

By the Committee on Appropriations; and Senator Garcia

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1 A bill to be entitled
2 An act relating to maximum class size; amending s.
3 1002.31, F.S.; deleting a provision relating to
4 compliance with maximum class size requirements for
5 certain public schools of choice; amending s. 1002.33,
6 F.S.; revising requirements for charter school
7 compliance with maximum class size requirements;
8 amending s. 1002.451, F.S.; revising requirements for
9 district innovation school of technology compliance
10 with maximum class size requirements; amending s.
11 1003.03, F.S.; calculating a school district's class
12 size categorical allocation reduction at the school
13 average when maximum class size requirements are not
14 met; revising the calculation; providing for the
15 expenditure of funds; requiring a school district that
16 exceeds class size maximums to post its plan for
17 compliance on the district website and provide the
18 plan to the school advisory council of each
19 noncompliant school; authorizing a noncompliant school
20 to post the plan on its website; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (5) of section 1002.31, Florida
26 Statutes, is amended to read:

27 1002.31 Controlled open enrollment; public school parental
28 choice.—

29 ~~(5) For a school or program that is a public school of~~

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30 ~~choice under this section, the calculation for compliance with~~
31 ~~maximum class size pursuant to s. 1003.03 is the average number~~
32 ~~of students at the school level.~~

33 Section 2. Paragraph (b) of subsection (16) of section
34 1002.33, Florida Statutes, is amended to read:

35 1002.33 Charter schools.—

36 (16) EXEMPTION FROM STATUTES.—

37 (b) Additionally, a charter school shall be in compliance
38 with the following statutes:

39 1. Section 286.011, relating to public meetings and
40 records, public inspection, and criminal and civil penalties.

41 2. Chapter 119, relating to public records.

42 3. Section 1003.03, relating to the maximum class size,
43 ~~except that the calculation for compliance pursuant to s.~~
44 ~~1003.03 shall be the average at the school level.~~

45 4. Section 1012.22(1)(c), relating to compensation and
46 salary schedules.

47 5. Section 1012.33(5), relating to workforce reductions.

48 6. Section 1012.335, relating to contracts with
49 instructional personnel hired on or after July 1, 2011.

50 7. Section 1012.34, relating to the substantive
51 requirements for performance evaluations for instructional
52 personnel and school administrators.

53 Section 3. Paragraph (a) of subsection (5) of section
54 1002.451, Florida Statutes, is amended to read:

55 1002.451 District innovation school of technology program.—

56 (5) EXEMPTION FROM STATUTES.—

57 (a) An innovation school of technology is exempt from
58 chapters 1000-1013. However, an innovation school of technology

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59 shall comply with the following provisions of those chapters:

60 1. Laws pertaining to the following:

61 a. Schools of technology, including this section.

62 b. Student assessment program and school grading system.

63 c. Services to students who have disabilities.

64 d. Civil rights, including s. 1000.05, relating to
65 discrimination.

66 e. Student health, safety, and welfare.

67 2. Laws governing the election and compensation of district
68 school board members and election or appointment and
69 compensation of district school superintendents.

70 3. Section 1003.03, governing maximum class size, ~~except~~
71 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
72 ~~the average at the school level.~~

73 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
74 compensation and salary schedules.

75 5. Section 1012.33(5), relating to workforce reductions,
76 for annual contracts for instructional personnel. This
77 subparagraph does not apply to at-will employees.

78 6. Section 1012.335, relating to contracts with
79 instructional personnel hired on or after July 1, 2011, for
80 annual contracts for instructional personnel. This subparagraph
81 does not apply to at-will employees.

82 7. Section 1012.34, relating to requirements for
83 performance evaluations of instructional personnel and school
84 administrators.

85 Section 4. Subsection (4) of section 1003.03, Florida
86 Statutes, is amended to read:

87 1003.03 Maximum class size.-

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88 (4) ACCOUNTABILITY.—

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

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

96 ~~2.~~ Determine the number of FTE students which exceeds the
97 maximum for each grade group calculated at the school average.

98 ~~2.3.~~ Multiply the total number of FTE students which
99 exceeds the maximum for each grade group calculated at the
100 school average by the district's FTE dollar amount of the class
101 size categorical allocation for that year and calculate the
102 total for all three grade groups.

103 ~~3.4.~~ Multiply the total number of FTE students which
104 exceeds the maximum for all classes calculated at the school
105 average by an amount equal to 50 percent of the base student
106 allocation adjusted by the district cost differential for ~~each~~
107 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
108 ~~equal to the base student allocation adjusted by the district~~
109 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

110 ~~4.5.~~ Reduce the district's class size categorical
111 allocation by an amount equal to the sum of the calculations in
112 subparagraphs 2. and 3. and ~~4.~~

113 (b) The amount of funds reduced shall be the lesser of the
114 amount calculated in paragraph (a) or the undistributed balance
115 of the district's class size categorical allocation. The Florida
116 Education Finance Program Appropriation Allocation Conference

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117 shall verify the department's calculation in paragraph (a). The
118 commissioner may withhold distribution of the class size
119 categorical allocation to the extent necessary to comply with
120 paragraph (a).

121 (c) In lieu of the reduction calculation in paragraph (a),
122 if the Commissioner of Education has evidence that a district
123 was unable to meet the class size requirements despite
124 appropriate efforts to do so or because of an extreme emergency,
125 the commissioner may recommend by February 15, subject to
126 approval of the Legislative Budget Commission, the reduction of
127 an alternate amount of funds from the district's class size
128 categorical allocation.

129 (d) Upon approval of the reduction calculation in
130 paragraphs (a)-(c), each district shall retain the calculated
131 reduction amount and expend the amount in the noncompliant
132 schools to comply with the requirements in subsection (1) ~~the~~
133 ~~commissioner must prepare a reallocation of the funds made~~
134 ~~available for the districts that have fully met the class size~~
135 ~~requirements. The funds shall be reallocated by calculating an~~
136 ~~amount of up to 5 percent of the base student allocation~~
137 ~~multiplied by the total district FTE students. The reallocation~~
138 ~~total may not exceed 25 percent of the total funds reduced.~~

139 (e) Each district that has not complied with the
140 requirements in subsection (1) shall submit to the commissioner
141 by February 1 a plan certified by the district school board that
142 describes the specific actions that the district will take in
143 order to fully comply with the requirements in subsection (1) by
144 October of the following school year. The plan shall be posted
145 on the district's website and be provided to the school advisory

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146 council of each noncompliant school. A noncompliant school may
147 post the plan on its website ~~If a district submits the certified~~
148 ~~plan by the required deadline, the funds remaining after the~~
149 ~~reallocation calculation in paragraph (d) shall be added back to~~
150 ~~the district's class size categorical allocation based on each~~
151 ~~qualifying district's proportion of the total reduction for all~~
152 ~~qualifying districts for which a reduction was calculated in~~
153 ~~paragraphs (a) (c). However, no district shall have an amount~~
154 ~~added back that is greater than the amount that was reduced.~~

155 ~~(f) The department shall adjust school district class size~~
156 ~~reduction categorical allocation distributions based on the~~
157 ~~calculations in paragraphs (a) (c).~~

158 Section 5. This act shall take effect July 1, 2015.