

1                   A bill to be entitled  
2           An act relating to maximum class size; amending s.  
3           1002.31, F.S.; deleting a provision relating to  
4           compliance with maximum class size requirements for  
5           certain public schools of choice; amending s. 1002.33,  
6           F.S.; revising requirements for charter school  
7           compliance with maximum class size requirements;  
8           amending s. 1002.451, F.S.; revising requirements for  
9           district innovation school of technology compliance  
10          with maximum class size requirements; amending s.  
11          1003.03, F.S.; calculating a school district's class  
12          size categorical allocation reduction at the school  
13          average when maximum class size requirements are not  
14          met; revising the calculation; providing for the  
15          expenditure of funds; requiring a school district that  
16          exceeds class size maximums to post its plan for  
17          compliance on the district website and provide the  
18          plan to the school advisory council of each  
19          noncompliant school; authorizing a noncompliant school  
20          to post the plan on its website; providing an  
21          effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Subsection (5) of section 1002.31, Florida  
26   Statutes, is amended to read:

27 1002.31 Controlled open enrollment; public school parental  
28 choice.-

29 ~~(5) For a school or program that is a public school of~~  
30 ~~choice under this section, the calculation for compliance with~~  
31 ~~maximum class size pursuant to s. 1003.03 is the average number~~  
32 ~~of students at the school level.~~

33 Section 2. Paragraph (b) of subsection (16) of section  
34 1002.33, Florida Statutes, is amended to read:

35 1002.33 Charter schools.-

36 (16) EXEMPTION FROM STATUTES.-

37 (b) Additionally, a charter school shall be in compliance  
38 with the following statutes:

39 1. Section 286.011, relating to public meetings and  
40 records, public inspection, and criminal and civil penalties.

41 2. Chapter 119, relating to public records.

42 3. Section 1003.03, relating to the maximum class size,  
43 ~~except that the calculation for compliance pursuant to s.~~  
44 ~~1003.03 shall be the average at the school level.~~

45 4. Section 1012.22(1)(c), relating to compensation and  
46 salary schedules.

47 5. Section 1012.33(5), relating to workforce reductions.

48 6. Section 1012.335, relating to contracts with  
49 instructional personnel hired on or after July 1, 2011.

50 7. Section 1012.34, relating to the substantive  
51 requirements for performance evaluations for instructional  
52 personnel and school administrators.

53 Section 3. Paragraph (a) of subsection (5) of section  
 54 1002.451, Florida Statutes, is amended to read:

55 1002.451 District innovation school of technology  
 56 program.—

57 (5) EXEMPTION FROM STATUTES.—

58 (a) An innovation school of technology is exempt from  
 59 chapters 1000-1013. However, an innovation school of technology  
 60 shall comply with the following provisions of those chapters:

61 1. Laws pertaining to the following:

- 62 a. Schools of technology, including this section.
- 63 b. Student assessment program and school grading system.
- 64 c. Services to students who have disabilities.
- 65 d. Civil rights, including s. 1000.05, relating to  
 66 discrimination.
- 67 e. Student health, safety, and welfare.

68 2. Laws governing the election and compensation of  
 69 district school board members and election or appointment and  
 70 compensation of district school superintendents.

71 3. Section 1003.03, governing maximum class size, ~~except~~  
 72 ~~that the calculation for compliance pursuant to s. 1003.03 is~~  
 73 ~~the average at the school level.~~

74 4. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 75 compensation and salary schedules.

76 5. Section 1012.33(5), relating to workforce reductions,  
 77 for annual contracts for instructional personnel. This  
 78 subparagraph does not apply to at-will employees.

79           6. Section 1012.335, relating to contracts with  
80 instructional personnel hired on or after July 1, 2011, for  
81 annual contracts for instructional personnel. This subparagraph  
82 does not apply to at-will employees.

83           7. Section 1012.34, relating to requirements for  
84 performance evaluations of instructional personnel and school  
85 administrators.

86           Section 4. Subsection (4) of section 1003.03, Florida  
87 Statutes, is amended to read:

88           1003.03 Maximum class size.—

89           (4) ACCOUNTABILITY.—

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

94           1. ~~Identify, for each grade group, the number of classes~~  
95 ~~in which the number of students exceeds the maximum and the~~  
96 ~~total number of students which exceeds the maximum for all~~  
97 ~~classes.~~

98           ~~2.~~ Determine the number of FTE students which exceeds the  
99 maximum for each grade group calculated at the school average.

100           ~~2.3.~~ Multiply the total number of FTE students which  
101 exceeds the maximum for each grade group calculated at the  
102 school average by the district's FTE dollar amount of the class  
103 size categorical allocation for that year and calculate the  
104 total for all three grade groups.

105        ~~3.4.~~ Multiply the total number of FTE students which  
106 exceeds the maximum for all classes calculated at the school  
107 average by an amount equal to 50 percent of the base student  
108 allocation adjusted by the district cost differential for ~~each~~  
109 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~  
110 ~~equal to the base student allocation adjusted by the district~~  
111 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

112        ~~4.5.~~ Reduce the district's class size categorical  
113 allocation by an amount equal to the sum of the calculations in  
114 subparagraphs 2. and 3. ~~and 4.~~

115        (b) The amount of funds reduced shall be the lesser of the  
116 amount calculated in paragraph (a) or the undistributed balance  
117 of the district's class size categorical allocation. The Florida  
118 Education Finance Program Appropriation Allocation Conference  
119 shall verify the department's calculation in paragraph (a). The  
120 commissioner may withhold distribution of the class size  
121 categorical allocation to the extent necessary to comply with  
122 paragraph (a).

123        (c) In lieu of the reduction calculation in paragraph (a),  
124 if the Commissioner of Education has evidence that a district  
125 was unable to meet the class size requirements despite  
126 appropriate efforts to do so or because of an extreme emergency,  
127 the commissioner may recommend by February 15, subject to  
128 approval of the Legislative Budget Commission, the reduction of  
129 an alternate amount of funds from the district's class size  
130 categorical allocation.

131 (d) Upon approval of the reduction calculation in  
132 paragraphs (a)-(c), each district shall retain the calculated  
133 reduction amount and expend the amount in the noncompliant  
134 schools to comply with the requirements in subsection (1) ~~the~~  
135 ~~commissioner must prepare a reallocation of the funds made~~  
136 ~~available for the districts that have fully met the class size~~  
137 ~~requirements. The funds shall be reallocated by calculating an~~  
138 ~~amount of up to 5 percent of the base student allocation~~  
139 ~~multiplied by the total district FTE students. The reallocation~~  
140 ~~total may not exceed 25 percent of the total funds reduced.~~

141 (e) Each district that has not complied with the  
142 requirements in subsection (1) shall submit to the commissioner  
143 by February 1 a plan certified by the district school board that  
144 describes the specific actions that the district will take in  
145 order to fully comply with the requirements in subsection (1) by  
146 October of the following school year. The plan shall be posted  
147 on the district's website and be provided to the school advisory  
148 council of each noncompliant school. A noncompliant school may  
149 post the plan on its website ~~If a district submits the certified~~  
150 ~~plan by the required deadline, the funds remaining after the~~  
151 ~~reallocation calculation in paragraph (d) shall be added back to~~  
152 ~~the district's class size categorical allocation based on each~~  
153 ~~qualifying district's proportion of the total reduction for all~~  
154 ~~qualifying districts for which a reduction was calculated in~~  
155 ~~paragraphs (a)-(c). However, no district shall have an amount~~  
156 ~~added back that is greater than the amount that was reduced.~~

157        ~~(f) The department shall adjust school district class size~~  
158 ~~reduction categorical allocation distributions based on the~~  
159 ~~calculations in paragraphs (a) (e).~~

160        Section 5. This act shall take effect July 1, 2015.