

Bill No. CS for SB 2480

Barcode 134352

CHAMBER ACTION

Senate

House

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The Committee on Education Appropriations (Lynn) recommended the following amendment:

Senate Amendment (with title amendment)

On page 30, line 15, through page 31, line 5, delete those lines

and insert:

Section 7. Paragraph (b) of subsection (2) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.--

(2) IMPLEMENTATION.--

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal year ~~years 2006-2007~~ through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and

Bill No. CS for SB 2480

Barcode 134352

1 thereafter, the calculation for compliance shall be at the
2 individual classroom level.

3 Section 8. Section 1003.035, Florida Statutes, is
4 created to read:

5 1003.035 District average class size requirements.--

6 (1) CONSTITUTIONAL CLASS SIZE REQUIREMENTS.--Pursuant
7 to s. 1, Art. IX of the State Constitution, beginning in the
8 2007-2008 school year:

9 (a) The district average number of students assigned
10 to each teacher who is teaching core-curricula courses in
11 public school classrooms for prekindergarten through grade 3
12 may not exceed 18 students.

13 (b) The district average number of students assigned
14 to each teacher who is teaching core-curricula courses in
15 public school classrooms for grades 4 through 8 may not exceed
16 22 students.

17 (c) The district average number of students assigned
18 to each teacher who is teaching core-curricula courses in
19 public school classrooms for grades 9 through 12 may not
20 exceed 25 students.

21
22 However, in no event shall any such classroom exceed five
23 students over the district average allowable maximum.

24 (2) IMPLEMENTATION.--

25 (a) Beginning with the 2006-2007 fiscal year, each
26 school district that is not in compliance with the
27 requirements in subsection (1) shall reduce the district
28 average class size in each of the following grade groupings:
29 prekindergarten through grade 3, grade 4 through grade 8, and
30 grade 9 through grade 12, by at least two students each year
31 until the district average class size does not exceed the

Bill No. CS for SB 2480

Barcode 134352

1 requirements in subsection (1).

2 (b) The Department of Education shall annually
3 calculate each school district's average class size for each
4 of the grade groupings specified in paragraph (a) based upon
5 the October student membership survey.

6 (3) IMPLEMENTATION OPTIONS.--District school boards
7 must consider, but are not limited to, implementing the
8 following items in order to meet the constitutional district
9 average class size requirements described in subsection (1)
10 and the two-student-per-year reduction required in subsection
11 (2):

12 (a) Adopt policies to encourage qualified students to
13 take dual enrollment courses.

14 (b) Adopt policies to encourage students to take
15 courses from the Florida Virtual School.

16 (c)1. Repeal district school board policies that
17 require students to have more than 24 credits to graduate from
18 high school.

19 2. Adopt policies to allow students to graduate from
20 high school as soon as they pass the grade 10 FCAT and
21 complete the courses required for high school graduation.

22 (d) Use methods to maximize use of instructional
23 staff, such as changing required teaching loads and scheduling
24 of planning periods, deploying district employees that have
25 professional certification to the classroom, using adjunct
26 educators, or any other method not prohibited by law.

27 (e) Use innovative methods to reduce the cost of
28 school construction by using prototype school designs, using
29 SMART Schools designs, participating in the School
30 Infrastructure Thrift Program, or any other method not
31 prohibited by law.

Bill No. CS for SB 2480

Barcode 134352

1 (f) Use joint-use facilities through partnerships with
 2 community colleges, state universities, and private colleges
 3 and universities. Joint-use facilities available for use as
 4 K-12 classrooms that do not meet the K-12 State Regulations
 5 for Educational Facilities in the Florida Building Code may be
 6 used at the discretion of the district school board if such
 7 facilities meet all other health, life, safety, and fire
 8 codes.

9 (g) Adopt alternative methods of class scheduling,
 10 such as block scheduling.

11 (h) Redraw school attendance zones to maximize use of
 12 facilities while minimizing the additional use of
 13 transportation.

14 (i) Operate schools beyond the normal operating hours
 15 to provide classes in the evening or operate more than one
 16 session of school during the day.

17 (j) Use year-round schools and other nontraditional
 18 calendars that do not adversely impact annual assessment of
 19 student achievement.

20 (k) Review and consider amending any collective
 21 bargaining contracts that hinder the implementation of class
 22 size reduction.

23 (l) Use any other approach not prohibited by law.

24 (4) ACCOUNTABILITY.--

25 (a) If the department determines for any year that a
 26 school district has not reduced average class size as required
 27 in subsection (2) at the time of the third FEFP calculation,
 28 the department shall calculate an amount from the class size
 29 reduction operating categorical which is proportionate to the
 30 amount of class size reduction not accomplished. Upon
 31 verification of the department's calculation by the Florida

Bill No. CS for SB 2480

Barcode 134352

1 Education Finance Program Appropriation Allocation Conference,
2 the Executive Office of the Governor shall transfer
3 undistributed funds equivalent to the calculated amount from
4 the district's class size reduction operating categorical to
5 an approved fixed capital outlay appropriation for class size
6 reduction in the affected district pursuant to s. 216.292(13).
7 The amount of funds transferred shall be the lesser of the
8 amount verified by the Florida Education Finance Program
9 Appropriation Allocation Conference or the undistributed
10 balance of the district's class size reduction operating
11 categorical. However, based upon a recommendation by the
12 Commissioner of Education that the State Board of Education
13 has reviewed evidence indicating that a district has been
14 unable to meet class size reduction requirements despite
15 appropriate efforts to do so, the Legislative Budget
16 Commission may approve an alternative amount of funds to be
17 transferred from the district's class size reduction operating
18 categorical to its approved fixed capital outlay account for
19 class size reduction.

20 (b) Beginning in the 2007-2008 school year, the
21 department shall determine by January 15 of each year which
22 districts do not meet the requirements of subsection (1) based
23 upon the district's October student membership survey for the
24 current school year. The department shall report such
25 districts to the Legislature. Each district that has not met
26 the requirements of subsection (1) shall be required to
27 implement one of the following policies in the subsequent
28 school year unless the department finds that the district
29 comes into compliance based upon the February student
30 membership survey:

31 1. Year-round schools;

Bill No. CS for SB 2480

Barcode 134352

- 1 2. Double sessions;
- 2 3. Rezoning; or
- 3 4. Maximizing use of instructional staff by changing
- 4 required teacher loads and scheduling of planning periods,
- 5 deploying school district employees who have professional
- 6 certification to the classroom, using adjunct educators,
- 7 operating schools beyond the normal operating hours to provide
- 8 classes in the evening, or operating more than one session
- 9 during the day.

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11 A school district that is required to implement one of the

12 policies outlined in subparagraphs 1. through 4. shall correct

13 in the year of implementation any past deficiencies and bring

14 the district into compliance with the requirements of

15 subsection (1). A school district may choose to implement more

16 than one of these policies. The district school superintendent

17 shall report to the Commissioner of Education the extent to

18 which the district implemented any of the policies outlined in

19 subparagraphs 1. through 4. in a format to be specified by the

20 Commissioner of Education. The Department of Education shall

21 use the enforcement authority provided in s. 1008.32 to ensure

22 that districts comply with the provisions of this paragraph.

23 (c) Beginning in the 2008-2009 school year, the

24 department shall annually determine which districts do not

25 meet the requirements described in subsection (1) based upon

26 the October student membership survey. In addition to

27 enforcement authority provided in s. 1008.32, the Department

28 of Education shall develop a constitutional compliance plan

29 for each such district which includes, but is not limited to,

30 redrawing school attendance zones to maximize use of

31 facilities while minimizing the additional use of

Bill No. CS for SB 2480

Barcode 134352

1 transportation and the other accountability policies listed in
 2 paragraph (b). Each district school board shall implement the
 3 constitutional compliance plan developed by the state board in
 4 the subsequent school year until the district complies with
 5 the constitutional district average class size requirements.

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 7 (Redesignate subsequent sections.)
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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 2, lines 18-27, delete those lines

13
 14 and insert:

15 requirements; amending s. 1003.03, F.S.;

16 revising dates for implementation of class size

17 maximums; creating s. 1003.035, F.S.; providing

18 for the contingent application of the section

19 upon the adoption of an amendment to the State

20 Constitution; prescribing district average

21 class size limitations for grades

22 prekindergarten through 3, grades 4 through 8,

23 and grades 9 through 12; requiring the

24 Department of Education to annually calculate

25 class size measures based on a specified

26 student-membership survey; providing

27 implementation options; providing for

28 accountability and for transfer of funds in

29 certain circumstances; providing for the

30 department redrawing attendance zones in

31 certain circumstances; amending s. 1003.05,