

By Senators Cowin and McKay

11-990B-99

1                                   A bill to be entitled  
2           An act relating to educational accountability;  
3           amending s. 229.0535, F.S.; revising provisions  
4           relating to the authority of the State Board of  
5           Education to enforce school improvement;  
6           creating s. 229.0537, F.S.; providing findings  
7           and intent; requiring private school  
8           opportunity scholarships to be provided to  
9           certain public school students; providing  
10          student eligibility requirements; providing  
11          school district requirements; providing an  
12          alternative to accepting a state opportunity  
13          scholarship; providing private school  
14          eligibility criteria; providing student  
15          attendance requirements; providing parental  
16          involvement requirements; providing a district  
17          reporting requirement; providing for  
18          calculation of the amount and distribution of  
19          state opportunity scholarship funds;  
20          authorizing the adoption of rules; amending s.  
21          229.512, F.S.; revising provisions relating to  
22          the authority of the Commissioner of Education  
23          regarding the implementation of the program of  
24          school improvement and education  
25          accountability; amending s. 229.555, F.S.,  
26          relating to educational planning and  
27          information systems; revising to conform;  
28          amending s. 229.565, F.S.; eliminating the  
29          requirement that the Commissioner of Education  
30          designate program categories and grade levels  
31          for which performance standards are to be

1 approved; amending s. 229.57, F.S.; revising  
2 the purpose of the student assessment program;  
3 revising provisions relating to the  
4 administration of the National Assessment of  
5 Educational Progress; revising the statewide  
6 assessment program; revising requirements  
7 relating to the annual report of the results of  
8 the statewide assessment program; providing for  
9 the identification of schools by performance  
10 grade category according to student and school  
11 performance data; providing for the  
12 identification of school improvement ratings;  
13 amending s. 229.58, F.S.; removing a reference  
14 to the Florida Commission on Education Reform  
15 and Accountability; increasing the authority  
16 that each school identified in a certain  
17 performance grade category has over the  
18 allocation of the school's total budget;  
19 amending s. 229.591, F.S.; revising provisions  
20 relating to the system of school improvement  
21 and education accountability to reflect that  
22 students are not required to attend schools  
23 designated in a certain performance grade  
24 category; revising the state education goals;  
25 amending s. 229.592, F.S., relating to the  
26 implementation of the state system of school  
27 improvement and education accountability;  
28 removing obsolete provisions; removing  
29 references to the Florida Commission on  
30 Education Reform and Accountability; deleting  
31 the requirement that the Commissioner of

1 Education appear before the Legislature;  
2 revising duties of the Department of Education;  
3 revising duties of the State Board of  
4 Education; revising provisions relating to  
5 waivers from statutes; conforming  
6 cross-references; repealing s. 229.593, F.S.,  
7 relating to the Florida Commission on Education  
8 Reform and Accountability; repealing s.  
9 229.594, F.S., relating to the powers and  
10 duties of the commission; amending s. 229.595,  
11 F.S., relating to the implementation of the  
12 state system of educational accountability for  
13 school-to-work transition; revising provisions  
14 relating to the assessment of readiness to  
15 enter the workforce; removing a reference to  
16 the Florida Commission on Education Reform and  
17 Accountability; amending s. 230.23, F.S.,  
18 relating to powers and duties of school boards;  
19 revising provisions relating to the  
20 compensation and salary schedules of school  
21 employees; revising provisions relating to  
22 courses of study and other instructional aids  
23 to include the term "instructional materials";  
24 revising school board duties regarding the  
25 implementation and enforcement of school  
26 improvement and accountability; revising  
27 policies regarding public disclosure; requiring  
28 school board adoption of certain policies;  
29 amending s. 231.29, F.S.; revising the  
30 assessment procedure for school district  
31 instructional, administrative, and supervisory

1 personnel; amending s. 231.2905, F.S.; revising  
2 provisions of the Florida School Recognition  
3 Program relating to financial awards based on  
4 employee performance; revising initial criteria  
5 for identification of schools; amending s.  
6 232.245, F.S.; relating to pupil progression;  
7 revising requirements relating to the provision  
8 of remedial instruction; providing requirements  
9 for the use of resources for remedial  
10 instruction; requiring the adoption of rules  
11 regarding pupil progression; eliminating  
12 requirements relating to student academic  
13 improvement plans; deleting requirements  
14 relating to mandatory remedial reading  
15 instruction; amending s. 228.053, F.S.;  
16 relating to developmental research schools;  
17 conforming cross-references; amending s.  
18 228.054, F.S., relating to the Joint  
19 Developmental Research School Planning,  
20 Articulation, and Evaluation Committee;  
21 conforming a cross-reference; amending s.  
22 233.17, F.S., relating to the term of adoption  
23 of instructional materials; conforming  
24 cross-references; amending s. 236.685, F.S.,  
25 relating to educational funding accountability;  
26 conforming a cross-reference; amending s.  
27 20.15, F.S., relating to the creation of the  
28 Department of Education; removing a reference  
29 to the Florida Commission on Education Reform  
30 and Accountability; creating s. 236.08104,  
31 F.S.; establishing a supplemental academic

1 instruction categorical fund; providing  
2 findings and intent; providing requirements for  
3 the use of funds; amending s. 236.013, F.S.;  
4 eliminating certain provisions relating to  
5 calculations of the equivalent of a full-time  
6 student; revising provisions relating to  
7 membership in programs scheduled for more than  
8 180 days; amending s. 239.101, F.S., relating  
9 to career education; conforming  
10 cross-references; amending s. 239.229, F.S.,  
11 relating to vocational standards; conforming  
12 cross-references; amending s. 240.529, F.S.,  
13 relating to approval of teacher education  
14 programs; conforming a cross-reference;  
15 reenacting s. 24.121(5)(b), (c), and (d), F.S.,  
16 relating to the Educational Enhancement Trust  
17 Fund, s. 120.81(1)(b), F.S., relating to tests,  
18 test scoring criteria, or testing procedures,  
19 s. 228.053(3) and (8), F.S., relating to  
20 developmental research schools, s.  
21 228.056(9)(e) and (f), F.S., relating to  
22 charter schools, s. 228.0565(6)(b), (c), and  
23 (d), F.S., relating to deregulated public  
24 schools, s. 228.301(1), F.S., relating to test  
25 security, s. 229.551(1)(c) and (3), F.S.,  
26 relating to educational management, s.  
27 230.03(4), F.S., relating to school district  
28 management, control, operation, administration,  
29 and supervision, s. 230.2316(4)(b), F.S.,  
30 relating to dropout prevention, s. 231.085,  
31 F.S., relating to duties of principals, s.

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

1           WHEREAS, the voters of the State of Florida, in the  
2 November 1998 General Election, amended Article IX, section 1,  
3 of the Florida Constitution to state that "Adequate provision  
4 shall be made by law for a uniform, efficient, safe, secure  
5 and high quality system of free public schools that allows  
6 students to obtain a high quality education. . .," and

7           WHEREAS, a high quality education system must hold high  
8 academic expectations for students and must annually measure  
9 their achievement, demanding as a benchmark goal that students  
10 gain at least a year's worth of knowledge in a year, and

11           WHEREAS, a high quality education system can best  
12 attain that benchmark goal by quickly rewarding success and  
13 correcting failure, apprising the public of successes and  
14 failures so that informed educational decisions can be made,  
15 and concentrating resources on the academic progress of  
16 students and the effectiveness of classroom teachers, NOW,  
17 THEREFORE,

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. Section 229.0535, Florida Statutes, is  
22 amended to read:

23           229.0535 Authority to enforce school improvement.--It  
24 is the intent of the Legislature that all public schools be  
25 held accountable for ~~ensuring that~~ students performing ~~perform~~  
26 at acceptable levels. A system of school improvement and  
27 accountability that assesses student performance by school,  
28 identifies schools in which students are not making ~~not~~  
29 providing adequate progress toward state standards, and  
30 institutes appropriate measures for enforcing improvement, and  
31

1 provides rewards and sanctions based on performance shall be  
2 the responsibility of the State Board of Education.

3 (1) Pursuant to Art. IX of the State Constitution  
4 prescribing the duty of the State Board of Education to  
5 supervise Florida's public school system and notwithstanding  
6 any other statutory provisions to the contrary, the State  
7 Board of Education may ~~shall have the authority to~~ intervene  
8 in the operation of a district school system when in cases  
9 ~~where~~ one or more schools in the a school district have failed  
10 to make adequate progress for 2 ~~3 consecutive~~ school years.  
11 The state board may determine that the school district or  
12 ~~and/or~~ school has not taken steps sufficient for ~~to ensure~~  
13 ~~that~~ students in the school to be academically in question ~~are~~  
14 well served. Considering recommendations of the Commissioner  
15 of Education, the state board may ~~is authorized to~~ recommend  
16 action to a district school board ~~that is~~ intended to improve  
17 ~~ensure improved~~ educational services to students in each the  
18 low-performing school ~~schools in question~~. Recommendations for  
19 actions to be taken in the school district shall be made only  
20 after thorough consideration of the unique characteristics of  
21 a school, which shall also include student mobility rates and  
22 the number and type of exceptional students enrolled in the  
23 school. The state board shall adopt by rule steps to follow in  
24 this process. Such steps shall provide ~~ensure that~~ school  
25 districts ~~have~~ sufficient time to improve student performance  
26 in schools and ~~have had~~ the opportunity to present evidence of  
27 assistance and interventions that the school board has  
28 implemented.

29 (2) The state board is specifically authorized to  
30 recommend one or more of the following actions to school  
31 boards to enable ~~ensure that~~ students in low-performing



1 schools to be academically ~~are~~ well served by the public  
2 school system:

3 (a) Provide additional resources, change certain  
4 practices, and provide additional assistance if the state  
5 board determines the causes of inadequate progress to be  
6 related to school district policy or practice;

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

9 (c) Contract for the educational services of the  
10 school, or reorganize the school at the end of the school year  
11 under a new principal who is authorized to hire new staff and  
12 implement a plan that addresses the causes of inadequate  
13 progress; or

14 ~~(d) Allow parents of students in the school to send~~  
15 ~~their children to another district school of their choice, if~~  
16 ~~appropriate; or~~

17 (d)~~(e)~~ Other action ~~as deemed~~ appropriate to improve  
18 the school's performance.

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

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

1 actions for school improvement have failed to improve ~~the~~  
2 performance ~~of the school~~. The State Board of Education may  
3 invoke the same penalty to any school board that fails to  
4 develop and implement a plan for assistance and intervention  
5 for low-performing schools as specified in s. 230.23(16)(c).

6 Section 2. Section 229.0537, Florida Statutes, is  
7 created to read:

8 229.0537 Opportunity Scholarship Program.--

9 (1) FINDINGS AND INTENT.--This section represents a  
10 covenant between the state and the citizens of Florida that  
11 all children will have the opportunity to attend schools that  
12 can meet their educational needs and in which they can gain  
13 the knowledge and skills required to graduate from high school  
14 and be prepared for postsecondary education and the world of  
15 work. The Legislature recognizes that the voters of the State  
16 of Florida, in the November 1998 general election, amended S.  
17 1, Art. IX, of the Florida Constitution so as to make  
18 education a paramount duty of the state. The Legislature finds  
19 that the new constitutional requirements to provide a high  
20 quality education mandate that no student be compelled,  
21 against the wishes of the student's parent or guardian, to  
22 remain in a school found by the state to be failing for 2  
23 years. It is therefore the intent of the Legislature that  
24 parents and guardians be given the opportunity for their  
25 children to attend a public school that is performing  
26 satisfactorily; or, if the parent or guardian so chooses, it  
27 is the intent of the Legislature to make state funds available  
28 in order to apply the equivalent of the public education funds  
29 generated by their child, in accordance with paragraph (6)(a),  
30 to the cost of tuition in an eligible private school.  
31 Eligibility of a private school shall include the control and

1 accountability requirements which, coupled with the exercise  
2 of parental choice, are reasonably necessary to secure the  
3 educational public purpose, as delineated in subsection (4).

4 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public  
5 school student's parent or guardian may request and receive  
6 from the state an opportunity scholarship for the child to  
7 enroll in and attend a private school in accordance with the  
8 provisions of this section if:

9 (a) By assigned school attendance area or by special  
10 assignment, the student has spent the prior school year in  
11 attendance at a public school that has been designated  
12 pursuant to s. 229.57 as performance grade category "F,"  
13 failing to make adequate progress, and that has had two school  
14 years of such low performance, and the student's attendance  
15 occurred during a school year in which such designation was in  
16 effect; or the parent or guardian of a student who has been in  
17 attendance elsewhere in the public school system or who is  
18 entering kindergarten or first grade has been notified that  
19 the student has been assigned to such school for at least one  
20 school year;

21 (b) The student is a Florida resident; and

22 (c) The parent or guardian has obtained acceptance for  
23 admission of the student to a private school eligible for the  
24 program pursuant to subsection (4), and has notified the  
25 Department of Education and the school district of the request  
26 for an opportunity scholarship no later than July 1 of the  
27 first year in which the student intends to use the  
28 scholarship.

29  
30 For purposes of continuity of educational choice, the  
31 opportunity to continue attending the private school shall

1 remain in force until the student graduates from high school.  
2 However, at any time upon reasonable notice to the Department  
3 of Education and the school district, the student's parent or  
4 guardian may remove the student from the private school and  
5 place the student in a public school, as provided in  
6 subparagraph (3)(a)2.

7 (3) SCHOOL DISTRICT OBLIGATIONS.--

8 (a) A school district shall, for each student enrolled  
9 in or assigned to a school that has been designated as  
10 performance grade category "F" for two school years:

11 1. Timely notify the parent or guardian of the student  
12 as soon as such designation is made of all options available  
13 pursuant to this section; and

14 2. Offer that student's parent or guardian an  
15 opportunity to enroll the student in the public school within  
16 the district closest to the student's residence that has been  
17 designated by the state pursuant to s. 229.57 as a school  
18 performing higher than that in which the student is currently  
19 enrolled or to which the student has been assigned, but not  
20 less than performance grade category "C." The parent or  
21 guardian is not required to accept this offer in lieu of  
22 requesting a state opportunity scholarship to a private  
23 school. The opportunity to continue attending the higher  
24 performing public school shall remain in force until the  
25 student graduates from high school.

26 (b) The parent or guardian of a student enrolled in or  
27 assigned to a school that has been designated performance  
28 grade category "F" for two school years may choose as an  
29 alternative to enroll the student in and transport the student  
30 to a higher-performing public school that has available space  
31 in an adjacent school district, and that school district shall

1 accept the student and report the student for purposes of the  
2 district's funding pursuant to the Florida Education Finance  
3 Program.

4 (c) For students in the district who are participating  
5 in the state opportunity scholarship program, the district  
6 shall provide locations and times to take all statewide  
7 assessments required pursuant to s. 229.57.

8 (d) For students with disabilities who have been  
9 identified and placed in special education programs by the  
10 school district or students who have been screened by a  
11 multidisciplinary team and referred for an evaluation to  
12 determine their eligibility for special education whose  
13 parents or guardians have chosen the opportunity scholarship  
14 option, the private school may provide, or may contract with a  
15 private provider or with the school district to provide  
16 special education services through an individual educational  
17 plan process.

18 (e) The Legislature creates pilot programs in the  
19 Duval County, Santa Rosa County, and Sarasota County school  
20 districts to provide scholarships for students who have  
21 disabilities and whose academic progress in at least two areas  
22 does not meet expected levels for a given year, as determined  
23 in the student's individual education plan. In the school  
24 districts where the pilot programs are established, parents of  
25 a child with disabilities who find that their child's progress  
26 in a public school is less than adequate, as measured by local  
27 and state assessments, may apply for an opportunity  
28 scholarship, regardless of the performance grade of the school  
29 their child attends.

30 (f) If for any reason a qualified private school is  
31 not available for the student or if the parent or guardian

1 chooses to request that the student be enrolled in the higher  
2 performing public school, rather than choosing to request the  
3 state opportunity scholarship, transportation costs to the  
4 higher performing public school shall be the responsibility of  
5 the school district. The district may utilize state  
6 categorical transportation funds or state-appropriated public  
7 school choice incentive funds for this purpose.

8 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
9 participate in the opportunity scholarship program, a private  
10 school must be a Florida private school, may be sectarian or  
11 nonsectarian, and must:

12 (a) Except for the first year of implementation,  
13 notify the Department of Education and the school district in  
14 whose service area the school is located of its intent to  
15 participate in the program under this section by May 1 of the  
16 school year preceding the school year in which it intends to  
17 participate. The notice shall specify the grade levels and  
18 services that the private school has available for the  
19 opportunity scholarship program.

20 (b) Comply with the antidiscrimination provisions of  
21 42 U.S.C. s. 2000d.

22 (c) Meet state and local health and safety laws and  
23 codes.

24 (d) Determine, on an entirely random and  
25 religious-neutral basis, which scholarship students to accept;  
26 however, the private school may give preference in accepting  
27 applications to siblings of students who have already been  
28 accepted on a random and religious-neutral basis.

29 (e) Be subject to instruction, curriculum, and  
30 attendance criteria adopted by an appropriate non-public  
31

1 school accrediting body and be satisfactory to the parent or  
2 guardian as meeting the educational needs of the student.

3 (f) Comply with all state statutes relating to private  
4 schools.

5 (g) Accept as full tuition and fees the amount  
6 provided by the state for each student.

7 (h) Agree not to compel any student attending the  
8 private school on an opportunity scholarship to profess a  
9 specific ideological belief, to pray, or to worship.

10 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

11 (a) Any student participating in the opportunity  
12 scholarship program must remain in attendance throughout the  
13 school year, unless excused by the school for illness or other  
14 good cause, and must comply fully with the school's code of  
15 conduct.

16 (b) The parent or guardian of each student  
17 participating in the opportunity scholarship program must  
18 comply fully with the private school's parental involvement  
19 requirements, unless excused by the school for illness or  
20 other good cause.

21 (c) The parent or guardian shall ensure that the  
22 student participating in the opportunity scholarship program  
23 takes all statewide assessments required pursuant to s.  
24 229.57. Students participating in the opportunity scholarship  
25 program may take such tests at a location and at a time  
26 provided by the school district.

27 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

28 (a)1. The maximum opportunity scholarship granted for  
29 an eligible student shall be a calculated amount equivalent to  
30 the base student allocation multiplied by the weighted cost  
31 factor for the educational program provided for the student in

1 the district multiplied by the district cost differential. In  
2 addition, the calculated amount shall include the per student  
3 share of instructional materials funding, technology funding,  
4 and other categorical funds as provided for this purpose in  
5 the General Appropriations Act. The amount of the opportunity  
6 scholarship shall be the calculated amount or the amount of  
7 the private school's tuition and fees, whichever is less.  
8 Fees eligible shall include textbook fees, lab fees, and other  
9 fees related to instruction, including transportation. The  
10 district shall report all students who are attending a private  
11 school under this program. The students attending private  
12 schools on opportunity scholarships shall be reported  
13 separately from those students reported for purposes of the  
14 Florida Education Finance Program.

15 2. Following annual notification on July 1 of the  
16 number of participants, the Department of Education shall  
17 transfer from each school district's appropriated funds the  
18 calculated amount from the Florida Education Finance Program  
19 and authorized categorical accounts to a separate account for  
20 the Opportunity Scholarship Program for quarterly disbursement  
21 to the parents or guardians of participating students.

22 (b) Upon proper documentation as specified in state  
23 board rule, the Comptroller shall make opportunity scholarship  
24 payments in four equal amounts no later than August 1,  
25 November 1, February 1, and April 1 of each academic year in  
26 which the opportunity scholarship is in force. The initial  
27 payment shall be made after verification of admission  
28 acceptance. Subsequent payments shall be made upon  
29 verification of continued enrollment and attendance at the  
30 private school. Payment must be by individual warrant made  
31 payable to the student's parent or guardian. The warrant shall



1 be sent directly to the eligible private school chosen by the  
2 parent or guardian and the parent or guardian shall  
3 restrictively endorse the warrant to the private school.

4 (7) LIABILITY.--No liability shall arise on the part  
5 of the state based on any grant or use of an opportunity  
6 scholarship.

7 (8) RULES.--The State Board of Education may adopt  
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
9 provisions of this section. Rules shall include penalties for  
10 noncompliance with subsections (3) and (5). However, the  
11 inclusion of eligible private schools within options available  
12 to Florida public school students does not expand the  
13 regulatory authority of the state, its officers, or any school  
14 district to impose any additional regulation of private  
15 schools beyond those reasonably necessary to enforce  
16 requirements expressly set forth in this section.

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

22 229.512 Commissioner of Education; general powers and  
23 duties.--The Commissioner of Education is the chief  
24 educational officer of the state, and has the following  
25 general powers and duties:

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

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

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

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

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

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

18 229.555 Educational planning and information  
19 systems.--

20 (1) EDUCATIONAL PLANNING.--

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

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

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

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

20 (a) The specific responsibilities of the commissioner  
21 shall include:

22 1. Consulting with school district representatives in  
23 the development of the system design model and implementation  
24 plans for the management information system for public school  
25 education management;

26 2. Providing operational definitions for the proposed  
27 system;

28 3. Determining the information and specific data  
29 elements required for the management decisions made at each  
30 educational level, recognizing that the primary unit for  
31 information input is shall be the individual school and

1 recognizing that time and effort of instructional personnel  
2 expended in collection and compilation of data should be  
3 minimized;

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

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

8         6. Developing appropriate computer programs to assure  
9 integration of the various information components dealing with  
10 students, personnel, facilities, fiscal, program, community,  
11 and evaluation data;

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

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

21         9. Developing a phased plan for distributing computer  
22 services equitably among all public schools and school  
23 districts in the ~~this~~ state as rapidly as possible. The plan  
24 shall describe alternatives available to the state in  
25 providing such computing services and shall contain estimates  
26 of the cost of each alternative, together with a  
27 recommendation for action. In developing the ~~such~~ plan, the  
28 feasibility of shared use of computing hardware and software  
29 by school districts, community colleges, and universities  
30 shall be examined. Laws or administrative rules regulating  
31 procurement of data processing equipment, communication

1 services, or data processing services by state agencies shall  
2 not be construed to apply to local agencies which share  
3 computing facilities with state agencies;

4 10. Assisting the district school systems in  
5 establishing their subsystem components and assuring  
6 compatibility with current district systems;

7 11. Establishing procedures for continuous evaluation  
8 of system efficiency and effectiveness;

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

16 13. Initiating such other actions as are necessary to  
17 carry out the intent of the Legislature that a management  
18 information system for public school management needs be  
19 implemented. Such other actions shall be based on criteria  
20 including, but not limited to:

- 21 a. The purpose of the reporting requirement;  
22 b. The origination of the reporting requirement;  
23 c. The date of origin of the reporting requirement;

24 and

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

26 (b) The specific responsibilities of each district  
27 school system shall include:

- 28 1. Establishing, at the district level, a  
29 reports-control and forms-control management system committee  
30 composed of school administrators and classroom teachers. The  
31 district school board shall appoint school administrator

1 members and classroom teacher members; or, in school districts  
2 where appropriate, the classroom teacher members shall be  
3 appointed by the bargaining agent. Teachers shall constitute a  
4 majority of the committee membership. The committee shall  
5 periodically recommend procedures to the district school board  
6 for eliminating, reducing, revising, and consolidating  
7 paperwork and data collection requirements and shall submit to  
8 the district school board an annual report of its findings.

9           2. With assistance from the commissioner, developing  
10 systems compatibility between the state management information  
11 system and unique local systems.

12           3. Providing, with the assistance of the department,  
13 inservice training dealing with management information system  
14 purposes and scope, a method of transmitting input data, and  
15 the use of output report information.

16           4. Establishing a plan for continuous review and  
17 evaluation of local management information system needs and  
18 procedures.

19           5. Advising the commissioner of all district  
20 management information needs.

21           6. Transmitting required data input elements to the  
22 appropriate processing locations in accordance with guidelines  
23 established by the commissioner.

24           7. Determining required reports, comparisons, and  
25 relationships to be provided to district school systems by the  
26 system output reports, continuously reviewing these reports  
27 for usefulness and meaningfulness, and submitting recommended  
28 additions, deletions, and change requirements in accordance  
29 with the guidelines established by the commissioner.

30           8. Being responsible for the accuracy of all data  
31 elements transmitted to the department.

1           (c) It is the intent of the Legislature that the  
2 expertise in the state system of public education, as well as  
3 contracted services, be utilized to hasten the plan for full  
4 implementation of a comprehensive management information  
5 system.

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

8           229.565 Educational evaluation procedures.--

9           (1) STUDENT PERFORMANCE STANDARDS.--

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

24          (b) The student performance standards must address the  
25 skills and competencies that a student must learn in order to  
26 graduate from high school. The commissioner shall also develop  
27 performance standards for students who learn a higher level of  
28 skills and competencies.

29          Section 6. Section 229.57, Florida Statutes, 1998  
30 Supplement, is amended to read:

31          229.57 Student assessment program.--



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

7           (a) Assess the annual learning gains of each student  
8 toward achieving the Sunshine State Standards appropriate for  
9 the student's grade level.

10           (b) Provide data for making decisions regarding school  
11 accountability and recognition.

12           (c)~~(a)~~ Identify the educational strengths and needs of  
13 students and the readiness of students to be promoted to the  
14 next grade level or to graduate from high school with a  
15 standard high school diploma.

16           (d)~~(b)~~ Assess how well educational goals and  
17 performance standards are met at the school, district, and  
18 state levels.

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

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

23           (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
24 intent to participate in the measurement of national  
25 educational goals set by the President and governors of the  
26 United States. The Commissioner of Education is directed to  
27 provide for school districts to participate in the  
28 administration of the National Assessment of Educational  
29 Progress, or a similar national assessment program, both for  
30 the national sample and for any state-by-state comparison  
31 programs which may be initiated. Such assessments must be

1 conducted using the data collection procedures, the student  
2 surveys, the educator surveys, and other instruments included  
3 in the National Assessment of Educational Progress or a  
4 similar program. The results of these assessments shall be  
5 included in the annual report of the Commissioner of Education  
6 specified in this section. The administration of the National  
7 Assessment of Educational Progress or a similar program shall  
8 be embedded into ~~in addition to and separate from the~~  
9 ~~administration of the statewide assessment program otherwise~~  
10 ~~described in this section.~~

11 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
12 shall ~~is directed to~~ design and implement a statewide program  
13 of educational assessment that provides information for the  
14 improvement of the operation and management of the public  
15 schools. ~~The program must be designed, as far as possible, so~~  
16 ~~as not to conflict with ongoing district assessment programs~~  
17 ~~and so as to use information obtained from district programs.~~  
18 Pursuant to the statewide assessment program, the commissioner  
19 shall:

20 (a) Submit to the state board a list that specifies  
21 student skills and competencies to which the goals for  
22 education specified in the state plan apply, including, but  
23 not limited to, reading, writing, and mathematics. The skills  
24 and competencies must include problem-solving and higher-order  
25 skills as appropriate and shall be known as the Sunshine State  
26 Standards. The commissioner shall select such skills and  
27 competencies after receiving recommendations from educators,  
28 citizens, and members of the business community. The  
29 commissioner shall submit to the state board revisions to the  
30 list of student skills and competencies in order to maintain  
31

1 continuous progress toward improvements in student  
2 proficiency.

3 (b) Develop and implement a uniform system of  
4 indicators to describe the performance of public school  
5 students and the characteristics of the public school  
6 districts and the public schools. These indicators must  
7 include, without limitation, information gathered by the  
8 comprehensive management information system created pursuant  
9 to s. 229.555 and student achievement information obtained  
10 pursuant to this section.

11 (c) Develop and implement a student achievement  
12 testing program as part of the statewide assessment program,  
13 to be administered annually in grades 3 through 10 ~~at~~  
14 ~~designated times at the elementary, middle, and high school~~  
15 ~~levels~~ to measure reading, writing, and mathematics. The  
16 testing program must be designed so that:

17 1. The tests measure student skills and competencies  
18 adopted by the state board as specified in paragraph (a). The  
19 tests must measure and report student proficiency levels in  
20 reading, writing, and mathematics. Other content areas may be  
21 included as directed by the commissioner. The commissioner  
22 shall provide for the tests to be developed or obtained, as  
23 appropriate, through contracts and project agreements with  
24 private vendors, public vendors, public agencies,  
25 postsecondary institutions, or school districts. The  
26 commissioner shall obtain input with respect to the design and  
27 implementation of the testing program from state educators and  
28 the public.

29 2. The tests are a combination of norm-referenced and  
30 criterion-referenced and include, to the extent determined by  
31 the commissioner, items that require the student to produce

1 information or perform tasks in such a way that the skills and  
2 competencies he or she uses can be measured.

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

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

11           5. Except as provided in subparagraph 6., all 11th  
12 grade students take a high school competency test developed by  
13 the state board to test minimum student performance skills and  
14 competencies in reading, writing, and mathematics. The test  
15 must be based on the skills and competencies adopted by the  
16 state board pursuant to paragraph (a). Upon recommendation of  
17 the commissioner, the state board shall designate a passing  
18 score for each part of the high school competency test. In  
19 establishing passing scores, the state board shall consider  
20 any possible negative impact of the test on minority students.  
21 The commissioner may establish criteria whereby a student who  
22 successfully demonstrates proficiency in either reading or  
23 mathematics or both may be exempted from taking the  
24 corresponding section of the high school competency test or  
25 the college placement test. A student must earn a passing  
26 score or have been exempted from each part of the high school  
27 competency test in order to qualify for a regular high school  
28 diploma. The school districts shall provide appropriate  
29 remedial instruction to students who do not pass part of the  
30 competency test.

31

1           6. The commissioner shall recommend and the state  
2 board shall adopt a date to discontinue the high school  
3 competency test and set a passing score on the new test for  
4 purposes of high school graduation at such time as the Florida  
5 Comprehensive Assessment Test is fully implemented.

6           ~~7.6.~~ Participation in the testing program is mandatory  
7 for all students, except as otherwise prescribed by the  
8 commissioner. The commissioner shall recommend rules to the  
9 state board for the provision of test adaptations and  
10 modifications of procedures as necessary for students in  
11 exceptional education programs and for students who have  
12 limited English proficiency.

13           ~~8.7.~~ A student seeking an adult high school diploma  
14 must meet the same testing requirements that a regular high  
15 school student must meet.

16  
17 The commissioner may design and implement student testing  
18 programs for any grade level and subject area, based on  
19 procedures designated by the commissioner to monitor  
20 educational achievement in the state.

21           (d) Obtain or develop a career planning assessment to  
22 be administered to students, at their option, in grades 7 and  
23 10 to assist them in preparing for further education or  
24 entering the workforce. The statewide student assessment  
25 program must include career planning assessment.

26           (e) Conduct ongoing research to develop improved  
27 methods of assessing student performance, including, without  
28 limitation, the use of technology to administer tests, the use  
29 of electronic transfer of data, the development of  
30 work-product assessments, and the development of process  
31 assessments.

1           (f) Conduct ongoing research and analysis of student  
2 achievement data, including, without limitation, monitoring  
3 trends in student achievement, identifying school programs  
4 that are successful, and analyzing correlates of school  
5 achievement.

6           (g) Provide technical assistance to school districts  
7 in the implementation of state and district testing programs  
8 and the use of the data produced pursuant to such programs.

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

26           (5) SCHOOL TESTING PROGRAMS.--Each public school,  
27 unless specifically exempted by state board rule based on  
28 servng a specialized population for which standardized  
29 testing is not appropriate, shall participate in the state  
30 assessment program. Student performance data shall be analyzed  
31 and reported to parents, the community, and the state. Student

1 performance data shall be used in developing objectives of the  
2 school improvement plan, evaluation of instructional  
3 personnel, evaluation of administrative personnel, assignment  
4 of staff, allocation of resources, acquisition of  
5 instructional materials and technology, performance-based  
6 budgeting, and promotion and assignment of students into  
7 educational programs ~~administering an achievement test,~~  
8 ~~whether at the elementary, middle, or high school level, and~~  
9 ~~each public school administering the high school competency~~  
10 ~~test, shall prepare an analysis of the resultant data after~~  
11 ~~each administration.~~ The analysis of student performance data  
12 also must identify strengths and needs in the educational  
13 program and trends over time. The analysis must be used in  
14 conjunction with the budgetary planning processes developed  
15 pursuant to s. 229.555 and the development of the programs of  
16 remediation described in s. 233.051.

17 (6) ANNUAL REPORTS.--The commissioner shall prepare  
18 annual reports of the results of the statewide assessment  
19 program which describe student achievement in the state, each  
20 district, and each school. The commissioner shall prescribe  
21 the design and content of these reports which must include,  
22 without limitation, descriptions of the performance of all  
23 schools participating in the assessment program and all of  
24 their major student populations as determined by the  
25 Commissioner of Education, and must also include the median  
26 scores of all eligible students who scored at or in the lowest  
27 25th percentile of the state in the previous school year  
28 ~~students at both low levels and exemplary levels, as well as~~  
29 ~~the performance of students scoring in the middle 50 percent~~  
30 ~~of the test population.~~ Until such time as annual assessments  
31 prescribed in this section are fully implemented, annual

1 reports shall include student performance data based on  
2 existing assessments.

3 (7) SCHOOL PERFORMANCE GRADE CATEGORIES.--Beginning  
4 with the 1998-1999 school year's student and school  
5 performance data, the annual report shall identify schools as  
6 being in one of the following grade categories defined  
7 according to rules of the state board:

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

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

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

11 (d) "D," schools making less than satisfactory  
12 progress.

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

14 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE  
15 CATEGORIES.--School performance grade category designations  
16 itemized in subsection (7) shall be based on the following:

17 (a) Timeframes.--

18 1. School performance grade category designations  
19 shall be based on one school year of performance.

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

26 3. Beginning with the 2000-2001 school year, a  
27 school's performance grade category designation shall be based  
28 on a combination of student achievement scores, on the degree  
29 of measured learning gains of the students, and on other  
30 appropriate performance data, including, but not limited to,  
31



1 attendance, dropout rate, school discipline data, cohort  
2 graduation rate, and student readiness for college.

3 4. Beginning with the 2001-2002 school year and  
4 thereafter, a school's performance grade category designation  
5 shall be based on student learning gains as measured by annual  
6 assessments in grades 3 through 10, and on other appropriate  
7 performance data, including, but not limited to, attendance,  
8 dropout rate, school discipline data, and student readiness  
9 for college.

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

22 (b) Student assessment data.--Student assessment data  
23 used in determining school performance grade categories shall  
24 include:

25 1. The median scores of all eligible students enrolled  
26 in the school.

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

30  
31

1 The state board shall adopt appropriate criteria for each  
2 school performance grade category so as to ensure that school  
3 performance grade category designations reflect each school's  
4 accountability for the learning of all students in the school.  
5 The criteria must also give added weight to student  
6 achievement in reading. Schools designated as performance  
7 grade category "C," making satisfactory progress, shall be  
8 required to demonstrate that adequate progress has been made  
9 by the lowest quartile of students in the school as well as by  
10 the overall population of students in the school.

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

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

29 (11) STATEWIDE ASSESSMENTS.--The Department of  
30 Education is authorized, subject to appropriation, to  
31 negotiate a multi-year contract for the development, field

1 testing, and implementation of annual assessments of students  
2 in grades 3 through 10. Such assessments must comply with the  
3 following criteria:

4 (a) Assessments for each grade level shall be capable  
5 of measuring each student's mastery of the Sunshine State  
6 Standards for that grade level and above.

7 (b) Assessments shall be capable of measuring the  
8 annual progress each student makes in mastering the Sunshine  
9 State Standards.

10 (c) Assessments shall include measures in reading and  
11 mathematics in each grade level and must include writing in  
12 grades 4, 8, and 10.

13 (d) Assessments shall include a norm-referenced  
14 subtest that allows for comparisons of Florida students with  
15 the performance of students nationally.

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

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

1           (12) LOCAL ASSESSMENTS.--Measurement of the learning  
2 gains of students in all subjects other than subjects required  
3 for the state assessment program is the responsibility of the  
4 school districts.

5           (13)~~(7)~~ APPLICABILITY OF TESTING STANDARDS.--A student  
6 must meet the testing requirements for high school graduation  
7 which were in effect at the time the student entered 9th  
8 grade, provided the student's enrollment was continuous.

9           (14)~~(8)~~ RULES.--The State Board of Education shall  
10 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~  
11 to implement the provisions of this section.

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

14           229.58 District and school advisory councils.--

15           (1) ESTABLISHMENT.--

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

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

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

13  
14 The school board shall establish procedures for use by schools  
15 in selecting business and community members. Such procedures  
16 shall include means of ensuring wide notice of vacancies and  
17 for taking input on possible members from local business,  
18 chambers of commerce, community and civic organizations and  
19 groups, and the public at large. The school board shall review  
20 the membership composition of each advisory council. Should  
21 the school board determine that the membership elected by the  
22 school is not representative of the ethnic, racial, and  
23 economic community served by the school, the board shall  
24 appoint additional members to achieve proper representation.  
25 The Commissioner of Florida ~~Commission on Education Reform and~~  
26 ~~Accountability~~ shall ~~serve as a review body to~~ determine if  
27 schools have maximized their efforts to include on their  
28 advisory councils minority persons and persons of lower  
29 socioeconomic status. Although schools should be strongly  
30 encouraged to establish school advisory councils, any school  
31 district that has a student population of 10,000 or fewer may

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

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

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

31

1           (3) Beginning in the 1999-2000 school year, each  
2 school designated in performance grade category "A," making  
3 excellent progress, or as having improved at least two  
4 performance grade categories, shall have greater authority  
5 over the allocation of the school's total budget generated  
6 from the FEFP, state categoricals, lottery funds, grants, and  
7 local funds, as specified in state board rule.

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

10           229.591 Comprehensive revision of Florida's system of  
11 school improvement and education accountability.--

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

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

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

12 (a) Establish state and local educational goals.

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

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

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

21 (e) Recognize successful schools.

22 (f) Provide for ~~Ensure that~~ unsuccessful schools to  
23 receive ~~are provided~~ assistance and intervention sufficient to  
24 attain adequate ~~such that~~ improvement ~~occurs~~, and provide  
25 ~~further ensure that~~ action that should occur when schools do  
26 not improve.

27 (g) Provide that parents or guardians are not required  
28 to send their children to schools that have been designated in  
29 performance grade category "F," failing to make adequate  
30 progress, as defined in state board rule, for two school  
31 years.



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

3           (a) Readiness to start school.--Communities and  
4 schools collaborate in a statewide comprehensive school  
5 readiness program to prepare children and families for  
6 children's success in school.

7           (b) Graduation rate and readiness for postsecondary  
8 education and employment.--Students graduate and are prepared  
9 to enter the workforce and postsecondary education.

10          (c) Student performance.--Students make annual  
11 learning gains sufficient to acquire the knowledge, skills,  
12 and competencies needed to master state standards,  
13 successfully compete at the highest levels nationally and  
14 internationally, and be ~~are~~ prepared to make well-reasoned,  
15 thoughtful, and healthy lifelong decisions.

16          (d) Learning environment.--School boards provide a  
17 learning environment conducive to teaching and learning, in  
18 which education programs are based on student performance  
19 data, and which strive to eliminate achievement gaps by  
20 improving the learning of all students.

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

24          (f) Teachers and staff.--The schools, district, all  
25 postsecondary institutions, and state work collaboratively to  
26 provide ~~ensure~~ professional teachers and staff who possess the  
27 competencies and demonstrate the performance needed to  
28 maximize learning among all students.

29          (g) Adult literacy.--Adult Floridians are literate and  
30 have the knowledge and skills needed to compete in a global  
31

1 economy, prepare their children for success in school,and  
2 exercise the rights and responsibilities of citizenship.

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

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

11 229.592 Implementation of state system of school  
12 improvement and education accountability.--

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

28 ~~(2) ESTABLISHMENT.--Based upon the recommendations of  
29 the Florida Commission on Education Reform and Accountability,  
30 the Legislature may enact such laws as it considers necessary  
31 to establish and maintain a state system of school improvement~~

1 ~~and accountability. If, after considering the recommendations~~  
2 ~~of the commission, the Legislature determines an adequate~~  
3 ~~system of accountability to be in place to protect the public~~  
4 ~~interest, the Legislature may repeal or revise laws, including~~  
5 ~~fiscal policies, deemed to stand in the way of school~~  
6 ~~improvement.~~

7 (2)~~(3)~~ COMMISSIONER.--The commissioner shall be  
8 responsible for implementing and maintaining a system of  
9 intensive school improvement and stringent education  
10 accountability, which shall include policies and programs to-

11 ~~(a) Based on the recommendations of The Florida~~  
12 ~~Commission on Education Reform and Accountability, the~~  
13 ~~commissioner shall develop and implement the following~~  
14 ~~programs and procedures:~~

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

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

27 (c)3. A method of delivering services to assist school  
28 districts and schools to improve.

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

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

8           (4)~~(c)~~ The annual feedback report shall be developed  
9 by the ~~commission and the~~ Department of Education.

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

19           (6)~~(e)~~ ~~As co-chair of the Florida Commission on~~  
20 ~~Education Reform and Accountability,~~ The commissioner shall  
21 ~~appear before the appropriate committees of the Legislature~~  
22 ~~annually in October to report~~ to the Legislature and recommend  
23 changes in state policy necessary to foster school improvement  
24 and education accountability. ~~The report shall reflect the~~  
25 ~~recommendations of the Florida Commission on Education Reform~~  
26 ~~and Accountability.~~ Included in the report shall be a list of  
27 the schools for which school boards have developed assistance  
28 and intervention plans and an analysis of the various  
29 strategies used by the school boards. School reports shall be  
30 distributed pursuant to this paragraph and s. 230.23(16)(e)  
31

1 according to guidelines adopted by the State Board of  
2 Education.

3 (7)~~(4)~~ DEPARTMENT.--

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

10 (b) Upon request, the department shall provide  
11 technical assistance and training to any school, school  
12 advisory council, district, or school board for conducting  
13 needs assessments, developing and implementing school  
14 improvement plans, developing and implementing assistance and  
15 intervention plans, or implementing other components of school  
16 improvement and accountability. Priority for these services  
17 shall be given to low-performing schools as defined by state  
18 board rule and school districts in rural and sparsely  
19 populated areas of the state.

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

1 of the plan or upon establishment of a plan of corrective  
2 action. Notice shall be given to the public of the  
3 department's intervention and shall identify each school  
4 without a plan or without appropriate school advisory council  
5 membership composition.

6 (8)~~(5)~~ STATE BOARD.--The State Board of Education  
7 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
8 ~~necessary~~ to implement a state system of school improvement  
9 and education accountability and shall specify required annual  
10 reports by schools and school districts. ~~Such rules must be~~  
11 ~~based on recommendations of the Commission on Education Reform~~  
12 ~~and Accountability and must include, but need not be limited~~  
13 ~~to, a requirement that each school report identify the annual~~  
14 ~~Education Enhancement Trust Fund allocations to the district~~  
15 ~~and the school and how those allocations were used for~~  
16 ~~educational enhancement and supporting school improvement.~~

17 (9)~~(6)~~ EXCEPTIONS TO LAW.--To facilitate innovative  
18 practices and to allow local selection of educational methods,  
19 the commissioner may waive, upon the request of a school  
20 board, requirements of chapters 230 through 239 of the Florida  
21 School Code that relate to instruction and school operations,  
22 except those pertaining to civil rights, and student health,  
23 safety, and welfare. The Commissioner of Education is not  
24 authorized to grant waivers for any provisions of law  
25 pertaining to the allocation and appropriation of state and  
26 local funds for public education; the election, compensation,  
27 and organization of school board members and superintendents;  
28 graduation and state accountability standards; financial  
29 reporting requirements; public meetings; public records; or  
30 due process hearings governed by chapter 120. Prior to  
31 approval, the commissioner shall report pending waiver

1 requests to the state board on a monthly basis, and shall,  
2 upon request of any state board member, bring a waiver request  
3 to the state board for consideration. If, within 2 weeks of  
4 receiving the report, no member requests that a waiver be  
5 considered by the state board, the commissioner may act on the  
6 original waiver request. No later than January 1 of each year,  
7 the commissioner shall report to the President and Minority  
8 Leader of the Senate and the Speaker and Minority Leader of  
9 the House of Representatives all approved waiver requests in  
10 the preceding year.

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

26 1. A school board may originate a request for waiver  
27 and submit the request to the commissioner if such a waiver is  
28 required to implement districtwide improvements.

29 2. A school board may submit a request to the  
30 commissioner for a waiver if such request is presented to the  
31 school board by a school advisory council established pursuant

1 to s. 229.58 and if such a waiver is required to implement a  
2 school improvement plan required by s. 230.23(16). The school  
3 board shall report annually to the Commissioner of Florida  
4 ~~Commission on Education Reform and Accountability~~, in  
5 conjunction with the feedback report required pursuant to this  
6 section subsection (3), the number of waivers requested by  
7 school advisory councils, the number of such waiver requests  
8 approved and submitted to the commissioner, and the number of  
9 such waiver requests not approved and not submitted to the  
10 commissioner. For each waiver request not approved, the school  
11 board shall report the statute or rule for which the waiver  
12 was requested, the rationale for the school advisory council  
13 request, and the reason the request was not approved.

14 3. When approved by the commissioner, a waiver  
15 requested under this paragraph is effective for a 5-year  
16 period.

17 (b) Notwithstanding the provisions of chapter 120 and  
18 for the purpose of implementing this subsection, the  
19 commissioner may waive State Board of Education rules if the  
20 school board has submitted a written request to the  
21 commissioner for approval pursuant to this subsection.

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



1 (d) Upon denying a request for a waiver, the  
2 commissioner must state with particularity the grounds or  
3 basis for the denial. The commissioner shall report the  
4 specific statutes and rules for which waivers are requested  
5 and the number and disposition of such requests to the  
6 Legislature and the State Board of Education Florida  
7 ~~Commission on Education Reform and Accountability~~ for use in  
8 determining which statutes and rules stand in the way of  
9 school improvement.

10 (e)1. Schools designated in performance grade category  
11 "A," making excellent progress, shall, if requested by the  
12 school, be given deregulated status as specified in s.  
13 228.0565(5), (7), (8), (9), and (10).

14 2. Schools that have improved at least two performance  
15 grade categories and that meet the criteria of the Florida  
16 School Recognition Program pursuant to s. 231.2905 may be  
17 given deregulated status as specified in s. 228.0565(5), (7),  
18 (8), (9), and (10).

19 Section 10. Section 229.593, Florida Statutes, 1998  
20 Supplement, is repealed.

21 Section 11. Section 229.594, Florida Statutes, is  
22 repealed.

23 Section 12. Subsection (5) of section 229.595, Florida  
24 Statutes, is amended to read:

25 229.595 Implementation of state system of education  
26 accountability for school-to-work transition.--

27 (5) Prior to each student's graduation from high  
28 school, the school shall ~~Any assessment required for student~~  
29 ~~receipt of a high school diploma shall include items designed~~  
30 ~~to assess the student's student~~ preparation to enter the  
31 workforce and provide the student and the student's parent or

1 guardian with the results of such assessment. The Commissioner  
2 of Florida Commission on Education Reform and Accountability  
3 shall identify the employability skills associated with  
4 successful entry into the workforce from which such items  
5 shall be derived.

6 Section 13. Paragraphs (c) and (g) of subsection (5),  
7 paragraph (b) of subsection (7), and subsections (16) and (17)  
8 of section 230.23, Florida Statutes, 1998 Supplement, are  
9 amended, present subsection (18) is amended and renumbered as  
10 subsection (19), and a new subsection (18) is added to that  
11 section, to read:

12 230.23 Powers and duties of school board.--The school  
13 board, acting as a board, shall exercise all powers and  
14 perform all duties listed below:

15 (5) PERSONNEL.--Designate positions to be filled,  
16 prescribe qualifications for those positions, and provide for  
17 the appointment, compensation, promotion, suspension, and  
18 dismissal of employees as follows, subject to the requirements  
19 of chapter 231:

20 (c) Compensation and salary schedules.--Adopt a salary  
21 schedule or salary schedules designed to furnish incentives  
22 for improvement in training and for continued efficient  
23 service to be used as a basis for paying all school employees,  
24 ~~such schedules to be arranged, insofar as practicable, so as~~  
25 ~~to furnish incentive for improvement in training and for~~  
26 ~~continued and efficient service~~ and fix and authorize the  
27 compensation of school employees on the basis thereof ~~of such~~  
28 ~~schedules~~. A district school board, in determining the salary  
29 schedule for instructional personnel, must base a portion of  
30 each employee's compensation on performance demonstrated under  
31 s. 231.29 and must consider the prior teaching experience of a

1 person who has been designated state teacher of the year by  
2 any state in the United States. In developing the salary  
3 schedule, the school board shall seek input from parents,  
4 teachers, and representatives of the business community.

5 (g) Awards and incentives.--Provide for recognition of  
6 district employees, students, school volunteers, and ~~or~~  
7 advisory committee members who have contributed outstanding  
8 and meritorious service in their fields or service areas.  
9 After considering recommendations of the superintendent, the  
10 board shall adopt rules establishing and regulating the  
11 meritorious service awards necessary for the efficient  
12 operation of the program. An award or incentive granted under  
13 this paragraph may not be considered in determining the salary  
14 schedules required by paragraph (c). Monetary awards shall be  
15 limited to persons who propose procedures or ideas ~~which are~~  
16 adopted by the board ~~and~~ which will result in eliminating or  
17 reducing school board expenditures or improving district or  
18 school center operations. Nonmonetary awards shall include,  
19 but are ~~need not be~~ limited to, certificates, plaques, medals,  
20 ribbons, and photographs. The school board may ~~is authorized~~  
21 ~~to~~ expend funds for such recognition and awards. No award  
22 granted under ~~the provisions of~~ this paragraph shall exceed  
23 \$2,000 or 10 percent of the first year's gross savings,  
24 whichever is greater.

25 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
26 AIDS.--Provide adequate instructional aids for all children as  
27 follows and in accordance with the requirements of chapter  
28 233.

29 (b) Textbooks.--Provide for proper requisitioning,  
30 distribution, accounting, storage, care, and use of all  
31 instructional materials ~~textbooks and other books~~ furnished by

1 the state and furnish such other instructional materials  
2 ~~textbooks and library books~~ as may be needed. The school board  
3 is responsible for assuring that instructional materials used  
4 in the district are consistent with the district goals and  
5 objectives and the curriculum frameworks approved by the State  
6 Board of Education, as well as with the state and district  
7 performance standards provided for in ss. 229.565 and  
8 232.2454.

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

19 (a) School improvement plans.--Annually approve and  
20 require implementation of a new, amended, or continuation  
21 school improvement plan for each school in the district. Such  
22 plan shall be designed to achieve the state education goals  
23 and student performance standards pursuant to ss. 229.591(3)  
24 and 229.592. Beginning in 1999-2000, each plan shall also  
25 address issues relative to budget, training, instructional  
26 materials, technology, staffing, student support services, and  
27 other matters of resource allocation, as determined by school  
28 board policy, and shall be based on an analysis of student  
29 achievement and other school performance data.

30 (b) Approval process.--Develop a process for approval  
31 of a school improvement plan presented by an individual school

1 and its advisory council. In the event a board does not  
2 approve a school improvement plan after exhausting this  
3 process, the Department of Education ~~Florida Commission on~~  
4 ~~Education Reform and Accountability~~ shall be notified of the  
5 need for assistance.

6 (c) Assistance and intervention.--Develop a 2-year  
7 ~~3-year~~ plan of increasing individualized assistance and  
8 intervention for each school in danger of ~~that does~~ not  
9 meeting state standards meet or making make adequate progress,  
10 ~~based upon the recommendations of the commission,~~ as defined  
11 pursuant to statute and State Board of Education rule, toward  
12 meeting the goals and standards of its approved school  
13 improvement plan. A school that is identified as being in  
14 performance grade category "D" pursuant to s. 229.57 is in  
15 danger of failing and must be provided assistance and  
16 intervention.

17 (d) After 2 ~~3~~ years.--Notify the Commissioner of  
18 ~~Florida Commission on Education Reform and Accountability~~ and  
19 the State Board of Education in the event any school does not  
20 make adequate progress toward meeting the goals and standards  
21 of a school improvement plan by the end of 2 ~~3~~ consecutive  
22 years of failing to make adequate progress ~~district assistance~~  
23 ~~and intervention~~ and proceed according to guidelines developed  
24 pursuant to statute and State Board of Education rule. School  
25 districts shall provide intervention and assistance to schools  
26 in danger of being designated as performance grade category  
27 "F," failing to make adequate progress.

28 (e) Public disclosure.--Provide information regarding  
29 performance of students and educational programs as required  
30 pursuant to ~~ss. s.~~ 229.555 and 229.57(5) and implement a  
31 system of school reports as required by statute and State

1 Board of Education rule. Annual public disclosure reports  
2 shall be in an easy-to-read report card format, and shall  
3 include the school's student and school performance grade  
4 category designation and performance data as specified in  
5 state board rule.

6 (f) School improvement funds.--Provide funds to  
7 schools for developing and implementing school improvement  
8 plans. Such funds shall include those funds appropriated for  
9 the purpose of school improvement pursuant to s. 24.121(5)(c).

10 (17) LOCAL-LEVEL DECISIONMAKING.--

11 (a) Adopt policies that clearly encourage and enhance  
12 maximum decisionmaking appropriate to the school site. Such  
13 policies must include guidelines for schools in the adoption  
14 and purchase of district and school site instructional  
15 materials and technology, staff training, school advisory  
16 council member training, student support services, budgeting,  
17 and the allocation of staff resources.

18 (b) Adopt waiver process policies to enable all  
19 schools to exercise maximum flexibility and notify advisory  
20 councils of processes to waive school district and state  
21 policies.

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

25 (d) Adopt policies that assist in giving greater  
26 autonomy to schools designated as performance grade category  
27 "A," making excellent progress, and schools rated as having  
28 improved at least two performance grade categories.

29 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies  
30 allowing students attending schools that have been designated  
31 as performance grade category "F," failing to make adequate

1 progress, for two school years to attend a higher performing  
2 school in the district or an adjoining district or be granted  
3 a state opportunity scholarship to a private school, in  
4 conformance with s. 229.0537 and state board rule.

5 (19)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.  
6 120.536(1) and 120.54 to implement ~~the provisions of this~~  
7 section.

8 Section 14. Paragraph (a) of subsection (3) of section  
9 231.29, Florida Statutes, 1998 Supplement, is amended to read:

10 231.29 Assessment procedures and criteria.--

11 (3) The assessment procedure for instructional  
12 personnel shall comply with, but shall not be limited to, the  
13 following requirements:

14 (a) An assessment shall be conducted for each employee  
15 at least once a year. The assessment shall be based upon sound  
16 educational principles and contemporary research in effective  
17 educational practices. Beginning with the full implementation  
18 of an annual assessment of learning gains,the assessment must  
19 primarily use data and indicators of improvement in student  
20 performance assessed annually as specified in s. 229.57 and  
21 may consider results of peer reviews in evaluating the  
22 employee's performance. The assessment criteria must include,  
23 but are not limited to, indicators that relate to the  
24 following:

- 25 1. Ability to maintain appropriate discipline.
- 26 2. Knowledge of subject matter. The district school  
27 board shall make special provisions for evaluating teachers  
28 who are assigned to teach out-of-field.
- 29 3. Ability to plan and deliver instruction.
- 30 4. Ability to evaluate instructional needs.
- 31 5. Ability to communicate with parents.

1           6. Other professional competencies, responsibilities,  
2 and requirements as established by rules of the State Board of  
3 Education and policies of the district school board.

4           Section 15. Subsection (2) of section 231.2905,  
5 Florida Statutes, is amended, and subsection (3) is added to  
6 that section, to read:

7           231.2905 Florida School Recognition Program.--

8           (2) The Florida School Recognition Program is created  
9 to provide greater autonomy and financial awards to faculty  
10 ~~and staff of~~ schools that sustain high performance or that  
11 demonstrate exemplary improvement due to innovation and  
12 effort. The Commissioner of Education shall establish  
13 statewide objective criteria for schools to be invited to  
14 apply for the Florida School Recognition Program. The  
15 selection of schools must be based on at least 2 school years  
16 of data, when available. ~~To participate in the program, a~~  
17 ~~school district must have incorporated a performance incentive~~  
18 ~~program into its employee salary structure.~~All public  
19 schools, including charter schools, are eligible to  
20 participate in the program.

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

24           (a)1. Improvement in the school's student achievement  
25 data.

26           (b)2. Statewide student achievement data.

27           (c) Student learning gains when such data becomes  
28 available.

29           (d)3. Readiness for postsecondary education data.

30           (e)4. Dropout rates.

31           (f)5. Attendance rates.



1           (g) Graduation rates.  
2           (h) Cohort graduation rates.  
3           ~~(b) After a pool of eligible schools has been~~  
4 ~~identified, schools must apply for final recognition and~~  
5 ~~financial awards based on established criteria. Criteria must~~  
6 ~~include, but not be limited to:~~  
7           ~~1. School climate, including rates of school violence~~  
8 ~~and crime.~~  
9           ~~2. Indicators of innovation in teaching and learning.~~  
10           ~~3. Indicators of successful challenging school~~  
11 ~~improvement plans.~~  
12           ~~4. Parent, community, and student involvement in~~  
13 ~~learning.~~  
14           ~~(c) After identification of schools for final~~  
15 ~~recognition and financial awards, awards must be distributed~~  
16 ~~based on employee performance criteria established in district~~  
17 ~~school board policy.~~  
18           (3) The School Recognition Program shall utilize the  
19 school performance grade category designations in s. 229.57.  
20           Section 16. Section 232.245, Florida Statutes, is  
21 amended to read:  
22           232.245 Pupil progression; remedial instruction;  
23 reporting requirements.--  
24           (1) It is the intent of the Legislature that each  
25 student's progression from one grade to another be determined,  
26 in part, upon proficiency in reading, writing, and  
27 mathematics; that school district policies facilitate such  
28 proficiency; and that each student and his or her parent or  
29 legal guardian be informed of that student's academic  
30 progress.  
31

1           (2) Each district school board shall establish a  
2 comprehensive program for pupil progression which must  
3 include:

4           (a) Standards for evaluating each pupil's performance,  
5 including how well he or she masters the performance standards  
6 approved by the state board according to s. 229.565; and

7           (b) Specific levels of performance in reading,  
8 writing, and mathematics for each grade level, including the  
9 levels of performance on statewide assessments ~~at selected~~  
10 ~~grade levels in elementary school, middle school, and high~~  
11 ~~school~~ as defined by the Commissioner of Education, below  
12 which a student must receive remediation, or ~~and may~~ be  
13 retained, or both. No student may be assigned to a grade level  
14 based solely on age or other factors that constitute social  
15 promotion. School boards shall allocate remedial and  
16 supplemental instruction resources first to students who fail  
17 to meet achievement performance levels required for promotion.  
18 The state board shall adopt rules to prescribe limited  
19 circumstances in which a student may be promoted without  
20 meeting the specific assessment performance levels prescribed  
21 by the district's pupil progression plan.

22           (3) Each student must participate in the statewide  
23 assessment tests required by s. 229.57. Each student who does  
24 not meet specific levels of performance as determined by the  
25 district school board in reading, writing, and mathematics for  
26 each grade level, or who does not meet specific levels of  
27 performance, determined by the Commissioner of Education, on  
28 statewide assessments at selected grade levels, must be  
29 provided with additional diagnostic assessments to determine  
30 the nature of the student's difficulty and areas of academic  
31 need. The school in which the student is enrolled must

1 develop, in consultation with the student's parent or legal  
2 guardian, and must implement an academic improvement plan  
3 designed to assist the student in meeting state and district  
4 expectations for proficiency. Each plan must include the  
5 provision of intensive remedial instruction in the areas of  
6 weakness ~~through one or more of the following activities, as~~  
7 ~~considered appropriate by the school administration:~~

8 ~~(a) Summer school coursework;~~

9 ~~(b) Extended-day services;~~

10 ~~(c) Parent tutorial programs;~~

11 ~~(d) Contracted academic services;~~

12 ~~(e) Exceptional education services; or~~

13 ~~(f) Suspension of curriculum other than reading,~~  
14 ~~writing, and mathematics. Remedial instruction provided during~~  
15 ~~high school may not be in lieu of English and mathematics~~  
16 ~~credits required for graduation.~~

17  
18 Upon subsequent evaluation, if the documented deficiency has  
19 not been corrected in accordance with the academic improvement  
20 plan, the student may be retained. Each student who does not  
21 meet the minimum performance expectations defined by the  
22 Commissioner of Education for the statewide assessment tests  
23 in reading, writing, and mathematics must ~~retake the state~~  
24 ~~assessment test in the subject area of deficiency and must~~  
25 continue remedial or supplemental instruction until the  
26 expectations are met or the student graduates from high school  
27 or is not subject to compulsory school attendance.

28 (4) Any student who exhibits substantial deficiency in  
29 reading skills, based on locally determined assessments  
30 conducted before the end of grade 1, grade 2, and grade 3, or  
31 based on teacher recommendation, must be given intensive

1 reading instruction immediately following the identification  
2 of the reading deficiency. The student's reading proficiency  
3 must be reassessed by locally determined assessment or based  
4 on teacher recommendation at the beginning of the grade  
5 following the intensive reading instruction, and the student  
6 must continue to be given intensive reading instruction until  
7 the reading deficiency is remedied. If the student's reading  
8 deficiency, as determined by the locally determined  
9 assessment, is not remedied by the end of grade 4 and 2 or  
10 ~~grade 3, or~~ if the student scores below the specific level of  
11 performance, determined by the local school board, on the  
12 statewide assessment test in reading ~~and writing~~ given in  
13 elementary school, the student must be retained. The local  
14 school board may exempt a student from mandatory retention for  
15 good cause.

16 ~~(5) Beginning with the 1997-1998 school year, any~~  
17 ~~student who exhibits substantial deficiency in reading skills,~~  
18 ~~based on locally determined assessments conducted at the~~  
19 ~~beginning of grade 2, grade 3, and grade 4, or based on~~  
20 ~~teacher recommendation, must be given intensive reading~~  
21 ~~instruction immediately following the identification of the~~  
22 ~~reading deficiency. The student's reading proficiency must be~~  
23 ~~reassessed by locally determined assessment or based on~~  
24 ~~teacher recommendation at the beginning of the grade following~~  
25 ~~the intensive reading instruction, and the student must~~  
26 ~~continue to be given intensive reading instruction until the~~  
27 ~~reading deficiency is remedied. If the student's reading~~  
28 ~~deficiency is not remedied by the end of grade 5, the student~~  
29 ~~may be retained.~~

30 (5)(6) Each district must annually report to the  
31 parent or legal guardian of each student the progress of the

1 student towards achieving state and district expectations for  
2 proficiency in reading, writing, and mathematics. The district  
3 must report to the parent or legal guardian the student's  
4 results on each statewide assessment test. The evaluation of  
5 each student's progress must be based upon the student's  
6 classroom work, observations, tests, district and state  
7 assessments, and other relevant information. Progress  
8 reporting must be provided to the parent or legal guardian in  
9 writing in a format adopted by the district school board.

10 (6)~~(7)~~ The Commissioner of Education shall adopt rules  
11 pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ for the  
12 administration of this section.

13 (7)~~(8)~~ The Department of Education shall provide  
14 technical assistance as needed to aid school districts in  
15 administering this section.

16 Section 17. Subsection (12) of section 228.053,  
17 Florida Statutes, is amended to read:

18 228.053 Developmental research schools.--

19 (12) EXCEPTIONS TO LAW.--To encourage innovative  
20 practices and facilitate the mission of the developmental  
21 research schools, in addition to the exceptions to law  
22 specified in s. 229.592~~(6)~~, the following exceptions shall be  
23 permitted for developmental research schools:

24 (a) The methods and requirements of the following  
25 statutes shall be held in abeyance: ss. 230.01; 230.02;  
26 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;  
27 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
28 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;  
29 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;  
30 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;  
31 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;

1 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;  
2 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;  
3 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;  
4 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;  
5 and 316.75. With the exception of subsection (16) of s.  
6 230.23, s. 230.23 shall be held in abeyance. Reference to  
7 school boards in s. 230.23(16) shall mean the president of the  
8 university or the president's designee.

9 (b) The following statutes or related rules may be  
10 waived for any developmental research school so requesting,  
11 provided the general statutory purpose of each section is met  
12 and the developmental research school has submitted a written  
13 request to the Joint Developmental Research School Planning,  
14 Articulation, and Evaluation Committee for approval pursuant  
15 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;  
16 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;  
17 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;  
18 237.171; 237.181; 237.211; and 237.34. Notwithstanding  
19 reference to the responsibilities of the superintendent or  
20 school board in chapter 237, developmental research schools  
21 shall follow the policy intent of the chapter and shall, at  
22 least, adhere to the general state agency accounting  
23 procedures established in s. 11.46.

24 1. Two or more developmental research schools may  
25 jointly originate a request for waiver and submit the request  
26 to the committee if such waiver is approved by the school  
27 advisory council of each developmental research school  
28 desiring the waiver.

29 2. A developmental research school may submit a  
30 request to the committee for a waiver if such request is  
31 presented by a school advisory council established pursuant to

1 s. 229.58, if such waiver is required to implement a school  
2 improvement plan required by s. 230.23(16), and if such  
3 request is made using forms established pursuant to s.  
4 229.592(6). The Joint Developmental Research School Planning,  
5 Articulation, and Evaluation Committee shall monitor the  
6 waiver activities of all developmental research schools and  
7 shall report annually to the department ~~and the Florida~~  
8 ~~Commission on Education Reform and Accountability~~, in  
9 conjunction with the feedback report required pursuant to s.  
10 229.592(3), the number of waivers requested and submitted to  
11 the committee by developmental research schools, and the  
12 number of such waiver requests not approved. For each waiver  
13 request not approved, the committee shall report the statute  
14 or rule for which the waiver was requested, the rationale for  
15 the developmental research school request, and the reason the  
16 request was not approved.

17 (c) The written request for waiver of statute or rule  
18 shall indicate at least how the general statutory purpose will  
19 be met, how granting the waiver will assist schools in  
20 improving student outcomes related to the student performance  
21 standards adopted pursuant to s. 229.592(5), and how student  
22 improvement will be evaluated and reported. In considering any  
23 waiver, the committee shall ensure protection of the health,  
24 safety, welfare, and civil rights of the students and  
25 protection of the public interest.

26 (d) ~~The procedure established in s. 229.592(6)(f)~~  
27 ~~shall be followed for any request for a waiver which is not~~  
28 ~~denied, or for which a request for additional information is~~  
29 ~~not issued.~~ Notwithstanding the request provisions of s.  
30 229.592(6), developmental research schools shall request all  
31 waivers through the Joint Developmental Research School

1 Planning, Articulation, and Evaluation Committee, as  
2 established in s. 228.054. The committee shall approve or  
3 disapprove said requests pursuant to this subsection and s.  
4 229.592(6); however, the Commissioner of Education shall have  
5 standing to challenge any decision of the committee should it  
6 adversely affect the health, safety, welfare, or civil rights  
7 of the students or public interest. The department shall  
8 immediately notify the committee and developmental research  
9 school of the decision and provide a rationale therefor.

10 Section 18. Paragraph (e) of subsection (2) of section  
11 228.054, Florida Statutes, is amended to read:

12 228.054 Joint Developmental Research School Planning,  
13 Articulation, and Evaluation Committee.--

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

16 (e) Provide assistance to schools in the waiver  
17 process established under s. 228.053(12), review and approve  
18 or disapprove waivers requested pursuant to ss. 228.053(12)  
19 and 229.592(6), and annually review, identify, and report to  
20 the Legislature additional barriers and statutes that hinder  
21 the implementation of s. 228.053.

22 Section 19. Subsection (3) of section 233.17, Florida  
23 Statutes, is amended to read:

24 233.17 Term of adoption for instructional materials.--

25 (3) The department shall publish annually an official  
26 schedule of subject areas to be called for adoption for each  
27 of the succeeding 2 years, and a tentative schedule for years  
28 3, 4, 5, and 6. If extenuating circumstances warrant, the  
29 Commissioner of Education may order the department to add one  
30 or more subject areas to the official schedule, in which event  
31 the commissioner shall develop criteria for such additional



1 subject area or areas pursuant to s. 229.512~~(15)~~(18) and make  
2 them available to publishers as soon as practicable.  
3 Notwithstanding the provisions of s. 229.512~~(15)~~(18), the  
4 criteria for such additional subject area or areas may be  
5 provided to publishers less than 24 months before the date on  
6 which bids are due. The schedule shall be developed so as to  
7 promote balance among the subject areas so that the required  
8 expenditure for new instructional materials is approximately  
9 the same each year in order to maintain curricular  
10 consistency.

11 Section 20. Subsection (6) of section 236.685, Florida  
12 Statutes, is amended to read:

13 236.685 Educational funding accountability.--

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

22 (a) Total revenue must be reported at the school,  
23 district, and state levels. The revenue sources that must be  
24 addressed are state and local funds, other than lottery funds;  
25 lottery funds; federal funds; and private donations.

26 (b) Expenditures must be reported as the total  
27 expenditures per unweighted full-time equivalent student at  
28 the school level and the average expenditures per full-time  
29 equivalent student at the district and state levels in each of  
30 the following categories and subcategories:

31

- 1           1. Teachers, excluding substitute teachers, and  
2 teacher aides who provide direct classroom instruction to  
3 students enrolled in programs classified by s. 236.081 as:  
4           a. Basic programs;  
5           b. Students-at-risk programs;  
6           c. Special programs for exceptional students;  
7           d. Career education programs; and  
8           e. Adult programs.  
9           2. Substitute teachers.  
10          3. Other instructional personnel, including  
11 school-based instructional specialists and their assistants.  
12          4. Contracted instructional services, including  
13 training for instructional staff and other contracted  
14 instructional services.  
15          5. School administration, including school-based  
16 administrative personnel and school-based education support  
17 personnel.  
18          6. The following materials, supplies, and operating  
19 capital outlay:  
20           a. Textbooks;  
21           b. Computer hardware and software;  
22           c. Other instructional materials;  
23           d. Other materials and supplies; and  
24           e. Library media materials.  
25          7. Food services.  
26          8. Other support services.  
27          9. Operation and maintenance of the school plant.  
28          (c) The school financial report must also identify the  
29 types of district-level expenditures that support the school's  
30 operations. The total amount of these district-level  
31

1 expenditures must be reported and expressed as total  
2 expenditures per full-time equivalent student.

3

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

6 Section 21. Subsection (6) of section 20.15, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 20.15 Department of Education.--There is created a  
9 Department of Education.

10 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
11 contained in law to the contrary, the Commissioner of  
12 Education shall appoint all members of all councils and  
13 committees of the Department of Education, except the Board of  
14 Regents, the State Board of Community Colleges, the community  
15 college district boards of trustees, the Postsecondary  
16 Education Planning Commission, the Education Practices  
17 Commission, the Education Standards Commission, the State  
18 Board of Independent Colleges and Universities, ~~the Florida~~  
19 ~~Commission on Education Reform and Accountability,~~and the  
20 State Board of Nonpublic Career Education.

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

23 236.08104 Supplemental academic instruction;  
24 category fund.--

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

29 (2) The Legislature finds that when appropriate types  
30 of supplemental instruction are provided at appropriate times,  
31 students who might otherwise fall behind can acquire the

1 skills and knowledge needed to be promoted to the next grade  
2 level and to receive a high school diploma. Failure to  
3 provide a student with needed supplemental instruction at the  
4 appropriate time can result in nonpromotion or dropping out of  
5 school. The Legislature further finds that for schools and  
6 classrooms to provide flexible supplemental instruction to  
7 meet the needs of students, they must have resources which can  
8 be used with equal flexibility.

9       (3) It is the intent of the Legislature that all  
10 students gain at least a year's worth of knowledge for each  
11 year in school and that no student be left behind by his or  
12 her peers. In order for some students to achieve this goal  
13 they may need supplemental instruction. All students will not  
14 need the same kind or the same amount. Some may need  
15 supplemental instruction during the school day using  
16 specialized skills development curriculum, others may need  
17 tutoring after school or at home, some may benefit from  
18 Saturday morning sessions, some may need specialized or  
19 intensive help during the summer, and others may need modified  
20 curriculum. It is the intent of the Legislature that  
21 supplemental instruction be provided throughout the year at  
22 the time it can be most effective and that it not be limited  
23 to summer school. It is also the intent of the Legislature  
24 that funds be allocated specifically to provide supplemental  
25 academic instruction and that schools and classrooms have  
26 ample flexibility to use these funds to meet student needs.

27       (4) Categorical funds for supplemental academic  
28 instruction shall be allocated annually to each school  
29 district in the amount provided in the General Appropriations  
30 Act. These funds shall be in addition to the funds  
31 appropriated on the basis of full-time equivalent student

1 (FTE) membership in the Florida Education Finance Program and  
2 shall be included in the total potential funds of each  
3 district. These funds shall be used only to provide  
4 supplemental academic instruction to students enrolled in the  
5 K-12 program. Supplemental instruction may be provided to a  
6 student in any manner and at any time during or beyond the  
7 regular 180-day term identified by the school as being the  
8 most effective and efficient way to best help that student  
9 progress from grade to grade and to graduate.

10 (5) Effective with the 1999-2000 fiscal year, funding  
11 on the basis of FTE membership beyond the 180-day regular term  
12 shall be provided in the FEFP only for students enrolled  
13 pursuant to s. 236.013(2)(c)2.a. Funding for instruction  
14 beyond the regular 180-day school year for all other K-12  
15 students shall be provided through the supplemental academic  
16 instruction categorical fund and other state, federal, and  
17 local fund sources with ample flexibility for schools to  
18 provide supplemental instruction to enable students to gain a  
19 year's worth knowledge for each year in school, not fall  
20 behind, to progress from grade to grade, and to receive a high  
21 school diploma.

22 Section 23. Effective July 1, 1999, paragraph (c) of  
23 subsection (2) of section 236.013, Florida Statutes, is  
24 amended to read:

25 236.013 Definitions.--Notwithstanding the provisions  
26 of s. 228.041, the following terms are defined as follows for  
27 the purposes of this act:

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

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

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

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

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

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

24           ~~(III) A half-day kindergarten student in a combination~~  
25 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~  
26 ~~full-time equivalent membership in each special program equal~~  
27 ~~to the number of net hours or major portion thereof per school~~  
28 ~~year for which he or she is a member divided by the number of~~  
29 ~~hours set forth in sub-sub-subparagraph (II); the difference~~  
30 ~~between that fraction and the number of hours set forth in~~  
31 ~~sub-sub-subparagraph (II) for each full-time student in~~

1 ~~membership in a half-day kindergarten program is presumed to~~  
2 ~~be the balance of the student's time not spent in such special~~  
3 ~~education programs and shall be recorded as time in the~~  
4 ~~appropriate basic program.~~

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

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

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

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

28 2. A student in membership in a program scheduled for  
29 more or less than 180 school days is a fraction of a full-time  
30 equivalent membership equal to the number of instructional  
31 hours in membership divided by the appropriate number of hours

1 set forth in subparagraph (a)1.; however, for the purposes of  
2 this subparagraph, membership in programs scheduled for more  
3 than 180 days is limited to:

4 a. Support level ~~Special~~ programs for exceptional  
5 students;

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

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

8 ~~b.d. Dropout prevention programs as defined in s.~~  
9 ~~230.2316 for students in residential programs operated by the~~  
10 ~~Department of Children and Family Services; Residential~~  
11 ~~programs operated by the Department of Juvenile Justice as~~  
12 ~~defined in s. 230.23161 in which students receive educational~~  
13 ~~services; or teenage parent programs as defined in s.~~  
14 ~~230.23166 for students who are in need of such additional~~  
15 ~~instruction;~~

16 ~~c.e. Dropout prevention programs as defined in s.~~  
17 ~~230.2316 in which students are placed for academic or~~  
18 ~~disciplinary purposes or Programs in English for speakers of~~  
19 ~~other languages as defined in s. 233.058 for students who were~~  
20 ~~in membership for all of the last 15 days of the 180-day term~~  
21 ~~or a total of 30 days within the 180-day term and are in need~~  
22 ~~of such additional instruction;~~

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

25 ~~g. Programs which modify the school year to~~  
26 ~~accommodate the needs of children who have moved with their~~  
27 ~~parents for the purpose of engaging in the farm labor or fish~~  
28 ~~industries, provided such programs are approved by the~~  
29 ~~commissioner.~~

30  
31



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

7 Section 24. Subsection (7) of section 239.101, Florida  
8 Statutes, is amended to read:

9 239.101 Legislative intent.--

10 (7) The Legislature finds that career education is a  
11 crucial component of the educational programs conducted within  
12 school districts and community colleges. Accordingly, career  
13 education must be represented in accountability processes  
14 undertaken for educational institutions. It is the intent of  
15 the Legislature that the vocational standards articulated in  
16 s. 239.229(2) be considered in the development of  
17 accountability measures for public schools pursuant to ss.  
18 229.591, 229.592, ~~229.593~~, ~~229.594~~, and 230.23(16) and for  
19 community colleges pursuant to s. 240.324.

20 Section 25. Subsection (1) of section 239.229, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22 239.229 Vocational standards.--

23 (1) The purpose of career education is to enable  
24 students who complete vocational programs to attain and  
25 sustain employment and realize economic self-sufficiency. The  
26 purpose of this section is to identify issues related to  
27 career education for which school boards and community college  
28 boards of trustees are accountable. It is the intent of the  
29 Legislature that the standards articulated in subsection (2)  
30 be considered in the development of accountability standards  
31 for public schools pursuant to ss. 229.591, 229.592, ~~229.593~~,

1 ~~229.594~~, and 230.23(16) and for community colleges pursuant to  
2 s. 240.324.

3 Section 26. Subsection (1) of section 240.529, Florida  
4 Statutes, is amended to read:

5 240.529 Public accountability and state approval for  
6 teacher preparation programs.--

7 (1) INTENT.--The Legislature recognizes that skilled  
8 teachers make the most important contribution to a quality  
9 educational system and that competent teachers are produced by  
10 effective and accountable teacher preparation programs. The  
11 intent of the Legislature is to establish a system for  
12 development and approval of teacher preparation programs that  
13 will free postsecondary teacher preparation institutions to  
14 employ varied and innovative teacher preparation techniques  
15 while being held accountable for producing teachers with the  
16 competencies and skills for achieving the state education  
17 goals and sustaining the state system of school improvement  
18 and education accountability established pursuant to ss.  
19 229.591 ~~and 229.592, and 229.593~~.

20 Section 27. For the purpose of incorporating the  
21 amendments made by this act to section 230.23, Florida  
22 Statutes, in references thereto, paragraphs (b), (c), and (d)  
23 of subsection (5) of section 24.121, Florida Statutes, 1998  
24 Supplement, are reenacted to read:

25 24.121 Allocation of revenues and expenditure of funds  
26 for public education.--

27 (5)

28 (b) Except as provided in paragraphs (c), (d), and  
29 (e), the Legislature shall equitably apportion moneys in the  
30 trust fund among public schools, community colleges, and  
31 universities.

1 (c) A portion of such net revenues, as determined  
2 annually by the Legislature, shall be distributed to each  
3 school district and shall be made available to each public  
4 school in the district for enhancing school performance  
5 through development and implementation of a school improvement  
6 plan pursuant to s. 230.23(16). A portion of these moneys, as  
7 determined annually in the General Appropriations Act, must be  
8 allocated to each school in an equal amount for each student  
9 enrolled. These moneys may be expended only on programs or  
10 projects selected by the school advisory council or by a  
11 parent advisory committee created pursuant to this paragraph.  
12 If a school does not have a school advisory council, the  
13 district advisory council must appoint a parent advisory  
14 committee composed of parents of students enrolled in that  
15 school, which committee is representative of the ethnic,  
16 racial, and economic community served by the school, to advise  
17 the school's principal on the programs or projects to be  
18 funded. A principal may not override the recommendations of  
19 the school advisory council or the parent advisory committee.  
20 These moneys may not be used for capital improvements, nor may  
21 they be used for any project or program that has a duration of  
22 more than 1 year; however, a school advisory council or parent  
23 advisory committee may independently determine that a program  
24 or project formerly funded under this paragraph should receive  
25 funds in a subsequent year.

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

1           Section 28. For the purpose of incorporating the  
2 amendments made by this act to sections 229.57 and 232.245,  
3 Florida Statutes, in references thereto, paragraph (b) of  
4 subsection (1) of section 120.81, Florida Statutes, is  
5 reenacted to read:

6           120.81 Exceptions and special requirements; general  
7 areas.--

8           (1) EDUCATIONAL UNITS.--

9           (b) Notwithstanding s. 120.52(15), any tests, test  
10 scoring criteria, or testing procedures relating to student  
11 assessment which are developed or administered by the  
12 Department of Education pursuant to s. 229.57, s. 232.245, s.  
13 232.246, or s. 232.247, or any other statewide educational  
14 tests required by law, are not rules.

15           Section 29. For the purpose of incorporating the  
16 amendments made by this act to section 230.23, Florida  
17 Statutes, in references thereto, subsections (3) and (8) of  
18 section 228.053, Florida Statutes, are reenacted to read:

19           228.053 Developmental research schools.--

20           (3) MISSION.--The mission of a developmental research  
21 school shall be the provision of a vehicle for the conduct of  
22 research, demonstration, and evaluation regarding management,  
23 teaching, and learning. Programs to achieve the mission of a  
24 developmental research school shall embody the goals and  
25 standards of "Blueprint 2000" established pursuant to ss.  
26 229.591 and 229.592 and shall ensure an appropriate education  
27 for its students.

28           (a) Each developmental research school shall emphasize  
29 mathematics, science, computer science, and foreign languages.  
30 The primary goal of a developmental research school is to  
31 enhance instruction and research in such specialized subjects

1 by using the resources available on a state university campus,  
2 while also providing an education in nonspecialized subjects.  
3 Each developmental research school shall provide sequential  
4 elementary and secondary instruction where appropriate. A  
5 developmental research school may not provide instruction at  
6 grade levels higher than grade 12 without authorization from  
7 the State Board of Education. Each developmental research  
8 school shall develop and implement a school improvement plan  
9 pursuant to s. 230.23(16).

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

13 (c) Research, demonstration, and evaluation conducted  
14 at a developmental research school may be generated by the  
15 Education Standards Commission. Such research shall respond to  
16 the needs of the education community at large, rather than the  
17 specific needs of the affiliated college.

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

22 (e) The exceptional education programs offered at a  
23 developmental research school shall be determined by the  
24 research and evaluation goals and the availability of students  
25 for efficiently sized programs. The fact that a developmental  
26 research school offers an exceptional education program in no  
27 way lessens the general responsibility of the local school  
28 district to provide exceptional education programs.

29 (8) ADVISORY BOARDS.--"Blueprint 2000" provisions and  
30 intent specify that each public school in the state shall  
31 establish a school advisory council that is reflective of the

1 population served by the school, pursuant to s. 229.58, and is  
2 responsible for the development and implementation of the  
3 school improvement plan pursuant to s. 230.23(16).

4 Developmental research schools shall comply with the  
5 provisions of s. 229.58 in one of two ways:

6 (a) Two advisory bodies.--Each developmental research  
7 school may:

8 1. Establish an advisory body pursuant to the  
9 provisions and requirements of s. 229.58 to be responsible for  
10 the development and implementation of the school improvement  
11 plan, pursuant to s. 230.23(16).

12 2. Establish an advisory board to provide general  
13 oversight and guidance. The dean of the affiliated college of  
14 education shall be a standing member of the board, and the  
15 president of the university shall appoint three faculty  
16 members from the college of education, one layperson who  
17 resides in the county in which the school is located, and two  
18 parents or legal guardians of students who attend the  
19 developmental research school to serve on the advisory board.  
20 The term of each member shall be for 2 years, and any vacancy  
21 shall be filled with a person of the same classification as  
22 his or her predecessor for the balance of the unexpired term.  
23 The president shall stagger the terms of the initial  
24 appointees in a manner that results in the expiration of terms  
25 of no more than two members in any year. The president shall  
26 call the organizational meeting of the board. The board shall  
27 annually elect a chair and a vice chair. There shall be no  
28 limitation on successive appointments to the board or  
29 successive terms that may be served by a chair or vice chair.  
30 The board shall adopt internal organizational procedures or  
31 bylaws necessary for efficient operation as provided in

1 chapter 120. Board members shall not receive per diem or  
2 travel expenses for the performance of their duties. The  
3 board shall:  
4       a. Meet at least quarterly.  
5       b. Monitor the operations of the school and the  
6 distribution of moneys allocated for such operations.  
7       c. Establish necessary policy, program, and  
8 administration modifications.  
9       d. Evaluate biennially the performance of the director  
10 and principal and recommend corresponding action to the dean  
11 of the college of education.  
12       e. Annually review evaluations of the school's  
13 operation and research findings.  
14       (b) One advisory body.--Each developmental research  
15 school may establish an advisory body responsible for the  
16 development and implementation of the school improvement plan,  
17 pursuant to s. 230.23(16), in addition to general oversight  
18 and guidance responsibilities. The advisory body shall reflect  
19 the membership composition requirements established in s.  
20 229.58, but may also include membership by the dean of the  
21 college of education and additional members appointed by the  
22 president of the university that represent faculty members  
23 from the college of education, the university, or other bodies  
24 deemed appropriate for the mission of the school.  
25       Section 30. For the purpose of incorporating the  
26 amendments made by this act to sections 229.57 and 229.591,  
27 Florida Statutes, in references thereto, paragraphs (e) and  
28 (f) of subsection (9) of section 228.056, Florida Statutes,  
29 1998 Supplement, are reenacted to read:  
30       228.056 Charter schools.--  
31

1           (9) CHARTER.--The major issues involving the operation  
2 of a charter school shall be considered in advance and written  
3 into the charter. The charter shall be signed by the governing  
4 body of the charter school and the sponsor, following a public  
5 hearing to ensure community input.

6           (e) A sponsor shall ensure that the charter is  
7 innovative and consistent with the state education goals  
8 established by s. 229.591.

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

22           Section 31. For the purpose of incorporating the  
23 amendments made by this act to sections 229.57 and 229.591,  
24 Florida Statutes, in references thereto, paragraphs (b), (c),  
25 and (d) of subsection (6) of section 228.0565, Florida  
26 Statutes, 1998 Supplement, are reenacted to read:

27           228.0565 Deregulated public schools.--

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

31



1           (b) The school shall make annual progress reports to  
2 the district, which upon verification shall be forwarded to  
3 the Commissioner of Education at the same time as other annual  
4 school accountability reports. The report shall contain at  
5 least the following information:

6           1. The school's progress towards achieving the goals  
7 outlined in its proposal.

8           2. The information required in the annual school  
9 report pursuant to s. 229.592.

10          3. Financial records of the school, including revenues  
11 and expenditures.

12          4. Salary and benefit levels of school employees.

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

16           (d) Upon receipt of the annual report required by  
17 paragraph (b), the Department of Education shall provide to  
18 the State Board of Education, the Commissioner of Education,  
19 the President of the Senate, and the Speaker of the House of  
20 Representatives with a copy of each report and an analysis and  
21 comparison of the overall performance of students, to include  
22 all students in deregulated public schools whose scores are  
23 counted as part of the norm-referenced assessment tests,  
24 versus comparable public school students in the district as  
25 determined by norm-referenced assessment tests currently  
26 administered in the school district, and, as appropriate, the  
27 Florida Writes Assessment Test, the High School Competency  
28 Test, and other assessments administered pursuant to s.  
29 229.57(3).

30           Section 32. For the purpose of incorporating the  
31 amendments made by this act to section 229.57, Florida

1 Statutes, in references thereto, subsection (1) of section  
2 228.301, Florida Statutes, is reenacted to read:  
3       228.301 Test security.--  
4       (1) It is unlawful for anyone knowingly and willfully  
5 to violate test security rules adopted by the State Board of  
6 Education or the Commissioner of Education for mandatory tests  
7 administered by or through the State Board of Education or the  
8 Commissioner of Education to students, educators, or  
9 applicants for certification or administered by school  
10 districts pursuant to s. 229.57, or, with respect to any such  
11 test, knowingly and willfully to:  
12       (a) Give examinees access to test questions prior to  
13 testing;  
14       (b) Copy, reproduce, or use in any manner inconsistent  
15 with test security rules all or any portion of any secure test  
16 booklet;  
17       (c) Coach examinees during testing or alter or  
18 interfere with examinees' responses in any way;  
19       (d) Make answer keys available to examinees;  
20       (e) Fail to follow security rules for distribution and  
21 return of secure test as directed, or fail to account for all  
22 secure test materials before, during, and after testing;  
23       (f) Fail to follow test administration directions  
24 specified in the test administration manuals; or  
25       (g) Participate in, direct, aid, counsel, assist in,  
26 or encourage any of the acts prohibited in this section.  
27       Section 33. For the purpose of incorporating the  
28 amendments made by this act to sections 229.555, 229.565, and  
29 229.57, Florida Statutes, in references thereto, subsections  
30 (1) and (3) of section 229.551, Florida Statutes, 1998  
31 Supplement, are reenacted to read:

1           229.551 Educational management.--

2           (1) The department is directed to identify all  
3 functions which under the provisions of this act contribute  
4 to, or comprise a part of, the state system of educational  
5 accountability and to establish within the department the  
6 necessary organizational structure, policies, and procedures  
7 for effectively coordinating such functions. Such policies  
8 and procedures shall clearly fix and delineate  
9 responsibilities for various aspects of the system and for  
10 overall coordination of the total system. The commissioner  
11 shall perform the following duties and functions:

12           (a) Coordination of department plans for meeting  
13 educational needs and for improving the quality of education  
14 provided by the state system of public education;

15           (b) Coordination of management information system  
16 development for all levels of education and for all divisions  
17 of the department, to include the development and utilization  
18 of cooperative education computing networks for the state  
19 system of public education;

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

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

25           (e) Coordination of all cost accounting and cost  
26 reporting activities for all levels of education, including  
27 public schools, vocational programs, community colleges, and  
28 institutions in the State University System;

29           (f) Development and coordination of a common course  
30 designation and numbering system for postsecondary education  
31 in school districts, community colleges, participating

1 nonpublic postsecondary education institutions, and the State  
2 University System which will improve program planning,  
3 increase communication among all postsecondary delivery  
4 systems, and facilitate the transfer of students. The system  
5 shall not encourage or require course content prescription or  
6 standardization or uniform course testing, and the continuing  
7 maintenance of the system shall be accomplished by appropriate  
8 faculty committees representing public and participating  
9 nonpublic institutions. The Articulation Coordinating  
10 Committee, whose membership represents public and nonpublic  
11 postsecondary institutions, shall:

12       1. Identify the highest demand degree programs within  
13 the State University System.

14       2. Conduct a study of courses offered by universities  
15 and accepted for credit toward a degree. The study shall  
16 identify courses designated as either general education or  
17 required as a prerequisite for a degree. The study shall also  
18 identify these courses as upper-division level or  
19 lower-division level.

20       3. Appoint faculty committees representing both  
21 community college and university faculties to recommend a  
22 single level for each course included in the common course  
23 numbering and designation system. Any course designated as an  
24 upper-division level course must be characterized by a need  
25 for advanced academic preparation and skills that a student  
26 would be unlikely to achieve without significant prior  
27 coursework. A course that is offered as part of an associate  
28 in science degree program and as an upper-division course for  
29 a baccalaureate degree shall be designated for both the lower  
30 and upper division. Of the courses required for each  
31 baccalaureate degree, at least half of the credit hours

1 required for the degree shall be achievable through courses  
2 designated as lower-division courses, except in degree  
3 programs approved by the Board of Regents pursuant to s.  
4 240.209(5)(e). A course designated as lower-division may be  
5 offered by any community college. The Articulation  
6 Coordinating Committee shall recommend to the State Board of  
7 Education the levels for the courses. The common course  
8 numbering and designation system shall include the courses at  
9 the recommended levels, and, by fall semester of 1996, the  
10 registration process at each state university and community  
11 college shall include the courses at their designated levels  
12 and common course numbers.

13           4. Appoint faculty committees representing both  
14 community college and university faculties to recommend those  
15 courses identified to meet general education requirements  
16 within the subject areas of communication, mathematics, social  
17 sciences, humanities, and natural sciences. The Articulation  
18 Coordinating Committee shall recommend to the State Board of  
19 Education those courses identified to meet these general  
20 education requirements by their common course code number. All  
21 community colleges and state universities shall accept these  
22 general education courses.

23           5. Appoint faculty committees representing both  
24 community colleges and universities to recommend common  
25 prerequisite courses and identify course substitutions when  
26 common prerequisites cannot be established for degree programs  
27 across all institutions. Faculty work groups shall adopt a  
28 strategy for addressing significant differences in  
29 prerequisites, including course substitutions. The Board of  
30 Regents shall be notified by the Articulation Coordinating  
31 Committee when significant differences remain. Common degree

1 program prerequisites shall be offered and accepted by all  
2 state universities and community colleges, except in cases  
3 approved by the Board of Regents pursuant to s. 240.209(5)(f).  
4 The Board of Regents shall work with the State Board of  
5 Community Colleges on the development of a centralized  
6 database containing the list of courses and course  
7 substitutions that meet the prerequisite requirements for each  
8 baccalaureate degree program;

9 (g) Expansion and ongoing maintenance of the common  
10 course designation and numbering system to include the  
11 numbering and designation of postsecondary vocational courses  
12 and facilitate the transfer of credits between public schools,  
13 community colleges, and state universities. The Articulation  
14 Coordinating Committee shall:

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

29 2. Identify postsecondary vocational programs offered  
30 by community colleges and public school districts. The list  
31 shall also identify vocational courses designated as college

1 credit courses applicable toward a vocational diploma or  
2 degree. Such courses must be identified within the common  
3 course numbering and designation system.

4 3. Appoint faculty committees representing both  
5 community college and public school faculties to recommend a  
6 standard program length and appropriate occupational  
7 completion points for each postsecondary vocational  
8 certificate program, diploma, and degree; and

9 (h) Development of common definitions necessary for  
10 managing a uniform coordinated system of career education for  
11 all levels of the state system of public education.

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

14 (a) Develop minimum performance standards for various  
15 grades and subject areas, as required in ss. 229.565 and  
16 229.57.

17 (b) Administer the statewide assessment testing  
18 program created by s. 229.57.

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

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

25 (e) Conduct the program evaluations required by s.  
26 229.565.

27 (f) Maintain a listing of college-level communication  
28 and computation skills defined by the Articulation  
29 Coordinating Committee as being associated with successful  
30 student performance through the baccalaureate level and submit  
31 the same to the State Board of Education for approval.

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

5 (h) Maintain for the information of the State Board of  
6 Education and the Legislature a file of data compiled by the  
7 Articulation Coordinating Committee to reflect achievement of  
8 college-level communication and computation competencies by  
9 students in state universities and community colleges.

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

23 (j) Perform any other functions that may be involved  
24 in educational planning, research, and evaluation or that may  
25 be required by the commissioner, the State Board of Education,  
26 or law.

27 Section 34. For the purpose of incorporating the  
28 amendments made by this act to section 230.23, Florida  
29 Statutes, in references thereto, subsection (4) of section  
30 230.03, Florida Statutes, is reenacted to read:

31



1           230.03 Management, control, operation, administration,  
2 and supervision.--The district school system must be managed,  
3 controlled, operated, administered, and supervised as follows:

4           (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
5 the administration of any school or schools at a given school  
6 center, for the supervision of instruction therein, and for  
7 providing leadership in the development or revision and  
8 implementation of a school improvement plan required pursuant  
9 to s. 230.23(16) shall be delegated to the principal or head  
10 of the school or schools as hereinafter set forth and in  
11 accordance with rules established by the school board.

12           Section 35. For the purpose of incorporating the  
13 amendments made by this act to section 230.23, Florida  
14 Statutes, in references thereto, paragraph (b) of subsection  
15 (4) of section 230.2316, Florida Statutes, 1998 Supplement, is  
16 reenacted to read:

17           230.2316 Dropout prevention.--

18           (4) PROGRAM IMPLEMENTATION.--

19           (b) Each school that establishes or continues a  
20 dropout prevention program at that school site shall reflect  
21 that program in the school improvement plan as required under  
22 s. 230.23(16).

23           Section 36. For the purpose of incorporating the  
24 amendments made by this act to section 230.23, Florida  
25 Statutes, in references thereto, section 231.085, Florida  
26 Statutes, is reenacted to read:

27           231.085 Duties of principals.--A district school board  
28 shall employ, through written contract, public school  
29 principals who shall supervise the operation and management of  
30 the schools and property as the board determines necessary.  
31 Each principal shall perform such duties as may be assigned by

1 the superintendent pursuant to the rules of the school board.  
2 Such rules shall include, but not be limited to, rules  
3 relating to administrative responsibility, instructional  
4 leadership of the educational program of the school to which  
5 the principal is assigned, submission of personnel  
6 recommendations to the superintendent, administrative  
7 responsibility for records and reports, administration of  
8 corporal punishment, and student suspension. Each principal  
9 shall provide leadership in the development or revision and  
10 implementation of a school improvement plan pursuant to s.  
11 230.23(16).

12 Section 37. For the purpose of incorporating the  
13 amendments made by this act to sections 229.591 and 229.592,  
14 Florida Statutes, in references thereto, paragraph (a) of  
15 subsection (3) of section 231.24, Florida Statutes, 1998  
16 Supplement, is reenacted to read:

17 231.24 Process for renewal of professional  
18 certificates.--

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

21 (a) The applicant must earn a minimum of 6 college  
22 credits or 120 inservice points or a combination thereof. For  
23 each area of specialization to be retained on a certificate,  
24 the applicant must earn at least 3 of the required credit  
25 hours or equivalent inservice points in the specialization  
26 area. Education in "clinical educator" training pursuant to s.  
27 240.529(5)(b) and credits or points that provide training in  
28 the area of exceptional student education, normal child  
29 development, and the disorders of development may be applied  
30 toward any specialization area. Credits or points that provide  
31 training in the areas of drug abuse, child abuse and neglect,

1 strategies in teaching students having limited proficiency in  
2 English, or dropout prevention, or training in areas  
3 identified in the educational goals and performance standards  
4 adopted pursuant to ss. 229.591(3) and 229.592 may be applied  
5 toward any specialization area. Credits or points earned  
6 through approved summer institutes may be applied toward the  
7 fulfillment of these requirements. Inservice points may also  
8 be earned by participation in professional growth components  
9 approved by the State Board of Education and specified  
10 pursuant to s. 236.0811 in the district's approved master plan  
11 for inservice educational training, including, but not limited  
12 to, serving as a trainer in an approved teacher training  
13 activity, serving on an instructional materials committee or a  
14 state board or commission that deals with educational issues,  
15 or serving on an advisory council created pursuant to s.  
16 229.58.

17 Section 38. For the purpose of incorporating the  
18 amendments made by this act to section 231.29, Florida  
19 Statutes, in references thereto, paragraphs (e) and (f) of  
20 subsection (3) of section 231.36, Florida Statutes, are  
21 reenacted to read:

22 231.36 Contracts with instructional staff,  
23 supervisors, and principals.--

24 (3)

25 (e) A professional service contract shall be renewed  
26 each year unless the superintendent, after receiving the  
27 recommendations required by s. 231.29, charges the employee  
28 with unsatisfactory performance and notifies the employee of  
29 performance deficiencies as required by s. 231.29. An employee  
30 who holds a professional service contract on July 1, 1997, is  
31 subject to the procedures set forth in paragraph (f) during

1 the term of the existing professional service contract. The  
2 employee is subject to the procedures set forth in s.  
3 231.29(3)(d) upon the next renewal of the professional service  
4 contract; however, if the employee is notified of performance  
5 deficiencies before the next contract renewal date, the  
6 procedures of s. 231.29(3)(d) do not apply until the  
7 procedures set forth in paragraph (f) have been exhausted and  
8 the professional service contract is subsequently renewed.

9 (f) The superintendent shall notify an employee who  
10 holds a professional service contract on July 1, 1997, in  
11 writing, no later than 6 weeks prior to the end of the  
12 postschool conference period, of performance deficiencies  
13 which may result in termination of employment, if not  
14 corrected during the subsequent year of employment (which  
15 shall be granted for an additional year in accordance with the  
16 provisions in subsection (1)). Except as otherwise hereinafter  
17 provided, this action shall not be subject to the provisions  
18 of chapter 120, but the following procedures shall apply:

19 1. On receiving notice of unsatisfactory performance,  
20 the employee, on request, shall be accorded an opportunity to  
21 meet with the superintendent or the superintendent's designee  
22 for an informal review of the determination of unsatisfactory  
23 performance.

24 2. An employee notified of unsatisfactory performance  
25 may request an opportunity to be considered for a transfer to  
26 another appropriate position, with a different supervising  
27 administrator, for the subsequent year of employment.

28 3. During the subsequent year, the employee shall be  
29 provided assistance and inservice training opportunities to  
30 help correct the noted performance deficiencies. The employee  
31

1 shall also be evaluated periodically so that he or she will be  
2 kept apprised of progress achieved.

3           4. Not later than 6 weeks prior to the close of the  
4 postschool conference period of the subsequent year, the  
5 superintendent, after receiving and reviewing the  
6 recommendation required by s. 231.29, shall notify the  
7 employee, in writing, whether the performance deficiencies  
8 have been corrected. If so, a new professional service  
9 contract shall be issued to the employee. If the performance  
10 deficiencies have not been corrected, the superintendent may  
11 notify the school board and the employee, in writing, that the  
12 employee shall not be issued a new professional service  
13 contract; however, if the recommendation of the superintendent  
14 is not to issue a new professional service contract, and if  
15 the employee wishes to contest such recommendation, the  
16 employee will have 15 days from receipt of the  
17 superintendent's recommendation to demand, in writing, a  
18 hearing. In such hearing, the employee may raise as an issue,  
19 among other things, the sufficiency of the superintendent's  
20 charges of unsatisfactory performance. Such hearing shall be  
21 conducted at the school board's election in accordance with  
22 one of the following procedures:

23           a. A direct hearing conducted by the school board  
24 within 60 days of receipt of the written appeal. The hearing  
25 shall be conducted in accordance with the provisions of ss.  
26 120.569 and 120.57. A majority vote of the membership of the  
27 school board shall be required to sustain the superintendent's  
28 recommendation. The determination of the school board shall  
29 be final as to the sufficiency or insufficiency of the grounds  
30 for termination of employment; or

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1           b. A hearing conducted by an administrative law judge  
2 assigned by the Division of Administrative Hearings of the  
3 Department of Management Services. The hearing shall be  
4 conducted within 60 days of receipt of the written appeal in  
5 accordance with chapter 120. The recommendation of the  
6 administrative law judge shall be made to the school board. A  
7 majority vote of the membership of the school board shall be  
8 required to sustain or change the administrative law judge's  
9 recommendation. The determination of the school board shall be  
10 final as to the sufficiency or insufficiency of the grounds  
11 for termination of employment.

12           Section 39. For the purpose of incorporating the  
13 amendments made by this act to section 229.591, Florida  
14 Statutes, in references thereto, subsection (1) of section  
15 231.600, Florida Statutes, 1998 Supplement, is reenacted to  
16 read:

17           231.600 School Community Professional Development  
18 Act.--

19           (1) The Department of Education, public community  
20 colleges and universities, public school districts, and public  
21 schools in this state shall collaborate to establish a  
22 coordinated system of professional development. The purpose of  
23 the professional development system is to enable the school  
24 community to succeed in school improvement as described in s.  
25 229.591.

26           Section 40. For the purpose of incorporating the  
27 amendments made by this act to section 232.245, Florida  
28 Statutes, in references thereto, subsection (1) of section  
29 232.2454, Florida Statutes, is reenacted to read:

30           232.2454 District student performance standards,  
31 instruments, and assessment procedures.--

1           (1) School districts are required to obtain or develop  
2 and implement assessments of student achievement as necessary  
3 to accurately measure student progress and to report this  
4 progress to parents or legal guardians according to s.  
5 232.245. Each school district shall implement the assessment  
6 program pursuant to the procedures it adopts.

7           Section 41. For the purpose of incorporating the  
8 amendments made by this act to section 232.245, Florida  
9 Statutes, in references thereto, paragraphs (a) and (b) of  
10 subsection (5) of section 232.246, Florida Statutes, 1998  
11 Supplement, are reenacted to read:

12           232.246 General requirements for high school  
13 graduation.--

14           (5) Each district school board shall establish  
15 standards for graduation from its schools, and these standards  
16 must include:

17           (a) Earning passing scores on the high school  
18 competency test defined in s. 229.57(3)(c).

19           (b) Completion of all other applicable requirements  
20 prescribed by the district school board pursuant to s.  
21 232.245.

22           Section 42. 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, section 232.248,  
25 Florida Statutes, is reenacted to read:

26           232.248 Confidentiality of assessment  
27 instruments.--All examination and assessment instruments,  
28 including developmental materials and workpapers directly  
29 related thereto, which are prepared, prescribed, or  
30 administered pursuant to ss. 229.57, 232.245, 232.246, and  
31 232.247 shall be confidential and exempt from the provisions

1 of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions  
2 governing access, maintenance, and destruction of such  
3 instruments and related materials shall be prescribed by rules  
4 of the state board.

5 Section 43. For the purpose of incorporating the  
6 amendments made by this act to section 232.245, Florida  
7 Statutes, in references thereto, subsection (1) of section  
8 232.2481, Florida Statutes, is reenacted to read:

9 232.2481 Graduation and promotion requirements for  
10 publicly operated schools.--

11 (1) Each state or local public agency, including the  
12 Department of Health and Rehabilitative Services, the  
13 Department of Corrections, the Board of Regents, boards of  
14 trustees of community colleges, and the Board of Trustees of  
15 the Florida School for the Deaf and the Blind, which agency is  
16 authorized to operate educational programs for students at any  
17 level of grades kindergarten through 12 shall be subject to  
18 all applicable requirements of ss. 232.245, 232.246, 232.247,  
19 and 232.248. Within the content of these cited statutes each  
20 such state or local public agency shall be considered a  
21 "district school board."

22 Section 44. For the purpose of incorporating the  
23 amendments made by this act to section 229.565, Florida  
24 Statutes, in references thereto, subsection (4) of section  
25 233.09, Florida Statutes, is reenacted to read:

26 233.09 Duties of each state instructional materials  
27 committee.--The duties of each state instructional materials  
28 committee shall be:

29 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To  
30 evaluate carefully all instructional materials submitted, to  
31 ascertain which instructional materials, if any, submitted for



1 consideration best implement the selection criteria developed  
2 by the Commissioner of Education and those curricular  
3 objectives included within applicable performance standards  
4 provided for in s. 229.565.

5 (a) When recommending instructional materials for use  
6 in the schools, each committee shall include only  
7 instructional materials that accurately portray the ethnic,  
8 socioeconomic, cultural, and racial diversity of our society,  
9 including men and women in professional, vocational, and  
10 executive roles, and the role and contributions of the  
11 entrepreneur and labor in the total development of this state  
12 and the United States.

13 (b) When recommending instructional materials for use  
14 in the schools, each committee shall include only materials  
15 which accurately portray, whenever appropriate, humankind's  
16 place in ecological systems, including the necessity for the  
17 protection of our environment and conservation of our natural  
18 resources and the effects on the human system of the use of  
19 tobacco, alcohol, controlled substances, and other dangerous  
20 substances.

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

25 (d) When recommending instructional materials for use  
26 in the schools, each committee shall require, when appropriate  
27 to the comprehension of pupils, that materials for social  
28 science, history, or civics classes contain the Declaration of  
29 Independence and the Constitution of the United States. No  
30 instructional materials shall be recommended by any committee  
31 for use in the schools which contain any matter reflecting

1 unfairly upon persons because of their race, color, creed,  
2 national origin, ancestry, gender, or occupation.

3 (e) All instructional materials recommended by each  
4 committee for use in the schools shall be, to the satisfaction  
5 of each committee, accurate, objective, and current and suited  
6 to the needs and comprehension of pupils at their respective  
7 grade levels. Instructional materials committees shall  
8 consider for adoption materials developed for academically  
9 talented students such as those enrolled in advanced placement  
10 courses.

11 (f) When recommending instructional materials for use  
12 in the schools, each committee shall have the recommendations  
13 of all districts which submit evaluations on the materials  
14 submitted for adoption in that particular subject area  
15 aggregated and presented to the members to aid them in the  
16 selection process; however, such aggregation shall be weighted  
17 in accordance with the full-time equivalent student percentage  
18 of each district. Each committee shall prepare an additional  
19 aggregation, unweighted, with each district recommendation  
20 given equal consideration. No instructional materials shall  
21 be evaluated or recommended for adoption unless each of the  
22 district committees shall have been loaned the specified  
23 number of samples.

24 (g) In addition to relying on statements of publishers  
25 or manufacturers of instructional material, any committee may  
26 conduct, or cause to be conducted, an independent  
27 investigation as to the compliance of submitted materials with  
28 the requirements of this section.

29 Section 45. For the purpose of incorporating the  
30 amendments made by this act to section 229.565, Florida  
31 Statutes, in references thereto, paragraph (b) of subsection

1 (1) of section 233.165, Florida Statutes, is reenacted to  
2 read:

3 233.165 Standards for selection.--

4 (1) In the selection of instructional materials,  
5 library books, and other reading material used in the public  
6 school system, the standards used to determine the propriety  
7 of the material shall include:

8 (b) The educational purpose to be served by the  
9 material. In considering instructional materials for classroom  
10 use, priority shall be given to the selection of materials  
11 which encompass the state and district performance standards  
12 provided for in ss. 229.565 and 232.2454 and which include the  
13 instructional objectives contained within the curriculum  
14 frameworks approved by the State Board of Education, to the  
15 extent that appropriate curriculum frameworks have been  
16 approved by the board.

17 Section 46. 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 (3) of section 233.25, Florida Statutes, is reenacted to read:

21 233.25 Duties, responsibilities, and requirements of  
22 publishers and manufacturers of instructional  
23 materials.--Publishers and manufacturers of instructional  
24 materials, or their representatives, shall:

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

27 (b) Written proof that the publisher has provided  
28 written correlations to appropriate curricular objectives  
29 included within applicable performance standards provided for  
30 in s. 229.565.

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1           Section 47. For the purpose of incorporating the  
2 amendments made by this act to section 231.29, Florida  
3 Statutes, in references thereto, paragraphs (a) and (c) of  
4 subsection (2) of section 236.08106, Florida Statutes, 1998  
5 Supplement, are reenacted to read:

6           236.08106 Excellent Teaching Program.--

7           (2) The Excellent Teaching Program is created to  
8 provide categorical funding for monetary incentives and  
9 bonuses for teaching excellence. The Department of Education  
10 shall allocate and distribute to each school district an  
11 amount as prescribed annually by the Legislature for the  
12 Excellent Teaching Program. Unless otherwise provided in the  
13 General Appropriations Act, each school district's annual  
14 allocation shall be the sum of the amounts earned for the  
15 following incentives and bonuses:

16           (a) A fee subsidy to be paid by the school district to  
17 the NBPTS on behalf of each individual who is an employee of  
18 the district school board or a public school within that  
19 school district, who is certified by the district to have  
20 demonstrated satisfactory teaching performance pursuant to s.  
21 231.29 and who satisfies the prerequisites for participating  
22 in the NBPTS certification program, and who agrees, in  
23 writing, to pay 10 percent of the NBPTS participation fee and  
24 to participate in the NBPTS certification program during the  
25 school year for which the fee subsidy is provided. The fee  
26 subsidy for each eligible participant shall be an amount equal  
27 to 90 percent of the fee charged for participating in the  
28 NBPTS certification program, but not more than \$1,800 per  
29 eligible participant. The fee subsidy is a one-time award and  
30 may not be duplicated for any individual.

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1           (c) An annual bonus equal to 10 percent of the prior  
2 fiscal year's statewide average salary for classroom teachers  
3 to be paid to each individual who holds NBPTS certification  
4 and is employed by the district school board or by a public  
5 school within that school district. The district school board  
6 shall distribute the annual bonus to each individual who meets  
7 the requirements of this paragraph and who is certified  
8 annually by the district to have demonstrated satisfactory  
9 teaching performance pursuant to s. 231.29. The annual bonus  
10 may be paid as a single payment or divided into not more than  
11 three payments.

12           Section 48. For the purpose of incorporating the  
13 amendments made by this act to section 230.23, Florida  
14 Statutes, in references thereto, subsection (3) of section  
15 239.229, Florida Statutes, 1998 Supplement, is reenacted to  
16 read:

17           239.229 Vocational standards.--

18           (3) Each area technical center operated by a school  
19 board shall establish a center advisory council pursuant to s.  
20 229.58. The center advisory council shall assist in the  
21 preparation and evaluation of center improvement plans  
22 required pursuant to s. 230.23(16) and may provide assistance,  
23 upon the request of the center director, in the preparation of  
24 the center's annual budget and plan as required by s.  
25 229.555(1).

26           Section 49. For the purpose of incorporating the  
27 amendments made by this act to section 229.592, Florida  
28 Statutes, in references thereto, subsection (4) of section  
29 240.118, Florida Statutes, is reenacted to read:

30           240.118 Postsecondary feedback of information to high  
31 schools.--

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

6           Section 50. Subsections (40) and (42) of section  
7 228.041, Florida Statutes, 1998 Supplement, are amended to  
8 read:

9           228.041 Definitions.--Specific definitions shall be as  
10 follows, and wherever such defined words or terms are used in  
11 the Florida School Code, they shall be used as follows:

12           (40) GRADUATION RATE.--The term "graduation rate"  
13 means the percentage calculated by dividing the number of  
14 entering 9th graders, minus the number of students who have  
15 transferred out of the student population to enroll in another  
16 school system, a private school, a home education program, or  
17 an adult education program, and deceased students, into the  
18 number of students who receive, 4 years later, a standard high  
19 school diploma, a special diploma, or a certificate of  
20 completion, as provided for in s. 232.246, or who receive a  
21 special certificate of completion, as provided in s. 232.247,  
22 and students 19 years of age or younger who receive a general  
23 equivalency diploma, as provided in s. 229.814. For purposes  
24 of this calculation, incoming transfer students are to be  
25 included in the class of entering 9th graders with whom they  
26 are scheduled to graduate. ~~The number of 9th grade students~~  
27 ~~used in the calculation of a graduation rate for this state~~  
28 ~~shall be students enrolling in the grade for the first time.~~

29           (42) DROPOUT RATE.--The term "dropout rate" means the  
30 annual percentage calculated by dividing the number of  
31 students in grades 9 through 12 who are classified as

1 dropouts, pursuant to s. 228.041(29), by the total number of  
2 students in grades 9-12 in attendance over the age of  
3 compulsory school attendance, pursuant to s. 232.01, at the  
4 time of the fall membership count, into the number of students  
5 who withdraw from school during a given school year and who  
6 are classified as dropouts pursuant to subsection (29).

7       Section 51. If any provision of this act or the  
8 application thereof to any person or circumstance is held  
9 invalid, the invalidity shall not affect other provisions or  
10 applications of the act which can be given effect without the  
11 invalid provision or application, and to this end the  
12 provisions of this act are declared severable.

13       Section 52. Except as otherwise provided in this act,  
14 this act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

Revises provisions relating to the authority of the State Board of Education to enforce school improvement. Requires private school tuition scholarships to be provided to certain public school students. Provides student eligibility requirements. Provides an alternative to accepting a state tuition scholarship, private school eligibility criteria, student attendance requirements, and parental involvement requirements for participation in the tuition scholarship program. Provides for the calculation of the amount and distribution of state tuition scholarship funds. Authorizes the adoption of rules. Revises provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability. Revises provisions relating to educational planning and information systems to conform. Eliminates the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved. Revises the purpose of the student assessment program. Revises provisions relating to the administration of the National Assessment of Educational Progress. Revises the requirements relating to the annual report of the results of the statewide assessment program. Provides for the identification of schools by performance grade category according to student performance data. Increases the authority that each school advisory council of a school identified in a certain category has over the allocation of the school's budget. Revises provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend school designated in a certain performance grade category. Revises the state education goals. Revises provisions relating to the implementation of the state system of school improvement and education accountability, to remove obsolete language. Removes references to the Florida Commission on Education Reform and Accountability. Deletes the requirement that the Commissioner of Education appear before the Legislature. Revises duties of the Department of Education and revises provisions relating to waivers from statutes. Repeals provisions relating to the establishment and the powers and duties of the Florida Commission on Education Reform and Accountability. Revises provisions relating to the implementation of the state system of educational accountability for school-to-work transition. Revises provisions relating to the assessment of readiness to enter the workforce. Revises provisions relating to powers and duties of school boards regarding the compensation and salary schedules of school employees, courses of study and other instructional aids, the implementation and enforcement of school improvement and accountability, and school board adoption of certain policies. Revises the assessment procedure for school district instructional, administrative, and supervisory personnel. Revises provisions of the Florida School Recognition Program relating to financial awards based on



1 employee performance. Revises provisions relating to  
2 pupil progression regarding the provision of remedial  
3 instruction. Provides requirements for the use of  
4 resources for remedial instruction. Requires the adoption  
5 of rules regarding pupil progression. Eliminates  
6 requirements relating to student academic improvement  
7 plans. Deletes requirements relating to mandatory  
8 remedial reading instruction. Establishes a supplemental  
9 academic instruction categorical fund. Provides  
10 requirements for the use of funds. Revises provisions  
11 relating to calculations of the equivalent of a full-time  
12 student and for certain instruction to conform. Redefines  
13 the terms "graduation rate" and "dropout rate" for  
14 purposes of the Florida School Code.  
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