

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: SB 818

INTRODUCER: Senator Garcia

SUBJECT: Maximum Class Size

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	<b>Favorable</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 818 revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level.

This bill takes effect on July 1, 2015.

**II. Present Situation:**

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution.<sup>1</sup> The amendment requires the Legislature to make provisions to ensure that there are a sufficient number of classrooms in Florida so the maximum number of students assigned to each teacher does not exceed:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8 does; and
- 25 students in grades 9 through 12.<sup>2</sup>

**Implementation of Class Size Reduction Amendment**

In 2003, the Legislature enacted s. 1003.03, F.S., to implement the amendment's requirements.<sup>3</sup> The law required each school district not in compliance with the constitutionally prescribed maximums to annually reduce its average number of students per classroom by two students

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<sup>1</sup> Office of Program Policy Analysis & Government Accountability, *School Districts are Reducing Class Size in Several Ways; May be able to Reduce Costs*, (May 3007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0729rpt.pdf>.

<sup>2</sup> Art. IX, s. 1(a) Fla. Const.

<sup>3</sup> Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03, F.S.

beginning in FY 2003-2004.<sup>4</sup> Further, it specified the number of students per classroom is to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2009.
- Individual classroom level for each of the three grade groupings in FYs 2009-2010 and thereafter.<sup>5</sup>

Currently, the compliance requirements for traditional public schools is calculated at the classroom level.<sup>6</sup>

### **Charter Schools and Public Schools of Choice**

In 2010, the compliance calculation for charter schools was changed from class level average to the school level average.<sup>7</sup> In 2013, the school level average calculation was used for district operated schools of choice.<sup>8</sup> District school boards annually report the number of students attending the various types of public schools of choice, which may include: virtual instruction programs, magnet schools, and public charter school.<sup>9</sup>

### **Class Size Categorical Reduction Allocation**

Traditional public schools have class size limits set in every core-curricula classroom.<sup>10</sup> Class size is measured at the classroom level average and if the district fails to comply with the class size requirements, a portion of the district class size reduction categorical funds are withdrawn.<sup>11</sup>

### ***Funding***

The Class Size Reduction Allocation is funded with state funds in the Florida Education Finance Program (FEFP) based on a factor that compensates school districts for the additional teachers needed to achieve the class sizes of 18, 22, and 25 for grades prekindergarten to 3, 4 to 8, and 9 to 12 respectively.<sup>12</sup> Full funding was achieved by 2009-10 and since then, funds have been adjusted for workload.<sup>13</sup> In 2014-15, total funds are \$3 billion.<sup>14</sup>

### ***Compliance – Funding Adjustment***

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<sup>4</sup> Section 1003.03, F.S.

<sup>5</sup> Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03(2)(b), F.S. (2003).

<sup>6</sup> Each year, on or before the October student membership survey, the maximum number of student assigned to each teacher who is teaching core-curricula courses for prekindergarten through grade 3 may not exceed 18 students, school classrooms for 4-8 may not exceed 22 students, core-curricula courses in 9-12 may not exceed 25 students. *See* ss. 1003.03(1), F.S. and 1002.33(16)(b)3, F.S.

<sup>7</sup> Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

<sup>8</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (2014).

<sup>9</sup> Section 1002.31(4), F.S.

<sup>10</sup> Section 1003.01(14), F.S.

<sup>11</sup> Section 1003.03(4), F.S.

<sup>12</sup> Section 1003.03, F.S.

<sup>13</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>14</sup> *Id.*

For 2014-15, school districts are required to comply with class size requirements at the classroom level for each of the grade groups.<sup>15</sup> If a district is out of compliance, then an initial reduction to the district's class size allocation is calculated by cumulating the excess students in a classroom and then multiplying the total by the class size reduction factor and the base student allocation.<sup>16</sup> The initial penalty was calculated and determined to be \$11.3 million for traditional schools.<sup>17</sup>

For charter schools and schools of choice, compliance is measured based on the average class size for each school.<sup>18</sup> Once compliance is determined, the calculation proceeds in the same manner as for traditional schools.<sup>19</sup> The initial penalty for charter schools was \$2.8 million and for schools of choice, \$422,000.<sup>20</sup>

Following the initial reduction calculation, the Commissioner can take appeals from school districts and make a recommendation to the Legislative Budget Commission for an alternate reduction amount.<sup>21</sup> For 2014-15, the Commissioner's recommendation is based on data errors and unexpected growth in students greater than the number forecasted in the FEFP for the legislative budget.<sup>22</sup> Following appeals, the Commissioner's alternate penalty recommendation for 2014-15 is \$1.3 million for traditional schools, \$560,000 for charter schools, and \$177,000 for schools of choice.<sup>23</sup> If approved, 25% of the penalty will be allocated to compliant districts and schools, and if the noncompliant districts and schools submit a plan to achieve compliance in the subsequent fall, they then can retain 75% of the penalty.<sup>24</sup>

### III. Effect of Proposed Changes:

SB 818 revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level.

Changes to the calculation of full-time equivalent (FTE) students over the class size maximums in traditional public schools to be based on school level averages will reduce the amount of FTE out of compliance used to calculate the reduction to the class size allocation.<sup>25</sup>

The bill takes effect July 1, 2015.

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<sup>15</sup> Section 1003.03(4), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>18</sup> Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

<sup>19</sup> *Id.*

<sup>20</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>21</sup> Section 1003.03(4), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>24</sup> *Id.*

<sup>25</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (July 2014).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.03 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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