

By Senator Montford

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1                                   A bill to be entitled  
2           An act relating to accountability in public schools;  
3           amending s. 1002.332, F.S., relating to the high-  
4           performing charter school system; conforming  
5           provisions and cross-references to changes made by the  
6           act; amending s. 1008.22, F.S.; providing that  
7           students who are enrolled in high school courses  
8           requiring end-of-course assessments are not required  
9           to take the corresponding statewide comprehensive  
10          assessments; deleting an obsolete date; amending s.  
11          1008.33, F.S.; requiring that the State Board of  
12          Education comply with the federal Elementary and  
13          Secondary Education Act, including any waivers  
14          approved under that act; requiring that the Department  
15          of Education annually identify a public school based  
16          on the school's grade designated pursuant to s.  
17          1008.34, F.S., for the purpose of determining whether  
18          the school requires intervention and support  
19          strategies for improvement; requiring that the  
20          department apply the most intense intervention  
21          strategies to schools that are identified as having a  
22          grade of "F" or schools that are consistently  
23          performing below the acceptable standards; requiring  
24          that a school district implement the district-managed  
25          turnaround plan and meet the plan's requirements if  
26          the school district has a school identified as having  
27          a grade of "D" for 3 consecutive years; deleting  
28          provisions categorizing the lowest-performing schools;  
29          requiring that a school district select a turnaround

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30 plan option and submit a plan for approval by the  
31 State Board of Education; requiring that the school  
32 district implement the approved plan within 2 school  
33 years after the school has been identified as having a  
34 grade of "F"; providing that a school district may  
35 implement a combination of the available options or  
36 select another turnaround plan that has a demonstrated  
37 record of effectiveness; requiring that a school  
38 district submit another plan if a school does not  
39 improve and achieve a grade of "C" or does not meet  
40 the performance targets adopted by the State Board of  
41 Education; requiring that the plan be implemented at  
42 the beginning of the next school year after the  
43 implementation period of the previous option;  
44 providing exceptions; providing that implementation of  
45 the turnaround option is no longer required when a  
46 school achieves a grade of "C" and meets the  
47 performance targets; requiring that the State Board of  
48 Education establish and adopt performance targets in  
49 reading and mathematics; authorizing a school district  
50 to submit a request to the Department of Education for  
51 a hold status to implement a turnaround plan option in  
52 a school beyond the 2-year implementation period;  
53 requiring that the department grant the request if  
54 certain conditions are met; prohibiting a school from  
55 remaining in a hold status for more than 2 years;  
56 requiring that a school identified as having a grade  
57 of "F" before July 1, 2012, continue to implement the  
58 turnaround option; amending s. 1008.34, F.S.; revising

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59 provisions relating to the designation of school  
60 grades; deleting obsolete dates for including the  
61 learning gains of students seeking special diplomas;  
62 extending dates relating to student assessment data;  
63 requiring that a high school demonstrate that the  
64 graduation rate of its at-risk students is increasing  
65 in order to be designated as having a grade of "A";  
66 requiring that district grades be calculated based on  
67 the student achievement and learning gains data used  
68 for calculating school grades, including students who  
69 are enrolled for a full school year in each school  
70 district and who meet other criteria for purposes of  
71 designating school grades; amending ss. 1012.07 and  
72 1012.2315, F.S.; conforming provisions and cross-  
73 references to changes made by the act; providing an  
74 effective date.

75

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

77

78 Section 1. Paragraph (b) of subsection (1) of section  
79 1002.332, Florida Statutes, is amended to read:

80 1002.332 High-performing charter school system.—

81 (1) For purposes of this section, the term:

82 (b) "High-performing charter school system" means an entity  
83 that:

84 1. Operates at least three high-performing charter schools  
85 in the state;

86 2. Operates a system of charter schools in which at least  
87 50 percent of the charter schools are high-performing charter

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88 schools pursuant to s. 1002.331 and in which none have been  
89 designated as having no charter school received a school grade  
90 of "D" or "F" pursuant to s. 1008.34, except that:

91 a. If the entity has assumed operation of a public school  
92 pursuant to s. 1008.33(5)(b)3. which has been identified as  
93 having 1008.33(5)(a)3. with a school grade of "D" or "F," the  
94 public that school's grade may shall not be considered in  
95 determining high-performing charter school system status for a  
96 period of 3 years.

97 b. If the entity establishes a new charter school that  
98 serves a student population the majority of which resides in a  
99 school zone served by a public school that is identified as  
100 having a grade of "F" or is consistently performing below the  
101 acceptable standards as provided in lowest-performing under s.  
102 1008.33(4) 1008.33(4)(b), that charter school's grade may shall  
103 not be considered in determining high-performing charter school  
104 system status if it attains and maintains a school grade that is  
105 higher than that of the public school serving that school zone  
106 within 3 years after establishment; and

107 3. Has not received a financial audit that revealed one or  
108 more of the financial emergency conditions set forth in s.  
109 218.503(1) for any charter school assumed or established by the  
110 entity.

111 Section 2. Paragraph (c) of subsection (3) of section  
112 1008.22, Florida Statutes, is amended to read:

113 1008.22 Student assessment program for public schools.—

114 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
115 design and implement a statewide program of educational  
116 assessment that provides information for the improvement of the

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117 operation and management of the public schools, including  
118 schools operating for the purpose of providing educational  
119 services to youth in Department of Juvenile Justice programs.  
120 The commissioner may enter into contracts for the continued  
121 administration of the assessment, testing, and evaluation  
122 programs authorized and funded by the Legislature. Contracts may  
123 be initiated in 1 fiscal year and continue into the next and may  
124 be paid from the appropriations of either or both fiscal years.  
125 The commissioner is authorized to negotiate for the sale or  
126 lease of tests, scoring protocols, test scoring services, and  
127 related materials developed pursuant to law. Pursuant to the  
128 statewide assessment program, the commissioner shall:

129 (c) Develop and implement a student achievement testing  
130 program as follows:

131 1. The Florida Comprehensive Assessment Test (FCAT)  
132 measures a student's content knowledge and skills in reading,  
133 writing, science, and mathematics. The content knowledge and  
134 skills assessed by the FCAT must be aligned to the core  
135 curricular content established in the Next Generation Sunshine  
136 State Standards. Other content areas may be included as directed  
137 by the commissioner. Comprehensive assessments of reading and  
138 mathematics shall be administered annually in grades 3 through  
139 10 except, beginning with the 2010-2011 school year, the  
140 administration of grade 9 FCAT Mathematics shall be  
141 discontinued, and beginning with the 2011-2012 school year, the  
142 administration of grade 10 FCAT Mathematics shall be  
143 discontinued, except as required for students who have not  
144 attained minimum performance expectations for graduation as  
145 provided in paragraph (9) (c). FCAT Writing and FCAT Science

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146 shall be administered at least once at the elementary, middle,  
147 and high school levels except, beginning with the 2011-2012  
148 school year, the administration of FCAT Science at the high  
149 school level shall be discontinued.

150 2.a. End-of-course assessments for a subject shall be  
151 administered in addition to the comprehensive assessments  
152 required under subparagraph 1. However, students who are  
153 enrolled in high school courses requiring end-of-course  
154 assessments are not required to take the corresponding statewide  
155 comprehensive assessments. End-of-course assessments must be  
156 rigorous, statewide, standardized, and developed or approved by  
157 the department. The content knowledge and skills assessed by  
158 end-of-course assessments must be aligned to the core curricular  
159 content established in the Next Generation Sunshine State  
160 Standards.

161 (I) Statewide, standardized end-of-course assessments in  
162 mathematics shall be administered according to this sub-sub-  
163 subparagraph. Beginning with the 2010-2011 school year, all  
164 students enrolled in Algebra I or an equivalent course must take  
165 the Algebra I end-of-course assessment. For students entering  
166 grade 9 during the 2010-2011 school year and who are enrolled in  
167 Algebra I or an equivalent course, each student's performance on  
168 the end-of-course assessment in Algebra I shall constitute 30  
169 percent of the student's final course grade. Beginning with  
170 students entering grade 9 in the 2011-2012 school year, a  
171 student who is enrolled in Algebra I or an equivalent course  
172 must earn a passing score on the end-of-course assessment in  
173 Algebra I or attain an equivalent score as described in  
174 subsection (11) in order to earn course credit. Beginning with

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175 the 2011-2012 school year, all students enrolled in geometry or  
176 an equivalent course must take the geometry end-of-course  
177 assessment. For students entering grade 9 during the 2011-2012  
178 school year, each student's performance on the end-of-course  
179 assessment in geometry shall constitute 30 percent of the  
180 student's final course grade. Beginning with students entering  
181 grade 9 during the 2012-2013 school year, a student must earn a  
182 passing score on the end-of-course assessment in geometry or  
183 attain an equivalent score as described in subsection (11) in  
184 order to earn course credit.

185 (II) Statewide, standardized end-of-course assessments in  
186 science shall be administered according to this sub-sub-  
187 subparagraph. Beginning with the 2011-2012 school year, all  
188 students enrolled in Biology I or an equivalent course must take  
189 the Biology I end-of-course assessment. For the 2011-2012 school  
190 year, each student's performance on the end-of-course assessment  
191 in Biology I shall constitute 30 percent of the student's final  
192 course grade. Beginning with students entering grade 9 during  
193 the 2012-2013 school year, a student must earn a passing score  
194 on the end-of-course assessment in Biology I in order to earn  
195 course credit.

196 b. During the 2012-2013 school year, an end-of-course  
197 assessment in civics education shall be administered as a field  
198 test at the middle school level. During the 2013-2014 school  
199 year, each student's performance on the statewide, standardized  
200 end-of-course assessment in civics education shall constitute 30  
201 percent of the student's final course grade. Beginning with the  
202 2014-2015 school year, a student must earn a passing score on  
203 the end-of-course assessment in civics education in order to

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204 pass the course and be promoted from the middle grades. The  
205 school principal of a middle school shall determine, in  
206 accordance with State Board of Education rule, whether a student  
207 who transfers to the middle school and who has successfully  
208 completed a civics education course at the student's previous  
209 school must take an end-of-course assessment in civics  
210 education.

211 c. The commissioner may select one or more nationally  
212 developed comprehensive examinations, which may include, but  
213 need not be limited to, examinations for a College Board  
214 Advanced Placement course, International Baccalaureate course,  
215 or Advanced International Certificate of Education course, or  
216 industry-approved examinations to earn national industry  
217 certifications identified in the Industry Certification Funding  
218 List, pursuant to rules adopted by the State Board of Education,  
219 for use as end-of-course assessments under this paragraph, if  
220 the commissioner determines that the content knowledge and  
221 skills assessed by the examinations meet or exceed the grade  
222 level expectations for the core curricular content established  
223 for the course in the Next Generation Sunshine State Standards.  
224 The commissioner may collaborate with the American Diploma  
225 Project in the adoption or development of rigorous end-of-course  
226 assessments that are aligned to the Next Generation Sunshine  
227 State Standards.

228 d. Contingent upon funding provided in the General  
229 Appropriations Act, including the appropriation of funds  
230 received through federal grants, the Commissioner of Education  
231 shall establish an implementation schedule for the development  
232 and administration of additional statewide, standardized end-of-



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233 course assessments in English/Language Arts II, Algebra II,  
234 chemistry, physics, earth/space science, United States history,  
235 and world history. Priority shall be given to the development of  
236 end-of-course assessments in English/Language Arts II. The  
237 Commissioner of Education shall evaluate the feasibility and  
238 effect of transitioning from the grade 9 and grade 10 FCAT  
239 Reading and high school level FCAT Writing to an end-of-course  
240 assessment in English/Language Arts II. The commissioner shall  
241 report the results of the evaluation to the President of the  
242 Senate and the Speaker of the House of Representatives ~~no later~~  
243 ~~than July 1, 2011.~~

244 3. The testing program shall measure student content  
245 knowledge and skills adopted by the State Board of Education as  
246 specified in paragraph (a) and measure and report student  
247 performance levels of all students assessed in reading, writing,  
248 mathematics, and science. The commissioner shall provide for the  
249 tests to be developed or obtained, as appropriate, through  
250 contracts and project agreements with private vendors, public  
251 vendors, public agencies, postsecondary educational  
252 institutions, or school districts. The commissioner shall obtain  
253 input with respect to the design and implementation of the  
254 testing program from state educators, assistive technology  
255 experts, and the public.

256 4. The testing program shall be composed of criterion-  
257 referenced tests that shall, to the extent determined by the  
258 commissioner, include test items that require the student to  
259 produce information or perform tasks in such a way that the core  
260 content knowledge and skills he or she uses can be measured.

261 5. FCAT Reading, Mathematics, and Science and all

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262 statewide, standardized end-of-course assessments shall measure  
263 the content knowledge and skills a student has attained on the  
264 assessment by the use of scaled scores and achievement levels.  
265 Achievement levels shall range from 1 through 5, with level 1  
266 being the lowest achievement level, level 5 being the highest  
267 achievement level, and level 3 indicating satisfactory  
268 performance on an assessment. For purposes of FCAT Writing,  
269 student achievement shall be scored using a scale of 1 through 6  
270 and the score earned shall be used in calculating school grades.  
271 A score shall be designated for each subject area tested, below  
272 which score a student's performance is deemed inadequate. The  
273 school districts shall provide appropriate remedial instruction  
274 to students who score below these levels.

275         6. The State Board of Education shall, by rule, designate a  
276 passing score for each part of the grade 10 assessment test and  
277 end-of-course assessments. Any rule that has the effect of  
278 raising the required passing scores may apply only to students  
279 taking the assessment for the first time after the rule is  
280 adopted by the State Board of Education. Except as otherwise  
281 provided in this subparagraph and as provided in s.

282 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
283 passing score on grade 10 FCAT Reading and grade 10 FCAT  
284 Mathematics or attain concordant scores as described in  
285 subsection (10) in order to qualify for a standard high school  
286 diploma.

287         7. In addition to designating a passing score under  
288 subparagraph 6., the State Board of Education shall also  
289 designate, by rule, a score for each statewide, standardized  
290 end-of-course assessment which indicates that a student is high

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291 achieving and has the potential to meet college-readiness  
292 standards by the time the student graduates from high school.

293 8. Participation in the testing program is mandatory for  
294 all students attending public school, including students served  
295 in Department of Juvenile Justice programs, except as otherwise  
296 prescribed by the commissioner. A student who has not earned  
297 passing scores on the grade 10 FCAT as provided in subparagraph  
298 6. must participate in each retake of the assessment until the  
299 student earns passing scores or achieves scores on a  
300 standardized assessment which are concordant with passing scores  
301 pursuant to subsection (10). If a student does not participate  
302 in the statewide assessment, the district must notify the  
303 student's parent and provide the parent with information  
304 regarding the implications of such nonparticipation. A parent  
305 must provide signed consent for a student to receive classroom  
306 instructional accommodations that would not be available or  
307 permitted on the statewide assessments and must acknowledge in  
308 writing that he or she understands the implications of such  
309 instructional accommodations. The State Board of Education shall  
310 adopt rules, based upon recommendations of the commissioner, for  
311 the provision of test accommodations for students in exceptional  
312 education programs and for students who have limited English  
313 proficiency. Accommodations that negate the validity of a  
314 statewide assessment are not allowable in the administration of  
315 the FCAT or an end-of-course assessment. However, instructional  
316 accommodations are allowable in the classroom if included in a  
317 student's individual education plan. Students using  
318 instructional accommodations in the classroom which ~~that~~ are not  
319 allowable as accommodations on the FCAT or an end-of-course

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320 assessment may have the FCAT or an end-of-course assessment  
321 requirement waived pursuant to the requirements of s.  
322 1003.428(8)(b) or s. 1003.43(11)(b).

323 9. A student seeking an adult high school diploma must meet  
324 the same testing requirements that a regular high school student  
325 must meet.

326 10. District school boards must provide instruction to  
327 prepare students in the core curricular content established in  
328 the Next Generation Sunshine State Standards adopted under s.  
329 1003.41, including the core content knowledge and skills  
330 necessary for successful grade-to-grade progression and high  
331 school graduation. If a student is provided with instructional  
332 accommodations in the classroom which ~~that~~ are not allowable as  
333 accommodations in the statewide assessment program, as described  
334 in the test manuals, the district must inform the parent in  
335 writing and must provide the parent with information regarding  
336 the impact on the student's ability to meet expected performance  
337 levels in reading, writing, mathematics, and science. The  
338 commissioner shall conduct studies as necessary to verify that  
339 the required core curricular content is part of the district  
340 instructional programs.

341 11. District school boards must provide opportunities for  
342 students to demonstrate an acceptable performance level on an  
343 alternative standardized assessment approved by the State Board  
344 of Education following enrollment in summer academies.

345 12. The Department of Education must develop, or select,  
346 and implement a common battery of assessment tools that will be  
347 used in all juvenile justice programs in the state. These tools  
348 must accurately measure the core curricular content established

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349 in the Next Generation Sunshine State Standards.

350 13. For students seeking a special diploma pursuant to s.  
351 1003.438, the Department of Education must develop or select and  
352 implement an alternate assessment tool that accurately measures  
353 the core curricular content established in the Next Generation  
354 Sunshine State Standards for students with disabilities under s.  
355 1003.438.

356 14. The Commissioner of Education shall establish schedules  
357 for the administration of statewide assessments and the  
358 reporting of student test results. When establishing the  
359 schedules for the administration of statewide assessments, the  
360 commissioner shall consider the observance of religious and  
361 school holidays. The commissioner shall, by August 1 of each  
362 year, notify each school district in writing and publish on the  
363 department's Internet website the testing and reporting  
364 schedules for, at a minimum, the school year following the  
365 upcoming school year. The testing and reporting schedules shall  
366 require that:

367 a. There is the latest possible administration of statewide  
368 assessments and the earliest possible reporting to the school  
369 districts of student test results which is feasible within  
370 available technology and specific appropriations; however, test  
371 results for the FCAT must be made available no later than the  
372 week of June 8. Student results for end-of-course assessments  
373 must be provided no later than 1 week after the school district  
374 completes testing for each course. The commissioner may extend  
375 the reporting schedule under exigent circumstances.

376 b. FCAT Writing may not be administered earlier than the  
377 week of March 1, and a comprehensive statewide assessment of any

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378 other subject may not be administered earlier than the week of  
379 April 15.

380 c. A statewide, standardized end-of-course assessment is  
381 administered at the end of the course. The commissioner shall  
382 select an administration period for assessments that meets the  
383 intent of end-of-course assessments and provides student results  
384 prior to the end of the course. School districts shall  
385 administer tests in accordance with the schedule determined by  
386 the commissioner. For an end-of-course assessment administered  
387 at the end of the first semester, the commissioner shall  
388 determine the most appropriate testing dates based on a review  
389 of each school district's academic calendar.

390

391 The commissioner may, based on collaboration and input from  
392 school districts, design and implement student testing programs,  
393 for any grade level and subject area, necessary to effectively  
394 monitor educational achievement in the state, including the  
395 measurement of educational achievement of the Next Generation  
396 Sunshine State Standards for students with disabilities.

397 Development and refinement of assessments shall include  
398 universal design principles and accessibility standards that  
399 will prevent any unintended obstacles for students with  
400 disabilities while ensuring the validity and reliability of the  
401 test. These principles shall ~~should~~ be applicable to all  
402 technology platforms and assistive devices available for the  
403 assessments. The field testing process and psychometric analyses  
404 for the statewide assessment program must include an appropriate  
405 percentage of students with disabilities and an evaluation or  
406 determination of the effect of test items on such students.

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407 Section 3. Section 1008.33, Florida Statutes, is amended to  
408 read:

409 1008.33 Authority to enforce public school improvement.—

410 (1) The State Board of Education shall comply with the  
411 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.  
412 ss. 6301 et seq., including any waivers approved under the act,  
413 and its implementing regulations. The State Board of Education  
414 is authorized to adopt rules in compliance with the ESEA and,  
415 after evaluating and determining that the ESEA and its  
416 implementing regulations are consistent with the statements of  
417 purpose set forth in the ESEA (2002), may adopt rules to  
418 maintain compliance with the ESEA, including any waivers  
419 approved under the act.

420 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
421 1008.345, and 1008.385, the State Board of Education shall hold  
422 all school districts and public schools accountable for student  
423 performance. The state board is responsible for a state system  
424 of school improvement and education accountability that assesses  
425 student performance by school, identifies schools in which  
426 students are not making adequate progress toward state  
427 standards, and institutes appropriate measures for enforcing  
428 improvement.

429 (b) The state system of school improvement and education  
430 accountability must provide for uniform accountability  
431 standards, provide assistance of escalating intensity to low-  
432 performing schools, direct support to schools in order to  
433 improve and sustain performance, focus on the performance of  
434 student subgroups, and enhance student performance.

435 (c) School districts must be held accountable for improving

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436 the academic achievement of all students and for identifying and  
437 turning around low-performing schools.

438 (3) (a) The academic performance of all students has a  
439 significant effect on the state school system. Pursuant to Art.  
440 IX of the State Constitution, which prescribes the duty of the  
441 State Board of Education to supervise Florida's public school  
442 system, the State Board of Education shall equitably enforce the  
443 accountability requirements of the state school system and may  
444 impose state requirements on school districts in order to  
445 improve the academic performance of all districts, schools, and  
446 students based upon the provisions of the Florida K-20 Education  
447 Code, chapters 1000-1013, and the federal Elementary and  
448 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., including  
449 any waivers approved under the act, and its implementing  
450 regulations.

451 (b) For the purpose of determining whether a public school  
452 requires action to achieve a sufficient level of school  
453 improvement, beginning with the 2012-2013 ~~2010-2011~~ school year,  
454 the Department of Education shall annually identify ~~categorize~~ a  
455 public school ~~in one of six categories~~ based on the following:

456 ~~1. a school's grade based upon statewide assessments~~  
457 ~~administered pursuant to s. 1008.34 1008.22; and~~

458 ~~2. The level and rate of change in student performance in~~  
459 ~~the areas of reading and mathematics, disaggregated into student~~  
460 ~~subgroups as described in the federal Elementary and Secondary~~  
461 ~~Education Act, 20 U.S.C. s. 6311(b) (2) (C) (v) (II).~~

462 (c) Appropriate intervention and support strategies shall  
463 be applied to schools that require action to achieve a  
464 sufficient level of improvement ~~as described in paragraph (b).~~



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465 The intervention and support strategies must address student  
466 performance, including, but not limited to, improvement  
467 planning, leadership quality improvement, educator quality  
468 improvement, professional development, curriculum alignment and  
469 pacing, and the use of continuous improvement and monitoring  
470 plans and processes. The State Board of Education may prescribe  
471 reporting requirements to review and monitor the progress of the  
472 schools.

473 (4) The Department of Education shall create a matrix that  
474 reflects intervention and support strategies to address the  
475 particular needs of each school ~~schools in each category~~.

476 ~~(a)~~ Intervention and support strategies shall be applied to  
477 a school ~~schools~~ based upon the school's grade ~~school~~  
478 ~~categorization~~ pursuant to s. 1008.34 ~~paragraph (3)(b)~~. The  
479 Department of Education shall apply the most intense  
480 intervention strategies to ~~the lowest-performing~~ schools that  
481 are identified as having a grade of "F" and are consistently  
482 performing below the acceptable standards. A school district  
483 that has a school identified as having a grade of "D" for 3  
484 consecutive years must implement the district-managed turnaround  
485 plan and must meet all of the plan's requirements pursuant to a  
486 timeline prescribed by rule. For all but the lowest category and  
487 "F" schools in the second lowest category, the intervention and  
488 support strategies shall be administered solely by the districts  
489 and the schools.

490 ~~(b)~~ ~~The lowest-performing schools are schools that are~~  
491 ~~categorized pursuant to paragraph (3)(b) and have received:~~

492 1. ~~A grade of "F" in the most recent school year and in 4~~  
493 ~~of the last 6 years; or~~

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494 ~~2. A grade of "D" or "F" in the most recent school year and~~  
495 ~~meet at least three of the following criteria:~~

496 ~~a. The percentage of students who are not proficient in~~  
497 ~~reading has increased when compared to measurements taken 5~~  
498 ~~years previously;~~

499 ~~b. The percentage of students who are not proficient in~~  
500 ~~mathematics has increased when compared to measurements taken 5~~  
501 ~~years previously;~~

502 ~~c. At least 65 percent of the school's students are not~~  
503 ~~proficient in reading; or~~

504 ~~d. At least 65 percent of the school's students are not~~  
505 ~~proficient in mathematics.~~

506 (5) (a) If In the school year after a school is initially  
507 identified as having a grade of "F" a school in the lowest-  
508 performing category, the school district must select one of the  
509 options in paragraph (b) and submit a plan, which is subject to  
510 approval by the State Board of Education, pursuant to a timeline  
511 prescribed by rule for implementing one of the following options  
512 at the beginning of the next school year. The school district  
513 shall implement the approved plan in the school within 2 school  
514 years after being identified as having a grade of "F." ~~The plan~~  
515 ~~must be implemented unless the school moves from the lowest-~~  
516 ~~performing category:~~

517 (b) A school district shall select one of the following  
518 options to address a school identified as having a grade of "F":

519 1. Convert the school to a district-managed turnaround  
520 school by means that include implementing a turnaround plan  
521 approved by the Commissioner of Education which shall become the  
522 school's improvement plan;

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523 2. Reassign students to another school and monitor the  
524 progress of each reassigned student;

525 3. Close the school and reopen the school as one or more  
526 charter schools, each with a governing board that has a  
527 demonstrated record of effectiveness; ~~or~~

528 4. Contract with an outside entity that has a demonstrated  
529 record of effectiveness to operate the school; or

530 5. Implement a combination of the options in subparagraphs  
531 1.-4. or another turnaround plan that has a demonstrated record  
532 of effectiveness.

533 (c) ~~(b)~~ If a school does not improve so that it is  
534 identified as having a grade of "C" and does not meet the  
535 performance targets in reading and mathematics adopted by the  
536 State Board of Education during the implementation of the  
537 turnaround plan ~~move from the lowest-performing category during~~  
538 the initial year of implementing one of the options in paragraph  
539 ~~(a)~~, the school district must submit another a plan, which is  
540 subject to approval by the State Board of Education, for  
541 implementing a different option in paragraph (b) ~~(a)~~. The  
542 approved plan must be implemented at the beginning of the next  
543 school year after the implementation period of the previous  
544 option, unless the school qualifies for a hold status pursuant  
545 to subsection (7) or the State Board of Education determines  
546 that the school is likely to improve so that it is identified as  
547 having a grade of "C" and will meet the performance targets in  
548 reading and mathematics adopted by the State Board of Education  
549 ~~move from the lowest-performing category~~ if additional time is  
550 provided to implement intervention and support strategies. The  
551 State Board of Education shall determine whether a school

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552 ~~district may continue to implement an option beyond 1 year while~~  
553 ~~a school remains in the lowest performing category.~~

554 (6) (a) Implementation of a turnaround plan option as  
555 provided in paragraph (5) (b) is no longer required when a school  
556 identified as having a grade of "F" achieves a grade of "C" and  
557 meets the performance targets in reading and mathematics. In  
558 ~~order to advance to a higher category, a school must make~~  
559 ~~significant progress by improving its school grade and by~~  
560 ~~increasing student performance in mathematics and reading.~~  
561 ~~Student performance must be evaluated for each student subgroup~~  
562 ~~as set forth in paragraph (3) (b).~~

563 (b) The State Board of Education shall establish and adopt  
564 performance targets in reading and mathematics which a school  
565 must meet in order to achieve a higher grade.

566 (c) The performance targets in reading and mathematics  
567 shall be established and adopted in the year during which a  
568 school is identified as having a grade of "F." The performance  
569 targets may not change until the school is identified as having  
570 a grade of "C" and meets the performance targets.

571 (7) (a) A school district may submit a request to the  
572 Department of Education for a hold status authorizing the school  
573 district to implement a turnaround plan option in a school  
574 beyond the 2-year implementation period.

575 (b) The department shall grant a school district's request  
576 for a hold status when:

- 577 1. The school improves a letter grade; or  
578 2. The performance targets in reading and mathematics are  
579 met.

580 (c) A school may not remain in a hold status for more than

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581 2 school years. The school district must implement the approved  
582 plan in the school at the beginning of the school year after the  
583 expiration of the hold status, unless the State Board of  
584 Education determines that the school is likely to improve so  
585 that it is identified as having a grade of "C" and will meet the  
586 performance targets in reading and mathematics adopted by the  
587 State Board of Education if additional time is provided to  
588 implement intervention and support strategies.

589 (8) A school identified as having a grade of "F" before  
590 July 1, 2012, shall continue to implement a turnaround plan  
591 option provided in paragraph (5) (b), unless the school improves  
592 so that it is identified as having a grade of "C" and meets the  
593 performance targets in reading and mathematics adopted for the  
594 2012 school year or it meets the exit criteria previously set  
595 forth in administrative rule.

596 (9)~~(7)~~ Beginning July 1, 2009, the Department of Education  
597 shall commence its duties under this section.

598 (10)~~(8)~~ ~~By July 1, 2010,~~ The State Board of Education shall  
599 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
600 this section. The state board shall consult with education  
601 stakeholders in developing the rules.

602 Section 4. Paragraphs (b) and (c) of subsection (3) and  
603 subsection (7) of section 1008.34, Florida Statutes, are amended  
604 to read:

605 1008.34 School grading system; school report cards;  
606 district grade.—

607 (3) DESIGNATION OF SCHOOL GRADES.—

608 (b)1. A school's grade shall be based on a combination of:

609 a. Student achievement scores, including achievement on all

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610 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-  
611 course assessments administered under s. 1008.22(3)(c)2.a., and  
612 achievement scores for students seeking a special diploma.

613 b. Student learning gains in reading and mathematics as  
614 measured by FCAT and end-of-course assessments, as described in  
615 s. 1008.22(3)(c)1. and 2.a. The learning gains for students  
616 seeking a special diplomas ~~diploma~~, as measured by an alternate  
617 assessment tool, shall be included ~~not later than the 2009-2010~~  
618 ~~school year~~.

619 c. Improvement of the lowest 25th percentile of students in  
620 the school in reading and mathematics on the FCAT or end-of-  
621 course assessments described in s. 1008.22(3)(c)2.a., unless  
622 these students are exhibiting satisfactory performance.

623 2. Beginning with the 2011-2012 school year, for schools  
624 comprised of middle school grades 6 through 8 or grades 7 and 8,  
625 the school's grade shall include the performance and  
626 participation of its students enrolled in high school level  
627 courses with end-of-course assessments administered under s.  
628 1008.22(3)(c)2.a. Performance and participation must be weighted  
629 equally. As valid data becomes available, the school grades  
630 shall include the students' attainment of national industry  
631 certification identified in the Industry Certification Funding  
632 List pursuant to rules adopted by the State Board of Education.

633 3. Beginning with the 2009-2010 school year for schools  
634 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
635 11, and 12, 50 percent of the school grade shall be based on a  
636 combination of the factors listed in sub-subparagraphs 1.a.-c.  
637 and the remaining 50 percent on the following factors:

638 a. The high school graduation rate of the school;

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639           b. As valid data becomes available, the performance and  
640 participation of the school's students in College Board Advanced  
641 Placement courses, International Baccalaureate courses, dual  
642 enrollment courses, and Advanced International Certificate of  
643 Education courses; and the students' achievement of national  
644 industry certification identified in the Industry Certification  
645 Funding List, pursuant to rules adopted by the State Board of  
646 Education;

647           c. The postsecondary readiness of the school's students who  
648 graduate on time as measured by the SAT, ACT, or the common  
649 placement test;

650           d. The high school graduation rate of at-risk students who  
651 scored at Level 2 or lower on the grade 8 FCAT Reading and  
652 Mathematics examinations;

653           e. As valid data becomes available, the performance of the  
654 school's students on statewide standardized end-of-course  
655 assessments administered under s. 1008.22(3)(c)2.c. and d.; and

656           f. The growth or decline in the components listed in sub-  
657 subparagraphs a.-e. from year to year.

658           (c) Student assessment data used in determining school  
659 grades shall include:

660           1. The aggregate scores of all eligible students enrolled  
661 in the school who have been assessed on the FCAT and statewide,  
662 standardized end-of-course assessments in courses required for  
663 high school graduation, including, beginning with the 2011-2012  
664 ~~2010-2011~~ school year, the end-of-course assessment in Algebra  
665 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the  
666 end-of-course assessments in geometry and Biology; and beginning  
667 with the 2014-2015 ~~2013-2014~~ school year, on the statewide,

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668 standardized end-of-course assessment in civics education at the  
669 middle school level.

670 2. The aggregate scores of all eligible students enrolled  
671 in the school who have been assessed on the FCAT and end-of-  
672 course assessments as described in s. 1008.22(3)(c)2.a., and who  
673 have scored at or in the lowest 25th percentile of students in  
674 the school in reading and mathematics, unless these students are  
675 exhibiting satisfactory performance.

676 3. The achievement scores and learning gains of eligible  
677 students attending alternative schools that provide dropout  
678 prevention and academic intervention services pursuant to s.  
679 1003.53. The term "eligible students" in this subparagraph does  
680 not include students attending an alternative school who are  
681 subject to district school board policies for expulsion for  
682 repeated or serious offenses, who are in dropout retrieval  
683 programs serving students who have officially been designated as  
684 dropouts, or who are in programs operated or contracted by the  
685 Department of Juvenile Justice. The student performance data for  
686 eligible students identified in this subparagraph shall be  
687 included in the calculation of the home school's grade. As used  
688 in this subparagraph and s. 1008.341, the term "home school"  
689 means the school to which the student would be assigned if the  
690 student were not assigned to an alternative school. If an  
691 alternative school chooses to be graded under this section,  
692 student performance data for eligible students identified in  
693 this subparagraph shall not be included in the home school's  
694 grade but shall be included only in the calculation of the  
695 alternative school's grade. A school district that fails to  
696 assign the FCAT and end-of-course assessment as described in s.



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697 1008.22(3)(c)2.a. scores of each of its students to his or her  
698 home school or to the alternative school that receives a grade  
699 shall forfeit Florida School Recognition Program funds for 1  
700 fiscal year. School districts must require collaboration between  
701 the home school and the alternative school in order to promote  
702 student success. This collaboration must include an annual  
703 discussion between the principal of the alternative school and  
704 the principal of each student's home school concerning the most  
705 appropriate school assignment of the student.

706 4. The achievement scores and learning gains of students  
707 designated as hospital- or homebound. Student assessment data  
708 for students designated as hospital- or homebound shall be  
709 assigned to their home school for the purposes of school grades.  
710 As used in this subparagraph, the term "home school" means the  
711 school to which a student would be assigned if the student were  
712 not assigned to a hospital- or homebound program.

713 5. For schools comprised of high school grades 9, 10, 11,  
714 and 12, or grades 10, 11, and 12, the data listed in  
715 subparagraphs 1.-3. and the following data as the Department of  
716 Education determines such data are valid and available:

717 a. The high school graduation rate of the school as  
718 calculated by the Department of Education;

719 b. The participation rate of all eligible students enrolled  
720 in the school and enrolled in College Board Advanced Placement  
721 courses; International Baccalaureate courses; dual enrollment  
722 courses; Advanced International Certificate of Education  
723 courses; and courses or sequences of courses leading to national  
724 industry certification identified in the Industry Certification  
725 Funding List, pursuant to rules adopted by the State Board of

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726 Education;

727 c. The aggregate scores of all eligible students enrolled  
728 in the school in College Board Advanced Placement courses,  
729 International Baccalaureate courses, and Advanced International  
730 Certificate of Education courses;

731 d. Earning of college credit by all eligible students  
732 enrolled in the school in dual enrollment programs under s.  
733 1007.271;

734 e. Earning of a national industry certification identified  
735 in the Industry Certification Funding List, pursuant to rules  
736 adopted by the State Board of Education;

737 f. The aggregate scores of all eligible students enrolled  
738 in the school in reading, mathematics, and other subjects as  
739 measured by the SAT, the ACT, and the common placement test for  
740 postsecondary readiness;

741 g. The high school graduation rate of all eligible at-risk  
742 students enrolled in the school who scored at Level 2 or lower  
743 on the grade 8 FCAT Reading and Mathematics examinations;

744 h. The performance of the school's students on statewide  
745 standardized end-of-course assessments administered under s.  
746 1008.22(3)(c)2.c. and d.; and

747 i. The growth or decline in the data components listed in  
748 sub-subparagraphs a.-h. from year to year.

749

750 The State Board of Education shall adopt appropriate criteria  
751 for each school grade. The criteria must also give added weight  
752 to student achievement in reading. Schools designated with a  
753 grade of "C," making satisfactory progress, shall be required to  
754 demonstrate that adequate progress has been made by students in

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755 the school who are in the lowest 25th percentile in reading and  
756 mathematics on the FCAT and end-of-course assessments as  
757 described in s. 1008.22(3)(c)2.a., unless these students are  
758 exhibiting satisfactory performance. Beginning with the 2009-  
759 2010 school year for schools comprised of high school grades 9,  
760 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
761 school grades must also give added weight to the graduation rate  
762 of all eligible at-risk students, as defined in rule this  
763 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for  
764 a high school to be designated as having a grade of "A," making  
765 excellent progress, the school must demonstrate that the  
766 graduation rate of its at-risk students, as defined in rule this  
767 ~~paragraph, is increasing in the school are making adequate~~  
768 ~~progress.~~

769 (7) DISTRICT GRADE.—The annual report required by  
770 subsection (1) shall include district grades that, which shall  
771 be calculated based on the student achievement and learning  
772 gains data used for calculating school grades, including  
773 students who are enrolled for a full school year in each school  
774 district and who meet other criteria for purposes of designating  
775 school grades consist of weighted district average grades, by  
776 level, for all elementary schools, middle schools, and high  
777 schools in the district. A district's weighted average grade  
778 shall be calculated by weighting individual school grades  
779 determined pursuant to subsection (2) by school enrollment.

780 Section 5. Section 1012.07, Florida Statutes, is amended to  
781 read:

782 1012.07 Identification of critical teacher shortage areas.—  
783 The term "critical teacher shortage area" means high-need

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784 content areas and high-priority location areas identified by the  
785 State Board of Education. The State Board of Education shall  
786 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
787 annually identify critical teacher shortage areas. The state  
788 board must consider current and emerging educational  
789 requirements and workforce demands in determining critical  
790 teacher shortage areas. School grade levels may also be  
791 designated critical teacher shortage areas. Individual district  
792 school boards may identify and submit other critical teacher  
793 shortage areas. Such submissions must be aligned to current and  
794 emerging educational requirements and workforce demands in order  
795 to be approved by the State Board of Education. High-priority  
796 location areas shall be in high-density, low-economic urban  
797 schools; low-density, low-economic rural schools; and schools  
798 identified as having a grade of "F" or schools that are  
799 consistently performing below the acceptable standards ~~lowest~~  
800 ~~performing~~ under s. 1008.33(4) ~~1008.33(4)(b)~~.

801 Section 6. Subsection (2) of section 1012.2315, Florida  
802 Statutes, is amended to read:

803 1012.2315 Assignment of teachers.—

804 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
805 IMPROVEMENT.—School districts may not assign a higher percentage  
806 than the school district average of temporarily certified  
807 teachers, teachers in need of improvement, or out-of-field  
808 teachers to schools based upon the schools' grades designated  
809 pursuant to ~~in one of the three lowest performing categories~~  
810 ~~under~~ s. 1008.34 ~~1008.33(3)(b)~~. Each school district shall  
811 annually certify to the Commissioner of Education that this  
812 requirement has been met. If the commissioner determines that a

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813 school district is not in compliance with this subsection, the  
814 State Board of Education shall be notified and shall take action  
815 pursuant to s. 1008.32 in the next regularly scheduled meeting  
816 to require compliance.

817 Section 7. This act shall take effect upon becoming a law.