

By Representative Andrews

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; authorizing the State Board of
16 Education to assume control of a school
17 district under certain circumstances; amending
18 s. 230.23, F.S., to conform; providing an
19 effective date and a contingent effective date.
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21 WHEREAS, the Legislature recognizes that, while the
22 day-to-day operations of the public schools and school
23 districts generally are best handled at the local level,
24 nevertheless the provision of a public education to Florida's
25 students is a core state function, and

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

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

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

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

27 (1) Pursuant to Art. IX of the State Constitution
28 prescribing the duty of the State Board of Education to
29 supervise Florida's public school system and notwithstanding
30 any other statutory provisions to the contrary, the State

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1 Board of Education may ~~shall have the authority to~~ intervene
2 in the operation of a district school system when:
3 (a) in cases where One or more schools in the a school
4 district have failed to make adequate progress for 3
5 consecutive school years; or
6 (b) Twenty percent or more of the students in the
7 school district drop out of school before graduation.
8 (2) The state board may determine that:
9 (a) Any the school district and/or school has not
10 taken steps sufficient to improve service to ~~ensure that~~
11 students in the school in question;
12 (b) Any school district has not taken steps sufficient
13 to improve service to students in low-performing schools in
14 the district; or
15 (c) Any school district has not taken steps sufficient
16 to improve service to students throughout the school district
17 pursuant to paragraph (1)(b) are well served.
18
19 Considering recommendations of the Commissioner of Education,
20 the state board may ~~is authorized to~~ recommend action to a
21 district school board ~~that is~~ intended to achieve ~~ensure~~
22 improved educational services to students in the
23 low-performing schools in question or throughout the
24 low-performing school district. Recommendations for actions to
25 be taken in the low-performing schools in question or
26 throughout the low-performing school district shall be made
27 only after thorough consideration of the unique
28 characteristics of the a school or school district, as
29 applicable, which may ~~shall also~~ include student mobility
30 rates and the number and type of exceptional students enrolled
31 in the school or school district, as applicable, the

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

10 ~~(3)(2)~~ The state board may ~~is specifically authorized~~
11 ~~to~~ recommend one or more of the following actions to school
12 boards to improve service by the public school system to
13 ~~ensure that~~ students in low-performing schools or
14 low-performing school districts ~~are well served by the public~~
15 ~~school system:~~

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

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

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

29 (d) Allow parents of students in a low-performing ~~the~~
30 school to send their children to another district school of
31 their choice, if appropriate.† ~~or~~

1 (e) Other action as deemed appropriate to improve the
2 low-performing school's or low-performing school district's
3 performance.

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

7 (b) The state board shall recommend to the Legislature
8 by January 1, 1999, criteria and procedures for timely
9 identifying and addressing a district school system as low
10 performing based on failure to operate properly and
11 appropriately due to severe financial or legal crisis.

12 (5)(3) In recommending actions to school boards, the
13 State Board of Education shall specify the length of time
14 available to implement the recommended action. The state
15 board may adopt rules to further specify how it may respond in
16 specific circumstances. No action taken by the state board
17 shall relieve a school or school district from state
18 accountability requirements.

19 (6)(4) The State Board of Education may ~~is authorized~~
20 ~~to~~ require the Department of Education or Comptroller to
21 withhold any transfer of state funds to the school district
22 if, within the timeframe specified in state board action, the
23 school district has failed to comply with the ~~said~~ action
24 ordered to improve low-performing schools or the
25 low-performing school district. Withholding the transfer of
26 funds shall occur only after all other recommended actions for
27 school or school district improvement have failed to improve
28 the performance of the school or school district. The State
29 Board of Education may invoke the same penalty to any school
30 board that fails to develop and implement a plan for
31 assistance and intervention for low-performing schools or the

1 low-performing school district as specified in s.
2 230.23(16)(c).

3 (7) The State Board of Education may assume control of
4 the operation and supervision of all public schools in a
5 school district that does not satisfactorily improve school or
6 school district low performance pursuant to the provisions of
7 this section. In assuming control of a school district, the
8 state board may remove the superintendent of schools, divest
9 the school board of its authority, and appoint a chief
10 executive officer and a board to oversee the operation of the
11 school district.

12 Section 2. Paragraph (c) of subsection (16) of section
13 230.23, Florida Statutes, is amended to read:

14 230.23 Powers and duties of school board.--The school
15 board, acting as a board, shall exercise all powers and
16 perform all duties listed below:

17 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
18 ACCOUNTABILITY.--Maintain a system of school improvement and
19 education accountability as provided by statute and State
20 Board of Education rule. This system of school improvement and
21 education accountability shall be consistent with, and
22 implemented through, the district's continuing system of
23 planning and budgeting required by this section and ss.
24 229.555 and 237.041. This system of school improvement and
25 education accountability shall include, but not be limited to,
26 the following:

27 (c) Assistance and intervention.--Develop a 3-year
28 plan of increasing individualized assistance and intervention
29 for each school and school district that does not meet or make
30 adequate progress, based upon the recommendations of the
31 commission, as defined pursuant to statute and State Board of

1 Education rule, toward meeting the goals and standards of its
2 approved school improvement plan.

3 Section 3. This act shall take effect July 1 of the
4 year in which enacted, except that s. 229.0535(7), Florida
5 Statutes, as created by this act, shall take effect only if an
6 amendment to the State Constitution that authorizes, or
7 removes impediment to, enactment by the Legislature of the
8 provisions of such subsection is approved by the electors at
9 the general election to be held in November 1998. If such
10 amendment is approved, such subsection shall take effect on
11 the effective date of that amendment.

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14 HOUSE SUMMARY

15 Revises provisions relating to the enforcement of school
16 improvement in the district school system. Expands
17 authority of the State Board of Education to intervene in
18 the operation of a district school system under certain
19 circumstances. Requires the Commissioner of Education to
20 consult with school superintendents regarding low
21 performance. Provides for recommended actions for a
22 low-performing school district. Requires the State Board
23 of Education to make specified recommendations.
24 Authorizes the State Board of Education to assume control
25 of a school district under certain circumstances.
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