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MEMORANDUM

TO: District School Superintendents

FROM: Suzanne Pridgeon

A handwritten signature in blue ink that reads "Suzanne Pridgeon".

DATE: January 4, 2023

SUBJECT: 2022-23 School Class Size Compliance and Timeline for Appeals

Compliance with class size reduction requirements for the 2022-23 fiscal year is calculated at the classroom level for traditional public schools, as required by [section \(s.\) 1003.03\(1\), Florida Statutes](#) (F.S.); at the school level for charter schools, as required by [s. 1002.33\(16\)\(b\)3., F.S.](#); and at the school level for district-operated schools of choice, as required by [s. 1002.31\(5\), F.S.](#) The attachments list school districts with traditional public schools, charter schools, and district-operated schools of choice that are out of compliance with class size requirements. These lists are based upon class size information submitted for the October 2022 full-time equivalent (FTE) student enrollment survey updated through December 15, 2022.

Statewide, 166 out of 9,842 traditional public school classrooms, 30 out of 700 charter schools, 2 out of 6 lab schools, and 141 out of 2,952 district-operated schools of choice are out of compliance with the constitutional requirement to maintain class sizes of no more than 18 students in kindergarten through grade 3, 22 students in grades 4 through 8, and 25 students in grades 9 through 12. For detailed classroom-level data for traditional public schools, please work with your management information systems staff to access file DPSxx.GQ.F71167.Yyyys, or 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 will be reallocated to districts and charter schools that comply with class size requirements. The remaining balance will be restored to districts and charter schools that, although out of compliance with class size requirements, have submitted a certified plan to the Commissioner of Education (commissioner) by February 1, 2023, explaining the actions the district or charter school will take to ensure compliance by October 2023. The reallocations for traditional public schools, district-operated schools of choice, and charter schools are each calculated separately based on their respective reduction amounts. For a district's traditional schools or district-operated schools of choice to qualify for the reallocation, all of the district's

Suzanne Pridgeon
Deputy Commissioner, Finance and Operations

traditional schools and district-operated schools of choice must comply with class size requirements.

Reduction Calculation for Districts and Charter Schools Out of Compliance with Class Size Requirements

The reduction in the class size operating categorical allocation is the sum of the amounts calculated by 1) multiplying the number of full-time equivalent (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 class size categorical allocation.

Reallocation to Districts and Charter Schools that Comply with Class Size Requirements

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

Compliance Plan and Restoration to Districts and Charter Schools Out of Compliance with Class Size Requirements

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, 2023, a plan that describes the specific actions that will be taken to fully comply with class size reduction requirements by October 2023. 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 comply with class size requirements will be restored to the district's class size categorical allocation for those districts that, although out of compliance with class size requirements, have submitted a certified plan to ensure compliance by October 2023. The restoration is based on each qualifying district's proportion of the total reduction amount for all qualifying districts.

For charter schools and district-operated schools of choice, the reallocation and restoration process is the same as for traditional public schools, except that the calculation is done at the school level rather than the district level. The calculation is prepared separately for charter schools and district-operated schools of choice.

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, 2023, 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 October 2023 FTE student survey. Completed plans should be sent to K12Verify@fldoe.org.

Appeals 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 school district or charter school will be considered on a case-by-case basis.

The deadline for submitting appeals is January 6, 2023. Please notify the department by January 6, 2023, 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, 2023.

All appeals on the basis of data reporting errors must be submitted through the web application at: <http://web04.fldoe.org/ClassSizeAppeal>. If you need assistance logging into the system, please contact the Office of Education Information and Accountability Services (EIAS) by phone at 850-245-0400 or via email at AskEIAS@fldoe.org. All other appeals must be submitted through ShareFile at <https://fldoe.sharefile.com>. Access to ShareFile for the school district or charter school may be requested from EIAS.

All supporting documentation for appeals, including data reporting errors (e.g., teacher/student rosters), must be submitted by January 6, 2023, through ShareFile at <https://fldoe.sharefile.com>.

Timeline for Class Size Compliance

- December 2, 2022 – Memorandum outlining the class size reduction process and timeline for appeals.
- January 4, 2023 – Commissioner notifies districts of the October 2022 class sizes. Appeal process begins for districts and charter schools that are out of compliance with class size requirements. Compliance plans may be submitted to the commissioner.
- January 6, 2023 – Deadline for notification of appeals and submission of appeals and supporting documentation.
- January 2023 – Commissioner notifies districts of initial reduction calculation.

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- January 2023 – Review of appeals.
- February 1, 2023 – Deadline for districts’ and charter schools’ submission of class size compliance plans.
- February 15, 2023 – Deadline for the commissioner’s submission of an alternate reduction calculation to the Legislative Budget Commission.
- February–May 2023 – Approval of reduction calculation by the Legislative Budget Commission or enactment of the 2023-24 fiscal year budget, to include language that approves the reduction calculation.
- February–June 2023 – Calculation of reallocations and restorations, following approval of the reduction calculation.

Withholding of Funds

The commissioner may withhold class size categorical funds 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 me at 850-245-0406.

SP/ja

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

Charter School Directors

District Management Information Systems Directors