

STATE BOARD OF EDUCATION
Consent Item
August 16, 2017

SUBJECT: Approval of Amendment to Rule 6A-1.0453, Educational Program Audits and
Repeal of Rule 6A-1.04513, Maintaining Auditable FTE Records

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02(1), Florida Statutes

EXECUTIVE SUMMARY

The amendment adds language from Rule 6A-1.04513, F.A.C., that requires districts to maintain data supporting their full time equivalent (FTE) student count for three years or until an audit has been completed by the Auditor General. Rule 6A-1.04513, F.A.C., is proposed for repeal.

Supporting Documentation Included: Proposed Rules 6A-1.0453 and 6A-1.04513, F.A.C.

Facilitator: Linda Champion, Deputy Commissioner, Finance and Operations

6A-1.0453 Educational Program Audits.

(1) Each school district shall maintain documentation adequate to support the full-time equivalent student membership of the district. Such documentation shall include, but is not limited to, all student membership survey forms, all student attendance records, and all student schedule records. These records shall be maintained in auditable condition, shall be made available to the Florida Auditor General for auditing, and shall be kept for a period of three (3) years or until the completion of the audit, whichever period is longer.

~~(2)~~ (4) The Commissioner may utilize staff of the Department to conduct audits of district compliance with statute and rules as requested by the Legislature or State Board of Education.

~~(3) The Auditor General is responsible for:~~

~~(a) Periodically examining and evaluating programs, records and procedures in each district which requests funding under the Florida Education Finance Program.~~

~~(b) Notifying the auditee of an upcoming audit and conducting an entrance briefing to explain the purpose, scope and schedule of the audit.~~

~~(c) Scheduling an exit briefing with the auditee at the completion of the examination to discuss the findings.~~

~~(d) Submitting to the auditee a list of findings which may be included in the audit report. The auditee shall submit to the Auditor General, within thirty (30) days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all the findings, including corrective action to be taken to preclude a recurrence of all findings.~~

~~(e) Preparing a written report incorporating the response of the auditee. The audit report shall be transmitted to the Commissioner with copies to the Deputy Commissioner for Finance and Operations and the Chancellor for K-12 Public Schools. The audit report shall specifically identify instances of:~~

- ~~1. Errors in the reported full-time equivalent membership by program category; and,~~
- ~~2. Improper classification or placement of individual students assigned to educational alternative or exceptional student programs.~~

(3) Upon receipt of an official audit report, the Deputy Commissioner for Finance and Operations shall compute the amount of adjustment to the district's allocation of state funds necessary to compensate for the errors or deficiencies noted in the Auditor General's official audit report subsection (2). In those instances where a student has been improperly classified or placed in an exceptional student program, and in those instances where a special

program fails to meet the prescribed criteria, the adjustment shall be computed on the basis of the basic program cost factor for which each student qualifies. Except for adjustments made during the fiscal year in which the discrepancies occurred adjustments shall be limited to fund allocations and no changes shall be made in full-time equivalent membership data.

(4) The Deputy Commissioner for Finance and Operations, within forty-five (45) days of receipt of an official audit report and completion of any computation of adjustments required therein, shall provide an official notice to the district school board which shall include:

(a) through (c) No change.

(5) In the event a district notifies the Department of its desire for a hearing on the proposed adjustment, the Department shall respond within thirty (30) days, and then the Commissioner shall schedule an informal conference between all parties in an effort to explain and resolve any disputed findings and to arrive at an agreement between the Department and the district. The conference hearing shall be held within twelve (12) months of initial request. If, however, the parties are unable to hold an informal conference or to arrive at a satisfactory agreement within twelve (12) months of the initial request and the school district wishes to proceed with a formal hearing, the Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing in the manner prescribed by Section 120.57, F.S.

(6) Following completion of the hearing, the recommended order of the hearing examiner shall be transmitted to the State Board. The State Board shall, following examination of the recommended order, adopt a final agency order as prescribed by Section 120.57, F.S.

(7) Upon receipt of the final agency order, the Deputy Commissioner for Finance and Operations shall compute the required adjustment, if any, to the district's allocation of state funds, make the adjustment in the aforementioned funds, and notify the district of the final action.

Rulemaking Authority 1001.02(1) FS. Law Implemented ~~11-45~~, 1001.03(8), 1001.11(6), 1008.32, 1010.305 FS. History—New 2-25-76, Amended 10-30-78, 12-7-82, 6-28-83, 11-27-85, Formerly 6A-1.453, Amended 10-31-88, 3-15-90, 1-7-97, 7-5-01, 9-22-08.

6A-1.04513 Maintaining Auditable FTE Records.

Rulemaking Authority 1001.02(1) FS. Law Implemented 1010.305 FS. History—New 7-2-79, Formerly 6A-1.4513.

Repealed

6A-1.04513 Maintaining Auditable FTE Records.

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