

Publication: The Miami Herald; Date: Feb 21, 2015; Section: Front Page; Page: 1A

## EDUCATION

# Class-size loophole is questioned

› A quiet reclassification of all of Miami-Dade's public schools as 'choice' allows crowding in many classrooms — but without violating the state's class-size constitutional amendment.

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Floridians voted twice to mandate class-size limits in the state Constitution. Politicians and school districts have been looking for ways to get around the costly requirement ever since.

They might have finally succeeded, thanks to a little-noticed change in Florida law that allows districts wide leeway in calculating class size — simply by adding the "choice" designation to a school. This year, the state Department of Education quietly approved a request by Miami-Dade County to dub every one of its more than 300 public schools "choice."

The result: Thomas James teaches 34 students at a time in history classes at Dr. Michael M. Krop Senior High — nine more than what's allowed under the constitutional class-size amendment. But his school is blessed as perfectly compliant with the law.

"It would be kind of like if we stuffed 20 people into your office, and then we tried to have a staff meeting. It probably wouldn't work out well," he said. "They're just practically on each others' lap."

Parents at Miami Beach Senior High began looking into the issue after noticing the math didn't add up in many classes. The PTSA is now mounting a campaign to make sure other parents know about the "loophole" that allows schools to cram classes. They're also calling for changes to the state law.

"The exemptions have become the rule. The Legislature has amended the constitution, effectively," said Kayla Rynor, whose sons attend Beach High.

Teachers say overloaded classrooms are a problem across the county.

English teacher Patricia Haselmann at Miami Beach Senior High spends less time giving students individual feedback about their writing. James, the Krop teacher, said group work often devolves into chatter. Math teacher Steve New has more students than desks in one of his classes at William

H. Turner Technical Arts High School.

"I had a student call me out in class, and basically asked me why she didn't have a desk because she was tired of writing on her book," New said.

The constitutional amendment spells out clear limits on each classroom: 18 students in prekindergarten through third grade, 22 students in grades four through eight, and 25 students in all other grades.

But legislators in 2013 decided to let schools calculate class sizes based on a school-wide average. That masks some classes that are way over the limit if there are a few smaller classes on campus.

Teachers interviewed by the Miami Herald reported teaching up to 49 students at a time.

Iraida Mendez-Cartaya, who heads the Miami-Dade school district's intergovernmental affairs office, said flexibility under the law is crucial. Otherwise, students might be shut out of courses they're interested in or parents who move into a new neighborhood would have to scatter their children to attend different schools.

"Kids don't come to the school district in nice little crayon boxes of 18, 22, 25," she said. "Absolutes are very difficult for anybody to implement. It's impossible. What do you do for that 26th child?"

Traditionally, choice schools have been defined as magnet schools that accept students from an entire district and cap enrollment, or charter schools. But ever since the change in state law, Miami-Dade has interpreted choice in a way that is surprising to Beach parents:

"Any parent in this district can choose to go to any other school through our transfer policy," said Valtena Brown, Miami-Dade schools' chief operating officer. "That's their choice to go to their boundary school."

The district says their decision to reclassify all Miami-Dade schools wasn't prompted by class-size compliance. Mendez-Cartaya said it's just part of the district's ongoing plan to let parents choose where their children go to school, and to stay competitive when charter schools are siphoning more students than ever from the public system.

"How do you, as a public school, compete with those? You provide choices to keep your customer," Mendez-Cartaya said. "We believe that choice has been very successful in keeping our customers — our parents and our students — happy."

School districts can face millions of dollars in fines for not complying with the class-size requirements. Last year, Miami-Dade was slapped with an \$877,000 penalty that gets reallocated to districts that meet the standards.

"I think what the district is doing is merely working with the cards that it has been dealt," said school board member Martin Karp, acknowledging that the district wants to avoid fines. "You don't want dollars that could go to education to go to paying penalties."

Money has long played a factor in how districts have implemented the class-size mandate.

When it went on the ballot in 2002, then Gov. Jeb Bush opposed it, estimating it would suck up to \$30 billion out of the state budget, though other estimates put the price tag much lower.

It passed anyway. But the amendment has been under attack ever since by lawmakers, who put the issue on the ballot again in 2010, asking voters to allow slightly bigger classes and to allow calculations based on school averages. More voters supported softening the rules — 55 percent — but not the 60 percent need to approve the changes.

Since then, Bush's calculation has turned out to be correct: The state has poured almost \$28 billion into complying with the law, according to the Florida Department of Education. Most of that has gone mostly to operations costs, like hiring more teachers.

But that doesn't mean class sizes have gotten smaller. Lawmakers have steadily chipped away at the requirements. For example, they've exempted the types of classes to which the limits apply, so Advanced Placement classes get thrown into the same category as electives. Other changes allowed districts to go over the cap if students transferred to the school after class counts were tallied.

The class-size fight is far from over. Sen. René García, R-Hialeah, has filed a bill this legislative session that would base fines on school-wide class average, which would potentially reduce the money districts have to pay. The school district supports it.

And Bush, weighing a presidential bid in 2016, also hasn't given up on the issue. He recently said at an education summit that the amendment should be repealed.

Some parents and teachers would argue that's already happened.

Jill Swartz, president-elect of the Beach High PTSA, said parents plan on lobbying lawmakers for changes.

They would like to see public schools get more money per pupil so districts can hire more teachers, and a reworking of the penalties so large districts aren't unfairly punished for having more students. They would also like to see a stricter definition of "choice" schools written into the law, and to protect classes that they consider to be core, but that are currently exempt from class-size caps.

"We're sort of back to square one, with class size being out of control," said Rynor, the Beach high parent.