

By Senator Bennett

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1 A bill to be entitled

2 An act relating to class size requirements; amending
3 s. 1003.03, F.S.; revising provisions relating to the
4 amount of penalties calculated by the Department of
5 Education when a school district fails to comply with
6 the class size requirements; prohibiting the penalties
7 from exceeding \$1,000 per school in each district;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (4) of section 1003.03, Florida
13 Statutes, is amended to read:

14 1003.03 Maximum class size.—

15 (4) ACCOUNTABILITY.—

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

20 1. Identify, for each grade group, the number of classes in
21 which the number of students exceeds the maximum and the total
22 number of students which exceeds the maximum for all classes.

23 2. Determine the number of FTE students which exceeds the
24 maximum for each grade group.

25 3. Multiply the total number of FTE students which exceeds
26 the maximum for each grade group by the district's FTE dollar
27 amount of the class size categorical allocation for that year
28 and calculate the total for all three grade groups.

29 4. Multiply the total number of FTE students which exceeds

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30 the maximum for all classes by an amount equal to 50 percent of
31 the base student allocation adjusted by the district cost
32 differential for the 2010-2011 fiscal year and by an amount
33 equal to the base student allocation adjusted by the district
34 cost differential beginning in the 2011-2012 fiscal year and
35 thereafter.

36 5. Reduce the district's class size categorical allocation
37 by an amount equal to the sum of the calculations in
38 subparagraphs 3. and 4.

39 (b) The amount of funds reduced shall be the lesser of the
40 amount calculated in paragraph (a) or the undistributed balance
41 of the district's class size categorical allocation, and may not
42 exceed \$1,000 per school. The Florida Education Finance Program
43 Appropriation Allocation Conference shall verify the
44 department's calculation in paragraph (a). The commissioner may
45 withhold distribution of the class size categorical allocation
46 to the extent necessary to comply with paragraph (a).

47 (c) In lieu of the reduction calculation in paragraph (a),
48 if the Commissioner of Education has evidence that a district
49 was unable to meet the class size requirements despite
50 appropriate efforts to do so or because of an extreme emergency,
51 the commissioner may recommend by February 15, subject to
52 approval of the Legislative Budget Commission, the reduction of
53 an alternate amount of funds from the district's class size
54 categorical allocation.

55 (d) Upon approval of the reduction calculation in
56 paragraphs (a)-(c), the commissioner must prepare a reallocation
57 of the funds made available for the districts that have fully
58 met the class size requirements. The funds shall be reallocated

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59 by calculating an amount of up to 5 percent of the base student
60 allocation multiplied by the total district FTE students. The
61 reallocation total may not exceed 25 percent of the total funds
62 reduced.

63 (e) Each district that has not complied with the
64 requirements in subsection (1) shall submit to the commissioner
65 by February 15 a plan certified by the district school board
66 that describes the specific actions the district will take in
67 order to fully comply with the requirements in subsection (1) by
68 October of the following school year. If a district submits the
69 certified plan by the required deadline, the funds remaining
70 after the reallocation calculation in paragraph (d) shall be
71 added back to the district's class size categorical allocation
72 based on each qualifying district's proportion of the total
73 reduction for all qualifying districts for which a reduction was
74 calculated in paragraphs (a)-(c). However, no district shall
75 have an amount added back that is greater than the amount that
76 was reduced.

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

80
81 Notwithstanding any other provision of law, the penalties for
82 noncompliance of class size requirements may not exceed \$1,000
83 per school in each district.

84 Section 2. This act shall take effect July 1, 2011.