

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. 1003.03, F.S.; calculating a  
 9           school district's class size categorical allocation  
 10          reduction at the school average when maximum class  
 11          size requirements are not met; revising the  
 12          calculation; providing for the expenditure of funds;  
 13          requiring a school district that exceeds class size  
 14          maximums to post its plan for compliance on the  
 15          district website and provide the plan to the school  
 16          advisory committee of each noncompliant school;  
 17          authorizing a noncompliant school to post the plan on  
 18          its website; providing an effective date.

19  
 20   Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Paragraph (b) of subsection (16) of section  
 23   1002.33, Florida Statutes, is amended to read:

24           1002.33 Charter schools.—

25           (16) EXEMPTION FROM STATUTES.—

26           (b) Additionally, a charter school shall be in compliance

27 | with the following statutes:

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  
45 | program.—

46 |       (5) EXEMPTION FROM STATUTES.—

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

50 |       1. Laws pertaining to the following:

51 |       a. Schools of technology, including this section.

52 |       b. Student assessment program and school grading system.

53 c. Services to students who have disabilities.  
 54 d. Civil rights, including s. 1000.05, relating to  
 55 discrimination.  
 56 e. Student health, safety, and welfare.  
 57 2. Laws governing the election and compensation of  
 58 district school board members and election or appointment and  
 59 compensation of district school superintendents.  
 60 3. Section 1003.03, governing maximum class size, ~~except~~  
 61 ~~that the calculation for compliance pursuant to s. 1003.03 is~~  
 62 ~~the average at the school level.~~  
 63 4. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 64 compensation and salary schedules.  
 65 5. Section 1012.33(5), relating to workforce reductions,  
 66 for annual contracts for instructional personnel. This  
 67 subparagraph does not apply to at-will employees.  
 68 6. Section 1012.335, relating to contracts with  
 69 instructional personnel hired on or after July 1, 2011, for  
 70 annual contracts for instructional personnel. This subparagraph  
 71 does not apply to at-will employees.  
 72 7. Section 1012.34, relating to requirements for  
 73 performance evaluations of instructional personnel and school  
 74 administrators.  
 75 Section 3. Subsection (4) of section 1003.03, Florida  
 76 Statutes, is amended to read:  
 77 1003.03 Maximum class size.—  
 78 (4) ACCOUNTABILITY.—

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

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

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

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

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

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

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

113 (c) In lieu of the reduction calculation in paragraph (a),  
114 if the Commissioner of Education has evidence that a district  
115 was unable to meet the class size requirements despite  
116 appropriate efforts to do so or because of an extreme emergency,  
117 the commissioner may recommend by February 15, subject to  
118 approval of the Legislative Budget Commission, the reduction of  
119 an alternate amount of funds from the district's class size  
120 categorical allocation.

121 (d) Upon approval of the reduction calculation in  
122 paragraphs (a)-(c), each district shall expend an amount of  
123 funds equal to the amount of the reduction calculation in the  
124 noncompliant schools to comply with the requirements in  
125 subsection (1) as determined at the school average ~~the~~  
126 ~~commissioner must prepare a reallocation of the funds made~~  
127 ~~available for the districts that have fully met the class size~~  
128 ~~requirements. The funds shall be reallocated by calculating an~~  
129 ~~amount of up to 5 percent of the base student allocation~~  
130 ~~multiplied by the total district FTE students. The reallocation~~

131 ~~total may not exceed 25 percent of the total funds reduced.~~

132 (e) Each district that has not complied with the  
133 requirements in subsection (1) as determined at the school  
134 average shall submit to the commissioner by February 1 a plan  
135 certified by the district school board that describes the  
136 specific actions that the district will take in order to fully  
137 comply with the requirements in subsection (1) by October of the  
138 following school year. The plan shall be posted on the district  
139 website and provided to the school advisory committee of all  
140 noncompliant schools. A noncompliant school may post the plan on  
141 its website ~~If a district submits the certified plan by the~~  
142 ~~required deadline, the funds remaining after the reallocation~~  
143 ~~calculation in paragraph (d) shall be added back to the~~  
144 ~~district's class size categorical allocation based on each~~  
145 ~~qualifying district's proportion of the total reduction for all~~  
146 ~~qualifying districts for which a reduction was calculated in~~  
147 ~~paragraphs (a)-(c). However, no district shall have an amount~~  
148 ~~added back that is greater than the amount that was reduced.~~

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

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