

1 Resolution of the Taxation and Budget Reform Commission
2 A resolution proposing an amendment to Section 1 and the
3 creation of Section 8 of Article IX and the creation of
4 Section 28 of Article XII of the State Constitution to
5 provide that the State Constitution establishes the
6 state's minimum duty to educate the children residing
7 within the state and to require a certain percent of
8 school funding to be spent on classroom instruction.
9

10 Be It Resolved by the Taxation and Budget Reform Commission:
11

12 That the following amendment to Section 1 and the creation
13 of Section 8 of Article IX and the creation of Section 28 of
14 Article XII of the State Constitution is agreed to and shall be
15 submitted to the electors of this state for approval or
16 rejection at the next general election or at an earlier special
17 election specifically authorized by law for that purpose:

18 ARTICLE IX

19 EDUCATION

20 SECTION 1. Public funding of education.--

21 (a) The education of children is a fundamental value of
22 the people of the State of Florida. It is, therefore, a
23 paramount duty of the state to make adequate provision for the
24 education of all children residing within its borders. This duty
25 shall be fulfilled, at a minimum and not exclusively, through
26 adequate ~~Adequate~~ provision ~~shall be made~~ by law for a uniform,
27 efficient, safe, secure, and high quality system of free public
28 schools that allows students to obtain a high quality education
29 and for the establishment, maintenance, and operation of

30 institutions of higher learning and other public education
31 programs that the needs of the people may require. Nothing in
32 this subsection creates an entitlement to a publicly-financed
33 private program.

34 (b) To assure that children attending public schools
35 obtain a high quality education, the legislature shall make
36 adequate provision to ensure that, by the beginning of the 2010
37 school year, there are a sufficient number of classrooms so
38 that:

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

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

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

48
49 The class size requirements of this subsection do not apply to
50 extracurricular classes. Payment of the costs associated with
51 reducing class size to meet these requirements is the
52 responsibility of the state and not of local schools districts.
53 Beginning with the 2003-2004 fiscal year, the legislature shall
54 provide sufficient funds to reduce the average number of
55 students in each classroom by at least two students per year
56 until the maximum number of students per classroom does not
57 exceed the requirements of this subsection.

58 (c)~~(b)~~ Every four-year old child in Florida shall be

59 provided by the State a high quality pre-kindergarten learning
60 opportunity in the form of an early childhood development and
61 education program which shall be voluntary, high quality, free,
62 and delivered according to professionally accepted standards. An
63 early childhood development and education program means an
64 organized program designed to address and enhance each child's
65 ability to make age appropriate progress in an appropriate range
66 of settings in the development of language and cognitive
67 capabilities and emotional, social, regulatory and moral
68 capacities through education in basic skills and such other
69 skills as the Legislature may determine to be appropriate.

70 ~~(d)(e)~~ The early childhood education and development
71 programs provided by reason of subsection (c) ~~subparagraph (b)~~
72 shall be implemented no later than the beginning of the 2005
73 school year through funds generated in addition to those used
74 for existing education, health, and development programs.
75 Existing education, health, and development programs are those
76 funded by the State as of January 1, 2002 that provided for
77 child or adult education, health care, or development.

78 SECTION 8. Requiring sixty-five percent of school funding
79 for classroom instruction.--At least sixty-five percent of the
80 school funding received by school districts shall be spent on
81 classroom instruction, rather than on administration. Classroom
82 instruction and administration shall be defined by law. The
83 legislature may also address differences in administrative
84 expenditures by district for necessary services, such as
85 transportation and food services. Funds for capital outlay shall
86 not be included in the calculation required by this section.
87

ARTICLE XII

SCHEDULE

Section 28. Requiring sixty-five percent of school funding for classroom instruction.--The requirement that sixty-five percent of school funding received by school districts be spent on classroom instruction in Section 8 of Article IX, and this section, shall first be applicable to school years commencing during the state fiscal year 2009-2010.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTIONS 1 AND 8

ARTICLE XII, SECTION 28

REQUIRING 65 PERCENT OF SCHOOL FUNDING FOR CLASSROOM INSTRUCTION; STATE'S DUTY FOR CHILDREN'S EDUCATION.--Requires at least 65 percent of school funding received by school districts be spent on classroom instruction, rather than administration; allows for differences in administrative expenditures by district. Provides the constitutional requirement for the state to provide a "uniform, efficient, safe, secure, and high quality system of free public schools" is a minimum, nonexclusive duty. Reverses legal precedent prohibiting public funding of private school alternatives to public school programs without creating an entitlement.