



State Board of Education

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
Tom Grady
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

CONTACT PERSON:

NAME: Linda Champion

PHONE: 850-245-0406

MEMORANDUM

TO: District School Superintendents
Charter School Directors

FROM: Pam Stewart 

DATE: December 7, 2016

SUBJECT: 2016-17 School Class Sizes and Process and Time Line for Appeals

Compliance with class size reduction requirements for the 2016-17 fiscal year is calculated at the classroom level for traditional public schools as required by section 1003.03(1), Florida Statutes (F.S.), at the school level for charter schools as required by section 1002.33(16)(b)3., F.S., and at the school level for district-operated schools of choice as required by section 1002.31(5), F.S. Attachment 1 is a list of districts with traditional public schools that are not in compliance; Attachment 2 is a list of charter schools not in compliance; and Attachment 3 is a list of district-operated schools of choice not in compliance. The information in the attachments is based upon class size information submitted for the October 2016 full-time equivalent (FTE) student enrollment survey updated through November 11, 2016.

Statewide, 1,433 out of 125,159 traditional public school classrooms, 1 out of 6 lab schools, 47 out of 649 charter schools and 10 out of 2,331 district-operated schools of choice are not in compliance with the constitutional requirement to maintain class sizes of no more than 18 students in grades K-3, 22 students in grades 4-8 and 25 students in grades 9-12. For detailed classroom-level data for traditional public schools, please access file DPSxx.GQ.F71167.Yyyys at the Northwest Regional Data Center. Access file DPSxx.GQ.F70408.Yyyys for detailed school-level data for charter schools and district-operated schools of choice.

Section 1003.03(4)(a), F.S., requires a reduction in class size categorical funding for districts and charter schools that are out of compliance with class size requirements. Up to 25 percent of the reduction is reallocated to districts and charter schools that are in compliance with these requirements. The remaining balance is restored to districts and charter schools that, while not in compliance, have submitted a certified plan to the commissioner by February 1, 2017, explaining the actions the district or charter school will take to ensure compliance by October 2017. The reallocations for traditional public schools, district-operated schools of choice and charter

schools are each calculated separately based on their respective reduction amounts. In order for a district's traditional schools or district-operated schools of choice to qualify for the reallocation, all of its traditional schools and district-operated schools of choice must be in compliance with class size requirements.

Reduction Calculation for Districts and Charter Schools Not in Compliance

The reduction in the class size operating categorical allocation is the sum of the amounts calculated by 1) multiplying the number of FTE students that exceeds the maximum for each grade group by the district's FTE student dollar amount of the class size categorical allocation, and 2) multiplying the total number of FTE students that exceeds the maximum for all classes by the base student allocation adjusted by the district cost differential. The district-operated schools of choice and charter school reductions are calculated using the same methodology as for traditional public schools, except that compliance is measured at the school-level average. The district-operated schools of choice and charter school reduction calculations are independent of each other and of the traditional public school reduction calculation. The amount of funds reduced for a school district is the lesser of 1) the sum of the reduction amounts for traditional public schools, district-operated schools of choice and charter schools, or 2) the undistributed balance of the district's respective class size categorical allocation.

Reallocation to Districts and Charter Schools that are in Compliance

Up to 5 percent of the base student allocation, not to exceed 25 percent of the total reduction, is reallocated. The reallocations for charter schools are each calculated separately from traditional schools and district-operated schools of choice based on their respective reduction amounts.

Compliance Plan and Restoration to Districts and Charter Schools Not in Compliance

Section 1003.03(4)(e), F.S., requires each district and charter school out of compliance with class size requirements to submit to the commissioner, by February 1, a plan that describes the specific actions that will be taken to fully comply with class size reduction requirements by October 2017. A compliance plan for a traditional public school or district-operated school of choice must be certified by the school board. A charter school's compliance plan must be certified by the charter school's board of directors.

For traditional public schools, the balance of the reduction remaining after the reallocation to districts that are in compliance will be restored to the district's class size categorical allocation for those districts that, while not in compliance with class size requirements, have submitted a certified plan by the required deadline. The restoration is based on each qualifying district's proportion of the total reduction amount for all qualifying districts for which a reduction was calculated.

For charter schools, the balance of the reduction remaining after the reallocation to charter schools that are in compliance will be restored to the charter school's class size categorical allocation for those schools that, while not in compliance with class size requirements, have submitted a certified plan by the required deadline. The restoration is based on each qualifying

District School Superintendents
Charter School Directors
December 7, 2016
Page Three

charter school's proportion of the total reduction amount for all qualifying charter schools for which a reduction was calculated.

For district-operated schools of choice, the balance of the reduction remaining after the reallocation to district-operated schools of choice that are in compliance will be restored to the school's class size categorical allocation for those schools that, while not in compliance with class size requirements, have submitted a certified plan by the required deadline. The restoration is based on each qualifying school's proportion of the total reduction amount for all qualifying district-operated schools of choice for which a reduction was calculated.

No traditional public school, charter school or district-operated school of choice shall have an amount restored that is greater than the amount reduced. Traditional public schools, charter schools and district-operated schools of choice that submit a compliance plan after the February 1, 2017, deadline will not be eligible to participate in the restoration calculation.

Please use Attachment 4 as a template to submit a brief explanation of each school's plan to meet class size requirements for the 2017 October FTE student survey. Completed plans should be sent to K12Verify@fldoe.org.

Appeal Process

Section 1003.03(4)(c), F.S., authorizes the commissioner to recommend an alternate reduction amount if there is evidence that class size requirements were not met despite appropriate efforts to do so or because of an extreme emergency. A district or charter school may appeal to the commissioner by submitting evidence documenting why the class size requirements were not met. The appeal should be based on extenuating circumstances, such as data reporting errors. Extenuating circumstances presented by a district or charter school will be considered on a case-by-case basis.

The deadline for submitting appeals is December 16, 2016. Please notify the department by December 16, 2016, at K12Verify@fldoe.org if your district or charter school does not plan to submit an appeal. Documentation of each public school's extenuating circumstances will be reviewed. Based upon this review, alternative reduction amounts may be recommended to the Legislative Budget Commission. The commissioner's recommendation must be submitted to the Legislative Budget Commission by February 15, 2017.

All appeals on the basis of *data reporting errors* must be submitted through the web application at the following URL: <http://app2.fldoe.org/ClassSizeAppeal/>. If you need assistance logging into the system, please contact Kenneth Dukes at 850-245-9912 or Kenneth.Dukes@fldoe.org. All other appeals must be submitted through ShareFile at <https://fldoe.sharefile.com/>. Access to ShareFile for the district or charter school may be requested from Kenneth Dukes.

All supporting documentation for all appeals, including data reporting errors (e.g., teacher/student rosters), must be submitted by December 16, 2016, through ShareFile at <https://fldoe.sharefile.com/>.

Process and Time Line for Appeals

- December 7, 2016 - Memorandum from commissioner notifying districts of the October 2016 class sizes. Appeal process begins for districts and charter schools that are not in compliance. Compliance plans may be submitted to the commissioner.
- December 2016 - Memorandum from commissioner notifying districts of initial reduction calculation.
- December 16, 2016 - Deadline for notification of appeals and submission of appeals and supporting documentation.
- January 2017 - Review of appeals.
- February 1, 2017 - Deadline for districts' and charter schools' submission of class size compliance plans.
- February 15, 2017 - Deadline for the commissioner's submission of an alternate reduction calculation to the Legislative Budget Commission.
- February – May 2017 - Approval of reduction calculation by the Legislative Budget Commission or enactment of the 2017-18 fiscal year budget, to include language that approves the reduction calculation.
- February – May 2017 - Following approval of the reduction calculation, calculation of reallocations and restorations.

Withholding of Funds

The commissioner may withhold class size categorical funds to the extent necessary to ensure sufficient funds are available to meet the reduction calculation amount. If it is necessary for the commissioner to withhold class size categorical funds, the calculation of the amount to withhold will be made prior to submission of a compliance plan or an appeal. Upon receipt of a compliance plan or successful appeal, the amount of withheld funds, if any, will be adjusted accordingly.

If you have questions regarding the implementation of class size requirements, please call Linda Champion at 850-245-0406.

PS/jb

Attachment 1 – Traditional Public Schools Class Size Compliance

Attachment 2 – Charter Schools Class Size Compliance

Attachment 3 – District-Operated Schools of Choice Class Size Compliance

Attachment 4 – Compliance Plan Template

cc: District Finance Officers