

The Constitution Revision Commission
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Commissioner Johnson, Chair
Commissioner Washington, Vice Chair

MEETING DATE: Monday, November 27, 2017
TIME: 11:00 a.m.—5:00 p.m.
PLACE: 110 Senate Office Building, Tallahassee, Florida

MEMBERS: Commissioner Johnson, Chair; Commissioner Washington, Vice Chair; Commissioners Donalds, Grady, Jordan, Keiser, Levesque, Sprowls, and Stewart

| TAB | PROPOSAL NO. and INTRODUCER | PROPOSAL DESCRIPTION and COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|-----------------------|
| 1 | Presentation on Civic Literacy by Florida's Office of Program Policy Analysis and Government Accountability | | Presented |
| 2 | Presentation on Civic Literacy by Florida Department of Education | | Presented |
| 3 | Presentation on Public Funds for Aid of Sectarian Institutions by Benjamin Gibson, P.A. | | Presented |
| 4 | Presentation on Class Size by Florida Department of Education | | Presented |
| 5 | Presentation on Class Size by Florida Association for District School Superintendents | | Presented |
| 6 | Presentation on Class Size by Florida Council of 100 | | Presented |
| 7 | P 32 Donalds | EDUCATION, State board of education; School districts; school boards; State University System; Sections 2, 4, and 7 of Article IX of the State Constitution to provide that members of the State Board of Education, district school boards, state university boards of trustees, and the Board of Governors of the State University System shall serve without compensation but are entitled to reimbursement for travel and per diem expenses in accordance with state law. ED 11/27/2017 Temporarily Postponed LO | Temporarily Postponed |

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, November 27, 2017, 11:00 a.m.—5:00 p.m.

| TAB | PROPOSAL NO. and INTRODUCER | PROPOSAL DESCRIPTION and COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--------------------------------|--|----------------------------|
| 8 | P 33 Donalds | EDUCATION, Superintendent of schools; SCHEDULE, creates new section; Section 5 of Article IX and create a new section in Article XII of the State Constitution to require that the superintendent of schools of a school district be appointed by the district school board. ED 11/27/2017 Favorable LO | Favorable Yeas 6 Nays 2 |
| 9 | P 43 Donalds | EDUCATION, School districts; school boards; Section 4 of Article IX to establish a limitation on the period for which a person may be elected as a member of a district school board. ED 11/27/2017 Fav/CS LO | Fav/CS Yeas 8 Nays 0 |

OPPAGA Research on Postsecondary Civics Education

Constitution Revision Commission
Education Committee

Naomi Sleaf,
Senior Legislative Analyst

November 27, 2017



Overview

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Current Civics Awareness

2

Florida Civics Requirements

3

Other States With Postsecondary Civics Requirements

4

Recent Statutory Changes

Current Civics Awareness

Research on Current Civics Awareness

Recent surveys conducted of adults, ages 18 and older, indicate a general lack of knowledge and awareness regarding civics in our nation



Examples of Surveying Organizations

American Council of
Trustees and Alumni

The independent-non-profit organization has been conducting civics related research and surveys since 1999

Annenberg Public
Policy Center

The center, located at the University of Pennsylvania, has been involved in political communication and research since 1993

Recent Survey Results Reveal a Lack of Civics Awareness¹

26%

Adults ages 18 and over correctly identified all three branches of government²

49%

College graduates correctly identified the process by which a U.S. president is impeached³

53%

College graduates correctly identified the lengths of terms for members of Congress³

54%

College graduates correctly identified the current president of the U.S. Senate³

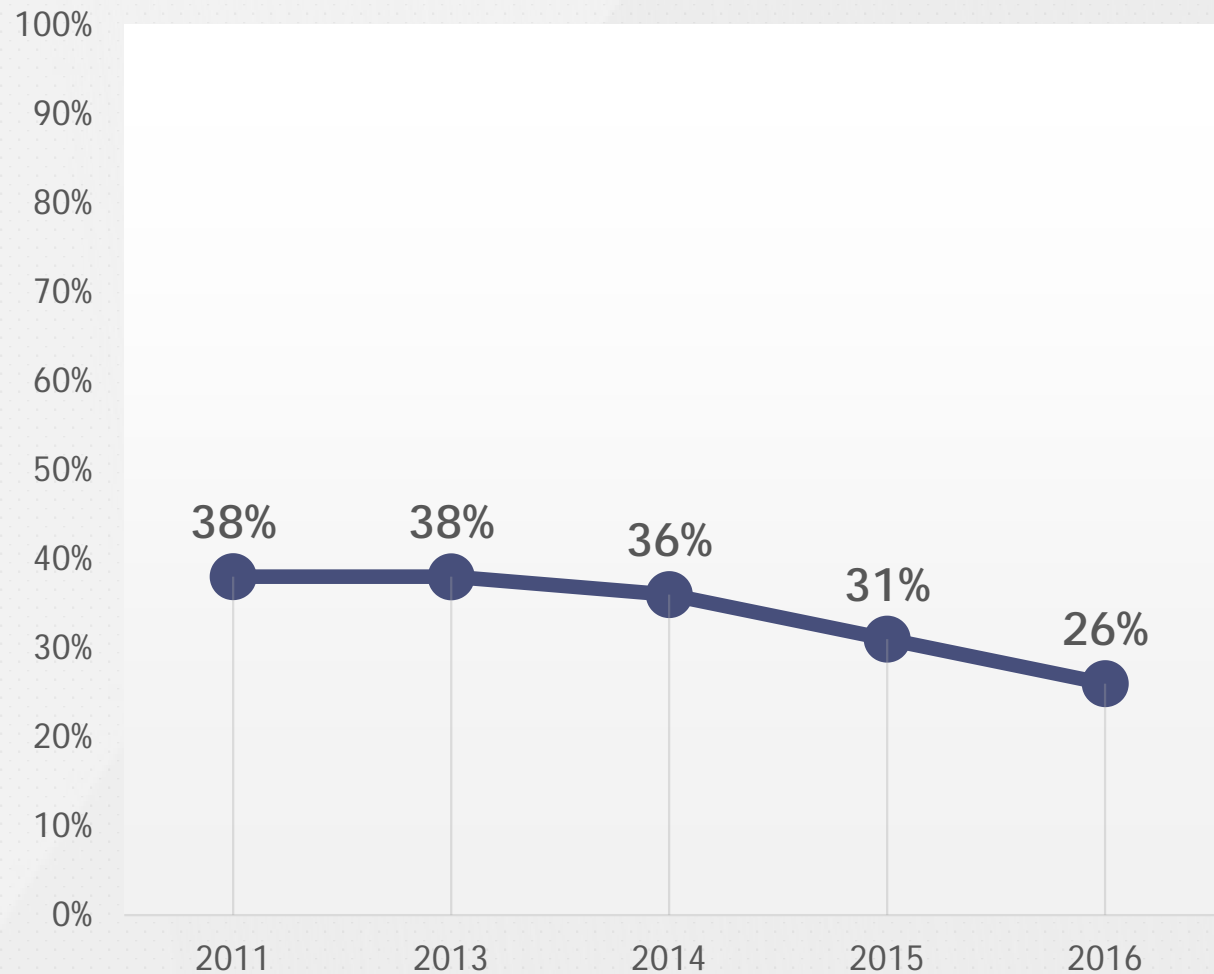
¹ The research is a representative national sample and is not Florida specific.

² 2015 survey, American Council of Trustees and Alumni.

³ 2016 survey, Annenberg Public Policy Center.

Knowledge of Some Basic Concepts Is Declining Over Time

Since 2011, there has been a 12 percentage point decline in the percentage of adults who can correctly identify all three branches of government



Source: The Annenberg Public Policy Center survey of adults 18 years and older. The survey includes a representative national sample and is not Florida specific.

Florida Civics Requirements

(Prior to Statutory Changes Made During the 2017 Legislative Session)

Florida Includes Civics Requirements in K-12

Middle School (Grades 6-8)

Section 1003.4156(c), *F.S.*, requires that once during middle grades 6, 7, or 8 students complete a one semester civics education course that includes

- The roles and responsibilities of federal, state, and local governments
- The structures and functions of the legislative, executive, and judicial branches of government
- The meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States

The course is required for promotion and includes an end of course assessment

High School (Grades 9-12)

Section 1003.4282(3)(d), *F.S.*, requires a student to earn three credits in social studies to be eligible for a standard high school diploma

- One credit in U.S. History
- One credit in World History
- One-half credit in Economics
- One-half credit in U.S. Government

Students must take a U.S. History end of course assessment

Students Have Exposure to Civics in Florida's Postsecondary Institutions

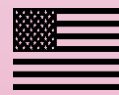


Students across the Florida College System and State University System are offered opportunities to study civics through courses in their general education core curriculum, as well as in civics courses in specific programs of study¹

Students may also participate in civic awareness activities offered at the institution²

General Education Core Curriculum¹

The general education core includes 6 courses in the social sciences subject area. Students are required to complete at least 1 of the courses. 3 of the 6 courses cover civics-related topics:



AMH X020³ - American History: Introductory Survey Since 1877



ECO X013³ - Economics: Principles of Macroeconomics



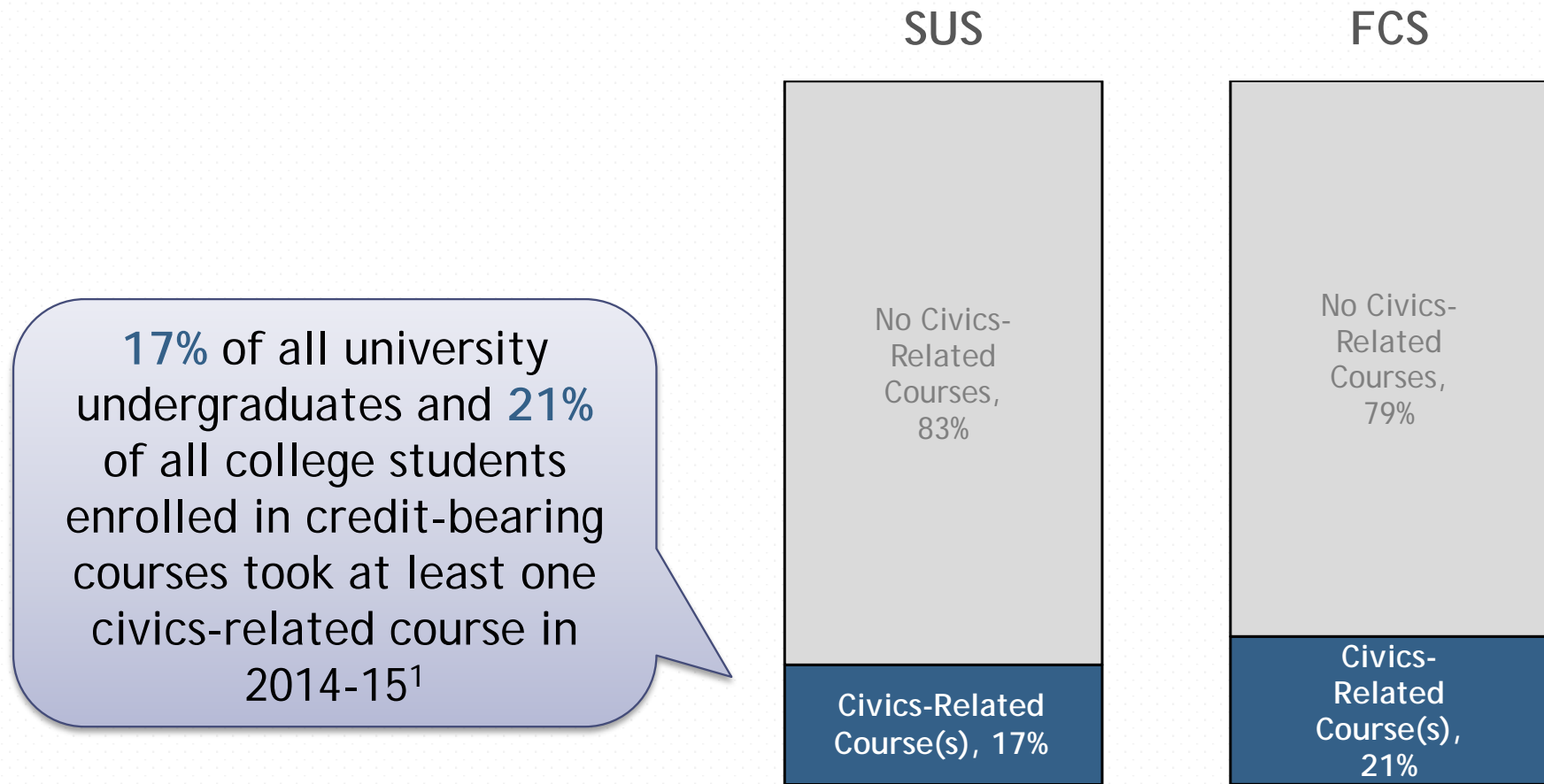
POS X041³ - Political Science: American Government

¹ The general education core required per s. 1007.25(3), *F.S.*, and found in State Board of Education Rule 6A-14.0303 and Board of Governors Regulation 8.005.

² Activities vary by institution.

³ The first digit of the course denotes the course level (freshman, sophomore, etc.) recommended by each institution, for example POS 1041 or POS 2041.

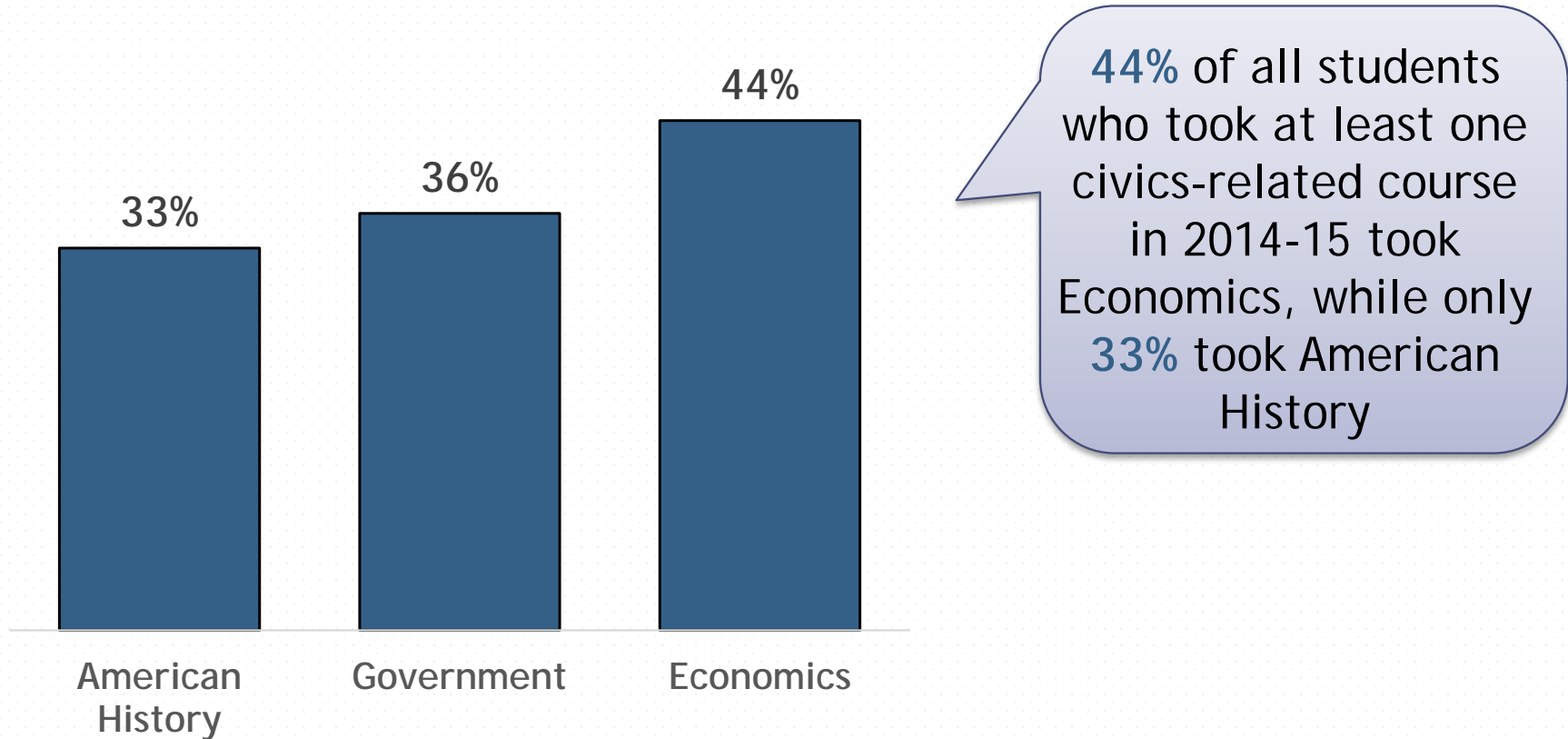
What Percentage of Florida Students Took Any Civics-Related Course in 2014-15?



¹ Civics-related courses included 177 courses that focused on American and/or Florida History, Government, or Economics based on OPPAGA's review of course descriptions from Florida's Statewide Course Numbering System; 115 of these courses had enrollment in 2014-15. Students who enrolled in more than one of these courses were counted only once.

Source: OPPAGA analysis of data provided by the Department of Education and the Florida Board of Governors.

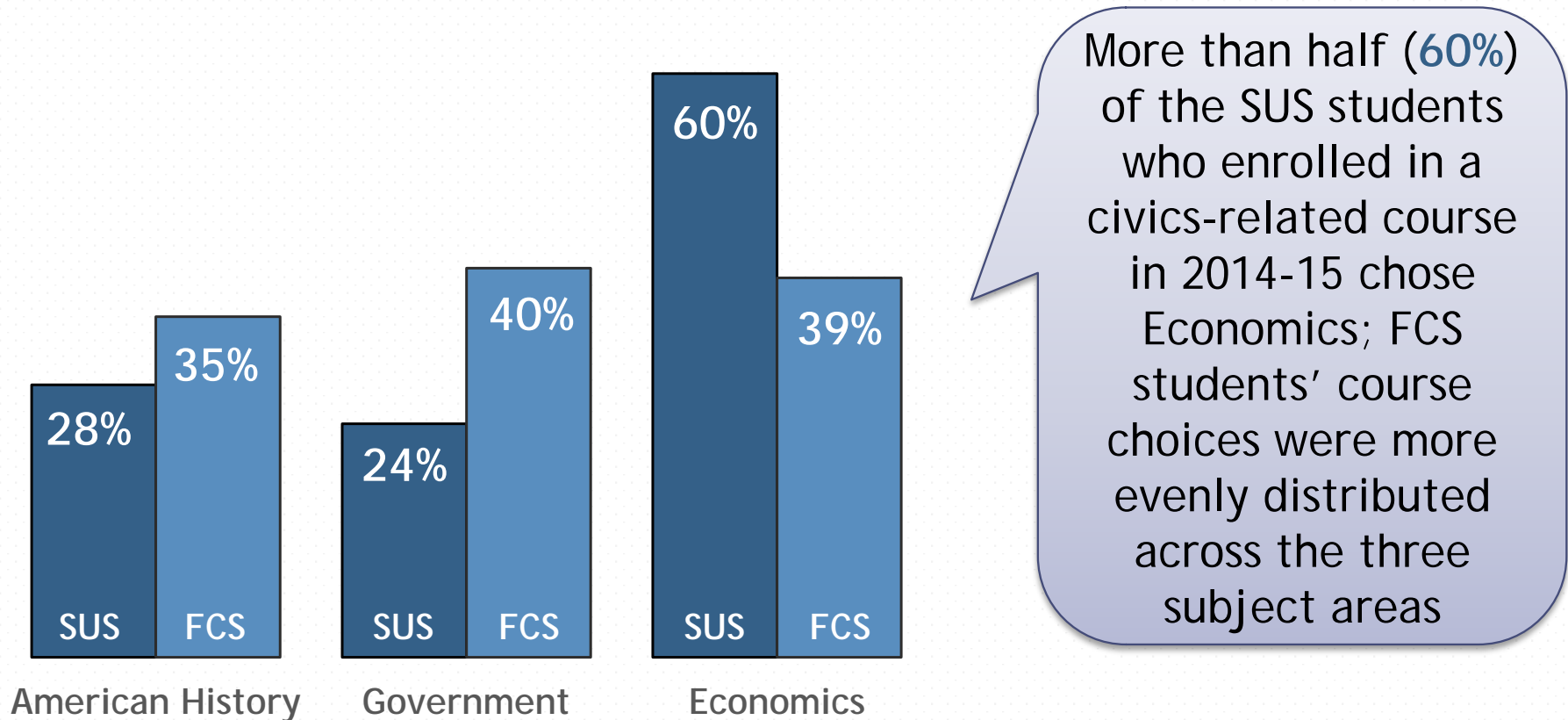
Of Those Who Took a Civics-Related Course, Which Subject Area Did Students Take?



Note: The figures include both SUS and FCS students. Students could have enrolled in more than one of the three subject areas depicted; in these cases, the student was included in each category in which they enrolled for at least one course.

Source: OPPAGA analysis of data provided by the Department of Education and the Florida Board of Governors.

Within Each System, Which Civics-Related Subjects Did Students Take?

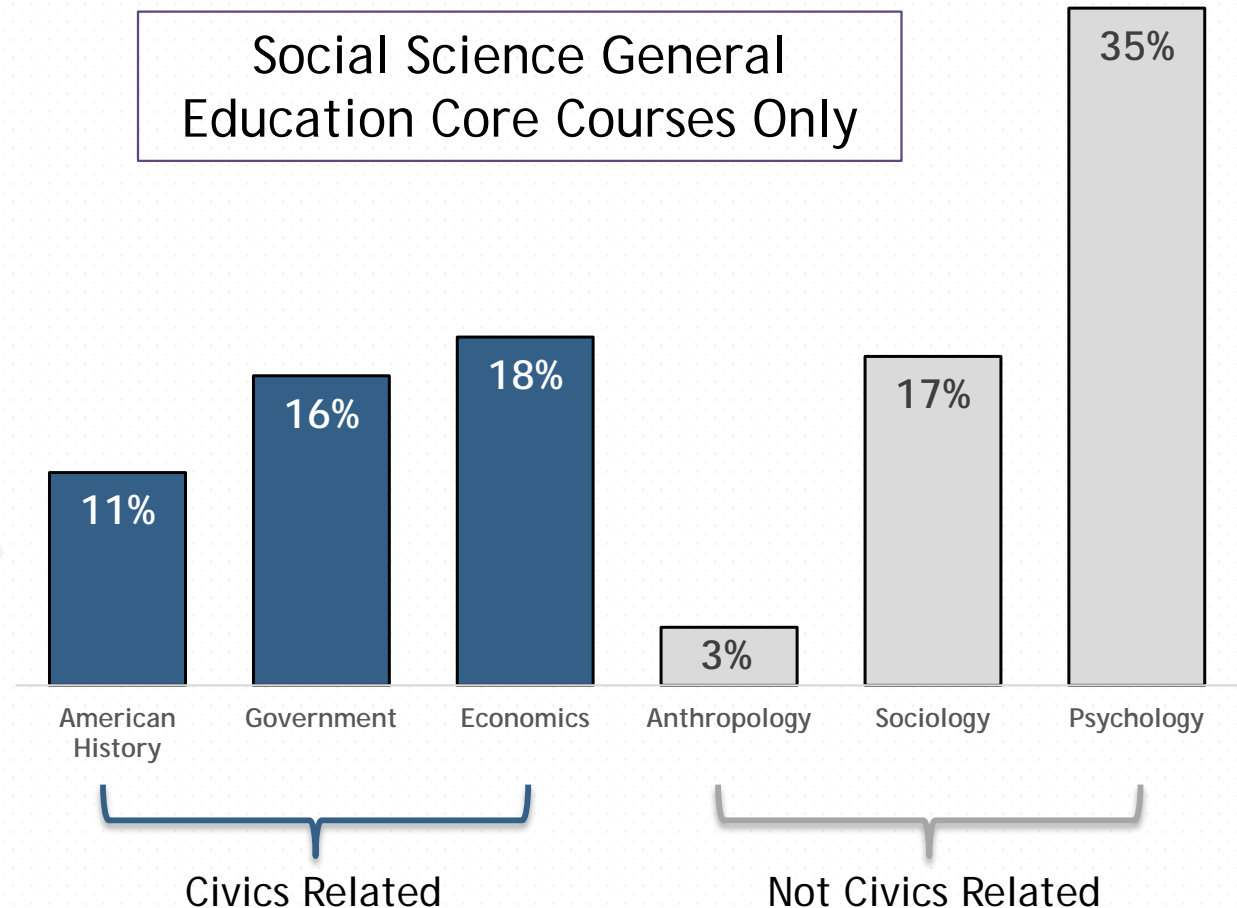


Note: Students could have enrolled in more than one of the three subject areas; in these cases, the student was included in each category in which they enrolled for at least one course.

Source: OPPAGA analysis of data provided by the Department of Education and the Florida Board of Governors.

Which Social Science General Education Core Courses Did Students Take?

45% of the Social Science General Education courses students took in 2014-15 were civics-related; Psychology was the most popular course taken



Note: The exhibit includes courses taken by both SUS and FCS students. Students could have enrolled in multiple courses in each subject area or courses in more than one of the six subject areas; in these cases, all courses taken were included.

Source: OPPAGA analysis of data provided by the Department of Education and the Florida Board of Governors.

Other States With Postsecondary Civics Requirements

States with Postsecondary Civics Education Requirements



We identified **9** states with civics education requirements for postsecondary institutions



State-required civics education topics include

- Economics • U.S. Constitution/State Constitution
- American/State History • American/State Government



States varied in civics topics addressed, total hours required, and exemptions to the requirement

Examples of States with Postsecondary Civics Education Requirements

| | Credit/Hour Requirements | U.S. History ¹ | U.S. Government ¹ | State History and/or Government ² | Economics |
|----------------------------|--------------------------|---------------------------|------------------------------|--|-----------|
| Texas | ✓ | ✓ | ✓ | ✓ | |
| Oklahoma | ✓ | ✓ | ✓ | | |
| Utah | ✓ | ✓ | ✓ | | ✓ |
| Arkansas | | ✓ | ✓ | | |
| California ³ | | ✓ | ✓ | ✓ | |
| Georgia | | ✓ | | ✓ | |
| Massachusetts ⁴ | | ✓ | ✓ | | |
| Missouri ⁵ | | ✓ | ✓ | ✓ | |
| Nevada | | | ✓ | ✓ | |

¹ Could include the study of the U.S. Constitution.

² Could include the study of the state constitution.

³ Applies to the California State System and not to the University of California system.

⁴ A course identified as having a civics learning focus.

⁵ Optional for institutions to include as part of their general education requirement.

Other States' Post Secondary Civics Requirements

| | Requirements | Civics Topics | Exemptions |
|--|--|--|--|
| <div>Texas¹ </div> | <div>12 hours</div> <ul style="list-style-type: none">● 6 hours of Government To include instruction in the U.S. Constitution and Texas Constitution● 6 hours of American History | <ul style="list-style-type: none">● Government● American History● Texas History● U.S. Constitution● Texas Constitution | <ul style="list-style-type: none">● American History may be partially satisfied with a course in Texas History● Successful completion of an advanced standing examination● Up to 3 hours for equivalent work in an R.O.T.C. unit |

¹Requirements apply to colleges and universities receiving state support or state aid from public funds granting a baccalaureate degree or a lesser degree or academic certificate.

Other States' Post Secondary Civics Requirements

| | Requirements | Civics Topics | Exemptions |
|---|---|---|---|
| <div>Oklahoma¹</div>  | <div>6 hours</div> <ul style="list-style-type: none">Hours are earned through courses in U.S. History and U.S. Government <p>The courses must be general in nature as specialized courses do not satisfy the policy</p> | <ul style="list-style-type: none">American HistoryGovernment | <ul style="list-style-type: none">Showing competency by passing a satisfactory examinationFulfillment of the requirement via a concurrent enrollment program |

¹Requirements apply to students graduating from institutions in the State System and awarded the associate or baccalaureate degree of any type.

Other States' Post Secondary Civics Requirements





| | Requirements | Civics Topics ³ | Exemptions |
|---|--|---|---|
| <div>Utah¹</div>  | <div>3 credits²</div> <ul style="list-style-type: none">● Credits may be earned through a course in varying subject areas e.g., Economic History of the United States; or United States 1877 to Present; or American/US National Government | <ul style="list-style-type: none">● American History● American Principles● Government● Economics | <ul style="list-style-type: none">● Passing a satisfactory examination● Fulfillment of the requirement via a concurrent enrollment program |

¹Requirements apply to Utah's public colleges and universities.

²Required credit hours range from 3-6 credits depending on the courses used to fulfill the requirement.

³A student shall demonstrate reasonable understanding of the topics.

Other States' Post Secondary Civics Requirements¹

| |  Arkansas ² |  California ³ |  Georgia ⁴ |  Massachusetts ⁵ |  Nevada ⁶ |
|---------------|--|--|--|--|--|
| Requirements | Pass a course in: | Complete courses in: | Receive instruction in: | Civic learning is an expected outcome for undergraduates | Receive instruction in: |
| Civics Topics | American History Government | American History to include the U.S. Constitution Government to include state & local | American History Georgia History U.S. Constitution Georgia Constitution | American History Government | U.S. Constitution Nevada Constitution |
| Exemptions | Institutional-level exemptions may apply | Passing comprehensive examinations in the civics topics | Passing a satisfactory examination Completion of an institution designed assessment for Georgia civics topics | Campuses should engender civics through academic coursework, co-curricular activities, and off-campus civic engagement | Institutional-level exemptions may apply |

¹ Policies of the states in this exhibit did not identify credit hours/units associated with their requirements.

² Applies to college or university, normal school, or chartered institution under the authority of the State of Arkansas granting a student a baccalaureate degree.

³ Applies to students receiving a baccalaureate degree; system institutions may permit up to six semester units or eight quarter units to meet the requirement.

⁴ Applies to all colleges and universities sustained or supported by public funds for any credentials.

⁵ Requirements are defined in the Massachusetts Board of Higher Education Policy on Civic Learning for implementation across community colleges and state universities, and invites the participation of the University of Massachusetts.

⁶ Applies to institutions within the Nevada System of Higher Education and students who will receive a system-issued certificate or diploma of graduation.

Statutory Changes During the 2017 Legislative Session

CS/HB 7069 Made Several Changes Related to K-12 Civics Education

American Founders' Month

Designated the month of September as “**American Founders' Month**,” authorized the Governor to issue a proclamation urging public and private organizations to celebrate the month, and encourages all public schools to coordinate instruction related to the nation’s founding fathers with “American Founders' Month”

Statutory Priorities for K-20

Revised the statutory priorities for Florida’s K-20 education system to expressly include preparing students to become “**civically engaged and knowledgeable adults who make positive contributions to their community**”

Just Read, Florida!

Required the **Just Read, Florida! Office** to develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that **help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills**, including attainment of the NGSSS in social studies, science, and the arts

CS/HB 7069 Addressed University and State College Systems' Civic Literacy Requirements

Student Competency in Civic Literacy

Beginning with the 2018-2019 school year, students who enter a FCS or SUS institution for the first time must **demonstrate competency in civic literacy** either by completion of a civic literacy course or by passing an assessment

Civics Course, Competencies, and Outcomes

The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, must jointly **appoint a faculty committee** to

- develop a new course in civic literacy or revise an existing general education core course in American Government or American History to include civic literacy
- establish **course competencies** and identify outcomes that include, at a minimum an understanding of the **basic principles of American democracy** and how they are applied in our nation's republican form of government; an understanding of the **U.S. Constitution**; knowledge of the **founding documents** and how they have shaped the nature and functions of our institutions of self-governance; and an understanding of **landmark Supreme Court cases** and their impact on law and society

Assessment Instrument

The assessment must be an **existing assessment** that measures competencies consistent with the minimum course competencies

Contact Information

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CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/2017

Meeting Date

Proposal Number (if applicable)

*Topic Post Secondary Civics Education

Amendment Barcode (if applicable)

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Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? OPPA67A

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required



Civic Literacy Progress Report

November 27, 2017



FLORIDA DEPARTMENT OF
EDUCATION
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SYSTEM
of FLORIDA
Board of Governors



Overview of Legislation, System Responsibilities and Implementation Timeline



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STATE
UNIVERSITY
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of FLORIDA
Board of Governors

Section 1007.25, F.S.

1007.25 General education courses; common prerequisites; other **degree requirements**.

(4) Beginning with students **initially entering** a Florida College System institution or state university in the 2018-2019 school year and thereafter, each student must **demonstrate competency in civic literacy**.

Section 1007.25, F.S.

Students must have the option to demonstrate competency through **successful completion of a civic literacy course** or by **achieving a passing score on an assessment**.

The State Board of Education must adopt in rule and the Board of Governors must adopt in **regulation at least one existing assessment** that measures competencies consistent with the required course competencies outlined in paragraph (b).

Section 1007.25, F.S.

The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, shall jointly appoint a **faculty committee** to:

- (a) Develop a new course in civic literacy or revise an existing general education core course in American History or American Government to include civic literacy.

Section 1007.25, F.S.

(b) Establish course competencies and identify outcomes that include, at a minimum,

- an understanding of the basic principles of American democracy and how they are applied in our republican form of government,
- an understanding of the United States Constitution,
- knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance, and
- an understanding of landmark Supreme Court cases and their impact on law and society.

Implementation Timeline

- **Complete draft faculty recommendations** – identify course and competencies, with any explanatory or descriptive notes as well as ways to document completion of the civics requirement– by ***November 1, 2017***.
- Collect **public feedback** for review by the faculty committee by **January 15, 2018**.
- State Board of Education rule and Board of Governors Regulation approved by **March 31, 2018**.
- Requirements shared with stakeholders by April 15, 2018.

Notice of Rule Development

The notice of rule development for Civic Literacy Competency was published in the Florida Administrative Register on October 20, 2017. The notice is available at this website:

<https://www.flrules.org/gateway/ruleNo.asp?id=6A-10.02413>

Faculty Committee Recommendations

Course options for students to demonstrate civic literacy

- 1) AMH X020, INTRODUCTORY SURVEY SINCE 1877, modified to include approved course competencies for civic literacy
- 2) POS X041, AMERICAN GOVERNMENT, modified to include approved course competencies for civic literacy
- 3) A new course (course prefix and course number to be determined) that would be available statewide and would include the approved course competencies for civic literacy. After development, the new course could be considered for possible inclusion into the General Education Core by the Articulation Coordinating Committee.

Faculty Committee Recommendations

Course competencies and outcomes

- 1) Understanding of the basic principles **and practices** of American democracy and how they are applied in our republican form of government
- 2) An understanding of the United States Constitution and its application
- 3) Knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance
- 4) An understanding of landmark Supreme Court cases, **landmark legislation, and landmark executive actions**, and their impact on law and society



Next Steps



www.FLDOE.org



Additional Work to be Accomplished

- Review existing assessments to determine which ones include the core competencies and can be used beginning in Fall 2018 to demonstrate civic literacy.
- Determine acceptable assessment scores, course grades, transfer rules, and record keeping requirements to promulgate as part of the State Board rule and Board of Governors regulation.

Website with Additional Information

- To view faculty committee members, meeting summaries, and work accomplished to date:

<http://fldoe.org/policy/articulation/postsec-civics-lit.shtml>



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STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

27 Nov 2017

Meeting Date

Proposal Number (if applicable)

*Topic Civic Literacy

Amendment Barcode (if applicable)

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*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL Dept of Education

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-27-17

Meeting Date

Proposal Number (if applicable)

*Topic Civic Literacy

Amendment Barcode (if applicable)

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Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL Dept of Education

Are you a registered lobbyist? ☐ Yes ☒ No

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*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/28/18
Meeting Date

Proposal Number (if applicable)

*Topic Civic literacy

Amendment Barcode (if applicable)

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(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Board of Governors, State University System of Florida

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**



Article I, Section 3

Religious Freedom and Education in Florida

Presented by:
Ben Gibson
Benjamin J. Gibson, P.A.

Article I, Section 3

Article I Declaration of Rights

Section 3. **Religious Freedom.**— There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

- “Blaine Amendments” are present in at least 37 state constitutions, including Florida (1885) and include “no-aid” provisions.
- Predominantly enacted between 1875-1900 and inspired by advocacy of U.S. Rep. James G. Blaine federal constitutional proposal.
- Scholars point to anti-Catholic motives behind enactment of Blaine Amendments.



School Choice

- Courts throughout the country have struck down school choice programs citing state Blaine Amendment provisions.
- Argument is that these “no-aid” provisions prohibit providing public funds to individuals through a school choice program when those individuals can use those funds at religious schools. These funds are said to aid sectarian institutions.
- Some state courts have upheld school choice programs under Blaine Amendments.

School Choice

- U.S. Supreme Court has not directly addressed constitutionality of state Blaine Amendments.
- Lower federal and state courts are split on whether school choice programs can exclude religious schools from otherwise generally available scholarship programs.

Amendment 6 (1998): Public Education of Children

- Established education as a ‘fundamental value’ to the people of the State of Florida
- Established adequate provision for education as a ‘paramount duty’ of the state
- Expanded public school mandate, requiring the system be efficient, safe, secure and high quality
- **Origin: Proposed by CRC**
- Passed – 71% / 29%
- Votes in favor: 2,623,889
- Votes against: 1,069,406
- Education word count: 419

Amendment 6 (1998): Public Education of Children

Section 1. Public Education.

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance and operation of institutions of higher learning and other public education programs that the needs of the people may require.

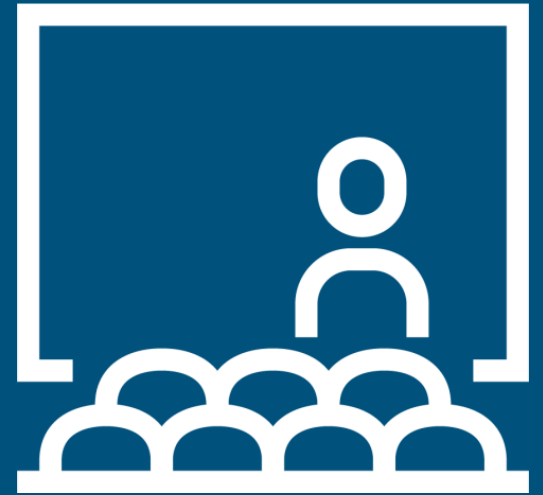
School Choice Programs

- Governor Bush signed into law school choice programs that were designed to provide educational opportunities to low-income families in failing school districts:
 - Opportunity Scholarship Program
 - Florida Tax Credit Scholarship Program



SCOTUS Cases

- *Mitchell v. Helms*, 530 U.S. 793 (2000)
- *Zelman v. Simmons-Harris*,
536 U.S. 639 (2002)
- *Locke v. Davey*, 540 U.S. 712 (2004)



Bush v. Holmes

886 So. 2d 340 (Fla. 1st DCA 2004)

- En banc First DCA opinion.
- Held that “no-aid” provision in Florida Constitution (Article I, Section 3) prohibited indirect benefit to sectarian schools resulting from receipt of funds by such institutions through voucher program (OSP).

Bush v. Holmes

919 So. 2d 392 (Fla. 2006)

- Florida Supreme Court
- Article IX, Section 1 imposes a maximum duty on the state to provide for public education that is uniform and of high quality.
- Opportunity Scholarship Program, which used public school funds to fund private school options, violated “uniform” language of s. 1.

Amendment 8 (2012): Religious Freedom


- Joint Resolution included four (4) pages of Whereas clauses explaining historical background and intent of amendment.
- Removed Blaine Amendment from Article I, Section 3.
- Inserted language that Religious Freedom clause of Florida Constitution was not to be interpreted as more restrictive than the Establishment Clause of the First Amendment to the U.S. Constitution.
- **Origin: Proposed Legislature (H.J.R. 1471 (2011)).**
- Defeated – 44.53% / 55.47%
- Votes in favor: 3,441,330
- Votes against: 4,286,572

Amendment 8 (2012)

ARTICLE I

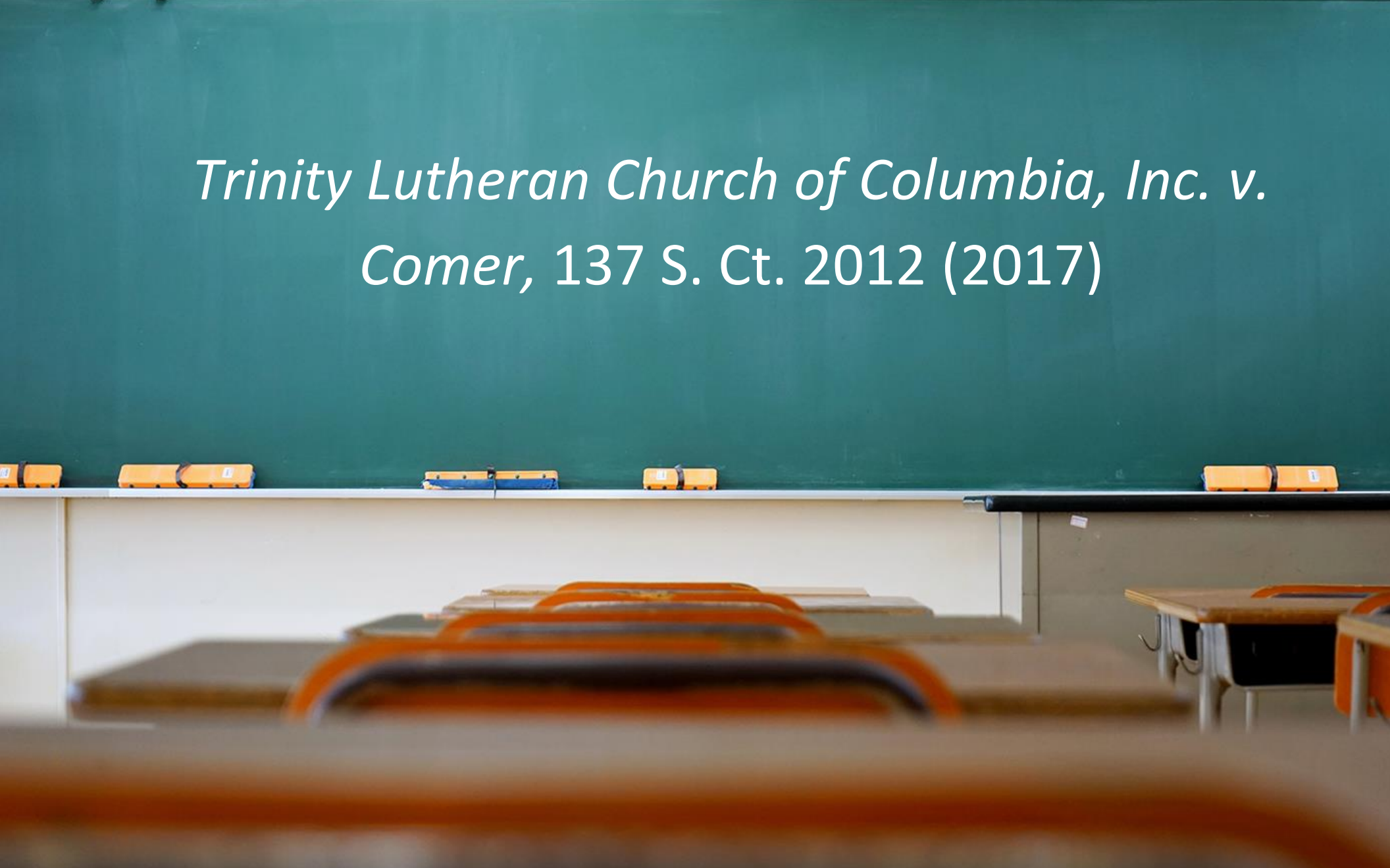
DECLARATION OF RIGHTS

SECTION 3. Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace, or safety. Except to the extent required by the First Amendment to the United States Constitution, neither the government nor any agent of the government may deny to any individual or entity the benefits of any program, funding, or other support on the basis of religious identity or belief. ~~No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.~~

A close-up photograph of a wooden gavel with a brass band, resting on a stack of two black books. The background is a dark, textured wooden surface. The gavel is positioned diagonally, with its head resting on the top book. The books have gold-edged pages.

McCall v. Scott,
199 So. 3d 359,
(Fla. 1st DCA 2016)

*Trinity Lutheran Church of Columbia, Inc. v.
Comer, 137 S. Ct. 2012 (2017)*



Article I, Section 3

Religious Freedom and Florida Education

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/27/2017
Meeting Date

Proposal Number (if applicable)

*Topic Public Funds for Sectarian Inst.

Amendment Barcode (if applicable)

*Name Ben Gibson

Address 517 E 9th Ave

Phone 850-792-5060

Tallahassee FL 32303
City State Zip

Email Ben@Gibsonpa.com

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**



Constitution Revision Commission Class Size Reduction

Linda Champion
Deputy Commissioner, Finance and Operations

November 27, 2017

Class Size Requirements

- **Constitutional class size maximums**
 - PK-3 = 18; 4-8 = 22; 9-12 = 25
- **Required only for core courses**
 - Grades PreK- 3: language arts/reading, mathematics, social studies, and science
 - Grades 4-8: courses in subjects that are measured by state assessment at any grade level and courses required for middle school promotion
 - Grades 9-12: Courses in subjects that are measured by state assessment at any grade level and courses identified in statute as required for high school graduation
 - Exceptional student education courses
 - English for Speakers of Other Languages courses
- Virtual, blended learning, AP, IB, AICE, dual enrollment, fine arts and physical education are not considered core courses

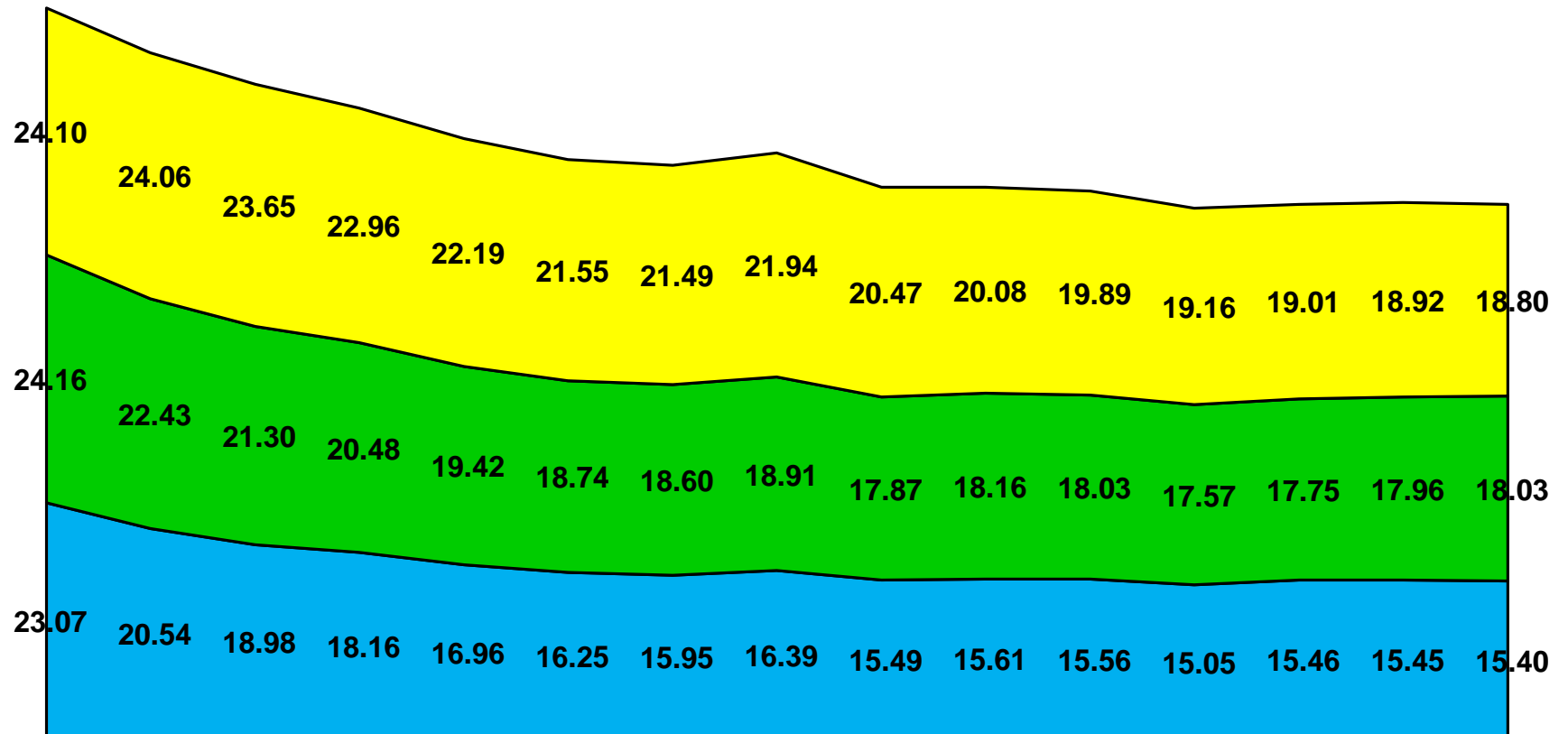
K-12 Class Size Reduction Funding Total Operating and Capital Costs to Implement Through 2017-18 – Part 1

| | 2003/04 | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 |
|---------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 2003/04 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 |
| 2004/05 | | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 |
| 2005/06 | | | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 |
| 2006/07 | | | | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 |
| 2007/08 | | | | | 532,190,386 | 532,190,386 | 532,190,386 | 532,190,386 |
| 2008/09 | | | | | | 88,771,303 | 88,771,303 | 88,771,303 |
| 2009/10 | | | | | | | 116,087,816 | 116,087,816 |
| 2010/11 | | | | | | | | 68,246,534 |
| 2011/12 | | | | | | | | |
| 2012/13 | | | | | | | | |
| 2013/14 | | | | | | | | |
| 2014/15 | | | | | | | | |
| 2015/16 Fourth | | | | | | | | |
| 2016/17 Conf. | | | | | | | | |
| Operating Costs | 468,198,634 | 972,191,216 | 1,507,199,696 | 2,108,529,344 | 2,640,719,730 | 2,729,491,033 | 2,845,578,849 | 2,913,825,383 |
| FCO Costs | 600,000,000 | 100,000,000 | 83,400,000 | 1,100,000,000 | 650,000,000 | 0 | 0 | 0 |
| TOTAL to Implement | 1,068,198,634 | 1,072,191,216 | 1,590,599,696 | 3,208,529,344 | 3,290,719,730 | 2,729,491,033 | 2,845,578,849 | 2,913,825,383 |

K-12 Class Size Reduction Funding Total Operating and Capital Costs to Implement Through 2017-18 – Part 2

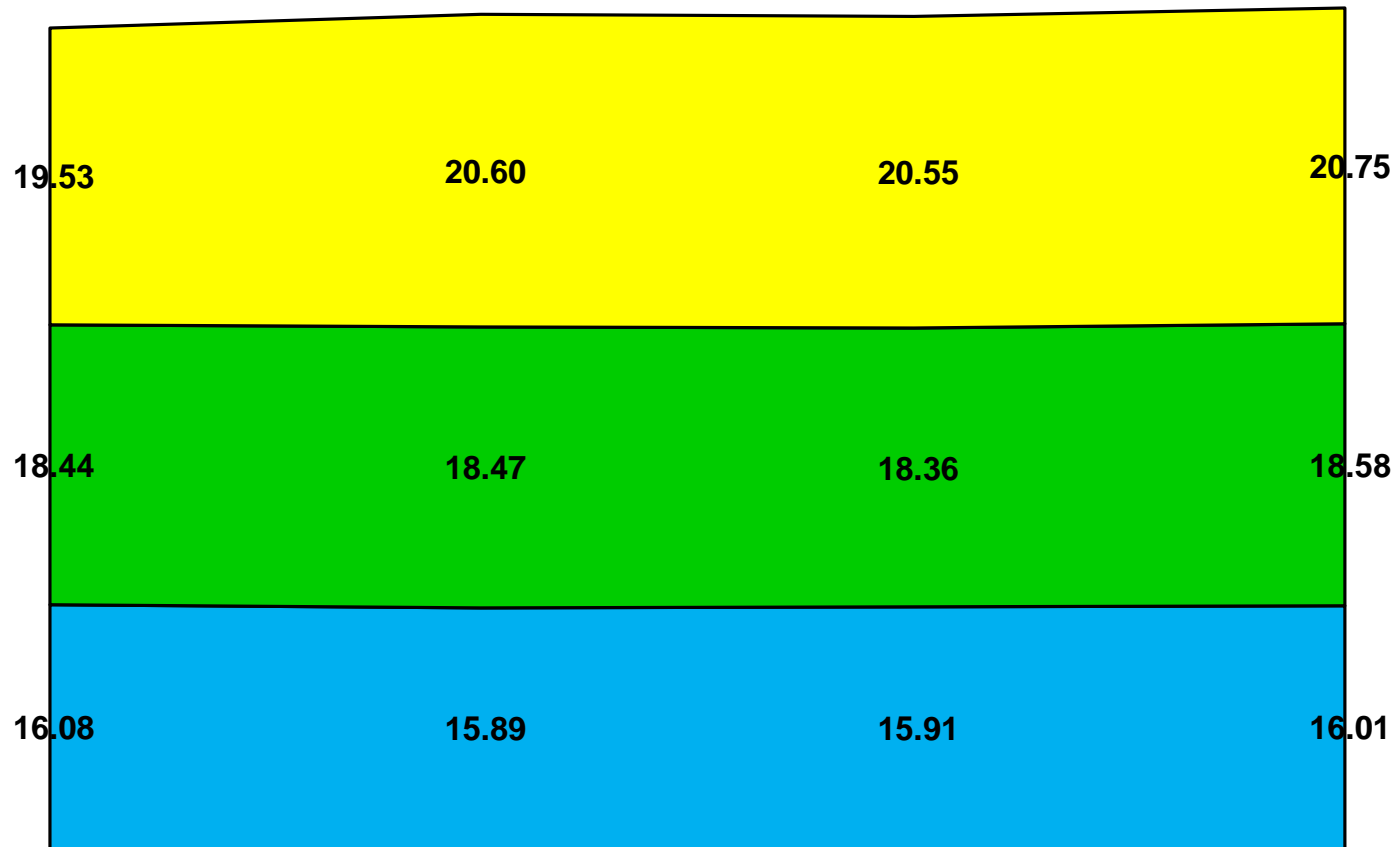
| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 15 Yr Total |
|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| 2003/04 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 468,198,634 | 7,022,979,510 |
| 2004/05 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 503,992,582 | 7,055,896,148 |
| 2005/06 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 535,008,480 | 6,955,110,240 |
| 2006/07 | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 | 601,329,648 | 7,215,955,776 |
| 2007/08 | 532,190,386 | 532,190,386 | 532,190,386 | 532,190,386 | 532,190,386 | 532,190,386 | 532,190,386 | 5,854,094,246 |
| 2008/09 | 88,771,303 | 88,771,303 | 88,771,303 | 88,771,303 | 88,771,303 | 88,771,303 | 88,771,303 | 887,713,030 |
| 2009/10 | 116,087,816 | 116,087,816 | 116,087,816 | 116,087,816 | 116,087,816 | 116,087,816 | 116,087,816 | 1,044,790,344 |
| 2010/11 | 68,246,534 | 68,246,534 | 68,246,534 | 68,246,534 | 68,246,534 | 68,246,534 | 68,246,534 | 545,972,272 |
| 2011/12 | 13,639,496 | 13,639,496 | 13,639,496 | 13,639,496 | 13,639,496 | 13,639,496 | 13,639,496 | 95,476,472 |
| 2012/13 | | 47,283,378 | 47,283,378 | 47,283,378 | 47,283,378 | 47,283,378 | 47,283,378 | 283,700,268 |
| 2013/14 | | | 17,907 | 17,907 | 17,907 | 17,907 | 17,907 | 89,535 |
| 2014/15 | | | | 38,337,612 | 38,337,612 | 38,337,612 | 38,337,612 | 153,350,448 |
| 2015/16 | | | | | 21,921,554 | 21,921,554 | 21,921,554 | 65,764,662 |
| 2016/17 Fourth | | | | | | 36,750,678 | 36,750,678 | 73,501,356 |
| 2017/18 Conf. | | | | | | | 25,958,698 | 25,958,698 |
| Operating Costs | 2,927,464,879 | 2,974,748,257 | 2,974,766,164 | 3,013,103,776 | 3,035,025,330 | 3,071,776,008 | 3,097,734,706 | 37,280,353,005 |
| FCO Costs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2,533,400,000 |
| TOTAL to Implement | 2,927,464,879 | 2,974,748,257 | 2,974,766,164 | 3,013,103,776 | 3,035,025,330 | 3,071,776,008 | 3,097,734,703 | 39,813,753,005 |

Historical Class Size Averages – Traditional Public Schools



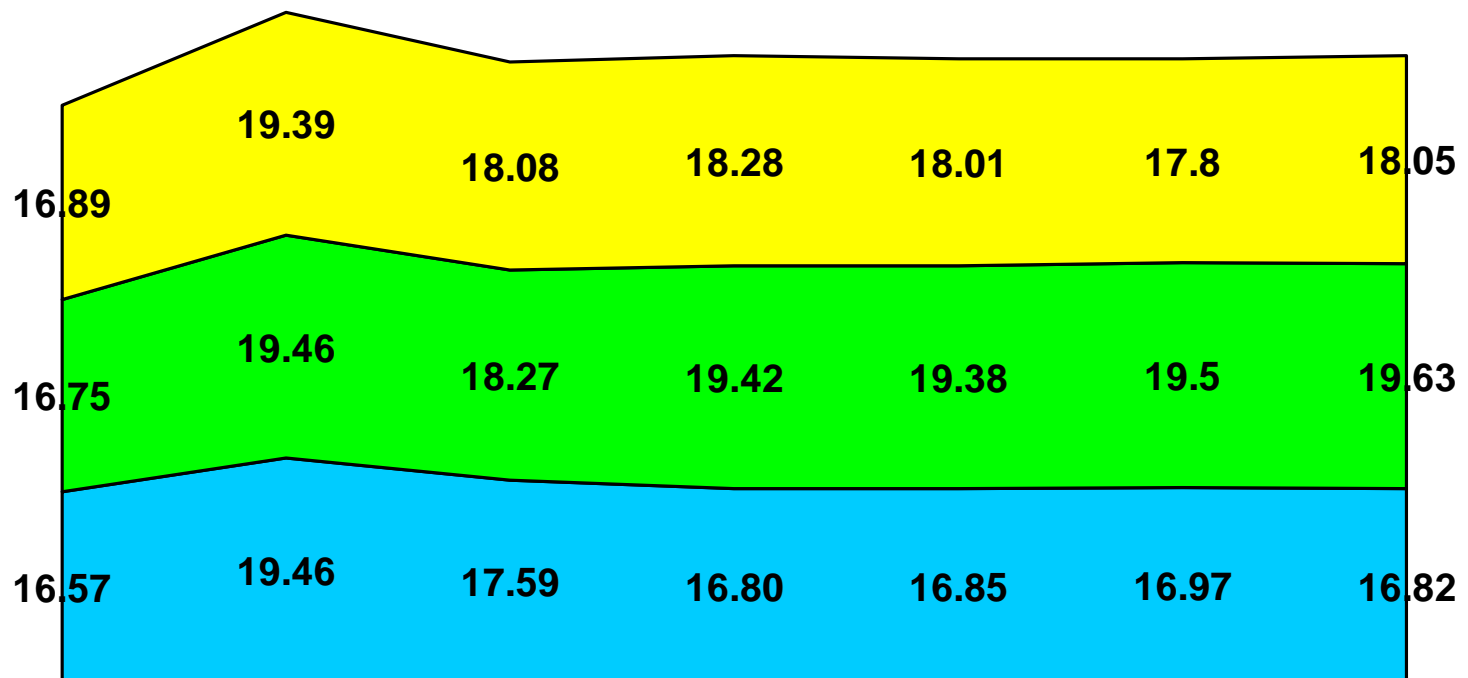
| | 2002-03 | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Grades 9-12 | 24.10 | 24.06 | 23.65 | 22.96 | 22.19 | 21.55 | 21.49 | 21.94 | 20.47 | 20.08 | 19.89 | 19.16 | 19.01 | 18.92 | 18.80 |
| Grades 4-8 | 24.16 | 22.43 | 21.30 | 20.48 | 19.42 | 18.74 | 18.60 | 18.91 | 17.87 | 18.16 | 18.03 | 17.57 | 17.75 | 17.96 | 18.03 |
| Grades PK-3 | 23.07 | 20.54 | 18.98 | 18.16 | 16.96 | 16.25 | 15.95 | 16.39 | 15.49 | 15.61 | 15.56 | 15.05 | 15.46 | 15.45 | 15.40 |

Historical Class Size Averages District-Operated Schools of Choice



| | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|-------------|---------|---------|---------|---------|
| Grades 9-12 | 19.53 | 20.60 | 20.55 | 20.75 |
| Grades 4-8 | 18.44 | 18.47 | 18.36 | 18.58 |
| Grades PK-3 | 16.08 | 15.89 | 15.91 | 16.01 |

Historical Class Size Averages – Charter Schools



| | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|---------------|---------|---------|---------|---------|---------|---------|---------|
| ■ Grades 9-12 | 16.89 | 19.39 | 18.08 | 18.28 | 18.01 | 17.8 | 18.05 |
| ■ Grades 4-8 | 16.75 | 19.46 | 18.27 | 19.42 | 19.38 | 19.5 | 19.63 |
| ■ Grades PK-3 | 16.57 | 19.46 | 17.59 | 16.80 | 16.85 | 16.97 | 16.82 |

Class Size Compliance

- Measured at the classroom level for traditional public schools
- Measured at the school-wide average for charter schools
- Measured at the school-wide average for district-operated schools of choice
- Class size funding adjustments are made for each FTE above the class size maximum.

District-Operated Schools of Choice Growth

| | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|-------------------|---------|---------|---------|---------|
| Number of Schools | 1,326 | 1,974 | 2,285 | 2,357 |
| Percentage Growth | - | 48.87% | 15.75% | 3.15% |

2017-18 Class Size Reduction Compliance

- **Initial class size reduction**
 - Class Size Reduction categorical funding amount for each FTE over the cap.
 - 100% Base Student Allocation (\$4,203.95) multiplied by the district cost differential for each FTE over the cap.
- **Commissioner may recommend by February 15, subject to approval by the Legislative Budget Commission, an alternate reduction amount.**
 - Extreme emergency
 - Unable to meet requirements despite appropriate effort to do so
 - Appeal process for data reporting errors.

Funding Adjustments to the Class Size Operating Categorical

- **Reallocation to districts/schools in compliance**
 - Up to 5% of the Base Student Allocation multiplied by the total number of students
 - Not to exceed 25% of total funds reduced
- **Restoration to districts/schools not in compliance that submit a compliance plan by February 1.**
 - Balance of funds remaining, which is 75% of the calculated reduction.
- The Commissioner is authorized to withhold the distribution of the class size categorical allocation to ensure the availability of sufficient undistributed funds to support the implementation of the calculated reduction.

2016-17 Class Size School Counts and Adjustment

| | # of Schools | # of Schools Out of Compliance | Initial Reduction | Final Reduction |
|---------------------------------------|--------------|--------------------------------|-------------------|-----------------|
| Number of Traditional Schools | 709 | 65 | \$2,562,990 | \$724,620 |
| Number of Schools of Choice | 2,357 | 11 | \$305,915 | \$115,534 |
| Number of Charter Schools | 638 | 47 | \$5,075,827 | \$859,117 |
| Total Schools Measured for Class Size | 3,704 | 123 | \$7,944,732 | \$1,699,271 |



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CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

Proposal Number (if applicable)

*Topic FL. Class Size

Amendment Barcode (if applicable)

*Name Linda Champion

Address 325 W. Gaines St

Phone _____

Street

Tallahassee FL

32311

City

State

Zip

Email Linda.Champion@fldoe.org

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? FLDOE

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

Class Size in Florida

A Legislative History

Presentation before the
Florida Constitution Revision
Commission
Education Committee

November 27, 2017
Tallahassee, Florida

Joy Causseaux Frank, General Counsel
Florida Association of District School Superintendents

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Class Size – A Legislative History

Class Size was an issue before the Constitutional Amendment in 2002. Below is a summary of the major legislative provisions from 1996 through 2017.

1996

\$100,000,000 was appropriated from General Revenue for Class Size Reduction.

Funds were prorated to each district to reduce class size based on each district's membership for kindergarten and first grade. The funds were to be used to achieve the goal that for each elementary school class size for K-3 should not exceed 20 students with a ratio of one full-time teacher per 20 students. Class sizes that exceeded 20 students could still meet the goal, if for every ten students above the base of 20 students, there was at least one full-time teacher aide. The priority was to reduce class sizes in kindergarten and first grade; followed by grades 2 and 3. Once a district met class size for all grades – K-3, the district could transfer the funds to the district's FEFP.

The Commissioner was required to report to the Legislature on the progress made by each district toward class size reduction.

1997

\$100,000,000 was appropriated from General Revenue for Class Size Reduction.

Similar proviso language.

1998

The Legislature enacted the **Florida Maximum Class Size Study Act**.

The act required each school district using class size reduction funds to reduce the teacher to student ratio to one full time teacher to 20 students in kindergarten through 3rd grade in at least one elementary school.

In any district where there was a critically low performing elementary school as identified by the Commissioner, such school was to be selected in preference to any other school and the ratio was required to be one full time teacher to 15 students. If there was more than one school; the selection of the school was done by the school board by lot.

At the conclusion of the 1998-1999 school year, DOE was to conduct a study of the efficacy of the reductions in class size.

The language then established Legislative goals relating to class size. It was the goal of the Legislature and each school district that each elementary school in the school district beginning with kindergarten through grade three class sizes not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students; except that only in the case of critically low-performing schools as identified by the Commissioner of Education, the goal in kindergarten through grade three was to be a ratio of one full-time equivalent teacher per 15 students. For purposes of any funding in the General Appropriations Act to meet these goals, the district was required to give priority to identified critically low performing schools in the district. Second priority for the use of any funds designated for meeting these goals was for kindergarten through grade one. Third priority for the use of any funds designated for meeting these goals was for grades two and three.

The 1998 General Appropriations Act appropriated \$100,000,000.

The priorities were stated a little differently than in the act.

- One teacher to 16 students in K-3 in critically low performing schools identified by the Commissioner.
- Second priority was to achieve the goal for all other students in kindergarten and first grade for class size to not exceed 24 students.
- Third priority was for 2nd and 3rd grades.

The Commissioner was to report the progress to the Legislature by January 1, 1999.

1999

No statutory amendments or changes.

However, \$100,000,000 was appropriated in Fixed Capital Outlay from General Revenue for Class Size Reduction.

The purpose was to provide funds for the construction of classroom facilities to serve public school students in Kindergarten through 3rd grade.

An additional \$51,524,144 was appropriated for operations.

Finally, There were funds for Class Size Reduction/Supplemental Academic Instruction in the amount of \$527,036,284. One of the strategies to help “students gain at least a year of knowledge for each year in school” was identified as class size.

2000

Statutory language amended to remove outdated language (dates). Only the language relating to maximum class size goals remained.

Appropriations –

- No dollars for FCO for class size.
- \$56,190,521 for operations
- Class size included as a strategy for Supplemental Academic Instruction
- \$1.5 million for a study by the Institute for School Innovation

2001

No statutory amendments

Similar appropriations. No real change in proviso language.

2002

Statute transferred/reenacted in the new school code and became s. 1003.03, Florida Statutes. No substantive changes.

Appropriation – listed as a strategy for Supplemental Academic Instruction

2002 – Class Size Reduction Amendment (CSR)

Voters were to decide on a Constitutional Amendment in 2002.

The Florida Association of District School Superintendents (FADSS) opposed the Class Size Reduction Amendment for several reasons and issued a White Paper to that effect.

Reasons:

- Cost
- Questionable as to whether class size alone improves student achievement
- Other alternatives which are less costly such as extending the school day and year
- Did not belong in the Florida Constitution

The CSR passed and FADSS issued a second white paper identifying several implementation issues:

- Curriculum issues and access to classes/programs such as AP and IB.
- How to define Core courses
- Availability of qualified teachers.
- Classroom space
- Equity in funding – small/medium size districts already had small classes while large/urban did not. Those that were at the constitutional levels should not be penalized or not receive funding.
- Cost

2003

The Legislature enacted legislation implementing the Class Size Amendment.

Class Size Implementation and Accountability

- Defined “core-curricula” and “extra-curricular” courses for purposes of identifying courses that are subject to the class size requirements. Only core-curricula courses are subject to the class size requirements.
- “Core-curricula courses” means courses defined by the Department of Education as mathematics, language, arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.
- “Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, vocational education, and career and technical education. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.
- Required school districts that were not in compliance with the maximum class size requirements beginning with FY 2003-2004 to reduce the average number of students per classroom for each of the three grade groupings, prekindergarten through grade 3, grades 4 through 8, and grades 9 through 12. The reduction in the average number of students must be calculated:
 - At the district level for FY 2003-2004 through 2005-2006,
 - At the school level for FY 2006-2007 through 2007-2008, and
 - At the individual classroom level for FY 2008-2009 through 2009-2010.
- Required that school districts, before adopting their 2004-2005 budgets, to conduct public hearings to review school district attendance zones.
- Required school districts to consider implementation of certain options to meet the class size reductions.
 - Encourage students to take dual enrollment courses and courses from the Florida Virtual School
 - Encourage the repeal of policies that require students to have more than 24 credits to graduate from high school.
 - Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.
 - Maximize the use of instructional staff.
 - Use innovative methods to reduce the cost of school construction.
 - Use joint-use facilities.

- Adopt alternative methods of class scheduling.
 - Redraw school attendance zones.
 - Operate schools beyond the normal operating hours.
 - Use year-round schools and other nontraditional calendars.
 - Consider amending collective bargaining contracts that hinder the implementation of class size reduction.
- Required the Executive Office of the Governor, beginning in FY 2003-2004, to transfer a proportionate amount of undistributed funds of school districts that did not meet the two- student-per-year reductions, from the district's class size reduction operating categorical allocation to the district's fixed capital outlay appropriation to meet class size reduction requirements. However, the Legislative Budget Commission was authorized approve an alternate transfer amount if the State Board of Education determined that a district had been unable to meet class size reduction requirements despite appropriate efforts.
- Required, beginning in the 2005-2006 school year, each district that had not met the two- student-per-year reduction to implement year-round schools, double sessions, rezoning, or maximization of instructional staff through changing teacher loads, using adjunct educators, returning district employees with professional certification to the classroom, or operating beyond specified hours or more than one session per day.

Bonding and Categorical Funding of Class Size Reduction

- Created the Class Size Reduction Operating Categorical Fund as allocated in the General Appropriations Act. Any funds not required to meet the class size requirements could be used for any lawful operating expense with priority given to teacher salary increases and implementation of the differentiated pay model for teachers.
- Created the Classrooms for Kids Program, which provided for the allocation of capital outlay funds as appropriated in the General Appropriations Act to be used to provide educational facilities to reduce class size.
- Created the District Effort Recognition Program, which provided capital outlay grants to eligible districts from funds appropriated in the General Appropriations Act. Eligibility was limited to school districts in which the voters through referendum had provided local funds for district capital outlay projects. School districts that did not meet the constitutional class size requirements must have used the funds for capital outlay to reduce class size. Districts that had met the class size requirements could use the funds for any lawful capital outlay purpose.
- Created the Class Size Reduction Lottery Revenue Bond Program, which authorized the issuance of lottery revenue bonds to finance educational facilities for class size reduction.
- Revised the Equity in School-Level Funding Act to provide that an average of 90 percent of the funds generated by all schools in a district shall be allocated

to those schools and a minimum of 80 percent of the funds generated by a particular school shall remain at the school.

- Revised the cost-per-student stations for public schools in 2002 dollars as adjusted annually by the Consumer Price Index.
- Created the “Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act” to implement federal law requirements relating to private activity bonds for qualified educational facilities.

2004

No substantive Legislation

2005

The Legislature passed **SB 1678** relating to a determination of public school class size averages. The bill provided that if a school district’s actual October survey of student membership exceeded the student membership which had been projected for the district in the Florida Education Finance Program first calculation, then the projected number would be the number used to determine whether the school district was in compliance with meeting the class size reduction requirement.

The bill further provided that if a district had funds transferred from its class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction and the school district met the class size reduction in the subsequent year, then the transfer would be reversed and moneys moved back to the class size reduction operating categorical from the fixed capital outlay appropriation for class size reduction.

Governor Bush vetoed SB 1678 and stated in his veto message:

This bill allows a school district that had a portion of its class size reduction operating dollars transferred to a capital outlay fund because it did not comply with class size reduction requirements to have those dollars transferred back to its operating fund if it complies with class size reduction requirements in the subsequent year.

While I am a proponent of providing school districts with as much financial flexibility as possible, I am reluctant to approve this bill because it discourages school districts from enacting prompt and progressive class size reduction strategies.

In 2002, the voters approved an amendment to the State Constitution that prescribes the maximum number of students that may be assigned to each public school classroom by the 2010-2011 school year. The following year, I signed into law a piece of legislation that requires school districts to gradually reduce class sizes until they comply with the requirements of the constitutional amendment. Additionally, the law establishes various degrees of accountability for school districts that fail to gradually reduce class sizes.

School districts seeking relief from having a portion of their class size reduction operating dollars transferred to a capital outlay fund are simply avoiding and delaying the inevitable. Without a modification to the class size constitutional amendment, current law requires school districts that fail to reduce class sizes to implement some very difficult options beginning in the 2006-2007 school year. Such options may include redrawing school attendance zones, offering more than one session of school during the day, implementing a year-round academic calendar, reassigning teachers throughout the district, or rescheduling teacher planning periods.

Because the class size constitutional amendment affords school districts no flexibility in complying with its prescriptive requirements, it is counterproductive for policy makers to provide leniency to school districts that fail to gradually reduce class sizes in any given year prior to the 2010-2011 school year. School districts that do not reduce class sizes as statutorily required are less likely to comply with the requirements of the constitutional amendment by the 2010-2011 school year.

By holding school districts less accountable, this bill rewards procrastination. As policy makers we must be willing to make difficult and unpopular choices; otherwise, we will fail to comply with the strict requirements of our State Constitution.

2006

The Legislature enacted **HB 7087** relating to Secondary School Reform. Among other provisions, the bill provided that school districts could not be penalized for using co-teaching strategies under the class size requirements.

Section 1003.03, F.S., relating to maximum class size was amended to provide that for fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.

Team-Teaching Strategies were enacted and provided that school districts may use teaching strategies that include the assignment of more than one teacher to a classroom of students and that were implemented before July 1, 2005.

Effective July 1, 2005, school districts may implement additional teaching strategies that include the assignment of more than one teacher to a classroom of students for the following purposes only:

- Pairing teachers for the purpose of staff development.
- Pairing new teachers with veteran teachers.
- Reducing turnover among new teachers.
- Pairing teachers who are teaching out-of-field with teachers who are in-field.
- Providing for more flexibility and innovation in the classroom.
- Improving learning opportunities for students, including students who have disabilities.

Teaching strategies implemented on or after July 1, 2005, may be implemented subject to the following restrictions:

- Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.
- At least one member of the team must have at least 3 years of teaching experience.
- At least one member of the team must be teaching in- field.
- The teachers must be trained in team-teaching methods within 1 year after assignment.

The bill provided that the use of these strategies meet the letter and intent of the Florida Constitution and the Florida Statutes which relate to implementing class-size reduction and the provisions applied retroactively. A school district was not to be penalized financially or otherwise as a result of the use of any legal strategy including those established in subsections (3) and (5) of section 1003.03, Florida Statutes.

2007

The Legislature passed several bill relating to class size, in part, due to the impact of the Great Recession.

The Legislature passed **SB 1046** and amended the provisions in s. 1003.03, F.S., relating to co-teaching and team teaching. The bill clarified that teaching strategies included team teaching, co-teaching, or inclusion teaching.

“Team teaching” or “co-teaching” was defined as two or more teachers assigned to a group of students and each teacher is responsible for all of the students during the entire class period. In order to be considered team teaching or co-teaching, each teacher is responsible for planning, delivering, and evaluating instruction for all students in the class or subject for the entire class period.

“Inclusion teaching” was defined as two or more teachers assigned to a group of students, but one of the teachers is responsible for only one student or a small group of students in the classroom.

The Legislature passed **SB 1424** and amended the accountability provisions of s. 1003.03, F.S., relating to maximum class size. The Department of Education must calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. The bill provides that no later than March 1 of each year, the Executive Office of the Governor must transfer undistributed funds equivalent to the calculated amount from the district’s class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district.

However, in lieu of the transfer, the bill provides that the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

The Legislature passed **SB 6-C** which provided some relief relating to the transfer of funds from the class size operating funds to fixed capital outlay. 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 budget for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 10 percent reduction the amount of the transfer.

The Legislature passed **HB 511** which authorized the use of 2 mill discretionary millage for the payment of property and casualty insurance for insuring educational and ancillary plants if the district had met class size requirements, among other provisions.

In addition, **HB 511** established "high performing districts" that were provided statutory flexibility. One of the requirements of being a "high-performing district" was to be in compliance with all class size requirements.

2008

The Legislature passed **HB 7067** relating to Virtual Education. The bill exempted school district virtual instruction programs, the Florida Virtual School, and the K-8 Virtual Schools from class size requirements by amending the "core-curricula courses" definition.

The Legislature passed **HB 5083** relating to Education and extended class size Education compliance at the school-level through the 2008-2009 fiscal year. Compliance at the classroom level was delayed until the 2009-2010 fiscal year.

2009

The Legislature passed **CS/CS/SB 1676** relating to Pre-K-12 Education Funding. The bill clarified that the Florida Virtual School (FLVS) could not receive funding through the Florida Education Finance Program (FEFP) for class size reduction.

The bill continued class size compliance at the school level for 2009-2010 and delayed implementation at the classroom level until the 2010-2011 school year.

The bill revised the compliance calculation beginning in 2010-2011 to be a reduction in the noncompliant district's class size operating categorical for each student that is

over the maximum allowed; and required that the revised compliance calculation be simulated in 2009-2010.

The bill required class size reduction funds to be included in the 80 percent calculation of funds provided to schools within a district.

The Legislature also passed **SB 6-A** relating to education funding.

The bill allowed the Commissioner of Education to waive, in a year when appropriations are reduced, up to 50 percent of the transfer of funds from operating to facilities appropriations for districts that fail to meet class size limitations.

The bill also removed class size reduction compliance as a condition for school districts to participate in the VPK program.

2010

The Legislature passed SJR 2 relating to Class Size Requirements for Public Schools. This Senate Joint Resolution proposed amending Section 1, Article IX of the State Constitution to revise the maximum class size requirements. Beginning with the 2010-2011 school year, maximum class size would be the school level average number of students who can be assigned to each teacher in the following grade categories:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.

Also, the joint resolution required the maximum number of students who may be assigned to a teacher (while not exceeding the school level average) be as follows:

- 21 students in prekindergarten through grade 3;
- 27 students in grades 4 through 8;
- 30 students in grades 9 through 12.

The joint resolution also:

- Retained the application of the class size amendment to core-curricula classes;
- Repealed the requirement for a reduction of an average of two students in each classroom per year; and
- Provided that the constitutional class size requirements do not apply to virtual classes.

The Joint Resolution was to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

However, the amendment did not pass.

The Legislature passed **HB 5101** relating to Prekindergarten through Grade 12 Education Funding. The bill amended s. 1003.03, F.S., relating to maximum class size and modified the section if the resolution relating to class size passed and if it did not pass. Since the resolution did not pass, the applicable provisions are summarized below.

The implementation provisions in subsection (2) are amended to require that the DOE must annually calculate class size measures based upon the October student membership survey.

Prior to the adoption of the district school budget for 2010-2011, each district school board must hold public hearings and provide information to parents on the district's website, and through any other means by which the district provides information to parents and the public, on the district's strategies to meet class size requirements.

Subsection (3) is amended to incorporate school district virtual instruction programs into the authorized implementation options that should be considered.

The accountability provisions in subsection (4) were substantially modified. If DOE determines that the number of students assigned to any individual class exceeds the class size maximum based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.
2. Determine the number of FTE students which exceeds the maximum for each grade group.
3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.
4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year and by an amount equal to the base student allocation adjusted by the district cost differential beginning in the 2011-2012 fiscal year and thereafter.
5. Reduce the district's class size operating categorical allocation by an amount equal to the sum of the calculations in subparagraphs 3. and 4.

The amount of funds reduced shall be the lesser of the amount calculated above or the undistributed balance of the district's class size categorical allocation. The Florida Education Finance Program Appropriation Allocation Conference shall verify the department's calculation. The Commissioner of Education may withhold distribution of the class size categorical allocation to the extent necessary.

If the Commissioner of Education has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, the commissioner may recommend by February 15, subject to approval of the Legislative Budget Commission, the reduction of an alternate amount of funds from the district's class size categorical allocation.

Upon approval of the reduction calculation, the Commissioner of Education must prepare a reallocation of the funds made available for the districts that have fully met the class size requirements. The funds shall be reallocated by calculating an amount of up to 5 percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

Each district that has not complied with the class size requirements must submit to the commissioner by February 15 a plan certified by the district school board that describes the specific actions the district will take to fully comply by October of the following school year. If a district submits the certified plan by the required deadline, the funds remaining after the reallocation calculation shall be added back to the district's class size categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. However, no district shall have an amount added back that is greater than the amount that was reduced.

The DOE must adjust school district class size reduction categorical allocation distributions based on the required calculations.

The also bill specified that charter schools must be in compliance with maximum class size requirement contained in s. 1003.03, F.S., except that compliance was to be the average at the school level.

2011

The Legislature passed **SB 2120** relating to K-12 Education Funding and amended several provisions relating to class size.

Section 1003.01, F.S., was amended to revise the definition of “core-curricular courses” and “extracurricular courses.” “Core-curricula courses” was revised and defined as:

- Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses.

- Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses.
- Courses in grades 9 through 12 in subjects that are measured by state assessment in any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses.
- Exceptional student education courses; and
- English for Speakers of Other Languages courses.

“Extracurricular courses” was amended to include courses that may result in college credit.

Section 1003.03, F.S., relating to maximum class size was amended to require that class size maximums were to be satisfied each year, on or before the October student membership survey.

In addition, for grades 4 through 8, the maximum number of students assigned to a core-curricula high school course in which a student in grades 4 through 8 is enrolled be governed as if the students were in classrooms for grades 9 through 12.

The class size maximums are required to be maintained after the October student membership survey except as provided below or due to an extreme emergency beyond the control of the district school board.

Language was added to address students who enroll after the October student membership survey. A student could be assigned to an existing class that temporarily exceeds the maximum number of students if the school board determines it to be impractical, educationally unsound, or disruptive to student learning to now assign the student to the class. If the school board makes this determination:

- Up to three students may be assigned to a teacher in kindergarten through grade 3 above the maximum.
- Up to 5 students may be assigned to a teacher in grades 4 through 12 above the maximum; and
- The school board must develop a plan that provides that the school will be in full compliance with the maximum class size by the next October student membership survey.

The Department of Education is required to identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirements.

2012

The Legislature passed **HB 5101** relating to Prekindergarten through Grade 12 Education Funding. The bill amended s. 1003.03, F.S., relating to Maximum Class Size. The penalty provisions were amended and the calculation remained based on 50 percent of the base student allocation adjusted by the district cost differential through the 2013-2014 fiscal year and becomes 100 percent in the 2014-2015 fiscal year and thereafter.

If a district had not complied with the class size requirements, each district must have submit to the Commissioner of Education by February 1st rather than February 15th, a plan that described actions the district would take to comply with class size requirements by October of the following school year.

In addition, notwithstanding the required review by the Legislative Budget Commission of the penalty calculation for the 2011-2012 fiscal year, the alternate compliance calculation amounts to the class size operating categorical fund must be the reduction calculation. The Commissioner of Education must modify the payments to districts for the 2011-2012 fiscal year.

2013

The Legislature passed **SB 1076** relating to K-20 Education. The bill amended s. 1003.03, F.S., and added as one of the implementation options for class size the early graduation option provided in s. 1003.4281, Florida Statutes.

The Legislature passed **SB 1514** relating to Education and extended the alternate compliance calculation to be the reduction calculation for the 2012-2013 fiscal year.

The Legislature passed **HB 7009** relating to Education - Charter Schools, Class-Size, Technology. The bill amended several education statutes including the following relating to class size.

Class Size Reduction – Compliance for Choice Programs

The bill amended s. 1002.31, F.S., relating to public school parental choice. For a school or program that is a public school of choice under this section, the calculation number of students at the school level.

The Legislature passed **HB 7029** relating to Education - Digital Learning. The bill removed blended learning courses provided by traditional public schools, charter schools and district innovation schools from the definition of core curricular courses for purposes of class size requirements.

2014 – No major substantive Changes

The alternate compliance calculation for the 2013-2014 fiscal year was adopted in section 85 of the General Appropriations Act (**HB 5001**).

2015 – No major substantive Changes

The alternate compliance calculation for the 2014-2015 fiscal year was adopted in section 23 of the General Appropriation Act (**SB 2500A**).

2016

The Legislature passed **HB 7029** relating to Education. The bill was a comprehensive bill and expanded open enrollment. Section 1002.31 – Controlled Open Enrollment; Public School Parental Choice was amended to provide:

- Beginning in the 2017-2018 school year, as part of district's or charter school's controlled open enrollment process, and in addition to the existing public school choice programs, each school board or charter school must allow a parent from **any district in the state** whose child is not subject to current expulsion or suspension to enroll his/her child in and transport his/her child to any public school, including charter school, that has not reached capacity, subject to class size.
- District or charter school must accept the student, pursuant to the district or charter school's controlled open enrollment process, and report the student for FEFP funding. District or charter may provide transportation.
- Capacity determinations must be current and on district and charter school's websites. In determining capacity of each district school, the school board must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Charter school governing board determines capacity based on charter school contract.
- Preferential treatment must be provided to military dependents; foster care relocations; custody issues or serious illness/death of parent; students residing in district.
- For charter schools, authorizes preferential treatment in controlled open enrollment participating process to enrollment limitations specified in s. 1002.33(10), if such special purposes are identified in the charter agreement. Charter must also post-application process on website annually.
- Students residing in district, including charter school students, may not be displaced by students from other districts seeking enrollment.
- Student who transfers into a school under choice provisions may remain at school chosen by parent until student completes the highest grade level at the school.
- School board must adopt by rule and post on website controlled open enrollment process. Requirements are added and include maintaining

existing academic eligibility criteria; identification of schools that have not reached capacity, as determined by school district, and must ensure that policy adopted relating to preferential treatment.

- Requires school board to annually report number of students exercising choice by type.
- **Maintains existing class size compliance flexibility for a school or program that is a public school of choice. Calculation for compliance is the average number of students at the school level.**
- School district or charter may not delay eligibility or otherwise prevent student participating in controlled open enrollment of choice program from being immediately eligible to participate in extracurricular activities.
- Student may not participate in sport if student participated in same sport at another school during that school year unless student meets one of following criteria:
 - Dependent children of active duty military personnel whose move resulted from military orders.
 - Children who have been relocated due to foster care placement in different school zone.
 - Children who move due to court-ordered change in custody due to separation or divorce, or the serious illness or death of custodial parent.
 - Authorized for good cause in district or charter school policy.

The Legislature passed HB 287 relating to the Principal Autonomy Pilot Program Initiative (PAPPI). Schools participating in the PAPPI Program have the flexibility of being in compliance of class size at the school wide average.

The alternate compliance calculation for the 2015-2016 fiscal year was adopted in section 21 of the General Appropriation Act (HB 5001).

2017

The Legislature passed **HB 7069** relating to Education. The bill establishes Schools of Hope for which class size is calculated as the average at the school level.

In addition, the bill established Schools of Excellence and compliance for these schools is calculated at the school level rather than classroom level. (Schools of Excellence are those schools at the 80th percentile or higher for schools comprised of the same grade groupings for at least 2 of the last 3 school years).

The alternate compliance calculation for the 2016-2017 fiscal year was adopted in section 21 of the General Appropriation Act (**SB 2500**).

Sources: Florida Statutes, Laws of Florida, House and Senate Session Summaries.

Article IX
Education
Class Size Reduction

SECTION 1. Public education. —

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. **To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:**

(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local schools districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

1003.03 Maximum class size.—

(1) CLASS SIZE MAXIMUMS.—Each year, on or before the October student membership survey, the following class size maximums shall be satisfied:

(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students. The maximum number of students assigned to a core-curricula high school course in which a student in grades 4 through 8 is enrolled shall be governed by the requirements in paragraph (c).

(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

These maximums shall be maintained after the October student membership survey, except as provided in paragraph (2)(b) or due to an extreme emergency beyond the control of the district school board.

(2) IMPLEMENTATION.—

(a) The Department of Education shall annually calculate class size measures described in subsection (1) based upon the October student membership survey.

(b) A student who enrolls in a school after the October student membership survey may be assigned to an existing class that temporarily exceeds the maximum number of students in subsection (1) if the district school board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class. If the district school board makes this determination:

1. Up to three students may be assigned to a teacher in kindergarten through grade 3 above the maximum as provided in paragraph (1)(a);
2. Up to five students may be assigned to a teacher in grades 4 through 12 above the maximum as provided in paragraphs (1)(b) and (c), respectively; and
3. The district school board shall develop a plan that provides that the school will be in full compliance with the maximum class size in subsection (1) by the next October student membership survey.

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1):

(a) Adopt policies to encourage qualified students to take dual enrollment courses.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School and other virtual instruction options under s. 1002.45.

(c)1. Repeal district school board policies that require students to earn more than the 24 credits to graduate from high school.

2. Implement the early graduation options provided in ss. 1002.3105(5) and 1003.4281.

(d) Use methods to maximize use of instructional staff, such as changing required teaching loads and scheduling of planning periods, deploying district employees that have professional certification to the classroom, using adjunct educators, or any other method not prohibited by law.

(e) Use innovative methods to reduce the cost of school construction by using prototype school designs, using SMART Schools designs, or any other method not prohibited by law.

(f) Use joint-use facilities through partnerships with Florida College System institutions, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

(g) Adopt alternative methods of class scheduling, such as block scheduling.

(h) Redraw school attendance zones to maximize use of facilities while minimizing the additional use of transportation.

(i) Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

(j) Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.

(k) Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.

(l) Use any other approach not prohibited by law.

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.

2. Determine the number of FTE students which exceeds the maximum for each grade group.

3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.

4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the district cost differential in the 2014-2015 fiscal year and thereafter.

5. Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in subparagraphs 3. and 4.

(b) The amount of funds reduced shall be the lesser of the amount calculated in paragraph (a) or the undistributed balance of the district's class size categorical allocation. The Florida Education Finance Program Appropriation Allocation Conference shall verify the department's calculation in paragraph (a). The commissioner may withhold distribution of the class size categorical allocation to the extent necessary to comply with paragraph (a).

(c) In lieu of the reduction calculation in paragraph (a), if the Commissioner of Education has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, the commissioner may recommend by February 15, subject to approval of the Legislative Budget Commission, the reduction of an alternate amount of funds from the district's class size categorical allocation.

(d) Upon approval of the reduction calculation in paragraphs (a)-(c), the commissioner must prepare a reallocation of the funds made available for the districts that have fully met the class size requirements. The funds shall be reallocated by calculating an amount of up to 5 percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

(e) Each district that has not complied with the requirements in subsection (1) shall submit to the commissioner by February 1 a plan certified by the district school board that describes the specific actions the district will take in order to fully

comply with the requirements in subsection (1) by October of the following school year. If a district submits the certified plan by the required deadline, the funds remaining after the reallocation calculation in paragraph (d) shall be added back to the district's class size categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated in paragraphs (a)-(c). However, no district shall have an amount added back that is greater than the amount that was reduced.

(f) The department shall adjust school district class size reduction categorical allocation distributions based on the calculations in paragraphs (a)-(e).

(5) TEAM-TEACHING STRATEGIES.—

(a) School districts may use teaching strategies that include the assignment of more than one teacher to a classroom of students and that were implemented before July 1, 2005. Effective July 1, 2005, school districts may implement additional teaching strategies that include the assignment of more than one teacher to a classroom of students for the following purposes only:

1. Pairing teachers for the purpose of staff development.
2. Pairing new teachers with veteran teachers.
3. Reducing turnover among new teachers.
4. Pairing teachers who are teaching out-of-field with teachers who are in-field.
5. Providing for more flexibility and innovation in the classroom.
6. Improving learning opportunities for students, including students who have disabilities.

(b) Teaching strategies, including team teaching, co-teaching, or inclusion teaching, implemented on or after July 1, 2005, pursuant to paragraph (a) may be implemented subject to the following restrictions:

1. Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.
2. At least one member of the team must have at least 3 years of teaching experience.
3. At least one member of the team must be teaching in-field.
4. The teachers must be trained in team-teaching methods within 1 year after assignment.

(c) As used in this subsection, the term:

1. "Team teaching" or "co-teaching" means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the

entire class period. In order to be considered team teaching or co-teaching, each teacher is responsible for planning, delivering, and evaluating instruction for all students in the class or subject for the entire class period.

2. “Inclusion teaching” means two or more teachers are assigned to a group of students, but one of the teachers is responsible for only one student or a small group of students in the classroom.

The use of strategies implemented as outlined in this subsection meets the letter and intent of the Florida Constitution and the Florida Statutes which relate to implementing class size reduction, and this subsection applies retroactively. A school district may not be penalized financially or otherwise as a result of the use of any legal strategy, including, but not limited to, those set forth in subsection (3) and this subsection.

(6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(14), the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this section. The department may adopt rules to implement this subsection, if necessary.

History.—s. 113, ch. 2002-387; s. 2, ch. 2003-391; s. 59, ch. 2005-152; s. 16, ch. 2006-74; s. 2, ch. 2007-59; s. 7, ch. 2007-98; s. 1, ch. 2007-328; s. 5, ch. 2008-142; s. 9, ch. 2009-3; s. 14, ch. 2009-59; ss. 11, 12, ch. 2010-154; s. 31, ch. 2011-5; s. 15, ch. 2011-55; s. 13, ch. 2011-137; s. 11, ch. 2012-133; s. 10, ch. 2013-27; s. 45, ch. 2013-35; s. 35, ch. 2014-39.

1003.01 Definitions.— As used in this chapter, the term:

(14) “Core-curricula courses” means:

- (a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding extracurricular courses pursuant to subsection (15);
- (b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (15);
- (c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to subsection (15);
- (d) Exceptional student education courses; and
- (e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and 1003.499.

(15) “Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act.

(2) Class size reduction operating categorical funds shall be used by school districts to reduce class size as required in s. 1003.03. A school district that meets the maximum class size requirement may use the funds for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers.

History.—s. 3, ch. 2003-391; s. 26, ch. 2004-295; s. 53, ch. 2006-74; s. 31, ch. 2009-59; s. 35, ch. 2011-55.

1013.735 Classrooms for Kids Program.—

(1) **ALLOCATION.**—The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of K-12 base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of K-12 growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a), excluding adult vocational technical facilities.

(2) **DISTRICT PARTICIPATION.**—In order to participate in the Classrooms for Kids Program, a district school board shall:

(a) Enter into an interlocal agreement pursuant to s. 1013.33.

(b) Certify that the district's inventory of facilities listed in the Florida Inventory of School Houses is accurate and up-to-date pursuant to s. 1013.31.

(3) **USE OF FUNDS.**—In order to increase capacity to reduce class size, a district school board shall expend the funds received pursuant to this section only to:

(a) Construct, renovate, remodel, or repair educational facilities that are in excess of projects identified in the district's 5-year work program adopted prior to March 15, 2003; or

(b) Purchase or lease-purchase relocatable facilities that are in excess of relocatables identified in the district's 5-year work program adopted prior to March 15, 2003.

History.—s. 4, ch. 2003-391; s. 4, ch. 2004-42.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/27/17
Meeting Date

Proposal Number (if applicable)

*Topic Class Size Reduction

Amendment Barcode (if applicable)

*Name Jon Frank

Address 208 S. Monroe Street

Phone 850-577-5784

Mallory FL 32301
City State Zip

Email ~~Jon~~ JFrank@FAPS.org

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL. Association of District School Superintendents

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

Class Size



Bob Ward, President & CEO

November 27, 2017





The Horizons 2040 Project

Prekindergarten
through Grade 3





Vision: Florida will have a renewed education culture that provides a customizable learning environment tailored to every student so they are equipped for life.

Mission: To lead the nation in preparing lifelong learners by providing them with high quality customizable educational options and tools.

Values:

- Market-determined need
- Access
- Resource prioritization
- Choice
- Personalized learning
- Highest expectations
- Accountability
- Rewarding performance
- Cost-effectiveness
- Cutting-edge technology
- Partnership
- Data-driven decision-making





Beacon # 1

All students will arrive ready for grade 4.

1a Ensure that all students perform at or above grade level in reading and math.

1b Ensure that state government sets appropriate high-quality standards for all education providers.



Beacon #2

Every child will be served by outstanding educators and school leaders.

2a Ensure that every student is served by educators with the content knowledge and skills to meet their needs and be successful in life.

2b Ensure that educators recognize students' learning differences and special needs and provide resources to help those students.

2c Instill a love of learning by teaching students with proven, relevant curricula.

2d Empower school leaders to run their schools and allocate resources to best serve their students.



Beacon #3

Personalized learning environments will meet the needs of every student.

3a Enable students to choose the learning environment which best meets their needs.

3b Use competency-based learning to enable students to progress at their own pace.

3c Provide the technological resources to teachers, parents, and students to optimize their learning.

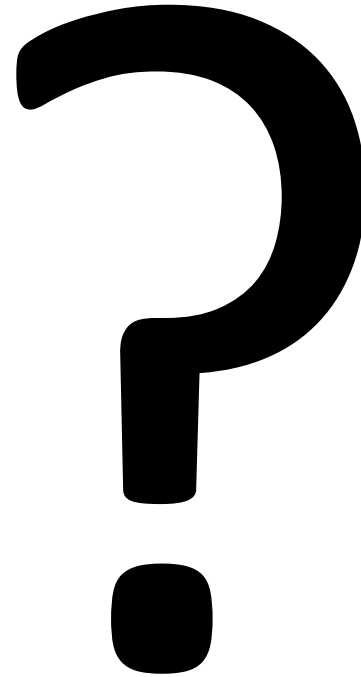
3d Provide students more time and resources, if necessary, to achieve skill mastery.



Beacon #4

Parents and students will have the knowledge necessary to make informed educational decisions.

- 4a** Provide timely and meaningful performance data regarding student performance, growth, and improvement recommendations.
- 4b** Provide information on successful grade PreK-3 providers and their accessibility. Such information must be accessible, transparent, and meaningful for the end user.



Excluding extracurricular classes, sufficient number of classrooms so that the maximum number of students who are assigned to each teacher who is teaching in public school classrooms for

- Prek-3: ≤ 18 students
- Grades 4-8: ≤ 22 students
- Grades 9-12: ≤ 25 students

- Caps apply to:
 - PreK-3: ELA, math, social studies, science
 - Grades 4-8: Classes with state assessments and/or required for M.S. promotion
 - Grades 9-12: Classes with state assessments and/or required for H.S. graduation
 - ESE
 - ESOL

- Calculated at October student membership survey
- Caps temporarily pierceable if a district school board determines it to be “impractical, educationally unsound, or disruptive to student learning” to not assign a student enrolling after the October survey to a certain class
 - K-3: Up to 3 students above max
 - Grades 4-8: Up to 5 students above max
 - Full compliance required again by next October survey
- Exempt: Virtual, dual-enrollment
- Calculated at school level for schools of choice

Evidence from Florida (2010 Harvard Study, grades 3-8)

- Class size reduction had no discernable impact upon student achievement
- Students in schools where districts were not forced to spend their money on class size reduction improved as much on state tests as those attending schools in districts subject to the constitutional mandate
- Students attending schools that were required to reduce class size did no better on state math and reading tests than students attending schools that were given funding to spend as they saw fit
- There was no significantly different impact on the average performance of ethnic and racial groups or between economically advantaged and disadvantaged students
- “The results of this study do strongly suggest that large-scale, untargeted class size reduction mandates are not a particularly productive use of limited educational resources.”

Matthew M. Chingos, “The Impact of a Universal Class-Size Reduction Policy: Evidence from Florida’s Statewide Mandate”, Program on Education Policy and Governance, John F. Kennedy School of Government, Harvard University, Last revised: August 2010.

Evidence from Meta-Analyses (Mixed Results, Favoring K-3)

- Robinson and Wittebols (1986): Analyzed 55 class size studies
- Washington State Institute for Public Policy (2013): Analyzed 53 studies

Glen E. Robinson and James H. Wittebols, "Class Size Research: A Related Cluster Analysis for Decision Making", Arlington, VA, Educational Research Service, 1986.

Washington State Institute for Public Policy, "K-12 Class Size Reductions and Student Outcomes: A Review of the Evidence and Benefit-cost Analysis," January 2013 .

Evidence from Other States (Mixed Results, Favoring K-3)

- Indiana (1981): K-2 changed from 22:1 to 14:1 student/teacher ratio
- Tennessee (1985): K-3 changed from 22-25:1 to 13-17:1 ratio
- Wisconsin (1995): K-3 changed to 15:1; gains not sustained into grade 4
- California (1996): K-3 changed to 20:1; inconclusive
- Connecticut (1998): Elementary averaging 21:1; no effect

Evidence from Other Nations (No Effect)

- Trends in International Mathematics and Science Study (TIMSS, 2006)
 - No impact of class size on student performance
 - Capable teachers are able to promote student learning equally well regardless of class size
- Programme for International Student Assessment (PISA, 2015)
 - Large classes in many Asian countries where average student performance in PISA is high

Woessmann, L. and M. West (2006), "Class-size effects in school systems around the world: Evidence from between-grade variation in TIMSS", *European Economic Review*, Vol. 50/3, pp. 695-736.

OECD (2016), *PISA 2015 Results (Volume II): Policies and Practices for Successful Schools*, PISA, OECD Publishing, Paris.

Conclusions

- Florida TaxWatch (2014)

The overall findings do not support the costs associated with class size reduction, and suggest that smaller investments in other educational practices may produce similar or better improvements in student achievement. This is consistent with findings of studies from other states and other countries.

- Organization for Economic Co-operation and Development (2016)

Given the relatively high cost of reducing class size, the decision to do so or not should ultimately depend on how much it improves student outcomes compared to other, less expensive, policy interventions.

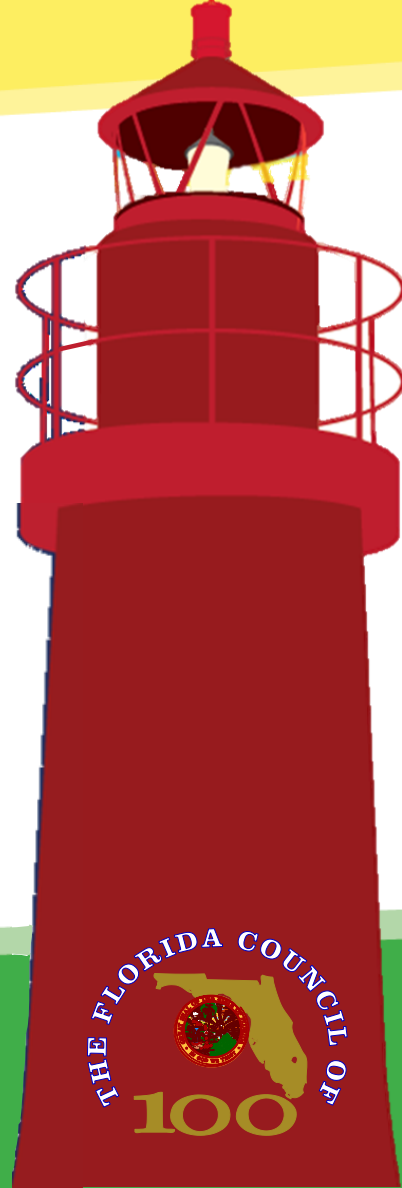
Florida TaxWatch, "Taking a Fresh Look at Florida's Class Size Limits," March 2014.

OECD (2016), PISA 2015 Results (Volume II): Policies and Practices for Successful Schools, PISA, OECD Publishing, Paris.

Horizon's Recommendation

Repurpose class size monies for proven, district-determined educational enhancements, such as:

- Attracting and retaining high-performing educators
- Expanding high-quality voluntary prekindergarten programs
- Providing school districts with a flexible source of funds for specialized student populations, such as English language learners, struggling or at-risk students, or students needing intensive reading instruction
- Expanding the use of technology and personalized methods of school instruction
- Reducing class sizes where effective (e.g., PreK-3)



Questions?



CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

Proposal Number (if applicable)

*Topic Class Size

Amendment Barcode (if applicable)

*Name Robert L. Ward

Address 400 N. Tampa Street, Suite 1010

Phone 813-229-1775

Street

Tampa

FL.

33602

City

State

Zip

Email bward@FL100.org

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? The Florida Council of 100

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

Proposal Number (if applicable)

*Topic CLASS SIZE

Amendment Barcode (if applicable)

*Name KURT BROWNING

Address 7227 LAND O' LAKES BLVD
Street

Phone 813 794 2651

LAND O' LAKES FL 34638
City State Zip

Email KSBS05@pasco.k12.fl.us

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/2017
Meeting Date

Proposal Number (if applicable)

*Topic Class Size (School-wide Averages)

*Name Jeff Bergosh

Amendment Barcode (if applicable)

Address 5905 Forest Ridge Circle

Street

Pensacola

City

FL

State

32526

Zip

Phone 850-293-1459

Email Jeffbergosh@gmail.com

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

N/A

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017
Meeting Date

Proposal Number (if applicable)

*Topic Class size

Amendment Barcode (if applicable)

*Name MARIE-CLAIRE LEMAN

Address 1911 Wahalahaw Ct

Phone 850 728 7514

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

*Speaking: ☐ For ☒ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17
Meeting Date

Proposal Number (if applicable)

*Topic Class Size

Amendment Barcode (if applicable)

*Name Nancy Lawther

Address 9140 SW 59 Ave.

Phone 305 607-3837

Street

Miami, FL 33156

City

State

Zip

Email vp.education@mdccpta.net

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida PTA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

Proposal Number (if applicable)

*Topic Class Size Reduction

Amendment Barcode (if applicable)

*Name Cindy Gerhardt

Address 5430 Frank Reeder Rd

Phone (850) 384-0595

Street

Pensacola

City

FL

State

Zip

Email president@floridapta.org

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FLORIDA PTA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date _____

Proposal Number (if applicable) _____

*Topic Class size

Amendment Barcode (if applicable) _____

*Name Lynda Russell

Address 513 S. Adams

Phone _____

Street

Tallahassee

Email _____

City

State

Zip

*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

By Commissioner Donalds

donaldse-00056-17

201732__

A proposal to amend

Sections 2, 4, and 7 of Article IX of the State Constitution to provide that members of the State Board of Education, district school boards, state university boards of trustees, and the Board of Governors of the State University System shall serve without compensation but are entitled to reimbursement for travel and per diem expenses in accordance with state law.

Be It Proposed by the Constitution Revision Commission of Florida:

Sections 2, 4, and 7 of Article IX of the State Constitution are amended to read:

ARTICLE IX

EDUCATION

SECTION 2. State board of education.—The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education. Members of the state board of education may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

donaldse-00056-17

201732__

school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law. Members of a school board may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

donaldse-00056-17

201732__

senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members. Members of a board of trustees may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board. Members of the board of governors may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17
Meeting Date

P32
Proposal Number (if applicable)

*Topic Compensation for education boards

Amendment Barcode (if applicable)

*Name Rich Templin

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

State

32301

Zip

Email _____

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida AFL-CIO

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/27/17
Meeting Date

P 32
Proposal Number (if applicable)

*Topic P 32 - Salary for School Bd

Amendment Barcode (if applicable)

*Name Chris Doolin

Address 1118 B Thomasville Road
Street

Phone 850-508-5492

Talla Fla 32308
City State Zip

Email cdoolin@netally.com

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

Nov. 27, 2017
Meeting Date

32
Proposal Number (if applicable)

*Topic School Board Salary

Amendment Barcode (if applicable)

*Name Andrea Messina

Address 203 S. Monroe St

Phone 850 414 2578

Tallahassee FL 32301
City State Zip

Email messina@sbac.org

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida School Boards Assn

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

P 32

Proposal Number (if applicable)

*Topic

P 32

Amendment Barcode (if applicable)

*Name

Christensen, Travis

Address

2871 Affirmed Ct

Phone

904 531 8953

Street

Green Cove Springs

Email

Travis 5240@gmail.com

City

State

Zip

*Speaking:

☐

For

☒

Against

☐

Information Only

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☒

No

If yes, who?

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☒

Yes

☐

No

Speaking in personal capacity

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov. 27 2017

Meeting Date

32

Proposal Number (if applicable)

*Topic school board members serving w/out compensation

Amendment Barcode (if applicable)

*Name Marie - Claire Leeman (Leeman)

Address 1911 Wahalaaw Ct

Phone 850 728 7514

Street

Tallahassee FL 32301

Email _____

City

State

Zip

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017
Meeting Date

32
Proposal Number (if applicable)

*Topic School board members serving without compensation Amendment Barcode (if applicable)

*Name Beth Overholt

Address 4130 Faukner Lane Phone 850 728-0587
Street
Tallahassee FL 32301 Email _____
City State Zip

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27, 2017

Meeting Date

pi 37
Proposal Number (if applicable)

*Topic Volunteer school Boards

Amendment Barcode (if applicable)

*Name Shawn Frost

Address P.O. Box 780 837

Phone 772 584-1454

Street

Sebastian

FL

32978

City

State

Zip

Email Frost@shawnfrost.com

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

But here as private citizen

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

**Constitution Revision Commission
Education Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 32

Relating to: EDUCATION, State board of education; School districts; school boards; State University System

Introducer(s): Commissioner Donalds

Article/Section affected:

Date: November 22, 2017

| | REFERENCE | ACTION |
|----|-----------|--------------------|
| 1. | ED | Pre-meeting |
| 2. | LO | |

I. SUMMARY:

This proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of specific boards of education (state board of education, members of district school boards, members of state university boards of trustees, and members of the board of governors) serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida law prohibits compensation for all board members listed in the proposal except for district school board members. Section 5 of Article II of the Florida Constitution allows for the compensation of county officers (including school board members) to be established in law. Section 4 of Article IX of the Florida Constitution provides that each school board must consist of at five members.

School Board Member Salary Calculation

Section 1001.395(1), F.S., provides that each member of a district school board shall receive a base salary, based on the population of the county the district school board member serves, with additional compensation added to the base salary for population increments over the minimum for each population group identified in the statute. In addition to the salary provided in s. 1001.395, F.S., each member of a district school

board shall be allowed, from the district school fund, reimbursement of travel expenses as authorized in s. 112.061, Florida Statutes. Section 1001.43(10), F.S., provides that the district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including member compensation and reimbursement for expenses.

According to the 2017-18 Salaries of Elected County Constitutional Officers and School District Officials¹, school board member salaries currently range from \$25,413 (Lafayette) to \$44,443 (Broward, Dade, Hillsborough, Orange and Palm Beach), with a statewide average salary of \$34,049. In addition to annual salaries, school board members receive compensation in the form of benefits, averaging an estimated \$19,575 per school board member based on 2016-17 fiscal year data.

Current Education Board Compensation Limits in Florida Statutes

Florida law provides that members of the State Board of Education,² university boards of trustees,³ the Board of Governors,⁴ and college boards of trustees⁵ serve without compensation. The members of these boards may be reimbursed for travel expenses in accordance with s. 112.061, Florida Statutes.

B. EFFECT OF PROPOSED CHANGES:

The proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of the State Board of Education, district school boards, state university boards of trustees, and Board of Governors serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

The proposal does not affect members of the State Board of Education, the Board of Governors, or college and university trustees since current law prohibits compensation for these positions other than travel reimbursement.

School board member salaries are calculated by a formula established by law⁶ and school districts provide funding to compensate the school board members. If adopted, this proposal requires school board members to serve without compensation, but allows for

¹ Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18, 09/07/17 pgs. 10-11 The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).

² Section 1001.01(1), F.S.

³ Section 1001.71(2), F.S.

⁴ Section 1001.70(2), F.S.

⁵ Section 1001.61(3), F.S.

⁶ See s. 1001.395, F.S. For a complete explanation of the history and calculations of school board member salaries, See *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18*, 09/07/17, The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).

travel and per diem expenses to be paid. This proposal supersedes s. 1001.395, F.S., which currently governs how school board members are calculated and paid. The impact of this change on the education system is indeterminate.

C. FISCAL IMPACT:

The Florida Constitution provides that each district school board must consist of at least five members. The statewide board salaries total \$12,418,689, which is derived by multiplying each district's school board member salary by the number of school board members listed in the 2016-2018 School District Legislative Delegations publication. In addition to salaries, board members also receive approximately \$6,910,079 in benefits, which is estimated based on the ratio of benefits to salaries amounts provided in each district's 2016-17 Annual Financial Report.

The statewide board salaries and benefits total \$19,328,768 (\$12,418,689 salaries plus \$6,910,079 benefits). This proposal eliminates these expenditures, as the board members would no longer be compensated for their services. Because the funds would remain with the school district, they may be redirected to other educational purposes, including instruction and other support services for students.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

There may be a potential conflict with Section 5, Article II of the Florida Constitution which allows for the compensation of county officers (including school board members) to be established in law. For purposes of this analysis, compensation includes salary and benefits.

D. Related Issues:

None.

By Commissioner Donalds

donaldse-00057-17

201733__

A proposal to amend

Section 5 of Article IX and create a new section in Article XII of the State Constitution to require that the superintendent of schools of a school district be appointed by the district school board.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 5 of Article IX of the State Constitution is amended to read:

ARTICLE IX
EDUCATION

SECTION 5. Superintendent of schools.—In each school district, there shall be a superintendent of schools who is appointed and shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. ~~The resolution or special law may be rescinded or repealed by either procedure after four years.~~

A new section is added to Article XII of the State Constitution to read:

ARTICLE XII
SCHEDULE

Appointment of superintendents of schools.—The amendment to Article IX, section 5, requiring the district school board to appoint the superintendent of schools shall take effect November 17, 2020.

Page 1 of 1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017

Meeting Date

33

Proposal Number (if applicable)

*Topic Have Superintendents be appointed

Amendment Barcode (if applicable)

*Name Marie - Claire Leman

Address 1911 Wabalaw Ct

Phone 850 728 7514

Street

Tallahassee FL

32301

City

State

Zip

Email _____

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-27-17

Meeting Date

p 33

Proposal Number (if applicable)

*Topic Appointed Superintendent of schools Amendment Barcode (if applicable)

*Name Shawn Frost

Address P.O. Box 780837

Phone 772 584-1454

Street

Sebastian

FL

32978

City

State

Zip

Email Frost@ShawnFrost.com

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

P 33

Proposal Number (if applicable)

*Topic

P 33

Amendment Barcode (if applicable)

*Name

Christensen, Travis

Address

2871 Affirmed Ct

Phone

904531 8953

Street

Green Cove Springs

Email

Travis5240@gmail.com

City

State

Zip

*Speaking:

☐

For

☒

Against

☐

Information Only

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☒

No

If yes, who?

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☒

Yes

☐

No

Speaking in personal capacity

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017

Meeting Date

33

Proposal Number (if applicable)

*Topic appointment of Superintendents

Amendment Barcode (if applicable)

*Name Beth Overholt

Address 4130 Faulkner Lane
Street

Phone 850 728-0587

Tallahassee FL 32301
City State Zip

Email _____

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/2017

Meeting Date

P 33

Proposal Number (if applicable)

*Topic CRC - Education - P 33

Amendment Barcode (if applicable)

*Name Joseph Taylor

Address 652 Third Street

Phone _____

Street

Chgo IL 32428

City

State

Zip

Email _____

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17
Meeting Date

P33
Proposal Number (if applicable)

*Topic APPOINTED SUPERINTENDENTS

Amendment Barcode (if applicable)

*Name KURT BROWNING

Address 7222 LAND O' LAKES BLVD
Street

Phone 813 794 2651

LAND O' LAKES FL 34638
City State Zip

Email KJBROS @ psses.k12.fl.us

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/27/2017
Meeting Date

Proposal Number (if applicable)

*Topic P 33 Appointed Super (Giunta)
*Name Leigh Giunta (Alliance for Better Community Schools)
Address 96 S SW Sea Green St Phone 772-215-0024
Street Palm City FL 34990
City State Zip Email mnmgiunta@gmail.com

*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Alliance for Better Community Schools

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/2017

Meeting Date

33

Proposal Number (if applicable)

*Topic # 33 Appointed Superintendent

Amendment Barcode (if applicable)

*Name Jeff Bergosh

Address 5905 Forest Ridge Circle

Phone 850-293-1459

Street

Pensacola FL 32526

City

State

Zip

Email Jeffbergosh@gmail.com

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17
Meeting Date

P33
Proposal Number (if applicable)

*Topic P-33 - Appointed Vs Elected

Amendment Barcode (if applicable)

*Name Chris Doolin

Address 1118 B Thomasville Rd.

Phone 850-5085492

Street

Tallahassee Fla 32308

City

State

Zip

Email cdoolin@netally.com

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

**Constitution Revision Commission
Education Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 33

Relating to: EDUCATION, Superintendent of schools; SCHEDULE, creates new section

Introducer(s): Commissioner Donalds

Article/Section affected:

Date: November 13, 2017

| | REFERENCE | ACTION |
|----|-----------|--------------------|
| 1. | ED | Pre-meeting |
| 2. | LO | |

I. SUMMARY:

The proposal revises section 5 of Article IX to require that the superintendent of schools of a school district be appointed by the district school board rather than elected. The proposal provides an effective date of November 17, 2020.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 5 of Article IX of the Florida Constitution requires that the superintendent must be elected at the general election in each year that is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent shall be employed by the district school board as provided by general law.

Appointed District School Superintendent

Of the 67 superintendents in Florida, 26 are appointed by the district school board.¹ This includes the following school districts: Alachua, Brevard, Broward, Charlotte, Collier, Dade, Duval, Flagler, Hernando, Hillsborough, Indian River, Lake, Lee, Manatee,

¹ See list of Superintendent provided by Florida Department of Education <http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.shtml> (last visited 11/21/17).

Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, St. Johns, St. Lucie, Sarasota, Seminole, and Volusia.

Section 1001.461, F.S., provides procedures for making the office appointive, wherein the proposition is affirmed by a majority of the qualified electors voting in the same election making the office of superintendent appointive. After four years, any district adopting the appointive method may return to its former status by following the same procedures outlined in Section 1001.461(2), F.S., for adopting the appointive office.

A 2003 report by the Tennessee legislature notes that “Electing superintendents occurs only in the South and is becoming increasingly rare. Only four other states have any elected superintendents: Alabama, Florida, Mississippi, and South Carolina. In 1992, 341 of the nation’s 15,000 district superintendents were elected; by September 2000, only 154 were elected.”²

Elected District School Superintendent

Currently of the 67 superintendents in Florida, 41 are elected.³ Section 1001.46, F.S., provides that the district school superintendent shall be elected for a term of 4 years or until the election or appointment and qualification of his or her successor. Currently, the only qualification for the position is that the person must not be convicted of a felony or be adjudicated mentally incompetent, and must live in the school district they wish to represent.⁴

B. EFFECT OF PROPOSED CHANGES:

The proposal revises section 5 of Article IX of the Florida Constitution to mandate that all district superintends be appointed by the district school board. This would impact the current 41 districts with elected superintendents by requiring that the position of superintendent be appointed by the school board rather than elected.

If adopted, the proposal will supersede current law and require changes to Sections 1001.46 and 1001.461, F.S., to align with the constitutional amendment.

The impact to the education system is largely indeterminate.

This proposal will modify the salary structure for elected superintendents. Section 1001.47, F.S., sets the base salaries for elected superintendents; there is no such law for

² *Elected v. Appointed Superintendent: Questions and Answers: A Legislative Briefing Paper*, John G. Morgan, Comptroller of the Treasury, Office of Education Accountability, State of Tennessee, pg. 17, 11/03.

<http://www.comptroller.tn.gov/Repository/RE/superintendents.pdf> (last visited 11/21/17).

³ See list of Superintendent provided by Florida Department of Education <http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.shtml> (last visited 11/21/17).

⁴ Section 4, Article VI. Florida Constitution

appointed superintendents. The salary for appointed superintendents will be established by the district school board.

The proposal removes the requirement to be bound by election year and thus a term of four years. This change will allow each school board to appoint a superintendent for a period of time based on the agreed upon contract. The removal of an appointed superintendent will be at the approval of the district school board as opposed to voters during an election year.

If adopted by the Constitution Revision Commission, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election (November 6, 2018). If approved by the voters, the amendment takes effect on November 17, 2020. As a result, any superintendents that had been elected after the 2016 election cycle will be impacted.

C. FISCAL IMPACT:

Indeterminate.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.

By Commissioner Donalds

donaldse-00029A-17

201743__

A proposal to amend

Section 4 of Article IX to establish a limitation on the period for which a person may be elected as a member of a district school board.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 4 of Article IX of the State Constitution is amended to read:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.-

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) A person may not appear on the ballot for re-election to the office of school board if, by the end of the current term of office, the person would have served, or but for resignation would have served, in that office for eight consecutive years. Service to the office of school board before the effective date of this subsection shall accrue toward the limitations prescribed herein.

(c) ~~(b)~~ The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

Page 1 of 1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



843972

CRC ACTION

Commissioner .
Comm: FAV .
11/30/2017 .
.
.
.

The Committee on Education (Johnson) recommended the following:

CRC Amendment

Delete lines 25 - 27
and insert:
Service to the office of school board since the last
election of the school board member before the effective date of
this subsection shall accrue toward the limitations prescribed
herein.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11-27-2017
Meeting Date

43
Proposal Number (if applicable)

*Topic amend

Amendment Barcode (if applicable)

*Name Andrea Messing

Address 203 S. Monroe
Street

Phone 850-566-1860

City

State

Zip

Email _____

*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

Meeting Date _____

P43
Proposal Number (if applicable)

*Topic P43 - Term limits for School Board

843972
Amendment Barcode (if applicable)

*Name Chris Doolin

Address 1118 B Thomasville Rd.
Street
Tallahassee Fla 32308
City State Zip

Phone 850-508-5492

Email cdoolin@netally.com

*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

P43

Meeting Date

Proposal Number (if applicable)

*Topic Prospective Term

Amendment Barcode (if applicable)

*Name Chris Doolin

Address 1118 B Thomannville Rd

Phone 850-508-5492

Street

Tallahassee

City

State

FLA

Zip

Email cdoolin@netHulk.com

*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017

Meeting Date

43

Proposal Number (if applicable)

*Topic Term limits for School Board members

Amendment Barcode (if applicable)

*Name Marie-Claire Leman

Address 1911 Wahalaaw Ct

Phone 850 728 7514

Street

Tallahassee FL 32301

Email _____

City

State

Zip

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27, 2017

Meeting Date

43

Proposal Number (if applicable)

*Topic Term Limits - SB Members

*Name Andrea Messina

Address 203 S. Monroe St

Street

Tallahassee FL 32301

City

State

Zip

Phone 850 414 2578

Email messina@fsba.org

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida School Boards Assn

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

P43

Proposal Number (if applicable)

*Topic Term Limits for School Boards

*Name Rich Templin

Amendment Barcode (if applicable)

Address 135 S Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32301

City

State

Zip

Email

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida AFL-CIO

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 27 2017

Meeting Date

43

Proposal Number (if applicable)

*Topic term limits for local school board members

Amendment Barcode (if applicable)

*Name Beth Overholt

Address 4130 Faukner Lane

Phone 850-728-0587

Street

Tallahassee FL 32311

City

State

Zip

Email _____

*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/27/2017
Meeting Date

43
Proposal Number (if applicable)

*Topic School Board ~~term~~ term - limits

Amendment Barcode (if applicable)

*Name Jeff Bergosh

Address 5905 Forest Ridge Circle
Street
Pensacola FL 32526
City State Zip

Phone 850-293-1459

Email JeffBergosh@gmail.com

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/27/17

Meeting Date

P43

Proposal Number (if applicable)

*Topic P43

Amendment Barcode (if applicable)

*Name Christensen, Travis

Address 2871 Affirmed Ct
Street

Phone 904 531 8953

green cove springs
City State Zip

Email travis524@gmail.com

*Speaking: ☒ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No Speaking in personal capacity

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

43
Proposal Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

*Topic School Board Term Limits

*Name Nicolas Tomboulides

Address 812 Handsome Ceb Ln, #201
Street
Melbourne FL 32940
City State Zip

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*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-27-17

Meeting Date

P 43

Proposal Number (if applicable)

*Topic Term limits for School Boards

Amendment Barcode (if applicable)

*Name Shawn Frost

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Shawn

*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

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***Required**



843972

CRC ACTION

Commissioner .
Comm: FAV .
11/30/2017 .
.
.
.

The Committee on Education (Johnson) recommended the following:

CRC Amendment

Delete lines 25 - 27

and insert:

Service to the office of school board since the last
election of the school board member before the effective date of
this subsection shall accrue toward the limitations prescribed
herein.

**Constitution Revision Commission
Education Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 43

Relating to: EDUCATION, School districts; school boards; Section 4 of Article IX to establish a limitation on the period for which a person may be elected as a member of a district school board.

Introducer(s): Commissioner Donalds

Article/Section affected:

Date: November 13, 2017

| | REFERENCE | ACTION |
|----|-----------|--------------------|
| 1. | ED | Pre-meeting |
| 2. | LO | |

I. SUMMARY:

The proposal amends section 4 of Article IX of the Florida Constitution to limit school board members to two consecutive four year terms. After serving two terms for a total of eight years, the school board member is ineligible to run for another term. The proposal provides that current service on the school board counts towards the eight year limit.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida School Boards

Section 4(a) of Article IX of the Florida Constitution provides that:

“Each county shall constitute a school district . . . In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.”

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.¹

¹ Fla. Const. art. IX s. 4(b).

There are currently about 330 school board members across the 67 districts in Florida.² In 2016-17, there were approximately 50 new school board members.³ There is no provision in the Florida constitution or Florida law that limits the term of school board members.

Term Limits in Florida

Article 4 of Section VI of the Florida Constitution contains similar language to Proposal 43, which prohibits a person from appearing on the ballot for reelection for the following prescribed offices if they have served eight years in office:

- Florida representative;
- Florida senator;
- lieutenant governor;
- any office of the Florida cabinet
- U.S. representative or U.S. senate.⁴

The term limits provision under Article VI, which became effective in 1992, was as a result of a citizens' initiative.⁵ The limitation on time in office did not begin until the effective date of the amendment and thus service prior to the amendment did not count towards the eight years.

Term limits have been applied to county commissioners in charter counties as well. In *Telli v. Broward County*, the Florida Supreme Court ruled that charter counties may apply term limits to county commissioners.⁶

B. EFFECT OF PROPOSED CHANGES:

The proposal amends section 4 of Article IX of the Florida Constitution to prohibit a person from appearing on a ballot for re-election to the office of school board if by the end of the current term of office, the person would have served, or but for resignation would have served, for eight consecutive years.

² For a list of all Florida school boards and a link to the corresponding school boards website visit: <http://fsba.org/membership/school-boards/> (last visited 11/21/17).

³ *State of the Association: Making Strides for Public Education, 2016-17 Annual Report, Vol. 2*, pg. 3. Florida School Boards Association <http://fsba.org/wp-content/uploads/2017/10/1617-Annual-Report-FULL-BLEED-8-28-17-Final.pdf> (last visited 11/21/17).

⁴ Term limits for federal offices were found to be unconstitutional by the U.S. Supreme Court. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). See Also *Ray v. Mortham*, 742 So.2d 1276 (Fla. 1999).

⁵ For more information related to the 1992 term limit constitutional amendment see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited 11/21/17).

⁶ *Telli v. Broward County*, 94 So.3d 504 (Fla. 2012).

The proposals also provides that service on the school board before the proposed amendment takes effect shall accrue toward the eight-year limitation on the school board. This has a potential impact for current board members who have already reached the eight-year limit.

C. FISCAL IMPACT:

Indeterminate.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.