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CONTACT PERSONS:

NAME: Linda Champion

PHONE: (850) 245-0406

MEMORANDUM

DATE: November 30, 2010

TO: District School Superintendents
Charter School Directors

FROM: Dr. Eric J. Smith

SUBJECT: 2010-11 School Class Sizes and Process and Time Line for Appeals

Compliance with fiscal year 2010-11 class size reduction maximums is calculated at the classroom level for traditional public schools as required by Section 1003.03(1), F.S., and at the school level for charter schools as required by Section 1002.33(16)(b)3., F.S. Attachment 1 is a summary of compliance at the district level for traditional public schools and Attachment 2 is a summary of compliance for charter schools, based upon class size information submitted for the October 2010 full-time equivalent (FTE) student enrollment survey updated through November 22, 2010. Statewide, 44,556 out of a total of 812,483 traditional public school classrooms, and 44 out of a total of 454 charter schools, are not in compliance with the class size constitutional maximums of 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 files DPSxx.GQ.F71167.Yyyys at the Northwest Regional Data Center. Access files DPSxx.GQ.F70408.Yyyys for detailed charter school data.

Section 1003.03(4)(a), F.S., requires a reduction in class size categorical funding for districts or charter schools that are not in compliance. Up to 25 percent of the reduction is reallocated to districts and charter schools that are in compliance. The remaining balance is reallocated to districts and charter schools that are not in compliance, and have submitted a certified plan to the

Commissioner by February 15, 2011, explaining the actions the district or charter school will take to ensure compliance by October 2011.

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 exceed the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation, and 2) multiplying the total number of FTE students that exceed the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential. The charter school reduction is calculated at the school level in the same manner as traditional public schools, but is independent from the traditional public school reduction amount, and is reallocated to only charter schools. The amount of funds reduced for a school district is the lesser of the sum of the reduction amounts for traditional public schools and charter schools or the undistributed balance of the district's 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 traditional public schools and charter schools are each calculated separately based on their respective reductions.

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

Section 1003.03(4)(e), F.S., requires each district and charter school not in compliance to submit to the Commissioner by February 15, a plan that describes the specific actions that will be taken to fully comply with class size reduction requirements by October 2011. A compliance plan for a traditional public school 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 added back to the district's class size categorical allocation for those districts that are not in compliance but have submitted a certified plan by the required deadline. The reallocation is based on each qualifying district's proportion of the total reduction 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 added back to the charter school's class size categorical for those charter schools that are not in compliance but have submitted a certified plan by the required deadline. The reallocation is based on each qualifying charter school's proportion of the total reduction for all qualifying charter schools for which a reduction was calculated.

No district or charter school shall have an amount added back that is greater than the amount reduced. Districts or charter schools that submit a compliance plan after the February 15, 2011, deadline will not be eligible to participate in the reallocation calculation.

Please use Attachment 3 as a template to submit a brief explanation of each school's plan to meet class size requirements for the October 2011 FTE student survey. Completed plans should be emailed to Linda Champion at Linda.Champion@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 and such as data reporting errors. Extenuating circumstances presented by a district or charter school will be considered on a case-by-case basis.

The period for submission of appeals will begin immediately. Documentation of each public school's extenuating circumstances will be reviewed by the State Board of Education. 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, 2011.

All appeals with supporting documentation should be submitted by the Superintendent and e-mailed to Linda.Champion@fldoe.org or mailed to the following address:

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

Process and Time Line for Appeals

- November 30, 2010 - Memorandum from Commissioner notifying districts of the October 2010 class sizes. Appeal process begins for districts and charter schools that are not in compliance. Compliance plans may be submitted to the Commissioner.
- December 2010 - Memorandum from Commissioner notifying districts of initial reduction and reallocation calculations.
- December 17, 2010 - Deadline for submission of appeal and supporting documentation.
- January 6 - January 11, 2011 - Review of appeals.
- January 2011 - State Board of Education meeting for approval of the reduction calculation.
- February 15, 2011 – Deadline for submission of class size compliance plans and submission of alternate reduction calculation.
- February 2011 - Legislative Budget Commission meeting for final approval of reduction calculation.
- February 2011 – Following action by the Legislative Budget Commission, calculation of reallocations.

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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.

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Attachments

cc: District Finance Officers