

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; providing an exemption from the reduction of a
15 school district's class size categorical allocation
16 for specified fiscal years; requiring an updated plan
17 for compliance with class size requirements from
18 certain districts for a specified fiscal year;
19 amending s. 1011.6202, F.S.; revising requirements for
20 compliance with maximum class size requirements for a
21 school participating in the Principal Autonomy Pilot
22 Project Program; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (5) of section 1002.31, Florida
 27 Statutes, is amended to read:

28 1002.31 Controlled open enrollment; Public school parental
 29 choice.—

30 ~~(5) For a school or program that is a public school of~~
 31 ~~choice under this section, the calculation for compliance with~~
 32 ~~maximum class size pursuant to s. 1003.03(4) is the average~~
 33 ~~number of students at the school level.~~

34 Section 2. Paragraph (b) of subsection (16) of section
 35 1002.33, Florida Statutes, is amended to read:

36 1002.33 Charter schools.—

37 (16) EXEMPTION FROM STATUTES.—

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

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

42 2. Chapter 119, relating to public records.

43 3. Section 1003.03, relating to the maximum class size,
 44 ~~except that the calculation for compliance pursuant to s.~~
 45 ~~1003.03 shall be the average at the school level.~~

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

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

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

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

54 Section 3. Paragraph (a) of subsection (5) of section
55 1002.451, Florida Statutes, is amended to read:

56 1002.451 District innovation school of technology
57 program.—

58 (5) EXEMPTION FROM STATUTES.—

59 (a) An innovation school of technology is exempt from
60 chapters 1000-1013. However, an innovation school of technology
61 shall comply with the following provisions of those chapters:

62 1. Laws pertaining to the following:

63 a. Schools of technology, including this section.

64 b. Student assessment program and school grading system.

65 c. Services to students who have disabilities.

66 d. Civil rights, including s. 1000.05, relating to
67 discrimination.

68 e. Student health, safety, and welfare.

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

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

75 4. Sections 1012.22(1)(c) and 1012.27(2), relating to

76 compensation and salary schedules.

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

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

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

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

89 1003.03 Maximum class size.—

90 (4) ACCOUNTABILITY.—

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

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

99 2. Determine the number of FTE students which exceeds the
 100 maximum for each grade group calculated at the school average.

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

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

113 ~~4.5.~~ Reduce the district's class size categorical
114 allocation by an amount equal to the sum of the calculations in
115 subparagraphs 2. and 3. ~~and 4.~~

116 (b) The amount of funds reduced shall be the lesser of the
117 amount calculated in paragraph (a) or the undistributed balance
118 of the district's class size categorical allocation. The Florida
119 Education Finance Program Appropriation Allocation Conference
120 shall verify the department's calculation in paragraph (a). The
121 commissioner may withhold distribution of the class size
122 categorical allocation to the extent necessary to comply with
123 paragraph (a).

124 (c) In lieu of the reduction calculation in paragraph (a),
125 if the Commissioner of Education has evidence that a district

126 | was unable to meet the class size requirements despite
127 | appropriate efforts to do so or because of an extreme emergency,
128 | the commissioner may recommend by February 15, subject to
129 | approval of the Legislative Budget Commission, the reduction of
130 | an alternate amount of funds from the district's class size
131 | categorical allocation.

132 | (d) Upon approval of the reduction calculation in
133 | paragraphs (a)-(c), the commissioner must prepare a reallocation
134 | of the funds made available for the districts that have fully
135 | met the class size requirements. The funds shall be reallocated
136 | by calculating an amount of up to 5 percent of the base student
137 | allocation multiplied by the total district FTE students. The
138 | reallocation total may not exceed 25 percent of the total funds
139 | reduced.

140 | (e) Each district that has not complied with the
141 | requirements in subsection (1) shall submit to the commissioner
142 | by February 1 a plan certified by the district school board that
143 | describes the specific actions the district will take in order
144 | to fully comply with the requirements in subsection (1) by
145 | October of the following school year. If a district submits the
146 | certified plan by the required deadline, the funds remaining
147 | after the reallocation calculation in paragraph (d) shall be
148 | added back to the district's class size categorical allocation
149 | based on each qualifying district's proportion of the total
150 | reduction for all qualifying districts for which a reduction was

151 calculated in paragraphs (a)-(c). However, no district shall
152 have an amount added back that is greater than the amount that
153 was reduced.

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

157 (g) A district that has not complied with the requirements
158 in subsection (1) based on the October student membership survey
159 for the 2017-2018 school year and has timely submitted the
160 required plan under paragraph (e) may not have its class size
161 categorical allocation reduced for the 2017-2018 and 2018-2019
162 fiscal years. The district shall have until the October student
163 membership survey for the 2018-2019 school year to comply with
164 subsection (1); however, the district must provide an updated
165 plan by February 1, 2019, to the commissioner to ensure the
166 district is working to comply with the requirements of
167 subsection (1).

168 Section 5. Paragraph (b) of subsection (3) of section
169 1011.6202, Florida Statutes, is amended to read:

170 1011.6202 Principal Autonomy Pilot Program Initiative.—The
171 Principal Autonomy Pilot Program Initiative is created within
172 the Department of Education. The purpose of the pilot program is
173 to provide the highly effective principal of a participating
174 school with increased autonomy and authority to operate his or
175 her school in a way that produces significant improvements in

176 student achievement and school management while complying with
 177 constitutional requirements. The State Board of Education may,
 178 upon approval of a principal autonomy proposal, enter into a
 179 performance contract with up to seven district school boards for
 180 participation in the pilot program.

181 (3) EXEMPTION FROM LAWS.—

182 (b) A participating school shall comply with the
 183 provisions of chapters 1000-1013, and rules of the state board
 184 that implement those provisions, pertaining to the following:

185 1. Those laws relating to the election and compensation of
 186 district school board members, the election or appointment and
 187 compensation of district school superintendents, public meetings
 188 and public records requirements, financial disclosure, and
 189 conflicts of interest.

190 2. Those laws relating to the student assessment program
 191 and school grading system, including chapter 1008.

192 3. Those laws relating to the provision of services to
 193 students with disabilities.

194 4. Those laws relating to civil rights, including s.
 195 1000.05, relating to discrimination.

196 5. Those laws relating to student health, safety, and
 197 welfare.

198 6. Section 1001.42(4)(f), relating to the uniform opening
 199 date for public schools.

200 7. Section 1003.03, governing maximum class size, ~~except~~

201 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
202 ~~the average at the school level for a participating school.~~

203 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
204 compensation and salary schedules.

205 9. Section 1012.33(5), relating to workforce reductions
206 for annual contracts for instructional personnel. This
207 subparagraph does not apply to at-will employees.

208 10. Section 1012.335, relating to annual contracts for
209 instructional personnel hired on or after July 1, 2011. This
210 subparagraph does not apply to at-will employees.

211 11. Section 1012.34, relating to personnel evaluation
212 procedures and criteria.

213 12. Those laws pertaining to educational facilities,
214 including chapter 1013, except that s. 1013.20, relating to
215 covered walkways for relocatables, and s. 1013.21, relating to
216 the use of relocatable facilities exceeding 20 years of age, are
217 eligible for exemption.

218 13. Those laws pertaining to participating school
219 districts, including this section and ss. 1011.69(2) and
220 1012.28(8).

221 Section 6. This act shall take effect July 1, 2017.