



TAXATION AND BUDGET REFORM COMMISSION

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Staff Analysis and Economic Impact Statement

Measure: CP 30

REFERENCE:

ACTION:

Sponsor: Governmental Services
Committee

1. GSC
2. PBPC
3. TBRC

Favorable
Favorable
Pre-meeting

Subject: Class Size Amendment

Date: March 11, 2008

I. Summary:

Constitutional Proposal 30 proposes an amendment to Article IX, Section 1 of the Florida Constitution to make the class size limitations applicable to school averages and to create limited flexibility to the number of students assigned to each teacher. The proposal requires that the Legislature make adequate provisions to ensure that, beginning in the 2010-2011 school year and every year thereafter, there are a sufficient number of classrooms so that:

- 1) The school average number of students who are assigned to each teacher who is teaching in public school classrooms for grades volunteer pre-kindergarten through grade 3 does not exceed 18 students and the maximum number of students who are assigned to each teacher does not exceed 23 students;
- 2) The school average number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through grade 8 does not exceed 22 students and the maximum number of students who are assigned to each teacher does not exceed 27 students; and
- 3) The school average number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through grade 12 does not exceed 25 students and the maximum number of students who are assigned to each teacher does not exceed 30 students.

II. Present Situation:

In November 2002, the voters amended the Florida Constitution to establish, by the beginning of the 2010-2011 school year, the maximum number of students in core-curricula courses assigned to a teacher in each of the following three grade groups:

- 18 students in prekindergarten through grade 3;

- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.¹

Section 1003.03(2), F.S., implements the class size constitutional amendment by establishing measures for compliance. The statute:

- Establishes a baseline based on data from the February 2003 student membership survey;
- Establishes a method of measuring compliance and a schedule for implementation; and
- Establishes requirements of those districts found to be non-compliant.

The implementation schedule created by s. 1003.03, F.S., requires:

- Compliance with class size reduction requirements to be measured at the district-level during the 2003-2004, 2004-2005, and 2005-2006 school years;
- Beginning with the 2006-2007 school year, progress toward class-size reduction will be measured at the school level for traditional public schools and charter schools; and
- To be in compliance, the school-level average of a school must meet the class size caps by grade groups – that is, 18 students in grades K-3; 22 students in grades 4-8; and 25 students in grades 9-12.

Since 2003, school districts have made consistent progress toward meeting class size reduction goals. While most school districts (61 of 67) met 2005-2006 class size targets, which were at the district level, six did not – Charlotte, Franklin, Gulf, Manatee, Marion and St. Lucie.² School districts that do not meet the required two-student-per-year reduction are subject to transfer of a percentage of their class size reduction operating budgets to class size reduction fixed capital outlay budgets which fund school construction.³

In determining compliance, the Department of Education (DOE) annually calculates the status of each district for the three class size measures based upon a statutory schedule. For fiscal year (FY) 2003-2004 through 2005-2006, compliance was measured by a district average. In FY 2006-2007 and 2007-2008, compliance is being measured by a school average. Beginning with FY 2008-2009, compliance will be measured at the individual classroom level.⁴

¹ Article IX, Section 1 of the Florida Constitution

² Eight districts did not meet class size targets in the 2005-06 school years prior to the DOE unexpected student growth adjustment. However, after these adjustments DOE classified Suwannee and Walton county school districts to be in compliance with the targets.

³ Districts may appeal the transfer to the State Board of Education based on impediments such as unexpected student growth, new teacher hires since the October student count and insufficient space. Based on a review of the appeals, the Commissioner of Education may recommend alternative amounts be transferred.

⁴ OPPAGA – May, 2007; School Districts Are Reducing Class Size in Several Ways; May Be Able to Reduce Costs

Beginning in the 2005-2006 school year, DOE is required to determine by January 15 of each year which districts have not met the two-student-per-year reduction. Each district that has not met the two-student-per-year reduction must implement one of the following policies in the subsequent school year:

- Year-round schools;
- Double sessions;
- Rezoning; or
- Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session during the day.

During the 2005 and 2006 legislative sessions, joint resolutions were introduced which would have placed the constitutional amendment on the ballot for voter consideration of changes to measure compliance at the school district class size average. Both Legislatures failed to pass a joint resolution to change the constitutional language.⁵

School districts have identified several challenges in meeting class size reduction requirements. These include construction cost increases, competition for scarce land suitable for school sites, parental resistance to rezoning, and local permitting processes.

Thirty five of the districts reported difficulties in obtaining property to build new schools. For instance, fast growing districts including Lake, Lee, Osceola, and St. Lucie reported difficulty in finding affordable school sites due to rapidly increasing property values, resulting in selecting less desirable sites that can have environmental issues and infrastructure constraints such as a lack of water, sewers, and roads. Districts reported that these factors have increased the time and costs of finding appropriate school sites.⁶

Districts report that when constructing new schools or adding classrooms they often contend with a lack of appropriately zoned sites, drawn out review and permitting processes, and conflicting land use regulations among governmental entities within counties.

According to the Department of Education, the cost to fully implement the class size amendment, under current law, from the 2003-2004 fiscal year to the 2010-2011 fiscal year, is \$22.8 billion. This cost includes \$19.7 billion for operating costs and \$3 billion for fixed capital outlay costs.⁷

⁵ Education Policy Report, Governmental Services Committee of the TBRC

⁶ OPPAGA – May, 2007; School Districts Are Reducing Class Size in Several Ways; May Be Able to Reduce Costs.

⁷ Education Policy Report, Governmental Services Committee of the TBRC

Class Size Reduction Projections

| Year | Operating | Capital Outlay | Totals |
|---------|----------------|----------------|----------------|
| 2003-04 | 468,198,634 | 600,000,000 | 1,068,198,634 |
| 2004-05 | 972,191,216 | 100,000,000 | 1,072,191,216 |
| 2005-06 | 1,507,199,696 | 83,400,000 | 1,590,599,696 |
| 2006-07 | 2,108,529,344 | 1,100,000,000 | 3,208,529,344 |
| 2007-08 | 2,708,412,008 | 650,000,000 | 3,358,412,008 |
| 2008-09 | 3,323,151,493 | 514,559,727 | 3,837,711,220 |
| 2009-10 | 3,968,413,361 | - | 3,968,413,361 |
| 2010-11 | 4,673,053,996 | - | 4,673,053,996 |
| Totals | 19,729,149,748 | 3,047,959,727 | 22,777,109,475 |

The amounts reflected for 2003-2004 through 2007-2008 are actual operating and fixed capital outlay costs for class size reduction. The 2008-2009 amounts represent the funding requested in the Department of Education's 2008-2009 Legislative Budget Request.

III. Effect of Proposed Changes:

Subject to voter approval, this constitutional proposal amends the method by which class size compliance is calculated. Class size will be calculated by the school average number of students who can be assigned to each teacher. By the beginning of the 2009-2010 school year, the school average number of students per teacher may not exceed the following limits:

- Prekindergarten through the 3rd grade, 18 students;
- 4th grade through the 8th grade, 22 students; and
- 9th grade through the 12th grade, 25 students.

The proposal also provides that the school average class size must not exceed the prescribed average for each of the three grade groups; also, the maximum number of students that can be assigned to one teacher teaching core-curricula courses in an individual school classroom shall not exceed the following:

- Prekindergarten through grade 3, the number of students may not exceed 23;
- Grades 4 through 8, the number of students may not exceed 27; and
- Grades 9 through 12, the number of students may not exceed 30.

IV. Constitutional Issues:

A. Constitutional or Statutory Issues:

None.

B. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Economic and Demographic Research Office has not conducted an estimating conference on this issue at this time. However, based on the Department of Education estimates, there would be a possible savings of approximately \$3,649,525,752 between this year and the 2010-2011 school years.⁸

Under Art. XI, s. 5(d), Fla. Const., the Secretary of State must publish in newspapers throughout the state proposed constitutional amendments and notice of the date of the election at which it will be submitted to the electors. According to the Department of State, the average publishing costs for citizen initiative amendments is \$60,000. However, the cost to publish lengthy amendments will exceed that amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁸Class Size Reduction – School Based Average Scenario Summary presented by Link Jarrett, Administrator of the Office of Funding & Financial Reporting with DOE at the Governmental Services Committee Meeting on January 11, 2008.