

# FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of Education



## MEMORANDUM

**DATE:** November 24, 2008

**TO:** District School Superintendents  
Charter School Directors

**FROM:** Dr. Eric J. Smith

**SUBJECT:** 2008-09 School Average Class Sizes and Process and Time Lines for Appeals

Since 2003-04, the initial year of implementation of class size reduction requirements established by the class size constitutional amendment, districts have shown significant progress in reducing class sizes. When the February 2003 statewide baseline for each grade grouping is compared to the October 2008 statewide class size averages, we find that grades K-3 have been reduced by an average of 7.10 students; grades 4-8 have been reduced by an average of 5.55 students; and grades 9-12 have been reduced by an average of 2.78 students.

For the first three years of class size requirements, compliance has been determined from the district average. Beginning in 2006-07, compliance with the class size constitutional amendment was measured at the school level. Attachment I reflects the school average class sizes for your district based upon class size information updated through November 18, 2008. Statewide, there are 39 traditional public schools and 17 charter schools in 24 districts that are not in compliance with the class size reduction requirement to reduce class size by two students from the previous year or meet the constitutional maximums of 18 students in grades K-3, 22 students in grades 4-8, and 25 students in grades 9-12. This memorandum does not include the transfer calculation, which will be provided in a separate communication.

### **Transfer Calculation Process**

Section 1003.03(4)(a), F.S., requires a budget modification for any district or charter school that did not reduce school-level class size averages as required by law. The law directs the Department to calculate, for each school that is not in compliance, an amount that is proportionate to the amount of class size reduction not accomplished. The calculation is the amount that will be transferred from a district's/charter school's class size reduction operating categorical funds to a fixed capital outlay account for class size reduction. In order to establish a prior year school-level baseline for new traditional public and charter schools, the October 2007 district class size average has been assigned. The initial transfer calculation is currently in progress and details regarding this calculation will be provided in a separate communication.

### **Appeal Process for the Transfer Calculation**

Section 1003.03(4)(a), F.S., allows a district, including its charter schools, to submit evidence documenting why the class size reduction requirements were not met. The appeal should be based on extenuating circumstances that prevented the traditional public or charter school from complying with class size reduction requirements despite appropriate efforts to do so. Extenuating circumstances may include unexpected student growth and documentation of teachers hired after the October 2008 survey. Other extenuating circumstances presented by districts or charter schools will be considered on a case-by-case basis. In addition, the impact of budget reductions on the district's ability to reduce class size should be documented.

The period for submission of appeals will begin immediately. Documentation of each traditional public and charter school's extenuating circumstances will be reviewed by the State Board of Education. Based upon this review, alternative transfer assessments may be recommended to the Legislative Budget Commission. Section 7 of Chapter 2007-98, L.O.F., amended Section 1003.03(4)(a)2., F.S., to provide that the Commissioner's transfer budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

Section 1 of Chapter 2007-328, L.O.F., amended Section 1003.03(4)(a)3., F.S., as follows: "For the 2007-2008 fiscal year and thereafter, if in any fiscal year funds from a district's class size operating categorical are required to be transferred to its fixed capital outlay fund and the district's class size operating categorical allocation in the General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 10-percent reduction in the amount of the transfer."

### **Process and Time Lines for Appeals**

**November 24** - Memorandum from Commissioner notifying districts and charter schools of the October 2008 school-level class size averages. Appeal process begins for districts and charter schools that are not in compliance with class size reduction requirements.

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**December (upon completion)** - Memorandum from Commissioner notifying districts and charter schools of the initial transfer calculation.

**December 19** - Deadline for submission of appeal and supporting documentation.

**January 5** - January 14 -Review of appeals.

**January 20** - State Board of Education meeting for final determination of transfer calculations.

**February 13** - Legislative Budget Commission meeting for final approval of transfer calculations.

### **Format for Appeals**

All appeals with supporting documentation should be submitted by the Superintendent or Charter School Director and addressed as follows:

Linda Champion  
Deputy Commissioner, Finance and Operations  
Florida Department of Education  
325 West Gaines Street, Suite 1214  
Tallahassee, Florida 32399-0400

Appeals may be emailed to [linda.champion@fldoe.org](mailto:linda.champion@fldoe.org) or faxed to (850)245-9378. If you have additional questions regarding the implementation of class size reduction requirements, please call Linda Champion at (850) 245-0406.

EJS:lch

Attachments

cc: District Finance Officers