

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1002.33, F.S.; revising requirements for charter
 4 school compliance with maximum class size
 5 requirements; amending s. 1002.451, F.S.; revising
 6 requirements for district innovation school of
 7 technology compliance with maximum class size
 8 requirements; amending s. 1003.01, F.S.; removing
 9 certain courses from the definition of the term "core-
 10 curricula courses" as the term relates to maximum
 11 class size requirements; amending s. 1003.03, F.S.;
 12 calculating a school district's class size categorical
 13 allocation reduction at the school average when
 14 maximum class size requirements are not met; revising
 15 the calculation; providing for the expenditure of
 16 funds; providing an effective date.

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

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 20 Section 1. Paragraph (b) of subsection (16) of section
 21 1002.33, Florida Statutes, is amended to read:

22 1002.33 Charter schools.—

23 (16) EXEMPTION FROM STATUTES.—

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

26 1. Section 286.011, relating to public meetings and

27 records, public inspection, and criminal and civil penalties.

28 2. Chapter 119, relating to public records.

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

32 4. Section 1012.22(1)(c), relating to compensation and
 33 salary schedules.

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

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

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

40 Section 2. Paragraph (a) of subsection (5) of section
 41 1002.451, Florida Statutes, is amended to read:

42 1002.451 District innovation school of technology
 43 program.—

44 (5) EXEMPTION FROM STATUTES.—

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

- 48 1. Laws pertaining to the following:
 - 49 a. Schools of technology, including this section.
 - 50 b. Student assessment program and school grading system.
 - 51 c. Services to students who have disabilities.
 - 52 d. Civil rights, including s. 1000.05, relating to

53 | discrimination.

54 | e. Student health, safety, and welfare.

55 | 2. Laws governing the election and compensation of
56 | district school board members and election or appointment and
57 | compensation of district school superintendents.

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

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

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

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

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

73 | Section 3. Subsection (14) of section 1003.01, Florida
74 | Statutes, is amended to read:

75 | 1003.01 Definitions.—As used in this chapter, the term:

76 | (14) "Core-curricula courses" means:

77 | (a) Courses in language arts/reading, mathematics, social
78 | studies, and science in prekindergarten through grade 3,

79 | excluding extracurricular courses pursuant to subsection (15);

80 | (b) Courses in grades 4 through 8 in subjects that are
81 | measured by state assessment at any grade level and courses
82 | required for middle school promotion, excluding extracurricular
83 | courses pursuant to subsection (15);

84 | (c) Courses in grades 9 through 12 in subjects that are
85 | measured by state assessment at any grade level and courses that
86 | are specifically identified by name in statute as required for
87 | high school graduation and that are not measured by state
88 | assessment, excluding extracurricular courses pursuant to
89 | subsection (15);

90 | (d) Exceptional student education courses; and

91 | (e) English for Speakers of Other Languages courses.

92 |

93 | The term is limited in meaning and used for the sole purpose of
94 | designating classes that are subject to the maximum class size
95 | requirements established in s. 1, Art. IX of the State
96 | Constitution. This term does not include courses offered under
97 | ~~ss. 1002.321(4)(e), 1002.33(7)(a)2.b.,~~ 1002.37, 1002.45, and
98 | 1003.499.

99 | Section 4. Subsection (4) of section 1003.03, Florida
100 | Statutes, is amended to read:

101 | 1003.03 Maximum class size.—

102 | (4) ACCOUNTABILITY.—

103 | (a) If the department determines that the number of
104 | students assigned to any individual class exceeds the class size

105 maximum as determined at the school average, ~~as required in~~
106 ~~subsection (1)~~, based upon the October student membership
107 survey, the department shall:

108 1. ~~Identify, for each grade group, the number of classes~~
109 ~~in which the number of students exceeds the maximum and the~~
110 ~~total number of students which exceeds the maximum for all~~
111 ~~classes.~~

112 2. Determine the number of FTE students which exceeds the
113 maximum for each grade group calculated at the school average.

114 ~~2.3.~~ Multiply the total number of FTE students which
115 exceeds the maximum for each grade group calculated at the
116 school average by the district's FTE dollar amount of the class
117 size categorical allocation for that year and calculate the
118 total for all three grade groups.

119 ~~3.4.~~ Multiply the total number of FTE students which
120 exceeds the maximum for all classes calculated at the school
121 average by an amount equal to 50 percent of the base student
122 allocation adjusted by the district cost differential for ~~each~~
123 ~~of the 2010-2011 through 2013-2014 fiscal years~~ and by an amount
124 ~~equal to the base student allocation adjusted by the district~~
125 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

126 ~~4.5.~~ Reduce the district's class size categorical
127 allocation by an amount equal to the sum of the calculations in
128 subparagraphs 2. and 3. ~~and 4.~~

129 (b) The amount of funds reduced shall be the lesser of the
130 amount calculated in paragraph (a) or the undistributed balance

131 of the district's class size categorical allocation. The Florida
132 Education Finance Program Appropriation Allocation Conference
133 shall verify the department's calculation in paragraph (a). The
134 commissioner may withhold distribution of the class size
135 categorical allocation to the extent necessary to comply with
136 paragraph (a).

137 (c) In lieu of the reduction calculation in paragraph (a),
138 if the Commissioner of Education has evidence that a district
139 was unable to meet the class size requirements despite
140 appropriate efforts to do so or because of an extreme emergency,
141 the commissioner may recommend by February 15, subject to
142 approval of the Legislative Budget Commission, the reduction of
143 an alternate amount of funds from the district's class size
144 categorical allocation.

145 (d) Upon approval of the reduction calculation in
146 paragraphs (a)-(c), the amount of funds reduced for each
147 district shall be used to provide supplemental academic
148 instruction to students enrolled in the district's K-12 program
149 pursuant to s. 1011.62(1)(f)2. and (9)(a). Any remaining funds
150 shall be expended pursuant to the remaining provisions of s.
151 1011.62(1)(f), other than s. 1011.62(1)(f)2. ~~commissioner must~~
152 ~~prepare a reallocation of the funds made available for the~~
153 ~~districts that have fully met the class size requirements. The~~
154 ~~funds shall be reallocated by calculating an amount of up to 5~~
155 ~~percent of the base student allocation multiplied by the total~~
156 ~~district FTE students. The reallocation total may not exceed 25~~

157 ~~percent of the total funds reduced.~~

158 (e) Each district that has not complied with the
159 requirements in subsection (1) shall submit to the commissioner
160 by February 1 a plan certified by the district school board that
161 describes the specific actions the district will take in order
162 to fully comply with the requirements in subsection (1) by
163 October of the following school year. ~~If a district submits the~~
164 ~~certified plan by the required deadline, the funds remaining~~
165 ~~after the reallocation calculation in paragraph (d) shall be~~
166 ~~added back to the district's class size categorical allocation~~
167 ~~based on each qualifying district's proportion of the total~~
168 ~~reduction for all qualifying districts for which a reduction was~~
169 ~~calculated in paragraphs (a)-(c). However, no district shall~~
170 ~~have an amount added back that is greater than the amount that~~
171 ~~was reduced.~~

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

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