

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 1571 Class Size
SPONSOR(S): Sorensen
TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20		Carlson	Bohannon
2) Ethics & Elections (Sub)			
3) Procedures			
4) Education Appropriations (Sub)			
5) Appropriations			

SUMMARY ANALYSIS

The House Joint Resolution (HJR) proposes a constitutional amendment to be placed before the voters at the next general election that will limit class size reduction in Florida public schools to grades Pre-K through 3. If adopted by the voters, it will effectively amend the class size amendment to the Constitution that was adopted in the November 2002 election.

The HJR will require a three-fifths vote of the membership of each chamber to pass. There is no Senate companion as of the writing of this analysis.

If adopted, the amendment contained in the HJR will substantially reduce the cost of class size reduction in Florida. Under the present class size reduction proposal in the House, the initial cost is estimated at \$630 million.

There is data that shows that targeted class size reduction in grades K through 3 enhances learning.

A class size reduction plan targeted at grades Pre-k through 3 will have a significant fiscal impact. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Background

Prior to the November 2002 General Election, s. 1, Art. IX of the State Constitution provided:

The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

In the November 2002 General Election, the voters approved an amendment that added the following language to s. 1, Art. IX of the State Constitution:

To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

1. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;
2. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
3. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

The class size reduction mandate has a significant fiscal impact. The current House class size reduction bill provides for appropriations totaling \$630 million over the next five years. The June, 2002

revenue estimating conference held prior to the November election estimated that the first year operating cost impact of the amendment would be \$628 million and that the operating cost would grow to \$2.8 billion in fiscal year 2006-2007. The conference estimated a cost of \$2.4 billion in facilities for the first year and a total facilities cost of \$9.4 billion.

These estimates were based on the procedure of current law - current practice. The cost figures will change as more accurate data on currently available space is collected, as the legislature defines the terms used in the language of the amendment, and if there are changes in the current law and practice relating to flexibility in the use of funds, utilization of existing facilities construction standards, and to requirements for the recruitment and retention of teachers.

Amendment by Joint Resolution

Article XI, Section 1 of the State Constitution allows the Legislature to propose an amendment to the constitution by joint resolution agreed to by three-fifths of the membership of each house. The journal of each house must publish the complete text of each joint resolution along with the vote of each member.

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The joint resolution would propose an amendment to the Article IX, Section 1 of the State Constitution, in effect removing the class size reduction requirements above grade 3. The proposed amendment would provide for a maximum class size of 18 students in public school classrooms for prekindergarten through grade 3. The amendment would be placed on the ballot at the November 2004 general election for consideration by the voters.

The joint resolution will also require the executive branch and each school board, along with the Legislature, to make adequate provision to ensure that the class size reduction occurs as required by the constitution. The joint resolution also states that payment of the costs of class size reduction is the collaborative responsibility of the state and the school, not of local school districts. This appears to be a drafting error and should be corrected.

The joint resolution contains a ballot title and summary that clearly explain the effects of the proposed amendment.

Benefits of Class Size Reduction in Grades K – 3

There is considerable data that suggest that class size reduction efforts enhance learning in grades K-3. This data also show that class size reduction does not necessarily increase student achievement however.

According to a 2002 study of class size reduction initiatives and outcomes by SERVE, an educational policy group associated with the University of North Carolina, class size reduction in grades K-3 has a positive impact on student learning.

For example, the data collected from Project STAR in Tennessee, which reduced class sized in K-3 to 15 students in some classes, showed a consistent positive effect. The SERVE study reported:

At each grade level (K-3), across all school locations (rural, urban, inner city, suburban), on every achievement measure (criterion-referenced and norm-referenced tests), and for all subjects (reading, mathematics, science, social science, language, study skills), the small-class students exceeded their peers in regular and regular/aide classes. The results were both statistically and educationally significant.

“HOW CLASS SIZE MAKES A DIFFERENCE,” SERVE, 2002, at 1.

The SERVE study reports that the Wisconsin SAGE project, which reduced K-3 class sizes to 15 or less, resulted in children outperforming their comparison school counterparts in reading, language arts, math and total scores. *Id.* at 6. SERVE evaluated the Florida Maximum Class Size Study Act results and found that 71% of the grades subject to class size reduction (to 20 student) showed an increase in reading scores from the 1997-1998 school year to the 1998-1999 school year, and 63% of those grades showed an increase in math scores. *Id.* at 16. In a longitudinal study of achievement scores in a North Carolina elementary school, SERVE found that first and second grade students benefited in reading and math by experiencing smaller classes, but that over time, results for third grade students were inconsistent. *Id.* at 27.

C. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS:

House Appropriations Committee staff have modeled 4 scenarios for class size reduction in grades K through 3.

1. Assuming a class size reduction plan that includes 100% relocatable classrooms and a district-wide target of 18 students per teacher, the total costs (operating costs plus capitol outlay) over time are as follows:

2003-04	\$243,159,055
2004-05	\$147,718,205
2005-06	\$90,756,573
2006-07	\$39,740,417
2007-08	\$14,709,953
2008-09	\$14,488,373
2009-10	\$9,240,986
2010-11	\$7,041,997
Total	\$566,855,559

2. Assuming a class size reduction plan that includes 88% permanent construction and 12% relocatable classrooms and a district-wide target of 18 students per teacher, the total costs (operating costs plus capitol outlay) over time are as follows:

2003-04	\$434,389,834
2004-05	\$307,252,164
2005-06	\$215,280,899
2006-07	\$93,435,474
2007-08	\$33,263,891
2008-09	\$32,815,225
2009-10	\$20,926,893
2010-11	\$15,824,997
Total	\$1,153,189,377

3. Assuming a class size reduction plan that includes 100% relocatable classrooms and a district-wide target of 17 students per teacher, the total costs (operating costs plus capitol outlay) over time are as follows:

2003-04	\$313,310,524
2004-05	\$267,779,752
2005-06	\$134,954,899
2006-07	\$85,329,603
2007-08	\$20,677,247
2008-09	\$19,765,389
2009-10	\$12,586,312
2010-11	\$9,933,301
Total	\$864,377,027

4. Assuming a class size reduction plan that includes 88% permanent construction and 12% relocatable classrooms and a district wide target of 17 students per teacher, the total costs (operating costs plus capitol outlay) over time are as follows:

2003-04	\$569,202,962
2004-05	\$568,040,282
2005-06	\$310,410,326
2006-07	\$200,925,988
2007-08	\$46,353,933
2008-09	\$44,258,695
2009-10	\$28,221,022
2010-11	\$22,070,781
Total	\$1,789,483,989

NOTE : These are estimates based on calculations performed by the Appropriations Committee staff. These data are subject to refinement. Detailed class size reduction scenario data is available from the Appropriations Committee.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The HJR does not require any city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The ballot summary and title appear to be sufficiently clear and to provide notice of the amendment's effect. Because the proposed amendment will be made by joint resolution, the single subject requirements of Article XI, Section 3 of the State Constitution will not apply. However, the title cannot be misleading. *Smith v. American Airlines, Inc.*, 606 So.2d 618 (Fla. 1992).

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The joint resolution contains language that is not identified as new proposed language on page 1, lines 26-27 and page 2, line 43. The new language would require the executive branch and school boards to ensure that class size reduction is implemented and appears to require that costs be the "collaborative" responsibility of the state and of "the school." This language appears to be the result of drafting errors and does not appear in the State Constitution. According to the sponsor, this language is unintended. A technical amendment could be offered to correct this.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.