

By Senator Laurent

17-1318-99

See HB

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 school district. Recommendations for actions to
27 be taken in the low-performing schools in question or
28 throughout the low-performing school district shall be made
29 only after thorough consideration of the unique
30 characteristics of the a school or school district, as
31 applicable, which may ~~shall also~~ include student mobility

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

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

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

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

24 (c) Contract for the educational services of the
25 school or school district, or reorganize the school or any
26 number of schools as necessary within a low-performing school
27 district, at the end of the school year under a new
28 administration principal who is authorized to hire new staff
29 and implement a plan that addresses the causes of inadequate
30 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 January 1, 2000, 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 the
28 low-performing school district. Withholding the transfer of
29 funds shall occur only after all other recommended actions for
30 school or school district improvement have failed to improve
31 the performance of the school or school district. The State

1 Board of Education may invoke the same penalty to any school
2 board that fails to develop and implement a plan for
3 assistance and intervention for low-performing schools or the
4 low-performing school district as specified in s.
5 230.23(16)(c).

6 Section 2. Paragraph (c) of subsection (16) of section
7 230.23, Florida Statutes, 1998 Supplement, is amended to read:
8 230.23 Powers and duties of school board.--The school
9 board, acting as a board, shall exercise all powers and
10 perform all duties listed below:

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

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

28 Section 3. This act shall take effect July 1, 1999.
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HOUSE 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.