



Committee on 21st Century Competitiveness

**Tuesday, March 4, 2008
1:00 PM - 4:00 PM
404 HOB**

**Marco Rubio
Speaker**

**David Simmons
Chair**

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The Florida House of Representatives

Schools and Learning Council

Committee on 21st Century Competitiveness

Marco Rubio
Speaker

David Simmons
Chair

February 5, 2008

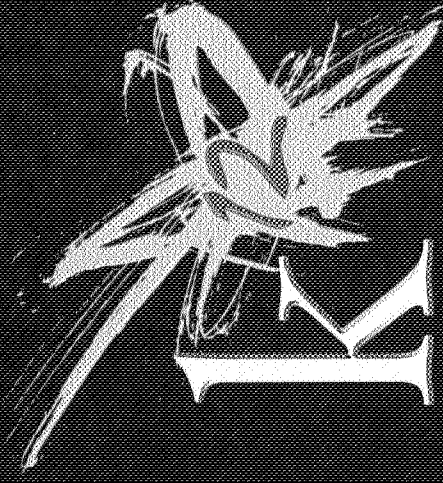
MEETING AGENDA

March 4, 2008

1:00 PM – 4:00 PM

404 HOB

- I. Call to Order
- II. Chairman's Remarks
- III. Presentations on how Virtual Education can help with class size:
 - Charles Zogby, Senior Vice-President, K12, Inc.
 - Julie Young, CEO, Florida Virtual Schools
- IV. Discussion of draft class size language
- V. Closing Comments
- VI. Adjournment



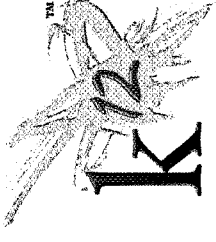
unleash the xPotential

Virtual Education and Class Size Reduction

Committee on 21st Century Competitiveness

Florida House of Representatives

March 4, 2008



K12: a technology-based curriculum company

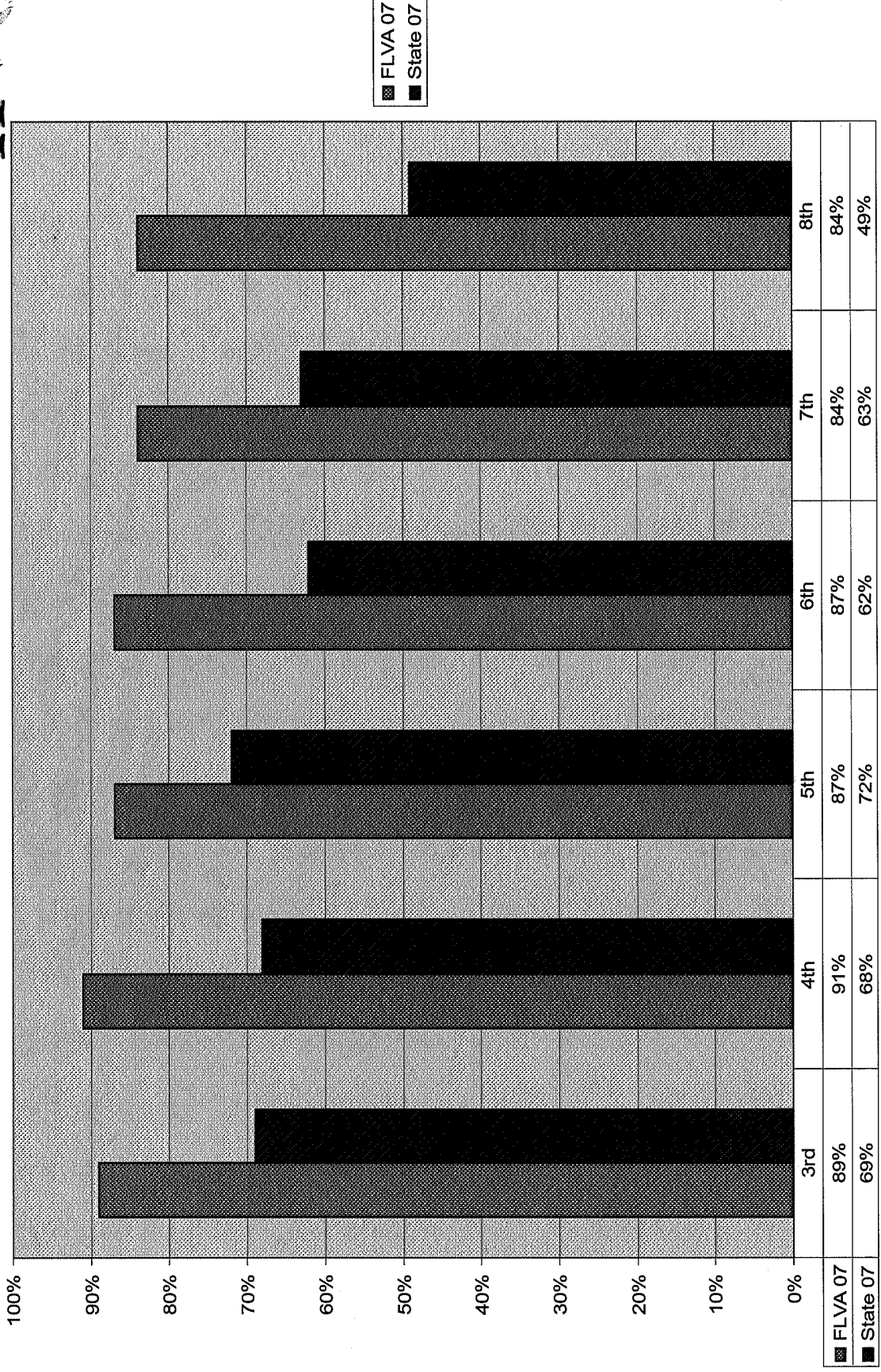
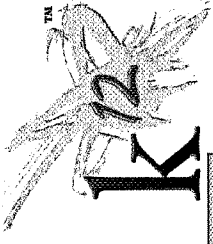
- Curriculum developed by over 200 leading education experts, including Nobel Prize laureates, teachers from all disciplines, and technology specialists
- 11000 engaging lessons, in every core subject, on every day of every week, for K-12 developed at a cost of over \$100M
- Rigorous curriculum designed to exceed all state standards plus multi-media, flash and video/audio clips, Internet links, educational games, offline videos and cd's
- Online School and Learning management system, continuous assessment, robust accountability system
- Utilized in virtual schools and classrooms throughout public education. Almost 100,000 students
- Manage virtual public schools in 17 states with over 40,000 students
- Students in all 50 states and 15 countries

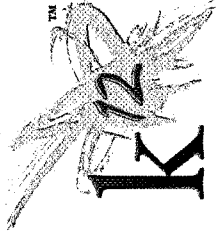


Virtual Education: What We Know

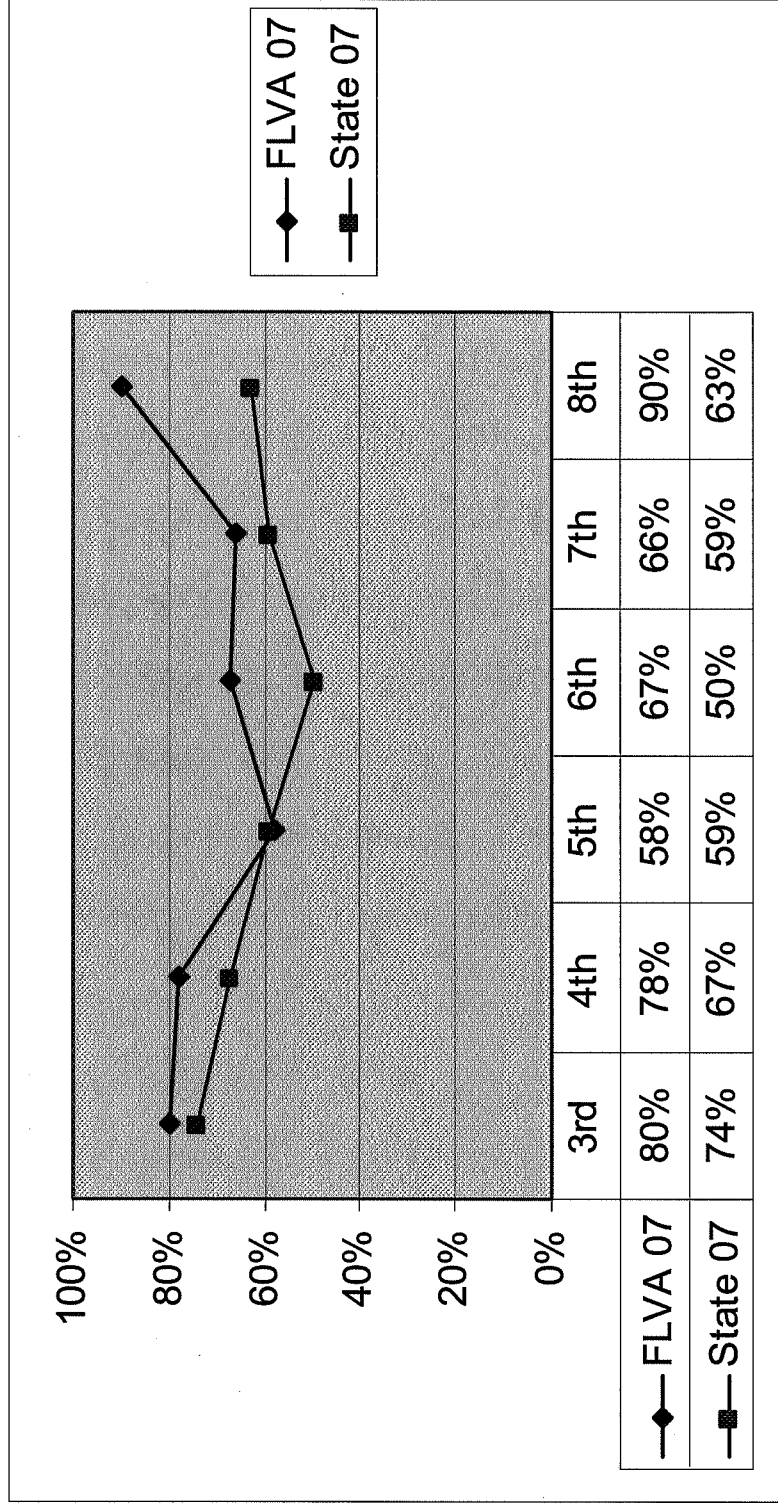
- **Programs and enrollments are growing rapidly** ~ Fastest growing area in K-12 public education, with 42 states offering full- and part-time virtual education programs accounting for an estimated one million enrollments, up from 328,000 enrollments in 2002
- **Tremendous diversity serving every type of student** ~ Programs are a wide mix and match of variables, including governance (state-led, charter, district, etc.); amount of instruction online (full-time, supplemental, hybrid or blended); course types; student types; geographic reach; and other variables.
- **Demonstrated quality and success** ~ With 10+ years of experience, programs have demonstrated achievement gains with all types of students at all levels of learning, including significant success with students with special needs.

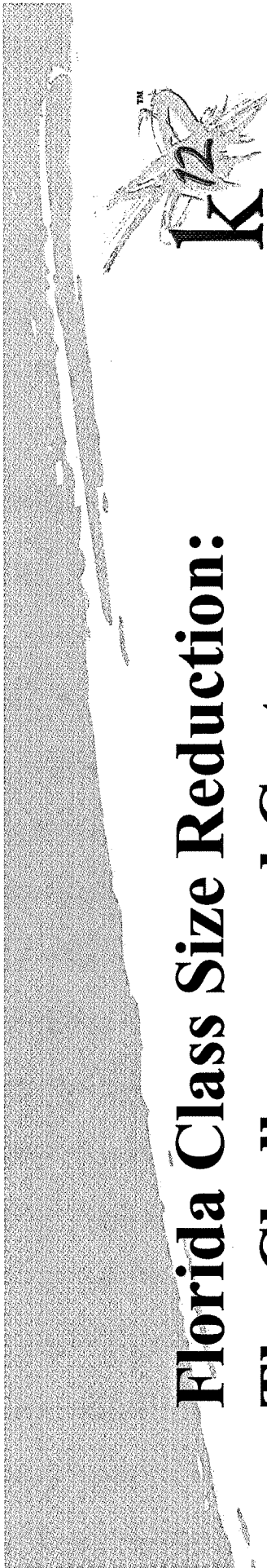
Florida Virtual Academy FCAT Reading Score Comparison 2007





Florida Virtual Academy Math Proficiency by Grade 2007





Florida Class Size Reduction: The Challenge and Cost

- 37 of 67 districts with nearly 400 schools do not meet class size requirements that will take effect in SY 2010-11
- To date, a majority of districts are using new construction of schools or classrooms as the preferred strategy to meet class size mandates
- New school or classroom construction is extremely costly, averaging roughly \$22,000 per student station.
- For FY 2007-08 alone, the Legislature allocated over \$2.7 billion to reduce class sizes, on top of \$4.6 billion in state and local funding for new school construction



Virtual Education and Class Size: New and Cost Effective Tool to Meet Mandates

- Virtual education can help reduce the need for new school and classroom construction by providing instructional opportunities to students outside the classroom
- Virtual education is a cost effective alternative to new school or classroom construction
 - Current K-8 Virtual Program funding of \$5050 per pupil versus average of \$7200+ per student in FEFP plus \$22,000 per student station construction cost
- At scale, virtual education can produce substantial savings for Florida taxpayers in operating and capital spending



Virtual Education Models: *Supplemental Education Programs*

- 29 States with state led virtual education programs or initiatives
- **Florida Virtual School: A National Leader**
 - Nation's largest online program measured by numbers of unique students
 - More than 100,000 course registrations
 - More than 90,000 course completions
 - Funded through state public education formula



Virtual Education Models:

Full-time Virtual Schools

- 18 States with 173 virtual schools serving 92,000 students (*Center for Education Reform*)

- **Florida Virtual Academy and Florida Connections Academy**
 - Offer full-time instruction as part of Florida's K-8 Virtual School Program
 - Fully accredited curriculum
 - Both earned an "A" grade for SY 2006-07
 - Serve over 1800 students
 - Waiting lists of nearly 3000 students



Virtual Education Models: *Hybrid, Blended and District Models*

- **Chicago Virtual Charter School** ~ Students attend the CVCS learning center 1/2 day a week for direct teacher instruction and then complete balance of instruction online
- **Hoosier Academy at Indianapolis and Muncie, Indiana**
 - ~ Students complete a majority of instruction in classroom style setting and then complete balance of instruction online
- **District virtual school programs** ~ school districts across the nation are implementing virtual school programs to serve their students outside traditional classroom settings



Virtual Education and Class Size: Future Possibilities

K12

✓ **High Standards and Accountability**

Ensure high quality programs by applying standards utilized for K-8 schools (aligned curriculum, state certified teachers, providing all materials and technology to students, school grade, and 3-year financial plan) across all programs and providers.

✓ **Expand K-8 Virtual School Program**

Reduce pressure on districts not meeting class size requirements by allowing students in those districts to enroll in existing K-8 virtual school program.

✓ **Enable District-Based Virtual School Programs**

Establish framework and incentives for school districts to establish their own virtual school programs to serve students as a means to expand educational options and reduce class sizes.

A bill to be entitled

An act relating to maximum class size; amending s. 1003.03, F.S.; revising the implementation schedule by providing compliance calculations for fiscal years 2008-2010; requiring the Department of Education to determine which districts do not meet the class size requirements and report such districts to the Legislature; providing the department with authority to ensure district compliance with class size requirements; revising accountability provisions to provide for the reduction of class size operating categorical funds; deleting accountability provisions relating to the transfer of funds and requiring non-compliant districts to implement certain policies; creating a flexibility exception to class size requirements for school districts; requiring school districts to make assignments no later than the October student membership survey; requiring school districts with unexpected student enrollment growth to consider alternatives to comply with class size requirements; providing definitions for unexpected student enrollment growth at the 3 grade groupings; authorizing district school boards to declare a flexibility exception; requiring notice of declaration; providing for certain conditions on a flexibility exception; providing the Department of Education with rule making authority; repealing s. 216.292(2)(d), F.S., relating to Appropriations nontransferable; exceptions; repealing s. 1002.63(4)(a), (b), F.S., relating to School-year prekindergarten program delivery by public schools; amending s. 1011.685, F.S.; revising requirements for use of operating categorical funds; and providing an effective date.

WHEREAS, the Florida Supreme Court held in *Advisory Opinion to the Attorney General Re: Florida's Amendment to Reduce Class Size*, that “[r]ather than restricting the Legislature, Article IX, Section 1 of the Florida Constitution, the class size amendment, gives the Legislature latitude in designing ways to reach the class size goal articulated in the amendment and places the obligation to ensure compliance on the Legislature, not the local school boards,” and

WHEREAS, disruptions in learning in the middle of the school year, such as the breakup of a classroom, being reassigned to a new teacher, or being transferred to another class or school, are educationally unsound and distressing to educators, parents, and students, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.— Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:

(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.

(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.

(2) IMPLEMENTATION.—

(a)1. Beginning with the 2003-2004 fiscal year through the 2007-2008 fiscal year, each school district that is not in compliance with the maximums in subsection (1) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.

2. In the 2008-2009 fiscal year, each school district that has individual classrooms with more than four students over the constitutional class size maximums in subsection (1) shall use its class size reduction operating categorical allocation in accordance with s. 1011.685(2) until the constitutional class size maximums are met.

3. In the 2009-2010 fiscal year, each school district that has individual classrooms with more than two students over the constitutional class size maximums in subsection (1) shall use its class size reduction operating categorical allocation in accordance with s. 1011.685(2) until the constitutional class size maximums are met.

4. Beginning with the October student membership survey of the 2010-2011 school year and at the October student membership survey of each school year thereafter, each individual classroom shall be in compliance with the constitutional class size maximums in subsection (1) except as otherwise authorized under subsection (6).

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal year years 2008-2009, ~~2009-2010, and thereafter~~, the calculation for compliance shall be the average at the school level. However, each district should strive in every practical way to achieve the goal that there be no more than four students over the constitutional class size maximums in subsection (1) at the individual classroom level.

4. For fiscal year 2009-2010, the calculation for compliance shall be the average at the school level. However, each district should strive in every practical way to achieve the goal that there be no more than two students over the constitutional class size maximums in subsection (1) at the individual classroom level.

5. Beginning with the October student membership survey of the 2010-2011 school year and at the October student membership survey of each school year thereafter, compliance shall be calculated at the individual classroom level based on the constitutional class size maximums in subsection (1).

6. 4- For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.

(c) The Department of Education shall annually calculate ~~each of the three average~~ class size measures defined in paragraphs (a) and (b) based upon the October student membership survey and annually report to the Legislature by February 1 those districts that are not in compliance. For fiscal year 2008-2009, the department shall also report, by each grade grouping, those districts with more than four students over the constitutional class size maximums in subsection (1). For fiscal

~~year 2009-2010, the department shall also report, by each grade grouping, those districts with more than two students over the constitutional class size maximums in subsection (1). For purposes of determining the baseline from which each district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the February 2003 student membership survey updated to include classroom identification numbers as required by the department.~~

~~(d) The enforcement authority provided in s. 1008.32 may be used to ensure that districts comply with the provisions of this subsection. Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (1) are exempt from this requirement.~~

(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 subsections (1) and (2) ~~subsection (1) and the two-student-per-year reduction required in subsection (2)~~:

- (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.
- (c)1. Repeal district school board policies that require students to have more than 24 credits to graduate from high school.
- 2. 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.
- (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, participating in the School Infrastructure Thrift Program, or any other method not prohibited by law.
- (f) Use joint-use facilities through partnerships with community colleges, 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.—Beginning with the October student membership survey of the 2010-2011 school year and at the October student membership survey of each school year thereafter, if the department determines that any individual classroom exceeds the constitutional class size maximums in subsection (1) and a flexibility exception in subsection (6) has not been timely granted by the district school board, the department shall:

(a) Identify for each of the 3 grade groupings, the number of classrooms with a student enrollment that exceeds the constitutional class size maximums in subsection (1), the number of students over the maximum for each classroom, and the total number of students over the maximum for all classrooms in each school and each school district.

(b) Determine the number of full-time equivalent students (FTE) that are over the constitutional class size maximums in subsection (1) for each of the 3 grade groupings.

(c) Multiply the total number of FTE students that are over the constitutional class size maximums in subsection (1) for each of the 3 grade groupings by the class size reduction allocation factor for that grade grouping as set in the General Appropriations Act Conference Report of the Florida Education Finance Program (FEFP).

(d) Reduce the district's class size reduction operating categorical as calculated in the third FEFP calculation by an amount equal to the lesser of the remaining undisbursed balance of the allocation or the sum of the calculation in paragraph (c).

~~(a)1.— Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall 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 pursuant to s. 216.292 (2) (d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.~~

~~2.— In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.~~

~~3.— 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 General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 10 percent reduction in the amount of the transfer.~~

~~(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two student per year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two student per year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:~~

- ~~1. Year round schools;~~
- ~~2. Double sessions;~~
- ~~3. Rezoning; or~~
- ~~4. 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.~~

~~A school district that is required to implement one of the policies outlined in subparagraphs 1-4 shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two student per year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1-4 in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32 to ensure that districts comply with the provisions of this paragraph.~~

~~(c) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximums.~~

~~(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) FLEXIBILITY EXCEPTION.—

(a) Beginning with the October student membership survey of the 2010-2011 school year and at the October student membership survey of each school year thereafter, each school district shall make assignments to meet the constitutional class size maximums in subsection (1).

(b) In the event of unexpected student enrollment growth after the October student membership survey, which will require a school district to take further action to meet the constitutional class size maximums in subsection (1), the alternatives in subsections (3) and (5) shall be considered and implemented as is deemed practical by the school district. For purposes of this section, unexpected enrollment growth at the:

1. District level is student enrollment in excess of the projections used by the Legislature in establishing the General Appropriations Act.

2. Kindergarten through grade 8 school level is student enrollment in excess of the school's official staffing plan and capacity.

3. Grade 9 through grade 12 school level is student enrollment in excess of the school's official staffing plan and capacity or in excess of the official staffing plan and capacity for a restricted course offering such as a magnet program or a career academy.

(c)1. Upon a finding that taking further action to attain compliance is either impractical or educationally unsound and disruptive to students, a district school board may determine the need for a flexibility exception at a public meeting that has been noticed pursuant to s. 120.525; however, a school board's determination under this subparagraph is not subject to challenge under chapter 120. The district school board shall file the record of its public meeting, together with documentation of its flexibility exception determination, with the department.

2. If a flexibility exception determination is made by a district school board, the following conditions shall apply:

a. The flexibility exception shall expire at the end of the school year.

b. No teacher shall be assigned more than five students above the constitutional class size maximums in subsection (1).

c. If the unexpected enrollment growth results in more than five students above the constitutional class size maximums in subsection (1), the school district shall add classrooms and teachers, or take such other action as necessary to comply with the constitutional class size maximums in subsection (1).

d. The school shall not exceed the 2007-2008 class size average for each of the 3 grade groupings which is averaged at the school level as calculated in subparagraph (2) (b) 2., for the school year.

e. The district school board shall develop a plan to provide that each school will be in full compliance with the constitutional class size maximums in subsection (1) by the next October student membership survey.

A school district shall be considered to be in compliance with the constitutional class size maximums in subsection (1) when utilizing the flexibility exception established in this subsection.

(7) RULES.—The State Board of Education shall adopt rules governing compliance calculations at the individual classroom level and the timeliness and required documentation for district school board flexibility exception determinations, pursuant to ss. 120.536 (1) and 120.54.

Section 2. Paragraph (d) of subsection (2) of section 216.292, Florida Statutes, is repealed.

Section 3. Subsection (4) of section 1002.63, Florida Statutes, is repealed.

Section 4. Section 1011.685, Florida Statutes, is amended to read:

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)(a) Except as provided in paragraph (b), 100 percent of class size reduction operating categorical funds shall be used by school districts for purposes of achieving compliance with constitutional class size maximums in s. 1003.03(1), in any lawful manner, including, but not limited to, the alternatives in s. 1003.03(3) and (5), the following:

~~(a) To reduce class size to meet the constitutional maximums, in any lawful manner, if the district has not met the constitutional maximums identified in s. 1003.03 (1) the reduction of two students per year required by s. 1003.03(2).~~

(b) Once a district is determined to be in compliance with constitutional class size maximums in s. 1003.03(1), the school district may use class size operating categorical funds for ~~For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03 (1) the reduction of two students per year required by s. 1003.03(2);~~ however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01 (2) (a) and to implement the differentiated-pay provisions detailed in s. 1012.22.

Section 5. This act shall take effect July 1, 2008.