

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.~~

HB 149

2016

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, 2016.