

Bill No. CS for CS for SB 1756

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Dyer, Forman, Holzendorf, Jones, Klein, Kurth, and Rossin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

229.0535 Authority to enforce school improvement.--It is the intent of the Legislature that all public schools be held accountable for ~~ensuring that~~ students performing perform at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making not ~~providing~~ adequate progress toward state standards, and institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to

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1 supervise Florida's public school system and notwithstanding
2 any other statutory provisions to the contrary, the State
3 Board of Education shall ~~have the authority to~~ intervene in
4 the operation of a district school system ~~when in cases where~~
5 one or more schools in the a school district have failed to
6 make adequate progress for 2 3 consecutive school years in a
7 4-year period. The state board may determine that the school
8 district or and/or school has not taken steps sufficient for
9 ~~to ensure that~~ students in the school to be academically in
10 ~~question are~~ well served.

11 (2) PROBATIONARY STATUS OF LOW PERFORMING
12 SCHOOLS.--After 1 year of a school being designated as
13 performance grade category "F," a school shall be considered
14 to be on probation. Probationary status shall remain in effect
15 for the category "F" school until such time as the school
16 achieves category "C" performance or better as determined
17 pursuant to s. 229.57. A school's probationary status shall
18 not impair the credits earned by students attending the
19 school.

20 (3) SCHOOL DISTRICT AUTHORITY TO REORGANIZE
21 SCHOOLS.--In instances where one or more schools within a
22 district are on probation, the district school board is
23 authorized to negotiate special provisions of its contract
24 with the appropriate bargaining units in order to free these
25 probationary status schools from contract restrictions that
26 limit the school board's ability to implement programs and
27 strategies needed to improve student performance.

28 (4) STATE BOARD AUTHORITY TO ENFORCE SCHOOL
29 IMPROVEMENT.--Considering recommendations of the Commissioner
30 of Education, the state board shall ~~is authorized to~~ recommend
31 action to a district school board ~~that is~~ intended to improve

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1 ~~ensure improved~~ educational services to students in any school
2 that remains under continuing probationary status for more
3 than 1 calendar year ~~the low-performing schools in question.~~

4 Based upon the recommendations of the Commissioner of
5 Education, the state board shall direct the department to
6 initiate assistance to a district school board intended to
7 improve the educational services to students in low performing
8 schools within the district. The state board may appoint an
9 educational care team as defined in s. 229.5925 to assist the
10 department. ~~Recommendations for actions to be taken in the~~

11 ~~school district shall be made only after thorough~~
12 ~~consideration of the unique characteristics of a school, which~~
13 ~~shall also include student mobility rates and the number and~~
14 ~~type of exceptional students enrolled in the school. The state~~
15 ~~board shall adopt by rule steps to follow in this process.~~

16 Such steps shall provide ~~ensure that~~ school districts have
17 sufficient time to improve student performance in schools and
18 ~~have had~~ the opportunity to present evidence of assistance and
19 interventions that the school board has implemented.

20 (a) In so doing, the department shall conduct a
21 comprehensive assessment making thorough consideration of the
22 unique characteristics of a school, which shall also include
23 student mobility rates and the number and type of exceptional
24 students enrolled in the school;

25 (b) Upon finding by the department, as directed by the
26 state board that inadequacies exist, the department shall
27 provide additional assistance and resources to remedy the
28 inadequacies;

29 (c) The state board shall direct the department to
30 consult with the school district to implement a plan that
31 satisfactorily resolves the education equity problems.

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1 (d) If an educational care team is appointed and
2 assigned to assist the school, it shall perform its duties
3 pursuant to s. 229.5925.

4 ~~(5)(2)~~ If a school receives a performance grade
5 category "F" designation while on probation, the state board
6 is specifically authorized to recommend one or more of the
7 following actions to school boards to enable ~~ensure that~~
8 students in ~~low-performing~~ schools to be academically ~~are~~ well
9 served by the public school system:

10 (a) Provide additional resources, change certain
11 practices, and provide additional assistance if the state
12 board determines the causes of inadequate progress to be
13 related to school district policy or practice;

14 (b) Implement a plan that satisfactorily resolves the
15 education equity problems in the school;

16 (c) Contract for the educational services of the
17 school, or reorganize the school at the end of the school year
18 under a new principal who is authorized to hire new staff and
19 implement a plan that addresses the causes of inadequate
20 progress; or

21 (d) Allow parents of students in the school to send
22 their children to another district school of their choice, ~~if~~
23 ~~appropriate; or~~

24 ~~(e) Other action as deemed appropriate to improve the~~
25 ~~school's performance.~~

26 (6) STATE BOARD AUTHORITY TO ENFORCE SCHOOL DISTRICT
27 IMPROVEMENT.--

28 (a) Considering the recommendations of the Commission
29 on Education Reform and Accountability, the Commissioner of
30 Education, and other interested parties, the state board shall
31 adopt rules that clearly and concisely state the

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1 responsibilities of school districts to provide an equitable
2 educational environment and atmosphere to each school and
3 student under its control. Rules shall specifically state
4 expectations regarding, but not limited to:

5 1. The request for and distribution of textbooks and
6 other instructional materials such that no student is without
7 at least one set for all core subjects;

8 2. The request and adequate usage of funds for the
9 repair and maintenance of schools; and

10 3. Other rules as necessary to ensure that no two
11 schools within a district are so grossly dissimilar in
12 physical resources and environment as to have any one school's
13 students and staff at a disadvantage to another.

14 (b) If continued low performance of probationary
15 status schools is deemed by the state board to be the result
16 of school district incompetence or dereliction of duties, as
17 shall be defined by state board rule, the board may undertake
18 any of the actions previously stated in this section or either
19 of the following:

20 1. Restrict the discretionary powers of the school
21 district until such time as the inadequacies are corrected; or

22 2. Order the removal of either the superintendent of
23 schools or members of the school board or both when it is
24 determined by overwhelming evidence that the school board or
25 superintendent has not taken steps to remedy low performance
26 of schools over a period of time and considering
27 recommendations made by the various educational entities. Any
28 order is subject to all statutes relating to administrative
29 procedures and other tenets of due process as applicable.

30 (c) If an order by the state board on the removal of
31 school board members or the elected superintendent withstands

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1 administrative procedure, a special election shall be held
2 within 60 days after the removal. Notice of the action shall
3 be published immediately upon the actual date of removal and
4 again no more than 7 days before the special election. During
5 the 60 days before the special election, the local legislative
6 delegation shall oversee the general operation of schools with
7 the aid of the deputy superintendent of schools.

8 (7)(3) In recommending actions to school boards, the
9 State Board of Education shall specify the length of time
10 available to implement the recommended action. The state
11 board may adopt rules to further specify how it may respond in
12 specific circumstances. No action taken by the state board
13 shall relieve a school from state accountability requirements.

14 (8)(4) The State Board of Education is authorized to
15 require the Department of Education or Comptroller to withhold
16 any transfer of state funds to the school district if, within
17 the timeframe specified in state board action, the school
18 district has failed to comply with the said action ordered to
19 improve the district's low-performing schools. Withholding the
20 transfer of funds shall occur only after all other recommended
21 actions for school improvement have failed to improve ~~the~~
22 performance ~~of the school~~. The State Board of Education may
23 invoke the same penalty to any school board that fails to
24 develop and implement a plan for assistance and intervention
25 for low-performing schools as specified in s. 230.23(16)(c).

26 Section 2. Section 228.057, Florida Statutes, is
27 amended to read:

28 228.057 Public school parental choice.--

29 (1) The Legislature declares that it is the policy of
30 this state to allow each student who chooses to attend public
31 schools, or whose parent or guardian chooses to have the

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1 student attend public schools, to be provided with a public
2 school controlled open enrollment option to the extent that it
3 is feasible for the school district to do so.

4 (2)(1) As used in this section, the term "controlled
5 open enrollment" means a public education delivery system that
6 allows school districts to make student school assignments
7 using parents' indicated preferential school choice as a
8 significant factor.

9 (3)(a)(2) Beginning with the 2001-2002 ~~1997-1998~~
10 school year, each district school board shall ~~may~~ offer
11 controlled open enrollment within the public schools. The
12 controlled open enrollment program shall be offered in
13 addition to the existing choice programs such as magnet
14 schools, alternative schools, special programs, advanced
15 placement, and dual enrollment.

16 (b) A school district that has fewer than 30,000
17 students may, but is not required to, offer controlled open
18 enrollment.

19 (4)(3) Each district school board shall develop a
20 controlled open enrollment plan which describes the
21 implementation of paragraph (3)(a) ~~subsection (2)~~.

22 (5)(4) School districts shall adhere to federal
23 desegregation requirements. No controlled open enrollment
24 plan that conflicts with federal desegregation orders shall be
25 implemented.

26 (6)(5) Each school district shall develop a system of
27 priorities for its plan that includes consideration of the
28 following:

29 (a) An application process required to participate in
30 the controlled open enrollment program.

31 (b) A process that allows parents to declare school

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1 preferences.

2 (c) A process that encourages placement of siblings
3 within the same school.

4 (d) A lottery procedure used by the school district to
5 determine student assignment.

6 (e) An appeals process for hardship cases.

7 (f) The procedures to maintain socioeconomic,
8 demographic, and racial balance.

9 (g) The availability of transportation.

10 (h) A process that promotes strong parental
11 involvement, including the designation of a parent liaison.

12 (i) A strategy that establishes a clearinghouse of
13 information designed to assist parents in making informed
14 choices.

15 ~~(7)(6)~~ Plans shall be submitted to the Commissioner of
16 Education by June 30, 1997. The Commissioner of Education
17 shall develop an annual report on the status of school choice
18 and deliver the report to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives at
20 least 90 days prior to the convening of the regular session of
21 the Legislature.

22 (8) A school district that has an incomplete
23 controlled open enrollment plan or has a controlled open
24 enrollment plan that cannot be implemented due to conflicts
25 with federal desegregation requirements shall develop a
26 revised plan by the 2000-2001 school year and shall submit the
27 revised plan to the Department of Education by September 1,
28 2000.

29 ~~(9)(7)~~ The Department of Education shall develop,
30 during the 1999-2000 ~~1996-1997~~ school year, recommendations
31 for a public school parental choice incentive program to

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1 benefit district school boards that implement a public school
 2 parental choice plan pursuant to paragraph (3)(a) subsection
 3 ~~(2)~~ for the 2001-2002 1997-1998 school year based on the date
 4 on which the district implemented controlled open enrollment,
 5 with priority given to those districts that implemented
 6 controlled open enrollment earliest and highest priority given
 7 to those districts that implemented controlled open enrollment
 8 before the effective date of this act. In developing the
 9 program, the department may consider financial, as well as
 10 other, incentives that best promote the intent of the
 11 Legislature relating to open enrollment in public schools.

12 (10)(8) Notwithstanding any provision of this section,
 13 a school district with schools operating on both multiple
 14 session schedules and single session schedules shall afford
 15 parents of students in multiple session schools preferred
 16 access to the controlled open enrollment program of the school
 17 district.

18 Section 3. Subsection (14) of section 229.512, Florida
 19 Statutes, is amended, present subsections (15) and (16) are
 20 renumbered as subsections (18) and (19), respectively, and new
 21 subsections (15), (16), and (17) are added to that section, to
 22 read:

23 229.512 Commissioner of Education; general powers and
 24 duties.--The Commissioner of Education is the chief
 25 educational officer of the state, and has the following
 26 general powers and duties:

27 (14) To implement a program of school improvement and
 28 education accountability designed to provide all students the
 29 opportunity to make adequate learning gains in each year of
 30 school as provided by statute and State Board of Education
 31 rule ~~which is~~ based upon the achievement of the state

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1 education goals, recognizing the State Board of Education as
2 the body corporate responsible for the supervision of the
3 system of public education, the school board as responsible
4 for school and student performance, and the individual school
5 as the unit for education accountability.†

6 (15) To arrange for the preparation, publication, and
7 distribution of materials relating to the state system of
8 public education which ~~will~~ supply information concerning
9 needs, problems, plans, and possibilities.†

10 (16) To prepare and publish annually reports giving
11 statistics and other useful information pertaining to the
12 state system of public education.† ~~and~~

13 (17) To have printed copies of school laws, forms,
14 instruments, instructions, and regulations of the State Board
15 of Education and ~~to provide for their the distribution of the~~
16 ~~same.~~

17 Section 4. Section 229.555, Florida Statutes, is
18 amended to read:

19 229.555 Educational planning and information
20 systems.--

21 (1) EDUCATIONAL PLANNING.--

22 (a) The commissioner shall be responsible for all
23 planning functions for the department, including collection,
24 analysis, and interpretation of all data, information, test
25 results, evaluations, and other indicators that are used to
26 formulate policy, identify areas of concern and need, and
27 serve as the basis for short-range and long-range planning.
28 Such planning shall include assembling data, conducting
29 appropriate studies and surveys, and sponsoring research and
30 development activities designed to provide information about
31 educational needs and the effect of alternative educational

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1 practices.

2 (b) Each district school board shall maintain a
3 continuing system of planning and budgeting ~~which shall be~~
4 designed to aid in identifying and meeting the educational
5 needs of students and the public. Provision shall be made for
6 coordination between district school boards and community
7 college district boards of trustees concerning the planning
8 for vocational and adult educational programs. The major
9 emphasis of the system shall be upon locally determined goals
10 and objectives, the state plan for education, and the Sunshine
11 State minimum performance Standards developed by the
12 Department of Education and adopted by the State Board of
13 Education. The district planning and budgeting system must
14 include consideration of student achievement data obtained
15 pursuant to s. 229.57. The system shall be structured to meet
16 the specific management needs of the district and to align-
17 ~~The system of planning and budgeting shall ensure that the~~
18 budget adopted by the district school board with ~~reflect~~ the
19 plan the board has also adopted. Each district school board
20 shall utilize its system of planning and budgeting to
21 emphasize a system of school-based management in which
22 individual school centers become the principal planning units
23 and ~~eventually~~ to integrate planning and budgeting at the
24 school level.

25 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
26 commissioner shall develop and implement an integrated
27 information system for educational management. The system must
28 be designed to collect, via electronic transfer, all student
29 and school performance data required to ascertain the degree
30 to which schools and school districts are meeting state
31 performance standards, and must be capable of producing data

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1 for a comprehensive annual report on school and district
2 performance. The system must also include demographic
3 information and curriculum frameworks for each public school
4 to the extent that successful curricula may be delineated from
5 inadequate curricula as related to particular populations of
6 students. In addition, the system shall support, as feasible,
7 the management decisions to be made in each division of the
8 department and at the individual school and district levels.
9 Similar data elements among divisions and levels shall be
10 compatible. The system shall be based on an overall
11 conceptual design; the information needed for such decisions,
12 including fiscal, student, program, personnel, facility,
13 community, evaluation, and other relevant data; and the
14 relationship between cost and effectiveness. The system shall
15 be managed and administered by the commissioner and shall
16 include a district subsystem component to be administered at
17 the district level, with input from the reports-and-forms
18 control management committees. Each district school system
19 with a unique management information system shall assure that
20 compatibility exists between its unique system and the
21 district component of the state system so to the extent that
22 all data required as input to the state system is shall be
23 made available via electronic transfer and in the appropriate
24 input format.

25 (a) The specific responsibilities of the commissioner
26 shall include:

27 1. Consulting with school district representatives in
28 the development of the system design model and implementation
29 plans for the management information system for public school
30 education management;

31 2. Providing operational definitions for the proposed

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1 system;

2 3. Determining the information and specific data
3 elements required for the management decisions made at each
4 educational level, recognizing that the primary unit for
5 information input is ~~shall be~~ the individual school and
6 recognizing that time and effort of instructional personnel
7 expended in collection and compilation of data should be
8 minimized;

9 4. Developing standardized terminology and procedures
10 to be followed at all levels of the system;

11 5. Developing a standard transmittal format to be used
12 for collection of data from the various levels of the system;

13 6. Developing appropriate computer programs to assure
14 integration of the various information components dealing with
15 students, personnel, facilities, fiscal, program, community,
16 and evaluation data;

17 7. Developing the necessary programs to provide
18 statistical analysis of the integrated data provided in
19 subparagraph 6. in such a way that required reports may be
20 disseminated, comparisons may be made, and relationships may
21 be determined in order to provide the necessary information
22 for making management decisions at all levels;

23 8. Developing output report formats which will provide
24 district school systems with information for making management
25 decisions at the various educational levels;

26 9. Developing a phased plan for distributing computer
27 services equitably among all public schools and school
28 districts in the ~~this~~ state as rapidly as possible. The plan
29 shall describe alternatives available to the state in
30 providing such computing services and shall contain estimates
31 of the cost of each alternative, together with a

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1 recommendation for action. In developing the ~~such~~ plan, the
2 feasibility of shared use of computing hardware and software
3 by school districts, community colleges, and universities
4 shall be examined. Laws or administrative rules regulating
5 procurement of data processing equipment, communication
6 services, or data processing services by state agencies shall
7 not be construed to apply to local agencies which share
8 computing facilities with state agencies;

9 10. Assisting the district school systems in
10 establishing their subsystem components and assuring
11 compatibility with current district systems;

12 11. Establishing procedures for continuous evaluation
13 of system efficiency and effectiveness;

14 12. Initiating a reports-management and
15 forms-management system to ascertain that duplication in
16 collection of data does not exist and that forms and reports
17 for reporting under state and federal requirements and other
18 forms and reports are prepared in a logical and uncomplicated
19 format, resulting in a reduction in the number and complexity
20 of required reports, particularly at the school level; and

21 13. Initiating such other actions as are necessary to
22 carry out the intent of the Legislature that a management
23 information system for public school management needs be
24 implemented. Such other actions shall be based on criteria
25 including, but not limited to:

- 26 a. The purpose of the reporting requirement;
- 27 b. The origination of the reporting requirement;
- 28 c. The date of origin of the reporting requirement;

29 and

- 30 d. The date of repeal of the reporting requirement.

31 (b) The specific responsibilities of each district

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1 school system shall include:

2 1. Establishing, at the district level, a
3 reports-control and forms-control management system committee
4 composed of school administrators and classroom teachers. The
5 district school board shall appoint school administrator
6 members and classroom teacher members; or, in school districts
7 where appropriate, the classroom teacher members shall be
8 appointed by the bargaining agent. Teachers shall constitute a
9 majority of the committee membership. The committee shall
10 periodically recommend procedures to the district school board
11 for eliminating, reducing, revising, and consolidating
12 paperwork and data collection requirements and shall submit to
13 the district school board an annual report of its findings.

14 2. With assistance from the commissioner, developing
15 systems compatibility between the state management information
16 system and unique local systems.

17 3. Providing, with the assistance of the department,
18 inservice training dealing with management information system
19 purposes and scope, a method of transmitting input data, and
20 the use of output report information.

21 4. Establishing a plan for continuous review and
22 evaluation of local management information system needs and
23 procedures.

24 5. Advising the commissioner of all district
25 management information needs.

26 6. Transmitting required data input elements to the
27 appropriate processing locations in accordance with guidelines
28 established by the commissioner.

29 7. Determining required reports, comparisons, and
30 relationships to be provided to district school systems by the
31 system output reports, continuously reviewing these reports

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1 for usefulness and meaningfulness, and submitting recommended
2 additions, deletions, and change requirements in accordance
3 with the guidelines established by the commissioner.

4 8. Being responsible for the accuracy of all data
5 elements transmitted to the department.

6 (c) It is the intent of the Legislature that the
7 expertise in the state system of public education, as well as
8 contracted services, be utilized to hasten the plan for full
9 implementation of a comprehensive management information
10 system.

11 Section 5. Subsection (1) of section 229.565, Florida
12 Statutes, is amended to read:

13 229.565 Educational evaluation procedures.--

14 (1) STUDENT PERFORMANCE STANDARDS.--

15 (a) The State Board of Education shall approve student
16 performance standards in key academic subject areas and ~~the~~
17 ~~various program categories and chronological~~ grade levels
18 ~~which the Commissioner of Education designates as necessary~~
19 ~~for maintaining a good educational system.~~ The standards must
20 apply, without limitation, to language arts, mathematics,
21 science, social studies, the arts, health and physical
22 education, foreign language, reading, writing, history,
23 government, geography, economics, and computer literacy. The
24 commissioner shall obtain opinions and advice from citizens,
25 educators, and members of the business community in developing
26 the standards. For purposes of this section, the term "student
27 performance standard" means a statement describing a skill or
28 competency students are expected to learn.

29 (b) The student performance standards must address the
30 skills and competencies that a student must learn in order to
31 graduate from high school. The commissioner shall also develop

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1 performance standards for students who learn a higher level of
2 skills and competencies.

3 Section 6. Section 229.57, Florida Statutes, 1998
4 Supplement, is amended to read:

5 229.57 Student assessment program.--

6 (1) PURPOSE.--The primary purposes ~~purpose~~ of the
7 statewide assessment program are ~~is~~ to provide information
8 needed to improve for the improvement of the public schools by
9 maximizing the learning gains of all students and to inform
10 parents of the educational progress of their public school
11 children. The program must be designed to:

12 (a) Assess the annual learning gains of each student
13 toward achieving the Sunshine State Standards appropriate for
14 the student's grade level.

15 (b) Provide data for making decisions regarding school
16 improvement, accountability, recognition, and necessary
17 support.

18 (c)~~(a)~~ Identify the educational strengths and needs of
19 students and the readiness of students to be promoted to the
20 next grade level or to graduate from high school with a
21 standard high school diploma.

22 (d)~~(b)~~ Assess how well educational goals and
23 performance standards are met at the school, district, and
24 state levels.

25 (e)~~(c)~~ Provide information to aid in the evaluation
26 and development of educational programs and policies.

27 (f) Provide information on the performance of Florida
28 students compared with others across the United States.

29 (2) ANNUAL PUPIL PROGRESS ASSESSMENT.--The Department
30 of Education shall develop a statistical assessment tool for
31 measuring pupil progress during a school year which shall be

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1 used for the purposes of this act. As used in this subsection,
2 "pupil progress assessment" means a statistical system for
3 educational outcome assessment which:

4 (a) Uses measures of student learning, such as the
5 FCAT, to determine teacher, school, and school district
6 statistical distributions, which distributions:

7 1. Shall be determined using available data from the
8 FCAT, and other data collection as deemed appropriate by the
9 Department of Education, to measure the differences in student
10 prior year achievement against the current year achievement or
11 lack thereof, such that the "effects" of instruction to a
12 student by a teacher, school, and school district may be
13 estimated on a per-student and constant basis.

14 2. Shall, to the extent possible, be able to be
15 expressed in linear scales such that the effects of ceiling
16 and floor dispersions are minimized.

17 (b) Shall provide for mixed model methodologies that
18 provide for best linear unbiased prediction for the teacher,
19 school, and school district effects on pupil progress. These
20 estimates should adequately be able to determine effects of
21 and compare teachers who teach multiple subjects to the same
22 groups of students, and team teaching situations where
23 teachers teach a single subject to multiple groups of
24 students, or other teaching situations as appropriate:

25 1. The department in consult with the Office of
26 Program and Policy Analysis, and other sources as appropriate,
27 shall use recognized mixed linear model approaches to
28 statistical variance and estimating random effects.

29 2. The mixed model methodology used by the department
30 shall be approved by the State Board of Education before
31 implementation in pupil progression assessment.

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1 (3)~~(2)~~ NATIONAL EDUCATION COMPARISONS.--It is
2 Florida's intent to participate in the measurement of national
3 educational goals set by the President and governors of the
4 United States. The Commissioner of Education is directed to
5 provide for school districts to participate in the
6 administration of the National Assessment of Educational
7 Progress, or a similar national assessment program, both for
8 the national sample and for any state-by-state comparison
9 programs which may be initiated. Such assessments must be
10 conducted using the data collection procedures, the student
11 surveys, the educator surveys, and other instruments included
12 in the National Assessment of Educational Progress or a
13 similar program. The results of these assessments shall be
14 included in the annual report of the Commissioner of Education
15 specified in this section. The administration of the National
16 Assessment of Educational Progress or a similar program shall
17 be in addition to and separate from the administration of the
18 statewide assessment program ~~otherwise described in this~~
19 ~~section.~~

20 (4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.--The commissioner
21 ~~shall~~ ~~is directed to~~ design and implement a statewide program
22 of educational assessment that provides information for the
23 improvement of the operation and management of the public
24 schools. ~~The program must be designed, as far as possible, so~~
25 ~~as not to conflict with ongoing district assessment programs~~
26 ~~and so as to use information obtained from district programs.~~
27 Pursuant to the statewide assessment program, the commissioner
28 shall:

29 (a) Submit to the state board a list that specifies
30 student skills and competencies to which the goals for
31 education specified in the state plan apply, including, but

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1 not limited to, reading, writing, science, and mathematics.
2 The skills and competencies must include problem-solving and
3 higher-order skills as appropriate and shall be known as the
4 Sunshine State Standards. The commissioner shall select such
5 skills and competencies after receiving recommendations from
6 educators, citizens, and members of the business community.
7 The commissioner shall submit to the state board revisions to
8 the list of student skills and competencies in order to
9 maintain continuous progress toward improvements in student
10 proficiency.

11 (b) Develop and implement a uniform system of
12 indicators to describe the performance of public school
13 students and the characteristics of the public school
14 districts and the public schools. These indicators must
15 include, without limitation, information gathered by the
16 comprehensive management information system created pursuant
17 to s. 229.555 and student achievement information obtained
18 pursuant to this section.

19 (c) Develop and implement a student achievement
20 testing program as part of the statewide assessment program,
21 to be administered annually in grades 3 through 10 at
22 ~~designated times at the elementary, middle, and high school~~
23 ~~levels~~ to measure reading, writing, science, and mathematics.
24 The testing program must be designed so that:

25 1. The tests measure student skills and competencies
26 adopted by the state board as specified in paragraph (a). The
27 tests must measure and report student proficiency levels in
28 reading, writing, and mathematics. Science proficiency must be
29 measured statewide beginning in 2003. Other content areas may
30 be included as directed by the commissioner. The commissioner
31 shall provide for the tests to be developed or obtained, as

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1 appropriate, through contracts and project agreements with
2 private vendors, public vendors, public agencies,
3 postsecondary institutions, or school districts. The
4 commissioner shall obtain input with respect to the design and
5 implementation of the testing program from state educators and
6 the public.

7 2. The tests are a combination of norm-referenced and
8 criterion-referenced and include, to the extent determined by
9 the commissioner, items that require the student to produce
10 information or perform tasks in such a way that the skills and
11 competencies he or she uses can be measured.

12 3. Each testing program, whether at the elementary,
13 middle, or high school level, includes a test of writing in
14 which students are required to produce writings which are then
15 scored by appropriate methods.

16 4. A score is designated for each subject area tested,
17 below which score a student's performance is deemed
18 inadequate. The school districts shall provide appropriate
19 remedial instruction to students who score below these levels.

20 5. Except as provided in subparagraph 6., all 11th
21 grade students take a high school competency test developed by
22 the state board to test minimum student performance skills and
23 competencies in reading, writing, science, and mathematics.
24 The test must be based on the skills and competencies adopted
25 by the state board pursuant to paragraph (a). Upon
26 recommendation of the commissioner, the state board shall
27 designate a passing score for each part of the high school
28 competency test. In establishing passing scores, the state
29 board shall consider any possible negative impact of the test
30 on minority students. The commissioner may establish criteria
31 whereby a student who successfully demonstrates proficiency in

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1 either reading or mathematics or both may be exempted from
2 taking the corresponding section of the high school competency
3 test or the college placement test. A student must earn a
4 passing score or have been exempted from each part of the high
5 school competency test in order to qualify for a regular high
6 school diploma. The school districts shall provide appropriate
7 remedial instruction to students who do not pass part of the
8 competency test.

9 6. Students who enroll in grade 9 in the fall of 1999
10 and thereafter must earn a passing score on the grade 10
11 assessment test described in this paragraph instead of the
12 high school competency test described in subparagraph 5. Such
13 students must earn a passing score in reading, writing, and
14 mathematics to qualify for a regular high school diploma. Upon
15 recommendation of the commissioner, the state board shall
16 designate a passing score for each part of the grade 10
17 assessment test. In establishing passing scores, the state
18 board shall consider any possible negative impact of the test
19 on minority students.

20 ~~7.6.~~ Participation in the testing program is mandatory
21 for all students, except as otherwise prescribed by the
22 commissioner. The commissioner shall recommend rules to the
23 state board for the provision of test adaptations and
24 modifications of procedures as necessary for students in
25 exceptional education programs and for students who have
26 limited English proficiency.

27 ~~8.7.~~ A student seeking an adult high school diploma
28 must meet the same testing requirements that a regular high
29 school student must meet.

30 9. School districts must provide instruction to
31 prepare students to demonstrate proficiency in the skills and

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1 competencies necessary for successful grade-to-grade
2 progression and high school graduation. The commissioner shall
3 conduct studies as necessary to verify that the required
4 skills and competencies are part of the district instructional
5 programs.

6
7 The commissioner may design and implement student testing
8 programs for any grade level and subject area, based on
9 procedures designated by the commissioner to monitor
10 educational achievement in the state.

11 ~~(d) Obtain or develop a career planning assessment to~~
12 ~~be administered to students, at their option, in grades 7 and~~
13 ~~10 to assist them in preparing for further education or~~
14 ~~entering the workforce. The statewide student assessment~~
15 ~~program must include career planning assessment.~~

16 (d)(e) Conduct ongoing research to develop improved
17 methods of assessing student performance, including, without
18 limitation, the use of technology to administer tests, the use
19 of electronic transfer of data, the development of
20 work-product assessments, and the development of process
21 assessments.

22 (e)(f) Conduct ongoing research and analysis of
23 student achievement data, including, without limitation,
24 monitoring trends in student achievement, identifying school
25 programs that are successful, and analyzing correlates of
26 school achievement.

27 (f)(g) Provide technical assistance to school
28 districts in the implementation of state and district testing
29 programs and the use of the data produced pursuant to such
30 programs.

31 (5)(4) DISTRICT TESTING PROGRAMS.--Each district shall

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1 periodically assess student performance and achievement within
 2 each school of the district. The assessment programs must be
 3 based upon local goals and objectives that are compatible with
 4 the state plan for education and that supplement the skills
 5 and competencies adopted by the State Board of Education. All
 6 school districts must participate in the state assessment
 7 program designed to measure annual student learning and school
 8 performance. All school districts shall report assessment
 9 results as required by the management information system.~~In~~
 10 ~~grades 4 and 8, each district shall administer a nationally~~
 11 ~~normed achievement test selected from a list approved by the~~
 12 ~~state board; the data resulting from these tests must be~~
 13 ~~provided to the Department of Education according to~~
 14 ~~procedures specified by the commissioner. The commissioner~~
 15 ~~may request achievement data for other grade levels as~~
 16 ~~necessary.~~

17 (6)(5) SCHOOL TESTING PROGRAMS.--Each public school,
 18 unless specifically exempted by state board rule based on
 19 servng a specialized population for which standardized
 20 testing is not appropriate, shall participate in the state
 21 assessment program. Student performance data shall be analyzed
 22 using measurement tools as directed pursuant to subsection (2)
 23 and reported to parents, the community, and the state. Student
 24 performance data shall be used in developing objectives of the
 25 school improvement plan, evaluation of instructional
 26 personnel, evaluation of administrative personnel, assignment
 27 of staff, allocation of resources, acquisition of
 28 instructional materials and technology, performance-based
 29 budgeting, and promotion and assignment of students into
 30 educational programs administering an achievement test,
 31 ~~whether at the elementary, middle, or high school level, and~~

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1 ~~each public school administering the high school competency~~
2 ~~test, shall prepare an analysis of the resultant data after~~
3 ~~each administration. The analysis of student performance data~~
4 ~~also must identify strengths and needs in the educational~~
5 ~~program and trends over time. The analysis must be used in~~
6 ~~conjunction with the budgetary planning processes developed~~
7 ~~pursuant to s. 229.555 and the development of the programs of~~
8 ~~remediation described in s. 233.051.~~

9 (7)(6) ANNUAL REPORTS.--The commissioner shall prepare
10 annual reports of the results of the statewide assessment
11 program which describe student achievement in the state, each
12 district, and each school. The commissioner shall prescribe
13 the design and content of these reports, which must include,
14 without limitation, descriptions of the performance of all
15 schools participating in the assessment program and all of
16 their major student populations as determined by the
17 Commissioner of Education, and must also include the median
18 scores of all eligible students who scored at or in the lowest
19 25th percentile of the state in the previous school year,
20 provided, however, that the provisions of s. 228.093
21 pertaining to student records apply to this section students
22 at both low levels and exemplary levels, as well as the
23 performance of students scoring in the middle 50 percent of
24 the test population. Until such time as annual assessments
25 prescribed in this section are fully implemented, annual
26 reports shall include student performance data based on
27 existing assessments.

28 (8) SCHOOL PERFORMANCE GRADE CATEGORIES.--Beginning
29 with the 1998-1999 school year's student and school
30 performance data, the annual report shall identify schools as
31 being in one of the following grade categories defined

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1 according to rules of the state board:

2 (a) "A," schools making excellent progress.

3 (b) "B," schools making above average progress.

4 (c) "C," schools making satisfactory progress.

5 (d) "D," schools making less than satisfactory
6 progress.

7 (e) "F," schools failing to make adequate progress.

8 (9) DESIGNATION OF SCHOOL PERFORMANCE GRADE

9 CATEGORIES.--School performance grade category designations
10 itemized in subsection (8) shall be based on the following:

11 (a) Timeframes.--

12 1. School performance grade category designations
13 shall be based on one school year of performance.

14 2. In school years 1998-1999 and 1999-2000, a school's
15 performance grade category designation shall be determined by
16 the student achievement levels on the FCAT, and on other
17 appropriate performance data, including, but not limited to,
18 attendance, dropout rate, school discipline data, and student
19 readiness for college, in accordance with state board rule.

20 3. Beginning with the 2000-2001 school year, a
21 school's performance grade category designation shall be based
22 on a combination of student achievement scores as measured by
23 the FCAT, on the degree of measured learning gains of the
24 students, and on other appropriate performance data,
25 including, but not limited to, attendance, dropout rate,
26 school discipline data, cohort graduation rate, and student
27 readiness for college.

28 4. Beginning with the 2001-2002 school year and
29 thereafter, a school's performance grade category designation
30 shall be based on student learning gains as measured by annual
31 FCAT assessments in grades 3 through 10, and on other

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1 appropriate performance data, including, but not limited to,
2 attendance, dropout rate, school discipline data, the
3 availability of adequate and appropriate textbooks and
4 instructional materials for each student, and student
5 readiness for college.

6
7 For the purpose of implementing ss. 229.0535 and 229.0537,
8 each school identified as critically low performing based on
9 both 1996-1997 and 1997-1998 school performance data and state
10 board-adopted criteria relative to those 2 years, and that
11 receives a performance grade category designation of "F" based
12 on 1998-1999 school performance data pursuant to this section,
13 shall be considered as having failed to make adequate progress
14 for 2 years in a 4-year period. All other schools that receive
15 a performance grade category designation of "F" based on
16 1998-1999 school performance data shall be considered as
17 having failed to make adequate progress for 1 year.

18 (b) Student assessment data.--Student assessment data
19 used in determining school performance grade categories shall
20 include:

21 1. The median scores of all eligible students enrolled
22 in the school.

23 2. The median scores of all eligible students enrolled
24 in the school who have scored at or in the lowest 25th
25 percentile of the state in the previous school year.

26
27 The state board shall adopt appropriate criteria for each
28 school performance grade category so as to ensure that school
29 performance grade category designations reflect each school's
30 accountability for the learning of all students in the school.
31 The criteria must also give added weight to student

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1 achievement in reading. Schools designated as performance
2 grade category "C," making satisfactory progress, shall be
3 required to demonstrate that adequate progress has been made
4 by students who have scored among the lowest 25 percent of
5 students in the state as well as by the overall population of
6 students in the school.

7 (10) SCHOOL IMPROVEMENT RATINGS.--Beginning with the
8 1999-2000 school year's student and school performance data,
9 the annual report shall identify each school's performance as
10 having improved, remained the same, or declined. This school
11 improvement rating shall be based on a comparison of the
12 current year's and previous year's student and school
13 performance data. Schools that improve at least one
14 performance grade category are eligible for school recognition
15 awards pursuant to s. 231.2905.

16 (11) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
17 RATING REPORTS.--School performance grade category
18 designations and improvement ratings shall apply to each
19 school's performance for the year in which performance is
20 measured. Each school's designation and rating shall be
21 published annually by the Department of Education and the
22 school district. Parents and guardians shall be entitled to an
23 easy-to-read report card about the designation and rating of
24 the school in which their child is enrolled.

25 (12) STATEWIDE ASSESSMENTS.--The Department of
26 Education is authorized, subject to appropriation, to
27 negotiate a multi-year contract for the development, field
28 testing, and implementation of annual assessments of students
29 in grades 3 through 10. Such assessments must comply with the
30 following criteria:

31 (a) Assessments for each grade level shall be capable

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1 of measuring each student's mastery of the Sunshine State
2 Standards for that grade level and above.

3 (b) Assessments shall be capable of measuring the
4 annual progress each student makes in mastering the Sunshine
5 State Standards.

6 (c) Assessments shall include measures in reading and
7 mathematics in each grade level and must include writing and
8 science in grades 4, 8, and 10. Science assessment is to begin
9 statewide in 2003.

10 (d) Assessments shall include a norm-referenced
11 subtest that allows for comparisons of Florida students with
12 the performance of students nationally.

13 (e) The annual testing program shall be administered
14 to provide for valid statewide comparisons of learning gains
15 to be made for purposes of accountability and recognition.
16 Annual assessments that do not contain performance items shall
17 be administered no earlier than March of each school year,
18 with results being returned to schools prior to the end of the
19 academic year. Subtests that contain performance items may be
20 given earlier than March, provided that the remaining subtests
21 are sufficient to provide valid data on comparisons of student
22 learning from year to year. The time of administration shall
23 be aligned such that a comparable amount of instructional time
24 is measured in all school districts. District school boards
25 shall not establish school calendars that jeopardize or limit
26 the valid testing and comparison of student learning gains.

27 (f) Assessments shall be implemented statewide no
28 later than the spring of the 2000-2001 school year.

29 (13) LOCAL ASSESSMENTS.--Measurement of the learning
30 gains of students in all subjects other than subjects required
31 for the state assessment program is the responsibility of the

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1 school districts.

2 (14)(7) APPLICABILITY OF TESTING STANDARDS.--A student
 3 must meet the testing requirements for high school graduation
 4 which were in effect at the time the student entered 9th
 5 grade, provided the student's enrollment was continuous.

6 (15)(8) RULES.--The State Board of Education shall
 7 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~
 8 to implement the provisions of this section.

9 (16) PERFORMANCE-BASED FUNDING.--The Legislature may
 10 factor-in the performance of schools in calculating any
 11 performance-based-funding policy that is provided for in the
 12 annual General Appropriations Act.

13 Section 7. Section 229.58, Florida Statutes, 1998
 14 Supplement, is amended to read:

15 229.58 District and school advisory councils.--

16 (1) ESTABLISHMENT.--

17 (a) The school board shall establish an advisory
 18 council for each school in the district, and shall develop
 19 procedures for the election and appointment of advisory
 20 council members. Each school advisory council shall include in
 21 its name the words "school advisory council." The school
 22 advisory council shall be the sole body responsible for final
 23 decisionmaking at the school relating to implementation of the
 24 provisions of ss. 229.591, 229.592, and 230.23(16). A majority
 25 of the members of each school advisory council must be persons
 26 who are not employed by the school. Each advisory council
 27 shall be composed of the principal and an appropriately
 28 balanced number of teachers, education support employees,
 29 students, parents, and other business and community citizens
 30 who are representative of the ethnic, racial, and economic
 31 community served by the school. Vocational-technical center

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1 and high school advisory councils shall include students, and
2 middle and junior high school advisory councils may include
3 students. School advisory councils of vocational-technical
4 and adult education centers are not required to include
5 parents as members. Council members representing teachers,
6 education support employees, students, and parents shall be
7 elected by their respective peer groups at the school in a
8 fair and equitable manner as follows:

- 9 1. Teachers shall be elected by teachers.
- 10 2. Education support employees shall be elected by
11 education support employees.
- 12 3. Students shall be elected by students.
- 13 4. Parents shall be elected by parents.

14
15 The school board shall establish procedures for use by schools
16 in selecting business and community members. Such procedures
17 shall include means of ensuring wide notice of vacancies and
18 for taking input on possible members from local business,
19 chambers of commerce, community and civic organizations and
20 groups, and the public at large. The school board shall review
21 the membership composition of each advisory council. Should
22 the school board determine that the membership elected by the
23 school is not representative of the ethnic, racial, and
24 economic community served by the school, the board shall
25 appoint additional members to achieve proper representation.

26 ~~The Commissioner of Florida Commission on Education Reform and~~
27 ~~Accountability shall serve as a review body to determine if~~
28 ~~schools have maximized their efforts to include on their~~
29 ~~advisory councils minority persons and persons of lower~~
30 ~~socioeconomic status. Although schools should be strongly~~
31 ~~encouraged to establish school advisory councils, any school~~

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1 district that has a student population of 10,000 or fewer may
2 establish a district advisory council which shall include at
3 least one duly elected teacher from each school in the
4 district. For the purposes of school advisory councils and
5 district advisory councils, the term "teacher" shall include
6 classroom teachers, certified student services personnel, and
7 media specialists. For purposes of this paragraph, "education
8 support employee" means any person employed by a school who is
9 not defined as instructional or administrative personnel
10 pursuant to s. 228.041 and whose duties require 20 or more
11 hours in each normal working week.

12 (b) The school board may establish a district advisory
13 council representative of the district and composed of
14 teachers, students, parents, and other citizens or a district
15 advisory council which may be comprised of representatives of
16 each school advisory council. Recognized schoolwide support
17 groups which meet all criteria established by law or rule may
18 function as school advisory councils.

19 (2) DUTIES.--

20 (a) Each advisory council shall perform such functions
21 as are prescribed by regulations of the school board;
22 however, no advisory council shall have any of the powers and
23 duties now reserved by law to the school board. Each school
24 advisory council shall assist in the preparation and
25 evaluation of the school improvement plan required pursuant to
26 s. 230.23(16). By the 1999-2000 academic year, with technical
27 assistance from the Department of Education, each school
28 advisory council shall assist in the preparation of the
29 school's annual budget and plan as required by s. 229.555(1).
30 A portion of funds provided in the annual General
31 Appropriations Act for use by school advisory councils must be

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1 used for implementing the school improvement plan.

2 (b) By May of each year, each school advisory council
3 may submit to the Department of Education a letter offering
4 its evaluation of their school's progress toward implementing
5 school improvement plans and its performance in general. These
6 letters of evaluation shall be considered and given due weight
7 by the department when assigning performance grades pursuant
8 to s.229.57(9).

9 Section 8. Section 229.591, Florida Statutes, 1998
10 Supplement, is amended to read:

11 229.591 Comprehensive revision of Florida's system of
12 school improvement and education accountability.--

13 (1) INTENT.--The Legislature recognizes that the
14 children and youth of the state are its future and its most
15 precious resource. To provide these developing citizens with
16 the sound education needed to grow to a satisfying and
17 productive adulthood, the Legislature intends that, ~~by the~~
18 ~~year 2000,~~ Florida establish a system of school improvement
19 and education accountability based on the performance of
20 students and educational programs. The intent of the
21 Legislature is to provide clear guidelines for achieving this
22 purpose and for returning the responsibility for education to
23 those closest to the students, their ~~that is the~~ schools,
24 teachers, and parents. The Legislature recognizes, however,
25 its ultimate responsibility and that of the Governor, the
26 Commissioner of Education, and the State Board of Education
27 and other state policymaking bodies in providing the strong
28 leadership needed to forge a new concept of school improvement
29 and in making adequate provision by law ~~provisions~~ for a
30 uniform, efficient, safe, secure, and high-quality system of
31 free public schools as required by s. 1, Art. IX of the State

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1 Constitution. It is further the intent of the Legislature to
 2 build upon the foundation established by the Educational
 3 Accountability Act of 1976 and to implement a program of
 4 education accountability and school improvement based upon the
 5 achievement of state goals, recognizing the State Board of
 6 Education as the body corporate responsible for the
 7 supervision of the system of public education, the district
 8 school board as responsible for school and student
 9 performance, and the individual school as the unit for
 10 education accountability.

11 (2) REQUIREMENTS.--Florida's system for school
 12 improvement and education accountability shall:

13 (a) Establish state and local educational goals.

14 (b) Increase the use of educational outcomes over
 15 educational processes in assessing educational programs.

16 (c) Redirect state fiscal and human resources to
 17 assist school districts and schools to meet state and local
 18 goals for student success in school and in later life.

19 (d) Provide methods for measuring, and public
 20 reporting of, state, school district, and individual school
 21 progress toward the education goals.

22 (e) Recognize successful schools.

23 (f) Provide for ~~Ensure that unsuccessful~~ schools
 24 designated as performance grade category "D" or "F" to receive
 25 ~~are provided~~ assistance and intervention sufficient to attain
 26 adequate ~~such that~~ improvement ~~occurs,~~ and provide further
 27 ~~ensure that~~ action that should occur when schools do not
 28 improve.

29 (g) Ensure that every preventive measure, as provided
 30 by law, is utilized to correct inadequacies in schools that
 31 are in danger of being designated in performance grade

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1 category "F," failing to make adequate progress, as defined in
2 state board rule, or are on probation as defined in s.
3 229.0535, and to ensure that adequate levels of performance
4 are maintained at higher performing schools.

5 (3) EDUCATION GOALS.--The state as a whole shall work
6 toward the following goals:

7 (a) Readiness to start school.--Communities and
8 schools collaborate in a statewide comprehensive school
9 readiness program to prepare children and families for
10 children's success in school.

11 (b) Graduation rate and readiness for postsecondary
12 education and employment.--Students graduate and are prepared
13 to enter the workforce and postsecondary education.

14 (c) Student performance.--Students make annual
15 learning gains, as determined pursuant to s. 229.59(2),
16 sufficient to acquire the knowledge, skills, and competencies
17 needed to master state standards, successfully compete at the
18 highest levels nationally and internationally, and ~~be~~ ~~are~~
19 prepared to make well-reasoned, thoughtful, and healthy
20 lifelong decisions.

21 (d) Learning environment.--School boards provide a
22 learning environment conducive to teaching and learning, in
23 which education programs are based on student performance
24 data, and which strive to eliminate achievement gaps by
25 improving the learning of all students.

26 (e) School safety and environment.--Communities and
27 schools provide an environment that is drug-free and protects
28 students' health, safety, and civil rights.

29 (f) Teachers and staff.--The schools, district, all
30 postsecondary institutions, and state work collaboratively to
31 provide ~~ensure~~ professional teachers and staff who possess the

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1 competencies and demonstrate the performance needed to
2 maximize learning among all students.

3 (g) Adult literacy.--Adult Floridians are literate and
4 have the knowledge and skills needed to compete in a global
5 economy, prepare their children for success in school,and
6 exercise the rights and responsibilities of citizenship.

7 (h) Parental involvement.--Communities, school boards,
8 and schools provide opportunities for involving parents and
9 guardians as active partners in achieving school improvement
10 and education accountability. ~~The State Board of Education~~
11 ~~shall adopt standards for indicating progress toward this~~
12 ~~state education goal by January 1, 1997.~~

13 Section 9. Section 229.592, Florida Statutes, 1998
14 Supplement, is amended to read:

15 229.592 Implementation of state system of school
16 improvement and education accountability.--

17 (1) DEVELOPMENT.--It is the intent of the Legislature
18 that every public school in the state shall have a school
19 improvement plan, as required by s. 230.23(16), fully
20 implemented and operational ~~by the beginning of the 1993-1994~~
21 ~~school year.~~ Vocational standards considered pursuant to s.
22 239.229 shall be incorporated into the school improvement plan
23 for each area technical center operated by a school board ~~by~~
24 ~~the 1994-1995 school year,~~ and area technical centers shall
25 prepare school report cards incorporating such standards,
26 pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In
27 order to accomplish this, the Florida Commission on Education
28 Reform and Accountability and the school districts and schools
29 shall carry out the duties assigned to them by ss. 229.594 and
30 230.23(16), respectively.

31 (2) ESTABLISHMENT.--Based upon the recommendations of

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1 the Florida Commission on Education Reform and Accountability,
2 the Legislature may enact such laws as it considers necessary
3 to establish and maintain a state system of school improvement
4 and accountability. If, after considering the recommendations
5 of the commission, the Legislature determines an adequate
6 system of accountability to be in place to protect the public
7 interest, the Legislature may repeal or revise laws, including
8 fiscal policies, deemed to stand in the way of school
9 improvement.

10 (3) COMMISSIONER.--The commissioner shall be
11 responsible for implementing and maintaining a system of
12 intensive school improvement and stringent education
13 accountability, which shall include policies and programs
14 based on the recommendations of the Florida Commission on
15 Education Reform and Accountability.

16 ~~(a) Based on the recommendations of The Florida~~
17 ~~Commission on Education Reform and Accountability, The~~
18 commissioner shall ~~develop and~~ implement the following
19 ~~programs and procedures:~~

20 (a)1. A system of data collection and analysis that
21 will improve information about the educational success of
22 individual students and schools. The information and analyses
23 must be capable of identifying educational programs or
24 activities in need of improvement, and reports prepared
25 pursuant to this paragraph ~~subparagraph~~ shall be distributed
26 to the appropriate school boards prior to distribution to the
27 general public. This provision shall not preclude access to
28 public records as provided in chapter 119.

29 (b)2. A program of school improvement that will
30 analyze information to identify schools, educational programs,
31 or educational activities in need of improvement.

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1 ~~(c)3.~~ A method of delivering services to assist school
2 districts and schools to improve.

3 ~~(d)4.~~ A method of coordinating with the state
4 educational goals and school improvement plans any other state
5 program that creates incentives for school improvement.

6 ~~(4)(b)~~ The commissioner shall be held responsible for
7 the implementation and maintenance of the system of school
8 improvement and education accountability outlined in this
9 section ~~subsection~~. There shall be an annual determination of
10 whether adequate progress is being made toward implementing
11 and maintaining a system of school improvement and education
12 accountability.

13 ~~(5)(c)~~ The annual feedback report shall be developed
14 by the commission and the Department of Education.

15 ~~(6)(d)~~ The commissioner and the commission shall
16 review each school board's feedback report and submit ~~its~~
17 findings to the State Board of Education. If adequate
18 progress is not being made toward implementing and maintaining
19 a system of school improvement and education accountability,
20 the State Board of Education shall direct the commissioner to
21 prepare and implement a corrective action plan. The
22 commissioner and State Board of Education shall monitor the
23 development and implementation of the corrective action plan.

24 ~~(7)(e) As co-chair of the Florida Commission on~~
25 ~~Education Reform and Accountability,~~ The commissioner shall
26 ~~appear before the appropriate committees of the Legislature~~
27 ~~annually in October to report to the Legislature~~ and recommend
28 changes in state policy necessary to foster school improvement
29 and education accountability. The report shall reflect the
30 recommendations of the Florida Commission on Education Reform
31 and Accountability. Included in the report shall be a list of

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1 the schools for which school boards have developed assistance
2 and intervention plans and an analysis of the various
3 strategies used by the school boards. School reports shall be
4 distributed pursuant to this paragraph and s. 230.23(16)(e)
5 according to guidelines adopted by the State Board of
6 Education.

7 (8)~~(4)~~ DEPARTMENT.--

8 (a) The Department of Education shall implement a
9 training program to develop among state and district educators
10 a cadre of facilitators of school improvement. These
11 facilitators shall assist schools and districts to conduct
12 needs assessments and develop and implement school improvement
13 plans to meet state goals.

14 (b) Upon request, the department shall provide
15 technical assistance and training to any school, school
16 advisory council, district, or school board for conducting
17 needs assessments, developing and implementing school
18 improvement plans, developing and implementing assistance and
19 intervention plans, or implementing other components of school
20 improvement and accountability. Priority for these services
21 shall be given to schools designated as performance grade
22 category "D" or "F" and school districts in rural and sparsely
23 populated areas of the state.

24 (c) Pursuant to s. 24.121(5)(d), the department shall
25 not release funds from the Educational Enhancement Trust Fund
26 to any district in which a school does not have an approved
27 school improvement plan, pursuant to s. 230.23(16), after 1
28 full school year of planning and development, or does not
29 comply with school advisory council membership composition
30 requirements pursuant to s. 229.58(1). The department shall
31 send a technical assistance team to each school without an

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1 approved plan to develop such school improvement plan or to
2 each school without appropriate school advisory council
3 membership composition to develop a strategy for corrective
4 action. The department shall release the funds upon approval
5 of the plan or upon establishment of a plan of corrective
6 action. Notice shall be given to the public of the
7 department's intervention and shall identify each school
8 without a plan or without appropriate school advisory council
9 membership composition.

10 (9) LOW PERFORMING SCHOOLS INTERVENTION FUNDS.--

11 (a) The department is authorized to allocate and
12 distribute to each district with schools under probationary
13 status pursuant to s. 229.0535 an amount as prescribed
14 annually by the Legislature for improvement funds for those
15 schools. The allocation shall be one-sixth of the product
16 determined by multiplying the base student allocation times
17 the weighted full-time equivalent student membership for these
18 schools times the district cost differential.

19 (b) The funds shall be used only for those schools
20 under probationary status and may be used for student
21 performance improvement purposes including, but not limited
22 to, student remediation activities, teacher training, class
23 size reduction or extended school year.

24 (c) Before intervention funds are released to any
25 district, that district must submit a school improvement plan
26 specific to the school or schools for which the funds will be
27 used and detailing how said funds will be utilized to
28 implement the plan.

29 (10)(5) STATE BOARD.--The State Board of Education
30 shall adopt rules pursuant to ss. 120.536(1) and 120.54
31 necessary to implement a state system of school improvement

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1 and education accountability and shall specify required annual
2 reports by schools and school districts. Such rules must be
3 based on recommendations of the Commission on Education Reform
4 and Accountability and must include, but need not be limited
5 to, a requirement that each school report identify the annual
6 Education Enhancement Trust Fund allocations to the district
7 and the school and how those allocations were used for
8 educational enhancement and supporting school improvement.

9 (11)(6) EXCEPTIONS TO LAW.--To facilitate innovative
10 practices and to allow local selection of educational methods,
11 the commissioner may waive, upon the request of a school
12 board, requirements of chapters 230 through 239 of the Florida
13 School Code that relate to instruction and school operations,
14 except those pertaining to civil rights, and student health,
15 safety, and welfare. The Commissioner of Education is not
16 authorized to grant waivers for any provisions of law
17 pertaining to the allocation and appropriation of state and
18 local funds for public education; the election, compensation,
19 and organization of school board members and superintendents;
20 graduation and state accountability standards; financial
21 reporting requirements; public meetings; public records; or
22 due process hearings governed by chapter 120. Prior to
23 approval, the commissioner shall report pending waiver
24 requests to the state board on a monthly basis, and shall,
25 upon request of any state board member, bring a waiver request
26 to the state board for consideration. If, within 2 weeks of
27 receiving the report, no member requests that a waiver be
28 considered by the state board, the commissioner may act on the
29 original waiver request. No later than January 1 of each year,
30 the commissioner shall report to the President and Minority
31 Leader of the Senate and the Speaker and Minority Leader of

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1 the House of Representatives all approved waiver requests in
2 the preceding year.

3 (a) Graduation requirements in s. 232.246 must be met
4 by demonstrating performance of intended outcomes for any
5 course in the Course Code Directory unless a waiver is
6 approved by the commissioner. In developing procedures for
7 awarding credits based on performance outcomes, districts may
8 request waivers from State Board of Education rules relating
9 to curriculum frameworks and credits for courses and programs
10 in the Course Code Directory. Credit awarded for a course or
11 program beyond that allowed by the Course Code Directory
12 counts as credit for electives. Upon request by any school
13 district, the commissioner shall evaluate and establish
14 procedures for variations in academic credits awarded toward
15 graduation by a high school offering six periods per day
16 compared to those awarded by high schools operating on other
17 schedules.

18 1. A school board may originate a request for waiver
19 and submit the request to the commissioner if such a waiver is
20 required to implement districtwide improvements.

21 2. A school board may submit a request to the
22 commissioner for a waiver if such request is presented to the
23 school board by a school advisory council established pursuant
24 to s. 229.58 and if such a waiver is required to implement a
25 school improvement plan required by s. 230.23(16). The school
26 board shall report annually to the Florida Commission on
27 Education Reform and Accountability, in conjunction with the
28 feedback report required pursuant to this section ~~subsection~~
29 ~~(3)~~, the number of waivers requested by school advisory
30 councils, the number of such waiver requests approved and
31 submitted to the commissioner, and the number of such waiver

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1 requests not approved and not submitted to the commissioner.
2 For each waiver request not approved, the school board shall
3 report the statute or rule for which the waiver was requested,
4 the rationale for the school advisory council request, and the
5 reason the request was not approved.

6 3. When approved by the commissioner, a waiver
7 requested under this paragraph is effective for a 5-year
8 period.

9 (b) Notwithstanding the provisions of chapter 120 and
10 for the purpose of implementing this subsection, the
11 commissioner may waive State Board of Education rules if the
12 school board has submitted a written request to the
13 commissioner for approval pursuant to this subsection.

14 (c) The written request for waiver of statute or rule
15 must indicate at least how ~~the general statutory purpose will~~
16 ~~be met, how~~ granting the waiver will assist schools in
17 improving student outcomes related to the student performance
18 standards adopted by the state board ~~pursuant to subsection~~
19 ~~(5)~~, and how student improvement will be evaluated and
20 reported. ~~In considering any waiver,~~The commissioner shall
21 not grant any waiver that would impair the ~~ensure~~ protection
22 of the health, safety, welfare, or ~~and~~ civil rights of the
23 students or the ~~and~~ protection of the public interest.

24 (d) Upon denying a request for a waiver, the
25 commissioner must state with particularity the grounds or
26 basis for the denial. The commissioner shall report the
27 specific statutes and rules for which waivers are requested
28 and the number and disposition of such requests to the
29 Legislature and the State Board of Education and the Florida
30 Commission on Education Reform and Accountability for use in
31 determining which statutes and rules stand in the way of

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1 school improvement.

2 (e)1. Schools designated in performance grade category
3 "A," making excellent progress, shall, if requested by the
4 school, be given deregulated status as specified in s.
5 228.0565(5), (7), (8), (9), and (10).

6 2. Schools that have improved at least two performance
7 grade categories and that meet the criteria of the Florida
8 School Recognition Program pursuant to s. 231.2905 may be
9 given deregulated status as specified in s. 228.0565(5), (7),
10 (8), (9), and (10).

11 Section 10. Effective July 1, 1999, section 229.5925,
12 Florida Statutes, is created to read:

13 229.5925 Educational Care Teams.--

14 (1) The State Board of Education shall appoint
15 educational care teams for the purpose of providing voluntary
16 assistance to school districts with schools having low
17 performance grade status pursuant to s. 229.57. It is the
18 intention of the Legislature that educational care teams be
19 able to:

20 (a) Investigate and isolate the causes of low
21 performance, including, but not limited to, administrative and
22 instructional staffing, staff development and training, budget
23 prioritization, curriculum, physical environment, and student
24 socio-economic, health, and safety issues;

25 (b) Prepare a written evaluation and report of its
26 findings; and

27 (c) Make nonbinding recommendations to the school
28 board for improvements in performance at the low performing
29 school.

30 (2) APPOINTMENTS.--

31 (a) Each educational care team shall consist of seven

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1 members appointed by the State Board of Education upon
2 recommendation of the Commissioner of Education and the
3 Commission on Education Reform and Accountability. A method
4 for making such appointments shall be determined by state
5 board rule.

6 (b) At a minimum, each appointee shall have or have
7 had experience and success as a principal, teacher, school
8 administrator, or child or school psychologist. To the extent
9 possible, each team shall have each of the minimum
10 qualifications represented by its appointees as listed in this
11 paragraph. Consideration shall also be given to the gender and
12 racial composition of each team.

13 (c) The state board shall appoint four teams to serve
14 four demographic regions of the state as shall be determined
15 by the board. The board is encouraged to draw each team member
16 from the region in which he or she resides.

17 (d) The Commissioner of Education is authorized to
18 provide training, research, and resources to the educational
19 care teams as necessary to carry out their duties.

20 (3) DISTRICT APPLICATION FOR EDUCATIONAL CARE TEAM
21 ASSISTANCE.--

22 (a) Any school district may, but is not required to,
23 seek the assistance of an educational care team for a low
24 performing school under the following circumstances:

25 1. The low performing school received a performance
26 grade category "F" pursuant to s. 229.57 the year immediately
27 preceding the time that application for assistance is made; or

28 2. The low performing school has consistently received
29 a performance grade category "D" or worse pursuant to s.
30 229.57 over a period of time to be determined by state board
31 rule.

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1 (b) A school district may seek to contract for, and
2 the state board may approve, assistance from an educational
3 care team for schools of performance category "C" pursuant to
4 s. 229.57 when the school is unable to show significant
5 academic progress of the lower quartile of students on
6 statewide assessments. This option shall be granted at the
7 discretion of the board based on the availability of an
8 educational care team, and other criteria for which the board
9 may make rules.

10 (4) ASSIGNMENT OF EDUCATIONAL CARE TEAMS.--

11 (a) If a district application for assistance of an
12 educational care team at a low performing school as described
13 in this section is approved by the state board, the board
14 shall assign the team within the region in which the district
15 is located to the school considering the following:

16 1. Care teams will be assigned and scheduled according
17 to date order of board approval. District applications for
18 educational care teams shall be considered in the order in
19 which they are received.

20 2. Priority of assignment shall be given to schools
21 with performance grade category "F" in situations where
22 applications are granted to several districts simultaneously.

23 3. Districts may apply and gain approval for care
24 teams no more than twice in one calendar year based on the
25 date of first approval.

26 (b) Upon assignment to a school, the care team shall
27 operate under the direction of the requesting school district
28 at the school for which the assistance was requested. The care
29 teams' duties shall be performed in the most expedient, but
30 thorough, manner possible.

31 (5) REPORTS AND RECOMMENDATIONS.--

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1 (a) Upon completion of its evaluation of the low
2 performing school, the care team shall prepare a written
3 report and recommendation to the local school board.
4 Recommendations shall be nonbinding.

5 (b) A copy of the report and recommendation shall be
6 furnished by the care team to the Department of Education and
7 the Commission on Education Reform and Accountability.

8 (c) The school district shall make a written report to
9 the state board and the Commission on Education Reform and
10 Accountability specifying its intentions as to what actions it
11 will take relative to the recommendations made by the assigned
12 care team. The district's report shall be made in time as
13 determined by state board rule.

14 Section 11. Subsection (5) of section 229.595, Florida
15 Statutes, is amended to read:

16 229.595 Implementation of state system of education
17 accountability for school-to-work transition.--

18 (5) Prior to each student's graduation from high
19 school, the school shall ~~Any assessment required for student~~
20 ~~receipt of a high school diploma shall include items designed~~
21 ~~to assess~~ the student's student preparation to enter the
22 workforce and provide the student and the student's parent or
23 guardian with the results of such assessment. The Florida
24 Commission on Education Reform and Accountability shall
25 identify the employability skills associated with successful
26 entry into the workforce from which such items shall be
27 derived.

28 Section 12. Paragraphs (c) and (g) of subsection (5),
29 paragraph (b) of subsection (7), and subsections (10), (16),
30 (17), and (18) of section 230.23, Florida Statutes, 1998
31 Supplement, are amended to read:

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1 230.23 Powers and duties of school board.--The school
2 board, acting as a board, shall exercise all powers and
3 perform all duties listed below:

4 (5) PERSONNEL.--Designate positions to be filled,
5 prescribe qualifications for those positions, and provide for
6 the appointment, compensation, promotion, suspension, and
7 dismissal of employees as follows, subject to the requirements
8 of chapter 231:

9 (c) Compensation and salary schedules.--Adopt a salary
10 schedule or salary schedules designed to furnish incentives
11 for improvement in training and for continued efficient
12 service to be used as a basis for paying all school employees,
13 ~~such schedules to be arranged, insofar as practicable, so as~~
14 ~~to furnish incentive for improvement in training and for~~
15 ~~continued and efficient service~~ and fix and authorize the
16 compensation of school employees on the basis thereof ~~of such~~
17 ~~schedules~~. A district school board, in determining the salary
18 schedule for instructional personnel, must base a portion of
19 each employee's compensation on performance demonstrated under
20 s. 231.29 and must consider the prior teaching experience of a
21 person who has been designated state teacher of the year by
22 any state in the United States. In developing the salary
23 schedule, the school board shall seek input from parents,
24 teachers, and representatives of the business community.

25 (g) Awards and incentives.--Provide for recognition of
26 district employees, students, school volunteers, and or
27 advisory committee members who have contributed outstanding
28 and meritorious service in their fields or service areas.
29 After considering recommendations of the superintendent, the
30 board shall adopt rules establishing and regulating the
31 meritorious service awards necessary for the efficient

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1 operation of the program. An award or incentive granted under
2 this paragraph may not be considered in determining the salary
3 schedules required by paragraph (c). Monetary awards shall be
4 limited to persons who propose procedures or ideas ~~which are~~
5 adopted by the board ~~and~~ which will result in eliminating or
6 reducing school board expenditures or improving district or
7 school center operations. Nonmonetary awards shall include,
8 but are need not be limited to, certificates, plaques, medals,
9 ribbons, and photographs. The school board may ~~is authorized~~
10 ~~to~~ expend funds for such recognition and awards. No award
11 granted under ~~the provisions of~~ this paragraph shall exceed
12 \$2,000 or 10 percent of the first year's gross savings,
13 whichever is greater.

14 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
15 AIDS.--Provide adequate instructional aids for all children as
16 follows and in accordance with the requirements of chapter
17 233.

18 (b) Textbooks.--Provide for proper requisitioning,
19 equitable distribution, accounting, storage, care, and use of
20 all instructional materials ~~textbooks and other books~~
21 furnished by the state and furnish such other instructional
22 materials ~~textbooks and library books~~ as may be needed. The
23 school board is responsible for assuring that instructional
24 materials used in the district are consistent with the
25 district goals and objectives and the curriculum frameworks
26 approved by the State Board of Education, as well as with the
27 state and district performance standards provided for in ss.
28 229.565 and 232.2454.

29 1. The district shall make every effort to ensure that
30 every public school student within the district has a textbook
31 or the appropriate instructional materials for each of their

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1 core courses. No distribution of instructional materials or
2 allocation of instructional materials funds may be made by the
3 school district to any school for the purpose of supplying
4 additional sets of textbooks or instructional materials per
5 student until such time as the district can be reasonably sure
6 that all students in the district have been issued at least
7 one set.

8 2. School districts are strongly encouraged to create
9 and implement policies to address textbooks lost or destroyed
10 by students.

11 (10) FINANCE.--Take steps to assure all children
12 adequate and equitable educational facilities through the
13 financial procedure authorized in chapters 236 and 237 and as
14 prescribed below:

15 (a) Provide for all schools to operate at least 180
16 days.--Provide for the operation of all public schools, both
17 elementary and secondary, as free schools for a term of at
18 least 180 days or the equivalent on an hourly basis as
19 specified by regulations of the State Board of Education;
20 determine district school funds necessary in addition to state
21 funds to operate all schools for such minimum term; arrange
22 for the levying of district school taxes necessary to provide
23 the amount needed from district sources.

24 (b) Annual budget.--Cause to be prepared, adopt, and
25 have submitted to the Department of Education as required by
26 law and by regulations of the state board, the annual school
27 budget, such budget to be so prepared and executed as to
28 promote the improvement of the district school system.

29 (c) Tax levies.--Adopt and spread on its minutes a
30 resolution fixing the district school tax levy, provided for
31 under s. 9, Art. VII of the State Constitution, necessary to

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1 carry on the school program adopted for the district for the
2 next ensuing fiscal year as required by law, and fixing the
3 district bond interest and sinking fund tax levy necessary for
4 districts against which bonds are outstanding; adopt and
5 spread on its minutes a resolution suggesting the tax levy
6 provided for in s. 9, Art. VII of the State Constitution,
7 found necessary to carry on the school program adopted for the
8 district for the next ensuing fiscal year.

9 (d) School funds.--Require that an accurate account is
10 kept of all funds which should be transmitted to the school
11 board for school purposes at various periods during the year
12 from all sources and, if any funds are not transmitted
13 promptly, take the necessary steps to have such funds made
14 available.

15 (e) Borrow money.--Borrow money, as prescribed in ss.
16 237.141-237.171, when necessary in anticipation of funds
17 reasonably to be expected during the year as shown by the
18 budget.

19 (f) Financial records and accounts.--Provide for
20 keeping of accurate records of all financial transactions.

21 (g) Approval and payment of accounts.--Implement a
22 system of accounting and budgetary control to ensure that
23 payments do not exceed amounts budgeted, as required by law;
24 make available all records for proper audit by state
25 officials; and have prepared required periodic statements to
26 be filed with the Department of Education as provided by rules
27 of the state board.

28 (h) Bonds of employees.--Fix and prescribe the bonds,
29 and pay the premium on all such bonds, of all school employees
30 who are responsible for school funds in order to provide
31 reasonable safeguards for all such funds or property.

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1 (i) Contracts for materials, supplies, and
2 services.--Contract for materials, supplies, and services
3 needed for the district school system. No contract for
4 supplying these needs shall be made with any member of the
5 school board, with the superintendent, or with any business
6 organization in which any school board member or the
7 superintendent has any financial interest whatsoever.

8 (j) Purchasing regulations to be secured from
9 Department of Management Services.--Secure purchasing
10 regulations and amendments and changes thereto from the
11 Department of Management Services and prior to any purchase
12 have reported to it by its staff, and give consideration to
13 the lowest price available to it under such regulations,
14 provided a regulation applicable to the item or items being
15 purchased has been adopted by the department. The department
16 should meet with educational administrators to expand the
17 inventory of standard items for common usage in all schools
18 and higher education institutions.

19 (k) Investment policies.--

20 1. Adopt policies pertaining to the investment of
21 school funds not needed for immediate expenditures, after
22 considering the recommendations of the superintendent. The
23 adopted policies shall make provisions for investing or
24 placing on deposit all such funds in order to earn the maximum
25 possible yield under the circumstances from such investments
26 or deposits. The method of determining the maximum yield on
27 investments or deposits shall include, but not necessarily be
28 limited to, bids from qualified depositories, yields from
29 certificates of deposit, yields from time deposits, yields
30 from securities guaranteed by the Government of the United
31 States, or other forms of investments authorized by law.

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1 2. Part of the funds available for investment may be
 2 set aside to invest in time deposits or savings accounts in
 3 banks or savings and loan associations on the federal list of
 4 minority financial institutions designated as authorized
 5 depositories. The investment of such funds must be
 6 competitively bid among such minority financial institutions
 7 located within the school district boundaries and must be in
 8 compliance with s. 236.24 and chapter 280. The amount of
 9 funds designated for such investment shall be determined by
 10 the school board and may be based on the percentage of
 11 minorities within the population of the school district.

12 (1) Protection against loss.--Provide for adequate
 13 protection against any loss or damage to school property or
 14 loss resulting from any liability for which the board or its
 15 officers, agents, or employees may be responsible under law.
 16 In fulfilling this responsibility, the board is authorized and
 17 empowered to purchase insurance, to be self-insured, to enter
 18 into risk management programs managed by district school
 19 boards, school-related associations, or insurance companies,
 20 or to have any combination thereof in any area to the extent
 21 the board is either authorized or required by law to contract
 22 for insurance. Any risk management program entered into
 23 pursuant to this subsection shall provide for strict
 24 accountability of all funds to the member school boards and an
 25 annual audit by an independent certified public accountant of
 26 all receipts and disbursements.

27 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 28 ACCOUNTABILITY.--Maintain a system of school improvement and
 29 education accountability as provided by statute and State
 30 Board of Education rule. This system of school improvement and
 31 education accountability shall be consistent with, and

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1 implemented through, the district's continuing system of
2 planning and budgeting required by this section and ss.
3 229.555 and 237.041. This system of school improvement and
4 education accountability shall include, but is not ~~be~~ limited
5 to, the following:

6 (a) School improvement plans.--Annually approve and
7 require implementation of a new, amended, or continuation
8 school improvement plan for each school in the district. Such
9 plan shall be designed to achieve the state education goals
10 and student performance standards pursuant to ss. 229.591(3)
11 and 229.592. Beginning in 1999-2000, each plan shall also
12 address issues relative to budget, training, instructional
13 materials, technology, staffing, student support services, and
14 other matters of resource allocation, as determined by school
15 board policy, and shall be based on an analysis of student
16 achievement and other school performance data.

17 (b) Approval process.--Develop a process for approval
18 of a school improvement plan presented by an individual school
19 and its advisory council. In the event a board does not
20 approve a school improvement plan after exhausting this
21 process, the Department of Education ~~Florida Commission on~~
22 ~~Education Reform and Accountability~~ shall be notified of the
23 need for assistance.

24 (c) Assistance and intervention.--Develop a 2-year
25 ~~3-year~~ plan of increasing individualized assistance and
26 intervention for each school in danger of ~~that does~~ not
27 meeting state standards ~~meet~~ or making ~~make~~ adequate progress,
28 ~~based upon the recommendations of the commission,~~ as defined
29 pursuant to statute and State Board of Education rule, toward
30 meeting the goals and standards of its approved school
31 improvement plan. A school that is identified as being in

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1 performance grade category "D" pursuant to s. 229.57 is in
2 danger of failing and must be provided assistance and
3 intervention.

4 (d) After 2 3 years.--Notify the Commissioner of
5 Florida Commission on Education Reform and Accountability and
6 the State Board of Education in the event any school does not
7 make adequate progress toward meeting the goals and standards
8 of a school improvement plan by the end of 2 3 consecutive
9 years of failing to make adequate progress or remaining under
10 probationary status pursuant to s. 229.0535 district
11 assistance and intervention and proceed according to
12 guidelines developed pursuant to statute and State Board of
13 Education rule. School districts shall provide intervention
14 and assistance to schools in danger of being designated as
15 performance grade category "F," failing to make adequate
16 progress.

17 (e) Public disclosure.--Provide information regarding
18 performance of students and educational programs as required
19 pursuant to ss.s-229.555 and 229.57(5)and implement a
20 system of school reports as required by statute and State
21 Board of Education rule. Annual public disclosure reports
22 shall be in an easy-to-read report card format, and shall
23 include the school's student and school performance grade
24 category designation and performance data as specified in
25 state board rule.

26 (f) School improvement funds.--Provide funds to
27 schools for developing and implementing school improvement
28 plans. Such funds shall include those funds appropriated for
29 the purpose of school improvement pursuant to s. 24.121(5)(c).

30 (17) LOCAL-LEVEL DECISIONMAKING.--

31 (a) Adopt policies that clearly encourage and enhance

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1 maximum decisionmaking appropriate to the school site. Such
2 policies must include guidelines for schools in the adoption
3 and purchase of district and school site instructional
4 materials and technology, staff training, school advisory
5 council member training, student support services, budgeting,
6 and the allocation of staff resources.

7 (b) Adopt waiver process policies to enable all
8 schools to exercise maximum flexibility and notify advisory
9 councils of processes to waive school district and state
10 policies.

11 (c) Develop policies for periodically monitoring the
12 membership composition of school advisory councils to ensure
13 compliance with requirements established in s. 229.58.

14 (d) Adopt policies that assist in giving greater
15 autonomy, including authority over the allocation of the
16 school's budget, to schools designated as performance grade
17 category "A," making excellent progress, and schools rated as
18 having improved at least two performance grade categories.

19 (18) ADOPT RULES.--Adopt rules pursuant to ss.
20 120.536(1) and 120.54 to implement ~~the provisions of this~~
21 section.

22 Section 13. Paragraph (a) of subsection (3) of section
23 231.29, Florida Statutes, 1998 Supplement, is amended to read:

24 231.29 Assessment procedures and criteria.--

25 (3) The assessment procedure for instructional
26 personnel shall comply with, but shall not be limited to, the
27 following requirements:

28 (a) An assessment shall be conducted for each employee
29 at least once a year. The assessment shall be based upon sound
30 educational principles and contemporary research in effective
31 educational practices. Beginning with the full implementation

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1 of an annual assessment of learning gains, the assessment must
2 primarily use data and indicators of improvement in student
3 performance assessed annually as specified in s. 229.57 and
4 may consider results of peer reviews in evaluating the
5 employee's performance. The assessment criteria must include,
6 but are not limited to, indicators that relate to the
7 following:

- 8 1. Ability to maintain appropriate discipline.
- 9 2. Knowledge of subject matter. The district school
10 board shall make special provisions for evaluating teachers
11 who are assigned to teach out-of-field.
- 12 3. Ability to plan and deliver instruction.
- 13 4. Ability to evaluate instructional needs.
- 14 5. Ability to communicate with parents.
- 15 6. Other professional competencies, responsibilities,
16 and requirements as established by rules of the State Board of
17 Education and policies of the district school board.

18 Section 14. Subsection (2) of section 231.2905,
19 Florida Statutes, is amended, and subsection (3) is added to
20 that section, to read:

21 231.2905 Florida School Recognition Program.--

22 (2) The Florida School Recognition Program is created
23 to provide greater autonomy and financial awards to ~~faculty~~
24 ~~and staff of~~ schools that sustain high performance or that
25 demonstrate exemplary improvement due to innovation and
26 effort. The Commissioner of Education shall establish
27 statewide objective criteria for schools to be invited to
28 apply for the Florida School Recognition Program. The
29 selection of schools must be based on at least 2 school years
30 of data, when available. ~~To participate in the program, a~~
31 ~~school district must have incorporated a performance incentive~~

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1 ~~program into its employee salary structure.~~All public
2 schools, including charter schools, are eligible to
3 participate in the program.

4 ~~(a)~~ Initial criteria for identification of schools
5 must rely on the school's data and statewide data and must
6 include, but is not ~~be~~ limited to:

7 ~~(a)1.~~ Improvement in the school's student achievement
8 data.

9 ~~(b)2.~~ Statewide student achievement data.

10 ~~(c)~~ Student learning gains when such data become
11 available.

12 ~~(d)3.~~ Readiness for postsecondary education data.

13 ~~(e)4.~~ Dropout rates.

14 ~~(f)5.~~ Attendance rates.

15 ~~(g)~~ Graduation rates.

16 ~~(h)~~ Cohort graduation rates.

17 ~~(b)~~ ~~After a pool of eligible schools has been~~
18 ~~identified, schools must apply for final recognition and~~
19 ~~financial awards based on established criteria. Criteria must~~
20 ~~include, but not be limited to:~~

21 ~~1. School climate, including rates of school violence~~
22 ~~and crime.~~

23 ~~2. Indicators of innovation in teaching and learning.~~

24 ~~3. Indicators of successful challenging school~~
25 ~~improvement plans.~~

26 ~~4. Parent, community, and student involvement in~~
27 ~~learning.~~

28 ~~(c)~~ ~~After identification of schools for final~~
29 ~~recognition and financial awards, awards must be distributed~~
30 ~~based on employee performance criteria established in district~~
31 ~~school board policy.~~

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1 (3) The School Recognition Program shall utilize the
2 school performance grade category designations in s. 229.57.

3 Section 15. Subsection (12) of section 228.053,
4 Florida Statutes, is amended to read:

5 228.053 Developmental research schools.--

6 (12) EXCEPTIONS TO LAW.--To encourage innovative
7 practices and facilitate the mission of the developmental
8 research schools, in addition to the exceptions to law
9 specified in s. 229.592(6), the following exceptions shall be
10 permitted for developmental research schools:

11 (a) The methods and requirements of the following
12 statutes shall be held in abeyance: ss. 230.01; 230.02;
13 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
14 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
15 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
16 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
17 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
18 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
19 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
20 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
21 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
22 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
23 and 316.75. With the exception of subsection (16) of s.
24 230.23, s. 230.23 shall be held in abeyance. Reference to
25 school boards in s. 230.23(16) shall mean the president of the
26 university or the president's designee.

27 (b) The following statutes or related rules may be
28 waived for any developmental research school so requesting,
29 provided the general statutory purpose of each section is met
30 and the developmental research school has submitted a written
31 request to the Joint Developmental Research School Planning,

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1 Articulation, and Evaluation Committee for approval pursuant
 2 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;
 3 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;
 4 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;
 5 237.171; 237.181; 237.211; and 237.34. Notwithstanding
 6 reference to the responsibilities of the superintendent or
 7 school board in chapter 237, developmental research schools
 8 shall follow the policy intent of the chapter and shall, at
 9 least, adhere to the general state agency accounting
 10 procedures established in s. 11.46.

11 1. Two or more developmental research schools may
 12 jointly originate a request for waiver and submit the request
 13 to the committee if such waiver is approved by the school
 14 advisory council of each developmental research school
 15 desiring the waiver.

16 2. A developmental research school may submit a
 17 request to the committee for a waiver if such request is
 18 presented by a school advisory council established pursuant to
 19 s. 229.58, if such waiver is required to implement a school
 20 improvement plan required by s. 230.23(16), and if such
 21 request is made using forms established pursuant to s.
 22 229.592(6). The Joint Developmental Research School Planning,
 23 Articulation, and Evaluation Committee shall monitor the
 24 waiver activities of all developmental research schools and
 25 shall report annually to the department and the Florida
 26 Commission on Education Reform and Accountability, in
 27 conjunction with the feedback report required pursuant to s.
 28 229.592(3), the number of waivers requested and submitted to
 29 the committee by developmental research schools, and the
 30 number of such waiver requests not approved. For each waiver
 31 request not approved, the committee shall report the statute

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1 or rule for which the waiver was requested, the rationale for
2 the developmental research school request, and the reason the
3 request was not approved.

4 (c) The written request for waiver of statute or rule
5 shall indicate at least how the general statutory purpose will
6 be met, how granting the waiver will assist schools in
7 improving student outcomes related to the student performance
8 standards adopted pursuant to s. 229.592(5), and how student
9 improvement will be evaluated and reported. In considering any
10 waiver, the committee shall ensure protection of the health,
11 safety, welfare, and civil rights of the students and
12 protection of the public interest.

13 ~~(d) The procedure established in s. 229.592(6)(f)~~
14 ~~shall be followed for any request for a waiver which is not~~
15 ~~denied, or for which a request for additional information is~~
16 ~~not issued.~~ Notwithstanding the request provisions of s.
17 229.592(6), developmental research schools shall request all
18 waivers through the Joint Developmental Research School
19 Planning, Articulation, and Evaluation Committee, as
20 established in s. 228.054. The committee shall approve or
21 disapprove said requests pursuant to this subsection and s.
22 229.592(6); however, the Commissioner of Education shall have
23 standing to challenge any decision of the committee should it
24 adversely affect the health, safety, welfare, or civil rights
25 of the students or public interest. The department shall
26 immediately notify the committee and developmental research
27 school of the decision and provide a rationale therefor.

28 Section 16. Paragraph (e) of subsection (2) of section
29 228.054, Florida Statutes, is amended to read:

30 228.054 Joint Developmental Research School Planning,
31 Articulation, and Evaluation Committee.--

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1 (2) The committee shall have the duty and
2 responsibility to:

3 (e) Provide assistance to schools in the waiver
4 process established under s. 228.053(12), review and approve
5 or disapprove waivers requested pursuant to ss. 228.053(12)
6 and 229.592~~(6)~~, and annually review, identify, and report to
7 the Legislature additional barriers and statutes that hinder
8 the implementation of s. 228.053.

9 Section 17. Subsection (3) of section 233.17, Florida
10 Statutes, is amended to read:

11 233.17 Term of adoption for instructional materials.--

12 (3) The department shall publish annually an official
13 schedule of subject areas to be called for adoption for each
14 of the succeeding 2 years, and a tentative schedule for years
15 3, 4, 5, and 6. If extenuating circumstances warrant, the
16 Commissioner of Education may order the department to add one
17 or more subject areas to the official schedule, in which event
18 the commissioner shall develop criteria for such additional
19 subject area or areas pursuant to s. 229.512~~(18)~~~~(15)~~ and make
20 them available to publishers as soon as practicable.

21 Notwithstanding the provisions of s. 229.512~~(18)~~~~(15)~~, the
22 criteria for such additional subject area or areas may be
23 provided to publishers less than 24 months before the date on
24 which bids are due. The schedule shall be developed so as to
25 promote balance among the subject areas so that the required
26 expenditure for new instructional materials is approximately
27 the same each year in order to maintain curricular
28 consistency.

29 Section 18. Subsection (6) of section 236.685, Florida
30 Statutes, is amended to read:

31 236.685 Educational funding accountability.--

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1 (6) The annual school public accountability report
2 required by ss. 229.592~~(5)~~and 230.23~~(16)~~~~(18)~~must include a
3 school financial report. The purpose of the school financial
4 report is to better inform parents and the public concerning
5 how revenues were spent to operate the school during the prior
6 fiscal year. Each school's financial report must follow a
7 uniform, districtwide format that is easy to read and
8 understand.

9 (a) Total revenue must be reported at the school,
10 district, and state levels. The revenue sources that must be
11 addressed are state and local funds, other than lottery funds;
12 lottery funds; federal funds; and private donations.

13 (b) Expenditures must be reported as the total
14 expenditures per unweighted full-time equivalent student at
15 the school level and the average expenditures per full-time
16 equivalent student at the district and state levels in each of
17 the following categories and subcategories:

- 18 1. Teachers, excluding substitute teachers, and
- 19 teacher aides who provide direct classroom instruction to
- 20 students enrolled in programs classified by s. 236.081 as:
 - 21 a. Basic programs;
 - 22 b. Students-at-risk programs;
 - 23 c. Special programs for exceptional students;
 - 24 d. Career education programs; and
 - 25 e. Adult programs.
- 26 2. Substitute teachers.
- 27 3. Other instructional personnel, including
- 28 school-based instructional specialists and their assistants.
- 29 4. Contracted instructional services, including
- 30 training for instructional staff and other contracted
- 31 instructional services.

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1 5. School administration, including school-based
2 administrative personnel and school-based education support
3 personnel.

4 6. The following materials, supplies, and operating
5 capital outlay:

- 6 a. Textbooks;
7 b. Computer hardware and software;
8 c. Other instructional materials;
9 d. Other materials and supplies; and
10 e. Library media materials.

11 7. Food services.

12 8. Other support services.

13 9. Operation and maintenance of the school plant.

14 (c) The school financial report must also identify the
15 types of district-level expenditures that support the school's
16 operations. The total amount of these district-level
17 expenditures must be reported and expressed as total
18 expenditures per full-time equivalent student.

19

20 As used in this subsection, the term "school" means a "school
21 center" as defined by s. 228.041.

22 Section 19. Effective July 1, 1999, section 236.08104,
23 Florida Statutes, is created to read:

24 236.08104 Supplemental academic instruction;
25 categorical fund.--

26 (1) There is created a categorical fund to provide
27 supplemental academic instruction to students in kindergarten
28 through grade 12. This section may be cited as the
29 "Supplemental Academic Achievement Categorical Fund."

30 (2) Categorical funds for supplemental academic
31 instruction shall be allocated annually to each school

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1 district in the amount provided in the General Appropriations
2 Act. These funds shall be in addition to the funds
3 appropriated on the basis of full-time equivalent student
4 (FTE) membership in the Florida Education Finance Program and
5 shall be included in the total potential funds of each
6 district. These funds shall be used only to provide
7 supplemental academic instruction to students enrolled in the
8 K-12 program. Supplemental instruction may include methods
9 such as lowering class size, providing after-school tutoring,
10 holding Saturday morning sessions, and other methods for
11 improving student achievement and may be provided to a student
12 in any manner and at any time during or beyond the regular
13 180-day term identified by the school as being the most
14 effective and efficient way to best help that student progress
15 from grade to grade and to graduate.

16 (3) Effective with the 1999-2000 fiscal year, funding
17 on the basis of FTE membership beyond the 180-day regular term
18 shall be provided in the FEFP only for students enrolled
19 pursuant to s. 236.013(2)(c)2.a. Funding for instruction
20 beyond the regular 180-day school year for all other K-12
21 students shall be provided through the supplemental academic
22 instruction categorical fund and other state, federal, and
23 local fund sources with ample flexibility for schools to
24 provide supplemental instruction to assist students in
25 progressing from grade to grade and graduating.

26 Section 20. Effective July 1, 1999, paragraph (c) of
27 subsection (2) of section 236.013, Florida Statutes, is
28 amended to read:

29 236.013 Definitions.--Notwithstanding the provisions
30 of s. 228.041, the following terms are defined as follows for
31 the purposes of this act:

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1 (2) A "full-time equivalent student" in each program
2 of the district is defined in terms of full-time students and
3 part-time students as follows:

4 (c)1. A "full-time equivalent student" is:

5 a. A full-time student in any one of the programs
6 listed in s. 236.081(1)(c); or

7 b. A combination of full-time or part-time students in
8 any one of the programs listed in s. 236.081(1)(c) which is
9 the equivalent of one full-time student based on the following
10 calculations:

11 (I) A full-time student, except a postsecondary or
12 adult student or a senior high school student enrolled in
13 adult education when such courses are required for high school
14 graduation, in a combination of programs listed in s.
15 236.081(1)(c) shall be a fraction of a full-time equivalent
16 membership in each special program equal to the number of net
17 hours per school year for which he or she is a member, divided
18 by the appropriate number of hours set forth in subparagraph
19 (a)1. or subparagraph (a)2.; the difference between that
20 fraction or sum of fractions and the maximum value as set
21 forth in subsection (5) for each full-time student is presumed
22 to be the balance of the student's time not spent in such
23 special education programs and shall be recorded as time in
24 the appropriate basic program.

25 ~~(II) A student in the basic half-day kindergarten~~
26 ~~program of not less than 450 net hours shall earn one-half of~~
27 ~~a full-time equivalent membership.~~

28 ~~(III) A half-day kindergarten student in a combination~~
29 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~
30 ~~full-time equivalent membership in each special program equal~~
31 ~~to the number of net hours or major portion thereof per school~~

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1 ~~year for which he or she is a member divided by the number of~~
2 ~~hours set forth in sub-sub-subparagraph (II); the difference~~
3 ~~between that fraction and the number of hours set forth in~~
4 ~~sub-sub-subparagraph (II) for each full-time student in~~
5 ~~membership in a half-day kindergarten program is presumed to~~
6 ~~be the balance of the student's time not spent in such special~~
7 ~~education programs and shall be recorded as time in the~~
8 ~~appropriate basic program.~~

9 ~~(IV) A part-time student, except a postsecondary or~~
10 ~~adult student, is a fraction of a full-time equivalent~~
11 ~~membership in each basic and special program equal to the~~
12 ~~number of net hours or major fraction thereof per school year~~
13 ~~for which he or she is a member, divided by the appropriate~~
14 ~~number of hours set forth in subparagraph (a)1. or~~
15 ~~subparagraph (a)2.~~

16 ~~(V) A postsecondary or adult student or a senior high~~
17 ~~school student enrolled in adult education when such courses~~
18 ~~are required for high school graduation is a portion of a~~
19 ~~full-time equivalent membership in each special program equal~~
20 ~~to the net hours or major fraction thereof per fiscal year for~~
21 ~~which he or she is a member, divided by the appropriate number~~
22 ~~of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

23 ~~(VI) A full-time student who is part of a program~~
24 ~~authorized by subparagraph (a)3. in a combination of programs~~
25 ~~listed in s. 236.081(1)(c) is a fraction of a full-time~~
26 ~~equivalent membership in each regular or special program equal~~
27 ~~to the number of net hours per school year for which he or she~~
28 ~~is a member, divided by the appropriate number of hours set~~
29 ~~forth in subparagraph (a)1. or subparagraph (a)2.~~

30 ~~(II)(VII)~~ A prekindergarten handicapped student shall
31 meet the requirements specified for kindergarten students.

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1 2. A student in membership in a program scheduled for
2 more or less than 180 school days is a fraction of a full-time
3 equivalent membership equal to the number of instructional
4 hours in membership divided by the appropriate number of hours
5 set forth in subparagraph (a)1.; however, for the purposes of
6 this subparagraph, membership in programs scheduled for more
7 than 180 days is limited to:

8 a. Support level III, IV, and V Special programs for
9 ~~exceptional students with disabilities;~~

10 ~~b. Special vocational-technical programs;~~

11 ~~c. Special adult general education programs;~~

12 ~~b.d. Residential Dropout prevention programs as~~
13 ~~defined in s. 230.2316 for students in residential programs~~
14 ~~operated by the Department of Children and Family Services;~~
15 ~~programs operated by the Department of Juvenile Justice as~~
16 ~~defined in s. 230.23161 in which students receive educational~~
17 ~~services; or teenage parent programs as defined in s.~~
18 ~~230.23166 for students who are in need of such additional~~
19 ~~instruction;~~

20 ~~c.e. Dropout prevention programs as defined in s.~~
21 ~~230.2316 in which students are placed for academic or~~
22 ~~disciplinary purposes or Programs in English for speakers of~~
23 ~~other languages as defined in s. 233.058 for students who were~~
24 ~~in membership for all of the last 15 days of the 180-day term~~
25 ~~or a total of 30 days within the 180-day term and are in need~~
26 ~~of such additional instruction;~~

27 ~~f. Other basic programs offered for promotion or~~
28 ~~credit instruction as defined by rules of the state board; and~~

29 ~~g. Programs which modify the school year to~~
30 ~~accommodate the needs of children who have moved with their~~
31 ~~parents for the purpose of engaging in the farm labor or fish~~

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1 ~~industries, provided such programs are approved by the~~
2 ~~commissioner.~~

3
4 The department shall determine and implement an equitable
5 method of equivalent funding for experimental schools and for
6 schools operating under emergency conditions, which schools
7 have been approved by the department under the provisions of
8 s. 228.041(13) to operate for less than the minimum school
9 day.

10 Section 21. For the purpose of incorporating the
11 amendments made by this act to section 230.23, Florida
12 Statutes, in references thereto, paragraphs (b), (c), and (d)
13 of subsection (5) of section 24.121, Florida Statutes, 1998
14 Supplement, are reenacted to read:

15 24.121 Allocation of revenues and expenditure of funds
16 for public education.--

17 (5)

18 (b) Except as provided in paragraphs (c), (d), and
19 (e), the Legislature shall equitably apportion moneys in the
20 trust fund among public schools, community colleges, and
21 universities.

22 (c) A portion of such net revenues, as determined
23 annually by the Legislature, shall be distributed to each
24 school district and shall be made available to each public
25 school in the district for enhancing school performance
26 through development and implementation of a school improvement
27 plan pursuant to s. 230.23(16). A portion of these moneys, as
28 determined annually in the General Appropriations Act, must be
29 allocated to each school in an equal amount for each student
30 enrolled. These moneys may be expended only on programs or
31 projects selected by the school advisory council or by a

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1 parent advisory committee created pursuant to this paragraph.
 2 If a school does not have a school advisory council, the
 3 district advisory council must appoint a parent advisory
 4 committee composed of parents of students enrolled in that
 5 school, which committee is representative of the ethnic,
 6 racial, and economic community served by the school, to advise
 7 the school's principal on the programs or projects to be
 8 funded. A principal may not override the recommendations of
 9 the school advisory council or the parent advisory committee.
 10 These moneys may not be used for capital improvements, nor may
 11 they be used for any project or program that has a duration of
 12 more than 1 year; however, a school advisory council or parent
 13 advisory committee may independently determine that a program
 14 or project formerly funded under this paragraph should receive
 15 funds in a subsequent year.

16 (d) No funds shall be released for any purpose from
 17 the Educational Enhancement Trust Fund to any school district
 18 in which one or more schools do not have an approved school
 19 improvement plan pursuant to s. 230.23(16) or do not comply
 20 with school advisory council membership composition
 21 requirements pursuant to s. 229.58(1).

22 Section 22. For the purpose of incorporating the
 23 amendments made by this act to sections 229.57 and 232.245,
 24 Florida Statutes, in references thereto, paragraph (b) of
 25 subsection (1) of section 120.81, Florida Statutes, is
 26 reenacted to read:

27 120.81 Exceptions and special requirements; general
 28 areas.--

29 (1) EDUCATIONAL UNITS.--

30 (b) Notwithstanding s. 120.52(15), any tests, test
 31 scoring criteria, or testing procedures relating to student

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1 assessment which are developed or administered by the
2 Department of Education pursuant to s. 229.57, s. 232.245, s.
3 232.246, or s. 232.247, or any other statewide educational
4 tests required by law, are not rules.

5 Section 23. For the purpose of incorporating the
6 amendments made by this act to section 230.23, Florida
7 Statutes, in references thereto, subsections (3) and (8) of
8 section 228.053, Florida Statutes, are reenacted and amended
9 to read:

10 228.053 Developmental research schools.--

11 (3) MISSION.--The mission of a developmental research
12 school shall be the provision of a vehicle for the conduct of
13 research, demonstration, and evaluation regarding management,
14 teaching, and learning. Programs to achieve the mission of a
15 developmental research school shall embody the goals and
16 standards of "Blueprint 2000" established pursuant to ss.
17 229.591 and 229.592 and shall ensure an appropriate education
18 for its students.

19 (a) Each developmental research school shall emphasize
20 mathematics, science, computer science, and foreign languages.
21 The primary goal of a developmental research school is to
22 enhance instruction and research in such specialized subjects
23 by using the resources available on a state university campus,
24 while also providing an education in nonspecialized subjects.
25 Each developmental research school shall provide sequential
26 elementary and secondary instruction where appropriate. A
27 developmental research school may not provide instruction at
28 grade levels higher than grade 12 without authorization from
29 the State Board of Education. Each developmental research
30 school shall develop and implement a school improvement plan
31 pursuant to s. 230.23(16).

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1 (b) Research, demonstration, and evaluation conducted
2 at a developmental research school may be generated by the
3 college of education with which the school is affiliated.

4 (c) Research, demonstration, and evaluation conducted
5 at a developmental research school may be generated by the
6 Education Standards Commission. Such research shall respond to
7 the needs of the education community at large, rather than the
8 specific needs of the affiliated college.

9 (d) Research, demonstration, and evaluation conducted
10 at a developmental research school may consist of pilot
11 projects to be generated by the affiliated college, the
12 Education Standards Commission, or the Legislature.

13 (e) The exceptional education programs offered at a
14 developmental research school shall be determined by the
15 research and evaluation goals and the availability of students
16 for efficiently sized programs. The fact that a developmental
17 research school offers an exceptional education program in no
18 way lessens the general responsibility of the local school
19 district to provide exceptional education programs.

20 (8) ADVISORY BOARDS.--~~"Blueprint 2000" provisions and~~
21 ~~intent specify that~~ Each public school in the state shall
22 establish a school advisory council that is reflective of the
23 population served by the school, pursuant to s. 229.58, and is
24 responsible for the development and implementation of the
25 school improvement plan pursuant to s. 230.23(16).
26 Developmental research schools shall comply with the
27 provisions of s. 229.58 in one of two ways:

28 (a) Two advisory bodies.--Each developmental research
29 school may:

30 1. Establish an advisory body pursuant to the
31 provisions and requirements of s. 229.58 to be responsible for

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1 the development and implementation of the school improvement
2 plan, pursuant to s. 230.23(16).

3 2. Establish an advisory board to provide general
4 oversight and guidance. The dean of the affiliated college of
5 education shall be a standing member of the board, and the
6 president of the university shall appoint three faculty
7 members from the college of education, one layperson who
8 resides in the county in which the school is located, and two
9 parents or legal guardians of students who attend the
10 developmental research school to serve on the advisory board.
11 The term of each member shall be for 2 years, and any vacancy
12 shall be filled with a person of the same classification as
13 his or her predecessor for the balance of the unexpired term.
14 The president shall stagger the terms of the initial
15 appointees in a manner that results in the expiration of terms
16 of no more than two members in any year. The president shall
17 call the organizational meeting of the board. The board shall
18 annually elect a chair and a vice chair. There shall be no
19 limitation on successive appointments to the board or
20 successive terms that may be served by a chair or vice chair.
21 The board shall adopt internal organizational procedures or
22 bylaws necessary for efficient operation as provided in
23 chapter 120. Board members shall not receive per diem or
24 travel expenses for the performance of their duties. The
25 board shall:

- 26 a. Meet at least quarterly.
27 b. Monitor the operations of the school and the
28 distribution of moneys allocated for such operations.
29 c. Establish necessary policy, program, and
30 administration modifications.
31 d. Evaluate biennially the performance of the director

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1 and principal and recommend corresponding action to the dean
2 of the college of education.

3 e. Annually review evaluations of the school's
4 operation and research findings.

5 (b) One advisory body.--Each developmental research
6 school may establish an advisory body responsible for the
7 development and implementation of the school improvement plan,
8 pursuant to s. 230.23(16), in addition to general oversight
9 and guidance responsibilities. The advisory body shall reflect
10 the membership composition requirements established in s.
11 229.58, but may also include membership by the dean of the
12 college of education and additional members appointed by the
13 president of the university that represent faculty members
14 from the college of education, the university, or other bodies
15 deemed appropriate for the mission of the school.

16 Section 24. Paragraphs (b), (c), and (d) of subsection
17 (6) of section 228.0565, Florida Statutes, 1998 Supplement,
18 are amended to read:

19 228.0565 Deregulated public schools.--

20 (6) ELEMENTS OF THE PROPOSAL.--The major issues
21 involving the operation of a deregulated public school shall
22 be considered in advance and written into the proposal.

23 (b) The school shall make annual progress reports to
24 the district, which upon verification shall be forwarded to
25 the Commissioner of Education at the same time as other annual
26 school accountability reports. The report shall contain at
27 least the following information:

28 1. The school's progress towards achieving the goals
29 outlined in its proposal.

30 2. The information required in the annual school
31 report pursuant to s. 229.592.

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1 3. Financial records of the school, including revenues
2 and expenditures.

3 4. Salary and benefit levels of school employees.

4 (c) A school district shall ensure that the proposal
5 is innovative and consistent with the state education goals
6 established by s. 229.591.

7 (d) Upon receipt of the annual report required by
8 paragraph (b), the Department of Education shall provide to
9 the State Board of Education, the Commissioner of Education,
10 the President of the Senate, and the Speaker of the House of
11 Representatives with a copy of each report and an analysis and
12 comparison of the overall performance of students, to include
13 all students in deregulated public schools whose scores are
14 counted as part of the statewide ~~norm-referenced~~ assessment
15 tests, versus comparable public school students in the
16 district as determined by FCAT and district ~~norm-referenced~~
17 ~~assessment tests currently administered in the school~~
18 ~~district~~, and, as appropriate, the Florida Writes Assessment
19 Test, the High School Competency Test, and other assessments
20 administered pursuant to s. 229.57(3).

21 Section 25. For the purpose of incorporating the
22 amendments made by this act to section 229.57, Florida
23 Statutes, in references thereto, subsection (1) of section
24 228.301, Florida Statutes, is reenacted to read:

25 228.301 Test security.--

26 (1) It is unlawful for anyone knowingly and willfully
27 to violate test security rules adopted by the State Board of
28 Education or the Commissioner of Education for mandatory tests
29 administered by or through the State Board of Education or the
30 Commissioner of Education to students, educators, or
31 applicants for certification or administered by school

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1 districts pursuant to s. 229.57, or, with respect to any such
2 test, knowingly and willfully to:

3 (a) Give examinees access to test questions prior to
4 testing;

5 (b) Copy, reproduce, or use in any manner inconsistent
6 with test security rules all or any portion of any secure test
7 booklet;

8 (c) Coach examinees during testing or alter or
9 interfere with examinees' responses in any way;

10 (d) Make answer keys available to examinees;

11 (e) Fail to follow security rules for distribution and
12 return of secure test as directed, or fail to account for all
13 secure test materials before, during, and after testing;

14 (f) Fail to follow test administration directions
15 specified in the test administration manuals; or

16 (g) Participate in, direct, aid, counsel, assist in,
17 or encourage any of the acts prohibited in this section.

18 Section 26. For the purpose of incorporating the
19 amendments made by this act to sections 229.555, 229.565, and
20 229.57, Florida Statutes, in references thereto, subsections
21 (1) and (3) of section 229.551, Florida Statutes, 1998
22 Supplement, are reenacted to read:

23 229.551 Educational management.--

24 (1) The department is directed to identify all
25 functions which under the provisions of this act contribute
26 to, or comprise a part of, the state system of educational
27 accountability and to establish within the department the
28 necessary organizational structure, policies, and procedures
29 for effectively coordinating such functions. Such policies
30 and procedures shall clearly fix and delineate
31 responsibilities for various aspects of the system and for

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1 overall coordination of the total system. The commissioner
2 shall perform the following duties and functions:

3 (a) Coordination of department plans for meeting
4 educational needs and for improving the quality of education
5 provided by the state system of public education;

6 (b) Coordination of management information system
7 development for all levels of education and for all divisions
8 of the department, to include the development and utilization
9 of cooperative education computing networks for the state
10 system of public education;

11 (c) Development of database definitions and all other
12 items necessary for full implementation of a comprehensive
13 management information system as required by s. 229.555;

14 (d) Coordination of all planning functions for all
15 levels and divisions within the department;

16 (e) Coordination of all cost accounting and cost
17 reporting activities for all levels of education, including
18 public schools, vocational programs, community colleges, and
19 institutions in the State University System;

20 (f) Development and coordination of a common course
21 designation and numbering system for postsecondary education
22 in school districts, community colleges, participating
23 nonpublic postsecondary education institutions, and the State
24 University System which will improve program planning,
25 increase communication among all postsecondary delivery
26 systems, and facilitate the transfer of students. The system
27 shall not encourage or require course content prescription or
28 standardization or uniform course testing, and the continuing
29 maintenance of the system shall be accomplished by appropriate
30 faculty committees representing public and participating
31 nonpublic institutions. The Articulation Coordinating

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1 Committee, whose membership represents public and nonpublic
2 postsecondary institutions, shall:

3 1. Identify the highest demand degree programs within
4 the State University System.

5 2. Conduct a study of courses offered by universities
6 and accepted for credit toward a degree. The study shall
7 identify courses designated as either general education or
8 required as a prerequisite for a degree. The study shall also
9 identify these courses as upper-division level or
10 lower-division level.

11 3. Appoint faculty committees representing both
12 community college and university faculties to recommend a
13 single level for each course included in the common course
14 numbering and designation system. Any course designated as an
15 upper-division level course must be characterized by a need
16 for advanced academic preparation and skills that a student
17 would be unlikely to achieve without significant prior
18 coursework. A course that is offered as part of an associate
19 in science degree program and as an upper-division course for
20 a baccalaureate degree shall be designated for both the lower
21 and upper division. Of the courses required for each
22 baccalaureate degree, at least half of the credit hours
23 required for the degree shall be achievable through courses
24 designated as lower-division courses, except in degree
25 programs approved by the Board of Regents pursuant to s.
26 240.209(5)(e). A course designated as lower-division may be
27 offered by any community college. The Articulation
28 Coordinating Committee shall recommend to the State Board of
29 Education the levels for the courses. The common course
30 numbering and designation system shall include the courses at
31 the recommended levels, and, by fall semester of 1996, the

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1 registration process at each state university and community
2 college shall include the courses at their designated levels
3 and common course numbers.

4 4. Appoint faculty committees representing both
5 community college and university faculties to recommend those
6 courses identified to meet general education requirements
7 within the subject areas of communication, mathematics, social
8 sciences, humanities, and natural sciences. The Articulation
9 Coordinating Committee shall recommend to the State Board of
10 Education those courses identified to meet these general
11 education requirements by their common course code number. All
12 community colleges and state universities shall accept these
13 general education courses.

14 5. Appoint faculty committees representing both
15 community colleges and universities to recommend common
16 prerequisite courses and identify course substitutions when
17 common prerequisites cannot be established for degree programs
18 across all institutions. Faculty work groups shall adopt a
19 strategy for addressing significant differences in
20 prerequisites, including course substitutions. The Board of
21 Regents shall be notified by the Articulation Coordinating
22 Committee when significant differences remain. Common degree
23 program prerequisites shall be offered and accepted by all
24 state universities and community colleges, except in cases
25 approved by the Board of Regents pursuant to s. 240.209(5)(f).
26 The Board of Regents shall work with the State Board of
27 Community Colleges on the development of a centralized
28 database containing the list of courses and course
29 substitutions that meet the prerequisite requirements for each
30 baccalaureate degree program;

31 (g) Expansion and ongoing maintenance of the common

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1 course designation and numbering system to include the
2 numbering and designation of postsecondary vocational courses
3 and facilitate the transfer of credits between public schools,
4 community colleges, and state universities. The Articulation
5 Coordinating Committee shall:

6 1. Adopt guidelines for the participation of public
7 school districts and community colleges in offering courses
8 that may be transferred to a certificate, diploma, or degree
9 program. These guidelines shall establish standards
10 addressing faculty qualifications, admissions, program
11 curricula, participation in the common course designation and
12 numbering system, and other issues identified by the Task
13 Force on Workforce Development and the Commissioner of
14 Education. Guidelines should also address the role of
15 accreditation in the designation of courses as transferable
16 credit. Such guidelines must not jeopardize the accreditation
17 status of educational institutions and must be based on data
18 related to the history of credit transfer among institutions
19 in this state and others.

20 2. Identify postsecondary vocational programs offered
21 by community colleges and public school districts. The list
22 shall also identify vocational courses designated as college
23 credit courses applicable toward a vocational diploma or
24 degree. Such courses must be identified within the common
25 course numbering and designation system.

26 3. Appoint faculty committees representing both
27 community college and public school faculties to recommend a
28 standard program length and appropriate occupational
29 completion points for each postsecondary vocational
30 certificate program, diploma, and degree; and

31 (h) Development of common definitions necessary for

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1 managing a uniform coordinated system of career education for
2 all levels of the state system of public education.

3 (3) As a part of the system of educational
4 accountability, the department shall:

5 (a) Develop minimum performance standards for various
6 grades and subject areas, as required in ss. 229.565 and
7 229.57.

8 (b) Administer the statewide assessment testing
9 program created by s. 229.57.

10 (c) Develop and administer an educational evaluation
11 program, including the provisions of the Plan for Educational
12 Assessment developed pursuant to s. 9, chapter 70-399, Laws of
13 Florida, and adopted by the State Board of Education.

14 (d) Review the school advisory councils of each
15 district as required by s. 229.58.

16 (e) Conduct the program evaluations required by s.
17 229.565.

18 (f) Maintain a listing of college-level communication
19 and computation skills defined by the Articulation
20 Coordinating Committee as being associated with successful
21 student performance through the baccalaureate level and submit
22 the same to the State Board of Education for approval.

23 (g) Maintain a listing of tests and other assessment
24 procedures which measure and diagnose student achievement of
25 college-level communication and computation skills and submit
26 the same to the State Board of Education for approval.

27 (h) Maintain for the information of the State Board of
28 Education and the Legislature a file of data compiled by the
29 Articulation Coordinating Committee to reflect achievement of
30 college-level communication and computation competencies by
31 students in state universities and community colleges.

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1 (i) Develop or contract for, and submit to the State
2 Board of Education for approval, tests which measure and
3 diagnose student achievement of college-level communication
4 and computation skills. Any tests and related documents
5 developed are exempt from the provisions of s. 119.07(1). The
6 commissioner shall maintain statewide responsibility for the
7 administration of such tests and may assign administrative
8 responsibilities for the tests to any public university or
9 community college. The state board, upon recommendation of
10 the commissioner, is authorized to enter into contracts for
11 such services beginning in one fiscal year and continuing into
12 the next year which are paid from the appropriation for either
13 or both fiscal years.

14 (j) Perform any other functions that may be involved
15 in educational planning, research, and evaluation or that may
16 be required by the commissioner, the State Board of Education,
17 or law.

18 Section 27. For the purpose of incorporating the
19 amendments made by this act to section 230.23, Florida
20 Statutes, in references thereto, subsection (4) of section
21 230.03, Florida Statutes, is reenacted to read:

22 230.03 Management, control, operation, administration,
23 and supervision.--The district school system must be managed,
24 controlled, operated, administered, and supervised as follows:

25 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
26 the administration of any school or schools at a given school
27 center, for the supervision of instruction therein, and for
28 providing leadership in the development or revision and
29 implementation of a school improvement plan required pursuant
30 to s. 230.23(16) shall be delegated to the principal or head
31 of the school or schools as hereinafter set forth and in

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1 accordance with rules established by the school board.

2 Section 28. For the purpose of incorporating the
3 amendments made by this act to section 230.23, Florida
4 Statutes, in references thereto, paragraph (b) of subsection
5 (4) of section 230.2316, Florida Statutes, 1998 Supplement, is
6 reenacted to read:

7 230.2316 Dropout prevention.--

8 (4) PROGRAM IMPLEMENTATION.--

9 (b) Each school that establishes or continues a
10 dropout prevention program at that school site shall reflect
11 that program in the school improvement plan as required under
12 s. 230.23(16).

13 Section 29. For the purpose of incorporating the
14 amendments made by this act to section 230.23, Florida
15 Statutes, in references thereto, section 231.085, Florida
16 Statutes, is reenacted to read:

17 231.085 Duties of principals.--A district school board
18 shall employ, through written contract, public school
19 principals who shall supervise the operation and management of
20 the schools and property as the board determines necessary.
21 Each principal shall perform such duties as may be assigned by
22 the superintendent pursuant to the rules of the school board.
23 Such rules shall include, but not be limited to, rules
24 relating to administrative responsibility, instructional
25 leadership of the educational program of the school to which
26 the principal is assigned, submission of personnel
27 recommendations to the superintendent, administrative
28 responsibility for records and reports, administration of
29 corporal punishment, and student suspension. Each principal
30 shall provide leadership in the development or revision and
31 implementation of a school improvement plan pursuant to s.

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1 230.23(16).

2 Section 30. For the purpose of incorporating the
3 amendments made by this act to sections 229.591 and 229.592,
4 Florida Statutes, in references thereto, paragraph (a) of
5 subsection (3) of section 231.24, Florida Statutes, 1998
6 Supplement, is reenacted to read:

7 231.24 Process for renewal of professional
8 certificates.--

9 (3) For the renewal of a professional certificate, the
10 following requirements must be met:

11 (a) The applicant must earn a minimum of 6 college
12 credits or 120 inservice points or a combination thereof. For
13 each area of specialization to be retained on a certificate,
14 the applicant must earn at least 3 of the required credit
15 hours or equivalent inservice points in the specialization
16 area. Education in "clinical educator" training pursuant to s.
17 240.529(5)(b) and credits or points that provide training in
18 the area of exceptional student education, normal child
19 development, and the disorders of development may be applied
20 toward any specialization area. Credits or points that provide
21 training in the areas of drug abuse, child abuse and neglect,
22 strategies in teaching students having limited proficiency in
23 English, or dropout prevention, or training in areas
24 identified in the educational goals and performance standards
25 adopted pursuant to ss. 229.591(3) and 229.592 may be applied
26 toward any specialization area. Credits or points earned
27 through approved summer institutes may be applied toward the
28 fulfillment of these requirements. Inservice points may also
29 be earned by participation in professional growth components
30 approved by the State Board of Education and specified
31 pursuant to s. 236.0811 in the district's approved master plan

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1 for inservice educational training, including, but not limited
2 to, serving as a trainer in an approved teacher training
3 activity, serving on an instructional materials committee or a
4 state board or commission that deals with educational issues,
5 or serving on an advisory council created pursuant to s.
6 229.58.

7 Section 31. For the purpose of incorporating the
8 amendments made by this act to section 231.29, Florida
9 Statutes, in references thereto, paragraphs (e) and (f) of
10 subsection (3) of section 231.36, Florida Statutes, are
11 reenacted to read:

12 231.36 Contracts with instructional staff,
13 supervisors, and principals.--

14 (3)

15 (e) A professional service contract shall be renewed
16 each year unless the superintendent, after receiving the
17 recommendations required by s. 231.29, charges the employee
18 with unsatisfactory performance and notifies the employee of
19 performance deficiencies as required by s. 231.29. An employee
20 who holds a professional service contract on July 1, 1997, is
21 subject to the procedures set forth in paragraph (f) during
22 the term of the existing professional service contract. The
23 employee is subject to the procedures set forth in s.
24 231.29(3)(d) upon the next renewal of the professional service
25 contract; however, if the employee is notified of performance
26 deficiencies before the next contract renewal date, the
27 procedures of s. 231.29(3)(d) do not apply until the
28 procedures set forth in paragraph (f) have been exhausted and
29 the professional service contract is subsequently renewed.

30 (f) The superintendent shall notify an employee who
31 holds a professional service contract on July 1, 1997, in

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1 writing, no later than 6 weeks prior to the end of the
2 postschool conference period, of performance deficiencies
3 which may result in termination of employment, if not
4 corrected during the subsequent year of employment (which
5 shall be granted for an additional year in accordance with the
6 provisions in subsection (1)). Except as otherwise hereinafter
7 provided, this action shall not be subject to the provisions
8 of chapter 120, but the following procedures shall apply:

9 1. On receiving notice of unsatisfactory performance,
10 the employee, on request, shall be accorded an opportunity to
11 meet with the superintendent or the superintendent's designee
12 for an informal review of the determination of unsatisfactory
13 performance.

14 2. An employee notified of unsatisfactory performance
15 may request an opportunity to be considered for a transfer to
16 another appropriate position, with a different supervising
17 administrator, for the subsequent year of employment.

18 3. During the subsequent year, the employee shall be
19 provided assistance and inservice training opportunities to
20 help correct the noted performance deficiencies. The employee
21 shall also be evaluated periodically so that he or she will be
22 kept apprised of progress achieved.

23 4. Not later than 6 weeks prior to the close of the
24 postschool conference period of the subsequent year, the
25 superintendent, after receiving and reviewing the
26 recommendation required by s. 231.29, shall notify the
27 employee, in writing, whether the performance deficiencies
28 have been corrected. If so, a new professional service
29 contract shall be issued to the employee. If the performance
30 deficiencies have not been corrected, the superintendent may
31 notify the school board and the employee, in writing, that the

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1 employee shall not be issued a new professional service
2 contract; however, if the recommendation of the superintendent
3 is not to issue a new professional service contract, and if
4 the employee wishes to contest such recommendation, the
5 employee will have 15 days from receipt of the
6 superintendent's recommendation to demand, in writing, a
7 hearing. In such hearing, the employee may raise as an issue,
8 among other things, the sufficiency of the superintendent's
9 charges of unsatisfactory performance. Such hearing shall be
10 conducted at the school board's election in accordance with
11 one of the following procedures:

12 a. A direct hearing conducted by the school board
13 within 60 days of receipt of the written appeal. The hearing
14 shall be conducted in accordance with the provisions of ss.
15 120.569 and 120.57. A majority vote of the membership of the
16 school board shall be required to sustain the superintendent's
17 recommendation. The determination of the school board shall
18 be final as to the sufficiency or insufficiency of the grounds
19 for termination of employment; or

20 b. A hearing conducted by an administrative law judge
21 assigned by the Division of Administrative Hearings of the
22 Department of Management Services. The hearing shall be
23 conducted within 60 days of receipt of the written appeal in
24 accordance with chapter 120. The recommendation of the
25 administrative law judge shall be made to the school board. A
26 majority vote of the membership of the school board shall be
27 required to sustain or change the administrative law judge's
28 recommendation. The determination of the school board shall be
29 final as to the sufficiency or insufficiency of the grounds
30 for termination of employment.

31 Section 32. For the purpose of incorporating the

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1 amendments made by this act to section 229.591, Florida
2 Statutes, in references thereto, subsection (1) of section
3 231.600, Florida Statutes, 1998 Supplement, is reenacted to
4 read:

5 231.600 School Community Professional Development
6 Act.--

7 (1) The Department of Education, public community
8 colleges and universities, public school districts, and public
9 schools in this state shall collaborate to establish a
10 coordinated system of professional development. The purpose of
11 the professional development system is to enable the school
12 community to succeed in school improvement as described in s.
13 229.591.

14 Section 33. For the purpose of incorporating the
15 amendments made by this act to section 232.245, Florida
16 Statutes, in references thereto, subsection (1) of section
17 232.2454, Florida Statutes, is reenacted to read:

18 232.2454 District student performance standards,
19 instruments, and assessment procedures.--

20 (1) School districts are required to obtain or develop
21 and implement assessments of student achievement as necessary
22 to accurately measure student progress and to report this
23 progress to parents or legal guardians according to s.
24 232.245. Each school district shall implement the assessment
25 program pursuant to the procedures it adopts.

26 Section 34. For the purpose of incorporating the
27 amendments made by this act to section 232.245, Florida
28 Statutes, in references thereto, paragraphs (a) and (b) of
29 subsection (5) of section 232.246, Florida Statutes, 1998
30 Supplement, are reenacted and amended to read:

31 232.246 General requirements for high school

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1 graduation.--

2 (5) Each district school board shall establish
3 standards for graduation from its schools, and these standards
4 must include:

5 (a) Earning passing scores on the high school
6 competency test or FCAT, as defined in s. 229.57(3)(c).

7 (b) Completion of all other applicable requirements
8 prescribed by the district school board pursuant to s.
9 232.245.

10 Section 35. For the purpose of incorporating the
11 amendments made by this act to sections 229.57 and 232.245,
12 Florida Statutes, in references thereto, section 232.248,
13 Florida Statutes, is reenacted to read:

14 232.248 Confidentiality of assessment
15 instruments.--All examination and assessment instruments,
16 including developmental materials and workpapers directly
17 related thereto, which are prepared, prescribed, or
18 administered pursuant to ss. 229.57, 232.245, 232.246, and
19 232.247 shall be confidential and exempt from the provisions
20 of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions
21 governing access, maintenance, and destruction of such
22 instruments and related materials shall be prescribed by rules
23 of the state board.

24 Section 36. For the purpose of incorporating the
25 amendments made by this act to section 232.245, Florida
26 Statutes, in references thereto, subsection (1) of section
27 232.2481, Florida Statutes, is reenacted to read:

28 232.2481 Graduation and promotion requirements for
29 publicly operated schools.--

30 (1) Each state or local public agency, including the
31 Department of Health and Rehabilitative Services, the

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1 Department of Corrections, the Board of Regents, boards of
 2 trustees of community colleges, and the Board of Trustees of
 3 the Florida School for the Deaf and the Blind, which agency is
 4 authorized to operate educational programs for students at any
 5 level of grades kindergarten through 12 shall be subject to
 6 all applicable requirements of ss. 232.245, 232.246, 232.247,
 7 and 232.248. Within the content of these cited statutes each
 8 such state or local public agency shall be considered a
 9 "district school board."

10 Section 37. For the purpose of incorporating the
 11 amendments made by this act to section 229.565, Florida
 12 Statutes, in references thereto, subsection (4) of section
 13 233.09, Florida Statutes, is reenacted to read:

14 233.09 Duties of each state instructional materials
 15 committee.--The duties of each state instructional materials
 16 committee shall be:

17 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
 18 evaluate carefully all instructional materials submitted, to
 19 ascertain which instructional materials, if any, submitted for
 20 consideration best implement the selection criteria developed
 21 by the Commissioner of Education and those curricular
 22 objectives included within applicable performance standards
 23 provided for in s. 229.565.

24 (a) When recommending instructional materials for use
 25 in the schools, each committee shall include only
 26 instructional materials that accurately portray the ethnic,
 27 socioeconomic, cultural, and racial diversity of our society,
 28 including men and women in professional, vocational, and
 29 executive roles, and the role and contributions of the
 30 entrepreneur and labor in the total development of this state
 31 and the United States.

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1 (b) When recommending instructional materials for use
2 in the schools, each committee shall include only materials
3 which accurately portray, whenever appropriate, humankind's
4 place in ecological systems, including the necessity for the
5 protection of our environment and conservation of our natural
6 resources and the effects on the human system of the use of
7 tobacco, alcohol, controlled substances, and other dangerous
8 substances.

9 (c) When recommending instructional materials for use
10 in the schools, each committee shall require such materials as
11 it deems necessary and proper to encourage thrift, fire
12 prevention, and humane treatment of people and animals.

13 (d) When recommending instructional materials for use
14 in the schools, each committee shall require, when appropriate
15 to the comprehension of pupils, that materials for social
16 science, history, or civics classes contain the Declaration of
17 Independence and the Constitution of the United States. No
18 instructional materials shall be recommended by any committee
19 for use in the schools which contain any matter reflecting
20 unfairly upon persons because of their race, color, creed,
21 national origin, ancestry, gender, or occupation.

22 (e) All instructional materials recommended by each
23 committee for use in the schools shall be, to the satisfaction
24 of each committee, accurate, objective, and current and suited
25 to the needs and comprehension of pupils at their respective
26 grade levels. Instructional materials committees shall
27 consider for adoption materials developed for academically
28 talented students such as those enrolled in advanced placement
29 courses.

30 (f) When recommending instructional materials for use
31 in the schools, each committee shall have the recommendations

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1 of all districts which submit evaluations on the materials
 2 submitted for adoption in that particular subject area
 3 aggregated and presented to the members to aid them in the
 4 selection process; however, such aggregation shall be weighted
 5 in accordance with the full-time equivalent student percentage
 6 of each district. Each committee shall prepare an additional
 7 aggregation, unweighted, with each district recommendation
 8 given equal consideration. No instructional materials shall
 9 be evaluated or recommended for adoption unless each of the
 10 district committees shall have been loaned the specified
 11 number of samples.

12 (g) In addition to relying on statements of publishers
 13 or manufacturers of instructional material, any committee may
 14 conduct, or cause to be conducted, an independent
 15 investigation as to the compliance of submitted materials with
 16 the requirements of this section.

17 Section 38. For the purpose of incorporating the
 18 amendments made by this act to section 229.565, Florida
 19 Statutes, in references thereto, paragraph (b) of subsection
 20 (1) of section 233.165, Florida Statutes, is reenacted to
 21 read:

22 233.165 Standards for selection.--

23 (1) In the selection of instructional materials,
 24 library books, and other reading material used in the public
 25 school system, the standards used to determine the propriety
 26 of the material shall include:

27 (b) The educational purpose to be served by the
 28 material. In considering instructional materials for classroom
 29 use, priority shall be given to the selection of materials
 30 which encompass the state and district performance standards
 31 provided for in ss. 229.565 and 232.2454 and which include the

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1 instructional objectives contained within the curriculum
2 frameworks approved by the State Board of Education, to the
3 extent that appropriate curriculum frameworks have been
4 approved by the board.

5 Section 39. For the purpose of incorporating the
6 amendments made by this act to section 229.565, Florida
7 Statutes, in references thereto, paragraph (b) of subsection
8 (3) of section 233.25, Florida Statutes, is reenacted to read:

9 233.25 Duties, responsibilities, and requirements of
10 publishers and manufacturers of instructional
11 materials.--Publishers and manufacturers of instructional
12 materials, or their representatives, shall:

13 (3) Submit, at a time designated in s. 233.14, the
14 following information:

15 (b) Written proof that the publisher has provided
16 written correlations to appropriate curricular objectives
17 included within applicable performance standards provided for
18 in s. 229.565.

19 Section 40. For the purpose of incorporating the
20 amendments made by this act to section 231.29, Florida
21 Statutes, in references thereto, paragraphs (a) and (c) of
22 subsection (2) of section 236.08106, Florida Statutes, 1998
23 Supplement, are reenacted to read:

24 236.08106 Excellent Teaching Program.--

25 (2) The Excellent Teaching Program is created to
26 provide categorical funding for monetary incentives and
27 bonuses for teaching excellence. The Department of Education
28 shall allocate and distribute to each school district an
29 amount as prescribed annually by the Legislature for the
30 Excellent Teaching Program. Unless otherwise provided in the
31 General Appropriations Act, each school district's annual

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1 allocation shall be the sum of the amounts earned for the
2 following incentives and bonuses:

3 (a) A fee subsidy to be paid by the school district to
4 the NBPTS on behalf of each individual who is an employee of
5 the district school board or a public school within that
6 school district, who is certified by the district to have
7 demonstrated satisfactory teaching performance pursuant to s.
8 231.29 and who satisfies the prerequisites for participating
9 in the NBPTS certification program, and who agrees, in
10 writing, to pay 10 percent of the NBPTS participation fee and
11 to participate in the NBPTS certification program during the
12 school year for which the fee subsidy is provided. The fee
13 subsidy for each eligible participant shall be an amount equal
14 to 90 percent of the fee charged for participating in the
15 NBPTS certification program, but not more than \$1,800 per
16 eligible participant. The fee subsidy is a one-time award and
17 may not be duplicated for any individual.

18 (c) An annual bonus equal to 10 percent of the prior
19 fiscal year's statewide average salary for classroom teachers
20 to be paid to each individual who holds NBPTS certification
21 and is employed by the district school board or by a public
22 school within that school district. The district school board
23 shall distribute the annual bonus to each individual who meets
24 the requirements of this paragraph and who is certified
25 annually by the district to have demonstrated satisfactory
26 teaching performance pursuant to s. 231.29. The annual bonus
27 may be paid as a single payment or divided into not more than
28 three payments.

29 Section 41. For the purpose of incorporating the
30 amendments made by this act to section 230.23, Florida
31 Statutes, in references thereto, subsection (3) of section

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1 239.229, Florida Statutes, 1998 Supplement, is reenacted to
2 read:

3 239.229 Vocational standards.--

4 (3) Each area technical center operated by a school
5 board shall establish a center advisory council pursuant to s.
6 229.58. The center advisory council shall assist in the
7 preparation and evaluation of center improvement plans
8 required pursuant to s. 230.23(16) and may provide assistance,
9 upon the request of the center director, in the preparation of
10 the center's annual budget and plan as required by s.
11 229.555(1).

12 Section 42. For the purpose of incorporating the
13 amendments made by this act to section 229.592, Florida
14 Statutes, in references thereto, subsection (4) of section
15 240.118, Florida Statutes, is reenacted to read:

16 240.118 Postsecondary feedback of information to high
17 schools.--

18 (4) As a part of the school improvement plan pursuant
19 to s. 229.592, the State Board of Education shall ensure that
20 each school district and high school develops strategies to
21 improve student readiness for the public postsecondary level
22 based on annual analysis of the feedback report data.

23 Section 43. Subsections (29), (40), and (42) of
24 section 228.041, Florida Statutes, 1998 Supplement, are
25 amended to read:

26 228.041 Definitions.--Specific definitions shall be as
27 follows, and wherever such defined words or terms are used in
28 the Florida School Code, they shall be used as follows:

29 (29) DROPOUT.--A dropout is a student ~~not subject to~~
30 ~~compulsory school attendance, as defined in s. 232.01,~~who
31 meets any one or more of the following criteria:

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1 (a) The student has voluntarily removed himself or
2 herself from the school system before graduation for reasons
3 that include, but are not limited to, marriage, or the student
4 has withdrawn from school because he or she has failed the
5 statewide student assessment test and thereby does not receive
6 any of the certificates of completion;

7 (b) The student has not met the relevant attendance
8 requirements of the school district pursuant to State Board of
9 Education rules, or the student was expected to attend a
10 school but did not enter as expected for unknown reasons, or
11 the student's whereabouts are unknown;

12 (c) The student has withdrawn from school, but has not
13 transferred to another public or private school or enrolled in
14 any vocational, adult, home education, or alternative
15 educational program;

16 (d) The student has withdrawn from school due to
17 hardship, unless such withdrawal has been granted under the
18 provisions of s. 322.091, court action, expulsion, medical
19 reasons, or pregnancy; or

20 (e) The student is not eligible to attend school
21 because of reaching the maximum age for an exceptional student
22 program in accordance with the district's policy.

23
24 ~~Students not exempt from attendance pursuant to s. 232.06 and~~
25 ~~who are subject to compulsory school attendance under s.~~
26 ~~232.01 and who stop attending school are habitual truants as~~
27 ~~defined in subsection (28) and are not considered dropouts.~~
28 The State Board of Education may adopt rules to implement the
29 provisions of this subsection.

30 (40) GRADUATION RATE.--The term "graduation rate"
31 means the percentage of students who graduate from high school

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1 within 4 years after entering 9th grade for the first time,
2 not counting students who transfer out of the student
3 population to enroll in another school system; students who
4 withdraw to enroll in a private school, a home education
5 program, or an adult education program; or deceased students.
6 Incoming transfer students, at the time of their enrollment,
7 are included in the count of the class with which they are
8 scheduled to graduate. For this rate calculation, students are
9 counted as graduates upon receiving a standard high school
10 diploma, as provided in s. 232.246, or a special diploma, as
11 provided in s. 232.247. Also counted as graduates are
12 ~~calculated by dividing the number of entering 9th graders into~~
13 ~~the number of students who receive, 4 years later, a high~~
14 ~~school diploma, a special diploma, or a certificate of~~
15 ~~completion, as provided for in s. 232.246, or who receive a~~
16 ~~special certificate of completion, as provided in s. 232.247,~~
17 ~~and~~ students 19 years of age or younger who receive a general
18 equivalency diploma, as provided in s. 229.814. The number of
19 9th grade students used in the calculation of a graduation
20 rate for this state shall be students enrolling in the grade
21 for the first time. In conjunction with calculating the
22 graduation rate for this state, the Department of Education
23 shall conduct a study to evaluate the impact of the rate of
24 students who withdraw from high school to attend adult
25 education programs and the students in exceptional student
26 education programs. The department shall report its findings
27 to the Legislature by February 1, 2000. The Department of
28 Education may calculate a 5-year graduation rate using the
29 same methodology described in this section.

30 (42) DROPOUT RATE.--The term "high school dropout
31 rate" means the annual percentage calculated by dividing the

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1 number of students in grades 9 through 12 who are classified
 2 as dropouts, pursuant to subsection (29), by the total number
 3 of students in grades 9-12 in attendance at any time during
 4 the school year over the age of compulsory school attendance,
 5 pursuant to s. 232.01, at the time of the fall membership
 6 count, into the number of students who withdraw from school
 7 during a given school year and who are classified as dropouts
 8 pursuant to subsection (29). The Department of Education shall
 9 report the number of students initially classified as students
 10 who transfer to an adult education program but who do not
 11 enroll in an adult education program.

12 Section 44. Paragraph (f) of subsection (9) of section
 13 228.056, Florida Statutes, 1998 Supplement, is amended to
 14 read:

15 228.056 Charter schools.--

16 (9) CHARTER.--The major issues involving the operation
 17 of a charter school shall be considered in advance and written
 18 into the charter. The charter shall be signed by the governing
 19 body of the charter school and the sponsor, following a public
 20 hearing to ensure community input.

21 (f) Upon receipt of the annual report required by
 22 paragraph (d), the Department of Education shall provide to
 23 the State Board of Education, the Commissioner of Education,
 24 the President of the Senate, and the Speaker of the House of
 25 Representatives an analysis and comparison of the overall
 26 performance of charter school students, to include all
 27 students whose scores are counted as part of the state
 28 norm-referenced assessment program tests, versus comparable
 29 public school students in the district as determined by the
 30 state norm-referenced assessment program tests currently
 31 administered in the school district, and, as appropriate, the

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1 Florida Writes Assessment Test, the High School Competency
2 Test, and other assessments administered pursuant to s.
3 229.57(3).

4 Section 45. If any provision of this act or the
5 application thereof to any person or circumstance is held
6 invalid, the invalidity shall not affect other provisions or
7 applications of the act which can be given effect without the
8 invalid provision or application, and to this end the
9 provisions of this act are declared severable.

10 Section 46. Except as otherwise provided in this act,
11 this act shall take effect upon becoming a law.

12
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

20

An act relating to educational accountability
and school educational improvement; amending s.
229.0535, F.S.; revising provisions relating to
the authority of the State Board of Education
to enforce school improvement; defining
probationary status of schools; authorizing
school districts to reorganize schools in
certain situations; authorizing the state board
to enforce school district improvement;
amending s. 228.057, F.S.; providing a
declaration of public policy; providing that
school districts must offer controlled open

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1 enrollment in the public schools; providing a
2 date of implementation; providing an exemption;
3 providing a deadline for submitting revised
4 open enrollment plans to the Department of
5 Education; requiring the department to
6 recommend incentives; amending s. 229.512,
7 F.S.; revising provisions relating to the
8 authority of the Commissioner of Education
9 regarding the implementation of the program of
10 school improvement and education
11 accountability; amending s. 229.555, F.S.,
12 relating to educational planning and
13 information systems; revising to conform;
14 amending s. 229.565, F.S.; eliminating the
15 requirement that the Commissioner of Education
16 designate program categories and grade levels
17 for which performance standards are to be
18 approved; amending s. 229.57, F.S.; revising
19 the purpose of the student assessment program;
20 requiring the Department of Education to
21 develop a system to measure annual pupil
22 progress; requiring the statewide assessment
23 program to include science; revising provisions
24 relating to the administration of the National
25 Assessment of Educational Progress; revising
26 the statewide assessment program; revising
27 requirements relating to the annual report of
28 the results of the statewide assessment
29 program; providing for the identification of
30 schools by performance grade category according
31 to student and school performance data;

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1 providing for the identification of school
2 improvement ratings; amending s. 229.58, F.S.;
3 removing a reference to the Florida Commission
4 on Education Reform and Accountability;
5 authorizing councils to submit evaluations
6 relating to school improvement by a certain
7 date; amending s. 229.591, F.S.; revising
8 provisions relating to the system of school
9 improvement and education accountability to
10 reflect that students are not required to
11 attend schools designated in a certain
12 performance grade category; revising the state
13 education goals; amending s. 229.592, F.S.,
14 relating to the implementation of the state
15 system of school improvement and education
16 accountability; removing obsolete provisions;
17 deleting the requirement that the Commissioner
18 of Education appear before the Legislature;
19 revising duties of the Department of Education;
20 authorizing the department to allocate funds
21 for low performing schools intervention;
22 providing calculation; providing criteria for
23 release of funds revising duties of the State
24 Board of Education; revising provisions
25 relating to waivers from statutes; conforming
26 cross-references; creating s. 229.5925, F.S.;
27 providing for state board appointment of
28 educational care teams; providing duties;
29 establishing appointment criteria; providing
30 for district request for care team assignment;
31 providing terms and conditions of assignments;

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1 amending s. 229.595, F.S., relating to the
2 implementation of the state system of
3 educational accountability for school-to-work
4 transition; revising provisions relating to the
5 assessment of readiness to enter the workforce;
6 amending s. 230.23, F.S., relating to powers
7 and duties of school boards; revising
8 provisions relating to the compensation and
9 salary schedules of school employees; revising
10 provisions relating to courses of study and
11 other instructional aids to include the term
12 "instructional materials"; revising school
13 board duties relating to textbooks and
14 instructional materials distribution; requiring
15 at least one set of textbooks per student;
16 prohibiting the distribution of duplicate sets
17 of textbooks under certain circumstances;
18 revising school board duties regarding the
19 implementation and enforcement of school
20 improvement and accountability; revising
21 policies regarding public disclosure; requiring
22 school board adoption of certain policies;
23 amending s. 231.29, F.S.; revising the
24 assessment procedure for school district
25 instructional, administrative, and supervisory
26 personnel; amending s. 231.2905, F.S.; revising
27 provisions of the Florida School Recognition
28 Program relating to financial awards based on
29 employee performance; revising initial criteria
30 for identification of schools; amending s.
31 228.053, F.S.; relating to developmental

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1 research schools; conforming cross-references;
2 amending s. 228.054, F.S., relating to the
3 Joint Developmental Research School Planning,
4 Articulation, and Evaluation Committee;
5 conforming a cross-reference; amending s.
6 233.17, F.S., relating to the term of adoption
7 of instructional materials; conforming
8 cross-references; amending s. 236.685, F.S.,
9 relating to educational funding accountability;
10 conforming a cross-reference; creating s.
11 236.08104, F.S.; establishing a supplemental
12 academic instruction categorical fund;
13 providing findings and intent; providing
14 requirements for the use of funds; amending s.
15 236.013, F.S.; eliminating certain provisions
16 relating to calculations of the equivalent of a
17 full-time student; revising provisions relating
18 to membership in programs scheduled for more
19 than 180 days; reenacting s. 24.121(5)(b), (c),
20 and (d), F.S., relating to the Educational
21 Enhancement Trust Fund, s. 120.81(1)(b), F.S.,
22 relating to tests, test scoring criteria, or
23 testing procedures, s. 228.053(3) and (8),
24 F.S., relating to developmental research
25 schools, s. 228.0565(6)(b), (c), and (d), F.S.,
26 relating to deregulated public schools, s.
27 228.301(1), F.S., relating to test security, s.
28 229.551(1)(c) and (3), F.S., relating to
29 educational management, s. 230.03(4), F.S.,
30 relating to school district management,
31 control, operation, administration, and

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1 supervision, s. 230.2316(4)(b), F.S., relating
2 to dropout prevention, s. 231.085, F.S.,
3 relating to duties of principals, s.
4 231.24(3)(a), F.S., relating to the process for
5 renewal of professional certificates, s.
6 231.36(3)(e) and (f), F.S., relating to
7 contracts with instructional staff,
8 supervisors, and principals, s. 231.600(1),
9 F.S., relating to the School Community
10 Professional Development Act, s. 232.2454(1),
11 F.S., relating to district student performance
12 standards, instruments, and assessment
13 procedures, s. 232.246(5)(a) and (b), F.S.,
14 relating to general requirements for high
15 school graduation, s. 232.248, F.S., relating
16 to confidentiality of assessment instruments,
17 s. 232.2481(1), F.S., relating to graduation
18 and promotion requirements for publicly
19 operated schools, s. 233.09(4), F.S., relating
20 to duties of instructional materials
21 committees, s. 233.165(1)(b), F.S., relating to
22 the selection of instructional materials, s.
23 233.25(3)(b), F.S., relating to publishers and
24 manufacturers of instructional materials, s.
25 236.08106(2)(a) and (c), F.S., relating to the
26 Excellent Teaching Program, s. 239.229(3),
27 F.S., relating to vocational standards, s.
28 240.118(4), F.S., relating to postsecondary
29 feedback of information to high schools, to
30 incorporate references; amending s. 228.041,
31 F.S.; redefining the terms "graduation rate"

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and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.