

1                                   A bill to be entitled  
 2       An act relating to maximum class size; amending s.  
 3       1003.03, F.S.; revising the implementation schedule by  
 4       providing compliance calculations for fiscal years 2008-  
 5       2009 through 2010-2011; requiring the Department of  
 6       Education to determine which school districts do not meet  
 7       the class size requirements and report such districts to  
 8       the Legislature; providing State Board of Education  
 9       enforcement authority to ensure district compliance with  
 10      class size requirements; revising accountability  
 11      provisions to require the department to reduce the class  
 12      size reduction operating categorical funds for  
 13      noncompliance; deleting accountability provisions relating  
 14      to the transfer of funds, the requirement that  
 15      noncompliant districts implement certain policies, and the  
 16      development of compliance plans; creating a flexibility  
 17      exception to class size requirements for school districts;  
 18      requiring school districts to make assignments no later  
 19      than the October student membership survey; requiring  
 20      school districts with unexpected student enrollment growth  
 21      to consider alternatives to comply with class size  
 22      requirements; defining unexpected student enrollment  
 23      growth; authorizing a district school board to determine  
 24      the need for a flexibility exception; requiring a public  
 25      hearing with notice; providing conditions for a  
 26      flexibility exception; requiring rulemaking; amending s.  
 27      1011.685, F.S.; revising requirements for use of class  
 28      size reduction operating categorical funds; amending s.

29 216.292, F.S.; deleting provisions authorizing the  
 30 transfer of appropriations for public school operations to  
 31 a fixed capital outlay appropriation for class size  
 32 reduction; amending s. 1002.63, F.S.; deleting provisions  
 33 relating to school district eligibility to deliver the  
 34 Voluntary Prekindergarten Education Program based on class  
 35 size; amending ss. 1002.53, 1002.61, and 1002.73, F.S.;  
 36 conforming provisions and cross-references; providing an  
 37 effective date.

38  
 39 WHEREAS, the Florida Supreme Court held in its Advisory  
 40 Opinion to the Attorney General regarding Florida's Amendment to  
 41 Reduce Class Size that, rather than restricting the Legislature,  
 42 the class size amendment in Article IX, Section 1 of the Florida  
 43 Constitution gives the Legislature latitude in designing ways to  
 44 reach the class size goal articulated in the amendment and  
 45 places the obligation to ensure compliance on the Legislature,  
 46 not the local school boards, and

47 WHEREAS, disruptions in learning in the middle of the  
 48 school year, such as the breakup of a classroom, being  
 49 reassigned to a new teacher, or being transferred to another  
 50 class or school, are educationally unsound and distressing to  
 51 educators, parents, and students, NOW, THEREFORE,

52  
 53 Be It Enacted by the Legislature of the State of Florida:

54  
 55 Section 1. Section 1003.03, Florida Statutes, as amended  
 56 by chapter 2007-328, Laws of Florida, is amended to read:

57 1003.03 Maximum class size.--

58 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1,  
59 Art. IX of the State Constitution, beginning in the 2010-2011  
60 school year:

61 (a) The maximum number of students assigned to each  
62 teacher who is teaching core-curricula courses in public school  
63 classrooms for prekindergarten through grade 3 may not exceed 18  
64 students.

65 (b) The maximum number of students assigned to each  
66 teacher who is teaching core-curricula courses in public school  
67 classrooms for grades 4 through 8 may not exceed 22 students.

68 (c) The maximum number of students assigned to each  
69 teacher who is teaching core-curricula courses in public school  
70 classrooms for grades 9 through 12 may not exceed 25 students.

71 (2) IMPLEMENTATION.--

72 (a) 1. Beginning with the 2003-2004 fiscal year through the  
73 2007-2008 fiscal year, each school district that is not in  
74 compliance with the maximums in subsection (1) shall reduce the  
75 average number of students per classroom in each of the  
76 following grade groupings: prekindergarten through grade 3,  
77 grade 4 through grade 8, and grade 9 through grade 12, by at  
78 least two students each year.

79 2. In the 2008-2009 fiscal year, each school district that  
80 has individual classrooms exceeding the constitutional class  
81 size maximums in subsection (1) by more than four students shall  
82 use its class size reduction operating categorical allocation in  
83 accordance with s. 1011.685(2) until the constitutional class  
84 size maximums are met.

85           3. In the 2009-2010 fiscal year, each school district that  
 86 has individual classrooms exceeding the constitutional class  
 87 size maximums in subsection (1) by more than two students shall  
 88 use its class size reduction operating categorical allocation in  
 89 accordance with s. 1011.685(2) until the constitutional class  
 90 size maximums are met.

91           4. Beginning with the October student membership survey of  
 92 the 2010-2011 school year and at the October student membership  
 93 survey of each school year thereafter, each individual classroom  
 94 shall be in compliance with the constitutional class size  
 95 maximums in subsection (1) except as otherwise authorized under  
 96 subsection (6).

97           (b) Determination of the number of students per classroom  
 98 in paragraph (a) shall be calculated as follows:

99           1. For fiscal years 2003-2004 through 2005-2006, the  
 100 calculation for compliance for each of the 3 grade groupings  
 101 shall be the average at the district level.

102           2. For fiscal years 2006-2007 through 2007-2008, the  
 103 calculation for compliance for each of the 3 grade groupings  
 104 shall be the average at the school level.

105           3. For fiscal year ~~years~~ 2008-2009, ~~2009-2010, and~~  
 106 ~~thereafter,~~ the calculation for compliance shall be the average  
 107 at the school level. However, each district should strive in  
 108 every practical way to achieve the goal that the constitutional  
 109 class size maximums in subsection (1) be exceeded by no more  
 110 than four students at the individual classroom level.

111           4. For fiscal year 2009-2010, the calculation for  
 112 compliance shall be the average at the school level. However,

113 each district should strive in every practical way to achieve  
 114 the goal that the constitutional class size maximums in  
 115 subsection (1) be exceeded by no more than two students at the  
 116 individual classroom level.

117 5. Beginning with the October student membership survey of  
 118 the 2010-2011 school year and at the October student membership  
 119 survey of each school year thereafter, compliance shall be  
 120 calculated at the individual classroom level based on the  
 121 constitutional class size maximums in subsection (1).

122 ~~6.4.~~ For fiscal years 2006-2007 through 2009-2010 and  
 123 thereafter, each teacher assigned to any classroom shall be  
 124 included in the calculation for compliance.

125 (c) The Department of Education shall annually calculate  
 126 ~~each of the three average~~ class size measures defined in  
 127 paragraphs (a) and (b) based upon the October student membership  
 128 survey and annually report to the Legislature by February 1  
 129 those districts that are not in compliance. For fiscal year  
 130 2008-2009, the department shall also report, by each grade  
 131 grouping, those districts with individual classrooms exceeding  
 132 the constitutional class size maximums in subsection (1) by more  
 133 than four students. For fiscal year 2009-2010, the department  
 134 shall also report, by each grade grouping, those districts with  
 135 individual classrooms exceeding the constitutional class size  
 136 maximums in subsection (1) by more than two students. ~~For~~  
 137 ~~purposes of determining the baseline from which each district's~~  
 138 ~~average class size must be reduced for the 2003-2004 school~~  
 139 ~~year, the department shall use data from the February 2003~~

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140 ~~student membership survey updated to include classroom~~  
141 ~~identification numbers as required by the department.~~

142 (d) The State Board of Education may use the enforcement  
143 authority provided in s. 1008.32 to ensure that school districts  
144 comply with the provisions of this subsection. ~~Prior to the~~  
145 ~~adoption of the district school budget for 2004-2005, each~~  
146 ~~district school board shall hold public hearings to review~~  
147 ~~school attendance zones in order to ensure maximum use of~~  
148 ~~facilities while minimizing the additional use of transportation~~  
149 ~~in order to comply with the two student per year reduction~~  
150 ~~required in paragraph (a). School districts that meet the~~  
151 ~~constitutional class size maximums described in subsection (1)~~  
152 ~~are exempt from this requirement.~~

153 (3) IMPLEMENTATION OPTIONS.--District school boards must  
154 consider, but are not limited to, implementing the following  
155 items in order to meet the constitutional class size maximums  
156 described in subsections ~~subsection~~ (1) and ~~the two student per~~  
157 ~~year reduction required in subsection~~ (2):

158 (a) Adopt policies to encourage qualified students to take  
159 dual enrollment courses.

160 (b) Adopt policies to encourage students to take courses  
161 from the Florida Virtual School.

162 (c)1. Repeal district school board policies that require  
163 students to have more than 24 credits to graduate from high  
164 school.

165 2. Adopt policies to allow students to graduate from high  
166 school as soon as they pass the grade 10 FCAT and complete the  
167 courses required for high school graduation.

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168 (d) Use methods to maximize use of instructional staff,  
169 such as changing required teaching loads and scheduling of  
170 planning periods, deploying district employees that have  
171 professional certification to the classroom, using adjunct  
172 educators, or any other method not prohibited by law.

173 (e) Use innovative methods to reduce the cost of school  
174 construction by using prototype school designs, using SMART  
175 Schools designs, participating in the School Infrastructure  
176 Thrift Program, or any other method not prohibited by law.

177 (f) Use joint-use facilities through partnerships with  
178 community colleges, state universities, and private colleges and  
179 universities. Joint-use facilities available for use as K-12  
180 classrooms that do not meet the K-12 State Regulations for  
181 Educational Facilities in the Florida Building Code may be used  
182 at the discretion of the district school board provided that  
183 such facilities meet all other health, life, safety, and fire  
184 codes.

185 (g) Adopt alternative methods of class scheduling, such as  
186 block scheduling.

187 (h) Redraw school attendance zones to maximize use of  
188 facilities while minimizing the additional use of  
189 transportation.

190 (i) Operate schools beyond the normal operating hours to  
191 provide classes in the evening or operate more than one session  
192 of school during the day.

193 (j) Use year-round schools and other nontraditional  
194 calendars that do not adversely impact annual assessment of  
195 student achievement.

196 (k) Review and consider amending any collective bargaining  
 197 contracts that hinder the implementation of class size  
 198 reduction.

199 (l) Use any other approach not prohibited by law.

200 (4) ACCOUNTABILITY.--Beginning with the October student  
 201 membership survey of the 2010-2011 school year and at the  
 202 October student membership survey of each school year  
 203 thereafter, if the department determines that any individual  
 204 classroom exceeds the constitutional class size maximums in  
 205 subsection (1) and a flexibility exception in subsection (6) has  
 206 not been timely granted by the district school board, the  
 207 department shall:

208 (a) Identify, for each of the 3 grade groupings, the  
 209 number of classrooms with a student enrollment that exceeds the  
 210 constitutional class size maximums in subsection (1), the number  
 211 of students over the maximum for each classroom, and the total  
 212 number of students over the maximum for all classrooms in each  
 213 school and each school district.

214 (b) Determine the number of full-time equivalent (FTE)  
 215 students that are over the constitutional class size maximums in  
 216 subsection (1) for each of the 3 grade groupings.

217 (c) Multiply the total number of FTE students that are  
 218 over the constitutional class size maximums in subsection (1)  
 219 for each of the 3 grade groupings by the class size reduction  
 220 allocation factor for that grade grouping as set in the General  
 221 Appropriations Act Conference Report of the Florida Education  
 222 Finance Program (FEFP).



223        (d) Reduce the district's class size reduction operating  
 224 categorical as calculated in the third FEFP calculation by an  
 225 amount equal to the lesser of the remaining undisbursed balance  
 226 of the allocation or the sum of the calculation in paragraph  
 227 (c).

228        ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~  
 229 ~~department determines for any year that a school district has~~  
 230 ~~not reduced average class size as required in subsection (2) at~~  
 231 ~~the time of the third FEFP calculation, the department shall~~  
 232 ~~calculate an amount from the class size reduction operating~~  
 233 ~~categorical which is proportionate to the amount of class size~~  
 234 ~~reduction not accomplished. Upon verification of the~~  
 235 ~~department's calculation by the Florida Education Finance~~  
 236 ~~Program Appropriation Allocation Conference and not later than~~  
 237 ~~March 1 of each year, the Executive Office of the Governor shall~~  
 238 ~~transfer undistributed funds equivalent to the calculated amount~~  
 239 ~~from the district's class size reduction operating categorical~~  
 240 ~~to an approved fixed capital outlay appropriation for class size~~  
 241 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
 242 ~~The amount of funds transferred shall be the lesser of the~~  
 243 ~~amount verified by the Florida Education Finance Program~~  
 244 ~~Appropriation Allocation Conference or the undistributed balance~~  
 245 ~~of the district's class size reduction operating categorical.~~

246        ~~2. In lieu of the transfer required by subparagraph 1.,~~  
 247 ~~the Commissioner of Education may recommend a budget amendment,~~  
 248 ~~subject to approval by the Legislative Budget Commission, to~~  
 249 ~~transfer an alternative amount of funds from the district's~~  
 250 ~~class size reduction operating categorical to its approved fixed~~

251 ~~capital outlay account for class size reduction if the~~  
 252 ~~commissioner finds that the State Board of Education has~~  
 253 ~~reviewed evidence indicating that a district has been unable to~~  
 254 ~~meet class size reduction requirements despite appropriate~~  
 255 ~~effort to do so. The commissioner's budget amendment must be~~  
 256 ~~submitted to the Legislative Budget Commission by February 15 of~~  
 257 ~~each year.~~

258 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~  
 259 ~~fiscal year funds from a district's class size operating~~  
 260 ~~categorical are required to be transferred to its fixed capital~~  
 261 ~~outlay fund and the district's class size operating categorical~~  
 262 ~~allocation in the General Appropriations Act for that fiscal~~  
 263 ~~year has been reduced by a subsequent appropriation, the~~  
 264 ~~Commissioner of Education may recommend a 10 percent reduction~~  
 265 ~~in the amount of the transfer.~~

266 ~~(b) Beginning in the 2005-2006 school year, the department~~  
 267 ~~shall determine by January 15 of each year which districts have~~  
 268 ~~not met the two student per year reduction required in~~  
 269 ~~subsection (2) based upon a comparison of the district's October~~  
 270 ~~student membership survey for the current school year and the~~  
 271 ~~February 2003 baseline student membership survey. The department~~  
 272 ~~shall report such districts to the Legislature. Each district~~  
 273 ~~that has not met the two student per year reduction shall be~~  
 274 ~~required to implement one of the following policies in the~~  
 275 ~~subsequent school year unless the department finds that the~~  
 276 ~~district comes into compliance based upon the February student~~  
 277 ~~membership survey:~~

278 ~~1. Year round schools;~~

279           ~~2. Double sessions;~~  
 280           ~~3. Rezoning; or~~  
 281           ~~4. Maximizing use of instructional staff by changing~~  
 282 ~~required teacher loads and scheduling of planning periods,~~  
 283 ~~deploying school district employees who have professional~~  
 284 ~~certification to the classroom, using adjunct educators,~~  
 285 ~~operating schools beyond the normal operating hours to provide~~  
 286 ~~classes in the evening, or operating more than one session~~  
 287 ~~during the day.~~

288  
 289 ~~A school district that is required to implement one of the~~  
 290 ~~policies outlined in subparagraphs 1. 4. shall correct in the~~  
 291 ~~year of implementation any past deficiencies and bring the~~  
 292 ~~district into compliance with the two student per year reduction~~  
 293 ~~goals established for the district by the department pursuant to~~  
 294 ~~subsection (2). A school district may choose to implement more~~  
 295 ~~than one of these policies. The district school superintendent~~  
 296 ~~shall report to the Commissioner of Education the extent to~~  
 297 ~~which the district implemented any of the policies outlined in~~  
 298 ~~subparagraphs 1. 4. in a format to be specified by the~~  
 299 ~~Commissioner of Education. The Department of Education shall use~~  
 300 ~~the enforcement authority provided in s. 1008.32 to ensure that~~  
 301 ~~districts comply with the provisions of this paragraph.~~

302           ~~(c) Beginning in the 2006-2007 school year, the department~~  
 303 ~~shall annually determine which districts do not meet the~~  
 304 ~~requirements described in subsection (2). In addition to~~  
 305 ~~enforcement authority provided in s. 1008.32, the Department of~~  
 306 ~~Education shall develop a constitutional compliance plan for~~

307 ~~each such district which includes, but is not limited to,~~  
 308 ~~redrawing school attendance zones to maximize use of facilities~~  
 309 ~~while minimizing the additional use of transportation unless the~~  
 310 ~~department finds that the district comes into compliance based~~  
 311 ~~upon the February student membership survey and the other~~  
 312 ~~accountability policies listed in paragraph (b). Each district~~  
 313 ~~school board shall implement the constitutional compliance plan~~  
 314 ~~developed by the state board until the district complies with~~  
 315 ~~the constitutional class size maximums.~~

316 (5) TEAM-TEACHING STRATEGIES.--

317 (a) School districts may use teaching strategies that  
 318 include the assignment of more than one teacher to a classroom  
 319 of students and that were implemented before July 1, 2005.  
 320 Effective July 1, 2005, school districts may implement  
 321 additional teaching strategies that include the assignment of  
 322 more than one teacher to a classroom of students for the  
 323 following purposes only:

- 324 1. Pairing teachers for the purpose of staff development.
- 325 2. Pairing new teachers with veteran teachers.
- 326 3. Reducing turnover among new teachers.
- 327 4. Pairing teachers who are teaching out-of-field with  
 328 teachers who are in-field.
- 329 5. Providing for more flexibility and innovation in the  
 330 classroom.
- 331 6. Improving learning opportunities for students,  
 332 including students who have disabilities.

333 (b) Teaching strategies, including team teaching, co-  
 334 teaching, or inclusion teaching, implemented on or after July 1,

335 2005, pursuant to paragraph (a) may be implemented subject to  
 336 the following restrictions:

337 1. Reasonable limits shall be placed on the number of  
 338 students in a classroom so that classrooms are not overcrowded.  
 339 Teacher-to-student ratios within a curriculum area or grade  
 340 level must not exceed constitutional limits.

341 2. At least one member of the team must have at least 3  
 342 years of teaching experience.

343 3. At least one member of the team must be teaching in-  
 344 field.

345 4. The teachers must be trained in team-teaching methods  
 346 within 1 year after assignment.

347 (c) As used in this subsection, the term:

348 1. "Team teaching" or "co-teaching" means two or more  
 349 teachers are assigned to a group of students and each teacher is  
 350 responsible for all of the students during the entire class  
 351 period. In order to be considered team teaching or co-teaching,  
 352 each teacher is responsible for planning, delivering, and  
 353 evaluating instruction for all students in the class or subject  
 354 for the entire class period.

355 2. "Inclusion teaching" means two or more teachers are  
 356 assigned to a group of students, but one of the teachers is  
 357 responsible for only one student or a small group of students in  
 358 the classroom.

359  
 360 The use of strategies implemented as outlined in this subsection  
 361 meets the letter and intent of the Florida Constitution and the  
 362 Florida Statutes which relate to implementing class size

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363 reduction, and this subsection applies retroactively. A school  
364 district may not be penalized financially or otherwise as a  
365 result of the use of any legal strategy, including, but not  
366 limited to, those set forth in subsection (3) and this  
367 subsection.

368 (6) FLEXIBILITY EXCEPTION.--

369 (a) Beginning with the October student membership survey  
370 of the 2010-2011 school year and at the October student  
371 membership survey of each school year thereafter, each school  
372 district shall make assignments to meet the constitutional class  
373 size maximums in subsection (1).

374 (b) In the event of unexpected student enrollment growth  
375 after the October student membership survey, which will require  
376 a school district to take further action to meet the  
377 constitutional class size maximums in subsection (1), the  
378 alternatives in subsections (3) and (5) shall be considered and  
379 implemented as deemed practical by the school district. For  
380 purposes of this subsection, unexpected student enrollment  
381 growth at the:

382 1. District level is student enrollment in excess of the  
383 projections used by the Legislature in establishing the General  
384 Appropriations Act.

385 2. Kindergarten through grade 8 school level is student  
386 enrollment in excess of the school's official staffing plan and  
387 capacity.

388 3. Grade 9 through grade 12 school level is student  
389 enrollment in excess of the school's official staffing plan and  
390 capacity or in excess of the official staffing plan and capacity

391 for a restricted course offering such as a magnet program or a  
 392 career academy.

393 (c)1. Upon a finding that taking further action to attain  
 394 compliance is either impractical or educationally unsound and  
 395 disruptive to students, a district school board may determine  
 396 the need for a flexibility exception at a public meeting that  
 397 has been noticed pursuant to s. 120.525; however, a school  
 398 board's determination under this subparagraph is not subject to  
 399 challenge under chapter 120. The district school board shall  
 400 file the record of its public meeting, together with  
 401 documentation of its flexibility exception determination, with  
 402 the department.

403 2. If a flexibility exception determination is made by a  
 404 district school board, the following conditions shall apply:

405 a. The flexibility exception shall expire at the end of  
 406 the school year.

407 b. A teacher in prekindergarten through grade 3 shall be  
 408 assigned no more than three students above the constitutional  
 409 class size maximum in paragraph (1) (a) and a teacher in grades 4  
 410 through 8 or in grades 9 through 12 shall be assigned no more  
 411 than five students above the constitutional class size maximum  
 412 in paragraph (1) (b) or paragraph (1) (c), respectively.

413 c. If the unexpected student enrollment growth results in  
 414 more than three students or five students above the  
 415 constitutional class size maximums as provided in sub-  
 416 subparagraph b., the school district shall add classrooms and  
 417 teachers or take such other action as necessary to comply with  
 418 the constitutional class size maximums in subsection (1).

419 d. The school shall not exceed the class size average for  
 420 each of the 3 grade groupings that is averaged at the school  
 421 level for the school year.

422 e. The district school board shall develop a plan to  
 423 provide that each school will be in full compliance with the  
 424 constitutional class size maximums in subsection (1) by the next  
 425 October student membership survey.

426  
 427 A school district shall be considered to be in compliance with  
 428 the constitutional class size maximums in subsection (1) when  
 429 utilizing the flexibility exception established in this  
 430 subsection.

431 (7) RULES.--The State Board of Education shall adopt  
 432 rules, pursuant to ss. 120.536(1) and 120.54, governing  
 433 compliance calculations under this section, the timeliness and  
 434 required documentation for district school board flexibility  
 435 exception determinations, and district school board appeals of  
 436 penalties under this section.

437 Section 2. Section 1011.685, Florida Statutes, is amended  
 438 to read:

439 1011.685 Class size reduction; operating categorical  
 440 fund.--

441 (1) There is created an operating categorical fund for  
 442 implementing the class size reduction provisions of s. 1, Art.  
 443 IX of the State Constitution. These funds shall be allocated to  
 444 each school district in the amount prescribed by the Legislature  
 445 in the General Appropriations Act.



446           (2) (a) Except as provided in paragraph (b), 100 percent of  
 447 class size reduction operating categorical funds shall be used  
 448 by school districts for purposes of achieving compliance with  
 449 the constitutional class size maximums in s. 1003.03(1) in any  
 450 lawful manner, including, but not limited to, the alternatives  
 451 in s. 1003.03(3) and (5). ~~the following:~~

452           ~~(a) To reduce class size in any lawful manner, if the~~  
 453 ~~district has not met the constitutional maximums identified in~~  
 454 ~~s. 1003.03(1) or the reduction of two students per year required~~  
 455 ~~by s. 1003.03(2).~~

456           (b) Once a school district is determined to be in  
 457 compliance with the constitutional class size maximums in s.  
 458 1003.03(1), the district may use class size reduction operating  
 459 categorical funds for any lawful operating expenditure, ~~if the~~  
 460 ~~district has met the constitutional maximums identified in s.~~  
 461 ~~1003.03(1) or the reduction of two students per year required by~~  
 462 ~~s. 1003.03(2); however, priority shall be given to increase~~  
 463 ~~salaries of classroom teachers as defined in s. 1012.01(2) (a)~~  
 464 ~~and to implement the differentiated-pay provisions detailed in~~  
 465 ~~s. 1012.22.~~

466           Section 3. Paragraph (d) of subsection (2) of section  
 467 216.292, Florida Statutes, is amended to read:

468           216.292 Appropriations nontransferable; exceptions.--

469           (2) The following transfers are authorized to be made by  
 470 the head of each department or the Chief Justice of the Supreme  
 471 Court whenever it is deemed necessary by reason of changed  
 472 conditions:

473 ~~(d) The transfer of funds by the Executive Office of the~~  
 474 ~~Governor from appropriations for public school operations to a~~  
 475 ~~fixed capital outlay appropriation for class size reduction~~  
 476 ~~based on recommendations of the Florida Education Finance~~  
 477 ~~Program Appropriation Allocation Conference or the Legislative~~  
 478 ~~Budget Commission pursuant to s. 1003.03(4)(a). Actions by the~~  
 479 ~~Governor under this subsection are subject to the notice and~~  
 480 ~~review provisions of s. 216.177.~~

481 Section 4. Paragraph (c) of subsection (3) of section  
 482 1002.53, Florida Statutes, is amended to read:

483 1002.53 Voluntary Prekindergarten Education Program;  
 484 eligibility and enrollment.--

485 (3) The parent of each child eligible under subsection (2)  
 486 may enroll the child in one of the following programs:

487 (c) A school-year prekindergarten program delivered by a  
 488 public school, if offered by a school district ~~that is eligible~~  
 489 under s. 1002.63.

490  
 491 Except as provided in s. 1002.71(4), a child may not enroll in  
 492 more than one of these programs.

493 Section 5. Subsections (4) and (6) of section 1002.61,  
 494 Florida Statutes, are amended to read:

495 1002.61 Summer prekindergarten program delivered by public  
 496 schools and private prekindergarten providers.--

497 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)~~(5)~~,  
 498 each public school and private prekindergarten provider must  
 499 have, for each prekindergarten class, at least one  
 500 prekindergarten instructor who:

- 501 (a) Is a certified teacher; or
- 502 (b) Holds one of the educational credentials specified in
- 503 s. 1002.55(4) (a) or (b).

504

505 As used in this subsection, the term "certified teacher" means a

506 teacher holding a valid Florida educator certificate under s.

507 1012.56 who has the qualifications required by the district

508 school board to instruct students in the summer prekindergarten

509 program. In selecting instructional staff for the summer

510 prekindergarten program, each school district shall give

511 priority to teachers who have experience or coursework in early

512 childhood education.

513 (6) Notwithstanding ss. 1002.55(3)(e) and 1002.63(6)~~(7)~~,

514 each prekindergarten class in the summer prekindergarten

515 program, regardless of whether the class is a public school's or

516 private prekindergarten provider's class, must be composed of at

517 least 4 students but may not exceed 10 students. In order to

518 protect the health and safety of students, each public school or

519 private prekindergarten provider must also provide appropriate

520 adult supervision for students at all times. This subsection

521 does not supersede any requirement imposed on a provider under

522 ss. 402.301-402.319.

523 Section 6. Section 1002.63, Florida Statutes, is amended

524 to read:

525 1002.63 School-year prekindergarten program delivered by

526 public schools.--

527 (1) Each school district ~~eligible under subsection (4)~~ may

528 administer the Voluntary Prekindergarten Education Program at

529 the district level for students enrolled under s. 1002.53(3)(c)  
 530 in a school-year prekindergarten program delivered by a public  
 531 school.

532 (2) Each school-year prekindergarten program delivered by  
 533 a public school must comprise at least 540 instructional hours.

534 (3) The district school board of each school district  
 535 ~~eligible under subsection (4)~~ shall determine which public  
 536 schools in the district shall ~~are eligible to~~ deliver the  
 537 prekindergarten program during the school year.

538 ~~(4) To be eligible to deliver the prekindergarten program~~  
 539 ~~during the school year, each school district must meet both of~~  
 540 ~~the following requirements:~~

541 ~~(a) The district school board must certify to the State~~  
 542 ~~Board of Education that the school district:~~

543 1. ~~Has reduced the average class size in each classroom in~~  
 544 ~~accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX~~  
 545 ~~of the State Constitution; and~~

546 2. ~~Has sufficient satisfactory educational facilities and~~  
 547 ~~capital outlay funds to continue reducing the average class size~~  
 548 ~~in each classroom in the district's elementary schools for each~~  
 549 ~~year in accordance with the schedule for class size reduction~~  
 550 ~~and to achieve full compliance with the maximum class sizes in~~  
 551 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~  
 552 ~~the 2010-2011 school year.~~

553 ~~(b) The Commissioner of Education must certify to the~~  
 554 ~~State Board of Education that the department has reviewed the~~  
 555 ~~school district's educational facilities, capital outlay funds,~~

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556 ~~and projected student enrollment and concurs with the district~~  
557 ~~school board's certification under paragraph (a).~~

558 (4)~~(5)~~ Each public school must have, for each  
559 prekindergarten class, at least one prekindergarten instructor  
560 who meets each requirement in s. 1002.55(3)(c) for a  
561 prekindergarten instructor of a private prekindergarten  
562 provider.

563 (5)~~(6)~~ Each prekindergarten instructor employed by a  
564 public school delivering the school-year prekindergarten program  
565 must be of good moral character, must be screened using the  
566 level 2 screening standards in s. 435.04 before employment and  
567 rescreened at least once every 5 years, must be denied  
568 employment or terminated if required under s. 435.06, and must  
569 not be ineligible to teach in a public school because his or her  
570 educator certificate is suspended or revoked. This subsection  
571 does not supersede employment requirements for instructional  
572 personnel in public schools which are more stringent than the  
573 requirements of this subsection.

574 (6)~~(7)~~ Each prekindergarten class in a public school  
575 delivering the school-year prekindergarten program must be  
576 composed of at least 4 students but may not exceed 18 students.  
577 In order to protect the health and safety of students, each  
578 school must also provide appropriate adult supervision for  
579 students at all times and, for each prekindergarten class  
580 composed of 11 or more students, must have, in addition to a  
581 prekindergarten instructor who meets the requirements of s.  
582 1002.55(3)(c), at least one adult prekindergarten instructor who

583 is not required to meet those requirements but who must meet  
 584 each requirement of subsection (5)~~(6)~~.

585 ~~(7)~~~~(8)~~ Each public school delivering the school-year  
 586 prekindergarten program must:

587 (a) Register with the early learning coalition on forms  
 588 prescribed by the Agency for Workforce Innovation; and

589 (b) Deliver the Voluntary Prekindergarten Education  
 590 Program in accordance with this part.

591 Section 7. Subsection (2) of section 1002.73, Florida  
 592 Statutes, is amended to read:

593 1002.73 Department of Education; powers and duties;  
 594 accountability requirements.--

595 (2) The department shall adopt procedures for the  
 596 department's:

597 (a) Approval of prekindergarten director credentials under  
 598 ss. 1002.55 and 1002.57.

599 (b) Approval of emergent literacy training courses under  
 600 ss. 1002.55 and 1002.59.

601 ~~(c) Certification of school districts that are eligible to~~  
 602 ~~deliver the school year prekindergarten program under s.~~  
 603 ~~1002.63.~~

604 (c)~~(d)~~ Administration of the statewide kindergarten  
 605 screening and calculation of kindergarten readiness rates under  
 606 s. 1002.69.

607 Section 8. This act shall take effect July 1, 2008.