

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; requiring a school district that exceeds class
15 size maximums to post its plan for compliance on the
16 district website and provide the plan to the school
17 advisory council of each noncompliant school;
18 authorizing a noncompliant school to post the plan on
19 its website; providing an exemption from the reduction
20 of a school district's class size categorical
21 allocation for specified fiscal years; requiring an
22 updated plan for compliance with class size
23 requirements from certain districts for a specified
24 fiscal year; amending s. 1011.6202, F.S.; revising
25 requirements for compliance with maximum class size

26 requirements for a school participating in the
 27 Principal Autonomy Pilot Project Program; providing an
 28 effective date.

30 Be It Enacted by the Legislature of the State of Florida:

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 32 Section 1. Subsection (5) of section 1002.31, Florida
 33 Statutes, is amended to read:

34 1002.31 Controlled open enrollment; Public school parental
 35 choice.—

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

40 Section 2. Paragraph (b) of subsection (16) of section
 41 1002.33, Florida Statutes, is amended to read:

42 1002.33 Charter schools.—

43 (16) EXEMPTION FROM STATUTES.—

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

46 1. Section 286.011, relating to public meetings and
 47 records, public inspection, and criminal and civil penalties.

48 2. Chapter 119, relating to public records.

49 3. Section 1003.03, relating to the maximum class size,
 50 ~~except that the calculation for compliance pursuant to s.~~

51 ~~1003.03 shall be the average at the school level.~~

52 4. Section 1012.22(1)(c), relating to compensation and
53 salary schedules.

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

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

57 7. Section 1012.34, relating to the substantive
58 requirements for performance evaluations for instructional
59 personnel and school administrators.

60 Section 3. Paragraph (a) of subsection (5) of section
61 1002.451, Florida Statutes, is amended to read:

62 1002.451 District innovation school of technology
63 program.—

64 (5) EXEMPTION FROM STATUTES.—

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

68 1. Laws pertaining to the following:

69 a. Schools of technology, including this section.

70 b. Student assessment program and school grading system.

71 c. Services to students who have disabilities.

72 d. Civil rights, including s. 1000.05, relating to
73 discrimination.

74 e. Student health, safety, and welfare.

75 2. Laws governing the election and compensation of

76 | district school board members and election or appointment and
 77 | compensation of district school superintendents.

78 | 3. Section 1003.03, governing maximum class size, ~~except~~
 79 | ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 80 | ~~the average at the school level.~~

81 | 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
 82 | compensation and salary schedules.

83 | 5. Section 1012.33(5), relating to workforce reductions,
 84 | for annual contracts for instructional personnel. This
 85 | subparagraph does not apply to at-will employees.

86 | 6. Section 1012.335, relating to contracts with
 87 | instructional personnel hired on or after July 1, 2011, for
 88 | annual contracts for instructional personnel. This subparagraph
 89 | does not apply to at-will employees.

90 | 7. Section 1012.34, relating to requirements for
 91 | performance evaluations of instructional personnel and school
 92 | administrators.

93 | Section 4. Subsection (4) of section 1003.03, Florida
 94 | Statutes, is amended to read:

95 | 1003.03 Maximum class size.—

96 | (4) ACCOUNTABILITY.—

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

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

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

107 ~~2.3.~~ Multiply the total number of FTE students which
108 exceeds the maximum for each grade group calculated at the
109 school average by the district's FTE dollar amount of the class
110 size categorical allocation for that year and calculate the
111 total for all three grade groups.

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

119 ~~4.5.~~ Reduce the district's class size categorical
120 allocation by an amount equal to the sum of the calculations in
121 subparagraphs 2. and 3. ~~and 4.~~

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

126 shall verify the department's calculation in paragraph (a). The
127 commissioner may withhold distribution of the class size
128 categorical allocation to the extent necessary to comply with
129 paragraph (a).

130 (c) In lieu of the reduction calculation in paragraph (a),
131 if the Commissioner of Education has evidence that a district
132 was unable to meet the class size requirements despite
133 appropriate efforts to do so or because of an extreme emergency,
134 the commissioner may recommend by February 15, subject to
135 approval of the Legislative Budget Commission, the reduction of
136 an alternate amount of funds from the district's class size
137 categorical allocation.

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

146 (e) Each district that has not complied with the
147 requirements in subsection (1) shall submit to the commissioner
148 by February 1 a plan certified by the district school board that
149 describes the specific actions the district will take in order
150 to fully comply with the requirements in subsection (1) by

151 | October of the following school year. The plan shall be posted
152 | on the district's website and be provided to the school advisory
153 | council of each noncompliant school. A noncompliant school may
154 | post the plan on its website. If a district submits the
155 | certified plan by the required deadline, the funds remaining
156 | after the reallocation calculation in paragraph (d) shall be
157 | added back to the district's class size categorical allocation
158 | based on each qualifying district's proportion of the total
159 | reduction for all qualifying districts for which a reduction was
160 | calculated in paragraphs (a)-(c). However, no district shall
161 | have an amount added back that is greater than the amount that
162 | was reduced.

163 | (f) The department shall adjust school district class size
164 | reduction categorical allocation distributions based on the
165 | calculations in paragraphs (a)-(e).

166 | (g) A district that has not complied with the requirements
167 | in subsection (1) based on the October student membership survey
168 | for the 2017-2018 school year and has timely submitted the
169 | required plan under paragraph (e) may not have its class size
170 | categorical allocation reduced for the 2017-2018 and 2018-2019
171 | fiscal years. The district shall have until the October student
172 | membership survey for the 2018-2019 school year to comply with
173 | subsection (1); however, the district must provide an updated
174 | plan by February 1, 2019, to the commissioner to ensure the
175 | district is working to comply with the requirements of

176 subsection (1).

177 Section 5. Paragraph (b) of subsection (3) of section
178 1011.6202, Florida Statutes, is amended to read:

179 1011.6202 Principal Autonomy Pilot Program Initiative.—The
180 Principal Autonomy Pilot Program Initiative is created within
181 the Department of Education. The purpose of the pilot program is
182 to provide the highly effective principal of a participating
183 school with increased autonomy and authority to operate his or
184 her school in a way that produces significant improvements in
185 student achievement and school management while complying with
186 constitutional requirements. The State Board of Education may,
187 upon approval of a principal autonomy proposal, enter into a
188 performance contract with up to seven district school boards for
189 participation in the pilot program.

190 (3) EXEMPTION FROM LAWS.—

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

194 1. Those laws relating to the election and compensation of
195 district school board members, the election or appointment and
196 compensation of district school superintendents, public meetings
197 and public records requirements, financial disclosure, and
198 conflicts of interest.

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

201 3. Those laws relating to the provision of services to
 202 students with disabilities.

203 4. Those laws relating to civil rights, including s.
 204 1000.05, relating to discrimination.

205 5. Those laws relating to student health, safety, and
 206 welfare.

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

209 7. Section 1003.03, governing maximum class size, ~~except~~
 210 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 211 ~~the average at the school level for a participating school.~~

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

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

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

220 11. Section 1012.34, relating to personnel evaluation
 221 procedures and criteria.

222 12. Those laws pertaining to educational facilities,
 223 including chapter 1013, except that s. 1013.20, relating to
 224 covered walkways for relocatables, and s. 1013.21, relating to
 225 the use of relocatable facilities exceeding 20 years of age, are

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226 | eligible for exemption.

227 | 13. Those laws pertaining to participating school
228 | districts, including this section and ss. 1011.69(2) and
229 | 1012.28(8).

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