

**STORAGE NAME:** h0429b.jo.doc  
**DATE:** March 15, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUDICIAL OVERSIGHT  
ANALYSIS**

**BILL #:** HJR 429  
**RELATING TO:** Public School Classrooms  
**SPONSOR(S):** Representatives Bendross-Mindingall, Fields and Siplin  
**TIED BILL(S):** none

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) JUDICIAL OVERSIGHT YEAS 3 NAYS 6
  - (2) EDUCATION INNOVATION
  - (3) EDUCATION APPROPRIATIONS
  - (4) SMARTER GOVERNMENT
  - (5)
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I. SUMMARY:

This joint resolution proposes a constitutional amendment limiting the number of students in a public school class to 16 students in grades pre-kindergarten, 20 students in grades 4-8, and 25 students in grades 9-12. The maximum class size must be phased in starting in 2003, and must be fully implemented by 2010.

The Department of Education estimates this joint resolution, if passed, will require a non-recurring appropriation of approximately \$12.2 billion, and annual appropriations of approximately \$1.1 billion. This joint resolution does not appear to have a fiscal impact on local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Compliance with the requirements of this joint resolution could possibly require the state to expend substantial amounts on the construction of new schools. These expenditures could result in the need for increased taxes.

B. PRESENT SITUATION:

Article IX, s. 1, Fla.Const., provides:

SECTION 1. Public education.--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 may require

In the 2000-2001 state budget, the state provided local school districts with total funding of \$9,052,578,681 for K-12 schools,<sup>1</sup> representing 20% of the state budget. The 1999 Legislature appropriated a supplemental \$100 million dollars to assist local school boards in reducing average class size for K-3.<sup>2</sup>

The average class sizes in Florida for the 1999-2000 school year were:<sup>3</sup>

K-5 (all classes)	23.3 students
6-8 Language	24.5
6-8 Math	25.4
6-8 Science	26.8
6-8 Social Studies	26.8

<sup>1</sup> <http://www.ebudget.state.fl.us/BDServices.asp?AgencyID=48000000&PolicyID=0300000000&PolicyLevel=1>

<sup>2</sup> [http://www.firn.edu/doe/rules/dpbm\\_memo/dpbm0140.htm](http://www.firn.edu/doe/rules/dpbm_memo/dpbm0140.htm)

<sup>3</sup> Source: <http://info.doe.state.fl.us/fsir/>

9-12 Language	25.3
9-12 Math	25.8
9-12 Science	26.7
9-12 Social Studies	27.5

Section 231.17, F.S., provides the state teacher certification requirements. A person seeking employment as a teacher in a public school must be certified under this section. Certification requires satisfactory educational credits, background screening, and other related requirements.

The term “extracurricular” is not defined in state law. It generally means an activity “outside the regular curriculum or program of courses”.<sup>4</sup>

**C. EFFECT OF PROPOSED CHANGES:**

This joint resolution proposes a constitutional amendment which requires that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

1. The maximum number of students who are assigned to each certified classroom teacher who is teaching in his or her field in public school classrooms for prekindergarten through grade 3 does not exceed 16 students;
2. The maximum number of students who are assigned to each certified classroom teacher who is teaching in his or her field in public school classrooms for grades 4 through 8 does not exceed 20 students; and
3. The maximum number of students who are assigned to each certified classroom teacher who is teaching in his or her field in public school classrooms for grades 9 through 12 does not exceed 25 students.

These limitations do not apply to “extracurricular classes”.

This joint resolution further provides that payment of the costs associated with reducing classroom size to achieve these limitations is the responsibility of the state and not of the local school districts. Beginning with the 2003-2004 fiscal year, the state must provide each year sufficient funds to reduce the average number of students in each classroom by at least one student per year until the maximum number of students per classroom does not exceed the limitations prescribed.

**D. SECTION-BY-SECTION ANALYSIS:**

See “Present Situation” and “Effect of Proposed Changes”.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

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<sup>4</sup> Webster’s Unabridged Dictionary (1996).

2. Expenditures:

The Department of Education estimates that implementation of this amendment would require expenditures as follows:

\$12,237,953,202 for additional student stations (non-recurring)

\$1,129,855,831 for teacher salaries and benefits (recurring)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal responsibilities of the state that are created by this joint resolution are unclear. At page 1, line 28 of the joint resolution, it requires that the state fund a "sufficient number of classrooms". This phrase implies that the state must simply construct the appropriate classroom buildings. At page 2, lines 13-15 of the joint resolution, it requires that "[p]ayment of the costs associated with reducing classroom size to achieve these limitations is the responsibility of the state". This phrase implies that the state must pay for construction, teacher salaries, utilities, and related administrative overhead necessitated by the classroom size restrictions of this joint resolution.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Art. XI, s. 1, Fla.Const., provides that a constitutional amendment may be proposed by joint resolution of the Legislature. Final passage in the House and Senate requires a three-fifths vote in each house, passage in a committee requires a simple majority vote. If the joint resolution is passed in this session, Art. XI, s. 5, Fla.Const., provides that that the proposed amendment would be placed before the electorate at the 2002 general election.<sup>5</sup> Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published. If the proposed amendment or revision is approved by vote of the electors, it will be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election.<sup>6</sup>

There are issues addressed by this joint resolution that perhaps are not fully explained in the ballot summary. In *Armstrong v. Harris*, 25 Fla. L. Weekly S656 (Fla. 2000), *certiorari applied for March 2, 2001*, the Florida Supreme Court found that there is an "implicit" requirement that the ballot summary of a proposed constitutional amendment initiated by the Legislature must accurately and completely describe all matters in the proposal.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

In *Coalition for Adequacy and Fairness in School Funding, Inc. v. Chiles*, 680 So.2d 400 (Fla. 1996), the plaintiffs sought a court order compelling the Legislature and the Governor to provide additional funding to schools, alleging that the state was not providing "adequate provision for the education of all children", as required by Art. IX, s. 1, Fla.Const. Although upholding the dismissal of the suit by the trial court, four members of the Court stated their belief that the court system had the power to determine the "adequacy" of state education funding and to order, if necessary, the Legislature to appropriate additional funds to education, based on current constitutional provisions.

This joint resolution, as worded, could possibly be interpreted to give the court system authority to compel the Legislature to expend funds at a specific level or for a specific purpose.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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<sup>5</sup> The 2002 general election is on November 5, 2002.

<sup>6</sup> The first Tuesday after the first Monday in January after the election is Tuesday, January 7, 2003.

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VII. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:

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Nathan L. Bond, J.D.

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Lynne Overton, J.D.