

# FLORIDA DEPARTMENT OF EDUCATION



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July 11, 2003

To: School District Superintendents

From: Jim Horne

Subject: Implementation of Class Size Reduction Requirements  
- Baseline Data for Schools and Individual Classrooms  
- Use of Federal Funds for Class Size Reduction

This memorandum provides additional information regarding the implementation of the Class Size Reduction requirements. It is part of a series of memoranda that have been and will continue to be provided by the Department to assist districts in the implementation of the Class Size Reduction requirements. All Department information related to this subject can be accessed at [www.fldoe.org](http://www.fldoe.org).

### ***Baseline Data for Schools and Individual Classrooms***

A June 11, 2003, memorandum provided the 2003 Baseline District Class Size Averages. Attachment 1 is another copy of the baseline data with each district's targeted reduction requirements for 2003-2004. These data will be used to determine compliance for each district beginning in October 2003. District compliance will be based upon **district class size averages** in 2003-2004, 2004-2005, and 2005-2006, and **on school class size averages** in 2006-2007 and 2007-2008. In 2008-2009 and thereafter, compliance will be determined at the **individual classroom level**. As a result of this sequential implementation schedule, it is important that current budget and program decisions on the best ways to reach the constitutional mandate to reduce class sizes include carefully planned and ongoing analyses of class size **averages** to ensure ultimate compliance with the **individual** class size maximums.

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To facilitate these analyses, Attachment 2 is provided listing all reports currently available for district access through the Northwest Regional Data Center. The reports contain student, teacher, and facility data used to calculate district class size averages. The reports provide useful information on class size averages by school and total unduplicated student counts for each classroom by school and grade category. Each district's MIS staff worked closely with Department MIS staff in the reporting and analyses of these data for the calculation of the 2003 Baseline District Class Size Averages.

*Use of Federal Funds for Class Size Reduction*

The 2003 Baseline District Class Size Averages include classroom teachers funded by federal dollars. Several districts expressed concern that this would result in noncompliance findings with the "supplement not supplant requirement" for federal education grants. The inclusion of classroom teachers funded by federal dollars in the calculation of class size averages is not the determinant for noncompliance with the supplement not supplant requirement.

To address this concern and provide guidance for districts, a memorandum (regarding the use of federal funds for class size reduction) was distributed and discussed at the June conference for the Florida School Finance Officers Association. Attachment 3 is a copy of this memorandum. The memorandum was prepared by Mr. Leigh M. Manasevit, a partner in the law firm of Brustein & Manasevit. The firm represents the Florida Department of Education regarding federal funding issues with the U.S. Department of Education. Mr. Manasevit was asked to address the "supplement not supplant requirement" for federal education grant funds as it relates to implementation of the Class Size Reduction Amendment. Using the guidance specified in the memorandum, each district is encouraged to analyze and evaluate its situation and circumstances to determine how and when federal funds may be used for class size reduction purposes.

If you have additional questions regarding the implementation of the Class Size Reduction requirements, please contact Jeanine Blomberg, Assistant Deputy Commissioner, Accountability, Research and Measurement at (850) 245-0437, or [Jeanine.Blomberg@fldoe.org](mailto:Jeanine.Blomberg@fldoe.org).

JH/JB

Attachments (3)

cc: Florida School District Board Chairpersons  
School District Finance Officers  
MIS Coordinators  
Facilities Planners

ATTACHMENT 1  
 FLORIDA DEPARTMENT OF EDUCATION  
 CLASS SIZE REDUCTION REQUIREMENTS FOR  
 2003-2004

DISTRICT	PK - 3		4-8		9-12	
	2003 BASELINE DISTRICT CLASS SIZE AVERAGES	REQUIRED REDUCTION IN 2003-04	2003 BASELINE DISTRICT CLASS SIZE AVERAGES	REQUIRED REDUCTION IN 2003-04	2003 BASELINE DISTRICT CLASS SIZE AVERAGES	REQUIRED REDUCTION IN 2003-04
ALACHUA	20.57	2.00	21.55	*	22.91	*
BAKER	31.28	2.00	23.16	1.16	13.55	*
BAY	18.55	0.55	20.15	*	22.21	*
BRADFORD	22.24	2.00	22.06	0.06	20.81	*
BREVARD	22.61	2.00	24.27	2.00	24.71	*
BROWARD	28.42	2.00	30.62	2.00	27.78	2.00
CALHOUN	17.37	*	19.29	*	15.54	*
CHARLOTTE	13.79	*	22.30	0.30	21.61	*
CITRUS	20.76	2.00	22.38	0.38	15.32	*
CLAY	20.17	2.00	26.70	2.00	21.62	*
COLLIER	20.25	2.00	23.77	1.77	18.00	*
COLUMBIA	19.08	1.08	23.71	1.71	21.90	*
DADE	30.14	2.00	29.26	2.00	25.29	0.29
DESOTO	23.01	2.00	20.58	*	22.32	*
DIXIE	20.01	2.00	18.78	*	20.28	*
DUVAL	21.59	2.00	22.39	0.39	22.60	*
ESCAMBIA	21.45	2.00	22.93	0.93	24.68	*
FLAGLER	22.67	2.00	26.21	2.00	14.07	*
FRANKLIN	16.31	*	18.95	*	16.97	*
GADSDEN	20.86	2.00	24.87	2.00	20.74	*
GILCHRIST	20.80	2.00	20.99	*	9.36	*
GLADES	18.86	0.86	30.57	2.00	15.84	*
GULF	19.70	1.70	20.94	*	19.80	*
HAMILTON	15.33	*	18.24	*	20.18	*
HARDEE	17.09	*	19.50	*	21.59	*
HENDRY	21.37	2.00	22.55	0.55	23.29	*
HERNANDO	23.17	2.00	25.96	2.00	22.63	*
HIGHLANDS	21.06	2.00	22.50	0.50	22.27	*
HILLSBOROUGH	21.15	2.00	21.76	*	22.83	*
HOLMES	19.00	1.00	20.59	*	18.05	*
INDIAN RIVER	21.66	2.00	26.33	2.00	22.84	*
JACKSON	19.76	1.76	20.52	*	17.10	*
JEFFERSON	22.77	2.00	24.61	2.00	16.00	*
LAFAYETTE	16.56	*	21.03	*	17.74	*
LAKE	21.79	2.00	23.18	1.18	23.85	*
LEE	23.03	2.00	24.15	2.00	24.67	*
LEON	20.52	2.00	22.02	0.02	22.88	*
LEVY	21.07	2.00	21.72	*	19.28	*
LIBERTY	22.73	2.00	19.94	*	19.43	*
MADISON	18.81	0.81	21.67	*	20.93	*
MANATEE	22.28	2.00	23.76	1.76	24.53	*
MARION	13.80	*	19.26	*	18.88	*
MARTIN	21.89	2.00	22.27	0.27	24.45	*
MONROE	23.92	2.00	22.15	0.15	23.11	*
NASSAU	22.57	2.00	23.39	1.39	23.07	*
OKALOOSA	20.48	2.00	22.57	0.57	23.50	*
OKEECHOBEE	19.39	1.39	24.74	2.00	19.99	*
ORANGE	19.76	1.76	21.97	*	24.45	*
OSCEOLA	24.57	2.00	25.56	2.00	24.18	*
PALM BEACH	25.51	2.00	25.19	2.00	23.82	*
PASCO	19.54	1.54	24.10	2.00	22.09	*
PINELLAS	19.88	1.88	22.91	0.91	24.42	*
POLK	20.82	2.00	21.51	*	22.80	*
PUTNAM	18.96	0.96	19.33	*	19.64	*
SAINT JOHNS	22.89	2.00	24.04	2.00	20.96	*
SAINT LUCIE	23.38	2.00	26.80	2.00	23.40	*
SANTA ROSA	22.03	2.00	24.90	2.00	25.94	0.94
SARASOTA	21.27	2.00	23.14	1.14	21.87	*
SEMINOLE	20.48	2.00	22.52	0.52	23.56	*
SUMTER	19.92	1.92	21.86	*	19.08	*
SUWANNEE	20.34	2.00	25.32	2.00	23.58	*
TAYLOR	20.95	2.00	20.19	*	23.78	*
UNION	21.23	2.00	21.88	*	20.72	*
VOLUSIA	21.49	2.00	21.05	*	22.52	*
WAKULLA	21.51	2.00	23.07	1.07	21.55	*
WALTON	20.03	2.00	20.81	*	18.04	*
WASHINGTON	20.55	2.00	24.92	2.00	18.88	*
FSDB	4.86	*	6.88	*	6.75	*
FAU LAB	27.20	2.00	27.96	2.00	0.00	*
A/M LAB	21.28	2.00	18.80	*	18.66	*
UF LAB	24.10	2.00	29.64	2.00	21.69	*
STATE	23.45	2.00	24.54	2.00	23.58	*

\*Current budget and program decisions on the best ways to reach the constitutional mandate to reduce class sizes include carefully planned and ongoing analyses of class size averages to ensure ultimate compliance with the individual class size maximums.

## ATTACHMENT 2

### REQUESTABLE

#### **DPSXX.GQ.F703560.Y02033 CLASS SIZE STUDENT COURSE RECORDS IN FILE FORMAT**

This file contains all student course records which have been loaded to the data base. These records are in the same format as originally submitted to the Department

#### **DPSXX.GQ.F703570.Y02033 CLASS SIZE TEACHER COURSE RECORDS IN FILE FORMAT**

This file contains all teacher course records which have been loaded to the data base. These records are in the same format as originally submitted to the Department

#### **DPSXX.GQ.F703590.Y02033 CLASS SIZE STUDENT DEMOGRAPHIC RECORDS IN FILE FORMAT**

This file contains all student demographic records which have been loaded to the data base. These records are in the same format as originally submitted to the Department.

#### **DPSXX.GQ.F70376.Y02033 CLASS SIZE STUDENT DEMOGRAPHIC VALIDATION and EXCEPTION**

This file contains Student Demographic records with validation/exception errors.

#### **DPSXX.GQ.F70378.Y02033 CLASS SIZE STUDENT COURSE VALIDATION**

This file contains Student Course records with validation/exception errors.

#### **DPSXX.GQ.F70380.Y02033 CLASS SIZE TEACHER COURSE VALIDATION**

This file contains Teacher Course records with validation identifiers.

#### **DPSXX.GQ.F70381.Y02033 CLASS SIZE STUDENT COURSE EXCEPTION**

This file contains Student Course records with exception identifiers.

#### **DPSXX.GQ.F70404.Y02033 REPORTED FISH W/ SUFFIX A or C AND NOMATCHES.**

This file provides matches between the DOE FISH file versus submitted FISH numbers on the Class Size records.

#### **DPSXX.GQ.F70393.Y02033 – DUMP OF A DISTRICT’S FISH DATA STORED IN EFIS (FACILITIES) DATABASE**

### PRODUCED AFTER A CLASS SIZE COUNT AND AVERAGE ARE DETERMINED

**DPSXX.GQ.F70394.Y02033** Total Students by Period/FISH Count of students in the room by period

**DPSXX.GQ.F70412.Y02033** Detail Report of Class Size data used to determine class average, Grades PK-3.

**DPSXX.GQ.F70413.Y02033** Detail Report of Class Size data used to determine class average, Grades 4-8

**DPSXX.GQ.F70414.Y02033** Detail Report of Class Size data used to determine class average, Grades 9-12.

**DPSXX.GQ.F70415.Y02033** Summary of class counts. Total unduplicated student count for each classroom by school by grade category. Note: Classroom means each room for a particular term/period/day.

**DPSXX.GQ.F70408.Y02033** - District Class Size Averages by school



3105 South Street, NW  
Washington, DC 20007  
phone 202.965.3652  
fax 202.965.8913  
email bruman@bruman.com  
www.bruman.com

**MEMORANDUM**

To: Jim Horne, Commissioner, Florida Department of Education  
From: Leigh M. Manasevit, Brustein & Manasevit  
Date: June 16, 2003  
Subject: Use of Federal Funds for Class Size Reduction Amendment Costs

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Beginning with the 2003-2004 fiscal year the Class Size Reduction Amendment (CSR) requires the Legislature to provide sufficient funding to districts to reduce the average number of students in each classroom by at least two students per year to meet specified class sizes by the beginning of the 2010 school year. The CSR Amendment has raised concern regarding the use of Federal funds to meet this responsibility and the potential implications of adverse consequences to districts. As you know, nearly all Federal education grant funds, including Title I Part A, are subject to a fiscal requirement known as the "supplement not supplant requirement." To avoid potential adverse consequences, each school district must consider if the use of Federal funds in its individual district will violate the "supplement not supplant requirement" mandated by Federal law. We have carefully researched this issue and are providing the following guidance.

The OMB Circular A-133 Compliance Supplement provides guidance to auditors regarding tests to be used to determine if supplanting has occurred. Auditors will presume supplanting has occurred if any of the following practices has occurred:

- A grantee uses Federal funds to provide services that the grantee is required to make available under other Federal, State or local laws; or
- A grantee uses Federal funds to provide services that the grantee provided with non-Federal funds in the prior year; or
- A grantee uses funds to provide services for participating children that the grantee provides with non-Federal funds for nonparticipating children.

These presumptions may be rebutted only if the grantee can demonstrate to the satisfaction of the auditors that the grantee would not have provided the services in question with non-Federal funds, had the Federal funds not been available. In other words, what would the grantee have done in the absence of Federal funds?

**Supplanting Analysis #1**

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Auditors will presume that a recipient of Federal funds has violated the supplanting prohibition if the recipient uses Federal funds to support a state-mandated activity, the situation posed by the CSR Amendment. A Local Education Agency (LEA) can overcome this presumption, if the LEA can demonstrate that it could not meet the requirements of the mandate using only non-Federal funds. There is no single way to overcome this presumption, and each LEA's individual financial situation and educational programming choices will determine whether or not that district will be able to overcome the supplanting presumption. Thus, individual districts will be responsible to provide the necessary documentation to overcome the supplanting prohibition.

A memorandum from Lavan Dukes, Bureau Chief, Accountability, Research, and Measurement, dated February 3, 2003, requested districts to generate their baseline data from 2002-03 to determine the average class size in their jurisdiction. **These data must include all classrooms regardless of the fund source(s) used to support the classrooms (i.e., local, state and Federal fund sources).** To determine if a district risks a supplement not supplant violation in the 2003-04 fiscal year, each district must calculate the following information:

- A. **Excluding Federal funds**, what level of local and state fiscal effort has the district devoted to reducing class size in the previous fiscal year (i.e., 2002-2003)?
- B. How much state funding for operating expenses will the district receive to implement the CSR initiative (i.e. 2003-2004)?
- C. Based on the district's 2002-2003 baseline data reported to the Department, how many teachers does the district need to hire in order to meet the CSR requirement?
- D. What will be the actual cost (operating expenses only) of C to the district to implement the CSR initiative?

Districts which do not have sufficient non-Federal resources [A + B] to meet the actual costs (operating expenses) of implementation of the CSR initiative [D] may be able to use Federal funds for this purpose. Below are three illustrations:

### Scenario #1:

District #1 can achieve the reduction in class size by the required two students using existing state and local resources only. District #1 may not use Federal funds to support the CSR initiative, because in the absence of Federal funds, District #1's non-federal resources are sufficient to achieve the objective. Therefore, use of Federal funds would be supplanting.

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### Scenario #2

With the new money received from the state and the non-federal funds it has used in the past, District #2 will have sufficient funds to meet the CSR requirement and reduce the district's average class size ratio by two students. Thus, District #2 may not use Federal funds to support the CSR initiative, because in the absence of Federal funds, District #2's non-Federal resources (i.e., prior year local and state fiscal effort and new state resources), are sufficient to achieve the objective. Therefore, use of Federal funds would be supplanting.

### Scenario #3

District #3 uses all its existing state and local resources just to meet basic education needs and there are no other funds available. District #3 will receive additional new money from the State to implement the CSR amendment, however that money will only pay for **a portion of the costs of reducing the average class size by two students**. In this scenario only, District #3 may be able to use Federal funds to pay the additional costs of meeting the CSR requirement. In the absence of Federal funds, District #3 would not have sufficient funds to meet the objective using all non-Federal funds available to it. Therefore, use of Federal funds would be supplemental and would not supplant the use of non-Federal resources.

If a district cannot meet the CSR requirement with non-Federal funds available to it, then it may be able to use Federal funds for this purpose. However, the district must provide **fiscal and programmatic documentation** to demonstrate this fact. In recent non-regulatory guidance, the U.S. Department of Education has indicated that LEAs could use budget information, planning documents, legislative history to make the case that the LEA does not have the resources to meet State mandates. Thus, the LEA must generate and keep this documentation for auditors to review.

### Supplanting Analysis #2

The second presumption of supplanting arises when a grantee uses Federal funds to provide services that the grantee provided with non-Federal funds in the prior year. This requirement prohibits shifting non-Federal funds from one educational program to another, in anticipation of receipt of Federal funds. If a district plans to use Federal funds to support a teaching position previously paid by non-Federal funds, an auditor will presume that supplanting has occurred. Thus, to overcome this presumption, we advise the district to identify activities that, in the absence of Federal funds, it would support through non-Federal funds, and the reason for eliminating the non-Federal support for this position or service.

### Conclusion:

## ATTACHMENT 3

The supplement not supplant requirement is a complex fiscal determination and violating these requirements can subject a district to serious financial consequences. We advise districts to be very circumspect regarding use of Federal funds to meet the requirements of the CSR Amendment. Before committing the district's federal resources in this manner, we suggest you perform the analysis described above to determine if the district's proposed use of funds will violate the supplement not supplant requirement. Also, please keep in mind, that the use of Federal funds in any manner must be allowable under the authorizing program statutes (e.g., comparability requirements under Title I, Part A).