



## Class Size

### **What are Florida's class size requirements?**

The Florida Constitution was amended in 2002 to require the Legislature to make adequate provision to ensure that, by the beginning of the 2010 academic year, there are a sufficient number of classrooms so that the maximum number of students assigned to each public school teacher in the following grade groupings is:

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

In the years prior to the 2010 academic year, the average number of students in each classroom was to be reduced by at least two students per year until the maximum number of students is met.<sup>1</sup> The class size requirements do not apply to extracurricular courses. Statutory provisions implementing the class size amendment identify as core-curricula courses those subjects that are not considered extracurricular courses. For class size purposes, core-curricula courses are defined as mathematics, language arts/reading, science, social studies, foreign languages, English for speakers of other languages, exceptional student education, and courses taught in traditional self-contained elementary classrooms.<sup>2</sup>

Under the initial implementing statute, compliance with the class size requirements was to be measured at the:

- ❖ District level for each of the three grade groupings during FYs 2003-06.
- ❖ School level for each of the three grade groupings in FYs 2006-08.
- ❖ Individual classroom level for each of the three grade groupings in FY 2008-09 and thereafter.<sup>3</sup>

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<sup>1</sup> Section 1(a), Art. IX of the State Constitution. Florida's class size requirements originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. Voters approved the proposed amendment by a margin of 2,550,201 or 52 percent "for" to 2,317,671 or 48 percent "against." Florida Department of State, Division of Elections, *Florida's Amendment to Reduce Class Size*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34393&seqnum=1> (last visited Aug. 11, 2010). In the 2006 general election, voters approved an amendment to the Florida Constitution which requires that an amendment to or revision of the State Constitution, whether proposed by the Legislature, by initiative, or by any other method, must be approved by at least 60 percent of the voters of the state voting on the measure, rather than by a simple majority. Section 5(e), Art. XI of the State Constitution; see Florida Department of State, Division of Elections, *Requiring Broader Public Support for Constitutional Amendments or Revisions*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=10&seqnum=63> (last visited Aug. 11, 2010).

<sup>2</sup> Section 1, ch. 2003-391, L.O.F., *codified at* s. 1003.01(14), F.S. "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, and career education. Section 1003.01(15), F.S.

<sup>3</sup> Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03(2)(b), F.S. (2003).

The timeframe for measuring class size at the school level was extended twice by the Legislature. In 2008, the Legislature extended school level measurement through FY 2008-09.<sup>4</sup> The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-11 and thereafter.<sup>5</sup>

In 2010, the Legislature passed Senate Joint Resolution 2, which proposed amending the class size provisions of the State Constitution. The joint resolution would amend the class size maximums for each grade grouping, as follows:

- ❖ Prekindergarten through grade 3: The maximum number of students who may be assigned to each teacher in an individual classroom would be raised from 18 to 21, but the school average number of students assigned per class to each teacher within each public school may not exceed 18 students.
- ❖ Grades 4 through 8: The maximum number of students who may be assigned to each teacher in an individual classroom would be raised from 22 to 27, but the school average number of students assigned per class to each teacher within each public school may not exceed 22 students.
- ❖ Grades 9 through 12: The maximum number of students who may be assigned to each teacher in an individual classroom would be raised from 25 to 30, but the school average number of students assigned per class to each teacher within each public school may not exceed 25 students.

Additionally, the joint resolution would clarify that virtual schools are exempt from class size requirements. It would also require the Legislature to provide sufficient funding to maintain class sizes at the levels proposed by the amendment.<sup>6</sup>

The proposed constitutional amendment was presented to the voters at the November 2, 2010, general election. Votes cast in favor of the amendment totaled 54.51 percent, short of the 60 percent threshold required for adoption.<sup>7</sup>

### ***How much funding has been provided to meet the class size requirements?***

To implement the class size requirements, the Legislature has appropriated both operating and capital outlay funds. Appropriations since FY 2003-04 have exceeded \$18 billion.

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<sup>4</sup> Section 5, ch. 2008-142, L.O.F., *codified at* s. 1003.03(2)(b)2. and 3., F.S. (2008).

<sup>5</sup> Section 14, ch. 2009-59, L.O.F., *codified at* s. 1003.03(2)(b)2. and 3., F.S. (2009).

<sup>6</sup> Senate Joint Resolution 2 (2010); see Florida Department of State, Division of Elections, *Revision of Class Size Requirements for Public Schools*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=10&seqnum=75> (last visited Aug. 16, 2010).

<sup>7</sup> Florida Department of State, *Election Results: Revision of Class Size Requirements for Public Schools*, <http://enight.elections.myflorida.com/contestdetails.aspx?con=900800> (last visited Nov. 3, 2010).

<b>Class Size Reduction Funding History</b>			
<b>Fiscal Year</b>	<b>Operating Funds</b>	<b>Fixed Capital Outlay</b>	<b>Total Appropriations</b>
2003-04 <sup>8</sup>	\$468,198,634	\$600,000,000	\$1,068,198,634
2004-05 <sup>9</sup>	\$972,191,216	\$100,000,000	\$1,072,191,216
2005-06 <sup>10</sup>	\$1,507,199,696	\$83,400,000	\$1,590,599,696
2006-07 <sup>11</sup>	\$2,108,529,344	\$1,100,000,000	\$3,208,529,344
2007-08 <sup>12</sup>	\$2,640,719,730	\$650,000,000	\$3,290,719,730
2008-09 <sup>13</sup>	\$2,729,491,033	\$0	\$2,729,491,033
2009-10 <sup>14</sup>	\$2,845,578,849	\$0	\$2,845,578,849
2010-11 <sup>15</sup>	\$2,927,921,474	\$0	\$2,927,921,474
Total Year to Date	\$16,199,829,976	\$2,533,400,000	\$18,733,229,976

### **How have class sizes been impacted since the adoption of the class size amendment?**

Since the adoption of the class size amendment, average class sizes have been impacted as follows:<sup>16</sup>

<b>School District Average Class Size</b>								
<b>Grade Groupings</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
<b>PK-3</b>	23.07	20.54	18.98	18.16	17.01	16.28	15.95	16.39
<b>Grades 4-8</b>	24.16	22.43	21.30	20.48	19.45	18.76	18.60	18.91
<b>Grades 9-12</b>	24.10	24.06	23.65	22.96	22.22	21.39	21.49	21.94

School districts have used various methods to reduce class sizes. Between FYs 2003-06, 50 of Florida's 67 school districts built a total of 19,795 new classrooms in order to comply with class size requirements. To do so, districts added classrooms to existing schools and built new schools.

<sup>8</sup> Specific Appropriations 1A and 3C, s. 1, and 14F and 59A, s. 2, ch. 2003-397, L.O.F.

<sup>9</sup> Specific Appropriations 6, s. 1, and 28A and 82, s. 2, ch. 2004-268, L.O.F.

<sup>10</sup> Specific Appropriations 5, s. 1, and 74, s. 2, ch. 2005-70, L.O.F.

<sup>11</sup> Specific Appropriations 7, s. 1, and 38A and 92, s. 2, ch. 2006-25, L.O.F.

<sup>12</sup> Specific Appropriation 30, s. 2, ch. 2008-1, L.O.F.; specific appropriations 3 and 7, s. 1, and 35 and 35A, s. 2, ch. 2007-326, L.O.F.; specific appropriations 7, s.1, 36 and 87, s. 2, ch. 2007-72, L.O.F.

<sup>13</sup> Specific Appropriations 6, s. 1, and 82, s. 2, ch. 2008-152, L.O.F.; specific appropriations 2, s. 1, and 43 and 43A, s. 2, ch 2009-1, L.O.F.

<sup>14</sup> Specific Appropriations 6, s. 1, and 77, s. 2, ch. 2009-81, L.O.F.

<sup>15</sup> Specific Appropriations 7, s. 1, and 79, s. 2, ch. 2010-152, L.O.F.

<sup>16</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 5101* (2010).

Districts also used relocatable classrooms, team teaching, and rezoning to meet class size requirements.<sup>17</sup>

### ***How is compliance with the class size requirements enforced?***

In FYs 2006-10, when class size was measured at the school level, if a district failed to comply with the class size requirements a portion of its class size reduction operating categorical funds could be transferred to a fixed capital outlay account. The Department of Education (DOE) was required to calculate an amount of funds proportionate to the amount of class size reduction not accomplished. The amount of funds actually transferred was either DOE's calculation or the undistributed balance of the district's class size reduction operating categorical, whichever was the least.<sup>18</sup> If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance, the Commissioner of Education and the State Board of Education were authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.<sup>19</sup>

<b><i>Class Size Reduction Operating Categorical Funds Transfers: FYs 2006-10<sup>20</sup></i></b>		
<b><i>Fiscal Year</i></b>	<b><i>Transfer Amount Before Appeals</i></b>	<b><i>Transfer Amount After Appeals</i></b>
<b><i>2006-07</i></b>	<b><i>14,668,338</i></b>	<b><i>5,318,921</i></b>
<b><i>2007-08</i></b>	<b><i>6,132,926</i></b>	<b><i>475,324</i></b>
<b><i>2008-09</i></b>	<b><i>1,396,108</i></b>	<b><i>0</i></b>
<b><i>2009-10</i></b>	<b><i>1,912,030</i></b>	<b><i>267,263</i></b>

Beginning in FY 2010-11, class size is measured at the individual classroom level. The procedure that DOE must follow for adjusting class size reduction operating categorical funds for school districts that fail to meet the class size requirements is as follows:

- ❖ Identify, for each grade grouping, the number of classes that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- ❖ Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- ❖ Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.

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<sup>17</sup> Office of Program Policy Analysis and Government Accountability, Report No. 07-29, *School Districts Are Reducing Class Size in Several Ways; May Be Able to Reduce Costs*, at 5-7 (May 2007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0729rpt.pdf>.

<sup>18</sup> Section 1003.03(4)(a)1., F.S. (2009).

<sup>19</sup> Section 1003.03(4)(a)2., F.S. (2009).

<sup>20</sup> Email, Florida Department of Education, Director of Governmental Affairs, *2010 Class Size Fact Sheet* (Aug. 27, 2010). FYs 2006-07 and 2007-08 include transfers from charter schools; FYs 2008-09 and 2009-10 do not because there were no transfers for charter schools those two years. *Id.*

- ❖ Multiply the total number of FTE students over 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 2010-11 FY.<sup>21</sup>
- ❖ Reduce the district's class size reduction operating categorical allocation by an amount equal to the sum of the calculations in the 3rd and 4<sup>th</sup> bullets above.<sup>22</sup>

The reduced amount is the lesser of DOE's calculation or the undistributed balance of the district's class size reduction operating categorical allocation.<sup>23</sup> If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the commissioner is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.<sup>24</sup> Once the reduced amount is determined, the commissioner must prepare a reallocation of the funds made available to districts that have fully met the class size requirements by calculating an amount that is up to five 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.<sup>25</sup>

Districts that fail to comply with the class size requirements must submit a plan by February 15, certified by the district school board, which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.<sup>26</sup>

### ***How many schools per year have failed to meet the class size requirements since school level measurement began?***

Measurement of class size at the school level began in FY 2006-07. Through the 2009-10 FY, school noncompliance with class size is as follows:<sup>27</sup>

#### **FY 2006-07**

- ❖ A total of 177 traditional public schools failed to comply with class size requirements, including 111 schools in 32 counties for prekindergarten through grade 3, 54 schools in 19 counties for grades 4 through 8, and 23 schools in 15 counties for grades 9 through 12.  
A total of 88 charter schools failed to comply with class size requirements, including 53 schools in 19 counties for prekindergarten through grade 3, 53 schools in 15 counties for grades 4 through 8, and six schools in four counties for grades 9 through 12.

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<sup>21</sup> Beginning in FY 2011-12 and thereafter, the total number of FTE students over the maximum for all classes will be multiplied by an amount equal to the full base student allocation adjusted by the district cost differential.

Section 1003.03(4)(a)4., F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>22</sup> Section 1003.03(4)(a), F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>23</sup> Section 1003.03(4)(b), F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>24</sup> Section 1003.03(4)(c), F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>25</sup> Section 1003.03(4)(d), F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>26</sup> Section 1003.03(4)(e), F.S., as amended by s. 11, ch. 2010-154, L.O.F.

<sup>27</sup> Email, Florida Department of Education, Director of Governmental Affairs, *2010 Class Size Fact Sheet* (Aug. 27, 2010). Schools by grade grouping do not add up to total schools because some schools contain more than one grade grouping. Thus, the same school may be out of compliance in more than one grade grouping. *Id.*

**FY 2007-08**

- ❖ A total of 67 traditional public schools failed to comply with class size requirements, including 46 schools in 17 counties for prekindergarten through grade 3, 15 schools in 11 counties for grades 4 through 8, and nine schools in six counties for grades 9 through 12.
- ❖ A total of 19 charter schools failed to comply with class size requirements, including 13 schools in 10 counties for prekindergarten through grade 3 and nine schools in eight counties for grades 4 through 8. All charter schools serving grades 9 through 12 were in compliance.
- ❖ Two lab schools failed to comply with class size requirements for prekindergarten through grade 3.

**FY 2008-09**

- ❖ A total of 39 traditional public schools failed to comply with class size requirements, including 26 schools in 12 counties for prekindergarten through grade 3, 12 schools in 10 counties for grades 4 through 8, and four schools in one county for grades 9 through 12.
- ❖ A total of 17 charter schools failed to comply with class size requirements, including 12 schools in 10 counties for prekindergarten through grade 3, four schools in three counties for grades 4 through 8, and two schools in two counties for grades 9 through 12.

**FY 2009-10<sup>28</sup>**

- ❖ A total of 69 traditional public schools failed to comply with class size requirements, including 46 schools in 15 counties for prekindergarten through grade 3, 23 schools in 12 counties for grades 4 through 8, and six schools in six counties for grades 9 through 12.
- ❖ Two lab schools failed to comply with class size requirements for grades prekindergarten through grade 3. Two lab schools also failed to comply with class size requirements for grades 4 through 8.

***Has research shown that Florida's class size amendment positively impacts student achievement?***

No. In 2005, an extensive evaluation of the likely impacts of Florida's class size limitations was performed by the Council for Education Policy Research and Improvement (CEPRI).<sup>29</sup> CEPRI examined the results of other states' efforts to reduce class sizes, national research on class size

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<sup>28</sup> Data on charter school compliance was not compiled in FY 2009-10, because, on December 17, 2008, the Division of Administrative Hearings (DOAH) held that the DOE lacked statutory authority to require charter schools to comply with class size requirements. Unless expressly required to comply, charter schools are exempt from most education code statutes. DOAH reasoned that, because charter schools are not expressly subject to the class size statute, they are not required to comply with class size requirements. *The Renaissance Charter School, Inc. v. Dept. of Ed.*, 2008 WL 5269932 (Fla. Div. Admin. Hrgs. 2008). In 2010, the Legislature expressly required charter schools to comply with class size reduction requirements. Such compliance must be maintained at the school level average, rather than at the classroom level currently required of traditional public schools. Section 1002.33(16)(b)3., F.S., as amended by s. 6, ch. 2010-154, L.O.F.

<sup>29</sup> Center for Education Policy, Research, and Improvement, *Impact of the Class Size Amendment on the Quality of Education in Florida* (Nov. 2005), available at <http://www.cepri.state.fl.us/pdf/2005%20Class%20Size%20Impact%20Full%20Report.pdf>.

reduction, and Florida's unique characteristics and concluded that class size reduction is not the best strategy for improving education in Florida.<sup>30</sup> CEPRI found that:

- ❖ National research on class size reduction provides “no evidence that reducing class size leads to increased academic outcomes for students in all grades.”<sup>31</sup>
- ❖ Florida's class size limitations were more rigid and inflexible than those of other states.<sup>32</sup> Thus, Florida's implementation of the class size amendment would exacerbate teacher shortages, impair parental school choice, and result in the elimination of academic electives and funding cuts to technology; paraprofessional positions; magnet programs; supplemental coaching in math, science, and reading; and dropout prevention programs.<sup>33</sup>
- ❖ Having a quality teacher is the single most important factor that impacts student achievement. CEPRI concluded that the class size amendment would inevitably decrease the quality of public school teachers, especially in schools that serve low-income areas of the state.<sup>34</sup>

In 2010, a study by Harvard University's Program on Education Policy and Governance (PEPG) compared the Florida Comprehensive Achievement Test reading and mathematics scores of students in schools and school districts that had class sizes below the constitutional maximums before enactment of the class size amendment with those in schools and school districts with pre-enactment class sizes above the maximums.<sup>35</sup> The author found no significant difference in the achievement scores of students in the two comparison groups. Thus, the study concludes that reduced class sizes have had no significant impact, positive or negative, on student achievement.<sup>36</sup>

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<sup>30</sup> *Id.* at 1-2.

<sup>31</sup> *Id.* at 21. The report acknowledged that there may be some evidence of benefits to kindergarten through grade three students; however, it indicated that the benefit was not likely to be evident in higher grades. *See id.* at 5.

<sup>32</sup> *Id.* at 21-22.

<sup>33</sup> *Id.* at 12-15, 17-18.

<sup>34</sup> *Id.* at 21-22.

<sup>35</sup> Harvard University Program on Education Policy and Governance, *The Impact of a Universal Class-Size Reduction Policy: Evidence from Florida's Statewide Mandate*, Working Paper PEPG 10-03, at 6-7 (May 2010), available at [http://www.hks.harvard.edu/pepg/PDF/Papers/PEPG10-03\\_Chingos.pdf](http://www.hks.harvard.edu/pepg/PDF/Papers/PEPG10-03_Chingos.pdf).

<sup>36</sup> *Id.* at 25-26. The finding that Florida's class size amendment has little impact on student achievement is consistent with the general body of research conducted on the matter. A 1998 review of 277 class size studies conducted between 1965 and 1994 found that only 15 percent of the studies suggest that reducing class size improves student achievement on standardized tests. In 72 percent of the studies reviewed, there was no statistically significant effect on student achievement associated with smaller class sizes. In 13 percent of the studies reviewed, student test scores actually declined as class size was reduced. Overall, 85 percent of the studies reviewed indicated that class size did not improve student achievement. *See* Eric A. Hanushek, *The Evidence on Class Size*, Occasional Paper 98-1, University of Rochester, at 21-23 (Feb. 1998), available at <http://edpro.stanford.edu/hanushek/admin/pages/files/uploads/evidence.size.mayer-peterson.pdf>.

***Where can I get additional information?***

***Florida Department of Education***

Office of Deputy Commissioner for Finance and Operations

(850) 245-0406

<http://www.fldoe.org/ClassSize/>

***Florida House of Representatives***

Appropriations Committee

(850) 488-6204

<http://www.myfloridahouse.gov>

***Florida House of Representatives***

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>