

By Senator Diaz de la Portilla

36-01609-11

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1                   A bill to be entitled  
 2           An act relating to public school class size maximums;  
 3           amending s. 1003.03, F.S.; deleting provisions which  
 4           impose financial penalties, and provide calculations  
 5           therefor, on school districts that do not meet maximum  
 6           class size requirements; providing an effective date.

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

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 10           Section 1. Subsection (5) of section 1003.03, Florida  
 11 Statutes, is renumbered as subsection (4) and present subsection  
 12 (4) of that section is amended to read:

13           1003.03 Maximum class size.—

14           ~~(4) ACCOUNTABILITY.—~~

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

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

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

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

28           ~~4. Multiply the total number of FTE students which exceeds~~  
 29 ~~the maximum for all classes by an amount equal to 50 percent of~~

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30 ~~the base student allocation adjusted by the district cost~~  
31 ~~differential for the 2010-2011 fiscal year and by an amount~~  
32 ~~equal to the base student allocation adjusted by the district~~  
33 ~~cost differential beginning in the 2011-2012 fiscal year and~~  
34 ~~thereafter.~~

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

38 ~~(b) The amount of funds reduced shall be the lesser of the~~  
39 ~~amount calculated in paragraph (a) or the undistributed balance~~  
40 ~~of the district's class size categorical allocation. The Florida~~  
41 ~~Education Finance Program Appropriation Allocation Conference~~  
42 ~~shall verify the department's calculation in paragraph (a). The~~  
43 ~~commissioner may withhold distribution of the class size~~  
44 ~~categorical allocation to the extent necessary to comply with~~  
45 ~~paragraph (a).~~

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

54 ~~(d) Upon approval of the reduction calculation in~~  
55 ~~paragraphs (a) - (c), the commissioner must prepare a reallocation~~  
56 ~~of the funds made available for the districts that have fully~~  
57 ~~met the class size requirements. The funds shall be reallocated~~  
58 ~~by calculating an amount of up to 5 percent of the base student~~

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59 ~~allocation multiplied by the total district FTE students. The~~  
60 ~~reallocation total may not exceed 25 percent of the total funds~~  
61 ~~reduced.~~

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

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

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