

By the Committees on Fiscal Policy, Education and Senators
 Cowin and McKay

309-2072-99

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; providing for

1 funding; revising terminology relating to
2 assessments; providing 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. For purposes of determining when a school is
28 eligible for state board action and opportunity scholarships
29 for its students, the terms "2 years in any 4-year period" and
30 "2 years in a 4-year period" mean that in any year that a
31 school has a grade of "F," the school is eligible for state

1 board action and opportunity scholarships for its students if
2 it also has had a grade of "F" in any of the previous 3 school
3 years. Except as otherwise provided in s. 229.57(9), a
4 performance rating based on data before the 1998-1999 school
5 year data may not be included in a 4-year period.The state
6 board may determine that the school district or ~~and/or~~ school
7 has not taken steps sufficient for ~~to ensure that~~ students in
8 the school to be academically in question ~~are~~ well served.
9 Considering recommendations of the Commissioner of Education,
10 the state board shall ~~is authorized to~~ recommend action to a
11 district school board ~~that is~~ intended to improve ~~ensure~~
12 ~~improved~~ educational services to students in each school that
13 is designated as performance grade category "F."~~the~~
14 ~~low-performing schools in question.~~Recommendations for
15 actions to be taken in the school district shall be made only
16 after thorough consideration of the unique characteristics of
17 a school, which shall ~~also~~ include student mobility rates, and
18 the number and type of exceptional students enrolled in the
19 school, and the availability of options for improved
20 educational services. The state board shall adopt by rule
21 steps to follow in this process. Such steps shall provide
22 ~~ensure that~~ school districts ~~have~~ sufficient time to improve
23 student performance in schools and ~~have had~~ the opportunity to
24 present evidence of assistance and interventions that the
25 school board has implemented.

26 (2) The state board is specifically authorized to
27 recommend one or more of the following actions to school
28 boards to enable ~~ensure that~~ students in ~~low-performing~~
29 schools designated as performance grade category "F" to be
30 academically ~~are~~ well served by the public school system:
31

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

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

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

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

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

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

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

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

4 Section 2. Section 229.0537, Florida Statutes, is
5 created to read:

6 229.0537 Opportunity Scholarship Program.--

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

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

6 (a) By assigned school attendance area or by special
7 assignment, the student has spent the prior school year in
8 attendance at a public school that has been designated
9 pursuant to s. 229.57 as performance grade category "F,"
10 failing to make adequate progress, and that has had two school
11 years in a 4-year period of such low performance, and the
12 student's attendance occurred during a school year in which
13 such designation was in effect; or the parent or guardian of a
14 student who has been in attendance elsewhere in the public
15 school system or who is entering kindergarten or first grade
16 has been notified that the student has been assigned to such
17 school for the next school year;

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

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

26
27 For purposes of continuity of educational choice, the
28 opportunity scholarship shall be for the entire school year
29 for which it was originally issued and shall remain in force
30 until the student leaves the private school for which the
31 scholarship was originally granted, or until the student

1 graduates into high school and the public high school to which
2 the student is assigned has earned a performance grade of "C"
3 or better. If the scholarship student leaves the private
4 school for which the scholarship was originally granted and
5 the public school to which he or she would be assigned has a
6 performance grade of "D" or "F," the student shall remain
7 eligible for an opportunity scholarship. However, at any time
8 upon reasonable notice to the Department of Education and the
9 school district, the student's parent or guardian may remove
10 the student from the private school and place the student in a
11 public school, as provided in subparagraph (3)(a)2.

12 (3) SCHOOL DISTRICT OBLIGATIONS.--

13 (a) A school district shall, for each student enrolled
14 in or assigned to a school that has been designated as
15 performance grade category "F" for 2 school years in a 4-year
16 period:

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

20 2. Offer that student's parent or guardian an
21 opportunity to enroll the student in the public school within
22 the district that has been designated by the state pursuant to
23 s. 229.57 as a school performing higher than that in which the
24 student is currently enrolled or to which the student has been
25 assigned, but not less than performance grade category "C."
26 For purposes of identifying higher performing public schools
27 eligible for parental choice for the 1999-2000 school year,
28 school grade designations for the 1998-1999 school year shall
29 be the grade equivalent of the corresponding performance level
30 I-V specified in state board rule at the time this act becomes
31 a law. Level I corresponds to an "F" grade and Level V

1 corresponds to an "A" grade. The parent or guardian is not
2 required to accept this offer in lieu of requesting a state
3 opportunity scholarship to a private school. The opportunity
4 to continue attending the higher performing public school
5 shall remain in force until the student graduates from high
6 school.

7 (b) The parent or guardian of a student enrolled in or
8 assigned to a school that has been designated performance
9 grade category "F" for 2 school years in a 4-year period may
10 choose as an alternative to enroll the student in and
11 transport the student to a higher-performing public school
12 that has available space in an adjacent school district, and
13 that school district shall accept the student and report the
14 student for purposes of the district's funding pursuant to the
15 Florida Education Finance Program.

16 (c) Students with disabilities who are eligible to
17 receive services from the school district under federal or
18 state law, and who participate in this program, remain
19 eligible to receive services from the school district as
20 provided by federal or state law.

21 (d) If for any reason a qualified private school is
22 not available for the student or if the parent or guardian
23 chooses to request that the student be enrolled in the higher
24 performing public school, rather than choosing to request the
25 state opportunity scholarship, transportation costs to the
26 higher performing public school shall be the responsibility of
27 the school district. The district may utilize state
28 categorical transportation funds or state-appropriated public
29 school choice incentive funds for this purpose.

30 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
31 participate in the opportunity scholarship program, a private

1 school must be a Florida private school, may be sectarian or
2 nonsectarian, and must:

3 (a) Be in existence at least 1 year and provide the
4 State Board of Education with evidence of fiscal soundness
5 consistent with generally accepted accounting practices. In
6 lieu of providing evidence of fiscal soundness, a surety bond
7 or letter of credit for an amount equal to the opportunity
8 scholarship funds received in any quarter may be filed with
9 the State Board of Education. However, the 1-year requirement
10 does not apply to those schools providing services to students
11 with disabilities under the pilot programs that offer
12 opportunity scholarships.

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

21 (c) Comply with the antidiscrimination provisions of
22 42 U.S.C. s. 2000d.

23 (d) Meet state and local health and safety laws and
24 codes.

25 (e) Determine, on an entirely random and
26 religious-neutral basis and without regard to the student's
27 past academic history, which scholarship students to accept;
28 however, the private school may give preference in accepting
29 applications to siblings of students who have already been
30 accepted on a random and religious-neutral basis. A private
31 school dedicated to a particular subject area or specialized

1 curricular focus may take into account a student's experience
2 in that subject area or related curriculum.

3 (f) Be subject to the accreditation standards of a
4 nonpublic school accrediting body recognized by the Florida
5 Association of Academic Nonpublic Schools. If the private
6 school fails to meet the accreditation standards of the
7 accrediting body and does not correct identified deficiencies
8 within the required time period, not to exceed 3 years, the
9 school will forfeit eligibility to participate in the
10 opportunity scholarship program. The status of accreditation,
11 as well as the highest educational degree attained by each
12 faculty member, shall be included in the school's annual
13 report to the Department of Education. Upon the parent's or
14 guardian's request, the school shall furnish the parent or
15 guardian with a school profile that includes student
16 performance information.

17 (g) Comply with all state statutes relating to private
18 schools.

19 (h) Accept as full tuition and fees the amount
20 provided by the state for each student, and agree not to
21 require or compel any opportunity scholarship student, or his
22 or her parent or guardian, to purchase materials, clothing, or
23 equipment that would not normally be required of a student
24 attending a public school, such as, but not limited to,
25 instructional materials, uniforms, or materials and equipment
26 related to extracurricular activities.

27 (i) Agree not to compel any student attending the
28 private school on an opportunity scholarship to profess a
29 specific ideological belief, to pray, or to worship.

30
31

1 (j) Not compel or require any student attending the
2 private school on an opportunity scholarship to profess a
3 specific ideological belief, to pray, or to worship.

4 (k) Generate an annual report to include a detailed
5 accounting of all state funds, a review of educational
6 programs and operational policies, and an assessment of gains
7 in student achievement for each student served via an
8 opportunity scholarship. This report shall be submitted to the
9 Department of Education and made available to the general
10 public; however, the provisions of s. 228.093 shall apply to
11 this requirement.

12 (l) Agree to accept opportunity scholarship students
13 for a minimum of one school year, with the exception that the
14 student may be dismissed for violation of school rules
15 pertaining to the health, safety, or welfare of students and
16 staff. The private school shall adhere to the tenets of its
17 published due-process procedures prior to the expulsion of any
18 opportunity scholarship student. The private school must also
19 agree to be responsible for attendance during that time
20 period.

21 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

22 (a) Any student participating in the opportunity
23 scholarship program must remain in attendance throughout the
24 school year, unless excused by the school for illness or other
25 good cause, and must comply fully with the school's code of
26 conduct. However, a student may be removed from a school for
27 good cause, and a student may choose to leave a school to
28 attend another school or be home-schooled.

29 (b) The parent or guardian of each student
30 participating in the opportunity scholarship program must
31 comply fully with the private school's parental involvement

1 requirements, unless excused by the school for illness or
2 other good cause.

3 (c) The parent or guardian shall ensure that the
4 student participating in the opportunity scholarship program
5 takes all statewide assessments required pursuant to s.
6 229.57. The private school and the school district shall
7 cooperate to ensure that the scholarship student takes all
8 statewide assessments required in s. 229.57. Students
9 participating in the opportunity scholarship program may take
10 such tests at a location and at a time provided by the school
11 district or the private school in accordance with state and
12 district assessment procedures, at the discretion of the
13 school district. If the school district chooses not to allow
14 opportunity scholarship students to participate with public
15 school students, the school district shall open state
16 assessment training workshops to private school test
17 administrators and provide supervision of the test
18 administration.

19 (d) A participant who fails to comply with this
20 subsection shall forfeit the opportunity scholarship.

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

22 (a)1. The maximum opportunity scholarship granted for
23 an eligible student shall be a calculated amount equivalent to
24 the base student allocation multiplied by the weighted cost
25 factor for the educational program that would have been
26 provided for the student in the district school to which he or
27 she was assigned, multiplied by the district cost
28 differential. In addition, the calculated amount shall include
29 the per student share of instructional materials funding,
30 technology funding, and other categorical funds as provided
31 for this purpose in the General Appropriations Act. The amount

1 of the opportunity scholarship shall be the calculated amount
2 or the amount of the private school's tuition and fees,
3 whichever is less. Fees eligible shall include textbook fees,
4 lab fees, and other fees related to instruction, including
5 transportation. The district shall report all students who are
6 attending a private school under this program. The students
7 attending private schools on opportunity scholarships shall be
8 reported separately from those students reported for purposes
9 of the Florida Education Finance Program. The public or
10 private school that provides services to students with
11 disabilities shall receive the weighted funding for such
12 services at the appropriate funding level consistent with the
13 provisions of s. 236.025.

14 2. For purposes of calculating the opportunity
15 scholarship, a student will be eligible for the amount of the
16 appropriate basic cost factor if:

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

20 b. The student currently participates in a Group II
21 program and the parent has chosen a private school that does
22 not provide the additional services funded by the Group II
23 program.

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

31

1 (b) Upon proper documentation reviewed and approved by
2 the Department of Education, the Comptroller shall make
3 opportunity scholarship payments in four equal amounts no
4 later than September 1, November 1, February 1, and April 1 of
5 each academic year in which the opportunity scholarship is in
6 force. The initial payment shall be made after Department of
7 Education verification of admission acceptance and subsequent
8 payments shall be made upon verification of continued
9 enrollment and attendance at the private school. Payment must
10 be by individual warrant made jointly payable to the student's
11 parent or guardian and eligible private school chosen by the
12 parent or guardian, and the parent or guardian shall
13 restrictively endorse the warrant to the private school.

14 (7) LIABILITY.--No liability shall arise on the part
15 of the state based on any grant or use of an opportunity
16 scholarship.

17 (8) PILOT PROGRAM.--There is established a pilot
18 program, which is separate and distinct from the Opportunity
19 Scholarship Program, in the Broward, Clay, Sarasota, and Santa
20 Rosa school districts to provide scholarships to a public or
21 private school of choice for students with disabilities whose
22 academic progress in at least two areas has not met expected
23 levels for the previous year, as determined by the student's
24 individual education plan. Student participation in the pilot
25 program is limited to 5 percent of the students with
26 disabilities in the participating school districts during the
27 first year, 10 percent of students with disabilities during
28 the second year, and 20 percent of students with disabilities
29 during the third and subsequent years. The following applies
30 to the pilot program:

31

1 (a) To be eligible to participate in the pilot
2 program, a private school must meet all requirements of
3 subsection (4). For purposes of the pilot program,
4 notification under paragraph (4)(a) must be separate from the
5 notification under the Opportunity Scholarship Program.

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

9 (c) The amount of the scholarship in the pilot program
10 shall not exceed the amount the student would have received
11 under the Florida Education Finance Program in the public
12 school to which he or she is assigned.

13 (d) To be eligible for a scholarship under the pilot
14 program, a student or parent must:

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

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

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

30
31

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

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

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

1 score or have been exempted from each part of the high school
2 competency test in order to qualify for a regular high school
3 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 (20), and new subsections (18) and (19) are added
6 to that 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 A school identified as performance grade category "F" for one
8 school year, pursuant to s. 229.57, shall receive school
9 district funds for the next school year at a level necessary
10 to reduce each K through 3rd grade class to no more than 15
11 students for each full-time classroom teacher and at a level
12 necessary to provide for an instructional year that is
13 equivalent to a 210-day schedule for each student in grades 4
14 through 12.

15 (17) LOCAL-LEVEL DECISIONMAKING.--

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

23 (b) Adopt waiver process policies to enable all
24 schools to exercise maximum flexibility and notify advisory
25 councils of processes to waive school district and state
26 policies.

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

30 (d) Adopt policies that assist in giving greater
31 autonomy, including authority over the allocation of the

1 school's budget, to schools designated as performance grade
2 category "A," making excellent progress, and schools rated as
3 having improved at least two performance grade categories.

4 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
5 allowing students attending schools that have been designated
6 as performance grade category "F," failing to make adequate
7 progress, for two school years in a 4-year period to attend a
8 higher performing school in the district or an adjoining
9 district or be granted a state opportunity scholarship to a
10 private school, in conformance with s. 229.0537 and state
11 board rule.

12 (19) AUTHORITY TO DECLARE AN EMERGENCY.--The school
13 board is authorized to declare an emergency in cases in which
14 one or more schools in the district are failing or in danger
15 of failing and negotiate special provisions of its contract
16 with the appropriate bargaining units to free these schools
17 from contract restrictions that limit the school's ability to
18 implement programs and strategies needed to improve student
19 performance.

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

23 Section 14. Paragraph (a) of subsection (3) of section
24 231.29, Florida Statutes, 1998 Supplement, is amended to read:

25 231.29 Assessment procedures and criteria.--

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

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

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

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

19 Section 15. Subsection (2) of section 231.2905,
20 Florida Statutes, is amended, and subsection (3) is added to
21 that section, to read:

22 231.2905 Florida School Recognition Program.--
23 (2) The Florida School Recognition Program is created
24 to provide greater autonomy and financial awards to ~~faculty~~
25 ~~and staff of~~ schools that sustain high performance or that
26 demonstrate exemplary improvement due to innovation and
27 effort. The Commissioner of Education shall establish
28 statewide objective criteria for schools to be invited to
29 apply for the Florida School Recognition Program. The
30 selection of schools must be based on at least 2 school years
31 of data, when available. ~~To participate in the program, a~~

1 ~~school district must have incorporated a performance incentive~~
2 ~~program into its employee salary structure.~~ All public
3 schools, including charter schools, are eligible to
4 participate in the program.

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

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

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

11 ~~(c)~~ Student learning gains when such data becomes
12 available.

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

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

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

16 ~~(g)~~ Graduation rates.

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

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

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

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

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

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

29 ~~(c)~~ ~~After identification of schools for final~~
30 ~~recognition and financial awards, awards must be distributed~~

31

1 ~~based on employee performance criteria established in district~~
2 ~~school board policy.~~

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

5 Section 16. Section 232.245, Florida Statutes, is
6 amended to read:

7 232.245 Pupil progression; remedial instruction;
8 reporting requirements.--

9 (1) It is the intent of the Legislature that each
10 student's progression from one grade to another be determined,
11 in part, upon proficiency in reading, writing, science, and
12 mathematics; that school district policies facilitate such
13 proficiency; and that each student and his or her parent or
14 legal guardian be informed of that student's academic
15 progress.

16 (2) Each district school board shall establish a
17 comprehensive program for pupil progression which must
18 include:

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

22 (b) Specific levels of performance in reading,
23 writing, science, and mathematics for each grade level,
24 including the levels of performance on statewide assessments
25 ~~at selected grade levels in elementary school, middle school,~~
26 ~~and high school~~ as defined by the Commissioner of Education,
27 below which a student must receive remediation, or ~~and may~~ be
28 retained within an intensive program that is different from
29 the previous year's program and that takes into account the
30 student's learning style. No student may be assigned to a
31 grade level based solely on age or other factors that

1 constitute social promotion. School boards shall allocate
2 remedial and supplemental instruction resources first to
3 students who fail to meet achievement performance levels
4 required for promotion. The state board shall adopt rules to
5 prescribe limited circumstances in which a student may be
6 promoted without meeting the specific assessment performance
7 levels prescribed by the district's pupil progression plan.
8 Such rules shall specifically address the promotion of
9 students with limited English proficiency and students with
10 disabilities. A school district must consider an appropriate
11 alternative placement for a student who has been retained 2 or
12 more years.

13 (3) Each student must participate in the statewide
14 assessment tests required by s. 229.57. Each student who does
15 not meet specific levels of performance as determined by the
16 district school board in reading, writing, science, and
17 mathematics for each grade level, or who does not meet
18 specific levels of performance, determined by the Commissioner
19 of Education, on statewide assessments at selected grade
20 levels, must be provided with additional diagnostic
21 assessments to determine the nature of the student's
22 difficulty and areas of academic need. The school in which the
23 student is enrolled must develop, in consultation with the
24 student's parent or legal guardian, and must implement an
25 academic improvement plan designed to assist the student in
26 meeting state and district expectations for proficiency. Each
27 plan must include the provision of intensive remedial
28 instruction in the areas of weakness. ~~through one or more of~~
29 ~~the following activities, as considered appropriate by the~~
30 ~~school administration:~~

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

1 ~~(b) Extended day services;~~
2 ~~(c) Parent tutorial programs;~~
3 ~~(d) Contracted academic services;~~
4 ~~(e) Exceptional education services; or~~
5 ~~(f) Suspension of curriculum other than reading,~~
6 ~~writing, and mathematics.~~ Remedial instruction provided during
7 high school may not be in lieu of English and mathematics
8 credits required for graduation.

9
10 Upon subsequent evaluation, if the documented deficiency has
11 not been corrected in accordance with the academic improvement
12 plan, the student may be retained. Each student who does not
13 meet the minimum performance expectations defined by the
14 Commissioner of Education for the statewide assessment tests
15 in reading, writing, science, and mathematics must ~~retake the~~
16 ~~state assessment test in the subject area of deficiency and~~
17 ~~must~~ continue remedial or supplemental instruction until the
18 expectations are met or the student graduates from high school
19 or is not subject to compulsory school attendance.

20 (4) Any student who exhibits substantial deficiency in
21 reading skills, based on locally determined assessments
22 conducted before the end of grade 1 or grade 2, ~~and grade 3,~~
23 or based on teacher recommendation, must be given intensive
24 reading instruction immediately following the identification
25 of the reading deficiency. The student's reading proficiency
26 must be reassessed by locally determined assessment or based
27 on teacher recommendation at the beginning of the grade
28 following the intensive reading instruction, and the student
29 must continue to be given intensive reading instruction until
30 the reading deficiency is remedied. If the student's reading
31 deficiency, as determined by the locally determined assessment

1 at grades 1 and 2, or by the statewide assessment at grade 3,
2 is not remedied by the end of grade 4 and 2 or grade 3, or if
3 the student scores below the specific level of performance,
4 ~~determined by the local school board,~~ on the statewide
5 assessment test in reading ~~and writing given in elementary~~
6 ~~school,~~ the student must be retained. The local school board
7 may exempt a student from mandatory retention for good cause.

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

22 (5)(6) Each district must annually report to the
23 parent or legal guardian of each student the progress of the
24 student towards achieving state and district expectations for
25 proficiency in reading, writing, science, and mathematics. The
26 district must report to the parent or legal guardian the
27 student's results on each statewide assessment test. The
28 evaluation of each student's progress must be based upon the
29 student's classroom work, observations, tests, district and
30 state assessments, and other relevant information. Progress
31

1 reporting must be provided to the parent or legal guardian in
2 writing in a format adopted by the district school board.

3 (6)~~(7)~~ The Commissioner of Education shall adopt rules
4 pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ for the
5 administration of this section.

6 (7)~~(8)~~ The Department of Education shall provide
7 technical assistance as needed to aid school districts in
8 administering this section.

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

11 228.053 Developmental research schools.--

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

17 (a) The methods and requirements of the following
18 statutes shall be held in abeyance: ss. 230.01; 230.02;
19 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
20 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
21 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
22 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
23 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
24 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
25 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
26 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
27 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
28 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
29 and 316.75. With the exception of subsection (16) of s.
30 230.23, s. 230.23 shall be held in abeyance. Reference to
31

1 school boards in s. 230.23(16) shall mean the president of the
2 university or the president's designee.

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

18 1. Two or more developmental research schools may
19 jointly originate a request for waiver and submit the request
20 to the committee if such waiver is approved by the school
21 advisory council of each developmental research school
22 desiring the waiver.

23 2. A developmental research school may submit a
24 request to the committee for a waiver if such request is
25 presented by a school advisory council established pursuant to
26 s. 229.58, if such waiver is required to implement a school
27 improvement plan required by s. 230.23(16), and if such
28 request is made using forms established pursuant to s.
29 229.592(6). The Joint Developmental Research School Planning,
30 Articulation, and Evaluation Committee shall monitor the
31 waiver activities of all developmental research schools and

1 shall report annually to the department ~~and the Florida~~
2 ~~Commission on Education Reform and Accountability~~, in
3 conjunction with the feedback report required pursuant to s.
4 229.592(3), the number of waivers requested and submitted to
5 the committee by developmental research schools, and the
6 number of such waiver requests not approved. For each waiver
7 request not approved, the committee shall report the statute
8 or rule for which the waiver was requested, the rationale for
9 the developmental research school request, and the reason the
10 request was not approved.

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

20 (d) ~~The procedure established in s. 229.592(6)(f)~~
21 ~~shall be followed for any request for a waiver which is not~~
22 ~~denied, or for which a request for additional information is~~
23 ~~not issued.~~Notwithstanding the request provisions of s.
24 229.592(6), developmental research schools shall request all
25 waivers through the Joint Developmental Research School
26 Planning, Articulation, and Evaluation Committee, as
27 established in s. 228.054. The committee shall approve or
28 disapprove said requests pursuant to this subsection and s.
29 229.592(6); however, the Commissioner of Education shall have
30 standing to challenge any decision of the committee should it
31 adversely affect the health, safety, welfare, or civil rights

1 of the students or public interest. The department shall
2 immediately notify the committee and developmental research
3 school of the decision and provide a rationale therefor.

4 Section 18. Paragraph (e) of subsection (2) of section
5 228.054, Florida Statutes, is amended to read:

6 228.054 Joint Developmental Research School Planning,
7 Articulation, and Evaluation Committee.--

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

10 (e) Provide assistance to schools in the waiver
11 process established under s. 228.053(12), review and approve
12 or disapprove waivers requested pursuant to ss. 228.053(12)
13 and 229.592(6), and annually review, identify, and report to
14 the Legislature additional barriers and statutes that hinder
15 the implementation of s. 228.053.

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

18 233.17 Term of adoption for instructional materials.--

19 (3) The department shall publish annually an official
20 schedule of subject areas to be called for adoption for each
21 of the succeeding 2 years, and a tentative schedule for years
22 3, 4, 5, and 6. If extenuating circumstances warrant, the
23 Commissioner of Education may order the department to add one
24 or more subject areas to the official schedule, in which event
25 the commissioner shall develop criteria for such additional
26 subject area or areas pursuant to s. 229.512(18)~~(15)~~ and make
27 them available to publishers as soon as practicable.

28 Notwithstanding the provisions of s. 229.512(18)~~(15)~~, the
29 criteria for such additional subject area or areas may be
30 provided to publishers less than 24 months before the date on
31 which bids are due. The schedule shall be developed so as to

1 promote balance among the subject areas so that the required
2 expenditure for new instructional materials is approximately
3 the same each year in order to maintain curricular
4 consistency.

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

7 236.685 Educational funding accountability.--

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

16 (a) Total revenue must be reported at the school,
17 district, and state levels. The revenue sources that must be
18 addressed are state and local funds, other than lottery funds;
19 lottery funds; federal funds; and private donations.

20 (b) Expenditures must be reported as the total
21 expenditures per unweighted full-time equivalent student at
22 the school level and the average expenditures per full-time
23 equivalent student at the district and state levels in each of
24 the following categories and subcategories:

25 1. Teachers, excluding substitute teachers, and
26 teacher aides who provide direct classroom instruction to
27 students enrolled in programs classified by s. 236.081 as:

- 28 a. Basic programs;
29 b. Students-at-risk programs;
30 c. Special programs for exceptional students;
31 d. Career education programs; and

- 1 e. Adult programs.
- 2 2. Substitute teachers.
- 3 3. Other instructional personnel, including
- 4 school-based instructional specialists and their assistants.
- 5 4. Contracted instructional services, including
- 6 training for instructional staff and other contracted
- 7 instructional services.
- 8 5. School administration, including school-based
- 9 administrative personnel and school-based education support
- 10 personnel.
- 11 6. The following materials, supplies, and operating
- 12 capital outlay:
- 13 a. Textbooks;
- 14 b. Computer hardware and software;
- 15 c. Other instructional materials;
- 16 d. Other materials and supplies; and
- 17 e. Library media materials.
- 18 7. Food services.
- 19 8. Other support services.
- 20 9. Operation and maintenance of the school plant.
- 21 (c) The school financial report must also identify the
- 22 types of district-level expenditures that support the school's
- 23 operations. The total amount of these district-level
- 24 expenditures must be reported and expressed as total
- 25 expenditures per full-time equivalent student.
- 26
- 27 As used in this subsection, the term "school" means a "school
- 28 center" as defined by s. 228.041.
- 29 Section 21. Subsection (6) of section 20.15, Florida
- 30 Statutes, 1998 Supplement, is amended to read:
- 31

1 20.15 Department of Education.--There is created a
2 Department of Education.

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

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

16 236.08104 Supplemental academic instruction;
17 category fund.--

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

22 (2) Categorical funds for supplemental academic
23 instruction shall be allocated annually to each school
24 district in the amount provided in the General Appropriations
25 Act. These funds shall be in addition to the funds
26 appropriated on the basis of full-time equivalent student
27 (FTE) membership in the Florida Education Finance Program and
28 shall be included in the total potential funds of each
29 district. These funds shall be used only to provide
30 supplemental academic instruction to students enrolled in the
31 K-12 program. Supplemental instruction may include methods

1 such as lowering class size, providing after-school tutoring,
2 holding Saturday morning sessions, and other methods for
3 improving student achievement and may be provided to a student
4 in any manner and at any time during or beyond the regular
5 180-day term identified by the school as being the most
6 effective and efficient way to best help that student progress
7 from grade to grade and to graduate.

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3

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

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

12 239.101 Legislative intent.--

13 (7) The Legislature finds that career education is a
14 crucial component of the educational programs conducted within
15 school districts and community colleges. Accordingly, career
16 education must be represented in accountability processes
17 undertaken for educational institutions. It is the intent of
18 the Legislature that the vocational standards articulated in
19 s. 239.229(2) be considered in the development of
20 accountability measures for public schools pursuant to ss.
21 229.591, 229.592, ~~229.593, 229.594~~, and 230.23(16) and for
22 community colleges pursuant to s. 240.324.

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

25 239.229 Vocational standards.--

26 (1) The purpose of career education is to enable
27 students who complete vocational programs to attain and
28 sustain employment and realize economic self-sufficiency. The
29 purpose of this section is to identify issues related to
30 career education for which school boards and community college
31 boards of trustees are accountable. It is the intent of the

1 Legislature that the standards articulated in subsection (2)
2 be considered in the development of accountability standards
3 for public schools pursuant to ss. 229.591, 229.592, ~~229.593,~~
4 ~~229.594,~~ and 230.23(16) and for community colleges pursuant to
5 s. 240.324.

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

8 240.529 Public accountability and state approval for
9 teacher preparation programs.--

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

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

29 24.121 Allocation of revenues and expenditure of funds
30 for public education.--

31 (5)

1 (b) Except as provided in paragraphs (c), (d), and
2 (e), the Legislature shall equitably apportion moneys in the
3 trust fund among public schools, community colleges, and
4 universities.

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

30 (d) No funds shall be released for any purpose from
31 the Educational Enhancement Trust Fund to any school district

1 in which one or more schools do not have an approved school
2 improvement plan pursuant to s. 230.23(16) or do not comply
3 with school advisory council membership composition
4 requirements pursuant to s. 229.58(1).

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

10 120.81 Exceptions and special requirements; general
11 areas.--

12 (1) EDUCATIONAL UNITS.--

13 (b) Notwithstanding s. 120.52(15), any tests, test
14 scoring criteria, or testing procedures relating to student
15 assessment which are developed or administered by the
16 Department of Education pursuant to s. 229.57, s. 232.245, s.
17 232.246, or s. 232.247, or any other statewide educational
18 tests required by law, are not rules.

19 Section 29. For the purpose of incorporating the
20 amendments made by this act to section 230.23, Florida
21 Statutes, in references thereto, subsections (3) and (8) of
22 section 228.053, Florida Statutes, are reenacted and amended
23 to read:

24 228.053 Developmental research schools.--

25 (3) MISSION.--The mission of a developmental research
26 school shall be the provision of a vehicle for the conduct of
27 research, demonstration, and evaluation regarding management,
28 teaching, and learning. Programs to achieve the mission of a
29 developmental research school shall embody the goals and
30 standards of "Blueprint 2000" established pursuant to ss.

31

1 229.591 and 229.592 and shall ensure an appropriate education
2 for its students.

3 (a) Each developmental research school shall emphasize
4 mathematics, science, computer science, and foreign languages.
5 The primary goal of a developmental research school is to
6 enhance instruction and research in such specialized subjects
7 by using the resources available on a state university campus,
8 while also providing an education in nonspecialized subjects.
9 Each developmental research school shall provide sequential
10 elementary and secondary instruction where appropriate. A
11 developmental research school may not provide instruction at
12 grade levels higher than grade 12 without authorization from
13 the State Board of Education. Each developmental research
14 school shall develop and implement a school improvement plan
15 pursuant to s. 230.23(16).

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

19 (c) Research, demonstration, and evaluation conducted
20 at a developmental research school may be generated by the
21 Education Standards Commission. Such research shall respond to
22 the needs of the education community at large, rather than the
23 specific needs of the affiliated college.

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

28 (e) The exceptional education programs offered at a
29 developmental research school shall be determined by the
30 research and evaluation goals and the availability of students
31 for efficiently sized programs. The fact that a developmental

1 research school offers an exceptional education program in no
2 way lessens the general responsibility of the local school
3 district to provide exceptional education programs.

4 (8) ADVISORY BOARDS.--~~"Blueprint 2000" provisions and~~
5 ~~intent specify that~~ Each public school in the state shall
6 establish a school advisory council that is reflective of the
7 population served by the school, pursuant to s. 229.58, and is
8 responsible for the development and implementation of the
9 school improvement plan pursuant to s. 230.23(16).

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

12 (a) Two advisory bodies.--Each developmental research
13 school may:

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

18 2. Establish an advisory board to provide general
19 oversight and guidance. The dean of the affiliated college of
20 education shall be a standing member of the board, and the
21 president of the university shall appoint three faculty
22 members from the college of education, one layperson who
23 resides in the county in which the school is located, and two
24 parents or legal guardians of students who attend the
25 developmental research school to serve on the advisory board.
26 The term of each member shall be for 2 years, and any vacancy
27 shall be filled with a person of the same classification as
28 his or her predecessor for the balance of the unexpired term.
29 The president shall stagger the terms of the initial
30 appointees in a manner that results in the expiration of terms
31 of no more than two members in any year. The president shall

1 call the organizational meeting of the board. The board shall
2 annually elect a chair and a vice chair. There shall be no
3 limitation on successive appointments to the board or
4 successive terms that may be served by a chair or vice chair.
5 The board shall adopt internal organizational procedures or
6 bylaws necessary for efficient operation as provided in
7 chapter 120. Board members shall not receive per diem or
8 travel expenses for the performance of their duties. The
9 board shall:

10 a. Meet at least quarterly.

11 b. Monitor the operations of the school and the
12 distribution of moneys allocated for such operations.

13 c. Establish necessary policy, program, and
14 administration modifications.

15 d. Evaluate biennially the performance of the director
16 and principal and recommend corresponding action to the dean
17 of the college of education.

18 e. Annually review evaluations of the school's
19 operation and research findings.

20 (b) One advisory body.--Each developmental research
21 school may establish an advisory body responsible for the
22 development and implementation of the school improvement plan,
23 pursuant to s. 230.23(16), in addition to general oversight
24 and guidance responsibilities. The advisory body shall reflect
25 the membership composition requirements established in s.
26 229.58, but may also include membership by the dean of the
27 college of education and additional members appointed by the
28 president of the university that represent faculty members
29 from the college of education, the university, or other bodies
30 deemed appropriate for the mission of the school.

31

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

4 228.0565 Deregulated public schools.--

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

8 (b) The school shall make annual progress reports to
9 the district, which upon verification shall be forwarded to
10 the Commissioner of Education at the same time as other annual
11 school accountability reports. The report shall contain at
12 least the following information:

13 1. The school's progress towards achieving the goals
14 outlined in its proposal.

15 2. The information required in the annual school
16 report pursuant to s. 229.592.

17 3. Financial records of the school, including revenues
18 and expenditures.

19 4. Salary and benefit levels of school employees.

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

23 (d) Upon receipt of the annual report required by
24 paragraph (b), the Department of Education shall provide to
25 the State Board of Education, the Commissioner of Education,
26 the President of the Senate, and the Speaker of the House of
27 Representatives with a copy of each report and an analysis and
28 comparison of the overall performance of students, to include
29 all students in deregulated public schools whose scores are
30 counted as part of the statewide ~~norm-referenced~~ assessment
31 tests, versus comparable public school students in the

1 district as determined by FCAT and district ~~norm-referenced~~
2 ~~assessment tests currently administered in the school~~
3 ~~district,~~and, as appropriate, the Florida Writes Assessment
4 Test, the High School Competency Test, and other assessments
5 administered pursuant to s. 229.57(3).

6 Section 31. For the purpose of incorporating the
7 amendments made by this act to section 229.57, Florida
8 Statutes, in references thereto, subsection (1) of section
9 228.301, Florida Statutes, is reenacted to read:

10 228.301 Test security.--

11 (1) It is unlawful for anyone knowingly and willfully
12 to violate test security rules adopted by the State Board of
13 Education or the Commissioner of Education for mandatory tests
14 administered by or through the State Board of Education or the
15 Commissioner of Education to students, educators, or
16 applicants for certification or administered by school
17 districts pursuant to s. 229.57, or, with respect to any such
18 test, knowingly and willfully to:

19 (a) Give examinees access to test questions prior to
20 testing;

21 (b) Copy, reproduce, or use in any manner inconsistent
22 with test security rules all or any portion of any secure test
23 booklet;

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

26 (d) Make answer keys available to examinees;

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

30 (f) Fail to follow test administration directions
31 specified in the test administration manuals; or

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

3 Section 32. For the purpose of incorporating the
4 amendments made by this act to sections 229.555, 229.565, and
5 229.57, Florida Statutes, in references thereto, subsections
6 (1) and (3) of section 229.551, Florida Statutes, 1998
7 Supplement, are reenacted to read:

8 229.551 Educational management.--

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

19 (a) Coordination of department plans for meeting
20 educational needs and for improving the quality of education
21 provided by the state system of public education;

22 (b) Coordination of management information system
23 development for all levels of education and for all divisions
24 of the department, to include the development and utilization
25 of cooperative education computing networks for the state
26 system of public education;

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

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

1 (e) Coordination of all cost accounting and cost
2 reporting activities for all levels of education, including
3 public schools, vocational programs, community colleges, and
4 institutions in the State University System;

5 (f) Development and coordination of a common course
6 designation and numbering system for postsecondary education
7 in school districts, community colleges, participating
8 nonpublic postsecondary education institutions, and the State
9 University System which will improve program planning,
10 increase communication among all postsecondary delivery
11 systems, and facilitate the transfer of students. The system
12 shall not encourage or require course content prescription or
13 standardization or uniform course testing, and the continuing
14 maintenance of the system shall be accomplished by appropriate
15 faculty committees representing public and participating
16 nonpublic institutions. The Articulation Coordinating
17 Committee, whose membership represents public and nonpublic
18 postsecondary institutions, shall:

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

21 2. Conduct a study of courses offered by universities
22 and accepted for credit toward a degree. The study shall
23 identify courses designated as either general education or
24 required as a prerequisite for a degree. The study shall also
25 identify these courses as upper-division level or
26 lower-division level.

27 3. Appoint faculty committees representing both
28 community college and university faculties to recommend a
29 single level for each course included in the common course
30 numbering and designation system. Any course designated as an
31 upper-division level course must be characterized by a need

1 for advanced academic preparation and skills that a student
2 would be unlikely to achieve without significant prior
3 coursework. A course that is offered as part of an associate
4 in science degree program and as an upper-division course for
5 a baccalaureate degree shall be designated for both the lower
6 and upper division. Of the courses required for each
7 baccalaureate degree, at least half of the credit hours
8 required for the degree shall be achievable through courses
9 designated as lower-division courses, except in degree
10 programs approved by the Board of Regents pursuant to s.
11 240.209(5)(e). A course designated as lower-division may be
12 offered by any community college. The Articulation
13 Coordinating Committee shall recommend to the State Board of
14 Education the levels for the courses. The common course
15 numbering and designation system shall include the courses at
16 the recommended levels, and, by fall semester of 1996, the
17 registration process at each state university and community
18 college shall include the courses at their designated levels
19 and common course numbers.

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

30 5. Appoint faculty committees representing both
31 community colleges and universities to recommend common

1 prerequisite courses and identify course substitutions when
2 common prerequisites cannot be established for degree programs
3 across all institutions. Faculty work groups shall adopt a
4 strategy for addressing significant differences in
5 prerequisites, including course substitutions. The Board of
6 Regents shall be notified by the Articulation Coordinating
7 Committee when significant differences remain. Common degree
8 program prerequisites shall be offered and accepted by all
9 state universities and community colleges, except in cases
10 approved by the Board of Regents pursuant to s. 240.209(5)(f).
11 The Board of Regents shall work with the State Board of
12 Community Colleges on the development of a centralized
13 database containing the list of courses and course
14 substitutions that meet the prerequisite requirements for each
15 baccalaureate degree program;

16 (g) Expansion and ongoing maintenance of the common
17 course designation and numbering system to include the
18 numbering and designation of postsecondary vocational courses
19 and facilitate the transfer of credits between public schools,
20 community colleges, and state universities. The Articulation
21 Coordinating Committee shall:

22 1. Adopt guidelines for the participation of public
23 school districts and community colleges in offering courses
24 that may be transferred to a certificate, diploma, or degree
25 program. These guidelines shall establish standards
26 addressing faculty qualifications, admissions, program
27 curricula, participation in the common course designation and
28 numbering system, and other issues identified by the Task
29 Force on Workforce Development and the Commissioner of
30 Education. Guidelines should also address the role of
31 accreditation in the designation of courses as transferable

1 credit. Such guidelines must not jeopardize the accreditation
2 status of educational institutions and must be based on data
3 related to the history of credit transfer among institutions
4 in this state and others.

5 2. Identify postsecondary vocational programs offered
6 by community colleges and public school districts. The list
7 shall also identify vocational courses designated as college
8 credit courses applicable toward a vocational diploma or
9 degree. Such courses must be identified within the common
10 course numbering and designation system.

11 3. Appoint faculty committees representing both
12 community college and public school faculties to recommend a
13 standard program length and appropriate occupational
14 completion points for each postsecondary vocational
15 certificate program, diploma, and degree; and

16 (h) Development of common definitions necessary for
17 managing a uniform coordinated system of career education for
18 all levels of the state system of public education.

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

21 (a) Develop minimum performance standards for various
22 grades and subject areas, as required in ss. 229.565 and
23 229.57.

24 (b) Administer the statewide assessment testing
25 program created by s. 229.57.

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

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

1 (e) Conduct the program evaluations required by s.
2 229.565.

3 (f) Maintain a listing of college-level communication
4 and computation skills defined by the Articulation
5 Coordinating Committee as being associated with successful
6 student performance through the baccalaureate level and submit
7 the same to the State Board of Education for approval.

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

12 (h) Maintain for the information of the State Board of
13 Education and the Legislature a file of data compiled by the
14 Articulation Coordinating Committee to reflect achievement of
15 college-level communication and computation competencies by
16 students in state universities and community colleges.

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

30 (j) Perform any other functions that may be involved
31 in educational planning, research, and evaluation or that may

1 be required by the commissioner, the State Board of Education,
2 or law.

3 Section 33. For the purpose of incorporating the
4 amendments made by this act to section 230.23, Florida
5 Statutes, in references thereto, subsection (4) of section
6 230.03, Florida Statutes, is reenacted to read:

7 230.03 Management, control, operation, administration,
8 and supervision.--The district school system must be managed,
9 controlled, operated, administered, and supervised as follows:

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

18 Section 34. For the purpose of incorporating the
19 amendments made by this act to section 230.23, Florida
20 Statutes, in references thereto, paragraph (b) of subsection
21 (4) of section 230.2316, Florida Statutes, 1998 Supplement, is
22 reenacted to read:

23 230.2316 Dropout prevention.--

24 (4) PROGRAM IMPLEMENTATION.--

25 (b) Each school that establishes or continues a
26 dropout prevention program at that school site shall reflect
27 that program in the school improvement plan as required under
28 s. 230.23(16).

29 Section 35. For the purpose of incorporating the
30 amendments made by this act to section 230.23, Florida
31

1 Statutes, in references thereto, section 231.085, Florida
2 Statutes, is reenacted to read:

3 231.085 Duties of principals.--A district school board
4 shall employ, through written contract, public school
5 principals who shall supervise the operation and management of
6 the schools and property as the board determines necessary.
7 Each principal shall perform such duties as may be assigned by
8 the superintendent pursuant to the rules of the school board.
9 Such rules shall include, but not be limited to, rules
10 relating to administrative responsibility, instructional
11 leadership of the educational program of the school to which
12 the principal is assigned, submission of personnel
13 recommendations to the superintendent, administrative
14 responsibility for records and reports, administration of
15 corporal punishment, and student suspension. Each principal
16 shall provide leadership in the development or revision and
17 implementation of a school improvement plan pursuant to s.
18 230.23(16).

19 Section 36. For the purpose of incorporating the
20 amendments made by this act to sections 229.591 and 229.592,
21 Florida Statutes, in references thereto, paragraph (a) of
22 subsection (3) of section 231.24, Florida Statutes, 1998
23 Supplement, is reenacted to read:

24 231.24 Process for renewal of professional
25 certificates.--

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

28 (a) The applicant must earn a minimum of 6 college
29 credits or 120 inservice points or a combination thereof. For
30 each area of specialization to be retained on a certificate,
31 the applicant must earn at least 3 of the required credit

1 hours or equivalent inservice points in the specialization
2 area. Education in "clinical educator" training pursuant to s.
3 240.529(5)(b) and credits or points that provide training in
4 the area of exceptional student education, normal child
5 development, and the disorders of development may be applied
6 toward any specialization area. Credits or points that provide
7 training in the areas of drug abuse, child abuse and neglect,
8 strategies in teaching students having limited proficiency in
9 English, or dropout prevention, or training in areas
10 identified in the educational goals and performance standards
11 adopted pursuant to ss. 229.591(3) and 229.592 may be applied
12 toward any specialization area. Credits or points earned
13 through approved summer institutes may be applied toward the
14 fulfillment of these requirements. Inservice points may also
15 be earned by participation in professional growth components
16 approved by the State Board of Education and specified
17 pursuant to s. 236.0811 in the district's approved master plan
18 for inservice educational training, including, but not limited
19 to, serving as a trainer in an approved teacher training
20 activity, serving on an instructional materials committee or a
21 state board or commission that deals with educational issues,
22 or serving on an advisory council created pursuant to s.
23 229.58.

24 Section 37. For the purpose of incorporating the
25 amendments made by this act to section 231.29, Florida
26 Statutes, in references thereto, paragraphs (e) and (f) of
27 subsection (3) of section 231.36, Florida Statutes, are
28 reenacted to read:

29 231.36 Contracts with instructional staff,
30 supervisors, and principals.--

31 (3)

1 (e) A professional service contract shall be renewed
2 each year unless the superintendent, after receiving the
3 recommendations required by s. 231.29, charges the employee
4 with unsatisfactory performance and notifies the employee of
5 performance deficiencies as required by s. 231.29. An employee
6 who holds a professional service contract on July 1, 1997, is
7 subject to the procedures set forth in paragraph (f) during
8 the term of the existing professional service contract. The
9 employee is subject to the procedures set forth in s.
10 231.29(3)(d) upon the next renewal of the professional service
11 contract; however, if the employee is notified of performance
12 deficiencies before the next contract renewal date, the
13 procedures of s. 231.29(3)(d) do not apply until the
14 procedures set forth in paragraph (f) have been exhausted and
15 the professional service contract is subsequently renewed.

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

26 1. On receiving notice of unsatisfactory performance,
27 the employee, on request, shall be accorded an opportunity to
28 meet with the superintendent or the superintendent's designee
29 for an informal review of the determination of unsatisfactory
30 performance.

31

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

5 3. During the subsequent year, the employee shall be
6 provided assistance and inservice training opportunities to
7 help correct the noted performance deficiencies. The employee
8 shall also be evaluated periodically so that he or she will be
9 kept apprised of progress achieved.

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

30 a. A direct hearing conducted by the school board
31 within 60 days of receipt of the written appeal. The hearing

1 shall be conducted in accordance with the provisions of ss.
2 120.569 and 120.57. A majority vote of the membership of the
3 school board shall be required to sustain the superintendent's
4 recommendation. The determination of the school board shall
5 be final as to the sufficiency or insufficiency of the grounds
6 for termination of employment; or

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

18 Section 38. For the purpose of incorporating the
19 amendments made by this act to section 229.591, Florida
20 Statutes, in references thereto, subsection (1) of section
21 231.600, Florida Statutes, 1998 Supplement, is reenacted to
22 read:

23 231.600 School Community Professional Development
24 Act.--

25 (1) The Department of Education, public community
26 colleges and universities, public school districts, and public
27 schools in this state shall collaborate to establish a
28 coordinated system of professional development. The purpose of
29 the professional development system is to enable the school
30 community to succeed in school improvement as described in s.
31 229.591.

1 Section 39. For the purpose of incorporating the
2 amendments made by this act to section 232.245, Florida
3 Statutes, in references thereto, subsection (1) of section
4 232.2454, Florida Statutes, is reenacted to read:

5 232.2454 District student performance standards,
6 instruments, and assessment procedures.--

7 (1) School districts are required to obtain or develop
8 and implement assessments of student achievement as necessary
9 to accurately measure student progress and to report this
10 progress to parents or legal guardians according to s.
11 232.245. Each school district shall implement the assessment
12 program pursuant to the procedures it adopts.

13 Section 40. For the purpose of incorporating the
14 amendments made by this act to section 232.245, Florida
15 Statutes, in references thereto, paragraphs (a) and (b) of
16 subsection (5) of section 232.246, Florida Statutes, 1998
17 Supplement, are reenacted and amended to read:

18 232.246 General requirements for high school
19 graduation.--

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

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

25 (b) Completion of all other applicable requirements
26 prescribed by the district school board pursuant to s.
27 232.245.

28 Section 41. For the purpose of incorporating the
29 amendments made by this act to sections 229.57 and 232.245,
30 Florida Statutes, in references thereto, section 232.248,
31 Florida Statutes, is reenacted to read:

1 232.248 Confidentiality of assessment
2 instruments.--All examination and assessment instruments,
3 including developmental materials and workpapers directly
4 related thereto, which are prepared, prescribed, or
5 administered pursuant to ss. 229.57, 232.245, 232.246, and
6 232.247 shall be confidential and exempt from the provisions
7 of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions
8 governing access, maintenance, and destruction of such
9 instruments and related materials shall be prescribed by rules
10 of the state board.

11 Section 42. For the purpose of incorporating the
12 amendments made by this act to section 232.245, Florida
13 Statutes, in references thereto, subsection (1) of section
14 232.2481, Florida Statutes, is reenacted to read:

15 232.2481 Graduation and promotion requirements for
16 publicly operated schools.--

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

28 Section 43. For the purpose of incorporating the
29 amendments made by this act to section 229.565, Florida
30 Statutes, in references thereto, subsection (4) of section
31 233.09, Florida Statutes, is reenacted to read:

1 233.09 Duties of each state instructional materials
2 committee.--The duties of each state instructional materials
3 committee shall be:

4 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
5 evaluate carefully all instructional materials submitted, to
6 ascertain which instructional materials, if any, submitted for
7 consideration best implement the selection criteria developed
8 by the Commissioner of Education and those curricular
9 objectives included within applicable performance standards
10 provided for in s. 229.565.

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

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

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

31

1 (d) When recommending instructional materials for use
2 in the schools, each committee shall require, when appropriate
3 to the comprehension of pupils, that materials for social
4 science, history, or civics classes contain the Declaration of
5 Independence and the Constitution of the United States. No
6 instructional materials shall be recommended by any committee
7 for use in the schools which contain any matter reflecting
8 unfairly upon persons because of their race, color, creed,
9 national origin, ancestry, gender, or occupation.

10 (e) All instructional materials recommended by each
11 committee for use in the schools shall be, to the satisfaction
12 of each committee, accurate, objective, and current and suited
13 to the needs and comprehension of pupils at their respective
14 grade levels. Instructional materials committees shall
15 consider for adoption materials developed for academically
16 talented students such as those enrolled in advanced placement
17 courses.

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

31

1 (g) In addition to relying on statements of publishers
2 or manufacturers of instructional material, any committee may
3 conduct, or cause to be conducted, an independent
4 investigation as to the compliance of submitted materials with
5 the requirements of this section.

6 Section 44. For the purpose of incorporating the
7 amendments made by this act to section 229.565, Florida
8 Statutes, in references thereto, paragraph (b) of subsection
9 (1) of section 233.165, Florida Statutes, is reenacted to
10 read:

11 233.165 Standards for selection.--

12 (1) In the selection of instructional materials,
13 library books, and other reading material used in the public
14 school system, the standards used to determine the propriety
15 of the material shall include:

16 (b) The educational purpose to be served by the
17 material. In considering instructional materials for classroom
18 use, priority shall be given to the selection of materials
19 which encompass the state and district performance standards
20 provided for in ss. 229.565 and 232.2454 and which include the
21 instructional objectives contained within the curriculum
22 frameworks approved by the State Board of Education, to the
23 extent that appropriate curriculum frameworks have been
24 approved by the board.

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

29 233.25 Duties, responsibilities, and requirements of
30 publishers and manufacturers of instructional

31

1 materials.--Publishers and manufacturers of instructional
2 materials, or their representatives, shall:

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

5 (b) Written proof that the publisher has provided
6 written correlations to appropriate curricular objectives
7 included within applicable performance standards provided for
8 in s. 229.565.

9 Section 46. For the purpose of incorporating the
10 amendments made by this act to section 231.29, Florida
11 Statutes, in references thereto, paragraphs (a) and (c) of
12 subsection (2) of section 236.08106, Florida Statutes, 1998
13 Supplement, are reenacted to read:

14 236.08106 Excellent Teaching Program.--

15 (2) The Excellent Teaching Program is created to
16 provide categorical funding for monetary incentives and
17 bonuses for teaching excellence. The Department of Education
18 shall allocate and distribute to each school district an
19 amount as prescribed annually by the Legislature for the
20 Excellent Teaching Program. Unless otherwise provided in the
21 General Appropriations Act, each school district's annual
22 allocation shall be the sum of the amounts earned for the
23 following incentives and bonuses:

24 (a) A fee subsidy to be paid by the school district to
25 the NBPTS on behalf of each individual who is an employee of
26 the district school board or a public school within that
27 school district, who is certified by the district to have
28 demonstrated satisfactory teaching performance pursuant to s.
29 231.29 and who satisfies the prerequisites for participating
30 in the NBPTS certification program, and who agrees, in
31 writing, to pay 10 percent of the NBPTS participation fee and

1 to participate in the NBPTS certification program during the
2 school year for which the fee subsidy is provided. The fee
3 subsidy for each eligible participant shall be an amount equal
4 to 90 percent of the fee charged for participating in the
5 NBPTS certification program, but not more than \$1,800 per
6 eligible participant. The fee subsidy is a one-time award and
7 may not be duplicated for any individual.

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

19 Section 47. For the purpose of incorporating the
20 amendments made by this act to section 230.23, Florida
21 Statutes, in references thereto, subsection (3) of section
22 239.229, Florida Statutes, 1998 Supplement, is reenacted to
23 read:

24 239.229 Vocational standards.--

25 (3) Each area technical center operated by a school
26 board shall establish a center advisory council pursuant to s.
27 229.58. The center advisory council shall assist in the
28 preparation and evaluation of center improvement plans
29 required pursuant to s. 230.23(16) and may provide assistance,
30 upon the request of the center director, in the preparation of
31

1 the center's annual budget and plan as required by s.
2 229.555(1).

3 Section 48. For the purpose of incorporating the
4 amendments made by this act to section 229.592, Florida
5 Statutes, in references thereto, subsection (4) of section
6 240.118, Florida Statutes, is reenacted to read:

7 240.118 Postsecondary feedback of information to high
8 schools.--

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

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

17 228.041 Definitions.--Specific definitions shall be as
18 follows, and wherever such defined words or terms are used in
19 the Florida School Code, they shall be used as follows:

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

23 (a) The student has voluntarily removed himself or
24 herself from the school system before graduation for reasons
25 that include, but are not limited to, marriage, or the student
26 has withdrawn from school because he or she has failed the
27 statewide student assessment test and thereby does not receive
28 any of the certificates of completion;

29 (b) The student has not met the relevant attendance
30 requirements of the school district pursuant to State Board of
31 Education rules, or the student was expected to attend a

1 school but did not enter as expected for unknown reasons, or
2 the student's whereabouts are unknown;

3 (c) The student has withdrawn from school, but has not
4 transferred to another public or private school or enrolled in
5 any vocational, adult, home education, or alternative
6 educational program;

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

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

14
15 ~~Students not exempt from attendance pursuant to s. 232.06 and~~
16 ~~who are subject to compulsory school attendance under s.~~
17 ~~232.01 and who stop attending school are habitual truants as~~
18 ~~defined in subsection (28) and are not considered dropouts.~~

19 The State Board of Education may adopt rules to implement the
20 provisions of this subsection.

21 (40) GRADUATION RATE.--The term "graduation rate"
22 means the percentage of students who graduate from high school
23 within 4 years after entering 9th grade for the first time,
24 not counting students who transfer out of the student
25 population to enroll in another school system; students who
26 withdraw to enroll in a private school, a home education
27 program, or an adult education program; or deceased students.
28 Incoming transfer students, at the time of their enrollment,
29 are included in the count of the class with which they are
30 scheduled to graduate. For this rate calculation, students are
31 counted as graduates upon receiving a standard high school

1 diploma, as provided in s. 232.246, or a special diploma, as
2 provided in s. 232.247. Also counted as graduates are
3 ~~calculated by dividing the number of entering 9th graders into~~
4 ~~the number of students who receive, 4 years later, a high~~
5 ~~school diploma, a special diploma, or a certificate of~~
6 ~~completion, as provided for in s. 232.246, or who receive a~~
7 ~~special certificate of completion, as provided in s. 232.247,~~
8 ~~and students 19 years of age or younger who receive a general~~
9 ~~equivalency diploma, as provided in s. 229.814. The number of~~
10 ~~9th grade students used in the calculation of a graduation~~
11 ~~rate for this state shall be students enrolling in the grade~~
12 ~~for the first time. In conjunction with calculating the~~
13 ~~graduation rate for this state, the Department of Education~~
14 ~~shall conduct a study to evaluate the impact of the rate of~~
15 ~~students who withdraw from high school to attend adult~~
16 ~~education programs and the students in exceptional student~~
17 ~~education programs. The department shall report its findings~~
18 ~~to the Legislature by February 1, 2000. The Department of~~
19 ~~Education may calculate a 5-year graduation rate using the~~
20 ~~same methodology described in this section.~~

21 (42) DROPOUT RATE.--The term "high school dropout
22 rate" means the annual percentage calculated by dividing the
23 number of students in grades 9 through 12 who are classified
24 as dropouts, pursuant to subsection (29), by the total number
25 of students in grades 9-12 in attendance at any time during
26 the school year over the age of compulsory school attendance,
27 ~~pursuant to s. 232.01, at the time of the fall membership~~
28 ~~count, into the number of students who withdraw from school~~
29 ~~during a given school year and who are classified as dropouts~~
30 ~~pursuant to subsection (29). The Department of Education shall~~
31 ~~report the number of students initially classified as students~~

1 who transfer to an adult education program but who do not
2 enroll in an adult education program.

3 Section 50. Paragraph (f) of subsection (9) of section
4 228.056, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 228.056 Charter schools.--

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

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

26 Section 51. Funding levels and methodologies necessary
27 to implement the provisions of this act will be established in
28 the General Appropriations Act.

29 Section 52. If any provision of this act or the
30 application thereof to any person or circumstance is held
31 invalid, the invalidity shall not affect other provisions or

1 applications of the act which can be given effect without the
2 invalid provision or application, and to this end the
3 provisions of this act are declared severable.

4 Section 53. Except as otherwise provided in this act,
5 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 CS/SB 1756
4 Defines the term "2 years in a 4-year period."
5 To be eligible to receive students with opportunity
6 scholarships, a private school must:
7 - be in existence at least one year and provide evidence of
8 fiscal soundness or a surety bond or letter of credit.
9 - accept students without regard to the student's past
10 academic history, but may take into account a student's
11 experience in a subject area or curriculum if the school is
12 dedicated to a particular subject area or specialized
13 curriculum.
14 - be subject to the accreditation standards of a nonpublic
15 school accrediting body recognized by the Florida Association
16 of Academic Nonpublic Schools. If the private school does not
17 meet the standards, and fails to correct identified
18 deficiencies within three years, it will lose its eligibility
19 to participate in the opportunity scholarship program.
20 - agree not to require or compel any opportunity scholarship
21 students or their parents or guardians to purchase materials,
22 clothing or equipment that would not normally be required of a
23 public school student.
24 - protect the privacy of individual student records.
25 Specifies that a student who fails to comply with requirements
26 in the bill will forfeit the opportunity scholarship.
27 Directs the school district to open its state assessment
28 training workshops to private school test administrators and
29 provide supervision of the test administration, if the
30 district chooses to not allow opportunity scholarship students
31 to participate with public school students.
Permits the school board to declare an emergency if a school
is failing and to negotiate special provisions of its contract
with the appropriate bargaining unit in order to increase the
school's ability to improve.
Requires state board rules to address the promotion of
students with limited English.
Specifies that funding levels and methodologies necessary to
implement the provisions of this act will be established in
the General Appropriations Act.