



164078

576-02322-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to maximum class size; amending s. 1002.33, F.S.; revising requirements for charter school compliance with maximum class size requirements; amending s. 1002.451, F.S.; revising requirements for district innovation school of technology compliance with maximum class size requirements; amending s. 1003.03, F.S.; calculating a school district's class size categorical allocation reduction at the school average when maximum class size requirements are not met; revising the calculation; providing for the expenditure of funds; requiring a school district that exceeds class size maximums to post its plan for compliance on the district website and provide the plan to the school advisory committee of each noncompliant school; authorizing a noncompliant school to post the plan on its website; providing an effective date.

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

Section 1. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

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



164078

576-02322-15

28 1. Section 286.011, relating to public meetings and
29 records, public inspection, and criminal and civil penalties.

30 2. Chapter 119, relating to public records.

31 3. Section 1003.03, relating to the maximum class size,
32 ~~except that the calculation for compliance pursuant to s.~~
33 ~~1003.03 shall be the average at the school level.~~

34 4. Section 1012.22(1)(c), relating to compensation and
35 salary schedules.

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

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

39 7. Section 1012.34, relating to the substantive
40 requirements for performance evaluations for instructional
41 personnel and school administrators.

42 Section 2. Paragraph (a) of subsection (5) of section
43 1002.451, Florida Statutes, is amended to read:

44 1002.451 District innovation school of technology program.-

45 (5) EXEMPTION FROM STATUTES.-

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

49 1. Laws pertaining to the following:

50 a. Schools of technology, including this section.

51 b. Student assessment program and school grading system.

52 c. Services to students who have disabilities.

53 d. Civil rights, including s. 1000.05, relating to
54 discrimination.

55 e. Student health, safety, and welfare.

56 2. Laws governing the election and compensation of district



164078

576-02322-15

57 school board members and election or appointment and
58 compensation of district school superintendents.

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

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

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

67 6. Section 1012.335, relating to contracts with
68 instructional personnel hired on or after July 1, 2011, for
69 annual contracts for instructional personnel. This subparagraph
70 does not apply to at-will employees.

71 7. Section 1012.34, relating to requirements for
72 performance evaluations of instructional personnel and school
73 administrators.

74 Section 3. Subsection (4) of section 1003.03, Florida
75 Statutes, is amended to read:

76 1003.03 Maximum class size.—

77 (4) ACCOUNTABILITY.—

78 (a) If the department determines that the number of
79 students assigned to any individual class exceeds the class size
80 maximum, as required in subsection (1) and as determined at the
81 school average, based upon the October student membership
82 survey, the department shall:

83 1. ~~Identify, for each grade group, the number of classes in~~
84 ~~which the number of students exceeds the maximum and the total~~
85 ~~number of students which exceeds the maximum for all classes.~~



164078

576-02322-15

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

88 ~~2.3.~~ Multiply the total number of FTE students which
89 exceeds the maximum for each grade group calculated at the
90 school average by the district's FTE dollar amount of the class
91 size categorical allocation for that year and calculate the
92 total for all three grade groups.

93 ~~3.4.~~ Multiply the total number of FTE students which
94 exceeds the maximum for all classes calculated at the school
95 average by an amount equal to 50 percent of the base student
96 allocation adjusted by the district cost differential for ~~each~~
97 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
98 ~~equal to the base student allocation adjusted by the district~~
99 ~~cost differential in~~ the 2014-2015 fiscal year and thereafter.

100 ~~4.5.~~ Reduce the district's class size categorical
101 allocation by an amount equal to the sum of the calculations in
102 subparagraphs 2. and 3. ~~and 4.~~

103 (b) The amount of funds reduced shall be the lesser of the
104 amount calculated in paragraph (a) or the undistributed balance
105 of the district's class size categorical allocation. The Florida
106 Education Finance Program Appropriation Allocation Conference
107 shall verify the department's calculation in paragraph (a). The
108 commissioner may withhold distribution of the class size
109 categorical allocation to the extent necessary to comply with
110 paragraph (a).

111 (c) In lieu of the reduction calculation in paragraph (a),
112 if the Commissioner of Education has evidence that a district
113 was unable to meet the class size requirements despite
114 appropriate efforts to do so or because of an extreme emergency,



164078

576-02322-15

115 the commissioner may recommend by February 15, subject to
116 approval of the Legislative Budget Commission, the reduction of
117 an alternate amount of funds from the district's class size
118 categorical allocation.

119 (d) Upon approval of the reduction calculation in
120 paragraphs (a)-(c), each district shall expend an amount of
121 funds equal to the amount of the reduction calculation in the
122 noncompliant schools to comply with the requirements in
123 subsection (1) as determined at the school average ~~the~~
124 ~~commissioner must prepare a reallocation of the funds made~~
125 ~~available for the districts that have fully met the class size~~
126 ~~requirements. The funds shall be reallocated by calculating an~~
127 ~~amount of up to 5 percent of the base student allocation~~
128 ~~multiplied by the total district FTE students. The reallocation~~
129 ~~total may not exceed 25 percent of the total funds reduced.~~

130 (e) Each district that has not complied with the
131 requirements in subsection (1) as determined at the school
132 average shall submit to the commissioner by February 1 a plan
133 certified by the district school board that describes the
134 specific actions that the district will take in order to fully
135 comply with the requirements in subsection (1) by October of the
136 following school year. The plan shall be posted on the district
137 website and provided to the school advisory committee of all
138 noncompliant schools. A noncompliant school may post the plan on
139 its website ~~If a district submits the certified plan by the~~
140 ~~required deadline, the funds remaining after the reallocation~~
141 ~~calculation in paragraph (d) shall be added back to the~~
142 ~~district's class size categorical allocation based on each~~
143 ~~qualifying district's proportion of the total reduction for all~~



164078

576-02322-15

144 ~~qualifying districts for which a reduction was calculated in~~
145 ~~paragraphs (a)-(c). However, no district shall have an amount~~
146 ~~added back that is greater than the amount that was reduced.~~

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

150 Section 4. This act shall take effect July 1, 2015.