

By Senator Kirkpatrick

5-86-98

1                                   A bill to be entitled  
2           An act relating to school district improvement;  
3           amending s. 229.0535, F.S.; clarifying State  
4           Board of Education authority to enforce school  
5           and school district improvement; providing  
6           legislative intent that the State Board of  
7           Education and the school district work in  
8           partnership to achieve improvement; requiring  
9           consultation with the superintendent; expanding  
10          the authority of the state board to intervene  
11          in the operation of a district school system  
12          under described circumstances; providing for  
13          recommended actions and sanctions; requiring  
14          the state board to make specified  
15          recommendations; amending s. 230.23, F.S., to  
16          conform; providing an effective date.

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18           WHEREAS, the Legislature recognizes that, while the  
19          day-to-day operations of the public schools and school  
20          districts generally are best handled at the local level,  
21          nevertheless the provision of a public education to Florida's  
22          students is a core state function, and

23           WHEREAS, it is the intent of the Legislature to protect  
24          the core state function of providing a public education to  
25          Florida's students by authorizing the State Board of Education  
26          to provide enhanced supervision of the school boards'  
27          operations of the public schools and school districts on a  
28          short-term basis in crisis circumstances, NOW, THEREFORE,

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

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1           Section 1. Section 229.0535, Florida Statutes, is  
2 amended to read:

3           229.0535 Authority to enforce school and school  
4 district improvement.--It is the intent of the Legislature  
5 that all public schools and public school districts be held  
6 accountable for operating properly and appropriately and  
7 achieving ~~ensuring that students perform at~~ acceptable levels  
8 of student performance. A system of school improvement and  
9 accountability that assesses student performance by school and  
10 by school district, identifies schools and school districts  
11 not providing adequate progress for students or failing to  
12 operate properly and appropriately due to severe financial or  
13 legal crisis, and institutes appropriate measures for  
14 enforcing improvement is ~~shall be~~ the responsibility of the  
15 State Board of Education. It is also the intent of the  
16 Legislature that the success of the system of school and  
17 school district accountability established by this section  
18 requires the State Board of Education and the school district  
19 to work in partnership to achieve the necessary improvement.  
20 The Commissioner of Education shall consult with the  
21 superintendent regarding the potential identification of the  
22 school district as low performing and provide the  
23 superintendent an opportunity to present mitigating factors  
24 including unique characteristics of the district.

25           (1) Pursuant to Art. IX of the State Constitution  
26 prescribing the duty of the State Board of Education to  
27 supervise Florida's public school system and notwithstanding  
28 any other statutory provisions to the contrary, the State  
29 Board of Education may ~~shall have the authority to~~ intervene  
30 in the operation of a district school system when:

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1           (a) ~~in cases where~~ One or more schools in the a school  
2 district have failed to make adequate progress for 3  
3 consecutive school years;~~;~~

4           (b) Twenty percent or more of the students in the  
5 school district drop out of school before graduation; or

6           (c) Twenty-five percent or more of the students in the  
7 school district have a cumulative grade point average below  
8 that required pursuant to s. 232.246(5).

9           (2) The state board may determine that:

10           (a) Any ~~the school district and/or school~~ has not  
11 taken steps sufficient to improve service to ~~ensure that~~  
12 students in the school in question;

13           (b) Any school district has not taken steps sufficient  
14 to improve service to students in low-performing schools in  
15 the district; or

16           (c) Any school district has not taken steps sufficient  
17 to improve service to students throughout the school district  
18 pursuant to paragraph (1)(b) or paragraph (1)(c)~~are well~~  
19 ~~served.~~

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21 Considering recommendations of the Commissioner of Education,  
22 the state board may ~~is authorized to~~ recommend action to a  
23 district school board ~~that is~~ intended to achieve ~~ensure~~  
24 improved educational services to students in the  
25 low-performing schools in question or throughout the  
26 low-performing district. Recommendations for actions to be  
27 taken in the low-performing school in question or throughout  
28 the low-performing school district shall be made only after  
29 thorough consideration of the unique characteristics of the a  
30 school or school district, as applicable, which may ~~shall~~ also  
31 include student mobility rates and the number and type of

1 exceptional students enrolled in the school or school  
2 district, as applicable, the teacher-to-student ratio in each  
3 classroom, and the number of available textbooks and other  
4 instructional materials per student. The state board shall  
5 adopt, by rule, a recommendation ~~steps to follow in this~~  
6 process, including safeguards for public schools and. ~~Such~~  
7 ~~steps shall ensure that~~ school districts to have sufficient  
8 time to improve student performance as well as ~~in schools and~~  
9 ~~have had~~ the opportunity to present evidence of assistance and  
10 interventions that the school board has implemented.

11 (3)~~(2)~~ The state board may ~~is specifically authorized~~  
12 ~~to~~ recommend one or more of the following actions to school  
13 boards to improve service by the public school system to  
14 ~~ensure that~~ students in low-performing schools or  
15 low-performing school districts ~~are well served by the public~~  
16 ~~school system:~~

17 (a) Provide additional resources, change certain  
18 practices, and provide additional assistance if the state  
19 board determines the causes of inadequate progress to be  
20 related to school district policy or practice.†

21 (b) Implement a plan that satisfactorily resolves the  
22 education equity problems in the school or school district.†

23 (c) Contract for the educational services of the  
24 school or school district, or reorganize the school or any  
25 number of schools as necessary within a low-performing school  
26 district, at the end of the school year under a new  
27 administration ~~principal who is~~ authorized to hire new staff  
28 and implement a plan that addresses the causes of inadequate  
29 progress.†

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1 (d) Allow parents of students in a low-performing ~~the~~  
2 school to send their children to another district school of  
3 their choice, if appropriate, ~~or~~

4 (e) Other action as deemed appropriate to improve the  
5 low-performing school's or low-performing school district's  
6 performance.

7 (4)(a) The state board may recommend any appropriate  
8 action for a school district that is a low-performing school  
9 district.

10 (b) The state board shall recommend to the Legislature  
11 by October 24, 1999, criteria and procedures for timely  
12 identifying and addressing a district school system as low  
13 performing based on failure to operate properly and  
14 appropriately due to severe financial or legal crisis.

15 (5)~~(3)~~ In recommending actions to school boards, the  
16 State Board of Education shall specify the length of time  
17 available to implement the recommended action. The state  
18 board may adopt rules to further specify how it may respond in  
19 specific circumstances. No action taken by the state board  
20 shall relieve a school or school district from state  
21 accountability requirements.

22 (6)~~(4)~~ The State Board of Education may ~~is authorized~~  
23 ~~to~~ require the Department of Education or Comptroller to  
24 withhold any transfer of state funds to the school district  
25 if, within the timeframe specified in state board action, the  
26 school district has failed to comply with the ~~said~~ action  
27 ordered to improve low-performing schools or low-performing  
28 school districts. Withholding the transfer of funds shall  
29 occur only after all other recommended actions for school or  
30 school-district improvement have failed to improve the  
31 performance of the school or school district. The State Board

1 of Education may invoke the same penalty to any school board  
2 that fails to develop and implement a plan for assistance and  
3 intervention for low-performing schools or low-performing  
4 school districts as specified in s. 230.23(16)(c).

5 Section 2. Paragraph (c) of subsection (16) of section  
6 230.23, Florida Statutes, is amended to read:

7 230.23 Powers and duties of school board.--The school  
8 board, acting as a board, shall exercise all powers and  
9 perform all duties listed below:

10 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
11 ACCOUNTABILITY.--Maintain a system of school improvement and  
12 education accountability as provided by statute and State  
13 Board of Education rule. This system of school improvement and  
14 education accountability shall be consistent with, and  
15 implemented through, the district's continuing system of  
16 planning and budgeting required by this section and ss.  
17 229.555 and 237.041. This system of school improvement and  
18 education accountability shall include, but not be limited to,  
19 the following:

20 (c) Assistance and intervention.--Develop a 3-year  
21 plan of increasing individualized assistance and intervention  
22 for each school and school district that does not meet or make  
23 adequate progress, based upon the recommendations of the  
24 commission, as defined pursuant to statute and State Board of  
25 Education rule, toward meeting the goals and standards of its  
26 approved school improvement plan.

27 Section 3. This act shall take effect July 1, 1998.

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LEGISLATIVE SUMMARY

Revises provisions relating to the enforcement of school improvement in the district school system. Expands authority of the State Board of Education to intervene in the operation of a district school system under certain circumstances. Requires the Commissioner of Education to consult with school superintendents regarding low performance. Provides for recommended actions for a low-performing school district. Requires the State Board of Education to make specified recommendations.