

1 A bill to be entitled
2 An act relating to maximum class size; amending s.
3 1003.03, F.S.; revising the implementation schedule by
4 providing compliance calculations for fiscal years 2008-
5 2009 through 2010-2011; requiring the Department of
6 Education to determine which school districts do not meet
7 the class size requirements and report such districts to
8 the Legislature; providing State Board of Education
9 enforcement authority to ensure district compliance with
10 class size requirements; revising accountability
11 provisions to require the department to reduce the class
12 size reduction operating categorical funds for
13 noncompliance; deleting accountability provisions relating
14 to the transfer of funds, the requirement that
15 noncompliant districts implement certain policies, and the
16 development of compliance plans; creating a flexibility
17 exception to class size requirements for school districts;
18 requiring school districts to make assignments no later
19 than the October student membership survey; requiring
20 school districts with unexpected student enrollment growth
21 to consider alternatives to comply with class size
22 requirements; defining unexpected student enrollment
23 growth; authorizing a district school board to determine
24 the need for a flexibility exception; requiring a public
25 hearing with notice; providing conditions for a
26 flexibility exception; requiring rulemaking; amending s.
27 1011.685, F.S.; revising requirements for use of class
28 size reduction operating categorical funds; amending s.

29 216.292, F.S.; deleting provisions authorizing the
 30 transfer of appropriations for public school operations to
 31 a fixed capital outlay appropriation for class size
 32 reduction; amending s. 1002.63, F.S.; deleting provisions
 33 relating to school district eligibility to deliver the
 34 Voluntary Prekindergarten Education Program based on class
 35 size; amending ss. 1002.53, 1002.61, and 1002.73, F.S.;
 36 conforming provisions and cross-references; providing an
 37 effective date.

38
 39 WHEREAS, the Florida Supreme Court held in its Advisory
 40 Opinion to the Attorney General regarding Florida's Amendment to
 41 Reduce Class Size that, rather than restricting the Legislature,
 42 the class size amendment in Article IX, Section 1 of the Florida
 43 Constitution gives the Legislature latitude in designing ways to
 44 reach the class size goal articulated in the amendment and
 45 places the obligation to ensure compliance on the Legislature,
 46 not the local school boards, and

47 WHEREAS, disruptions in learning in the middle of the
 48 school year, such as the breakup of a classroom, being
 49 reassigned to a new teacher, or being transferred to another
 50 class or school, are educationally unsound and distressing to
 51 educators, parents, and students, NOW, THEREFORE,

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Section 1003.03, Florida Statutes, as amended
 56 by chapter 2007-328, Laws of Florida, is amended to read:

57 1003.03 Maximum class size.--

58 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1,
59 Art. IX of the State Constitution, beginning in the 2010-2011
60 school year:

61 (a) The maximum number of students assigned to each
62 teacher who is teaching core-curricula courses in public school
63 classrooms for prekindergarten through grade 3 may not exceed 18
64 students.

65 (b) The maximum number of students assigned to each
66 teacher who is teaching core-curricula courses in public school
67 classrooms for grades 4 through 8 may not exceed 22 students.

68 (c) The maximum number of students assigned to each
69 teacher who is teaching core-curricula courses in public school
70 classrooms for grades 9 through 12 may not exceed 25 students.

71 (2) IMPLEMENTATION.--

72 (a)1. Beginning with the 2003-2004 fiscal year through the
73 2007-2008 fiscal year, each school district that is not in
74 compliance with the maximums in subsection (1) shall reduce the
75 average number of students per classroom in each of the
76 following grade groupings: prekindergarten through grade 3,
77 grade 4 through grade 8, and grade 9 through grade 12, by at
78 least two students each year.

79 2. In the 2008-2009 fiscal year, each school district that
80 has individual classrooms exceeding the constitutional class
81 size maximums in subsection (1) by more than four students shall
82 use its class size reduction operating categorical allocation in
83 accordance with s. 1011.685(2) until the constitutional class
84 size maximums are met.

HB 7043

2008

85 3. In the 2009-2010 fiscal year, each school district that
86 has individual classrooms exceeding the constitutional class
87 size maximums in subsection (1) by more than two students shall
88 use its class size reduction operating categorical allocation in
89 accordance with s. 1011.685(2) until the constitutional class
90 size maximums are met.

91 4. Beginning with the October student membership survey of
92 the 2010-2011 school year and at the October student membership
93 survey of each school year thereafter, each individual classroom
94 shall be in compliance with the constitutional class size
95 maximums in subsection (1) except as otherwise authorized under
96 subsection (6).

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

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

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

105 3. For fiscal year ~~years~~ 2008-2009, ~~2009-2010, and~~
106 ~~thereafter,~~ the calculation for compliance shall be the average
107 at the school level. However, each district should strive in
108 every practical way to achieve the goal that the constitutional
109 class size maximums in subsection (1) be exceeded by no more
110 than four students at the individual classroom level.

111 4. For fiscal year 2009-2010, the calculation for
112 compliance shall be the average at the school level. However,

HB 7043

2008

113 each district should strive in every practical way to achieve
114 the goal that the constitutional class size maximums in
115 subsection (1) be exceeded by no more than two students at the
116 individual classroom level.

117 5. Beginning with the October student membership survey of
118 the 2010-2011 school year and at the October student membership
119 survey of each school year thereafter, compliance shall be
120 calculated at the individual classroom level based on the
121 constitutional class size maximums in subsection (1).

122 ~~6.4.~~ For fiscal years 2006-2007 through 2009-2010 and
123 thereafter, each teacher assigned to any classroom shall be
124 included in the calculation for compliance.

125 (c) The Department of Education shall annually calculate
126 ~~each of the three average~~ class size measures defined in
127 paragraphs (a) and (b) based upon the October student membership
128 survey and annually report to the Legislature by February 1
129 those districts that are not in compliance. For fiscal year
130 2008-2009, the department shall also report, by each grade
131 grouping, those districts with individual classrooms exceeding
132 the constitutional class size maximums in subsection (1) by more
133 than four students. For fiscal year 2009-2010, the department
134 shall also report, by each grade grouping, those districts with
135 individual classrooms exceeding the constitutional class size
136 maximums in subsection (1) by more than two students. ~~For~~
137 ~~purposes of determining the baseline from which each district's~~
138 ~~average class size must be reduced for the 2003-2004 school~~
139 ~~year, the department shall use data from the February 2003~~

HB 7043

2008

140 ~~student membership survey updated to include classroom~~
141 ~~identification numbers as required by the department.~~

142 (d) The State Board of Education may use the enforcement
143 authority provided in s. 1008.32 to ensure that school districts
144 comply with the provisions of this subsection. ~~Prior to the~~
145 ~~adoption of the district school budget for 2004-2005, each~~
146 ~~district school board shall hold public hearings to review~~
147 ~~school attendance zones in order to ensure maximum use of~~
148 ~~facilities while minimizing the additional use of transportation~~
149 ~~in order to comply with the two student per year reduction~~
150 ~~required in paragraph (a). School districts that meet the~~
151 ~~constitutional class size maximums described in subsection (1)~~
152 ~~are exempt from this requirement.~~

153 (3) IMPLEMENTATION OPTIONS.--District school boards must
154 consider, but are not limited to, implementing the following
155 items in order to meet the constitutional class size maximums
156 described in subsections ~~subsection~~ (1) and ~~the two student per~~
157 ~~year reduction required in subsection~~ (2):

158 (a) Adopt policies to encourage qualified students to take
159 dual enrollment courses.

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

162 (c)1. Repeal district school board policies that require
163 students to have more than 24 credits to graduate from high
164 school.

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

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

173 (e) Use innovative methods to reduce the cost of school
174 construction by using prototype school designs, using SMART
175 Schools designs, participating in the School Infrastructure
176 Thrift Program, or any other method not prohibited by law.

177 (f) Use joint-use facilities through partnerships with
178 community colleges, state universities, and private colleges and
179 universities. Joint-use facilities available for use as K-12
180 classrooms that do not meet the K-12 State Regulations for
181 Educational Facilities in the Florida Building Code may be used
182 at the discretion of the district school board provided that
183 such facilities meet all other health, life, safety, and fire
184 codes.

185 (g) Adopt alternative methods of class scheduling, such as
186 block scheduling.

187 (h) Redraw school attendance zones to maximize use of
188 facilities while minimizing the additional use of
189 transportation.

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

193 (j) Use year-round schools and other nontraditional
194 calendars that do not adversely impact annual assessment of
195 student achievement.

196 (k) Review and consider amending any collective bargaining
 197 contracts that hinder the implementation of class size
 198 reduction.

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

200 (4) ACCOUNTABILITY.--Beginning with the October student
 201 membership survey of the 2010-2011 school year and at the
 202 October student membership survey of each school year
 203 thereafter, if the department determines that any individual
 204 classroom exceeds the constitutional class size maximums in
 205 subsection (1) and a flexibility exception in subsection (6) has
 206 not been timely granted by the district school board, the
 207 department shall:

208 (a) Identify, for each of the 3 grade groupings, the
 209 number of classrooms with a student enrollment that exceeds the
 210 constitutional class size maximums in subsection (1), the number
 211 of students over the maximum for each classroom, and the total
 212 number of students over the maximum for all classrooms in each
 213 school and each school district.

214 (b) Determine the number of full-time equivalent (FTE)
 215 students that are over the constitutional class size maximums in
 216 subsection (1) for each of the 3 grade groupings.

217 (c) Multiply the total number of FTE students that are
 218 over the constitutional class size maximums in subsection (1)
 219 for each of the 3 grade groupings by the class size reduction
 220 allocation factor for that grade grouping as set in the General
 221 Appropriations Act Conference Report of the Florida Education
 222 Finance Program (FEFP).

223 (d) Reduce the district's class size reduction operating
 224 categorical as calculated in the third FEFP calculation by an
 225 amount equal to the lesser of the remaining undisbursed balance
 226 of the allocation or the sum of the calculation in paragraph
 227 (c).

228 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
 229 ~~department determines for any year that a school district has~~
 230 ~~not reduced average class size as required in subsection (2) at~~
 231 ~~the time of the third FEFP calculation, the department shall~~
 232 ~~calculate an amount from the class size reduction operating~~
 233 ~~categorical which is proportionate to the amount of class size~~
 234 ~~reduction not accomplished. Upon verification of the~~
 235 ~~department's calculation by the Florida Education Finance~~
 236 ~~Program Appropriation Allocation Conference and not later than~~
 237 ~~March 1 of each year, the Executive Office of the Governor shall~~
 238 ~~transfer undistributed funds equivalent to the calculated amount~~
 239 ~~from the district's class size reduction operating categorical~~
 240 ~~to an approved fixed capital outlay appropriation for class size~~
 241 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
 242 ~~The amount of funds transferred shall be the lesser of the~~
 243 ~~amount verified by the Florida Education Finance Program~~
 244 ~~Appropriation Allocation Conference or the undistributed balance~~
 245 ~~of the district's class size reduction operating categorical.~~

246 ~~2. In lieu of the transfer required by subparagraph 1.,~~
 247 ~~the Commissioner of Education may recommend a budget amendment,~~
 248 ~~subject to approval by the Legislative Budget Commission, to~~
 249 ~~transfer an alternative amount of funds from the district's~~
 250 ~~class size reduction operating categorical to its approved fixed~~

HB 7043

2008

251 ~~capital outlay account for class size reduction if the~~
252 ~~commissioner finds that the State Board of Education has~~
253 ~~reviewed evidence indicating that a district has been unable to~~
254 ~~meet class size reduction requirements despite appropriate~~
255 ~~effort to do so. The commissioner's budget amendment must be~~
256 ~~submitted to the Legislative Budget Commission by February 15 of~~
257 ~~each year.~~

258 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
259 ~~fiscal year funds from a district's class size operating~~
260 ~~categorical are required to be transferred to its fixed capital~~
261 ~~outlay fund and the district's class size operating categorical~~
262 ~~allocation in the General Appropriations Act for that fiscal~~
263 ~~year has been reduced by a subsequent appropriation, the~~
264 ~~Commissioner of Education may recommend a 10 percent reduction~~
265 ~~in the amount of the transfer.~~

266 ~~(b) Beginning in the 2005-2006 school year, the department~~
267 ~~shall determine by January 15 of each year which districts have~~
268 ~~not met the two student per year reduction required in~~
269 ~~subsection (2) based upon a comparison of the district's October~~
270 ~~student membership survey for the current school year and the~~
271 ~~February 2003 baseline student membership survey. The department~~
272 ~~shall report such districts to the Legislature. Each district~~
273 ~~that has not met the two student per year reduction shall be~~
274 ~~required to implement one of the following policies in the~~
275 ~~subsequent school year unless the department finds that the~~
276 ~~district comes into compliance based upon the February student~~
277 ~~membership survey:~~

278 ~~1. Year round schools;~~

HB 7043

2008

279 ~~2. Double sessions;~~
280 ~~3. Rezoning; or~~
281 ~~4. Maximizing use of instructional staff by changing~~
282 ~~required teacher loads and scheduling of planning periods,~~
283 ~~deploying school district employees who have professional~~
284 ~~certification to the classroom, using adjunct educators,~~
285 ~~operating schools beyond the normal operating hours to provide~~
286 ~~classes in the evening, or operating more than one session~~
287 ~~during the day.~~

288
289 ~~A school district that is required to implement one of the~~
290 ~~policies outlined in subparagraphs 1. 4. shall correct in the~~
291 ~~year of implementation any past deficiencies and bring the~~
292 ~~district into compliance with the two student per year reduction~~
293 ~~goals established for the district by the department pursuant to~~
294 ~~subsection (2). A school district may choose to implement more~~
295 ~~than one of these policies. The district school superintendent~~
296 ~~shall report to the Commissioner of Education the extent to~~
297 ~~which the district implemented any of the policies outlined in~~
298 ~~subparagraphs 1. 4. in a format to be specified by the~~
299 ~~Commissioner of Education. The Department of Education shall use~~
300 ~~the enforcement authority provided in s. 1008.32 to ensure that~~
301 ~~districts comply with the provisions of this paragraph.~~

302 ~~(c) Beginning in the 2006-2007 school year, the department~~
303 ~~shall annually determine which districts do not meet the~~
304 ~~requirements described in subsection (2). In addition to~~
305 ~~enforcement authority provided in s. 1008.32, the Department of~~
306 ~~Education shall develop a constitutional compliance plan for~~

HB 7043

2008

307 ~~each such district which includes, but is not limited to,~~
308 ~~redrawing school attendance zones to maximize use of facilities~~
309 ~~while minimizing the additional use of transportation unless the~~
310 ~~department finds that the district comes into compliance based~~
311 ~~upon the February student membership survey and the other~~
312 ~~accountability policies listed in paragraph (b). Each district~~
313 ~~school board shall implement the constitutional compliance plan~~
314 ~~developed by the state board until the district complies with~~
315 ~~the constitutional class size maximums.~~

316 (5) TEAM-TEACHING STRATEGIES.--

317 (a) School districts may use teaching strategies that
318 include the assignment of more than one teacher to a classroom
319 of students and that were implemented before July 1, 2005.
320 Effective July 1, 2005, school districts may implement
321 additional teaching strategies that include the assignment of
322 more than one teacher to a classroom of students for the
323 following purposes only:

- 324 1. Pairing teachers for the purpose of staff development.
- 325 2. Pairing new teachers with veteran teachers.
- 326 3. Reducing turnover among new teachers.
- 327 4. Pairing teachers who are teaching out-of-field with
328 teachers who are in-field.
- 329 5. Providing for more flexibility and innovation in the
330 classroom.
- 331 6. Improving learning opportunities for students,
332 including students who have disabilities.

333 (b) Teaching strategies, including team teaching, co-
334 teaching, or inclusion teaching, implemented on or after July 1,

335 2005, pursuant to paragraph (a) may be implemented subject to
336 the following restrictions:

337 1. Reasonable limits shall be placed on the number of
338 students in a classroom so that classrooms are not overcrowded.
339 Teacher-to-student ratios within a curriculum area or grade
340 level must not exceed constitutional limits.

341 2. At least one member of the team must have at least 3
342 years of teaching experience.

343 3. At least one member of the team must be teaching in-
344 field.

345 4. The teachers must be trained in team-teaching methods
346 within 1 year after assignment.

347 (c) As used in this subsection, the term:

348 1. "Team teaching" or "co-teaching" means two or more
349 teachers are assigned to a group of students and each teacher is
350 responsible for all of the students during the entire class
351 period. In order to be considered team teaching or co-teaching,
352 each teacher is responsible for planning, delivering, and
353 evaluating instruction for all students in the class or subject
354 for the entire class period.

355 2. "Inclusion teaching" means two or more teachers are
356 assigned to a group of students, but one of the teachers is
357 responsible for only one student or a small group of students in
358 the classroom.

359
360 The use of strategies implemented as outlined in this subsection
361 meets the letter and intent of the Florida Constitution and the
362 Florida Statutes which relate to implementing class size

HB 7043

2008

363 reduction, and this subsection applies retroactively. A school
364 district may not be penalized financially or otherwise as a
365 result of the use of any legal strategy, including, but not
366 limited to, those set forth in subsection (3) and this
367 subsection.

368 (6) FLEXIBILITY EXCEPTION.--

369 (a) Beginning with the October student membership survey
370 of the 2010-2011 school year and at the October student
371 membership survey of each school year thereafter, each school
372 district shall make assignments to meet the constitutional class
373 size maximums in subsection (1).

374 (b) In the event of unexpected student enrollment growth
375 after the October student membership survey, which will require
376 a school district to take further action to meet the
377 constitutional class size maximums in subsection (1), the
378 alternatives in subsections (3) and (5) shall be considered and
379 implemented as deemed practical by the school district. For
380 purposes of this subsection, unexpected student enrollment
381 growth at the:

382 1. District level is student enrollment in excess of the
383 projections used by the Legislature in establishing the General
384 Appropriations Act.

385 2. Kindergarten through grade 8 school level is student
386 enrollment in excess of the school's official staffing plan and
387 capacity.

388 3. Grade 9 through grade 12 school level is student
389 enrollment in excess of the school's official staffing plan and
390 capacity or in excess of the official staffing plan and capacity

391 for a restricted course offering such as a magnet program or a
392 career academy.

393 (c)1. Upon a finding that taking further action to attain
394 compliance is either impractical or educationally unsound and
395 disruptive to students, a district school board may determine
396 the need for a flexibility exception at a public meeting that
397 has been noticed pursuant to s. 120.525; however, a school
398 board's determination under this subparagraph is not subject to
399 challenge under chapter 120. The district school board shall
400 file the record of its public meeting, together with
401 documentation of its flexibility exception determination, with
402 the department.

403 2. If a flexibility exception determination is made by a
404 district school board, the following conditions shall apply:

405 a. The flexibility exception shall expire at the end of
406 the school year.

407 b. A teacher in prekindergarten through grade 3 shall be
408 assigned no more than three students above the constitutional
409 class size maximum in paragraph (1)(a) and a teacher in grades 4
410 through 8 or in grades 9 through 12 shall be assigned no more
411 than five students above the constitutional class size maximum
412 in paragraph (1)(b) or paragraph (1)(c), respectively.

413 c. If the unexpected student enrollment growth results in
414 more than three students or five students above the
415 constitutional class size maximums as provided in sub-
416 subparagraph b., the school district shall add classrooms and
417 teachers or take such other action as necessary to comply with
418 the constitutional class size maximums in subsection (1).

HB 7043

2008

419 d. The school shall not exceed the class size average for
420 each of the 3 grade groupings that is averaged at the school
421 level for the school year.

422 e. The district school board shall develop a plan to
423 provide that each school will be in full compliance with the
424 constitutional class size maximums in subsection (1) by the next
425 October student membership survey.

426
427 A school district shall be considered to be in compliance with
428 the constitutional class size maximums in subsection (1) when
429 utilizing the flexibility exception established in this
430 subsection.

431 (7) RULES.--The State Board of Education shall adopt
432 rules, pursuant to ss. 120.536(1) and 120.54, governing
433 compliance calculations under this section, the timeliness and
434 required documentation for district school board flexibility
435 exception determinations, and district school board appeals of
436 penalties under this section.

437 Section 2. Section 1011.685, Florida Statutes, is amended
438 to read:

439 1011.685 Class size reduction; operating categorical
440 fund.--

441 (1) There is created an operating categorical fund for
442 implementing the class size reduction provisions of s. 1, Art.
443 IX of the State Constitution. These funds shall be allocated to
444 each school district in the amount prescribed by the Legislature
445 in the General Appropriations Act.

446 (2) (a) Except as provided in paragraph (b), 100 percent of
 447 class size reduction operating categorical funds shall be used
 448 by school districts for purposes of achieving compliance with
 449 the constitutional class size maximums in s. 1003.03(1) in any
 450 lawful manner, including, but not limited to, the alternatives
 451 in s. 1003.03(3) and (5). ~~the following:~~

452 ~~(a) To reduce class size in any lawful manner, if the~~
 453 ~~district has not met the constitutional maximums identified in~~
 454 ~~s. 1003.03(1) or the reduction of two students per year required~~
 455 ~~by s. 1003.03(2).~~

456 (b) Once a school district is determined to be in
 457 compliance with the constitutional class size maximums in s.
 458 1003.03(1), the district may use class size reduction operating
 459 categorical funds for any lawful operating expenditure, ~~if the~~
 460 ~~district has met the constitutional maximums identified in s.~~
 461 ~~1003.03(1) or the reduction of two students per year required by~~
 462 ~~s. 1003.03(2); however, priority shall be given to increase~~
 463 ~~salaries of classroom teachers as defined in s. 1012.01(2) (a)~~
 464 ~~and to implement the differentiated-pay provisions detailed in~~
 465 ~~s. 1012.22.~~

466 Section 3. Paragraph (d) of subsection (2) of section
 467 216.292, Florida Statutes, is amended to read:

468 216.292 Appropriations nontransferable; exceptions.--

469 (2) The following transfers are authorized to be made by
 470 the head of each department or the Chief Justice of the Supreme
 471 Court whenever it is deemed necessary by reason of changed
 472 conditions:

473 ~~(d) The transfer of funds by the Executive Office of the~~
 474 ~~Governor from appropriations for public school operations to a~~
 475 ~~fixed capital outlay appropriation for class size reduction~~
 476 ~~based on recommendations of the Florida Education Finance~~
 477 ~~Program Appropriation Allocation Conference or the Legislative~~
 478 ~~Budget Commission pursuant to s. 1003.03(4)(a). Actions by the~~
 479 ~~Governor under this subsection are subject to the notice and~~
 480 ~~review provisions of s. 216.177.~~

481 Section 4. Paragraph (c) of subsection (3) of section
 482 1002.53, Florida Statutes, is amended to read:

483 1002.53 Voluntary Prekindergarten Education Program;
 484 eligibility and enrollment.--

485 (3) The parent of each child eligible under subsection (2)
 486 may enroll the child in one of the following programs:

487 (c) A school-year prekindergarten program delivered by a
 488 public school, if offered by a school district ~~that is eligible~~
 489 under s. 1002.63.

490
 491 Except as provided in s. 1002.71(4), a child may not enroll in
 492 more than one of these programs.

493 Section 5. Subsections (4) and (6) of section 1002.61,
 494 Florida Statutes, are amended to read:

495 1002.61 Summer prekindergarten program delivered by public
 496 schools and private prekindergarten providers.--

497 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)~~(5)~~,
 498 each public school and private prekindergarten provider must
 499 have, for each prekindergarten class, at least one
 500 prekindergarten instructor who:

- 501 (a) Is a certified teacher; or
 502 (b) Holds one of the educational credentials specified in
 503 s. 1002.55(4) (a) or (b).

504
 505 As used in this subsection, the term "certified teacher" means a
 506 teacher holding a valid Florida educator certificate under s.
 507 1012.56 who has the qualifications required by the district
 508 school board to instruct students in the summer prekindergarten
 509 program. In selecting instructional staff for the summer
 510 prekindergarten program, each school district shall give
 511 priority to teachers who have experience or coursework in early
 512 childhood education.

513 (6) Notwithstanding ss. 1002.55(3)(e) and 1002.63(6)~~(7)~~,
 514 each prekindergarten class in the summer prekindergarten
 515 program, regardless of whether the class is a public school's or
 516 private prekindergarten provider's class, must be composed of at
 517 least 4 students but may not exceed 10 students. In order to
 518 protect the health and safety of students, each public school or
 519 private prekindergarten provider must also provide appropriate
 520 adult supervision for students at all times. This subsection
 521 does not supersede any requirement imposed on a provider under
 522 ss. 402.301-402.319.

523 Section 6. Section 1002.63, Florida Statutes, is amended
 524 to read:

525 1002.63 School-year prekindergarten program delivered by
 526 public schools.--

527 (1) Each school district ~~eligible under subsection (4)~~ may
 528 administer the Voluntary Prekindergarten Education Program at

529 the district level for students enrolled under s. 1002.53(3)(c)
 530 in a school-year prekindergarten program delivered by a public
 531 school.

532 (2) Each school-year prekindergarten program delivered by
 533 a public school must comprise at least 540 instructional hours.

534 (3) The district school board of each school district
 535 ~~eligible under subsection (4)~~ shall determine which public
 536 schools in the district shall ~~are eligible to~~ deliver the
 537 prekindergarten program during the school year.

538 ~~(4) To be eligible to deliver the prekindergarten program~~
 539 ~~during the school year, each school district must meet both of~~
 540 ~~the following requirements:~~

541 ~~(a) The district school board must certify to the State~~
 542 ~~Board of Education that the school district:~~

543 1. ~~Has reduced the average class size in each classroom in~~
 544 ~~accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX~~
 545 ~~of the State Constitution; and~~

546 2. ~~Has sufficient satisfactory educational facilities and~~
 547 ~~capital outlay funds to continue reducing the average class size~~
 548 ~~in each classroom in the district's elementary schools for each~~
 549 ~~year in accordance with the schedule for class size reduction~~
 550 ~~and to achieve full compliance with the maximum class sizes in~~
 551 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~
 552 ~~the 2010-2011 school year.~~

553 ~~(b) The Commissioner of Education must certify to the~~
 554 ~~State Board of Education that the department has reviewed the~~
 555 ~~school district's educational facilities, capital outlay funds,~~

HB 7043

2008

556 ~~and projected student enrollment and concurs with the district~~
557 ~~school board's certification under paragraph (a).~~

558 (4)~~(5)~~ Each public school must have, for each
559 prekindergarten class, at least one prekindergarten instructor
560 who meets each requirement in s. 1002.55(3)(c) for a
561 prekindergarten instructor of a private prekindergarten
562 provider.

563 (5)~~(6)~~ Each prekindergarten instructor employed by a
564 public school delivering the school-year prekindergarten program
565 must be of good moral character, must be screened using the
566 level 2 screening standards in s. 435.04 before employment and
567 rescreened at least once every 5 years, must be denied
568 employment or terminated if required under s. 435.06, and must
569 not be ineligible to teach in a public school because his or her
570 educator certificate is suspended or revoked. This subsection
571 does not supersede employment requirements for instructional
572 personnel in public schools which are more stringent than the
573 requirements of this subsection.

574 (6)~~(7)~~ Each prekindergarten class in a public school
575 delivering the school-year prekindergarten program must be
576 composed of at least 4 students but may not exceed 18 students.
577 In order to protect the health and safety of students, each
578 school must also provide appropriate adult supervision for
579 students at all times and, for each prekindergarten class
580 composed of 11 or more students, must have, in addition to a
581 prekindergarten instructor who meets the requirements of s.
582 1002.55(3)(c), at least one adult prekindergarten instructor who

HB 7043

2008

583 is not required to meet those requirements but who must meet
 584 each requirement of subsection (5)~~(6)~~.

585 ~~(7)~~~~(8)~~ Each public school delivering the school-year
 586 prekindergarten program must:

587 (a) Register with the early learning coalition on forms
 588 prescribed by the Agency for Workforce Innovation; and

589 (b) Deliver the Voluntary Prekindergarten Education
 590 Program in accordance with this part.

591 Section 7. Subsection (2) of section 1002.73, Florida
 592 Statutes, is amended to read:

593 1002.73 Department of Education; powers and duties;
 594 accountability requirements.--

595 (2) The department shall adopt procedures for the
 596 department's:

597 (a) Approval of prekindergarten director credentials under
 598 ss. 1002.55 and 1002.57.

599 (b) Approval of emergent literacy training courses under
 600 ss. 1002.55 and 1002.59.

601 ~~(c) Certification of school districts that are eligible to~~
 602 ~~deliver the school year prekindergarten program under s.~~
 603 ~~1002.63.~~

604 (c)~~(d)~~ Administration of the statewide kindergarten
 605 screening and calculation of kindergarten readiness rates under
 606 s. 1002.69.

607 Section 8. This act shall take effect July 1, 2008.