INTERN ASTP AD SCH	District/School-based job assignment number (not a course)
0073114	INTERN AST DIRE VOC	District/School-based job assignment number (not a course)
0073201	INTERIM PRINC E SCH	District/School-based job assignment number (not a course)
0073202	INTERIM PRINC M/J	District/School-based job assignment number (not a course)
0073203	INTERIM PRINC SH	District/School-based job assignment number (not a course)
0073204	INTERIM PRINC OTHER	District/School-based job assignment number (not a course)
0073205	INTERIM PRINC EXC ED	District/School-based job assignment number (not a course)
0073206	INTERIM PRINC AD SCH	District/School-based job assignment number (not a course)
0073207	INTERIM DIRE VOC TEC	District/School-based job assignment number (not a course)
0073208	INTERIM ASTP E SCH	District/School-based job assignment number (not a course)
0073209	INTERIM ASTP M/J	District/School-based job assignment number (not a course)
0073210	INTERIM ASTP SH SCH	District/School-based job assignment number (not a course)
0073211	INTERIM ASTP OTHER	District/School-based job assignment number (not a course)
0073212	INTERIM ASTP EXC STU	District/School-based job assignment number (not a course)
0073214	INTERIM ASTP VOC TEC	District/School-based job assignment number (not a course)
0100220	M/J ART TRANSFER	Grades 6-8 Education Courses
0100990	ART TRANSFER	Grades 9-12 and Adult Education Courses
0200220	M/J CPTR TRANSFER	Grades 6-8 Education Courses
0200339	CLEP INFO SYSTEMS	Grades 9-12 and Adult Education Courses
0200985	IT COMPETENCY EXAM	Grades 9-12 and Adult Education Courses
0200990	COMPUTER ED TRANSFER	Grades 9-12 and Adult Education Courses
0300220	M/J DANCE TRANSFER	Grades 6-8 Education Courses
0300990	DANCE TRANSFER	Grades 9-12 and Adult Education Courses
0400220	M/J DRAMA TRANSFER	Grades 6-8 Education Courses
0400990	DRAMA TRANSFER	Grades 9-12 and Adult Education Courses
0500531	CLEP BUSINESS LAW	Grades 9-12 and Adult Education Courses
0500532	CLEP FINAN ACCTING	Grades 9-12 and Adult Education Courses
0500533	CLEP PRIN OF MGMT	Grades 9-12 and Adult Education Courses
0500534	CLEP PRIN OF MARKET	Grades 9-12 and Adult Education Courses
0700220	M/J WORLD LANG TRAN	Grades 6-8 Education Courses
0700980	WORLD LANG TRANS 1	Grades 9-12 and Adult Education Courses
0700990	WORLD LANG TRANS 2	Grades 9-12 and Adult Education Courses
0701382	CLEP FRENCH LANG 1-2	Grades 9-12 and Adult Education Courses
0701980	WORLD LANG TRANS 3	Grades 9-12 and Adult Education Courses

0701990	WORLD LANG TRANS 4	Grades 9-12 and Adult Education Courses
0702382	CLEP GERMAN LANG 1-2	Grades 9-12 and Adult Education Courses
0702980	WORLD LANG TRANS 5	Grades 9-12 and Adult Education Courses
0702990	WORLD LANG TRANS 6	Grades 9-12 and Adult Education Courses
0703980	WORLD LANG TRANS 7	Grades 9-12 and Adult Education Courses
0703990	WORLD LANG TRANS 8	Grades 9-12 and Adult Education Courses
0708450	CLEP SPANISH LANG 1-2	Grades 9-12 and Adult Education Courses
0708455	CLEP SPAN WWRIT 1-2	Grades 9-12 and Adult Education Courses
0791920	WORLD LANG WAIVER	Grades 9-12 and Adult Education Courses
0800220	M/J HEALTH TRANSFER	Grades 6-8 Education Courses
0800391	CLEP HUMAN/GROW DEV	Grades 9-12 and Adult Education Courses
0800990	HEALTH TRANSFER	Grades 9-12 and Adult Education Courses
0900321	CLEP HUMANITIES	Grades 9-12 and Adult Education Courses
0900990	HUMANITIES TRANSFER	Grades 9-12 and Adult Education Courses
1000220	M/J LANG ARTS TRAN	Grades 6-8 Education Courses
1000990	LANG ARTS TRANSFER	Grades 9-12 and Adult Education Courses
1005900	CLEP AMERICAN LIT	Grades 9-12 and Adult Education Courses
1005901	CLEP ENGLISH LIT	Grades 9-12 and Adult Education Courses
1005902	CLEP A&I LITERATURE	Grades 9-12 and Adult Education Courses
1009380	CLEP COLL COMPOS	Grades 9-12 and Adult Education Courses
1009381	CLEP COLL COMPOS MOD	Grades 9-12 and Adult Education Courses
1100220	M/J LIBR/MEDIA TRAN	Grades 6-8 Education Courses
1100990	LIB/MEDIA TRANSFER	Grades 9-12 and Adult Education Courses
1200220	M/J MATH TRAN	Grades 6-8 Education Courses
1200325	CLEP COLL ALGEBRA	Grades 9-12 and Adult Education Courses
1200701	CLEP COLL MATH	Grades 9-12 and Adult Education Courses
1200990	MATH TRAN	Grades 9-12 and Adult Education Courses
1200997	COMP SCI SUB MATH	Grades 9-12 and Adult Education Courses
1200998	CTE/IC MATH SUB 1	Grades 9-12 and Adult Education Courses
1200999	CTE/IC MATH SUB 2	Grades 9-12 and Adult Education Courses
1202301	CLEP CALCULUS	Grades 9-12 and Adult Education Courses
1202341	CLEP PRECALCULUS	Grades 9-12 and Adult Education Courses
1300220	M/J MUS TRANSFER	Grades 6-8 Education Courses
1300990	MUSIC TRANSFER	Grades 9-12 and Adult Education Courses
1500220	M/J PHYS ED TRANSFER	Grades 6-8 Education Courses
1500410	INTERSCH SSN 1 - COM	Grades 9-12 and Adult Education Courses
1500420	INTERSCH SSN 2 - COM	Grades 9-12 and Adult Education Courses
1500440	MCHG BAND PE WAIVER	Grades 9-12 and Adult Education Courses
1500445	DANCE WAIVER	Grades 9-12 and Adult Education Courses

1500450	JROTC/PE YR1 WAIVER	Grades 9-12 and Adult Education Courses
1500460	JROTC/PE YR2 WAIVER	Grades 9-12 and Adult Education Courses
1500470	JROTC/PE WAIVER COMP	Grades 9-12 and Adult Education Courses
1500480	JROTC/PE/PF WAIVER	Grades 9-12 and Adult Education Courses
1500990	PE TRAN	Grades 9-12 and Adult Education Courses
1800990	MILITARY TRANSFER	Grades 9-12 and Adult Education Courses
2000220	M/J SCIENCE TRANSFER	Grades 6-8 Education Courses
2000325	CLEP BIOLOGY	Grades 9-12 and Adult Education Courses
2000990	SCIENCE TRANSFER	Grades 9-12 and Adult Education Courses
2000998	COMP SCI SUB EQ SCI	Grades 9-12 and Adult Education Courses
2000999	CTE/IC SCI SUB	Grades 9-12 and Adult Education Courses
2002375	CLEP NATURAL SCIENCE	Grades 9-12 and Adult Education Courses
2003376	CLEP CHEMISTRY	Grades 9-12 and Adult Education Courses
2100220	M/J SOC ST TRANSFER	Grades 6-8 Education Courses
2100325	CLEP US HISTORY 1	Grades 9-12 and Adult Education Courses
2100326	CLEP US HISTORY 2	Grades 9-12 and Adult Education Courses
2100550	CLEP WESTERN CIV 1	Grades 9-12 and Adult Education Courses
2100551	CLEP WESTERN CIV 2	Grades 9-12 and Adult Education Courses
2100990	SOC STUDIES TRANSFER	Grades 9-12 and Adult Education Courses
2102355	CLEP MACROECONOMICS	Grades 9-12 and Adult Education Courses
2102356	CLEP MICROECONOMICS	Grades 9-12 and Adult Education Courses
2106325	CLEP AMERICAN GOVT	Grades 9-12 and Adult Education Courses
2107380	CLEP INTROD PSYCH	Grades 9-12 and Adult Education Courses
2107381	CLEP EDUC PSYCH	Grades 9-12 and Adult Education Courses
2108330	CLEP INTROD SOCIO	Grades 9-12 and Adult Education Courses
2108331	CLEP SOC SCI & HIST	Grades 9-12 and Adult Education Courses
2200300	NC STUDY HALL 1	Grades 9-12 and Adult Education Courses
2200310	NC STUDY HALL 2	Grades 9-12 and Adult Education Courses
2200320	NC STUDY HALL 3	Grades 9-12 and Adult Education Courses
2200330	NC STUDY HALL 4	Grades 9-12 and Adult Education Courses
2500200	M/J TEMP INSTR PLACE	Grades 6-8 Education Courses
2500510	TEMP INSTR PLACEMENT	Grades 9-12 and Adult Education Courses
5022000	STUDY HALL E	Grades 9-12 and Adult Education Courses
7910998	CTE SUB ACC ENG 4	Exceptional Student Education Grades 9-12 Courses
7910999	CTE SUB ENG 4	Exceptional Student Education Grades 9-12 Courses
7912998	CTE SUB ACC MATH	Exceptional Student Education Grades 9-12 Courses
7912999	CTE SUB MATH	Exceptional Student Education Grades 9-12 Courses
7920998	CTE SUB ACC SCIENCE	Exceptional Student Education Grades 9-12 Courses
7920999	CTE SUB SCIENCE	Exceptional Student Education Grades 9-12 Courses

7921998	CTE SUB ACC SOCSTUD	Exceptional Student Education Grades 9-12 Courses
7921999	CTE SUB SOCSTUDIES	Exceptional Student Education Grades 9-12 Courses
8199990	AGRIBUS ED TRAN	Career/Technical Education Courses
8299990	BUSINESS ED TRAN	Career/Technical Education Courses
8499990	HEALTH OCCS ED TRAN	Career/Technical Education Courses
8599990	FAM & CONS SCI TRAN	Career/Technical Education Courses
8799990	INDUS ED TRAN	Career/Technical Education Courses
8899990	MKT ED TRAN	Career/Technical Education Courses
8999990	PUB SERV ED TRAN	Career/Technical Education Courses
A010000	AGRIBUS ED TRANSFER	Career/Technical Education Courses
B000000	BUSINESS ED TRAN	Career/Technical Education Courses
H000000	HEALTH OCCS ED TRAN	Career/Technical Education Courses
I000000	INDUS ED TRANSFER	Career/Technical Education Courses
M000000	MKT ED TRANSFER	Career/Technical Education Courses
P000000	PUB SERV ED TRAN	Career/Technical Education Courses
V000000	FAM & CONS SCI TRAN	Career/Technical Education Courses
0101372	AICE ART&DES 1 EXAM	Grades 9-12 and Adult Education Courses
0101373	AICE ART&DES 2 EXAM	Grades 9-12 and Adult Education Courses
0102331	AICE ART&DES CER EXA	Grades 9-12 and Adult Education Courses
0104421	AICE ART&DES P&M EXA	Grades 9-12 and Adult Education Courses
0105331	AICE ART&DES F&D EXA	Grades 9-12 and Adult Education Courses
0106321	AICE ART&DES GD EXAM	Grades 9-12 and Adult Education Courses
0107481	AICE ART&DES F&V EXA	Grades 9-12 and Adult Education Courses
0108361	AICE ART&DESPHOTO EX	Grades 9-12 and Adult Education Courses
0108401	AICE DIGMEDIA 1 EXAM	Grades 9-12 and Adult Education Courses
0200441	AICE APPLD ICT1 EXAM	Grades 9-12 and Adult Education Courses
0200451	AICE APPLD ICT2 EXAM	Grades 9-12 and Adult Education Courses
0200461	AICE DES&TECH 1 EXAM	Grades 9-12 and Adult Education Courses
0200471	AICE DES&TECH 2 EXAM	Grades 9-12 and Adult Education Courses
0200481	AICE COMP SCI 1 EXAM	Grades 9-12 and Adult Education Courses
0200486	AICE COMP SCI 2 EXAM	Grades 9-12 and Adult Education Courses
0200491	AICE INFO TECH1 EXAM	Grades 9-12 and Adult Education Courses
0502401	AICE ACCOUNTING1 EXA	Grades 9-12 and Adult Education Courses
0701399	AICE FRENCH EXAM	Grades 9-12 and Adult Education Courses
0701400	AICE FRENCH LIT EXAM	Grades 9-12 and Adult Education Courses
0701401	AICE FRENCHLANG EXAM	Grades 9-12 and Adult Education Courses
0708531	AICE SPANISH EXAM	Grades 9-12 and Adult Education Courses
0708539	AICE SPAN LANG EXAM	Grades 9-12 and Adult Education Courses
0708541	AICE SPANISHLIT EXAM	Grades 9-12 and Adult Education Courses

0709361	AICE SPAN1STLANG EXA	Grades 9-12 and Adult Education Courses
0711357	AICE CHINESELANG EXA	Grades 9-12 and Adult Education Courses
0713367	AICE PORTUGLANG EXAM	Grades 9-12 and Adult Education Courses
0713371	AICE PORTUGUESE EXAM	Grades 9-12 and Adult Education Courses
0900501	AICE CL STDS 1 EXAM	Grades 9-12 and Adult Education Courses
0900506	AICE CL STDS 2 EXAM	Grades 9-12 and Adult Education Courses
0900521	AICE DIVINITY 1 EXAM	Grades 9-12 and Adult Education Courses
1001552	AICE ENG LANG EXAM	Grades 9-12 and Adult Education Courses
1001553	AICE ENG LANG 2 EXAM	Grades 9-12 and Adult Education Courses
1001556	AICE ENG LANG/LIT EX	Grades 9-12 and Adult Education Courses
1005371	AICE ENG LIT 1 EXAM	Grades 9-12 and Adult Education Courses
1005376	AICE ENG LIT 2 EXAM	Grades 9-12 and Adult Education Courses
1009401	AICE ENGGENPAPER EXA	Grades 9-12 and Adult Education Courses
1100461	AICE MEDIASTUDIES EX	Grades 9-12 and Adult Education Courses
1100471	AICE MEDIASTUD 2 EXA	Grades 9-12 and Adult Education Courses
1202353	AICE MATH 1 EXAM	Grades 9-12 and Adult Education Courses
1202355	AICE MATH&MECH 1 EXA	Grades 9-12 and Adult Education Courses
1202357	AICE MATH&MECH2 EXAM	Grades 9-12 and Adult Education Courses
1202363	AICE MA&PR&ST 1 EXAM	Grades 9-12 and Adult Education Courses
1202367	AICE MA&PR&ST 2 EXAM	Grades 9-12 and Adult Education Courses
1202368	AICE MA&ME&PR&ST2 EX	Grades 9-12 and Adult Education Courses
1202372	AICE FURTHMATH 2 EXAM	Grades 9-12 and Adult Education Courses
1210331	AICE MATH STAT EXAM	Grades 9-12 and Adult Education Courses
1300398	AICE MUSIC 1 EXAM	Grades 9-12 and Adult Education Courses
1300399	AICE MUSIC 2 EXAM	Grades 9-12 and Adult Education Courses
1300400	AICE MUSIC 3 EXAM	Grades 9-12 and Adult Education Courses
1700368	AICE GLBLPERSP1 EXAM	Grades 9-12 and Adult Education Courses
1700369	AICE GLBLPERSP2 EXAM	Grades 9-12 and Adult Education Courses
1700371	AICE GLBLPERSP2PU EX	Grades 9-12 and Adult Education Courses
1700373	AICE THINKSKLS1 EXAM	Grades 9-12 and Adult Education Courses
1700375	AICE THINKSKLS2 EXAM	Grades 9-12 and Adult Education Courses
2000324	AICE BIO I EXAM	Grades 9-12 and Adult Education Courses
2000326	AICE BIO 2 EXAM	Grades 9-12 and Adult Education Courses
2001382	AICE ENV MGMNT EXAM	Grades 9-12 and Adult Education Courses
2002516	AICE MARINESCI1 EXAM	Grades 9-12 and Adult Education Courses
2002536	AICE MARINESCI2 EXAM	Grades 9-12 and Adult Education Courses
2003374	AICE CHEM 1 EXAM	Grades 9-12 and Adult Education Courses
2003375	AICE CHEM 2 EXAM	Grades 9-12 and Adult Education Courses
2003434	AICE PHYSICS 1 EXAM	Grades 9-12 and Adult Education Courses

2003435	AICE PHYSICS 2 EXAM	Grades 9-12 and Adult Education Courses
2100491	AICE INTLHIST1 EXAM	Grades 9-12 and Adult Education Courses
2100496	AICE INTLHIST2 EXAM	Grades 9-12 and Adult Education Courses
2100501	AICE US HIST 1 EXAM	Grades 9-12 and Adult Education Courses
2100506	AICE US HIST 2 EXAM	Grades 9-12 and Adult Education Courses
2102327	AICE ECON 1 EXAM	Grades 9-12 and Adult Education Courses
2102328	AICE ECON 2 EXAM	Grades 9-12 and Adult Education Courses
2102329	AICE BUSINESS 1 EXAM	Grades 9-12 and Adult Education Courses
2102330	AICE BUSINESS 2 EXAM	Grades 9-12 and Adult Education Courses
2102411	AICE TRVL&TRSM1 EXAM	Grades 9-12 and Adult Education Courses
2102421	AICE TRVL&TRSM2 EXAM	Grades 9-12 and Adult Education Courses
2103411	AICE GEOG 1 EXAM	Grades 9-12 and Adult Education Courses
2107361	AICE PSYCH 1 EXAM	Grades 9-12 and Adult Education Courses
2107371	AICE PSYCH 2 EXAM	Grades 9-12 and Adult Education Courses
2108311	AICE SOCIO 1 EXAM	Grades 9-12 and Adult Education Courses
2108321	AICE SOCIO 2 EXAM	Grades 9-12 and Adult Education Courses
2109373	AICE EUROHIST1 EXAM	Grades 9-12 and Adult Education Courses
2109374	AICE EUROHIST2 EXAM	Grades 9-12 and Adult Education Courses
3026021	AICE PHYS ED 1 EXAM	Grades 9-12 and Adult Education Courses

**APPENDIX G**  
**FDOE Student Information Database Reporting Requirements**  
**for Student Transportation**  
**(Surveys 1, 2, 3, and 4)**

**Student Eligibility**

To be eligible for transportation funding, a student must be:

1. In membership during survey week;
2. Transported at least once during the five-day survey week or once during the preceding six scheduled school days; and
3. Meet one of the eligibility criteria provided in Section 1011.68(1), F.S.

Please note that school districts must report via the Automated Student Information System each student who is transported during survey week regardless of whether or not the student is eligible for transportation funding.

**Membership** includes all prekindergarten through grade 12 students enrolled in school during survey week who are assigned to a bus, passenger car, multipurpose passenger vehicle, general-purpose transportation (e.g., city bus, train), or privately owned motor vehicle or boat (for certain students who are isolated or have disabilities).

**Transported** refers to any student who rides the bus (or other approved transportation vehicle) for the purpose of attending school at least once during the five-day survey week or once during the preceding six scheduled school days.

Eligible students who are transported by general-purpose transportation (city buses, trains, etc.) or privately owned motor vehicles or boats (for isolated students or students with disabilities) are reported in the same manner as all other transported students. For purposes of transportation, Rule 6A-1.0451(5), F.A.C., defines students with disabilities under Section 1011.68(5), F.S., as those students with disabilities for whom school bus transportation is impracticable or unavailable for reasons related to the student's individual needs and circumstances, as documented on the student's individual educational plan (IEP). Section 1006.22, F.S., further requires that the school board have a written or oral contract to transport students with disabilities in privately owned motor vehicles.

School districts are encouraged to communicate to students and parents the safety and availability of student transportation provided by the school district. Such communication is expected to be made during parent orientation, which takes place during the first weeks of school. To ensure equitable student transportation funding for all school districts, it is imperative that school districts report accurate information regarding school bus ridership.

To ensure that the transportation ridership count accurately represents the students who ride the bus on a day-to-day basis, school districts may not encourage or provide incentives to students to ride school buses during the survey period, nor may school districts deny privileges to students who do not ride school buses during the survey period.

Communication in the form of announcements from the principal's office or district staff, automated phone calls, letters to students' homes, email correspondence or any other communication suggesting or requesting students to ride the bus when the survey is administered is strictly prohibited. School districts may not create or implement policies or procedures designed to increase school bus ridership during the survey period. Any policies or procedures encouraging or affecting ridership must be in place during the entire year transportation is being provided. For example, a school district that encourages students, via communication during the week prior to survey week, to ride the bus during survey week, is expected to provide the same communication each week during the school year. To verify accurate student ridership counts, FDOE staff may conduct on-site monitoring of student ridership reporting.

Students enrolled in the Florida School for the Deaf and the Blind are not eligible for transportation funding through the FEFP.

### **Eligibility Categories**

Eligibility criteria for transportation funding, in accordance with Section 1011.68(1), F.S., are:

1. The student lives two or more miles from the school.
2. The student is classified as a student with a disability under the Individuals with Disabilities Education Act (IDEA), regardless of distance (does not apply to gifted students). K-12 students identified with Specific Learning Disabilities, Speech Impairment or Language Impairment who live fewer than two miles from their assigned schools are eligible only if transportation services are required by the student's IEP.
3. The student/parent or infant is enrolled in the Teenage Parent Program.
4. The student is enrolled in a state-funded IDEA prekindergarten program or Teenage Parent Prekindergarten program, regardless of the distance from the student's home to the school.
5. The student is a career and technical education or exceptional education student, enrolled in grades 6 through 12, who is being transported from one school center to another where career and technical education programs are provided. Dually enrolled students, as defined by Section 1007.271, F.S., who attend a university, college or vocational technical center, are included.
6. The student meets the criteria for hazardous walking as stated in Section 1006.23, F.S., including enrollment in elementary school.





## **Hazardous Walking**

To claim hazardous walking funding, districts must enter the correct code for eligible students on the Automated Student Information System, no later than the end of the FTE student survey period. School districts are required to have in writing, and on file, documentation identifying the hazardous locations; the date each location was inspected; names of the representatives of the school district, roadway jurisdiction, law enforcement jurisdiction, and metropolitan planning organization (if applicable) who participated in the inspection of each hazardous walking location; and the specific conditions verifying that each location meets the qualifying statutory criteria (e.g., traffic counts during the time students walk, number of traffic lanes, posted speed limit). Documentation must also be maintained to verify that the representatives of the entities with jurisdiction have mutually agreed that each location meets the qualifying criteria specified in Section 1006.23(2), F.S.

## **Students Counted Only Once Per Reporting Period**

A student may be reported using the student transportation format only once per reporting period and only on one mode of travel, even if more than one mode was used. Unless the student was transported during survey periods 2 or 3 for both the regular term and an intersession, then two records should be submitted for that survey period – one for the regular term and one for the intersession.

Students who ride on more than one bus or mode of transportation during the school day may only be counted once. Students who are transported in the morning or afternoon and who are transported from center to center may only be counted once.

Students who ride home from school on a special bus route serving only those students attending after-school programs or activities, and who are not eligible or reported in the morning or at any other time, may not be reported for funding. Pursuant to Section 1011.68(1), F.S., students riding a school bus for the purpose of attending school may be counted for funding if they live two or more miles from the school to which they are assigned, regardless of where the bus stop is located. A school may establish a centralized bus stop location to provide students transportation to and from school; however, only students who meet eligibility requirements in Section 1011.68(1), F.S., qualify for student transportation funding. A centralized bus stop may not be established during survey week to transport students who otherwise are not generally transported.

The district must have a policy to report students who transfer from one bus to another during survey week, either on the sending or receiving bus. For example, a student transported from home to school and then to a vocational center should have only one student transportation record reported for that year and survey period (excluding an intersession record, if applicable). Districts must have a policy for transporting and

reporting eligible students who live two or more miles away from their assigned school and have two separate residential addresses due to shared parental custody.

### **Prekindergarten Student Eligibility**

The following prekindergarten students are the only prekindergarten students eligible for transportation funding under Section 1011.68(1), F.S.:

- Prekindergarten students with disabilities pursuant to Rule 6A-6.03026, F.A.C., regardless of distance, who meet the criteria for receiving specialized transportation services. These students are reported in Membership Category L, IDEA-Prekindergarten through Grade 12, Weighted.
- Prekindergarten students with disabilities pursuant to Rule 6A-6.03026, F.A.C., regardless of distance, who do **NOT** meet the weighted funding criteria, as indicated in Membership Category L, for receiving specialized transportation services. These students are reported in Membership Category M, All Other FEFP Transportation Funding-Eligible Students, Unweighted.
- Prekindergarten children of a student parent enrolled in a Teenage Parent Program, pursuant to Section 1003.54, F.S. These students are reported in Membership Category F, Teenage Parents and Infants, Unweighted.

Prekindergarten children not enrolled in IDEA programs, or whose parent or parents are not enrolled in a Teenage Parent Program, are not eligible for state transportation funding under Section 1011.68(1), F.S. Students in the following programs are **ineligible** for transportation funding under Section 1011.68(1), F.S., unless the students also have disabilities or are in a Teenage Parent Program: Prekindergarten Title I, federally funded Prekindergarten Migrant Programs, Head Start, and Readiness Coalition programs.

A student enrolled in the VPK Education Program may not be reported under Section 1011.68(1), F.S., for student transportation funds.

## **Reporting on the Automated Student Information System**

The FDOE receives school district student information at scheduled survey times during the reporting year. Student Transportation data are reported in surveys 1 through 4. See Appendix A of this document for the Schedule of State Processing Dates.

For each student transported by the school district during survey week (regardless of the student's eligibility for transportation funding), the district must submit a student transportation record to the FDOE Automated Student Information System located at Northwest Regional Data Center (NWRDC). Database reporting must conform to the FDOE Student Information Database requirements.

### **Reporting Days in Term**

Days in Term (For FTE Student Reporting Purposes) is the number of school days the student is scheduled to be transported during the term.

- For most students in surveys 2 and 3, the number of days will be 90.
- For students in programs that meet once a week, the number of days will be 18 (90-day term divided by five).
- For the June and July (surveys 4 and 1) summer periods and for intersessions, report the scheduled days students are required to attend for each reporting period.
- The sum of “Days in Term” reported for surveys 2 and 3 for the same fiscal year is the class days in the academic year calendar or 180 days, whichever is smaller. School districts with fewer than 180 instructional days must report the actual number of days students were transported, not 180 days.

### **Reporting Vehicle Category**

Vehicle Category indicates the type of vehicle used to transport the student. These include the following categories:

- B School buses meeting Florida School Bus Specifications adopted pursuant to Rule 6A-3.003, F.A.C.  
Note: The number of school buses reported will be used to calculate the district’s average bus occupancy (ABO), pursuant to Section 1011.68(2), F.S. Buses transporting only category N students will not be included in the ABO calculation.
- E Passenger car or allowable multipurpose passenger vehicle owned, operated, or contracted by the school board or charter school, transporting fewer than 10 students
- P Privately owned motor vehicle or boat (for certain students with disabilities or isolated students)
- G General-purpose transportation (city buses, trains, etc.)

### **Summer School Eligibility and Schedules Outside Survey Week**

Most students transported to educational programs that are not funded under the FEFP may not be claimed for summer transportation funding. Students with disabilities whose IEPs specify the need for extended school year education and transportation as a related service may be claimed for summer transportation funding. Students attending non-residential Florida DJJ educational programs may also be claimed for summer

transportation funding. Students attending a program that does not generate FTE student membership under the FEFP may not be reported for summer school transportation funding, with the exception of students with disabilities whose IEPs specify the need for extended school year education and transportation as a related service. If the July or June summer school period is scheduled so that it takes place outside the regularly scheduled survey week, then a separate survey week will be established to count these students. The middle day or middle week of the summer period should be used as the basis for establishing the survey week. This effort should be coordinated with the district's FTE administrator so that the same survey week is established for reporting both FTE students and transported FTE students.

### **Year-Round Schools Reporting**

Year-Round/Extended School Year FTE Indicator identifies the student being reported as attending either part of the regular school year (Code Z) or in an intersession (Code A). (Code B, Extended School Year FTE, is not applicable to the Student Transportation format.)

Regular School Year - All year-round schools should report the first 90 days of their 180-day regular school year in the October survey. The second 90 days of the regular 180-day school year should be reported in the February survey, regardless of when the tracks are in session.

Intersession - Instruction beyond 180 days (intersessions) may be scheduled at intervals between sessions of the year-round school year. Typically, these intersessions are scheduled as the 10- to 15-day terms following either the 45 or 60 days of the regularly scheduled year-round instructional period. Students with disabilities whose IEPs specify the need for extended school year education and transportation as a related service may be reported for intersession transportation funding. Students attending non-residential Florida DJJ educational programs may also be reported for intersession transportation funding. Students attending a program that does not generate FTE membership under the FEFP may not be reported for intersession transportation funding. To report students for intersession funding, conduct a survey for those students during intersession. The intersession survey week is determined in a manner similar to that used for "Summer School Scheduled Outside Survey Week" previously discussed. The middle day or middle week of the intersession period should be used as the basis for establishing the survey week. This effort should be coordinated with the district FTE administrator.

### **FEFP Transportation Membership Categories**

Transportation Membership Category signifies one of the student transportation membership categories listed below. **Students may be counted only one time and only in one membership category.** Students who ride more than one bus or mode of transportation during the school day may only be counted once. Students who are

transported in the morning or afternoon and who are transported from center to center may only be counted once.

Records must be maintained for each student transported to document that eligibility criteria have been met and each student is recorded in the appropriate membership category.

Students enrolled in the Florida School for the Deaf and the Blind are not eligible for transportation funding through the FEFP. Florida School for the Deaf and the Blind students transported on district buses should be claimed in Membership Category N: Non-FEFP Fundable Prekindergarten through Grade 12 Students.

**Membership Category F: Teenage Parents and Infants, Unweighted**

Students enrolled in the Teenage Parent Program and their eligible children, pursuant to Section 1003.54, F.S., regardless of distance.

**Membership Category G: Hazardous Walking, Elementary, Unweighted**

Kindergarten through grade 6 students enrolled in elementary schools who meet the criteria for hazardous walking pursuant to Section 1006.23, F.S. Grade 6 students attending middle or junior high school may not be counted.

**Membership Category L: Individuals With Disabilities Education Act - Prekindergarten through Grade 12, Weighted**

Note: Weighted ESE student transportation funds may not be claimed for transportation in school district passenger cars or parent-reimbursed private passenger cars. Weighted funding for a transported student with a disability applies only when the student is transported in a school bus (vehicle category B, meeting Florida school bus specifications) and the need for one or more of the specialized services described below is documented on the student's IEP.

Includes prekindergarten through grade 12 students with disabilities who qualify for weighted transportation funding as described herein.

Includes prekindergarten students with disabilities pursuant to Rule 6A-6.03026, F.A.C., regardless of distance, if qualified for weighted funding as described below.

Also includes prekindergarten through grade 12 students with disabilities who are transported from center to center and center to non-center during the day, if qualified for weighted funding as described below, provided at least one designation is a school center and the student's IEP documentation identifies the need for the instructional

programs or services and specifies that transportation is to be provided by the school district.

Each student's IEP documentation must contain information that specifies that he or she meets one of the following criteria for specialized transportation services:

1. Medical equipment required. Medical equipment is defined as wheelchair, crutches, walker, cane, tracheotomy equipment, and positioning or unique seating devices.
2. Medical condition that requires a special transportation environment in accordance with a physician's prescription (e.g., tinted windows, dust-controlled atmosphere, temperature control).
3. Attendant (aide) or monitor required due to disability and specific need of student.
4. Shortened school day required due to disability and specific need of student.
5. School assigned is located in an out-of-district school system.

**Membership Category M: All Other FEFP Transportation Funding-Eligible Students, Unweighted**

Kindergarten through grade 12 students living two miles or more from their assigned school or otherwise eligible for FEFP transportation funding, if not reported in Membership Categories F, G, or L.

Includes prekindergarten students with disabilities pursuant to Rule 6A-6.03026, F.A.C., regardless of distance, who do not meet one of the weighted funding criteria listed in Membership Category L.

Includes prekindergarten through grade 12 students with disabilities who are transported from one school center to another, or from one school center to a non-center, and who do not qualify for weighted funding as described in Membership Category L. Requires that at least one designation is a school center and that the student's IEP documentation identifies the need for the instructional programs or services and specifies that transportation is to be provided by the school district.

Includes kindergarten through grade 12 students with disabilities who live less than two miles from school and who do not meet the weighted funding criteria listed in Membership Category L when transportation is required by the student's IEP. If a student's transportation is not required by the IEP documentation, and the student lives fewer than two miles from school, the student is not eligible for state transportation funding and is reported, if transported, in Membership Category N, "Non-FEFP Fundable Prekindergarten through Grade 12 Students."

Includes kindergarten through grade 12 students with disabilities under Section 1011.68(5), F.S., and Rule 6A-1.0451, F.A.C., who are transported in vehicles other

than a school bus, when school bus transportation is impractical or unavailable for reasons related to the student's individual needs and circumstances. For such students to be eligible for FEFP transportation funding, such need must be documented in the student's IEP.

Includes grades 6-12 career and technical education and dual enrollment students who are transported from center to center during the day and who do not qualify for weighted funding as described in Membership Category L.

Note: The definition of school center is provided in Section 1011.68(1)(d), F.S.

**Membership Category N: Non-FEFP Fundable Prekindergarten through Grade 12 Students**

Transported students who are not eligible for funding in the FEFP student transportation categorical program. This record may only be entered with Vehicle Category B, school buses. Report all transported students whose homes are fewer than two miles from school, when measured in accordance with Rule 6A-3.001, F.A.C., and who do not qualify under one of the other membership categories. Also, report all transported prekindergarten students who are not eligible to be reported in any other membership category. Report students transported in school buses to programs funded by non-FEFP sources, including grants (e.g., VPK, Head Start, 21st Century Community Learning Centers, Federal Migrant Programs) and private endowments in this category. Please note that category N students will not be used in each district's ABO calculation, pursuant to Section 1011.68(2), F.S.





BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021

NOTICE OF APPEAL

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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

---

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

---

**CITED CASELAW**

**EXHIBIT 4**

BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021

NOTICE OF APPEAL

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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

---

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

---

***School Bd. of Osceola County v. UCP of Cent. Florida***  
**905 So. 2d 909, 914**  
**(Fla. 5th DCA 2005)**

905 So.2d 909  
District Court of Appeal of Florida,  
Fifth District.

SCHOOL BOARD OF  
OSCEOLA COUNTY, Appellant,  
v.  
UCP OF CENTRAL FLORIDA, Appellee.

No. 5D04-1140.

|  
April 22, 2005.

### Synopsis

**Background:** School board appealed from decision of the State Board of Education reversing school board's denial of application for the establishment of a charter school.

The District Court of Appeal, Peterson, J., held that good cause did not exist for school board to deny application for establishment of charter school.

Affirmed.

### Attorneys and Law Firms

\*910 Usher Larry Brown, Suzanne D'Agresta and Erin J. O'Leary of Brown, Garganese, Weiss & D'Agresta, P.A., Orlando, for Appellant.

Michael Olenick and Stacey K. Sutton of Carlton Fields, West Palm Beach, for Appellee.

Jennifer S. Blohm of Meyer and Brooks, P.A., Tallahassee, Amici Curiae, The Florida School Boards Association, Inc.

### Opinion

PETERSON, J.

The School Board of Osceola County, ("School Board"), appeals the Florida State Board of Education's, ("State Board"), reversal of the School Board's denial of United Cerebral Palsy of Central Florida's, ("UCP"), application for the establishment of a charter school.

Following the procedures established in section 1002.33(6), Florida Statutes (2003), UCP submitted its application for the establishment of a charter school to the School Board. Using a system of ratings, School Board officials awarded the application a score of 51.8 points, with 60 points being the maximum awardable. The School Board conducted a hearing, but denied the application because (1) approval would further dilute the capital funding of all new and existing charter schools under the current funding scheme, and (2) UCP's intent to fund capital expenditures from operating funds would further reduce the already low operating budgets of new and existing charter schools in the county, resulting in each student receiving less of an education.

UCP timely appealed the decision to the State Board and the Charter School Appeals Commission, ("Commission"), acting under the authority of section 1002.33(6), unanimously recommended approval of the charter school application. The State Board accepted the Commission's recommendation that the denial of the application based upon perceived inadequate charter school capital outlay funding did not constitute statutory good cause pursuant to section 1002.33.

The School Board then initiated this appeal but requested transfer to the circuit court because the School Board believed that court had jurisdiction rather than a district court of appeal.

### JURISDICTION

Section 1002.33(6), Florida Statutes (2003), provides that the State Board of Education's final order following a review of a District School Board's decision is a final action subject to judicial review, but does not specify the court having jurisdiction of the review.

Article V, § 4(b)(2) of the Florida Constitution provides that "District Courts of Appeal shall have the power of review of administrative action, as prescribed by general law," but Article V, § 5 also parrots this language to place the power of direct review of administrative actions in the circuit courts. These provisions leave to the Florida Legislature the manner in which appeals may be taken from administrative agencies.

The Legislature has taken this cue from the constitution and enacted a general law in charter school applications by providing in section 1002.33(6), Florida Statutes (2002), that the State Board's review of a District School Board's decision is a final action subject to judicial review. By not specifying

the court in which the judicial review is to take place, the Legislature has generated the quandary faced by the litigants and this court in determining which court, circuit or district, is to review the State Board's decision.

\*911 Initially, we observe that the appeal provisions of Chapter 120 of the Florida Statutes, the "Administrative Procedure Act," are not applicable because section 1002.33(6)(c) specifically exempts decisions rendered by the State Board from that act. The parties to this appeal agree that the avenue of appeal is not provided by chapter 120, notwithstanding the inclusion in the State Board's final order that judicial review of its order is available pursuant to section 120.68, Florida Statutes, a subsection of the Administrative Procedure Act.

In the absence of legislative selection of the proper forum, we turn to the Florida Rules of Appellate Procedure, but those rules do not precisely prescribe the court in which Charter School decisions are to be reviewed. Rule 9.030(b)(1)(C), prescribing the appellate jurisdiction of district courts and rule 9.030(c)(1)(C), prescribing the appellate jurisdiction of circuit courts, mirror the language that each of the courts "shall review, by appeal ... administrative action if provided by general law." As stated earlier, the Legislature has enacted a general law establishing review by appeal, but omitted specifying the appropriate forum.

If analysis of the appellate rules stopped at this point, one could preliminarily conclude that both the circuit court and district court would have jurisdiction under the rules to entertain review of the State Board's decision. However, a concurrent jurisdiction conclusion is not practical. Additionally, if one were to file an appeal with the circuit court, still another appeal would be allowable to the district court pursuant to rule 9.030(b)(2)(B) which prescribes jurisdiction in the district courts to review "final orders of circuit courts acting in their review capacity." Surely, the Legislature did not intend to create a third tier of review from a local school board decision; the third appeal would be possible if we accepted the School Board's argument.

In *Orange Ave. Charter School v. St. Lucie County School Bd.*, 763 So.2d 531 (Fla. 4th DCA 2000) review denied, 786 So.2d 1187 (Fla.2001), a charter school sought administrative review of an order of the county school board denying renewal of the school's charter to serve at-risk students. The State Board rejected the school board's initial determination and remanded the case for further consideration. On remand,

the school board conducted a full evidentiary public hearing in which it again decided not to renew the school's charter.<sup>1</sup> The school board's subsequent denial after remand constituted a final action for purposes of review.<sup>2</sup> Notably, the charter school filed a direct appeal of the school board's ruling with the Fourth District Court of Appeal, not with the circuit court. Admittedly, the district court's opinion did not address the jurisdictional issue that is raised here. Similarly, in *School Bd. of Nassau County v. Arline*, 408 So.2d 706 (Fla. 1st DCA 1982) affirmed on other grounds, 480 U.S. 273, 107 S.Ct. 1123, 94 L.Ed.2d 307 (1987), the district court heard a direct appeal from the school board regarding a final order issued by the state board. Again, that court's opinion did not discuss the court's jurisdiction.

Other authorities support a district court's jurisdiction over this matter. See § 23.2 Phillip J. Padovano, *Florida Appellate Practice* \*912 380 (noting that administrative decisions of state agencies are appealable either to the supreme court or to the district court of appeal). For purposes of appeal, there is no substantive difference between the final action taken by the State Board here and the final action taken by the St. Lucie school board<sup>3</sup> in *Orange Ave* or the final order issued by the state board in *School Bd. of Nassau County*.

Finally, the *Orange Ave.* decision was decided in the year 2000, giving the Legislature an opportunity to make its intent known if it differed with those decisions in which the district court entertained jurisdiction in charter school decisions.

The School Board cites *Eckert v. Bd. of Comm. of N. Broward Hosp. Dist.*, 720 So.2d 1151 (Fla. 4th DCA 1998), in support of its argument that jurisdiction is properly in the circuit court. In *Eckert*, a physician petitioned the Fourth District Court of Appeal by writ of certiorari seeking review of a hospital district's decision to suspend his staff privileges. The *Eckert* court held that it lacked jurisdiction over the matter and transferred the case to the circuit court because it considered the hospital district to be purely local in nature, in that it was a special taxing district created by special law that operated wholly within the county. The court noted that "if an administrative agency does not qualify as a state agency under the Administrative Procedure Act (APA), it is considered to be a local administrative body whose decisions are reviewable by certiorari in the circuit court." We do not view *Eckert* as dispositive in the instant case because it was an appeal from a local hospital district rather than a state-wide agency; to-wit: the Florida State Board of Education.

The preceding analysis leads us to the conclusion that the district courts and not the circuit courts have jurisdiction to review the final decisions described in section 1002.33(6)(d), Florida Statutes (2003).

#### REQUIREMENT OF GOOD CAUSE

UCP's application for a charter school may be denied by the School Board for "good cause." § 1002.33(6)(b) 3, Fla. Stat. (2003). Unfortunately, the term "good cause" is not defined in the charter school legislation. The reason given by the School Board to justify its denial of the application and qualify as good cause was inadequate charter school capital funding. However, both the Commission and the State Board agreed that the School Board's reason did not constitute the statutory "good cause" that would support denial of the charter school application.<sup>4</sup>

**\*913** The State Board determined that the School Board did not have good cause to reject the charter school application because the applicant met all the statutory requirements for an approval as established by section 1002.33(6). The School Board disagrees with this interpretation and argues that good cause may be based upon factors other than those specified by the statute.

Under Florida law, each school board is charged with fiscal responsibility over all free public schools, including charter schools, within their district and must ensure that all children are provided with adequate educational facilities and instructional materials.<sup>5</sup> Each school board is required to consider the financial feasibility of each new school, and to assess the impact that newly approved charter schools will have on each existing school's ability to provide a quality education to each of its students.<sup>6</sup> The School Board argues that these broad legislative mandates coupled with UCP's financial plan and the unique financial problems that plague the Osceola County School district, provide the requisite good cause to support its denial. Although inadequate school funding is a recognized problem throughout Florida, the argument must fail for the following reasons.

The School Board provided two grounds for its denial:

1. It is neither fiscally responsible nor in the best interest of students to approve any more charter applications under the current funding scheme because such approval will

further dilute the capital funding for all charter schools in the district.

2. It is not in the best interest of students to approve a charter application whose financial model requires that all capital expenditure be paid for through operational funds because that school's students will receive less of an education.<sup>7</sup>

The first ground is without merit. Section 1013.62(1) addresses capital outlay funding for charter schools and provides in relevant part:

In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must:

- (a) 1. Have been in operation for 3 or more years;
2. Be an expanded feeder chain of a charter school within the same school district that is currently receiving **\*914** charter school capital outlay funds; or
3. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.

UCP did not qualify to receive funds under any of the foregoing provisions, and if UCP's application were approved, the creation of the new school would have no impact on the capital funding currently provided to existing charter schools in the county for at least the first three years. The School Board was aware of this fact when it provided UCP with a high passing score on its Charter School Application Rating Form, which included an analysis of UCP's short and long-term financial plan. In fact, the record shows that the School Board admitted that its denial was based on a projection of how much funding will be available in the future. In rejecting UCP's application, the School Board made a broad, unsupported assumption that the current funding scheme will remain unchanged over the next three years although funding is unpredictable.

The second ground for denial is based on conjecture and is also without merit. The evidence demonstrates that at the time UCP's application was denied, Osceola County had received the lowest state operational funding of any school district in the state, ranking 67th out of 67 school

districts. Collectively, the existing charter schools in the county extracted \$1,896,026 from the total operational budget due to the legislative freeze on statewide capital funding.<sup>8</sup> As a result, eight of the ten existing charter schools currently operate with deficit balances.<sup>9</sup> The School Board considered these facts and concluded that due to the lack of capital funding, approval of a new charter school will necessarily result in each student receiving less of an education, providing good cause to deny UCP's application. Inadequate funding is a serious issue that continues to plague Florida school districts. Most public schools have reached capacity, classes remain overcrowded and salaries remain low, making it difficult to retain high quality teachers. However, a denial based on good cause contemplates a legally sufficient reason.

Here, the record is completely devoid of any empirical evidence that correlates inadequate education with the lack of capital funding or a reduction in operational funding. The School Board failed to provide any evidence to support its contention that students attending schools that are inadequately funded receive less of an education, or evidence that students attending UCP's charter school would be more educationally deficient than students attending previously approved charter schools or other public schools in the district. The School Board asserts that the actual adverse impact Osceola County charter schools have experienced with regard to capital funding was "fully discussed" at the School Board meeting. But, the transcript from that hearing is not contained in the record, making it impossible to determine whether any empirical evidence was presented at that time to support its denial.

The School Board also cites *Orange Ave.* to support its denial of UCP's application. In that case, the Fourth District Court of Appeal found that the school board established good cause to deny renewal of the school's charter. Importantly, the school \*915 board presented substantial empirical evidence of specific factors that warranted denying the school's request for renewal. Specifically, the school board presented evidence which demonstrated that: (1) only a small percentage of students were projected to score at, or above, the median on standardized tests, (2) community and parental support of the school sharply declined, (3) enrollment declined, (4) meetings were unsuccessful and unorganized, and (5) management ran the school inefficiently. But in the instant case, the School Board presented no direct evidence of harm or adverse impact that would result if UCP's application was approved. At best, the School Board demonstrated that its district is woefully under-funded.

The School Board implies that under the current funding scheme, the creation of new charter schools places existing schools at an increased risk of losing funding in the event the charter school fails and must be taken over by the school district.<sup>10</sup> This is not entirely correct.<sup>11</sup> Although the district would likely experience some financial impact associated with a charter school's failure, the amount is unclear and does not appear to warrant denial on that basis alone. Sections 1002.33(14) and 1013.62(7) provide for indemnification of school boards from the private debts of a charter school. Further, in the event a charter school fails, the school's infrastructure would already exist, potentially saving the school district significant amounts of money in new construction costs that it otherwise would have been required to expend in the absence of the charter school.

Despite the legislative freeze on capital funding, and a significant increase in the number of charter school applications, the Florida Charter School Review Panel recommended to the Florida Legislature that it repeal section 1002.33(13), which placed a cap on the number of charter schools that could operate within a district.<sup>12</sup> The Panel recommended that the number of charter schools should be based on the: (1) parental demand for educational opportunities, and (2) corresponding supply of meritorious charter schools, rather than on the amount of available funding. The Legislature agreed and repealed section 1002.33(13) in 2003.<sup>13</sup> By doing so, the Legislature clearly intended the denial of a charter school application to be based on more than projections of future financial impact on other schools or unsupported assumptions on the quality of education that may be provided by under-funded schools. Otherwise, each district could prevent the construction of new charter schools by simply claiming financial hardship and an inability to provide a quality education to its students. Under these facts it appears that lack of capital funding or use of operational dollars to fund capital expenses does not constitute good cause to deny a charter school application. The propriety of allowing new school construction to continue while state funding remains frozen is clearly a matter of debate best directed to the Legislature and not this court.

It cannot be disputed that UCP's application met all the statutory requirements. The School Board presented no empirical \*916 evidence to support its position that approval of UCP's application for a new charter school would adversely impact other schools in the district, or result in students receiving an inferior education, and therefore failed to

demonstrate that it had good cause to deny UCP's application. The comments contained in the record suggest that the School Board denied the application in an effort to prompt the Florida Legislature to commence reform of the current charter school funding scheme. A court is not the proper forum to consider such policy issues. Because the State Board's action is supported by competent, substantial evidence in the record, we affirm the final order.

We find no merit in the remaining issues raised by the School Board.

AFFIRMED.

SAWAYA, C.J., and MONACO, J., concur.

**All Citations**

905 So.2d 909, 200 Ed. Law Rep. 421, 30 Fla. L. Weekly D1048

**Footnotes**

- 1 Section 228.056(4), Florida Statutes (2001) (repealed 2002), permitted a school board to override the recommendation of the state board upon a showing of good cause. That section was subsequently repealed and incorporated as amended into section 1002.33, Florida Statutes.
- 2 *Id.*
- 3 See *Board of Public Instruction of Broward County v. State ex rel. Allen*, 219 So.2d 430, 432 (Fla.1969) (holding that a county school board is a part of the state system of public education and is also a state agency within the purview of the APA).
- 4 We note that recent statutory amendments have increased the power of the State Board to override decisions of school boards on charter school applications. Chapter 228 of the State Education Code formerly empowered a school board to override the State Board's decision for good cause. § 228.056, Fla. Stat. (2001) (repealed 2002). This power has been abrogated through enactment of the Florida K–20 Education Code, Chapters 1000–1002, Florida Statutes (2003). Section 1002.33(6) now provides in relevant part:
  - (b) The State Board of Education shall by majority vote accept or reject the decision of the district school board no later than 90 calendar days after appeal is filed.... The State Board of Education shall remand the application to the district school board with its written decision that the district school board approve or deny the application. *The district school board shall implement the decision of the State Board of Education.* (emphasis added).
  - (c) The district school board shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review.
- 5 See § 1001.41(1), Fla. Stat. (2003) (requiring the school board to take actions necessary for the improvement of the district); § 1001.42(4)(c), (requiring the school board to provide adequate educational facilities); § 1001.42(7) (requiring the school board to provide adequate instructional materials); § 1001.42(10) (requiring the school board to determine the amount of funds necessary to operate all schools).
- 6 See § 1002.33(5)(b) 2, Fla. Stat. (requiring the school board, as sponsor, to monitor the revenues and expenditures of each charter school); § 1002.33(6)(a) 5(b) (requiring the school board to review the financial plan contained in each charter school application).
- 7 In Florida, charter schools are funded by both capital and operating funds. Capital funds are intended to completely fund the construction and debt service of each charter school, while operating funds are used to pay instructional salaries, purchase instructional materials and cover all other expenses needed to operate a school.
- 8 The State discontinued capital funding, with limited exceptions, after the 2003–2004 school year. See generally § 1013.62(7), Fla. Stat. (2003).



- 9 The School Board attached a table to its appeal showing the operational budgets, and deficits, of each charter school in Osceola County between 2002 and 2003.
- 10 See § 1002.33(8)(d), Fla. Stat. (2003) (requiring the district to assume control over a failed charter school within the district).
- 11 We also note that funding for charter schools can be supplemented by private donations.
- 12 See *Recommended Revisions to Florida's Charter School Code, An Annual Report to the Legislature, Governor and Secretary of Education* 8 (Dec. 18, 2002).
- 13 See 2003–393 Laws of Florida.

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BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021

NOTICE OF APPEAL

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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

---

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

---

***School Bd. of Volusia County v. Academies of Excellence, Inc.***  
**974 So. 2d 1186**  
**(Fla. 5th DCA 2008)**

974 So.2d 1186  
District Court of Appeal of Florida,  
Fifth District.

SCHOOL BOARD OF  
VOLUSIA COUNTY, Appellant,  
v.  
ACADEMIES OF EXCELLENCE,  
INC., etc., et al., Appellee.

No. 5D06-1054.

Feb. 22, 2008.

### Synopsis

**Background:** County school board sought review of a decision from the State of Florida, Department of Education, that reversed the county school board's denial of a charter school application. After issuing an initial opinion, the District Court of Appeal denied the county school board's subsequent motion for rehearing en banc, but withdrew the opinion.

**Holdings:** Superseding its prior opinion, the District Court of Appeal, Palmer, C.J., held that:

the school board lacked good cause to deny charter school application on the basis of alleged deficiencies in the areas of student assessment and accountability, promotion of students, and finance and class size, and

provision in charter school statutes enabling the Department to approve or deny a charter school application did not conflict with constitutional provision conferring control and operation of public schools on county school board.

Affirmed.

Griffin, J., filed opinion concurring separately.

**Procedural Posture(s):** On Appeal.

### Attorneys and Law Firms

\*1187 Theodore R. Doran, Audrie M. Harris and Michael Ciocchetti of Doran, Wolfe, Ansay & Kuidid, Daytona Beach, for Appellant.

Christopher V. Carlyle, Shannon McLin Carlyle and Gilbert S. Goshorn, Jr., of The Carlyle Appellate Law Firm, The Villages, for Appellee.

### ON MOTION FOR REHEARING AND REHEARING EN BANC

PALMER, C.J.

The motion for rehearing and for rehearing en banc filed by the School Board of Volusia County is denied. However, the prior opinion of this court, dated November 30, 2007 is withdrawn, and we substitute the following in its place.

The School Board of Volusia County (School Board) appeals the final order entered by the State of Florida, Department of Education (State Board), reversing the School Board's denial of the charter school application filed by Academies of Excellence, Inc. (Academies). Determining that the record contains competent, substantial evidence to support the State Board's decision, we affirm.

Academies applied to the School Board for permission to open a charter elementary school in Volusia County, Florida. Pertinent to this appeal, in the application the following information was set forth:

#### L. Student Performance Standards

\* \* \*

4. To be considered as meeting student performance standards, students must perform at Level 3 and above on the mathematics and reading sections of the Florida Comprehensive Assessment Test.

5. Students who score at or above the 25th percentile on norm-referenced tests are considered to have demonstrated acceptable student performance standards.

Additionally, as part of the finance portion of the application, Academies indicated that it expected to initially enroll 450 students.

The School Board held a hearing to consider Academies' application. During the hearing, Dr. Chris Colwell, Deputy \*1188 Superintendent for Instruction Services, testified that Academies' application failed to set a goal for itself of attaining an A, B, C, or D grade in terms of success of the

school. He stated that a specific stated goal was required and appropriate. Next, Colwell took issue with Academies' standard that "students who score at or above the 25th percentile on norm referenced tests are considered to have demonstrated acceptable student performance standards." He testified that the standard was lower than the standards held by public schools in Volusia County and lower than the standards that would be expected by the State of Florida.

Bill Kelly, Jr., Deputy Superintendent of Finance, opined that Academies' application lacked evidence of sound financial planning. Specifically, Kelly found Academies' enrollment projection of 450 students in the first year of operation to be unreasonable. Based on the unreasonable enrollment figure, Kelly stated that Academies' budget revenues were overstated. Kelly also stated that Academies was understating its capital budget by one million dollars for facilities and land costs.

At the conclusion of the hearing, the School Board denied Academies' application. Specifically, the School Board concluded that Academies' application failed to meet the standards for minimal acceptance in the areas of student assessment/accountability and finance/class size requirements.

Academies appealed the School Board's ruling to the State Board of Education. The Charter School Appeals Commission<sup>1</sup> conducted a hearing on the matter. During that hearing, Kathleen Schoenberg, attorney for Academies, argued that Academies' application properly addressed the statutory requirement regarding student assessment and that the argument over finances was just a difference of opinion between the School Board and Academies.

Ted Doran, attorney for the School Board, argued that Academies had failed for the fourth time to produce an application sufficient statutorily to proceed to the next level. Dr. Colwell testified that Academies' failure to include a school goal in its application made Academies unaccountable for its performance under the Governor's A-Plus Plan. Further, Colwell stated that it was unacceptable that Academies considered the 25th percentile to be an acceptable level of student performance. However, he did indicate that Academies had admitted that this figure on their application was a typographical error and that the figure should have been 51st percentile instead of 25th percentile.

In response, Schoenberg stated that Academies mistakenly omitted a sentence stating that the school's goal was to be an "A" school. However, she argued that omission of that one sentence was not enough to make the entire application deficient.

The Commission asked the parties whether there was a specific requirement that a school grade be part of the application. Colwell admitted that the application template did not include such a requirement and Schoenberg stated that the statute does not require the school to include a school grade as one of its goals.

At the conclusion of the comments on student assessment/accountability, the \*1189 Commission voted that the School Board had competent, substantial evidence to support its finding that the application was statutorily deficient in the area of student assessment/accountability. However, immediately thereafter, the Commission voted that the School Board's finding that the application was statutorily deficient in the area of student assessment/accountability was not good cause for denial.<sup>2</sup> After more discussion, the Commission voted that the School Board did not have competent substantial evidence to support its finding that the application was statutorily deficient in the areas of finance/class size requirements. Subsequently, the Commission voted to recommend to the State Board that Academies' appeal be granted.

The Commission's recommendations were submitted to the State Board. The State Board conducted a hearing during which it considered whether to accept the Commission's recommendation to overturn the decision of the School Board and to grant Academies' application. During the hearing, a member of the State Board requested clarification regarding the 25th percentile versus the 51st percentile. The head of the appeals commission responded:

I absolutely admonished the applicant that that's not acceptable. They had noted it. They admitted it. They said it was a typo. They absolutely agree on the record and in writing, it should be 51 percent which is the norm for the FCAT.

Subsequently, the State Board issued a written order upholding the findings and recommendations of the Commission. This appeal timely followed.

The School Board challenges the State Board's final order, claiming first that the Board deviated from the record below and improperly created its own record during the appeal process. Specifically, the School Board argues that the School Board and Academies were bound by the record developed before the School Board and thus it was error for the parties to add new evidence during the appeal process. We reject this argument because both the School Board and Academies presented, without any objection, testimony before the Commission regarding the issues of student assessment/accountability and finance/class size requirements. Additionally, the School Board did not raise any objections to the comments made during the State Board meeting regarding the 25th percentile promotion rate, nor did the School Board raise the argument before the State Board that it now raises on appeal. Accordingly, the School Board failed to preserve this issue for our review.

In a related argument, the School Board claims that the State Board improperly conducted a *de novo* review of the evidence \*1190 by accepting testimony at the State Board hearing. Again, this argument was not properly preserved for our review.

The School Board further argues that the State Board's order must be reversed because it fails to include a fact-based justification for the Board's decision. We disagree.

Section 1002.33(6)(e) 1. & 5. of the Florida Statutes (2005) provides:

**1002.33. Charter schools**

\* \* \*

(6) Application process and review.

Beginning September 1, 2003, applications are subject to the following requirements:

\* \* \*

(e) 1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants

whose charter applications have been denied, whose charter contracts have not been renewed, or ...

\* \* \*

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. **Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included.** The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

§ 1002.33(6)(e) 1. & 5., Fla. Stat. (2005)(emphasis added). The statute clearly states that the Commission, not the State Board, must include a fact-based justification for its recommendation. Therefore, the failure of the State Board to include a fact-based justification for its decision does not constitute reversible error.<sup>3</sup>

The School Board next challenges the State Board's final order, claiming that the School Board's basis for denying Academies' charter school application constituted good cause because Academies' application was unsound in student assessment/accountability and finance/class size requirements. The School Board claims that, because the Commission found that Academies' application was statutorily deficient in the area of student assessment/accountability, the Commission erred in concluding that this deficiency was not good cause for denial of Academies' application. We disagree.

\*1191 While Academies admitted at the hearing before the Commission that it had mistakenly omitted a sentence from its application that should have said the school's goal was to be an "A" school, a representative from the School Board also admitted that the application template did not

include a requirement that one of the goals include a school grade. Section 1002.33(6)(a) of the Florida Statutes also contains no such requirement, and the Florida charter schools standard application includes no such requirement. Therefore, competent substantial evidence supports the Commission's conclusion that the School Board did not have good cause to deny Academies' application on that basis.

Next, the School Board argues that the Commission erred in concluding that the School Board did not have good cause to deny Academies' application based on statutory deficiencies in Academies' basis for promotion of students. Specifically, the School Board argues that Academies' could not promote students based on reaching the 25th percentile. This issue was extensively discussed at the meeting before the Commission. Academies indicated that it was willing to correct this language. Academies' willingness to rectify the situation appeared to be the reason that the Commission concluded that this error on Academies' application was not good cause to deny the application. Based on the testimony and argument presented at the hearing, the Commission had sufficient evidence before it to properly conclude that, although Academies' application was statutorily deficient, such a deficiency was not good cause for denial of the application when Academies recognized the problem and was willing to correct it.

The School Board also argues that the Commission erred in concluding that the School Board did not have competent substantial evidence to support its finding that Academies' application was statutorily deficient in the area of finance/class size requirement. We again disagree. The record demonstrates that Academies rebutted the reasons the School Board gave for denying its application, and the evidence demonstrated that many of the School Board's reasons for denial were based on opinion. Also, a School Board representative admitted that Academies' budget was correct if it could achieve its estimated enrollment number.

Finally, the School Board challenges the State Board's final order, claiming that the order which was entered pursuant to section 1002.33 of the Florida Statutes conflicts with, and thereby violates, the School Board's constitutional authority under Article IX, section 4(b), of the Florida Constitution, to operate, control and supervise public schools, and its authority under Article IX, section 1(a), of the Florida Constitution, to make adequate provision for a uniform and high quality system of free public schools. Specifically, the School Board argues that, because the act of

operating and controlling all free public schools in Volusia County is conferred exclusively on the School Board, section 1002.33(6)(c) is unconstitutional because it permits the State Board to open a charter school.

Section 1002.33(6)(c) of the Florida Statutes provides:

#### 1002.33 Charter Schools

\* \* \*

(6) Application process and review.—Beginning September 1, 2003, applications are subject to the following requirements:

\* \* \*

(c) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district \*1192 school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the district school board shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board no later than 7 calendar days prior to the date on which the appeal is to be heard. The State Board of Education shall by majority vote accept or reject the decision of the district school board no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the district school board's denial of the charter application. The State Board of Education shall remand the application to the district school board with its written decision that

the district school board approve or deny the application. The district school board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

§ 1002.33(6)(c), Fla. Stat. (2005).

Article IX, Section 1(a) of the Florida Constitution provides:

**§ 1. Public education**

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require....

Article IX, section 4(b) of the Florida Constitution provides:

**§ 4. School districts; school boards**

\* \* \*

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

Article IX, section 2 of the Florida Constitution provides:

**§ 2. State board of education**

The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

\*1193 Section 1002.33(6)(c) does not permit the State Board to open a charter school. Rather, the statute permits the State Board to approve or deny a charter application after it completes an extensive review process. Granting a charter

application is not equivalent to opening a public school. The approval of an application is just the beginning of the process to open a charter school. Once the charter application has been granted, the school board still has control over the process because the applicant and the school board must agree on the provisions of the charter. *See* § 1002.33(6)(h), Fla. Stat. (2005). A school board can also cause a charter to be revoked or not renewed. *See* § 1002.33(8), Fla. Stat. (2005). Furthermore, under the Constitution of Florida, while the school board shall operate, control and supervise all free public schools within their district the State Board of Education has supervision over the system of free public education as provided by law.

AFFIRMED.

SAWAYA, J., concurs.

GRIFFIN, J., concurs specially, with opinion.

GRIFFIN, J., concurring specially.

For what it is worth, in my view, the School Board acted appropriately in denying the application. This was the fourth time that Academies had submitted its application for this charter school. In the previous application, the minimum standard Academies identified for assessment of the school itself was not to receive an "F" from the State's grading system for two consecutive years. The County found such a standard unacceptable so, in this fourth application, Academies simply eliminated *any* measure for the school. As for the 25th percentile threshold for individual student evaluation, the application says that it would be acceptable if students scored at or above the 25th percentile on norm reference tests. This is clearly not an acceptable standard for several reasons that were discussed in the hearing. Academies' response was that their standard *appeared* to be unacceptable due to an inadvertently omitted sentence and poor wording, but in fact, they intended to have a standard that would not be unacceptable. The Board concluded that it could only act on the application that had been submitted, not the application that might be submitted if errors were corrected, and accordingly denied the application. Surely, they could not have approved the application in its current form.

Few things in the administrative process are more destructive than the belief on the part of the applicant and the decision-maker that the "review" of administrative action is really nothing more than a "do-over" with more receptive listeners.

A fact-finder and decision-maker who knows its decisions will not be accorded respect is less inclined to worry over their accuracy. Nevertheless, for reasons best known to others, this is apparently the way this process has been designed to operate. Therefore, I concur in the result.

**All Citations**

974 So.2d 1186, 230 Ed. Law Rep. 114, 33 Fla. L. Weekly D569

**Footnotes**

- 1 Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. § 1002.33(6)(c), Fla. Stat. (2005).
- 2 Section 1002.33(6)(b) 3 of the Florida Statutes provides:  
**1002.33 Charter Schools**  
\* \* \*  
(6) Application process and review.—Beginning September 1, 2003, applications are subject to the following requirements:  
\* \* \*  
[b] 3. A district school board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons based upon **good cause** supporting its denial of the charter application.  
§ 1002.33(6)(b) 3, Fla. Stat. (2005)(emphasis added).
- 3 To the extent the School Board argues that the Commission's order is insufficient for failure to include detailed factual findings, the School Board failed to preserve this argument because it failed to raise the insufficiency of the Commission's recommendations before the State Board. See *Imhotep–Nguzo Saba Charter School v. Department of Educ.*, 947 So.2d 1279 (Fla. 4th DCA 2007)(holding appellate court would not consider issue raised by charter schools for first time on appeal).



BEFORE THE FLORIDA STATE BOARD OF EDUCATION

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER  
APPLICATION 2021

NOTICE OF APPEAL

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OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

---

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

---

***DeGroot v. Sheffield***  
**95 So. 2d 912, 916**  
**(Fla. 1957)**

95 So.2d 912  
Supreme Court of Florida, En Banc.

Peter DE GROOT, Appellant,  
v.  
L. S. SHEFFIELD et al., Appellees.

May 29, 1957.

As Amended on Denial of Rehearing June 26, 1957.

### Synopsis

Mandamus proceeding to compel petitioner's reinstatement to classified service position of supervisor of construction for county school board. From judgment of Circuit Court, Duval County, Charles A. Luckie, J., dismissing petition, the petitioner appealed. The Supreme Court, Thornal, J., held that where approval of Civil Service Board was required as condition precedent to abolition of petitioner's job, order of Civil Service Board declining to abolish position of supervisor of construction was subject to appropriate review by certiorari but could not be collaterally attacked in mandamus proceeding.

Judgment reversed.

### Attorneys and Law Firms

\*913 Coffee & Coffee, Jacksonville, for appellant.

Elliott Adams and McCarthy, Lane & Adams, Jacksonville, for appellees.

### Opinion

THORNAL, Justice.

Appellant DeGroot, who was relator below, seeks reversal of an order of the Circuit Judge dismissing his petition for a writ of mandamus which was sought to compel the appellees to reinstate the relator as an employee of the Duval County School Board.

The determining question is whether the action of the County Civil Service Board, which supervises the county merit system, can be reviewed and collaterally assaulted as a defense to a mandamus proceeding.

Relator Peter DeGroot had been an employee of the Duval County School Board for about eighteen years prior to

February 9, 1955. For the last ten years he held the position of 'Supervisor of Construction.' Since 1943 he was in the classified service under the Duval County Civil Service Act. See Chapter 22263, Laws of Florida, Acts of 1943. On August 4, 1954, the School Board, with the approval of the Civil Service Board, created the position of 'Supervising Architect' and filled the job by appointment of a registered architect named Broadfoot. On February 9, 1955, the School Board adopted a resolution delineating the functions of the Supervising Architect, many of which had theretofore been performed by DeGroot, as Supervisor of Construction. By the same resolution the School Board proposed that the position of Supervisor of Construction be abolished.

Section 7, Chapter 22263, Laws of Florida, Acts of 1943, provides in part as follows:

'\* \* \* No position in the classified [service] shall be abolished without the approval of the Civil Service Board. Positions may be abolished only in good faith.'

Pursuant to this requirement, the School Board resolution was submitted to the County Civil Service Board which, after an extended hearing, declined to approve the resolution defining the duties of the Architect and abolishing the position of Supervisor of Construction.

Despite the action of the Civil Service Board, the School Board proceeded to dismiss DeGroot from his employment. He thereupon instituted this action in mandamus to compel reinstatement. In the mandamus proceeding the parties stipulated that the transcript of the testimony offered \*914 before the Civil Service Board could be filed in evidence. A motion to quash the alternative writ was likewise filed. Upon consideration of the record thereby presented, the trial judge concluded that regardless of the judgment of the Civil Service Board, the action of the School Board in resolving to abolish the position of Supervisor of Construction was taken in good faith and that therefore DeGroot was subject to dismissal. He thereupon granted the respondents-appellees' motion to dismiss the petition in mandamus and entered final judgment in their favor. Reversal of this judgment is here sought.

It is contended by the appellant-relator that the decision of the Civil Service Board was not subject to collateral attack by the respondents in the mandamus proceeding. He further contends that if review of that order were desired by the respondents, they should have proceeded by way of certiorari and that in all events the trial judge could not re-weigh the evidence presented to the Civil Service Board.

It is the position of the appellees that the order of the Civil Service Board should not be enforced in the absence of supporting substantial evidence and that the decision of the Board could be reviewed by the Circuit Judge regardless of the nature of the proceeding to determine whether there was substantial evidence in support thereof.

We are here squarely confronted with the problem of determining the appropriate procedure for obtaining review of an order of an administrative agency. Although administrative agencies have been known to the law for many years, it has only been within fairly recent years that a substantial body of jurisprudence has developed with reference to so-called 'administrative law.' Because of the expansion of the number of boards, commissions, bureaus and officials having authority to make orders or determinations which directly affect both public and private rights, there has been an increasing number of cases involving the extent of the authority of these agencies as well as the validity or correctness of their conclusions in particular instances. We are told that in our state government there are over one hundred boards, bureaus and officials engaged in administrative activities affecting the rights and property of individuals as well as the public. See French's Research in Florida Law, p. 54; 1 Florida Law and Practice, Administrative Law, Sec. 30. In addition there are innumerable county and city boards and agencies such as Civil Service Boards and other boards that perform similar functions.

Although over the years many cases in one form or another have come to this court involving the correctness of orders of administrative agencies, we are unaware of any that has squarely and directly raised the problems presented by the instant appeal. Despite the local nature of the particular problem at hand, it appears to us that it is appropriate to undertake to reconcile many of our previous apparently divergent opinions in an effort to establish for the future some orderly procedure in disposing of problems of this nature. We do this also in fairness to the trial judge who undoubtedly was confronted with some of these conflicting viewpoints but who did not have available the opportunity for detailed research that accompanies appellate review. Nonetheless, as pointed out by Kenneth Culp Davis in 44 Illinois Law Review p. 565, 'No branch of administrative law is more seriously in need of reform than the law concerning methods of judicial review.' This author then observes, 'No other branch is so easy to reform.' The reviewability of an administrative order depends on whether the function of the agency involved is judicial or quasi-judicial in which its orders are reviewable or on the

contrary whether the function of the agency is executive in which event its decisions are not reviewable by the courts except on the sole ground of lack of jurisdiction. In the latter event the order is, of course, subject to direct or collateral attack.

It is in some measure insisted in the case before us that the decision of the \*915 Civil Service Board is beyond the scope of judicial review. The contention to this end is that the ultimate decision of the Board is executive in nature and beyond the reach of the court. In *Bryan v. Landis*, 106 Fla. 19, 142 So. 650, it was pointed out that where one holds office at the pleasure of the appointing power and the power of appointment is coupled with the power of removal contingent only on the exercise of personal judgment by the appointing authority, then the decision to remove or dismiss is purely executive and not subject to judicial review. In the same opinion, however, we pointed out that if removal or suspension of a public employee is contingent upon approval by an official or a board after notice and hearing, then the ultimate judgment of such official or board based on the showing made at the hearing is subject to appropriate judicial review. The reason for the difference is that when notice and a hearing are required and the judgment of the board is contingent on the showing made at the hearing, then its judgment becomes judicial or quasi-judicial as distinguished from being purely executive. See also, *Owen v. Bond*, 83 Fla. 495, 91 So. 686; *Sirmans v. Owen*, 87 Fla. 485, 100 So. 734; *State ex rel. Tullidge v. Hollingsworth*, 103 Fla. 801, 138 So. 372; *State ex rel. Hatton v. Joughin*, 103 Fla. 877, 138 So. 392; *State ex rel. Pinellas Kennel Club v. State Racing Commission*, 116 Fla. 143, 156 So. 317. In the same cases and similar ones it was held that where an officer or employee is removed pursuant to purely executive authority, the courts will do no more than examine into the existence of jurisdictional facts to determine only the question of the existence of executive jurisdiction.

Applying the rule of these cases to the situation before us it is perfectly obvious that in deciding upon the advisability of abolishing a position in the classified service, the Civil Service Board was exercising a quasi-judicial function. This is so for the reason that it arrived at its decision after a full hearing pursuant to notice based on evidence submitted in accordance with the statute here involved. This being so its ultimate decision was subject to judicial review in an appropriate proceeding. *State ex rel. Williams v. Whitman*, 116 Fla. 196, 150 So. 136, 156 So. 705, 95 A.L.R. 1416; *West Flagler Amusement Co. v. State Racing Commission*, 122 Fla. 222, 165 So. 64; *State ex rel. Hathaway v. Williams*, 149 Fla.

48, 5 So.2d 269; *Hammond v. Curry*, 153 Fla. 245, 14 So.2d 390.

Having determined the nature of the order under consideration we next proceed to ascertain the appropriate method of obtaining review as well as the scope of review available. It must be conceded that over the years orders of administrative agencies have been placed under scrutiny in Florida in both mandamus and certiorari cases. Admittedly, little attention has been given to the propriety of the procedure in particular cases. Hence the resultant confusion. We interpolate that we premit in this instance any discussion of the proper use of the equity injunction and the writ of prohibition. Injunction has been many times employed to assault legislative action at the state and local level where such action allegedly impinged on some constitutional right. Attacks on municipal zoning ordinances are typical. Prohibition has at times been employed as against quasi-judicial action of administrative agencies where the agency proposed to exceed its jurisdiction or exercise jurisdiction which it did not have. We further mention that we are discussing herewith appellate review in situations where applicable statutes fail to provide specific methods of review as was the case here. When the statute provides the appellate procedure, that course should be followed. *Curry v. Shields*, Fla.1952, 61 So.2d 326, 327; *State ex rel. Coleman v. Simmons*, Fla.1957, 92 So.2d 257.

Recurring to the problem at hand we are reminded that certiorari is a discretionary writ bringing up for review by an appellate court the record of an inferior tribunal or agency in a judicial or quasi-judicial proceeding. The writ is available to obtain review in such situations when no other method of appeal is available. *Lorenzo v. Murphy*, 159 Fla. 639, 32 So.2d 421. In certiorari the reviewing court will not undertake to re-weigh or evaluate the evidence presented before the tribunal or agency whose order is under examination. The appellate court merely examines the record made below to determine whether the lower tribunal had before it competent substantial evidence to support its findings and judgment which also must accord with the essential requirements of the law. It is clear that certiorari is in the nature of an appellate process. It is a method of obtaining review, as contrasted to a collateral assault.

We have used the term 'competent substantial evidence' advisedly. Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind

would accept as adequate to support a conclusion. *Becker v. Merrill*, 155 Fla. 379, 20 So.2d 912; *Laney v. Board of Public Instruction*, 153 Fla. 728, 15 So.2d 748. In employing the adjective 'competent' to modify the word 'substantial,' we are aware of the familiar rule that in administrative proceedings the formalities in the introduction of testimony common to the courts of justice are not strictly employed. *Jenkins v. Curry*, 154 Fla. 617, 18 So.2d 521. We are of the view, however, that the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the 'substantial' evidence should also be 'competent.' Schwartz, *American Administrative Law*, p. 88; *The Substantial Evidence Rule* by Malcolm Parsons, *Fla. Law Review*, Vol. IV, No. 4, p. 481; *United States Casualty Company v. Maryland Casualty Company*, Fla.1951, 55 So.2d 741; *Consolidated Edison Co. of New York v. National Labor Relations Board*, 305 U.S. 197, 59 S.Ct. 206, 83 L.Ed. 126.

As contrasted to certiorari, mandamus is an original proceeding to enforce a clear legal right to the performance of a clear legal duty. It is not an appellate writ. As in any original proceeding the record and evidence are made and offered in that proceeding. While it is by nature discretionary it is not an appropriate process to obtain a review of an order entered by a judicial or quasi-judicial agency acting within its jurisdiction. When thus analyzed it is obvious that certiorari and mandamus serve two entirely different functions.

In delineating the distinctions between certiorari and mandamus we disclaim any allegiance to the formalities and technicalities of the past. Procedural formalities are not necessarily sacrosanct merely because they are time-honored. Nonetheless, in situations such as the one before us, the distinctions have a present and vital importance in determining the issues presented by the litigants and considered by the trial court. We think the lines of demarcation are justifiable in a field such as administrative law which is still in its formative stages of development.

Applying the foregoing general rules to the situation presented by this record it becomes apparent that the assault made by the respondents-appellees on the order of the Civil Service Board as a defense to the mandamus proceeding was entirely collateral to the quasi-judicial proceeding had before the Civil Service Board itself. No direct review of the order of the Civil Service Board was sought by the appellees. The Civil Service Act specifically required the approval of the Civil Service Board as a condition precedent to the abolition of the

job in the classified service. Prior to dismissing the appellant-relator the School Board had failed in its effort to obtain such approval. It is had been dissatisfied with the order of the Civil Service \*917 Board such order was subject to appropriate review by certiorari. When the mandamus proceeding was filed by the relator, the order of the Civil Service Board declining to abolish the job held by the relator was in full force and effect. There is no assault on the jurisdiction of that board. The job therefore had not been legally abolished. This being so, the relator under the Civil Service Act was entitled to continue to fill the job and his dismissal was without justification. Freeman on Judgments (5th ed.) Vol. 3, Sec. 1258; 42 Am.Jur., Public Administrative Law, Sec. 159, 160; State ex rel. Spruck v. Civil Service Board, 226 Minn. 240, 32 N.W.2d 574.

We mention in passing that there were no charges before the Civil Service Board that relator had failed in any measure to perform his job well. The sole issue revolved around abolishing the job that he held.

In view of the foregoing, from the showing made by this record, the relator was entitled to the issuance of a peremptory writ. It was error to dismiss his petition therefor. The judgment under review is therefore—

Reversed.

TERRELL, C. J., and THOMAS, HOBSON, ROBERTS, DREW and O'CONNELL, JJ., concur.

On Rehearing

PER CURIAM.

The last sentence of our opinion of May 29, 1957, is amended to read as follows:

'The judgment under review is therefore reversed without prejudice to any rights which the appellees may have under the rules announced in State ex rel. Dresskell v. City of Miami, 153 Fla. 90, 13 So.2d 707'.

When addressed to the opinion as amended, the petition for rehearing is denied.

TERRELL, C. J., and THOMAS, ROBERTS and THORNAL, JJ., concur.

**All Citations**

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