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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/27/2011 08:53 AM

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Senator Diaz de la Portilla moved the following:

**Senate Amendment (with directory and title amendments)**

Between lines 119 and 120

insert:

~~(4) ACCOUNTABILITY.—~~

~~(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:~~

~~1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.~~

~~2. Determine the number of FTE students which exceeds the~~



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14 ~~maximum for each grade group.~~

15 ~~3. Multiply the total number of FTE students which exceeds~~  
16 ~~the maximum for each grade group by the district's FTE dollar~~  
17 ~~amount of the class size categorical allocation for that year~~  
18 ~~and calculate the total for all three grade groups.~~

19 ~~4. Multiply the total number of FTE students which exceeds~~  
20 ~~the maximum for all classes by an amount equal to 50 percent of~~  
21 ~~the base student allocation adjusted by the district cost~~  
22 ~~differential for the 2010-2011 fiscal year and by an amount~~  
23 ~~equal to the base student allocation adjusted by the district~~  
24 ~~cost differential beginning in the 2011-2012 fiscal year and~~  
25 ~~thereafter.~~

26 ~~5. Reduce the district's class size categorical allocation~~  
27 ~~by an amount equal to the sum of the calculations in~~  
28 ~~subparagraphs 3. and 4.~~

29 ~~(b) The amount of funds reduced shall be the lesser of the~~  
30 ~~amount calculated in paragraph (a) or the undistributed balance~~  
31 ~~of the district's class size categorical allocation. The Florida~~  
32 ~~Education Finance Program Appropriation Allocation Conference~~  
33 ~~shall verify the department's calculation in paragraph (a). The~~  
34 ~~commissioner may withhold distribution of the class size~~  
35 ~~categorical allocation to the extent necessary to comply with~~  
36 ~~paragraph (a).~~

37 ~~(c) In lieu of the reduction calculation in paragraph (a),~~  
38 ~~if the Commissioner of Education has evidence that a district~~  
39 ~~was unable to meet the class size requirements despite~~  
40 ~~appropriate efforts to do so or because of an extreme emergency,~~  
41 ~~the commissioner may recommend by February 15, subject to~~  
42 ~~approval of the Legislative Budget Commission, the reduction of~~



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43 ~~an alternate amount of funds from the district's class size~~  
44 ~~categorical allocation.~~

45 ~~(d) Upon approval of the reduction calculation in~~  
46 ~~paragraphs (a) - (c), the commissioner must prepare a reallocation~~  
47 ~~of the funds made available for the districts that have fully~~  
48 ~~met the class size requirements. The funds shall be reallocated~~  
49 ~~by calculating an amount of up to 5 percent of the base student~~  
50 ~~allocation multiplied by the total district FTE students. The~~  
51 ~~reallocation total may not exceed 25 percent of the total funds~~  
52 ~~reduced.~~

53 ~~(e) Each district that has not complied with the~~  
54 ~~requirements in subsection (1) shall submit to the commissioner~~  
55 ~~by February 15 a plan certified by the district school board~~  
56 ~~that describes the specific actions the district will take in~~  
57 ~~order to fully comply with the requirements in subsection (1) by~~  
58 ~~October of the following school year. If a district submits the~~  
59 ~~certified plan by the required deadline, the funds remaining~~  
60 ~~after the reallocation calculation in paragraph (d) shall be~~  
61 ~~added back to the district's class size categorical allocation~~  
62 ~~based on each qualifying district's proportion of the total~~  
63 ~~reduction for all qualifying districts for which a reduction was~~  
64 ~~calculated in paragraphs (a) - (c). However, no district shall~~  
65 ~~have an amount added back that is greater than the amount that~~  
66 ~~was reduced.~~

67 ~~(f) The department shall adjust school district class size~~  
68 ~~reduction categorical allocation distributions based on the~~  
69 ~~calculations in paragraphs (a) - (c).~~

70 ~~(4)(5) TEAM-TEACHING STRATEGIES.-~~

71 ~~(a) School districts may use teaching strategies that~~



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72 include the assignment of more than one teacher to a classroom  
73 of students and that were implemented before July 1, 2005.  
74 Effective July 1, 2005, school districts may implement  
75 additional teaching strategies that include the assignment of  
76 more than one teacher to a classroom of students for the  
77 following purposes only:

- 78 1. Pairing teachers for the purpose of staff development.
- 79 2. Pairing new teachers with veteran teachers.
- 80 3. Reducing turnover among new teachers.
- 81 4. Pairing teachers who are teaching out-of-field with  
82 teachers who are in-field.
- 83 5. Providing for more flexibility and innovation in the  
84 classroom.
- 85 6. Improving learning opportunities for students, including  
86 students who have disabilities.

87 (b) Teaching strategies, including team teaching, co-  
88 teaching, or inclusion teaching, implemented on or after July 1,  
89 2005, pursuant to paragraph (a) may be implemented subject to  
90 the following restrictions:

- 91 1. Reasonable limits shall be placed on the number of  
92 students in a classroom so that classrooms are not overcrowded.  
93 Teacher-to-student ratios within a curriculum area or grade  
94 level must not exceed constitutional limits.
- 95 2. At least one member of the team must have at least 3  
96 years of teaching experience.
- 97 3. At least one member of the team must be teaching in-  
98 field.
- 99 4. The teachers must be trained in team-teaching methods  
100 within 1 year after assignment.



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101 (c) As used in this subsection, the term:

102 1. "Team teaching" or "co-teaching" means two or more  
103 teachers are assigned to a group of students and each teacher is  
104 responsible for all of the students during the entire class  
105 period. In order to be considered team teaching or co-teaching,  
106 each teacher is responsible for planning, delivering, and  
107 evaluating instruction for all students in the class or subject  
108 for the entire class period.

109 2. "Inclusion teaching" means two or more teachers are  
110 assigned to a group of students, but one of the teachers is  
111 responsible for only one student or a small group of students in  
112 the classroom.

113  
114 The use of strategies implemented as outlined in this subsection  
115 meets the letter and intent of the Florida Constitution and the  
116 Florida Statutes which relate to implementing class size  
117 reduction, and this subsection applies retroactively. A school  
118 district may not be penalized financially or otherwise as a  
119 result of the use of any legal strategy, including, but not  
120 limited to, those set forth in subsection (3) and this  
121 subsection.

122 Section 3. Subsection (3) is added to section 1003.44,  
123 Florida Statutes, to read:

124 1003.44 Patriotic programs; rules.—

125 (3) (a) Each district school board shall designate one month  
126 of the school year to celebrate the Founding Fathers of the  
127 United States of America and the principles inherent in the  
128 country's founding documents. This month may be coordinated with  
129 Celebrate Freedom Week which is observed pursuant to s.



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130 1003.421.

131 (b) During the designated month, students shall be provided  
132 instruction that focuses on:

133 1. The leading figures present at the country's founding  
134 who were instrumental in crafting the founding documents and  
135 setting democratic political precedent.

136 2. The moral and civic virtue, self-sacrifice, intellectual  
137 genius, and patriotism demonstrated by the country's founding  
138 fathers.

139 3. The founding documents, including, but not limited to,  
140 the Declaration of Independence, the Constitution of the United  
141 States, the Bill of Rights, and the Federalist Papers.

142 4. The historical and philosophical importance of the  
143 Declaration of Independence with its emphasis that all people  
144 "are endowed by their Creator with certain unalienable rights,  
145 that among these are life, liberty, and the pursuit of  
146 happiness."

147 5. The principles inherent in the founding documents,  
148 including, but not limited to, individual freedom, limited  
149 representative democratic government, a free market economy and  
150 system, civic virtue, national sovereignty, natural law, and  
151 self-evident truth.

152 (c) The instruction may be integrated into the existing  
153 school curriculum through methods including, but not limited to,  
154 supplementing lesson plans, holding school assemblies, or  
155 providing school-related activities.

156  
157 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====  
158 And the directory clause is amended as follows:



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159 Delete line 70

160 and insert:

161 Section 2. Subsections (1), (2), (4), and (5) of section  
162 1003.03,

163

164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 Delete lines 2 - 23

167 and insert:

168 An act relating to public education; amending s.  
169 1003.01, F.S.; redefining the terms "core-curricula  
170 courses" and "extracurricular courses"; amending s.  
171 1003.03, F.S.; deleting a reference to the State  
172 Constitution regarding class size maximums; requiring  
173 that class size maximums be satisfied on or before the  
174 October student membership survey each year; requiring  
175 that the class size maximums be maintained after the  
176 October student membership survey unless certain  
177 conditions occur; providing that a student who enrolls  
178 in a school after the October student membership  
179 survey may be assigned to classes that temporarily  
180 exceed class size maximums if the school board  
181 determines that not assigning the student would be  
182 impractical, educationally unsound, or disruptive to  
183 student learning; providing for a specified number of  
184 students to be assigned above the maximum if the  
185 district school board makes this determination;  
186 requiring that the district school board develop a  
187 plan providing that the school will be in full



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188 compliance with the maximum class size requirements by  
189 the next October student membership survey; deleting  
190 provisions that impose financial penalties, and  
191 provide calculations therefor, on school districts  
192 that do not meet maximum class size requirements;  
193 amending s. 1003.44, F.S.; requiring district school  
194 boards to designate one month of the school year to  
195 celebrate the Founding Fathers of the United States of  
196 America and the principles inherent in the country's  
197 founding documents; specifying the focus of  
198 instruction during the designated month; providing  
199 that instruction may be integrated into the existing  
200 school curriculum; amending