

By Senator Mayfield

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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; providing an exemption from the reduction of a  
15 school district's class size categorical allocation  
16 for specified fiscal years; requiring an updated plan  
17 for compliance with class size requirements from  
18 certain districts for a specified fiscal year;  
19 amending s. 1011.6202, F.S.; revising requirements for  
20 compliance with maximum class size requirements for a  
21 school participating in the Principal Autonomy Pilot  
22 Project Program; providing an effective date.

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

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

28 1002.31 Controlled open enrollment; Public school parental  
29 choice.—

30 ~~(5) For a school or program that is a public school of~~  
31 ~~choice under this section, the calculation for compliance with~~  
32 ~~maximum class size pursuant to s. 1003.03(4) is the average~~

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33 ~~number of students at the school level.~~

34 Section 2. Paragraph (b) of subsection (16) of section  
35 1002.33, Florida Statutes, is amended to read:

36 1002.33 Charter schools.—

37 (16) EXEMPTION FROM STATUTES.—

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

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

42 2. Chapter 119, relating to public records.

43 3. Section 1003.03, relating to the maximum class size,  
44 ~~except that the calculation for compliance pursuant to s.~~  
45 ~~1003.03 shall be the average at the school level.~~

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

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

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

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

54 Section 3. Paragraph (a) of subsection (5) of section  
55 1002.451, Florida Statutes, is amended to read:

56 1002.451 District innovation school of technology 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:

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- 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 district
- 69 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

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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 in~~  
95 ~~which the number of students exceeds the maximum and the total~~  
96 ~~number of students which exceeds the maximum for all classes.~~

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

99 ~~2.3.~~ Multiply the total number of FTE students which  
100 exceeds the maximum for each grade group calculated at the  
101 school average by the district's FTE dollar amount of the class  
102 size categorical allocation for that year and calculate the  
103 total for all three grade groups.

104 ~~3.4.~~ Multiply the total number of FTE students which  
105 exceeds the maximum for all classes calculated at the school  
106 average by an amount equal to 50 percent of the base student  
107 allocation adjusted by the district cost differential ~~for each~~  
108 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~  
109 ~~equal to the base student allocation adjusted by the district~~  
110 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

111 ~~4.5.~~ Reduce the district's class size categorical  
112 allocation by an amount equal to the sum of the calculations in  
113 subparagraphs 2. and 3. ~~and 4.~~

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

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120 categorical allocation to the extent necessary to comply with  
121 paragraph (a).

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

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

138 (e) Each district that has not complied with the  
139 requirements in subsection (1) shall submit to the commissioner  
140 by February 1 a plan certified by the district school board that  
141 describes the specific actions the district will take in order  
142 to fully comply with the requirements in subsection (1) by  
143 October of the following school year. If a district submits the  
144 certified plan by the required deadline, the funds remaining  
145 after the reallocation calculation in paragraph (d) shall be  
146 added back to the district's class size categorical allocation  
147 based on each qualifying district's proportion of the total  
148 reduction for all qualifying districts for which a reduction was

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149 calculated in paragraphs (a)-(c). However, no district shall  
150 have an amount added back that is greater than the amount that  
151 was reduced.

152 (f) The department shall adjust school district class size  
153 reduction categorical allocation distributions based on the  
154 calculations in paragraphs (a)-(e).

155 (g) A district that has not complied with the requirements  
156 in subsection (1) based on the October student membership survey  
157 for the 2017-2018 school year and has timely submitted the  
158 required plan under paragraph (e) may not have its class size  
159 categorical allocation reduced for the 2017-2018 and 2018-2019  
160 fiscal years. The district shall have until the October student  
161 membership survey for the 2018-2019 school year to comply with  
162 subsection (1); however, the district must provide an updated  
163 plan by February 1, 2019, to the commissioner to ensure the  
164 district is working to comply with the requirements of  
165 subsection (1).

166 Section 5. Paragraph (b) of subsection (3) of section  
167 1011.6202, Florida Statutes, is amended to read:

168 1011.6202 Principal Autonomy Pilot Program Initiative.—The  
169 Principal Autonomy Pilot Program Initiative is created within  
170 the Department of Education. The purpose of the pilot program is  
171 to provide the highly effective principal of a participating  
172 school with increased autonomy and authority to operate his or  
173 her school in a way that produces significant improvements in  
174 student achievement and school management while complying with  
175 constitutional requirements. The State Board of Education may,  
176 upon approval of a principal autonomy proposal, enter into a  
177 performance contract with up to seven district school boards for

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178 participation in the pilot program.

179 (3) EXEMPTION FROM LAWS.—

180 (b) A participating school shall comply with the provisions  
181 of chapters 1000-1013, and rules of the state board that  
182 implement those provisions, pertaining to the following:

183 1. Those laws relating to the election and compensation of  
184 district school board members, the election or appointment and  
185 compensation of district school superintendents, public meetings  
186 and public records requirements, financial disclosure, and  
187 conflicts of interest.

188 2. Those laws relating to the student assessment program  
189 and school grading system, including chapter 1008.

190 3. Those laws relating to the provision of services to  
191 students with disabilities.

192 4. Those laws relating to civil rights, including s.  
193 1000.05, relating to discrimination.

194 5. Those laws relating to student health, safety, and  
195 welfare.

196 6. Section 1001.42(4)(f), relating to the uniform opening  
197 date for public schools.

198 7. Section 1003.03, governing maximum class size, ~~except~~  
199 ~~that the calculation for compliance pursuant to s. 1003.03 is~~  
200 ~~the average at the school level for a participating school.~~

201 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
202 compensation and salary schedules.

203 9. Section 1012.33(5), relating to workforce reductions for  
204 annual contracts for instructional personnel. This subparagraph  
205 does not apply to at-will employees.

206 10. Section 1012.335, relating to annual contracts for

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207 instructional personnel hired on or after July 1, 2011. This  
208 subparagraph does not apply to at-will employees.

209 11. Section 1012.34, relating to personnel evaluation  
210 procedures and criteria.

211 12. Those laws pertaining to educational facilities,  
212 including chapter 1013, except that s. 1013.20, relating to  
213 covered walkways for relocatables, and s. 1013.21, relating to  
214 the use of relocatable facilities exceeding 20 years of age, are  
215 eligible for exemption.

216 13. Those laws pertaining to participating school  
217 districts, including this section and ss. 1011.69(2) and  
218 1012.28(8).

219 Section 6. This act shall take effect July 1, 2017.