

By the Committee on Education and Senators Cowin and McKay

304-1717A-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 requiring the Department of Education to
4 develop a system to measure annual pupil
5 progress; requiring the statewide assessment
6 program to include science; revising provisions
7 relating to the administration of the National
8 Assessment of Educational Progress; revising
9 the statewide assessment program; revising
10 requirements relating to the annual report of
11 the results of the statewide assessment
12 program; providing for the identification of
13 schools by performance grade category according
14 to student and school performance data;
15 providing for the identification of school
16 improvement ratings; amending s. 229.58, F.S.;
17 removing a reference to the Florida Commission
18 on Education Reform and Accountability;
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 duplicative
14 requirements relating to mandatory remedial
15 reading 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; authorizing the Florida State
4 University School to expend certain funds for
5 student remediation; amending s. 236.013, F.S.;
6 eliminating certain provisions relating to
7 calculations of the equivalent of a full-time
8 student; revising provisions relating to
9 membership in programs scheduled for more than
10 180 days; amending s. 239.101, F.S., relating
11 to career education; conforming
12 cross-references; amending s. 239.229, F.S.,
13 relating to vocational standards; conforming
14 cross-references; amending s. 240.529, F.S.,
15 relating to approval of teacher education
16 programs; conforming a cross-reference;
17 reenacting s. 24.121(5)(b), (c), and (d), F.S.,
18 relating to the Educational Enhancement Trust
19 Fund, s. 120.81(1)(b), F.S., relating to tests,
20 test scoring criteria, or testing procedures,
21 s. 228.053(3) and (8), F.S., relating to
22 developmental research schools, s.
23 228.0565(6)(b), (c), and (d), F.S., relating to
24 deregulated public schools, s. 228.301(1),
25 F.S., relating to test security, s.
26 229.551(1)(c) and (3), F.S., relating to
27 educational management, s. 230.03(4), F.S.,
28 relating to school district management,
29 control, operation, administration, and
30 supervision, s. 230.2316(4)(b), F.S., relating
31 to dropout prevention, s. 231.085, F.S.,

1 relating to duties of principals, s.
2 231.24(3)(a), F.S., relating to the process for
3 renewal of professional certificates, s.
4 231.36(3)(e) and (f), F.S., relating to
5 contracts with instructional staff,
6 supervisors, and principals, s. 231.600(1),
7 F.S., relating to the School Community
8 Professional Development Act, s. 232.2454(1),
9 F.S., relating to district student performance
10 standards, instruments, and assessment
11 procedures, s. 232.246(5)(a) and (b), F.S.,
12 relating to general requirements for high
13 school graduation, s. 232.248, F.S., relating
14 to confidentiality of assessment instruments,
15 s. 232.2481(1), F.S., relating to graduation
16 and promotion requirements for publicly
17 operated schools, s. 233.09(4), F.S., relating
18 to duties of instructional materials
19 committees, s. 233.165(1)(b), F.S., relating to
20 the selection of instructional materials, s.
21 233.25(3)(b), F.S., relating to publishers and
22 manufacturers of instructional materials, s.
23 236.08106(2)(a) and (c), F.S., relating to the
24 Excellent Teaching Program, s. 239.229(3),
25 F.S., relating to vocational standards, s.
26 240.118(4), F.S., relating to postsecondary
27 feedback of information to high schools, to
28 incorporate references; amending s. 228.041,
29 F.S.; redefining the terms "graduation rate"
30 and "dropout rate"; amending s. 228.056, F.S.,
31 relating to charter schools; revising

1 terminology relating to assessments; providing
2 effective dates.

3
4 WHEREAS, providing a system of high-quality public
5 education for children is an important goal of this state, and

6 WHEREAS, Floridians reemphasized their aspiration to
7 provide for a system of high-quality public education for
8 children in this state by amending Section 1 of Article IX of
9 the State Constitution in the November 1998 general election,
10 and

11 WHEREAS, the Legislature recognizes that it has an
12 important but not exclusive role in providing children with
13 the opportunity to obtain a high-quality education in this
14 state, and

15 WHEREAS, success in obtaining a high-quality education
16 depends upon many influences, and

17 WHEREAS, among the most prominent influences on the
18 educational success of children are the positive influences of
19 parents on their children's lives and on their children's
20 desire to learn and the active involvement of parents in the
21 education of their children, and

22 WHEREAS, the presence of those influences is
23 indispensable to successfully providing a system that allows
24 students to obtain a high-quality education, and

25 WHEREAS, children will have the best opportunity to
26 obtain a high-quality education in the public education system
27 of this state and that system can best be enhanced when
28 positive parental influences are present, when we allocate
29 resources efficiently and concentrate resources to enhance a
30 safe, secure, and disciplined classroom learning environment,
31 when we support teachers, when we reinforce shared high

1 academic expectations, and when we promptly reward success and
2 promptly identify failure, as well as promptly appraise the
3 public of both successes and failures, NOW, THEREFORE,

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Section 229.0535, Florida Statutes, is
8 amended to read:

9 229.0535 Authority to enforce school improvement.--It
10 is the intent of the Legislature that all public schools be
11 held accountable for ~~ensuring that~~ students performing ~~perform~~
12 at acceptable levels. A system of school improvement and
13 accountability that assesses student performance by school,
14 identifies schools in which students are not making ~~not~~
15 providing adequate progress toward state standards, ~~and~~
16 institutes appropriate measures for enforcing improvement, and
17 provides rewards and sanctions based on performance shall be
18 the responsibility of the State Board of Education.

19 (1) Pursuant to Art. IX of the State Constitution
20 prescribing the duty of the State Board of Education to
21 supervise Florida's public school system and notwithstanding
22 any other statutory provisions to the contrary, the State
23 Board of Education shall ~~have the authority to~~ intervene in
24 the operation of a district school system when ~~in cases where~~
25 one or more schools in the ~~a~~ school district have failed to
26 make adequate progress for 2 ~~3 consecutive~~ school years in a
27 4-year period. The state board may determine that the school
28 district or ~~and/or~~ school has not taken steps sufficient for
29 ~~to ensure that~~ students in the school to be academically ~~in~~
30 ~~question~~ are well served. Considering recommendations of the
31 Commissioner of Education, the state board shall ~~is authorized~~

1 ~~to~~ recommend action to a district school board ~~that is~~
2 intended to improve ~~ensure improved~~ educational services to
3 students in each school that is designated as performance
4 grade category "F" ~~the low-performing schools in question.~~
5 Recommendations for actions to be taken in the school district
6 shall be made only after thorough consideration of the unique
7 characteristics of a school, which shall ~~also~~ include student
8 mobility rates, and the number and type of exceptional
9 students enrolled in the school, and the availability of
10 options for improved educational services. The state board
11 shall adopt by rule steps to follow in this process. Such
12 steps shall provide ~~ensure that~~ school districts ~~have~~
13 sufficient time to improve student performance in schools and
14 ~~have had~~ the opportunity to present evidence of assistance and
15 interventions that the school board has implemented.

16 (2) The state board is specifically authorized to
17 recommend one or more of the following actions to school
18 boards to enable ~~ensure that~~ students in ~~low-performing~~
19 schools designated as performance grade category "F" to be
20 academically ~~are~~ well served by the public school system:

21 (a) Provide additional resources, change certain
22 practices, and provide additional assistance if the state
23 board determines the causes of inadequate progress to be
24 related to school district policy or practice;

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

27 (c) Contract for the educational services of the
28 school, or reorganize the school at the end of the school year
29 under a new principal who is authorized to hire new staff and
30 implement a plan that addresses the causes of inadequate
31 progress;

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

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

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

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

24 Section 2. Section 229.0537, Florida Statutes, is
25 created to read:

26 229.0537 Opportunity Scholarship Program.--

27 (1) FINDINGS AND INTENT.--The purpose of this section
28 is to provide enhanced opportunity for students in this state
29 to gain the knowledge and skills necessary for postsecondary
30 education, a technical education, or the world of work. The
31 Legislature recognizes that the voters of the State of

1 Florida, in the November 1998 general election, amended s. 1,
2 Art. IX, of the Florida Constitution so as to make education a
3 paramount duty of the state. The Legislature finds that the
4 State Constitution requires the state to provide the
5 opportunity to obtain a high-quality education. The
6 Legislature further finds that a student should not be
7 compelled, against the wishes of the student's parent or
8 guardian, to remain in a school found by the state to be
9 failing for 2 years in a 4-year period. The Legislature shall
10 make available opportunity scholarships in order to give
11 parents and guardians the opportunity for their children to
12 attend a public school that is performing satisfactorily or to
13 attend an eligible private school when the parent or guardian
14 chooses to apply the equivalent of the public education funds
15 generated by his or her child to the cost of tuition in the
16 eligible private school as provided in paragraph (6)(a).
17 Eligibility of a private school shall include the control and
18 accountability requirements that, coupled with the exercise of
19 parental choice, are reasonably necessary to secure the
20 educational public purpose, as delineated in subsection (4).

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

26 (a) By assigned school attendance area or by special
27 assignment, the student has spent the prior school year in
28 attendance at a public school that has been designated
29 pursuant to s. 229.57 as performance grade category "F,"
30 failing to make adequate progress, and that has had two school
31 years in a 4-year period of such low performance, and the

1 student's attendance occurred during a school year in which
2 such designation was in effect; or the parent or guardian of a
3 student who has been in attendance elsewhere in the public
4 school system or who is entering kindergarten or first grade
5 has been notified that the student has been assigned to such
6 school for the next school year;

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

8 (c) The parent or guardian has obtained acceptance for
9 admission of the student to a private school eligible for the
10 program pursuant to subsection (4), and has notified the
11 Department of Education and the school district of the request
12 for an opportunity scholarship no later than July 1 of the
13 first year in which the student intends to use the
14 scholarship.

15
16 For purposes of continuity of educational choice, the
17 opportunity scholarship shall be for the entire school year
18 for which it was originally issued and shall remain in force
19 until the student leaves the private school for which the
20 scholarship was originally granted, or until the student
21 graduates into high school and the public high school to which
22 the student is assigned has earned a performance grade of "C"
23 or better. If the scholarship student leaves the private
24 school for which the scholarship was originally granted and
25 the public school to which he or she would be assigned has a
26 performance grade of "D" or "F", the student shall remain
27 eligible for an opportunity scholarship. However, at any time
28 upon reasonable notice to the Department of Education and the
29 school district, the student's parent or guardian may remove
30 the student from the private school and place the student in a
31 public school, as provided in subparagraph (3)(a)2.

1 (3) SCHOOL DISTRICT OBLIGATIONS.--
2 (a) A school district shall, for each student enrolled
3 in or assigned to a school that has been designated as
4 performance grade category "F" for two school years in a
5 4-year period:
6 1. Timely notify the parent or guardian of the student
7 as soon as such designation is made of all options available
8 pursuant to this section; and
9 2. Offer that student's parent or guardian an
10 opportunity to enroll the student in the public school within
11 the district that has been designated by the state pursuant to
12 s. 229.57 as a school performing higher than that in which the
13 student is currently enrolled or to which the student has been
14 assigned, but not less than performance grade category "C."
15 The parent or guardian is not required to accept this offer in
16 lieu of requesting a state opportunity scholarship to a
17 private school. The opportunity to continue attending the
18 higher performing public school shall remain in force until
19 the student graduates from high school.
20 (b) The parent or guardian of a student enrolled in or
21 assigned to a school that has been designated performance
22 grade category "F" for two school years in a 4-year period may
23 choose as an alternative to enroll the student in and
24 transport the student to a higher-performing public school
25 that has available space in an adjacent school district, and
26 that school district shall accept the student and report the
27 student for purposes of the district's funding pursuant to the
28 Florida Education Finance Program.
29 (c) For students in the district who are participating
30 in the state opportunity scholarship program, the district
31

1 shall provide locations and times to take all statewide
2 assessments required pursuant to s. 229.57.

3 (d) Students with disabilities who are eligible to
4 receive services from the school district under federal or
5 state law, and who participate in this program, remain
6 eligible to receive services from the school district as
7 provided by federal or state law.

8 (e) If for any reason a qualified private school is
9 not available for the student or if the parent or guardian
10 chooses to request that the student be enrolled in the higher
11 performing public school, rather than choosing to request the
12 state opportunity scholarship, transportation costs to the
13 higher performing public school shall be the responsibility of
14 the school district. The district may utilize state
15 categorical transportation funds or state-appropriated public
16 school choice incentive funds for this purpose.

17 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
18 participate in the opportunity scholarship program, a private
19 school must be a Florida private school, may be sectarian or
20 nonsectarian, and must:

21 (a) Except for the first year of implementation,
22 notify the Department of Education and the school district in
23 whose service area the school is located of its intent to
24 participate in the program under this section by May 1 of the
25 school year preceding the school year in which it intends to
26 participate. The notice shall specify the grade levels and
27 services that the private school has available for the
28 opportunity scholarship program.

29 (b) Comply with the antidiscrimination provisions of
30 42 U.S.C. s. 2000d.

31

1 (c) Meet state and local health and safety laws and
2 codes.

3 (d) Determine, on an entirely random and
4 religious-neutral basis, which scholarship students to accept;
5 however, the private school may give preference in accepting
6 applications to siblings of students who have already been
7 accepted on a random and religious-neutral basis.

8 (e) Be subject to instruction, curriculum, and
9 attendance criteria adopted by an appropriate nonpublic school
10 accrediting body and be academically accountable to the parent
11 or guardian as meeting the educational needs of the student.
12 Upon the parent's or guardian's request, the school shall
13 furnish the parent or guardian with a school profile that
14 includes student performance information.

15 (f) Comply with all state statutes relating to private
16 schools.

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

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

22 (i) Not compel or require any student attending the
23 private school on an opportunity scholarship to profess a
24 specific ideological belief, to pray, or to worship.

25 (j) Generate an annual report to include a detailed
26 accounting of all state funds, a review of educational
27 programs and operational policies, and an assessment of gains
28 in student achievement for each student served via an
29 opportunity scholarship. This report shall be submitted to the
30 Department of Education and made available to the general
31 public.

1 (k) Agree to accept opportunity scholarship students
2 for a minimum of one school year, with the exception that the
3 student may be dismissed for violation of school rules
4 pertaining to the health, safety, or welfare of students and
5 staff. The private school must also agree to be responsible
6 for attendance during that time period.

7 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

8 (a) Any student participating in the opportunity
9 scholarship program must remain in attendance throughout the
10 school year, unless excused by the school for illness or other
11 good cause, and must comply fully with the school's code of
12 conduct. However, a student may be removed from a school for
13 good cause, and a student may choose to leave a school to
14 attend another school or be home-schooled.

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

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

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

30 (a)1. The maximum opportunity scholarship granted for
31 an eligible student shall be a calculated amount equivalent to

1 the base student allocation multiplied by the weighted cost
2 factor for the educational program that would have been
3 provided for the student in the district school to which he or
4 she was assigned, multiplied by the district cost
5 differential. In addition, the calculated amount shall include
6 the per student share of instructional materials funding,
7 technology funding, and other categorical funds as provided
8 for this purpose in the General Appropriations Act. The amount
9 of the opportunity scholarship shall be the calculated amount
10 or the amount of the private school's tuition and fees,
11 whichever is less. Fees eligible shall include textbook fees,
12 lab fees, and other fees related to instruction, including
13 transportation. The district shall report all students who are
14 attending a private school under this program. The students
15 attending private schools on opportunity scholarships shall be
16 reported separately from those students reported for purposes
17 of the Florida Education Finance Program. The public or
18 private school that provides services to students with
19 disabilities shall receive the weighted funding for such
20 services at the appropriate funding level consistent with the
21 provisions of s. 236.025.

22 2. For purposes of calculating the opportunity
23 scholarship, a student will be eligible for the amount of the
24 appropriate basic cost factor if:

25 a. The student currently participates in a Group I
26 program funded at the basic cost factor and is not
27 subsequently identified as having a disability; or

28 b. The student currently participates in a Group II
29 program and the parent has chosen a private school that does
30 not provide the additional services funded by the Group II
31 program.

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

8 (b) Upon proper documentation as specified in state
9 board rule, the Comptroller shall make opportunity scholarship
10 payments in four equal amounts no later than August 1,
11 November 1, February 1, and April 1 of each academic year in
12 which the opportunity scholarship is in force. The initial
13 payment shall be made after verification of admission
14 acceptance. Subsequent payments shall be made upon
15 verification of continued enrollment and attendance at the
16 private school. Payment must be by individual warrant made
17 payable to the student's parent or guardian. The warrant shall
18 be sent directly to the eligible private school chosen by the
19 parent or guardian and the parent or guardian shall
20 restrictively endorse the warrant to the private school.

21 (7) LIABILITY.--No liability shall arise on the part
22 of the state based on any grant or use of an opportunity
23 scholarship.

24 (8) PILOT PROGRAM.--There is established a pilot
25 program, which is separate and distinct from the Opportunity
26 Scholarship Program, in the Broward, Clay, Sarasota, and Santa
27 Rosa school districts to provide scholarships to a public or
28 private school of choice for students with disabilities whose
29 academic progress in at least two areas has not met expected
30 levels for the previous year, as determined by the student's
31 individual education plan. Student participation in the pilot

1 program is limited to 5 percent of the students with
2 disabilities in the participating school districts during the
3 first year, 10 percent of students with disabilities during
4 the second year, and 20 percent of students with disabilities
5 during the third and subsequent years. The following applies
6 to the pilot program:

7 (a) To be eligible to participate in the pilot
8 program, a private school must meet all requirements of
9 subsection (4). For purposes of the pilot program,
10 notification under paragraph (4)(a) must be separate from the
11 notification under the Opportunity Scholarship Program.

12 (b) Each school district that participates in the
13 pilot program must comply with the requirements in
14 subparagraph (3)(a)2. and paragraph (3)(c).

15 (c) To be eligible for a scholarship under the pilot
16 program, a student or parent must:

17 1. Comply with the eligibility criteria in paragraphs
18 (2)(b) and (c) and all provisions of subsection (5) which
19 apply to students with disabilities;

20 2. For the school year immediately prior to the year
21 in which the scholarship will be in effect, have documented
22 the student's failure to meet specific performance levels
23 identified in the individual education plan, or, absent
24 specific performance levels identified in the individual
25 education plan, the student must have performed below grade
26 level on state or local assessments and the parent believes
27 that the student is not progressing adequately toward the
28 goals in the individual education plan; and

29 3. Have requested the scholarship prior to the time at
30 which the number of valid requests exceeds the district's cap
31 for the year in which the scholarship will be awarded.

1
2 Subsections (6) and (9) shall apply to the pilot program
3 authorized in this subsection. This pilot program is not
4 intended to affect the eligibility of the state or school
5 district to receive federal funds for students with
6 disabilities.

7 (9) 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, including the Opportunity
12 Scholarship Program.† ~~and~~

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

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

19 229.555 Educational planning and information
20 systems.--

21 (1) EDUCATIONAL PLANNING.--

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

31

1 educational needs and the effect of alternative educational
2 practices.

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

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

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

22 (a) The specific responsibilities of the commissioner
23 shall include:

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

28 2. Providing operational definitions for the proposed
29 system;

30 3. Determining the information and specific data
31 elements required for the management decisions made at each

1 educational level, recognizing that the primary unit for
2 information input is ~~shall be~~ the individual school and
3 recognizing that time and effort of instructional personnel
4 expended in collection and compilation of data should be
5 minimized;

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

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

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

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

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

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

1 shall be examined. Laws or administrative rules regulating
2 procurement of data processing equipment, communication
3 services, or data processing services by state agencies shall
4 not be construed to apply to local agencies which share
5 computing facilities with state agencies;

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

9 11. Establishing procedures for continuous evaluation
10 of system efficiency and effectiveness;

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

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

23 a. The purpose of the reporting requirement;
24 b. The origination of the reporting requirement;
25 c. The date of origin of the reporting requirement;

26 and

27 d. The date of repeal of the reporting requirement.

28 (b) The specific responsibilities of each district
29 school system shall include:

30 1. Establishing, at the district level, a
31 reports-control and forms-control management system committee

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

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

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

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

21 5. Advising the commissioner of all district
22 management information needs.

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

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

1 8. Being responsible for the accuracy of all data
2 elements transmitted to the department.

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

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

10 229.565 Educational evaluation procedures.--

11 (1) STUDENT PERFORMANCE STANDARDS.--

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

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

31

1 Section 6. Section 229.57, Florida Statutes, 1998
2 Supplement, is amended to read:

3 229.57 Student assessment program.--

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

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

13 (b) Provide data for making decisions regarding school
14 accountability and recognition.

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

19 (d) ~~(b)~~ Assess how well educational goals and
20 performance standards are met at the school, district, and
21 state levels.

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

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

26 (2) ANNUAL PUPIL PROGRESS ASSESSMENT--The Department
27 of Education shall develop a statistical assessment tool for
28 measuring pupil progress during a school year which shall be
29 used for the purposes of this act. As used in this subsection,
30 "pupil progress assessment" means a statistical system for
31 educational outcome assessment which:

1 (a) Uses measures of student learning, such as the
2 FCAT, to determine teacher, school, and school district
3 statistical distributions, which distributions:

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

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

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

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

26 2. The mixed model methodology used by the department
27 shall be approved by the State Board of Education before
28 implementation in pupil progression assessment.

29 (3)(2) NATIONAL EDUCATION COMPARISONS.--It is
30 Florida's intent to participate in the measurement of national
31 educational goals set by the President and governors of the

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

17 (4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.--The commissioner
18 shall ~~is directed to~~ design and implement a statewide program
19 of educational assessment that provides information for the
20 improvement of the operation and management of the public
21 schools. ~~The program must be designed, as far as possible, so~~
22 ~~as not to conflict with ongoing district assessment programs~~
23 ~~and so as to use information obtained from district programs.~~
24 Pursuant to the statewide assessment program, the commissioner
25 shall:

26 (a) Submit to the state board a list that specifies
27 student skills and competencies to which the goals for
28 education specified in the state plan apply, including, but
29 not limited to, reading, writing, science, and mathematics.
30 The skills and competencies must include problem-solving and
31 higher-order skills as appropriate and shall be known as the

1 Sunshine State Standards. The commissioner shall select such
2 skills and competencies after receiving recommendations from
3 educators, citizens, and members of the business community.
4 The commissioner shall submit to the state board revisions to
5 the list of student skills and competencies in order to
6 maintain continuous progress toward improvements in student
7 proficiency.

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

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

22 1. The tests measure student skills and competencies
23 adopted by the state board as specified in paragraph (a). The
24 tests must measure and report student proficiency levels in
25 reading, writing, and mathematics. Science proficiency must be
26 measured statewide beginning in 2003. Other content areas may
27 be included as directed by the commissioner. The commissioner
28 shall provide for the tests to be developed or obtained, as
29 appropriate, through contracts and project agreements with
30 private vendors, public vendors, public agencies,
31 postsecondary institutions, or school districts. The

1 commissioner shall obtain input with respect to the design and
2 implementation of the testing program from state educators and
3 the public.

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

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

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

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

1 passing score or have been exempted from each part of the high
2 school competency test in order to qualify for a regular high
3 school diploma. The school districts shall provide appropriate
4 remedial instruction to students who do not pass part of the
5 competency test.

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

17 ~~7.6.~~ Participation in the testing program is mandatory
18 for all students, except as otherwise prescribed by the
19 commissioner. The commissioner shall recommend rules to the
20 state board for the provision of test adaptations and
21 modifications of procedures as necessary for students in
22 exceptional education programs and for students who have
23 limited English proficiency.

24 ~~8.7.~~ A student seeking an adult high school diploma
25 must meet the same testing requirements that a regular high
26 school student must meet.

27 9. School districts must provide instruction to
28 prepare students to demonstrate proficiency in the skills and
29 competencies necessary for successful grade-to-grade
30 progression and high school graduation. The commissioner shall
31 conduct studies as necessary to verify that the required

1 skills and competencies are part of the district instructional
2 programs.

3

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

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

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

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

24 (f)~~(g)~~ Provide technical assistance to school
25 districts in the implementation of state and district testing
26 programs and the use of the data produced pursuant to such
27 programs.

28 (5)~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district shall
29 periodically assess student performance and achievement within
30 each school of the district. The assessment programs must be
31 based upon local goals and objectives that are compatible with

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

14 (6)(5) SCHOOL TESTING PROGRAMS.--Each public school,
15 unless specifically exempted by state board rule based on
16 -serving a specialized population for which standardized
17 testing is not appropriate, shall participate in the state
18 assessment program. Student performance data shall be analyzed
19 and reported to parents, the community, and the state. Student
20 performance data shall be used in developing objectives of the
21 school improvement plan, evaluation of instructional
22 personnel, evaluation of administrative personnel, assignment
23 of staff, allocation of resources, acquisition of
24 instructional materials and technology, performance-based
25 budgeting, and promotion and assignment of students into
26 educational programs ~~administering an achievement test,~~
27 ~~whether at the elementary, middle, or high school level, and~~
28 ~~each public school administering the high school competency~~
29 ~~test, shall prepare an analysis of the resultant data after~~
30 ~~each administration. The analysis of student performance data~~
31 also must identify strengths and needs in the educational

1 program and trends over time. The analysis must be used in
2 conjunction with the budgetary planning processes developed
3 pursuant to s. 229.555 and the development of the programs of
4 remediation described in s. 233.051.

5 (7)(6) ANNUAL REPORTS.--The commissioner shall prepare
6 annual reports of the results of the statewide assessment
7 program which describe student achievement in the state, each
8 district, and each school. The commissioner shall prescribe
9 the design and content of these reports, which must include,
10 without limitation, descriptions of the performance of all
11 schools participating in the assessment program and all of
12 their major student populations as determined by the
13 Commissioner of Education, and must also include the median
14 scores of all eligible students who scored at or in the lowest
15 25th percentile of the state in the previous school year,
16 provided, however, that the provisions of s. 228.093
17 pertaining to student records apply to this section ~~students~~
18 ~~at both low levels and exemplary levels, as well as the~~
19 ~~performance of students scoring in the middle 50 percent of~~
20 ~~the test population. Until such time as annual assessments~~
21 prescribed in this section are fully implemented, annual
22 reports shall include student performance data based on
23 existing assessments.

24 (8) SCHOOL PERFORMANCE GRADE CATEGORIES.--Beginning
25 with the 1998-1999 school year's student and school
26 performance data, the annual report shall identify schools as
27 being in one of the following grade categories defined
28 according to rules of the state board:

- 29 (a) "A," schools making excellent progress.
30 (b) "B," schools making above average progress.
31 (c) "C," schools making satisfactory progress.

1 (d) "D," schools making less than satisfactory
2 progress.

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

4 (9) DESIGNATION OF SCHOOL PERFORMANCE GRADE

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

7 (a) Timeframes.--

8 1. School performance grade category designations
9 shall be based on one school year of performance.

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

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

24 4. Beginning with the 2001-2002 school year and
25 thereafter, a school's performance grade category designation
26 shall be based on student learning gains as measured by annual
27 FCAT assessments in grades 3 through 10, and on other
28 appropriate performance data, including, but not limited to,
29 attendance, dropout rate, school discipline data, the
30 availability of adequate and appropriate textbooks and
31

1 instructional materials for each student, and student
2 readiness for college.

3
4 For the purpose of implementing ss. 229.0535 and 229.0537,
5 each school identified as critically low performing based on
6 both 1996-1997 and 1997-1998 school performance data and state
7 board-adopted criteria, and that receives a performance grade
8 category designation of "F" based on 1998-1999 school
9 performance data pursuant to this section, shall be considered
10 as having failed to make adequate progress for 2 years in a
11 4-year period. All other schools that receive a performance
12 grade category designation of "F" based on 1998-1999 school
13 performance data shall be considered as having failed to make
14 adequate progress for 1 year.

15 (b) Student assessment data.--Student assessment data
16 used in determining school performance grade categories shall
17 include:

18 1. The median scores of all eligible students enrolled
19 in the school.

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

23
24 The state board shall adopt appropriate criteria for each
25 school performance grade category so as to ensure that school
26 performance grade category designations reflect each school's
27 accountability for the learning of all students in the school.

28 The criteria must also give added weight to student
29 achievement in reading. Schools designated as performance
30 grade category "C," making satisfactory progress, shall be
31 required to demonstrate that adequate progress has been made

1 by students who have scored among the lowest 25 percent of
2 students in the state as well as by the overall population of
3 students in the school.

4 (10) SCHOOL IMPROVEMENT RATINGS.--Beginning with the
5 1999-2000 school year's student and school performance data,
6 the annual report shall identify each school's performance as
7 having improved, remained the same, or declined. This school
8 improvement rating shall be based on a comparison of the
9 current year's and previous year's student and school
10 performance data. Schools that improve at least one
11 performance grade category are eligible for school recognition
12 awards pursuant to s. 231.2905.

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

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

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

31

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

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

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

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

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

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

31

1 (14)~~(7)~~ APPLICABILITY OF TESTING STANDARDS.--A student
2 must meet the testing requirements for high school graduation
3 which were in effect at the time the student entered 9th
4 grade, provided the student's enrollment was continuous.

5 (15)~~(8)~~ RULES.--The State Board of Education shall
6 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~
7 to implement the provisions of this section.

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

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

3 229.591 Comprehensive revision of Florida's system of
4 school improvement and education accountability.--

5 (1) INTENT.--The Legislature recognizes that the
6 children and youth of the state are its future and its most
7 precious resource. To provide these developing citizens with
8 the sound education needed to grow to a satisfying and
9 productive adulthood, the Legislature intends that, ~~by the~~
10 ~~year 2000,~~ Florida establish a system of school improvement
11 and education accountability based on the performance of
12 students and educational programs. The intent of the
13 Legislature is to provide clear guidelines for achieving this
14 purpose and for returning the responsibility for education to
15 those closest to the students, their ~~that is the~~ schools,
16 teachers, and parents. The Legislature recognizes, however,
17 its ultimate responsibility and that of the Governor, the
18 Commissioner of Education, and the State Board of Education
19 and other state policymaking bodies in providing the strong
20 leadership needed to forge a new concept of school improvement
21 and in making adequate provision by law ~~provisions~~ for a
22 uniform, efficient, safe, secure, and high-quality system of
23 free public schools as required by s. 1, Art. IX of the State
24 Constitution. It is further the intent of the Legislature to
25 build upon the foundation established by the Educational
26 Accountability Act of 1976 and to implement a program of
27 education accountability and school improvement based upon the
28 achievement of state goals, recognizing the State Board of
29 Education as the body corporate responsible for the
30 supervision of the system of public education, the district
31 school board as responsible for school and student

1 performance, and the individual school as the unit for
2 education accountability.

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

5 (a) Establish state and local educational goals.

6 (b) Increase the use of educational outcomes over
7 educational processes in assessing educational programs.

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

11 (d) Provide methods for measuring, and public
12 reporting of, state, school district, and individual school
13 progress toward the education goals.

14 (e) Recognize successful schools.

15 (f) Provide for ~~Ensure that unsuccessful~~ schools
16 designated as performance grade category "D" or "F" to receive
17 are provided assistance and intervention sufficient to attain
18 adequate such that improvement occurs, and provide further
19 ~~ensure that~~ action that should occur when schools do not
20 improve.

21 (g) Provide that parents or guardians are not required
22 to send their children to schools that have been designated in
23 performance grade category "F," failing to make adequate
24 progress, as defined in state board rule, for two school years
25 in a 4-year period.

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

28 (a) Readiness to start school.--Communities and
29 schools collaborate in a statewide comprehensive school
30 readiness program to prepare children and families for
31 children's success in school.

1 (b) Graduation rate and readiness for postsecondary
2 education and employment.--Students graduate and are prepared
3 to enter the workforce and postsecondary education.

4 (c) Student performance.--Students make annual
5 learning gains sufficient to acquire the knowledge, skills,
6 and competencies needed to master state standards,
7 successfully compete at the highest levels nationally and
8 internationally, and be ~~are~~ prepared to make well-reasoned,
9 thoughtful, and healthy lifelong decisions.

10 (d) Learning environment.--School boards provide a
11 learning environment conducive to teaching and learning, in
12 which education programs are based on student performance
13 data, and which strive to eliminate achievement gaps by
14 improving the learning of all students.

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

18 (f) Teachers and staff.--The schools, district, all
19 postsecondary institutions, and state work collaboratively to
20 provide ~~ensure~~ professional teachers and staff who possess the
21 competencies and demonstrate the performance needed to
22 maximize learning among all students.

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

27 (h) Parental involvement.--Communities, school boards,
28 and schools provide opportunities for involving parents and
29 guardians as active partners in achieving school improvement
30 and education accountability. ~~The State Board of Education~~
31

1 ~~shall adopt standards for indicating progress toward this~~
2 ~~state education goal by January 1, 1997.~~

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

5 229.592 Implementation of state system of school
6 improvement and education accountability.--

7 (1) DEVELOPMENT.--It is the intent of the Legislature
8 that every public school in the state shall have a school
9 improvement plan, as required by s. 230.23(16), fully
10 implemented and operational ~~by the beginning of the 1993-1994~~
11 ~~school year.~~ Vocational standards considered pursuant to s.
12 239.229 shall be incorporated into the school improvement plan
13 for each area technical center operated by a school board ~~by~~
14 ~~the 1994-1995 school year,~~ and area technical centers shall
15 prepare school report cards incorporating such standards,
16 pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In
17 order to accomplish this, the Commissioner of Florida
18 ~~Commission on Education Reform and Accountability~~ and the
19 school districts and schools shall carry out the duties
20 assigned to them by s.ss. 229.594 and 230.23(16),
21 ~~respectively.~~

22 (2) ~~ESTABLISHMENT.--Based upon the recommendations of~~
23 ~~the Florida Commission on Education Reform and Accountability,~~
24 ~~the Legislature may enact such laws as it considers necessary~~
25 ~~to establish and maintain a state system of school improvement~~
26 ~~and accountability. If, after considering the recommendations~~
27 ~~of the commission, the Legislature determines an adequate~~
28 ~~system of accountability to be in place to protect the public~~
29 ~~interest, the Legislature may repeal or revise laws, including~~
30 ~~fiscal policies, deemed to stand in the way of school~~
31 ~~improvement.~~

1 (2)~~(3)~~ COMMISSIONER.--The commissioner shall be
2 responsible for implementing and maintaining a system of
3 intensive school improvement and stringent education
4 accountability, which shall include policies and programs to:

5 ~~(a) Based on the recommendations of The Florida~~
6 ~~Commission on Education Reform and Accountability, the~~
7 ~~commissioner shall develop and implement the following~~
8 ~~programs and procedures:~~

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

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

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

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

26 (3)~~(b)~~ The commissioner shall be held responsible for
27 the implementation and maintenance of the system of school
28 improvement and education accountability outlined in this
29 section ~~subsection~~. There shall be an annual determination of
30 whether adequate progress is being made toward implementing
31

1 and maintaining a system of school improvement and education
2 accountability.

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

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

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

28 (7)~~(4)~~ DEPARTMENT.--

29 (a) The Department of Education shall implement a
30 training program to develop among state and district educators
31 a cadre of facilitators of school improvement. These

1 facilitators shall assist schools and districts to conduct
2 needs assessments and develop and implement school improvement
3 plans to meet state goals.

4 (b) Upon request, the department shall provide
5 technical assistance and training to any school, school
6 advisory council, district, or school board for conducting
7 needs assessments, developing and implementing school
8 improvement plans, developing and implementing assistance and
9 intervention plans, or implementing other components of school
10 improvement and accountability. Priority for these services
11 shall be given to schools designated as performance grade
12 category "D" or "F" and school districts in rural and sparsely
13 populated areas of the state.

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

31

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

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

1 original waiver request. No later than January 1 of each year,
2 the commissioner shall report to the President and Minority
3 Leader of the Senate and the Speaker and Minority Leader of
4 the House of Representatives all approved waiver requests in
5 the preceding year.

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

21 1. A school board may originate a request for waiver
22 and submit the request to the commissioner if such a waiver is
23 required to implement districtwide improvements.

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

1 section ~~subsection (3)~~, the number of waivers requested by
2 school advisory councils, the number of such waiver requests
3 approved and submitted to the commissioner, and the number of
4 such waiver requests not approved and not submitted to the
5 commissioner. For each waiver request not approved, the school
6 board shall report the statute or rule for which the waiver
7 was requested, the rationale for the school advisory council
8 request, and the reason the request was not approved.

9 3. When approved by the commissioner, a waiver
10 requested under this paragraph is effective for a 5-year
11 period.

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

17 (c) The written request for waiver of statute or rule
18 must 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 by the state board ~~pursuant to subsection~~
22 ~~(5)~~, and how student improvement will be evaluated and
23 reported. ~~In considering any waiver,~~The commissioner shall
24 not grant any waiver that would impair the ~~ensure~~ protection
25 of the health, safety, welfare, or ~~and~~ civil rights of the
26 students or the ~~and~~ protection of the public interest.

27 (d) Upon denying a request for a waiver, the
28 commissioner must state with particularity the grounds or
29 basis for the denial. The commissioner shall report the
30 specific statutes and rules for which waivers are requested
31 and the number and disposition of such requests to the

1 Legislature and the State Board of Education Florida
2 ~~Commission on Education Reform and Accountability~~ for use in
3 determining which statutes and rules stand in the way of
4 school improvement.

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

9 2. Schools that have improved at least two performance
10 grade categories and that meet the criteria of the Florida
11 School Recognition Program pursuant to s. 231.2905 may be
12 given deregulated status as specified in s. 228.0565(5), (7),
13 (8), (9), and (10).

14 Section 10. Section 229.593, Florida Statutes, 1998
15 Supplement, is repealed.

16 Section 11. Section 229.594, Florida Statutes, is
17 repealed.

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

20 229.595 Implementation of state system of education
21 accountability for school-to-work transition.--

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

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

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

10 (5) PERSONNEL.--Designate positions to be filled,
11 prescribe qualifications for those positions, and provide for
12 the appointment, compensation, promotion, suspension, and
13 dismissal of employees as follows, subject to the requirements
14 of chapter 231:

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

31

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

21 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
22 AIDS.--Provide adequate instructional aids for all children as
23 follows and in accordance with the requirements of chapter
24 233.

25 (b) Textbooks.--Provide for proper requisitioning,
26 distribution, accounting, storage, care, and use of all
27 instructional materials ~~textbooks and other books~~ furnished by
28 the state and furnish such other instructional materials
29 ~~textbooks and library books~~ as may be needed. The school board
30 is responsible for assuring that instructional materials used
31 in the district are consistent with the district goals and

1 objectives and the curriculum frameworks approved by the State
2 Board of Education, as well as with the state and district
3 performance standards provided for in ss. 229.565 and
4 232.2454.

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

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

26 (b) Approval process.--Develop a process for approval
27 of a school improvement plan presented by an individual school
28 and its advisory council. In the event a board does not
29 approve a school improvement plan after exhausting this
30 process, the Department of Education ~~Florida Commission on~~
31

1 ~~Education Reform and Accountability~~ shall be notified of the
2 need for assistance.

3 (c) Assistance and intervention.--Develop a 2-year
4 ~~3-year~~ plan of increasing individualized assistance and
5 intervention for each school in danger of ~~that does not~~
6 meeting state standards ~~meet~~ or making ~~make~~ adequate progress,
7 ~~based upon the recommendations of the commission,~~ as defined
8 pursuant to statute and State Board of Education rule, toward
9 meeting the goals and standards of its approved school
10 improvement plan. A school that is identified as being in
11 performance grade category "D" pursuant to s. 229.57 is in
12 danger of failing and must be provided assistance and
13 intervention.

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

25 (e) Public disclosure.--Provide information regarding
26 performance of students and educational programs as required
27 pursuant to ~~ss.~~ s. 229.555 and 229.57(5) and implement a
28 system of school reports as required by statute and State
29 Board of Education rule. Annual public disclosure reports
30 shall be in an easy-to-read report card format, and shall
31 include the school's student and school performance grade

1 category designation and performance data as specified in
2 state board rule.

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

7 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

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

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

27 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
28 allowing students attending schools that have been designated
29 as performance grade category "F," failing to make adequate
30 progress, for two school years in a 4-year period to attend a
31 higher performing school in the district or an adjoining

1 district or be granted a state opportunity scholarship to a
2 private school, in conformance with s. 229.0537 and state
3 board rule.

4 (19)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
5 120.536(1) and 120.54 to implement ~~the provisions of this~~
6 section.

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

9 231.29 Assessment procedures and criteria.--

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

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

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

31

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, science, 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, science, and mathematics for each grade level,
9 including the levels of performance on statewide assessments
10 ~~at selected grade levels in elementary school, middle school,~~
11 ~~and high school~~ as defined by the Commissioner of Education,
12 below which a student must receive remediation, or ~~and may~~ be
13 retained within an intensive program that is different from
14 the previous year's program and that takes into account the
15 student's learning style. No student may be assigned to a
16 grade level based solely on age or other factors that
17 constitute social promotion. School boards shall allocate
18 remedial and supplemental instruction resources first to
19 students who fail to meet achievement performance levels
20 required for promotion. The state board shall adopt rules to
21 prescribe limited circumstances in which a student may be
22 promoted without meeting the specific assessment performance
23 levels prescribed by the district's pupil progression plan. A
24 school district must consider an appropriate alternative
25 placement for a student who has been retained 2 or more years.

26 (3) Each student must participate in the statewide
27 assessment tests required by s. 229.57. Each student who does
28 not meet specific levels of performance as determined by the
29 district school board in reading, writing, science, and
30 mathematics for each grade level, or who does not meet
31 specific levels of performance, determined by the Commissioner

1 of Education, on statewide assessments at selected grade
2 levels, must be provided with additional diagnostic
3 assessments to determine the nature of the student's
4 difficulty and areas of academic need. The school in which the
5 student is enrolled must develop, in consultation with the
6 student's parent or legal guardian, and must implement an
7 academic improvement plan designed to assist the student in
8 meeting state and district expectations for proficiency. Each
9 plan must include the provision of intensive remedial
10 instruction in the areas of weakness ~~.through one or more of~~
11 ~~the following activities, as considered appropriate by the~~
12 ~~school administration:~~

- 13 (a) ~~Summer school coursework;~~
- 14 (b) ~~Extended day services;~~
- 15 (c) ~~Parent tutorial programs;~~
- 16 (d) ~~Contracted academic services;~~
- 17 (e) ~~Exceptional education services; or~~
- 18 (f) ~~Suspension of curriculum other than reading,~~
19 ~~writing, and mathematics.~~ Remedial instruction provided during
20 high school may not be in lieu of English and mathematics
21 credits required for graduation.

22
23 Upon subsequent evaluation, if the documented deficiency has
24 not been corrected in accordance with the academic improvement
25 plan, the student may be retained. Each student who does not
26 meet the minimum performance expectations defined by the
27 Commissioner of Education for the statewide assessment tests
28 in reading, writing, science, and mathematics must ~~retake the~~
29 ~~state assessment test in the subject area of deficiency and~~
30 ~~must~~ continue remedial or supplemental instruction until the
31

1 expectations are met or the student graduates from high school
2 or is not subject to compulsory school attendance.

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

22 ~~(5) Beginning with the 1997-1998 school year, any~~
23 ~~student who exhibits substantial deficiency in reading skills,~~
24 ~~based on locally determined assessments conducted at the~~
25 ~~beginning of grade 2, grade 3, and grade 4, or based on~~
26 ~~teacher recommendation, must be given intensive reading~~
27 ~~instruction immediately following the identification of the~~
28 ~~reading deficiency. The student's reading proficiency must be~~
29 ~~reassessed by locally determined assessment or based on~~
30 ~~teacher recommendation at the beginning of the grade following~~
31 ~~the intensive reading instruction, and the student must~~

1 ~~continue to be given intensive reading instruction until the~~
2 ~~reading deficiency is remedied. If the student's reading~~
3 ~~deficiency is not remedied by the end of grade 5, the student~~
4 ~~may be retained.~~

5 (5)~~(6)~~ Each district must annually report to the
6 parent or legal guardian of each student the progress of the
7 student towards achieving state and district expectations for
8 proficiency in reading, writing, science, and mathematics. The
9 district must report to the parent or legal guardian the
10 student's results on each statewide assessment test. The
11 evaluation of each student's progress must be based upon the
12 student's classroom work, observations, tests, district and
13 state assessments, and other relevant information. Progress
14 reporting must be provided to the parent or legal guardian in
15 writing in a format adopted by the district school board.

16 (6)~~(7)~~ The Commissioner of Education shall adopt rules
17 pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ for the
18 administration of this section.

19 (7)~~(8)~~ The Department of Education shall provide
20 technical assistance as needed to aid school districts in
21 administering this section.

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

24 228.053 Developmental research schools.--

25 (12) EXCEPTIONS TO LAW.--To encourage innovative
26 practices and facilitate the mission of the developmental
27 research schools, in addition to the exceptions to law
28 specified in s. 229.592~~(6)~~, the following exceptions shall be
29 permitted for developmental research schools:

30 (a) The methods and requirements of the following
31 statutes shall be held in abeyance: ss. 230.01; 230.02;

1 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
2 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
3 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
4 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
5 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
6 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
7 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
8 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
9 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
10 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
11 and 316.75. With the exception of subsection (16) of s.
12 230.23, s. 230.23 shall be held in abeyance. Reference to
13 school boards in s. 230.23(16) shall mean the president of the
14 university or the president's designee.

15 (b) The following statutes or related rules may be
16 waived for any developmental research school so requesting,
17 provided the general statutory purpose of each section is met
18 and the developmental research school has submitted a written
19 request to the Joint Developmental Research School Planning,
20 Articulation, and Evaluation Committee for approval pursuant
21 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;
22 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;
23 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;
24 237.171; 237.181; 237.211; and 237.34. Notwithstanding
25 reference to the responsibilities of the superintendent or
26 school board in chapter 237, developmental research schools
27 shall follow the policy intent of the chapter and shall, at
28 least, adhere to the general state agency accounting
29 procedures established in s. 11.46.

30 1. Two or more developmental research schools may
31 jointly originate a request for waiver and submit the request

1 to the committee if such waiver is approved by the school
2 advisory council of each developmental research school
3 desiring the waiver.

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

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

1 (d) ~~The procedure established in s. 229.592(6)(f)~~
2 ~~shall be followed for any request for a waiver which is not~~
3 ~~denied, or for which a request for additional information is~~
4 ~~not issued.~~Notwithstanding the request provisions of s.
5 229.592(6), developmental research schools shall request all
6 waivers through the Joint Developmental Research School
7 Planning, Articulation, and Evaluation Committee, as
8 established in s. 228.054. The committee shall approve or
9 disapprove said requests pursuant to this subsection and s.
10 229.592(6); however, the Commissioner of Education shall have
11 standing to challenge any decision of the committee should it
12 adversely affect the health, safety, welfare, or civil rights
13 of the students or public interest. The department shall
14 immediately notify the committee and developmental research
15 school of the decision and provide a rationale therefor.

16 Section 18. Paragraph (e) of subsection (2) of section
17 228.054, Florida Statutes, is amended to read:

18 228.054 Joint Developmental Research School Planning,
19 Articulation, and Evaluation Committee.--

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

22 (e) Provide assistance to schools in the waiver
23 process established under s. 228.053(12), review and approve
24 or disapprove waivers requested pursuant to ss. 228.053(12)
25 and 229.592(6), and annually review, identify, and report to
26 the Legislature additional barriers and statutes that hinder
27 the implementation of s. 228.053.

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

30 233.17 Term of adoption for instructional materials.--

31

1 (3) The department shall publish annually an official
2 schedule of subject areas to be called for adoption for each
3 of the succeeding 2 years, and a tentative schedule for years
4 3, 4, 5, and 6. If extenuating circumstances warrant, the
5 Commissioner of Education may order the department to add one
6 or more subject areas to the official schedule, in which event
7 the commissioner shall develop criteria for such additional
8 subject area or areas pursuant to s. 229.512~~(18)~~(15) and make
9 them available to publishers as soon as practicable.
10 Notwithstanding the provisions of s. 229.512~~(18)~~(15), the
11 criteria for such additional subject area or areas may be
12 provided to publishers less than 24 months before the date on
13 which bids are due. The schedule shall be developed so as to
14 promote balance among the subject areas so that the required
15 expenditure for new instructional materials is approximately
16 the same each year in order to maintain curricular
17 consistency.

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

20 236.685 Educational funding accountability.--

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

29 (a) Total revenue must be reported at the school,
30 district, and state levels. The revenue sources that must be
31

1 addressed are state and local funds, other than lottery funds;
2 lottery funds; federal funds; and private donations.

3 (b) Expenditures must be reported as the total
4 expenditures per unweighted full-time equivalent student at
5 the school level and the average expenditures per full-time
6 equivalent student at the district and state levels in each of
7 the following categories and subcategories:

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

- 1 7. Food services.
2 8. Other support services.
3 9. Operation and maintenance of the school plant.
4 (c) The school financial report must also identify the
5 types of district-level expenditures that support the school's
6 operations. The total amount of these district-level
7 expenditures must be reported and expressed as total
8 expenditures per full-time equivalent student.

9
10 As used in this subsection, the term "school" means a "school
11 center" as defined by s. 228.041.

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

14 20.15 Department of Education.--There is created a
15 Department of Education.

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

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

29 236.08104 Supplemental academic instruction;
30 categorical fund.--

31

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

5 (2) Categorical funds for supplemental academic
6 instruction shall be allocated annually to each school
7 district in the amount provided in the General Appropriations
8 Act. These funds shall be in addition to the funds
9 appropriated on the basis of full-time equivalent student
10 (FTE) membership in the Florida Education Finance Program and
11 shall be included in the total potential funds of each
12 district. These funds shall be used only to provide
13 supplemental academic instruction to students enrolled in the
14 K-12 program. Supplemental instruction may include methods
15 such as lowering class size, providing after-school tutoring,
16 holding Saturday morning sessions, and other methods for
17 improving student achievement and may be provided to a student
18 in any manner and at any time during or beyond the regular
19 180-day term identified by the school as being the most
20 effective and efficient way to best help that student progress
21 from grade to grade and to graduate.

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

1 (4) The Florida State University School, as a
2 developmental research school, is authorized to expend from
3 its FEFP or Lottery Enhancement Trust Fund allocation the cost
4 to the student of remediation in reading, writing, or
5 mathematics for any graduate who requires remediation at a
6 postsecondary institution.

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

10 236.013 Definitions.--Notwithstanding the provisions
11 of s. 228.041, the following terms are defined as follows for
12 the purposes of this act:

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

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

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

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

23 (I) A full-time student, except a postsecondary or
24 adult student or a senior high school student enrolled in
25 adult education when such courses are required for high school
26 graduation, in a combination of programs listed in s.
27 236.081(1)(c) shall be a fraction of a full-time equivalent
28 membership in each special program equal to the number of net
29 hours per school year for which he or she is a member, divided
30 by the appropriate number of hours set forth in subparagraph
31 (a)1. or subparagraph (a)2.; the difference between that

1 fraction or sum of fractions and the maximum value as set
2 forth in subsection (5) for each full-time student is presumed
3 to be the balance of the student's time not spent in such
4 special education programs and shall be recorded as time in
5 the appropriate basic program.

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

9 ~~(III) A half-day kindergarten student in a combination~~
10 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~
11 ~~full-time equivalent membership in each special program equal~~
12 ~~to the number of net hours or major portion thereof per school~~
13 ~~year for which he or she is a member divided by the number of~~
14 ~~hours set forth in sub-sub-subparagraph (II); the difference~~
15 ~~between that fraction and the number of hours set forth in~~
16 ~~sub-sub-subparagraph (II) for each full-time student in~~
17 ~~membership in a half-day kindergarten program is presumed to~~
18 ~~be the balance of the student's time not spent in such special~~
19 ~~education programs and shall be recorded as time in the~~
20 ~~appropriate basic program.~~

21 ~~(IV) A part-time student, except a postsecondary or~~
22 ~~adult student, is a fraction of a full-time equivalent~~
23 ~~membership in each basic and special program equal to the~~
24 ~~number of net hours or major fraction thereof per school year~~
25 ~~for which he or she is a member, divided by the appropriate~~
26 ~~number of hours set forth in subparagraph (a)1. or~~
27 ~~subparagraph (a)2.~~

28 ~~(V) A postsecondary or adult student or a senior high~~
29 ~~school student enrolled in adult education when such courses~~
30 ~~are required for high school graduation is a portion of a~~
31 ~~full-time equivalent membership in each special program equal~~

1 ~~to the net hours or major fraction thereof per fiscal year for~~
2 ~~which he or she is a member, divided by the appropriate number~~
3 ~~of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

4 ~~(VI) A full-time student who is part of a program~~
5 ~~authorized by subparagraph (a)3. in a combination of programs~~
6 ~~listed in s. 236.081(1)(c) is a fraction of a full-time~~
7 ~~equivalent membership in each regular or special program equal~~
8 ~~to the number of net hours per school year for which he or she~~
9 ~~is a member, divided by the appropriate number of hours set~~
10 ~~forth in subparagraph (a)1. or subparagraph (a)2.~~

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

13 2. A student in membership in a program scheduled for
14 more or less than 180 school days is a fraction of a full-time
15 equivalent membership equal to the number of instructional
16 hours in membership divided by the appropriate number of hours
17 set forth in subparagraph (a)1.; however, for the purposes of
18 this subparagraph, membership in programs scheduled for more
19 than 180 days is limited to:

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

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

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

24 b.d. Residential Dropout prevention programs as
25 defined in s. 230.2316 for students in residential programs
26 operated by the Department of Children and Family Services;
27 programs operated by the Department of Juvenile Justice as
28 defined in s. 230.23161 in which students receive educational
29 services; or ~~teenage parent programs as defined in s.~~
30 ~~230.23166~~ for students who are in need of such additional
31 ~~instruction~~;

1 ~~c.e. Dropout prevention programs as defined in s.~~
2 ~~230.2316 in which students are placed for academic or~~
3 ~~disciplinary purposes or Programs in English for speakers of~~
4 ~~other languages as defined in s. 233.058 for students who were~~
5 ~~in membership for all of the last 15 days of the 180-day term~~
6 ~~or a total of 30 days within the 180-day term and are in need~~
7 ~~of such additional instruction;~~

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

10 ~~g. Programs which modify the school year to~~
11 ~~accommodate the needs of children who have moved with their~~
12 ~~parents for the purpose of engaging in the farm labor or fish~~
13 ~~industries, provided such programs are approved by the~~
14 ~~commissioner.~~

15
16 The department shall determine and implement an equitable
17 method of equivalent funding for experimental schools and for
18 schools operating under emergency conditions, which schools
19 have been approved by the department under the provisions of
20 s. 228.041(13) to operate for less than the minimum school
21 day.

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

24 239.101 Legislative intent.--

25 (7) The Legislature finds that career education is a
26 crucial component of the educational programs conducted within
27 school districts and community colleges. Accordingly, career
28 education must be represented in accountability processes
29 undertaken for educational institutions. It is the intent of
30 the Legislature that the vocational standards articulated in
31 s. 239.229(2) be considered in the development of

1 accountability measures for public schools pursuant to ss.
2 229.591, 229.592, ~~229.593, 229.594~~, and 230.23(16) and for
3 community colleges pursuant to s. 240.324.

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

6 239.229 Vocational standards.--

7 (1) The purpose of career education is to enable
8 students who complete vocational programs to attain and
9 sustain employment and realize economic self-sufficiency. The
10 purpose of this section is to identify issues related to
11 career education for which school boards and community college
12 boards of trustees are accountable. It is the intent of the
13 Legislature that the standards articulated in subsection (2)
14 be considered in the development of accountability standards
15 for public schools pursuant to ss. 229.591, 229.592, ~~229.593,~~
16 ~~229.594~~, and 230.23(16) and for community colleges pursuant to
17 s. 240.324.

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

20 240.529 Public accountability and state approval for
21 teacher preparation programs.--

22 (1) INTENT.--The Legislature recognizes that skilled
23 teachers make an ~~the most~~ important contribution to a ~~quality~~
24 ~~educational~~ system that allows students to obtain a
25 high-quality education ~~and that competent teachers are~~
26 ~~produced by effective and accountable teacher preparation~~
27 ~~programs~~. The intent of the Legislature is to establish a
28 system for development and approval of teacher preparation
29 programs that will free postsecondary teacher preparation
30 institutions to employ varied and innovative teacher
31 preparation techniques while being held accountable for

1 producing teachers with the competencies and skills for
2 achieving the state education goals and sustaining the state
3 system of school improvement and education accountability
4 established pursuant to ss. 229.591 and 229.592, ~~and 229.593.~~

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

10 24.121 Allocation of revenues and expenditure of funds
11 for public education.--

12 (5)

13 (b) Except as provided in paragraphs (c), (d), and
14 (e), the Legislature shall equitably apportion moneys in the
15 trust fund among public schools, community colleges, and
16 universities.

17 (c) A portion of such net revenues, as determined
18 annually by the Legislature, shall be distributed to each
19 school district and shall be made available to each public
20 school in the district for enhancing school performance
21 through development and implementation of a school improvement
22 plan pursuant to s. 230.23(16). A portion of these moneys, as
23 determined annually in the General Appropriations Act, must be
24 allocated to each school in an equal amount for each student
25 enrolled. These moneys may be expended only on programs or
26 projects selected by the school advisory council or by a
27 parent advisory committee created pursuant to this paragraph.
28 If a school does not have a school advisory council, the
29 district advisory council must appoint a parent advisory
30 committee composed of parents of students enrolled in that
31 school, which committee is representative of the ethnic,

1 racial, and economic community served by the school, to advise
2 the school's principal on the programs or projects to be
3 funded. A principal may not override the recommendations of
4 the school advisory council or the parent advisory committee.
5 These moneys may not be used for capital improvements, nor may
6 they be used for any project or program that has a duration of
7 more than 1 year; however, a school advisory council or parent
8 advisory committee may independently determine that a program
9 or project formerly funded under this paragraph should receive
10 funds in a subsequent year.

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

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

22 120.81 Exceptions and special requirements; general
23 areas.--

24 (1) EDUCATIONAL UNITS.--

25 (b) Notwithstanding s. 120.52(15), any tests, test
26 scoring criteria, or testing procedures relating to student
27 assessment which are developed or administered by the
28 Department of Education pursuant to s. 229.57, s. 232.245, s.
29 232.246, or s. 232.247, or any other statewide educational
30 tests required by law, are not rules.

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1 Section 29. For the purpose of incorporating the
2 amendments made by this act to section 230.23, Florida
3 Statutes, in references thereto, subsections (3) and (8) of
4 section 228.053, Florida Statutes, are reenacted and amended
5 to read:

6 228.053 Developmental research schools.--

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

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

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

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

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

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

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

25 (a) Two advisory bodies.--Each developmental research
26 school may:

27 1. Establish an advisory body pursuant to the
28 provisions and requirements of s. 229.58 to be responsible for
29 the development and implementation of the school improvement
30 plan, pursuant to s. 230.23(16).

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

1 e. Annually review evaluations of the school's
2 operation and research findings.

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

14 Section 30. Paragraphs (b), (c), and (d) of subsection
15 (6) of section 228.0565, Florida Statutes, 1998 Supplement,
16 are amended to read:

17 228.0565 Deregulated public schools.--

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

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

26 1. The school's progress towards achieving the goals
27 outlined in its proposal.

28 2. The information required in the annual school
29 report pursuant to s. 229.592.

30 3. Financial records of the school, including revenues
31 and expenditures.

1 4. Salary and benefit levels of school employees.

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

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

19 Section 31. For the purpose of incorporating the
20 amendments made by this act to section 229.57, Florida
21 Statutes, in references thereto, subsection (1) of section
22 228.301, Florida Statutes, is reenacted to read:

23 228.301 Test security.--

24 (1) It is unlawful for anyone knowingly and willfully
25 to violate test security rules adopted by the State Board of
26 Education or the Commissioner of Education for mandatory tests
27 administered by or through the State Board of Education or the
28 Commissioner of Education to students, educators, or
29 applicants for certification or administered by school
30 districts pursuant to s. 229.57, or, with respect to any such
31 test, knowingly and willfully to:

- 1 (a) Give examinees access to test questions prior to
2 testing;
- 3 (b) Copy, reproduce, or use in any manner inconsistent
4 with test security rules all or any portion of any secure test
5 booklet;
- 6 (c) Coach examinees during testing or alter or
7 interfere with examinees' responses in any way;
- 8 (d) Make answer keys available to examinees;
- 9 (e) Fail to follow security rules for distribution and
10 return of secure test as directed, or fail to account for all
11 secure test materials before, during, and after testing;
- 12 (f) Fail to follow test administration directions
13 specified in the test administration manuals; or
- 14 (g) Participate in, direct, aid, counsel, assist in,
15 or encourage any of the acts prohibited in this section.
- 16 Section 32. For the purpose of incorporating the
17 amendments made by this act to sections 229.555, 229.565, and
18 229.57, Florida Statutes, in references thereto, subsections
19 (1) and (3) of section 229.551, Florida Statutes, 1998
20 Supplement, are reenacted to read:
- 21 229.551 Educational management.--
- 22 (1) The department is directed to identify all
23 functions which under the provisions of this act contribute
24 to, or comprise a part of, the state system of educational
25 accountability and to establish within the department the
26 necessary organizational structure, policies, and procedures
27 for effectively coordinating such functions. Such policies
28 and procedures shall clearly fix and delineate
29 responsibilities for various aspects of the system and for
30 overall coordination of the total system. The commissioner
31 shall perform the following duties and functions:

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

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

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

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

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

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

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

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

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

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

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

30 (g) Expansion and ongoing maintenance of the common
31 course designation and numbering system to include the

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

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

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

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

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1 (h) Development of common definitions necessary for
2 managing a uniform coordinated system of career education for
3 all levels of the state system of public education.

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

6 (a) Develop minimum performance standards for various
7 grades and subject areas, as required in ss. 229.565 and
8 229.57.

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

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

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

17 (e) Conduct the program evaluations required by s.
18 229.565.

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

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

28 (h) Maintain for the information of the State Board of
29 Education and the Legislature a file of data compiled by the
30 Articulation Coordinating Committee to reflect achievement of
31

1 college-level communication and computation competencies by
2 students in state universities and community colleges.

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

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

20 Section 33. For the purpose of incorporating the
21 amendments made by this act to section 230.23, Florida
22 Statutes, in references thereto, subsection (4) of section
23 230.03, Florida Statutes, is reenacted to read:

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

27 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
28 the administration of any school or schools at a given school
29 center, for the supervision of instruction therein, and for
30 providing leadership in the development or revision and
31 implementation of a school improvement plan required pursuant

1 to s. 230.23(16) shall be delegated to the principal or head
2 of the school or schools as hereinafter set forth and in
3 accordance with rules established by the school board.

4 Section 34. For the purpose of incorporating the
5 amendments made by this act to section 230.23, Florida
6 Statutes, in references thereto, paragraph (b) of subsection
7 (4) of section 230.2316, Florida Statutes, 1998 Supplement, is
8 reenacted to read:

9 230.2316 Dropout prevention.--

10 (4) PROGRAM IMPLEMENTATION.--

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

15 Section 35. For the purpose of incorporating the
16 amendments made by this act to section 230.23, Florida
17 Statutes, in references thereto, section 231.085, Florida
18 Statutes, is reenacted to read:

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

1 shall provide leadership in the development or revision and
2 implementation of a school improvement plan pursuant to s.
3 230.23(16).

4 Section 36. For the purpose of incorporating the
5 amendments made by this act to sections 229.591 and 229.592,
6 Florida Statutes, in references thereto, paragraph (a) of
7 subsection (3) of section 231.24, Florida Statutes, 1998
8 Supplement, is reenacted to read:

9 231.24 Process for renewal of professional
10 certificates.--

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

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

1 approved by the State Board of Education and specified
2 pursuant to s. 236.0811 in the district's approved master plan
3 for inservice educational training, including, but not limited
4 to, serving as a trainer in an approved teacher training
5 activity, serving on an instructional materials committee or a
6 state board or commission that deals with educational issues,
7 or serving on an advisory council created pursuant to s.
8 229.58.

9 Section 37. For the purpose of incorporating the
10 amendments made by this act to section 231.29, Florida
11 Statutes, in references thereto, paragraphs (e) and (f) of
12 subsection (3) of section 231.36, Florida Statutes, are
13 reenacted to read:

14 231.36 Contracts with instructional staff,
15 supervisors, and principals.--

16 (3)

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

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

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

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

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

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

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

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

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

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1 final as to the sufficiency or insufficiency of the grounds
2 for termination of employment.

3 Section 38. For the purpose of incorporating the
4 amendments made by this act to section 229.591, Florida
5 Statutes, in references thereto, subsection (1) of section
6 231.600, Florida Statutes, 1998 Supplement, is reenacted to
7 read:

8 231.600 School Community Professional Development
9 Act.--

10 (1) The Department of Education, public community
11 colleges and universities, public school districts, and public
12 schools in this state shall collaborate to establish a
13 coordinated system of professional development. The purpose of
14 the professional development system is to enable the school
15 community to succeed in school improvement as described in s.
16 229.591.

17 Section 39. For the purpose of incorporating the
18 amendments made by this act to section 232.245, Florida
19 Statutes, in references thereto, subsection (1) of section
20 232.2454, Florida Statutes, is reenacted to read:

21 232.2454 District student performance standards,
22 instruments, and assessment procedures.--

23 (1) School districts are required to obtain or develop
24 and implement assessments of student achievement as necessary
25 to accurately measure student progress and to report this
26 progress to parents or legal guardians according to s.
27 232.245. Each school district shall implement the assessment
28 program pursuant to the procedures it adopts.

29 Section 40. For the purpose of incorporating the
30 amendments made by this act to section 232.245, Florida
31 Statutes, in references thereto, paragraphs (a) and (b) of

1 subsection (5) of section 232.246, Florida Statutes, 1998
2 Supplement, are reenacted and amended to read:

3 232.246 General requirements for high school
4 graduation.--

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

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

10 (b) Completion of all other applicable requirements
11 prescribed by the district school board pursuant to s.
12 232.245.

13 Section 41. For the purpose of incorporating the
14 amendments made by this act to sections 229.57 and 232.245,
15 Florida Statutes, in references thereto, section 232.248,
16 Florida Statutes, is reenacted to read:

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

27 Section 42. For the purpose of incorporating the
28 amendments made by this act to section 232.245, Florida
29 Statutes, in references thereto, subsection (1) of section
30 232.2481, Florida Statutes, is reenacted to read:

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1 232.2481 Graduation and promotion requirements for
2 publicly operated schools.--

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

14 Section 43. For the purpose of incorporating the
15 amendments made by this act to section 229.565, Florida
16 Statutes, in references thereto, subsection (4) of section
17 233.09, Florida Statutes, is reenacted to read:

18 233.09 Duties of each state instructional materials
19 committee.--The duties of each state instructional materials
20 committee shall be:

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

28 (a) When recommending instructional materials for use
29 in the schools, each committee shall include only
30 instructional materials that accurately portray the ethnic,
31 socioeconomic, cultural, and racial diversity of our society,

1 including men and women in professional, vocational, and
2 executive roles, and the role and contributions of the
3 entrepreneur and labor in the total development of this state
4 and the United States.

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

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

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

26 (e) All instructional materials recommended by each
27 committee for use in the schools shall be, to the satisfaction
28 of each committee, accurate, objective, and current and suited
29 to the needs and comprehension of pupils at their respective
30 grade levels. Instructional materials committees shall
31 consider for adoption materials developed for academically

1 talented students such as those enrolled in advanced placement
2 courses.

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

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

21 Section 44. For the purpose of incorporating the
22 amendments made by this act to section 229.565, Florida
23 Statutes, in references thereto, paragraph (b) of subsection
24 (1) of section 233.165, Florida Statutes, is reenacted to
25 read:

26 233.165 Standards for selection.--

27 (1) In the selection of instructional materials,
28 library books, and other reading material used in the public
29 school system, the standards used to determine the propriety
30 of the material shall include:

31

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

10 Section 45. For the purpose of incorporating the
11 amendments made by this act to section 229.565, Florida
12 Statutes, in references thereto, paragraph (b) of subsection
13 (3) of section 233.25, Florida Statutes, is reenacted to read:

14 233.25 Duties, responsibilities, and requirements of
15 publishers and manufacturers of instructional
16 materials.--Publishers and manufacturers of instructional
17 materials, or their representatives, shall:

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

20 (b) Written proof that the publisher has provided
21 written correlations to appropriate curricular objectives
22 included within applicable performance standards provided for
23 in s. 229.565.

24 Section 46. For the purpose of incorporating the
25 amendments made by this act to section 231.29, Florida
26 Statutes, in references thereto, paragraphs (a) and (c) of
27 subsection (2) of section 236.08106, Florida Statutes, 1998
28 Supplement, are reenacted to read:

29 236.08106 Excellent Teaching Program.--

30 (2) The Excellent Teaching Program is created to
31 provide categorical funding for monetary incentives and

1 bonuses for teaching excellence. The Department of Education
2 shall allocate and distribute to each school district an
3 amount as prescribed annually by the Legislature for the
4 Excellent Teaching Program. Unless otherwise provided in the
5 General Appropriations Act, each school district's annual
6 allocation shall be the sum of the amounts earned for the
7 following incentives and bonuses:

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

23 (c) An annual bonus equal to 10 percent of the prior
24 fiscal year's statewide average salary for classroom teachers
25 to be paid to each individual who holds NBPTS certification
26 and is employed by the district school board or by a public
27 school within that school district. The district school board
28 shall distribute the annual bonus to each individual who meets
29 the requirements of this paragraph and who is certified
30 annually by the district to have demonstrated satisfactory
31 teaching performance pursuant to s. 231.29. The annual bonus

1 may be paid as a single payment or divided into not more than
2 three payments.

3 Section 47. For the purpose of incorporating the
4 amendments made by this act to section 230.23, Florida
5 Statutes, in references thereto, subsection (3) of section
6 239.229, Florida Statutes, 1998 Supplement, is reenacted to
7 read:

8 239.229 Vocational standards.--

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

17 Section 48. For the purpose of incorporating the
18 amendments made by this act to section 229.592, Florida
19 Statutes, in references thereto, subsection (4) of section
20 240.118, Florida Statutes, is reenacted to read:

21 240.118 Postsecondary feedback of information to high
22 schools.--

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

28 Section 49. Subsections (29), (40), and (42) of
29 section 228.041, Florida Statutes, 1998 Supplement, are
30 amended to read:

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1 228.041 Definitions.--Specific definitions shall be as
2 follows, and wherever such defined words or terms are used in
3 the Florida School Code, they shall be used as follows:

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

7 (a) The student has voluntarily removed himself or
8 herself from the school system before graduation for reasons
9 that include, but are not limited to, marriage, or the student
10 has withdrawn from school because he or she has failed the
11 statewide student assessment test and thereby does not receive
12 any of the certificates of completion;

13 (b) The student has not met the relevant attendance
14 requirements of the school district pursuant to State Board of
15 Education rules, or the student was expected to attend a
16 school but did not enter as expected for unknown reasons, or
17 the student's whereabouts are unknown;

18 (c) The student has withdrawn from school, but has not
19 transferred to another public or private school or enrolled in
20 any vocational, adult, home education,or alternative
21 educational program;

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

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

29
30 ~~Students not exempt from attendance pursuant to s. 232.06 and~~
31 ~~who are subject to compulsory school attendance under s.~~

1 ~~232.01 and who stop attending school are habitual truants as~~
2 ~~defined in subsection (28) and are not considered dropouts.~~
3 The State Board of Education may adopt rules to implement the
4 provisions of this subsection.
5 (40) GRADUATION RATE.--The term "graduation rate"
6 means the percentage of students who graduate from high school
7 within 4 years after entering 9th grade for the first time,
8 not counting students who transfer out of the student
9 population to enroll in another school system; students who
10 withdraw to enroll in a private school, a home education
11 program, or an adult education program; or deceased students.
12 Incoming transfer students, at the time of their enrollment,
13 are included in the count of the class with which they are
14 scheduled to graduate. For this rate calculation, students are
15 counted as graduates upon receiving a standard high school
16 diploma, as provided in s. 232.246, or a special diploma, as
17 provided in s. 232.247. Also counted as graduates are
18 ~~calculated by dividing the number of entering 9th graders into~~
19 ~~the number of students who receive, 4 years later, a high~~
20 ~~school diploma, a special diploma, or a certificate of~~
21 ~~completion, as provided for in s. 232.246, or who receive a~~
22 ~~special certificate of completion, as provided in s. 232.247,~~
23 ~~and~~ students 19 years of age or younger who receive a general
24 equivalency diploma, as provided in s. 229.814. The number of
25 9th grade students used in the calculation of a graduation
26 rate for this state shall be students enrolling in the grade
27 for the first time. In conjunction with calculating the
28 graduation rate for this state, the Department of Education
29 shall conduct a study to evaluate the impact of the rate of
30 students who withdraw from high school to attend adult
31 education programs and the students in exceptional student

1 education programs. The department shall report its findings
2 to the Legislature by February 1, 2000. The Department of
3 Education may calculate a 5-year graduation rate using the
4 same methodology described in this section.

5 (42) DROPOUT RATE.--The term "high school dropout
6 rate" means the annual percentage calculated by dividing the
7 number of students in grades 9 through 12 who are classified
8 as dropouts, pursuant to subsection (29), by the total number
9 of students in grades 9-12 in attendance at any time during
10 the school year over the age of compulsory school attendance,
11 pursuant to s. 232.01, at the time of the fall membership
12 count, into the number of students who withdraw from school
13 during a given school year and who are classified as dropouts
14 pursuant to subsection (29). The Department of Education shall
15 report the number of students initially classified as students
16 who transfer to an adult education program but who do not
17 enroll in an adult education program.

18 Section 50. Paragraph (f) of subsection (9) of section
19 228.056, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 228.056 Charter schools.--

22 (9) CHARTER.--The major issues involving the operation
23 of a charter school shall be considered in advance and written
24 into the charter. The charter shall be signed by the governing
25 body of the charter school and the sponsor, following a public
26 hearing to ensure community input.

27 (f) Upon receipt of the annual report required by
28 paragraph (d), the Department of Education shall provide to
29 the State Board of Education, the Commissioner of Education,
30 the President of the Senate, and the Speaker of the House of
31 Representatives an analysis and comparison of the overall

1 performance of charter school students, to include all
2 students whose scores are counted as part of the state
3 ~~norm-referenced~~ assessment program tests, versus comparable
4 public school students in the district as determined by the
5 state ~~norm-referenced~~ assessment program tests currently
6 administered in the school district, and, as appropriate, the
7 Florida Writes Assessment Test, the High School Competency
8 Test, and other assessments administered pursuant to s.
9 229.57(3).

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

16 Section 52. Except as otherwise provided in this act,
17 this act shall take effect upon becoming a law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1756

4 The Committee Substitute differs from SB 1756 in the following
5 ways:

6 1. The State Board of Education is required, rather than
7 authorized, to intervene when one or more schools in a
8 district school system has failed to make adequate progress
9 for 2 years in a 4-year period.

10 2. The term "critically low performing school" is replaced by
11 the designation "performance grade category "F".

12 3. To be designated as performance grade category "F", a
13 school's performance must be below acceptable levels for two
14 years in a 4-year period, rather than two consecutive years.

15 4. To be eligible for an opportunity scholarship, a student
16 must have spent the prior year in attendance at a school that
17 has a performance grade category of "F" or must be assigned
18 for the next school year to a school that has a performance
19 grade category of "F".

20 5. The opportunity scholarship student must be offered the
21 opportunity to attend a public school in the district that has
22 a performance grade of "C" or better and the school need not
23 be the closest one to the student's residence.

24 6. The opportunity scholarship will remain in force until the
25 student leaves the private school for which the scholarship
26 was originally granted, or until the student graduates into
27 high school and the public high school to which the student is
28 assigned has a performance grade of "C" or better."

29 7. A private school participating in the opportunity
30 scholarship program must generate an annual report including a
31 detailed accounting of all state funds and an assessment of
gains in student achievement. The private school must agree
to accept the opportunity scholarship student for a minimum of
one year and must be responsible for attendance. However, the
school can dismiss a student for violation of school rules
pertaining to health, safety, and welfare.

8. The school district and the private school must cooperate
to ensure that the scholarship student takes all statewide
assessments.

9. The private or public school that provides services to
scholarship students with disabilities will receive the
weighted funding for the services according to the matrix of
service for exceptional student education.

10. The pilot scholarship program for students with
disabilities will be offered in Broward, Clay, Sarasota, and
Santa Rosa County school districts, and participation will be
limited to 5 percent of the students with disabilities in
those districts in the first year, 10 percent of students in
the second year, and 20 percent of students in the third and

- 1 subsequent years. Documentation of the student's performance
2 will be according to the student's individual education plan,
3 or according to the student's performance on state or local
4 assessments.
- 5 11. The Commissioner of Education must include information
6 about the Opportunity Scholarship Program in annual reports.
- 7 12. The Department of Education must develop a statistical
8 assessment tool for measuring annual pupil progress. The data
9 from this system must be used to compare the performance of
10 teachers.
- 11 13. Beginning in 2003, science will be a subject in statewide
12 assessments.
- 13 14. Students who enroll in grade 9 in the Fall of 1999 must
14 earn a passing score on the grade 10 assessment test instead
15 of the high school competency test.
- 16 15. School districts must provide instruction to prepare
17 students to demonstrate proficiency in the skills and
18 competencies necessary for grade-to-grade progression and high
19 school graduation, and the commissioner must conduct studies
20 to determine if school district programs include the required
21 skills and competencies.
- 22 16. If a student is retained, the academic program must be an
23 intensive program that is different from the previous year's
24 program and must take into account the student's learning
25 style. A school district must consider an appropriate
26 alternative placement for a student who has been retained 2 or
27 more years.
- 28 17. The Florida State University School is authorized to spend
29 funds from its FEFP allocation or Lottery funds to pay the
30 cost of remediation in reading, writing, or mathematics for
31 any graduate who requires remediation at a postsecondary
institution.
- 18 18. Technical errors in the new methods for calculating
19 dropout and graduation rates are corrected. The Department of
20 Education must report on the status of students who left
21 school but were not classified as dropouts.
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