



348118

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1002.31 Controlled open enrollment; public school parental  
choice.—

~~(5) For a school or program that is a public school of  
choice under this section, the calculation for compliance with~~



348118

11 ~~maximum class size pursuant to s. 1003.03 is the average number~~  
12 ~~of students at the school level.~~

13 Section 2. Paragraph (b) of subsection (16) of section  
14 1002.33, Florida Statutes, is amended to read:

15 1002.33 Charter schools.—

16 (16) EXEMPTION FROM STATUTES.—

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

19 1. Section 286.011, relating to public meetings and  
20 records, public inspection, and criminal and civil penalties.

21 2. Chapter 119, relating to public records.

22 3. Section 1003.03, relating to the maximum class size,  
23 ~~except that the calculation for compliance pursuant to s.~~  
24 ~~1003.03 shall be the average at the school level.~~

25 4. Section 1012.22(1)(c), relating to compensation and  
26 salary schedules.

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

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

30 7. Section 1012.34, relating to the substantive  
31 requirements for performance evaluations for instructional  
32 personnel and school administrators.

33 Section 3. Paragraph (a) of subsection (5) of section  
34 1002.451, Florida Statutes, is amended to read:

35 1002.451 District innovation school of technology program.—

36 (5) EXEMPTION FROM STATUTES.—

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



348118

- 40           1. Laws pertaining to the following:
- 41           a. Schools of technology, including this section.
- 42           b. Student assessment program and school grading system.
- 43           c. Services to students who have disabilities.
- 44           d. Civil rights, including s. 1000.05, relating to
- 45 discrimination.
- 46           e. Student health, safety, and welfare.
- 47           2. Laws governing the election and compensation of district
- 48 school board members and election or appointment and
- 49 compensation of district school superintendents.
- 50           3. Section 1003.03, governing maximum class size, ~~except~~
- 51 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
- 52 ~~the average at the school level.~~
- 53           4. Sections 1012.22(1)(c) and 1012.27(2), relating to
- 54 compensation and salary schedules.
- 55           5. Section 1012.33(5), relating to workforce reductions,
- 56 for annual contracts for instructional personnel. This
- 57 subparagraph does not apply to at-will employees.
- 58           6. Section 1012.335, relating to contracts with
- 59 instructional personnel hired on or after July 1, 2011, for
- 60 annual contracts for instructional personnel. This subparagraph
- 61 does not apply to at-will employees.
- 62           7. Section 1012.34, relating to requirements for
- 63 performance evaluations of instructional personnel and school
- 64 administrators.
- 65           Section 4. Subsection (4) of section 1003.03, Florida
- 66 Statutes, is amended to read:
- 67           1003.03 Maximum class size.—
- 68           (4) ACCOUNTABILITY.—



348118

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

73 ~~1. Identify, for each grade group, the number of classes in~~  
74 ~~which the number of students exceeds the maximum and the total~~  
75 ~~number of students which exceeds the maximum for all classes.~~

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

78 ~~2.3.~~ Multiply the total number of FTE students which  
79 exceeds the maximum for each grade group calculated at the  
80 school average by the district's FTE dollar amount of the class  
81 size categorical allocation for that year and calculate the  
82 total for all three grade groups.

83 ~~3.4.~~ Multiply the total number of FTE students which  
84 exceeds the maximum for all classes calculated at the school  
85 average by an amount equal to 50 percent of the base student  
86 allocation adjusted by the district cost differential for ~~each~~  
87 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~  
88 ~~equal to the base student allocation adjusted by the district~~  
89 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

90 ~~4.5.~~ Reduce the district's class size categorical  
91 allocation by an amount equal to the sum of the calculations in  
92 subparagraphs 2. and 3. ~~and 4.~~

93 (b) The amount of funds reduced shall be the lesser of the  
94 amount calculated in paragraph (a) or the undistributed balance  
95 of the district's class size categorical allocation. The Florida  
96 Education Finance Program Appropriation Allocation Conference  
97 shall verify the department's calculation in paragraph (a). The



348118

98 commissioner may withhold distribution of the class size  
99 categorical allocation to the extent necessary to comply with  
100 paragraph (a).

101 (c) In lieu of the reduction calculation in paragraph (a),  
102 if the Commissioner of Education has evidence that a district  
103 was unable to meet the class size requirements despite  
104 appropriate efforts to do so or because of an extreme emergency,  
105 the commissioner may recommend by February 15, subject to  
106 approval of the Legislative Budget Commission, the reduction of  
107 an alternate amount of funds from the district's class size  
108 categorical allocation.

109 (d) Upon approval of the reduction calculation in  
110 paragraphs (a)-(c), each district shall retain the calculated  
111 reduction amount and expend the amount in the noncompliant  
112 schools to comply with the requirements in subsection (1) ~~the~~  
113 ~~commissioner must prepare a reallocation of the funds made~~  
114 ~~available for the districts that have fully met the class size~~  
115 ~~requirements. The funds shall be reallocated by calculating an~~  
116 ~~amount of up to 5 percent of the base student allocation~~  
117 ~~multiplied by the total district FTE students. The reallocation~~  
118 ~~total may not exceed 25 percent of the total funds reduced.~~

119 (e) Each district that has not complied with the  
120 requirements in subsection (1) shall submit to the commissioner  
121 by February 1 a plan certified by the district school board that  
122 describes the specific actions that the district will take in  
123 order to fully comply with the requirements in subsection (1) by  
124 October of the following school year. The plan shall be posted  
125 on the district's website and be provided to the school advisory  
126 council of each noncompliant school. A noncompliant school may



348118

127 post the plan on its website ~~If a district submits the certified~~  
128 ~~plan by the required deadline, the funds remaining after the~~  
129 ~~reallocation calculation in paragraph (d) shall be added back to~~  
130 ~~the district's class size categorical allocation based on each~~  
131 ~~qualifying district's proportion of the total reduction for all~~  
132 ~~qualifying districts for which a reduction was calculated in~~  
133 ~~paragraphs (a) - (c). However, no district shall have an amount~~  
134 ~~added back that is greater than the amount that was reduced.~~

135 ~~(f) The department shall adjust school district class size~~  
136 ~~reduction categorical allocation distributions based on the~~  
137 ~~calculations in paragraphs (a) - (c).~~

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

139  
140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete everything before the enacting clause  
143 and insert:

144 A bill to be entitled  
145 An act relating to maximum class size; amending s.  
146 1002.31, F.S.; deleting a provision relating to  
147 compliance with maximum class size requirements for  
148 certain public schools of choice; amending s. 1002.33,  
149 F.S.; revising requirements for charter school  
150 compliance with maximum class size requirements;  
151 amending s. 1002.451, F.S.; revising requirements for  
152 district innovation school of technology compliance  
153 with maximum class size requirements; amending s.  
154 1003.03, F.S.; calculating a school district's class  
155 size categorical allocation reduction at the school



348118

156 average when maximum class size requirements are not  
157 met; revising the calculation; providing for the  
158 expenditure of funds; requiring a school district that  
159 exceeds class size maximums to post its plan for  
160 compliance on the district website and provide the  
161 plan to the school advisory council of each  
162 noncompliant school; authorizing a noncompliant school  
163 to post the plan on its website; providing an  
164 effective date.