

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; deleting the
29 requirement that the Commissioner of Education
30 appear before the Legislature; revising duties
31 of the Department of Education; revising duties

1 of the State Board of Education; revising
2 provisions relating to waivers from statutes;
3 conforming cross-references; amending s.
4 229.595, F.S., relating to the implementation
5 of the state system of educational
6 accountability for school-to-work transition;
7 revising provisions relating to the assessment
8 of readiness to enter the workforce; removing a
9 reference to the Florida Commission on
10 Education Reform and Accountability; amending
11 s. 230.23, F.S., relating to powers and duties
12 of school boards; revising provisions relating
13 to the compensation and salary schedules of
14 school employees; revising provisions relating
15 to courses of study and other instructional
16 aids to include the term "instructional
17 materials"; revising school board duties
18 regarding the implementation and enforcement of
19 school improvement and accountability; revising
20 policies regarding public disclosure; requiring
21 school board adoption of certain policies;
22 amending s. 231.29, F.S.; revising the
23 assessment procedure for school district
24 instructional, administrative, and supervisory
25 personnel; amending s. 231.2905, F.S.; revising
26 provisions of the Florida School Recognition
27 Program relating to financial awards based on
28 employee performance; revising initial criteria
29 for identification of schools; amending s.
30 232.245, F.S.; relating to pupil progression;
31 revising requirements relating to the provision

1 of remedial instruction; providing requirements
2 for the use of resources for remedial
3 instruction; requiring the adoption of rules
4 regarding pupil progression; eliminating
5 requirements relating to student academic
6 improvement plans; deleting duplicative
7 requirements relating to mandatory remedial
8 reading instruction; amending s. 233.061, F.S.;
9 requiring schools that receive opportunity
10 scholarships to provide certain courses of
11 study; amending s. 228.053, F.S.; relating to
12 developmental research schools; conforming
13 cross-references; amending s. 228.054, F.S.,
14 relating to the Joint Developmental Research
15 School Planning, Articulation, and Evaluation
16 Committee; conforming a cross-reference;
17 amending s. 233.17, F.S., relating to the term
18 of adoption of instructional materials;
19 conforming cross-references; amending s.
20 236.685, F.S., relating to educational funding
21 accountability; conforming a cross-reference;
22 creating s. 236.08104, F.S.; establishing a
23 supplemental academic instruction categorical
24 fund; providing findings and intent; providing
25 requirements for the use of funds; authorizing
26 the Florida State University School to expend
27 certain funds for student remediation; amending
28 s. 236.013, F.S.; eliminating certain
29 provisions relating to calculations of the
30 equivalent of a full-time student; revising
31 provisions relating to membership in programs

1 scheduled for more than 180 days; amending s.
2 239.101, F.S., relating to career education;
3 conforming cross-references; amending s.
4 239.229, F.S., relating to vocational
5 standards; conforming cross-references;
6 amending s. 240.529, F.S., relating to approval
7 of teacher education programs; conforming a
8 cross-reference; reenacting s. 24.121(5)(b),
9 (c), and (d), F.S., relating to the Educational
10 Enhancement Trust Fund, s. 120.81(1)(b), F.S.,
11 relating to tests, test scoring criteria, or
12 testing procedures, s. 228.053(3) and (8),
13 F.S., relating to developmental research
14 schools, s. 228.0565(6)(b), (c), and (d), F.S.,
15 relating to deregulated public schools, s.
16 228.301(1), F.S., relating to test security, s.
17 229.551(1)(c) and (3), F.S., relating to
18 educational management, s. 230.03(4), F.S.,
19 relating to school district management,
20 control, operation, administration, and
21 supervision, s. 230.2316(4)(b), F.S., relating
22 to dropout prevention, s. 231.085, F.S.,
23 relating to duties of principals, s.
24 231.24(3)(a), F.S., relating to the process for
25 renewal of professional certificates, s.
26 231.36(3)(e) and (f), F.S., relating to
27 contracts with instructional staff,
28 supervisors, and principals, s. 231.600(1),
29 F.S., relating to the School Community
30 Professional Development Act, s. 232.2454(1),
31 F.S., relating to district student performance

1 standards, instruments, and assessment
2 procedures, s. 232.246(5)(a) and (b), F.S.,
3 relating to general requirements for high
4 school graduation, s. 232.248, F.S., relating
5 to confidentiality of assessment instruments,
6 s. 232.2481(1), F.S., relating to graduation
7 and promotion requirements for publicly
8 operated schools, s. 233.09(4), F.S., relating
9 to duties of instructional materials
10 committees, s. 233.165(1)(b), F.S., relating to
11 the selection of instructional materials, s.
12 233.25(3)(b), F.S., relating to publishers and
13 manufacturers of instructional materials, s.
14 236.08106(2)(a) and (c), F.S., relating to the
15 Excellent Teaching Program, s. 239.229(3),
16 F.S., relating to vocational standards, s.
17 240.118(4), F.S., relating to postsecondary
18 feedback of information to high schools, to
19 incorporate references; amending s. 228.041,
20 F.S.; redefining the terms "graduation rate"
21 and "dropout rate"; amending s. 228.056, F.S.,
22 relating to charter schools; amending s.
23 230.202, F.S.; providing that, after a
24 specified date, part of the salary of school
25 board members must be based on students'
26 performance; amending s. 230.303, F.S.;
27 providing that, after a specified date, part of
28 the salary of elected superintendents of
29 schools must be based on students' performance;
30 encouraging businesses and corporations to
31 enter into partnerships with low-performing and

1 failing schools for stated purposes; providing
2 for funding; revising terminology relating to
3 assessments; providing effective dates.
4

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

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

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

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

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

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

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

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

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

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

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

20 (1) Pursuant to Art. IX of the State Constitution
21 prescribing the duty of the State Board of Education to
22 supervise Florida's public school system and notwithstanding
23 any other statutory provisions to the contrary, the State
24 Board of Education shall ~~have the authority to~~ intervene in
25 the operation of a district school system when in cases where
26 one or more schools in the a school district have failed to
27 make adequate progress for 2 3 consecutive school years in a
28 4-year period. For purposes of determining when a school is
29 eligible for state board action and opportunity scholarships
30 for its students, the terms "2 years in any 4-year period" and
31 "2 years in a 4-year period" mean that in any year that a

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

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

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 has scored in the lowest quartile on
19 statewide assessment tests described in s. 229.57;

20 (c) The student is a Florida resident; and

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

28
29 For purposes of continuity of educational choice, the
30 opportunity scholarship shall be for the entire school year
31 for which it was originally issued and shall remain in force

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

14 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

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

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

1 I-V specified in state board rule at the time this act becomes
2 a law. Level I corresponds to an "F" grade and Level V
3 corresponds to an "A" grade. The parent or guardian is not
4 required to accept this offer in lieu of requesting a state
5 opportunity scholarship to a private school. The opportunity
6 to continue attending the higher performing public school
7 shall remain in force until the student graduates from high
8 school.

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

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

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

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

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

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

24 (c) Comply with the antidiscrimination provisions of
25 42 U.S.C. s. 2000d and the Florida Constitution.

26 (d) Meet state and local health and safety laws and
27 codes.

28 (e) Determine, on an entirely random and
29 religious-neutral basis and without regard to the student's
30 past academic history, which scholarship students to accept;
31 however, the private school may give preference in accepting

1 applications to siblings of students who have already been
2 accepted on a random and religious-neutral basis. A private
3 school dedicated to a particular subject area or specialized
4 curricular focus may take into account a student's experience
5 in that subject area or related curriculum.

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

21 (g) Employ or contract with teachers who hold a
22 baccalaureate or higher degree, have at least 3 years teaching
23 experience in public or private schools, or have special
24 skills, knowledge, or expertise that qualifies them to provide
25 instruction in subjects taught.

26 (h) Comply with all state statutes relating to private
27 schools.

28 (i) Accept as full tuition and fees the amount
29 provided by the state for each student, and agree not to
30 require or compel any opportunity scholarship student, or his
31 or her parent or guardian, to purchase materials, clothing, or

1 equipment that would not normally be required of a student
2 attending a public school, such as, but not limited to,
3 instructional materials, uniforms, or materials and equipment
4 related to extracurricular activities.

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

8 (k) Not compel or require any student attending the
9 private school on an opportunity scholarship to profess a
10 specific ideological belief, to pray, or to worship.

11 (l) Generate an annual report to include a detailed
12 accounting of all state funds, a review of educational
13 programs and operational policies, and an assessment of gains
14 in student achievement for each student served via an
15 opportunity scholarship. This report shall be submitted to the
16 Department of Education and made available to the general
17 public; however, the provisions of s. 228.093 shall apply to
18 this requirement.

19 (m) Agree to accept opportunity scholarship students
20 for a minimum of 3 school years, or until the student
21 completes the highest grade available at the school, with the
22 exception that the student may be dismissed for violation of
23 school rules pertaining to the health, safety, or welfare of
24 students and staff. The private school shall adhere to the
25 tenets of its published due-process procedures prior to the
26 expulsion of any opportunity scholarship student. The private
27 school must also agree to be responsible for attendance during
28 that time period.

29 (n) Use at least grade-appropriate textbooks and other
30 learning materials.

31 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

1 (a) Any student participating in the opportunity
2 scholarship program must remain in attendance throughout the
3 school year, unless excused by the school for illness or other
4 good cause, and must comply fully with the school's code of
5 conduct. However, a student may be removed from a school for
6 good cause, and a student may choose to leave a school to
7 attend another school or be home-schooled.

8 (b) The parent or guardian of each student
9 participating in the opportunity scholarship program must
10 comply fully with the private school's parental involvement
11 requirements, unless excused by the school for illness or
12 other good cause.

13 (c) The parent or guardian shall ensure that the
14 student participating in the opportunity scholarship program
15 takes all statewide assessments required pursuant to s.
16 229.57. The private school and the school district shall
17 cooperate to ensure that the scholarship student takes all
18 statewide assessments required in s. 229.57. Students
19 participating in the opportunity scholarship program may take
20 such tests at a location and at a time provided by the school
21 district or the private school in accordance with state and
22 district assessment procedures, at the discretion of the
23 school district. If the school district chooses not to allow
24 opportunity scholarship students to participate with public
25 school students, the school district shall open state
26 assessment training workshops to private school test
27 administrators and provide supervision of the test
28 administration.

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

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

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

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

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

30 b. The student currently participates in a Group II
31 program and the parent has chosen a private school that does

1 not provide the additional services funded by the Group II
2 program.

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

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

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

26 (8) PILOT PROGRAM.--There is established a pilot
27 program, which is separate and distinct from the Opportunity
28 Scholarship Program, in the Broward, Clay, and Sarasota school
29 districts to provide scholarships to a public or private
30 school of choice for students with disabilities whose academic
31 progress in at least two areas has not met expected levels for

1 the previous year, as determined by the student's individual
2 education plan. Student participation in the pilot program is
3 limited to 5 percent of the students with disabilities in the
4 participating school districts during the first year, 10
5 percent of students with disabilities during the second year,
6 and 20 percent of students with disabilities during the third
7 and subsequent years. The following applies to the pilot
8 program:

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

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

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

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

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

26 2. For the school year immediately prior to the year
27 in which the scholarship will be in effect, have documented
28 the student's failure to meet specific performance levels
29 identified in the individual education plan, or, absent
30 specific performance levels identified in the individual
31 education plan, the student must have performed below grade

1 level on state or local assessments and the parent believes
2 that the student is not progressing adequately toward the
3 goals in the individual education plan; and

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

7
8 Subsections (6) and (9) shall apply to the pilot program
9 authorized in this subsection. This pilot program is not
10 intended to affect the eligibility of the state or school
11 district to receive federal funds for students with
12 disabilities.

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

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

29 229.512 Commissioner of Education; general powers and
30 duties.--The Commissioner of Education is the chief
31

1 educational officer of the state, and has the following
2 general powers and duties:

3 (14) To implement a program of school improvement and
4 education accountability designed to provide all students the
5 opportunity to make adequate learning gains in each year of
6 school as provided by statute and State Board of Education
7 rule ~~which is~~ based upon the achievement of the state
8 education goals, recognizing the State Board of Education as
9 the body corporate responsible for the supervision of the
10 system of public education, the school board as responsible
11 for school and student performance, and the individual school
12 as the unit for education accountability.†

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

17 (16) To prepare and publish annually reports giving
18 statistics and other useful information pertaining to the
19 state system of public education, including the Opportunity
20 Scholarship Program.† ~~and~~

21 (17) To have printed copies of school laws, forms,
22 instruments, instructions, and regulations of the State Board
23 of Education and ~~to provide for~~ their ~~the~~ distribution of ~~the~~
24 ~~same~~.

25 Section 4. Section 229.555, Florida Statutes, is
26 amended to read:

27 229.555 Educational planning and information
28 systems.--

29 (1) EDUCATIONAL PLANNING.--

30 (a) The commissioner shall be responsible for all
31 planning functions for the department, including collection,

1 analysis, and interpretation of all data, information, test
2 results, evaluations, and other indicators that are used to
3 formulate policy, identify areas of concern and need, and
4 serve as the basis for short-range and long-range planning.
5 Such planning shall include assembling data, conducting
6 appropriate studies and surveys, and sponsoring research and
7 development activities designed to provide information about
8 educational needs and the effect of alternative educational
9 practices.

10 (b) Each district school board shall maintain a
11 continuing system of planning and budgeting ~~which shall be~~
12 designed to aid in identifying and meeting the educational
13 needs of students and the public. Provision shall be made for
14 coordination between district school boards and community
15 college district boards of trustees concerning the planning
16 for vocational and adult educational programs. The major
17 emphasis of the system shall be upon locally determined goals
18 and objectives, the state plan for education, and the Sunshine
19 State minimum performance Standards developed by the
20 Department of Education and adopted by the State Board of
21 Education. The district planning and budgeting system must
22 include consideration of student achievement data obtained
23 pursuant to s. 229.57. The system shall be structured to meet
24 the specific management needs of the district and to align-
25 ~~The system of planning and budgeting shall ensure that the~~
26 budget adopted by the district school board with ~~reflect~~ the
27 plan the board has also adopted. Each district school board
28 shall utilize its system of planning and budgeting to
29 emphasize a system of school-based management in which
30 individual school centers become the principal planning units
31

1 and ~~eventually~~ to integrate planning and budgeting at the
2 school level.

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

30 (a) The specific responsibilities of the commissioner
31 shall include:

- 1 1. Consulting with school district representatives in
2 the development of the system design model and implementation
3 plans for the management information system for public school
4 education management;
- 5 2. Providing operational definitions for the proposed
6 system;
- 7 3. Determining the information and specific data
8 elements required for the management decisions made at each
9 educational level, recognizing that the primary unit for
10 information input is ~~shall be~~ the individual school and
11 recognizing that time and effort of instructional personnel
12 expended in collection and compilation of data should be
13 minimized;
- 14 4. Developing standardized terminology and procedures
15 to be followed at all levels of the system;
- 16 5. Developing a standard transmittal format to be used
17 for collection of data from the various levels of the system;
- 18 6. Developing appropriate computer programs to assure
19 integration of the various information components dealing with
20 students, personnel, facilities, fiscal, program, community,
21 and evaluation data;
- 22 7. Developing the necessary programs to provide
23 statistical analysis of the integrated data provided in
24 subparagraph 6. in such a way that required reports may be
25 disseminated, comparisons may be made, and relationships may
26 be determined in order to provide the necessary information
27 for making management decisions at all levels;
- 28 8. Developing output report formats which will provide
29 district school systems with information for making management
30 decisions at the various educational levels;
- 31

1 9. Developing a phased plan for distributing computer
2 services equitably among all public schools and school
3 districts in the ~~this~~ state as rapidly as possible. The plan
4 shall describe alternatives available to the state in
5 providing such computing services and shall contain estimates
6 of the cost of each alternative, together with a
7 recommendation for action. In developing the ~~such~~ plan, the
8 feasibility of shared use of computing hardware and software
9 by school districts, community colleges, and universities
10 shall be examined. Laws or administrative rules regulating
11 procurement of data processing equipment, communication
12 services, or data processing services by state agencies shall
13 not be construed to apply to local agencies which share
14 computing facilities with state agencies;

15 10. Assisting the district school systems in
16 establishing their subsystem components and assuring
17 compatibility with current district systems;

18 11. Establishing procedures for continuous evaluation
19 of system efficiency and effectiveness;

20 12. Initiating a reports-management and
21 forms-management system to ascertain that duplication in
22 collection of data does not exist and that forms and reports
23 for reporting under state and federal requirements and other
24 forms and reports are prepared in a logical and uncomplicated
25 format, resulting in a reduction in the number and complexity
26 of required reports, particularly at the school level; and

27 13. Initiating such other actions as are necessary to
28 carry out the intent of the Legislature that a management
29 information system for public school management needs be
30 implemented. Such other actions shall be based on criteria
31 including, but not limited to:

- 1 a. The purpose of the reporting requirement;
2 b. The origination of the reporting requirement;
3 c. The date of origin of the reporting requirement;
4 and
5 d. The date of repeal of the reporting requirement.

6 (b) The specific responsibilities of each district
7 school system shall include:

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

20 2. With assistance from the commissioner, developing
21 systems compatibility between the state management information
22 system and unique local systems.

23 3. Providing, with the assistance of the department,
24 inservice training dealing with management information system
25 purposes and scope, a method of transmitting input data, and
26 the use of output report information.

27 4. Establishing a plan for continuous review and
28 evaluation of local management information system needs and
29 procedures.

30 5. Advising the commissioner of all district
31 management information needs.

1 6. Transmitting required data input elements to the
2 appropriate processing locations in accordance with guidelines
3 established by the commissioner.

4 7. Determining required reports, comparisons, and
5 relationships to be provided to district school systems by the
6 system output reports, continuously reviewing these reports
7 for usefulness and meaningfulness, and submitting recommended
8 additions, deletions, and change requirements in accordance
9 with the guidelines established by the commissioner.

10 8. Being responsible for the accuracy of all data
11 elements transmitted to the department.

12 (c) It is the intent of the Legislature that the
13 expertise in the state system of public education, as well as
14 contracted services, be utilized to hasten the plan for full
15 implementation of a comprehensive management information
16 system.

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

19 229.565 Educational evaluation procedures.--

20 (1) STUDENT PERFORMANCE STANDARDS.--

21 (a) The State Board of Education shall approve student
22 performance standards in key academic subject areas and ~~the~~
23 ~~various program categories and chronological~~ grade levels
24 ~~which the Commissioner of Education designates as necessary~~
25 ~~for maintaining a good educational system~~. The standards must
26 apply, without limitation, to language arts, mathematics,
27 science, social studies, the arts, health and physical
28 education, foreign language, reading, writing, history,
29 government, geography, economics, and computer literacy. The
30 commissioner shall obtain opinions and advice from citizens,
31 educators, and members of the business community in developing

1 the standards. For purposes of this section, the term "student
2 performance standard" means a statement describing a skill or
3 competency students are expected to learn.

4 (b) The student performance standards must address the
5 skills and competencies that a student must learn in order to
6 graduate from high school. The commissioner shall also develop
7 performance standards for students who learn a higher level of
8 skills and competencies.

9 Section 6. Section 229.57, Florida Statutes, 1998
10 Supplement, is amended to read:

11 229.57 Student assessment program.--

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

18 (a) Assess the annual learning gains of each student
19 toward achieving the Sunshine State Standards appropriate for
20 the student's grade level.

21 (b) Provide data for making decisions regarding school
22 accountability and recognition.

23 (c)~~(a)~~ Identify the educational strengths and needs of
24 students and the readiness of students to be promoted to the
25 next grade level or to graduate from high school with a
26 standard high school diploma.

27 (d)~~(b)~~ Assess how well educational goals and
28 performance standards are met at the school, district, and
29 state levels.

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

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

3 (2) ANNUAL PUPIL PROGRESS ASSESSMENT.--The Department
4 of Education shall develop a statistical assessment tool for
5 measuring pupil progress during a school year which shall be
6 used for the purposes of this act. As used in this subsection,
7 "pupil progress assessment" means a statistical system for
8 educational outcome assessment which:

9 (a) Uses measures of student learning, such as the
10 FCAT, to determine teacher, school, and school district
11 statistical distributions, which distributions:

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

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

22 (b) The statistical system shall provide for an
23 approach which provides for best linear unbiased prediction
24 for the teacher, school, and school district effects on pupil
25 progress. These estimates should adequately be able to
26 determine effects of and compare teachers who teach multiple
27 subjects to the same groups of students, and team teaching
28 situations where teachers teach a single subject to multiple
29 groups of students, or other teaching situations as
30 appropriate.

31

1 1. The department, in consultation with the Office of
2 Program Policy Analysis and Government Accountability, and
3 other sources as appropriate, shall use recognized approaches
4 to statistical variance and estimating random effects.

5 2. The approach used by the department shall be
6 approved by the State Board of Education before implementation
7 for pupil progression assessment.

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

27 (4)(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
28 shall ~~is directed to~~ design and implement a statewide program
29 of educational assessment that provides information for the
30 improvement of the operation and management of the public
31 schools. ~~The program must be designed, as far as possible, so~~

1 ~~as not to conflict with ongoing district assessment programs~~
2 ~~and so as to use information obtained from district programs.~~
3 Pursuant to the statewide assessment program, the commissioner
4 shall:

5 (a) Submit to the state board a list that specifies
6 student skills and competencies to which the goals for
7 education specified in the state plan apply, including, but
8 not limited to, reading, writing, science, and mathematics.
9 The skills and competencies must include problem-solving and
10 higher-order skills as appropriate and shall be known as the
11 Sunshine State Standards. The commissioner shall select such
12 skills and competencies after receiving recommendations from
13 educators, citizens, and members of the business community.
14 The commissioner shall submit to the state board revisions to
15 the list of student skills and competencies in order to
16 maintain continuous progress toward improvements in student
17 proficiency.

18 (b) Develop and implement a uniform system of
19 indicators to describe the performance of public school
20 students and the characteristics of the public school
21 districts and the public schools. These indicators must
22 include, without limitation, information gathered by the
23 comprehensive management information system created pursuant
24 to s. 229.555 and student achievement information obtained
25 pursuant to this section.

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

1 1. The tests measure student skills and competencies
2 adopted by the state board as specified in paragraph (a). The
3 tests must measure and report student proficiency levels in
4 reading, writing, and mathematics. Science proficiency must be
5 measured statewide beginning in 2003.Other content areas may
6 be included as directed by the commissioner. The commissioner
7 shall provide for the tests to be developed or obtained, as
8 appropriate, through contracts and project agreements with
9 private vendors, public vendors, public agencies,
10 postsecondary institutions, or school districts. The
11 commissioner shall obtain input with respect to the design and
12 implementation of the testing program from state educators and
13 the public.

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

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

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

27 5. Except as provided in subparagraph 6.,all 11th
28 grade students take a high school competency test developed by
29 the state board to test minimum student performance skills and
30 competencies in reading, writing, and mathematics. The test
31 must be based on the skills and competencies adopted by the

1 state board pursuant to paragraph (a). Upon recommendation of
2 the commissioner, the state board shall designate a passing
3 score for each part of the high school competency test. In
4 establishing passing scores, the state board shall consider
5 any possible negative impact of the test on minority students.
6 The commissioner may establish criteria whereby a student who
7 successfully demonstrates proficiency in either reading or
8 mathematics or both may be exempted from taking the
9 corresponding section of the high school competency test or
10 the college placement test. A student must earn a passing
11 score or have been exempted from each part of the high school
12 competency test in order to qualify for a regular high school
13 diploma. The school districts shall provide appropriate
14 remedial instruction to students who do not pass part of the
15 competency test.

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

27 7.6. Participation in the testing program is mandatory
28 for all students, except as otherwise prescribed by the
29 commissioner. The commissioner shall recommend rules to the
30 state board for the provision of test adaptations and
31 modifications of procedures as necessary for students in

1 exceptional education programs and for students who have
2 limited English proficiency.

3 8.7. A student seeking an adult high school diploma
4 must meet the same testing requirements that a regular high
5 school student must meet.

6 9. School districts must provide instruction to
7 prepare students to demonstrate proficiency in the skills and
8 competencies necessary for successful grade-to-grade
9 progression and high school graduation. The commissioner shall
10 conduct studies as necessary to verify that the required
11 skills and competencies are part of the district instructional
12 programs.

13
14 The commissioner may design and implement student testing
15 programs for any grade level and subject area, based on
16 procedures designated by the commissioner to monitor
17 educational achievement in the state.

18 ~~(d) Obtain or develop a career planning assessment to~~
19 ~~be administered to students, at their option, in grades 7 and~~
20 ~~10 to assist them in preparing for further education or~~
21 ~~entering the workforce. The statewide student assessment~~
22 ~~program must include career planning assessment.~~

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

29 (e)(f) Conduct ongoing research and analysis of
30 student achievement data, including, without limitation,
31 monitoring trends in student achievement, identifying school

1 programs that are successful, and analyzing correlates of
2 school achievement.

3 ~~(f)(g)~~ Provide technical assistance to school
4 districts in the implementation of state and district testing
5 programs and the use of the data produced pursuant to such
6 programs.

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

24 ~~(6)(5)~~ SCHOOL TESTING PROGRAMS.--Each public school,
25 unless specifically exempted by state board rule based on
26 serving a specialized population for which standardized
27 testing is not appropriate, shall participate in the state
28 assessment program. Student performance data shall be analyzed
29 and reported to parents, the community, and the state. Student
30 performance data shall be used in developing objectives of the
31 school improvement plan, evaluation of instructional

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

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

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

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

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

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

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

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

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

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

17 (a) Timeframes.--

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

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

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

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

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

12
13 For the purpose of implementing ss. 229.0535 and 229.0537, if
14 any school of the 4 schools that were identified as critically
15 low performing, based on both 1996-1997 and 1997-1998 school
16 performance data and state board adopted criteria, receives a
17 performance grade category designation of "F" based on
18 1998-1999 school performance data, that school shall be
19 considered as having failed to make adequate progress for 2
20 years in a 4-year period. All other schools that receive a
21 performance grade category designation of "F" based on
22 1998-1999 school performance data shall be considered as
23 having failed to make adequate progress for 1 year.

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

27 1. The median scores of all eligible students enrolled
28 in the school.

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

1 3. In schools with a student mobility rate of 50
2 percent or more per year, only the median assessment scores of
3 students who have been enrolled in the school for more than
4 one year will be used in determining the school's performance
5 grade category.

6
7 The state board shall adopt appropriate criteria for each
8 school performance grade category so as to ensure that school
9 performance grade category designations reflect each school's
10 accountability for the learning of all students in the school.
11 The criteria must also give added weight to student
12 achievement in reading. Schools designated as performance
13 grade category "C," making satisfactory progress, shall be
14 required to demonstrate that adequate progress has been made
15 by students who have scored among the lowest 25 percent of
16 students in the state as well as by the overall population of
17 students in the school.

18 (10) SCHOOL IMPROVEMENT RATINGS.--Beginning with the
19 1999-2000 school year's student and school performance data,
20 the annual report shall identify each school's performance as
21 having improved, remained the same, or declined. This school
22 improvement rating shall be based on a comparison of the
23 current year's and previous year's student and school
24 performance data. Schools that improve at least one
25 performance grade category are eligible for school recognition
26 awards pursuant to s. 231.2905.

27 (11) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
28 RATING REPORTS.--School performance grade category
29 designations and improvement ratings shall apply to each
30 school's performance for the year in which performance is
31 measured. Each school's designation and rating shall be

1 published annually by the Department of Education and the
2 school district. Parents and guardians shall be entitled to an
3 easy-to-read report card about the designation and rating of
4 the school in which their child is enrolled. The address of
5 the parent's or guardian's local school board and State
6 Department of Education shall be included on the report card.
7 The report shall include a statement established by the
8 Commissioner of Education which serves to encourage the
9 student's parent or guardian to make recommendations or
10 provide comments to the Department of Education and their
11 local school board regarding the report card and the plight of
12 their child's school. The Department of Education and the
13 school district shall review parent feedback and shall
14 annually produce a report to the Legislature concerning the
15 parent feedback.

16 (12) STATEWIDE ASSESSMENTS.--The Department of
17 Education is authorized, subject to appropriation, to
18 negotiate a multi-year contract for the development, field
19 testing, and implementation of annual assessments of students
20 in grades 3 through 10. Such assessments must comply with the
21 following criteria:

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

25 (b) Assessments shall be capable of measuring the
26 annual progress each student makes in mastering the Sunshine
27 State Standards.

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

1 (d) Assessments shall include a norm-referenced
2 subtest that allows for comparisons of Florida students with
3 the performance of students nationally.

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

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

20 (13) LOCAL ASSESSMENTS.--Measurement of the learning
21 gains of students in all subjects other than subjects required
22 for the state assessment program is the responsibility of the
23 school districts.

24 (14)~~(7)~~ APPLICABILITY OF TESTING STANDARDS.--A student
25 must meet the testing requirements for high school graduation
26 which were in effect at the time the student entered 9th
27 grade, provided the student's enrollment was continuous.

28 (15)~~(8)~~ RULES.--The State Board of Education shall
29 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~
30 to implement the provisions of this section.

31

1 (16) PERFORMANCE-BASED FUNDING.--The Legislature may
2 factor-in the performance of schools in calculating any
3 performance-based-funding policy that is provided for in the
4 annual General Appropriations Act.

5 Section 7. Section 229.58, Florida Statutes, 1998
6 Supplement, is amended to read:

7 229.58 District and school advisory councils.--

8 (1) ESTABLISHMENT.--

9 (a) The school board shall establish an advisory
10 council for each school in the district, and shall develop
11 procedures for the election and appointment of advisory
12 council members. Each school advisory council shall include in
13 its name the words "school advisory council." The school
14 advisory council shall be the sole body responsible for final
15 decisionmaking at the school relating to implementation of the
16 provisions of ss. 229.591, 229.592, and 230.23(16). A majority
17 of the members of each school advisory council must be persons
18 who are not employed by the school. Each advisory council
19 shall be composed of the principal and an appropriately
20 balanced number of teachers, education support employees,
21 students, parents, and other business and community citizens
22 who are representative of the ethnic, racial, and economic
23 community served by the school. Vocational-technical center
24 and high school advisory councils shall include students, and
25 middle and junior high school advisory councils may include
26 students. School advisory councils of vocational-technical
27 and adult education centers are not required to include
28 parents as members. Council members representing teachers,
29 education support employees, students, and parents shall be
30 elected by their respective peer groups at the school in a
31 fair and equitable manner as follows:

- 1 1. Teachers shall be elected by teachers.
- 2 2. Education support employees shall be elected by
- 3 education support employees.
- 4 3. Students shall be elected by students.
- 5 4. Parents shall be elected by parents.

6

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

18 The Commissioner of Florida Commission on Education Reform and
19 Accountability shall ~~serve as a review body to~~ determine if
20 schools have maximized their efforts to include on their
21 advisory councils minority persons and persons of lower
22 socioeconomic status. Although schools should be strongly
23 encouraged to establish school advisory councils, any school
24 district that has a student population of 10,000 or fewer may
25 establish a district advisory council which shall include at
26 least one duly elected teacher from each school in the
27 district. For the purposes of school advisory councils and
28 district advisory councils, the term "teacher" shall include
29 classroom teachers, certified student services personnel, and
30 media specialists. For purposes of this paragraph, "education
31 support employee" means any person employed by a school who is

1 not defined as instructional or administrative personnel
2 pursuant to s. 228.041 and whose duties require 20 or more
3 hours in each normal working week.

4 (b) The school board may establish a district advisory
5 council representative of the district and composed of
6 teachers, students, parents, and other citizens or a district
7 advisory council which may be comprised of representatives of
8 each school advisory council. Recognized schoolwide support
9 groups which meet all criteria established by law or rule may
10 function as school advisory councils.

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

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

26 229.591 Comprehensive revision of Florida's system of
27 school improvement and education accountability.--

28 (1) INTENT.--The Legislature recognizes that the
29 children and youth of the state are its future and its most
30 precious resource. To provide these developing citizens with
31 the sound education needed to grow to a satisfying and

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

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

28 (a) Establish state and local educational goals.

29 (b) Increase the use of educational outcomes over
30 educational processes in assessing educational programs.

31

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

4 (d) Provide methods for measuring, and public
5 reporting of, state, school district, and individual school
6 progress toward the education goals.

7 (e) Recognize successful schools.

8 (f) Provide for ~~Ensure that unsuccessful~~ schools
9 designated as performance grade category "D" or "F" to receive
10 are provided assistance and intervention sufficient to attain
11 adequate such that improvement occurs, and provide further
12 ~~ensure that~~ action that should occur when schools do not
13 improve.

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

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

21 (a) Readiness to start school.--Communities and
22 schools collaborate in a statewide comprehensive school
23 readiness program to prepare children and families for
24 children's success in school.

25 (b) Graduation rate and readiness for postsecondary
26 education and employment.--Students graduate and are prepared
27 to enter the workforce and postsecondary education.

28 (c) Student performance.--Students make annual
29 learning gains sufficient to acquire the knowledge, skills,
30 and competencies needed to master state standards,
31 successfully compete at the highest levels nationally and

1 internationally, and ~~be are~~ prepared to make well-reasoned,
2 thoughtful, and healthy lifelong decisions.

3 (d) Learning environment.--School boards provide a
4 learning environment conducive to teaching and learning, in
5 which education programs are based on student performance
6 data, and which strive to eliminate achievement gaps by
7 improving the learning of all students.

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

11 (f) Teachers and staff.--The schools, district, all
12 postsecondary institutions, and state work collaboratively to
13 provide ~~ensure~~ professional teachers and staff who possess the
14 competencies and demonstrate the performance needed to
15 maximize learning among all students.

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

20 (h) Parental, family, and community
21 involvement.--Communities, school boards, and schools provide
22 opportunities for involving parents, families, and guardians,
23 and other community stakeholders as collaborative active
24 partners in achieving school improvement and education
25 accountability. ~~The State Board of Education shall adopt~~
26 ~~standards for indicating progress toward this state education~~
27 ~~goal by January 1, 1997.~~

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

30 229.592 Implementation of state system of school
31 improvement and education accountability.--

1 (1) DEVELOPMENT.--It is the intent of the Legislature
2 that every public school in the state shall have a school
3 improvement plan, as required by s. 230.23(16), fully
4 implemented and operational ~~by the beginning of the 1993-1994~~
5 ~~school year~~. Vocational standards considered pursuant to s.
6 239.229 shall be incorporated into the school improvement plan
7 for each area technical center operated by a school board ~~by~~
8 ~~the 1994-1995 school year~~, and area technical centers shall
9 prepare school report cards incorporating such standards,
10 pursuant to s. 230.23(16), ~~for the 1995-1996 school year~~. In
11 order to accomplish this, the Florida Commission on Education
12 Reform and Accountability and the school districts and schools
13 shall carry out the duties assigned to them by ss. 229.594 and
14 230.23(16), respectively.

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

25 (3) COMMISSIONER.--The commissioner shall be
26 responsible for implementing and maintaining a system of
27 intensive school improvement and stringent education
28 accountability, which shall include policies and programs
29 based on the recommendations of the Florida Commission on
30 Education Reform and Accountability to-

31

1 ~~(a)~~ ~~Based on the recommendations of The Florida~~
2 ~~Commission on Education Reform and Accountability, the~~
3 ~~commissioner shall develop and implement the following~~
4 ~~programs and procedures:~~

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

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

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

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

22 (4)(b) The commissioner shall be held responsible for
23 the implementation and maintenance of the system of school
24 improvement and education accountability outlined in this
25 section ~~subsection~~. There shall be an annual determination of
26 whether adequate progress is being made toward implementing
27 and maintaining a system of school improvement and education
28 accountability.

29 (5)(c) The annual feedback report shall be developed
30 by the commission and the Department of Education.

31

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

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

24 (8)(4) DEPARTMENT.--

25 (a) The Department of Education shall implement a
26 training program to develop among state and district educators
27 a cadre of facilitators of school improvement. These
28 facilitators shall assist schools and districts to conduct
29 needs assessments and develop and implement school improvement
30 plans to meet state goals.

31

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

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

28 (9)(5) STATE BOARD.--The State Board of Education
29 shall adopt rules pursuant to ss. 120.536(1) and 120.54
30 necessary to implement a state system of school improvement
31 and education accountability and shall specify required annual

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

8 (10)~~(6)~~ EXCEPTIONS TO LAW.--To facilitate innovative
9 practices and to allow local selection of educational methods,
10 the commissioner may waive, upon the request of a school
11 board, requirements of chapters 230 through 239 of the Florida
12 School Code that relate to instruction and school operations,
13 except those pertaining to civil rights, and student health,
14 safety, and welfare. The Commissioner of Education is not
15 authorized to grant waivers for any provisions of law
16 pertaining to the allocation and appropriation of state and
17 local funds for public education; the election, compensation,
18 and organization of school board members and superintendents;
19 graduation and state accountability standards; financial
20 reporting requirements; public meetings; public records; or
21 due process hearings governed by chapter 120. Prior to
22 approval, the commissioner shall report pending waiver
23 requests to the state board on a monthly basis, and shall,
24 upon request of any state board member, bring a waiver request
25 to the state board for consideration. If, within 2 weeks of
26 receiving the report, no member requests that a waiver be
27 considered by the state board, the commissioner may act on the
28 original waiver request. No later than January 1 of each year,
29 the commissioner shall report to the President and Minority
30 Leader of the Senate and the Speaker and Minority Leader of
31

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

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

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

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

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

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

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

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

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

1 determining which statutes and rules stand in the way of
2 school improvement.

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

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

12 Section 10. Subsection (5) of section 229.595, Florida
13 Statutes, is amended to read:

14 229.595 Implementation of state system of education
15 accountability for school-to-work transition.--

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

26 Section 11. Paragraphs (c) and (g) of subsection (5),
27 paragraph (b) of subsection (7), and subsections (16) and (17)
28 of section 230.23, Florida Statutes, 1998 Supplement, are
29 amended, present subsection (18) is amended and renumbered as
30 subsection (20), and new subsections (18) and (19) are added
31 to that section, to read:

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

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

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

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

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

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

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

29 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
30 ACCOUNTABILITY.--Maintain a system of school improvement and
31 education accountability as provided by statute and State

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

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

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

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

1 meeting the goals and standards of its approved school
2 improvement plan. A school that is identified as being in
3 performance grade category "D" pursuant to s. 229.57 is in
4 danger of failing and must be provided assistance and
5 intervention.

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

17 (e) Public disclosure.--Provide information regarding
18 performance of students and educational programs as required
19 pursuant to ~~ss.s-~~229.555 and 229.57(5) and implement a
20 system of school reports as required by statute and State
21 Board of Education rule. Annual public disclosure reports
22 shall be in an easy-to-read report card format, and shall
23 include the school's student and school performance grade
24 category designation and performance data as specified in
25 state board rule. The address of the parent's or guardian's
26 local school board and State Department of Education shall be
27 included on the report card. The report shall include a
28 statement established by the Commissioner of Education which
29 serves to encourage the student's parent or guardian to make
30 recommendations or provide comments to the Department of
31 Education and their local school board regarding the report

1 card and the plight of their child's school. The Department of
2 Education and the school district shall review parent feedback
3 and shall annually produce a report to the Legislature
4 concerning the parent feedback.

5 1. The report cards shall also include, but are not
6 limited to:

7 a. The percentage of limited English proficient
8 students;

9 b. The per pupil expenditures and state aid ratio;

10 c. The percentage of budget allocated to salaries and
11 benefits of administrative personnel;

12 d. The percentage of budget allocated for salaries and
13 benefits of teachers;

14 e. The percentage of increase over the previous year
15 for salaries and benefits of administrative and instructional
16 personnel; and

17 f. The number of administrative personnel to
18 instructional personnel.

19 2. The school report card shall include, for purposes
20 of comparison and review, the statewide average for each
21 element reported by school and a comparison of the district
22 averages for each element reported by school and a comparison
23 of the district averages for each element reported by district
24 with the averages of school districts that have similar
25 characteristics as defined by the commissioner.

26 (f) School improvement funds.--Provide funds to
27 schools for developing and implementing school improvement
28 plans. Such funds shall include those funds appropriated for
29 the purpose of school improvement pursuant to s. 24.121(5)(c).
30 A school identified as performance grade category "F" for one
31 school year, pursuant to s. 229.57, shall receive school

1 district funds for the next school year at a level necessary
2 to reduce each K through 3rd grade class to no more than 15
3 students for each full-time classroom teacher and at a level
4 necessary to provide for an instructional year that is
5 equivalent to a 210-day schedule for each student in grades 4
6 through 12.

7 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

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

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

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

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

4 (19) AUTHORITY TO DECLARE AN EMERGENCY.--The school
5 board is authorized to declare an emergency in cases in which
6 one or more schools in the district are failing or in danger
7 of failing and negotiate special provisions of its contract
8 with the appropriate bargaining units to free these schools
9 from contract restrictions that limit the school's ability to
10 implement programs and strategies needed to improve student
11 performance.

12 (20)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
13 120.536(1) and 120.54 to implement the provisions of this
14 section.

15 Section 12. Paragraph (a) of subsection (3) of section
16 231.29, Florida Statutes, 1998 Supplement, is amended to read:

17 231.29 Assessment procedures and criteria.--

18 (3) The assessment procedure for instructional
19 personnel shall comply with, but shall not be limited to, the
20 following requirements:

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

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

11 Section 13. Subsection (2) of section 231.2905,
12 Florida Statutes, is amended, and subsection (3) is added to
13 that section, to read:

14 231.2905 Florida School Recognition Program.--

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

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

31

- 1 (a)1. Improvement in the school's student achievement
2 data.
- 3 (b)2. Statewide student achievement data.
- 4 (c) Student learning gains when such data becomes
5 available.
- 6 (d)3. Readiness for postsecondary education data.
- 7 (e)4. Dropout rates.
- 8 (f)5. Attendance rates.
- 9 (g) Graduation rates.
- 10 (h) Cohort graduation rates.
- 11 ~~(b) After a pool of eligible schools has been~~
12 ~~identified, schools must apply for final recognition and~~
13 ~~financial awards based on established criteria. Criteria must~~
14 ~~include, but not be limited to:~~
- 15 1. ~~School climate, including rates of school violence~~
16 ~~and crime.~~
- 17 2. ~~Indicators of innovation in teaching and learning.~~
- 18 3. ~~Indicators of successful challenging school~~
19 ~~improvement plans.~~
- 20 4. ~~Parent, community, and student involvement in~~
21 ~~learning.~~
- 22 ~~(c) After identification of schools for final~~
23 ~~recognition and financial awards, awards must be distributed~~
24 ~~based on employee performance criteria established in district~~
25 ~~school board policy.~~
- 26 (3) The School Recognition Program shall utilize the
27 school performance grade category designations in s. 229.57.
- 28 Section 14. Section 232.245, Florida Statutes, is
29 amended to read:
- 30 232.245 Pupil progression; remedial instruction;
31 reporting requirements.--

1 (1) It is the intent of the Legislature that each
2 student's progression from one grade to another be determined,
3 in part, upon proficiency in reading, writing, science, and
4 mathematics; that school district policies facilitate such
5 proficiency; and that each student and his or her parent or
6 legal guardian be informed of that student's academic
7 progress.

8 (2) Each district school board shall establish a
9 comprehensive program for pupil progression which must
10 include:

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

14 (b) Specific levels of performance in reading,
15 writing, science, and mathematics for each grade level,
16 including the levels of performance on statewide assessments
17 ~~at selected grade levels in elementary school, middle school,~~
18 ~~and high school~~ as defined by the Commissioner of Education,
19 below which a student must receive remediation, or and may be
20 retained within an intensive program that is different from
21 the previous year's program and that takes into account the
22 student's learning style. No student may be assigned to a
23 grade level based solely on age or other factors that
24 constitute social promotion. School boards shall allocate
25 remedial and supplemental instruction resources first to
26 students who fail to meet achievement performance levels
27 required for promotion. The state board shall adopt rules to
28 prescribe limited circumstances in which a student may be
29 promoted without meeting the specific assessment performance
30 levels prescribed by the district's pupil progression plan.
31 Such rules shall specifically address the promotion of

1 students with limited English proficiency and students with
2 disabilities. A school district must consider an appropriate
3 alternative placement for a student who has been retained 2 or
4 more years.

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

23 (a) ~~Summer school coursework;~~
24 (b) ~~Extended-day services;~~
25 (c) ~~Parent tutorial programs;~~
26 (d) ~~Contracted academic services;~~
27 (e) ~~Exceptional education services;~~ or
28 (f) ~~Suspension of curriculum other than reading,~~
29 ~~writing, and mathematics.~~ Remedial instruction provided during
30 high school may not be in lieu of English and mathematics
31 credits required for graduation.

1
2 Upon subsequent evaluation, if the documented deficiency has
3 not been corrected in accordance with the academic improvement
4 plan, the student may be retained. Each student who does not
5 meet the minimum performance expectations defined by the
6 Commissioner of Education for the statewide assessment tests
7 in reading, writing, science, and mathematics must ~~retake the~~
8 ~~state assessment test in the subject area of deficiency and~~
9 ~~must~~ continue remedial or supplemental instruction until the
10 expectations are met or the student graduates from high school
11 or is not subject to compulsory school attendance.

12 (4) Any student who exhibits substantial deficiency in
13 reading skills, based on locally determined assessments
14 conducted before the end of grade 1 or grade 2, ~~and grade 3,~~
15 or based on teacher recommendation, must be given intensive
16 reading instruction immediately following the identification
17 of the reading deficiency. The student's reading proficiency
18 must be reassessed by locally determined assessment or based
19 on teacher recommendation at the beginning of the grade
20 following the intensive reading instruction, and the student
21 must continue to be given intensive reading instruction until
22 the reading deficiency is remedied. If the student's reading
23 deficiency, as determined by the locally determined assessment
24 at grades 1 and 2, or by the statewide assessment at grade 3,
25 is not remedied by the end of grade 4 and 2 ~~or grade 3,~~ or if
26 the student scores below the specific level of performance,
27 ~~determined by the local school board,~~ on the statewide
28 assessment test in reading ~~and writing given in elementary~~
29 ~~school,~~ the student must be retained. The local school board
30 may exempt a student from mandatory retention for good cause.
31

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

15 (5)(6) Each district must annually report to the
16 parent or legal guardian of each student the progress of the
17 student towards achieving state and district expectations for
18 proficiency in reading, writing, science, and mathematics. The
19 district must report to the parent or legal guardian the
20 student's results on each statewide assessment test. The
21 evaluation of each student's progress must be based upon the
22 student's classroom work, observations, tests, district and
23 state assessments, and other relevant information. Progress
24 reporting must be provided to the parent or legal guardian in
25 writing in a format adopted by the district school board.

26 (6)(7) The Commissioner of Education shall adopt rules
27 pursuant to ss. 120.536(1) and 120.54 necessary for the
28 administration of this section.

29 (7)(8) The Department of Education shall provide
30 technical assistance as needed to aid school districts in
31 administering this section.

1 Section 15. Section 233.061, Florida Statutes, 1998
2 Supplement, is amended to read:

3 233.061 Required instruction.--

4 (1) Each school district and private school receiving
5 opportunity scholarships shall provide all courses required
6 for high school graduation and appropriate instruction
7 designed to ensure that students meet state board adopted
8 standards in the following subject areas: reading and other
9 language arts, mathematics, science, social studies, foreign
10 languages, health and physical education, and the arts.

11 (2) Members of the instructional staff of the public
12 schools and private schools receiving opportunity
13 scholarships, subject to the rules and regulations of the
14 commissioner, the state board, and the school board, shall
15 teach efficiently and faithfully, using the books and
16 materials required, following the prescribed courses of study,
17 and employing approved methods of instruction, the following:

18 (a) The content of the Declaration of Independence and
19 how it forms the philosophical foundation of our government.

20 (b) The arguments in support of adopting our
21 republican form of government, as they are embodied in the
22 most important of the Federalist Papers.

23 (c) The essentials of the United States Constitution
24 and how it provides the structure of our government.

25 (d) Flag education, including proper flag display and
26 flag salute.

27 (e) The elements of civil government shall include the
28 primary functions of and interrelationships between the
29 Federal Government, the state, and its counties,
30 municipalities, school districts, and special districts.

31

1 (f) The history of the Holocaust (1933-1945), the
2 systematic, planned annihilation of European Jews and other
3 groups by Nazi Germany, a watershed event in the history of
4 humanity, to be taught in a manner that leads to an
5 investigation of human behavior, an understanding of the
6 ramifications of prejudice, racism, and stereotyping, and an
7 examination of what it means to be a responsible and
8 respectful person, for the purposes of encouraging tolerance
9 of diversity in a pluralistic society and for nurturing and
10 protecting democratic values and institutions.

11 (g) The history of African Americans, including the
12 history of African peoples before the political conflicts that
13 led to the development of slavery, the passage to America, the
14 enslavement experience, abolition, and the contributions of
15 African Americans to society.

16 (h) The elementary principles of agriculture.

17 (i) The true effects of all alcoholic and intoxicating
18 liquors and beverages and narcotics upon the human body and
19 mind.

20 (j) Kindness to animals.

21 (k) The history of the state.

22 (l) The conservation of natural resources.

23 (m) Comprehensive health education that addresses
24 concepts of community health; consumer health; environmental
25 health; family life, including an awareness of the benefits of
26 sexual abstinence as the expected standard and the
27 consequences of teenage pregnancy; mental and emotional
28 health; injury prevention and safety; nutrition; personal
29 health; prevention and control of disease; and substance use
30 and abuse.

31

1 (n) Such additional materials, subjects, courses, or
2 fields in such grades as are prescribed by law or by rules of
3 the commissioner and the school board in fulfilling the
4 requirements of law.

5 (o) The study of Hispanic contributions to the United
6 States.

7 (p) The study of women's contributions to the United
8 States.

9 (3) Any child whose parent presents to the school
10 principal a signed statement that the teaching of disease, its
11 symptoms, development, and treatment, and the viewing of
12 pictures or motion pictures that teach about disease, conflict
13 with the religious teachings of the child's religious
14 affiliation, is exempt from such instruction; and a child so
15 exempted may not be penalized by reason of that exemption.

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

18 228.053 Developmental research schools.--

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

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

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

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

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

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

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

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

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

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

10 Section 17. Paragraph (e) of subsection (2) of section
11 228.054, Florida Statutes, is amended to read:

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

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

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

22 Section 18. Subsection (3) of section 233.17, Florida
23 Statutes, is amended to read:

24 233.17 Term of adoption for instructional materials.--

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

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

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

13 236.685 Educational funding accountability.--

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

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

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

31

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

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

3
4 As used in this subsection, the term "school" means a "school
5 center" as defined by s. 228.041.

6 Section 20. Effective July 1, 1999, section 236.08104,
7 Florida Statutes, is created to read:

8 236.08104 Supplemental academic instruction;
9 categorical fund.--

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

14 (2) Categorical funds for supplemental academic
15 instruction shall be allocated annually to each school
16 district in the amount provided in the General Appropriations
17 Act. These funds shall be in addition to the funds
18 appropriated on the basis of full-time equivalent student
19 (FTE) membership in the Florida Education Finance Program and
20 shall be included in the total potential funds of each
21 district. These funds shall be used only to provide
22 supplemental academic instruction to students enrolled in the
23 K-12 program. Supplemental instruction may include methods
24 such as lowering class size, providing after-school tutoring,
25 holding Saturday morning sessions, and other methods for
26 improving student achievement and may be provided to a student
27 in any manner and at any time during or beyond the regular
28 180-day term identified by the school as being the most
29 effective and efficient way to best help that student progress
30 from grade to grade and to graduate.

31

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

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

17 Section 21. Effective July 1, 1999, paragraph (c) of
18 subsection (2) of section 236.013, Florida Statutes, is
19 amended to read:

20 236.013 Definitions.--Notwithstanding the provisions
21 of s. 228.041, the following terms are defined as follows for
22 the purposes of this act:

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

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

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

29 b. A combination of full-time or part-time students in
30 any one of the programs listed in s. 236.081(1)(c) which is
31

1 the equivalent of one full-time student based on the following
2 calculations:

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

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

20 ~~(III) A half-day kindergarten student in a combination~~
21 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~
22 ~~full-time equivalent membership in each special program equal~~
23 ~~to the number of net hours or major portion thereof per school~~
24 ~~year for which he or she is a member divided by the number of~~
25 ~~hours set forth in sub-sub-subparagraph (II); the difference~~
26 ~~between that fraction and the number of hours set forth in~~
27 ~~sub-sub-subparagraph (II) for each full-time student in~~
28 ~~membership in a half-day kindergarten program is presumed to~~
29 ~~be the balance of the student's time not spent in such special~~
30 ~~education programs and shall be recorded as time in the~~
31 ~~appropriate basic program.~~

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

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

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

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

24 2. A student in membership in a program scheduled for
25 more or less than 180 school days is a fraction of a full-time
26 equivalent membership equal to the number of instructional
27 hours in membership divided by the appropriate number of hours
28 set forth in subparagraph (a)1.; however, unless otherwise
29 provided in the General Appropriations Act for the purposes of
30 this subparagraph, membership in programs scheduled for more
31 than 180 days is limited to:

- 1 a. Support level III, IV, and V Special programs for
2 ~~exceptional~~ students with disabilities;
- 3 ~~b. Special vocational-technical programs;~~
- 4 ~~c. Special adult general education programs;~~
- 5 b.d. Residential Dropout prevention programs as
6 defined in s. 230.2316 for students in residential programs
7 operated by the Department of Children and Family Services;
8 programs operated by the Department of Juvenile Justice as
9 defined in s. 230.23161 in which students receive educational
10 services; ~~or teenage parent programs as defined in s.~~
11 ~~230.23166 for students who are in need of such additional~~
12 ~~instruction;~~
- 13 ~~c.e. Dropout prevention programs as defined in s.~~
14 ~~230.2316 in which students are placed for academic or~~
15 ~~disciplinary purposes or Programs in English for speakers of~~
16 other languages as defined in s. 233.058 for students who were
17 in membership for all of the last 15 days of the 180-day term
18 or a total of 30 days within the 180-day term and are in need
19 of such additional instruction;
- 20 ~~f. Other basic programs offered for promotion or~~
21 ~~credit instruction as defined by rules of the state board; and~~
- 22 ~~g. Programs which modify the school year to~~
23 ~~accommodate the needs of children who have moved with their~~
24 ~~parents for the purpose of engaging in the farm labor or fish~~
25 ~~industries, provided such programs are approved by the~~
26 ~~commissioner.~~
- 27
- 28 The department shall determine and implement an equitable
29 method of equivalent funding for experimental schools and for
30 schools operating under emergency conditions, which schools
31 have been approved by the department under the provisions of

1 s. 228.041(13) to operate for less than the minimum school
2 day.

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

5 239.101 Legislative intent.--

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

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

18 239.229 Vocational standards.--

19 (1) The purpose of career education is to enable
20 students who complete vocational programs to attain and
21 sustain employment and realize economic self-sufficiency. The
22 purpose of this section is to identify issues related to
23 career education for which school boards and community college
24 boards of trustees are accountable. It is the intent of the
25 Legislature that the standards articulated in subsection (2)
26 be considered in the development of accountability standards
27 for public schools pursuant to ss. 229.591, 229.592, ~~229.593~~,
28 ~~229.594~~, and 230.23(16) and for community colleges pursuant to
29 s. 240.324.

30 Section 24. Subsection (1) of section 240.529, Florida
31 Statutes, is amended to read:

1 240.529 Public accountability and state approval for
2 teacher preparation programs.--

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

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

22 24.121 Allocation of revenues and expenditure of funds
23 for public education.--

24 (5)

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

29 (c) A portion of such net revenues, as determined
30 annually by the Legislature, shall be distributed to each
31 school district and shall be made available to each public

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

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

29 Section 26. For the purpose of incorporating the
30 amendments made by this act to sections 229.57 and 232.245,
31 Florida Statutes, in references thereto, paragraph (b) of

1 subsection (1) of section 120.81, Florida Statutes, is
2 reenacted to read:

3 120.81 Exceptions and special requirements; general
4 areas.--

5 (1) EDUCATIONAL UNITS.--

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

12 Section 27. For the purpose of incorporating the
13 amendments made by this act to section 230.23, Florida
14 Statutes, in references thereto, subsections (3) and (8) of
15 section 228.053, Florida Statutes, are reenacted and amended
16 to read:

17 228.053 Developmental research schools.--

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

26 (a) Each developmental research school shall emphasize
27 mathematics, science, computer science, and foreign languages.
28 The primary goal of a developmental research school is to
29 enhance instruction and research in such specialized subjects
30 by using the resources available on a state university campus,
31 while also providing an education in nonspecialized subjects.

1 Each developmental research school shall provide sequential
2 elementary and secondary instruction where appropriate. A
3 developmental research school may not provide instruction at
4 grade levels higher than grade 12 without authorization from
5 the State Board of Education. Each developmental research
6 school shall develop and implement a school improvement plan
7 pursuant to s. 230.23(16).

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

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

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

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

27 (8) ADVISORY BOARDS.--~~"Blueprint 2000" provisions and~~
28 ~~intent specify that~~ Each public school in the state shall
29 establish a school advisory council that is reflective of the
30 population served by the school, pursuant to s. 229.58, and is
31 responsible for the development and implementation of the

1 school improvement plan pursuant to s. 230.23(16).

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

4 (a) Two advisory bodies.--Each developmental research
5 school may:

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

10 2. Establish an advisory board to provide general
11 oversight and guidance. The dean of the affiliated college of
12 education shall be a standing member of the board, and the
13 president of the university shall appoint three faculty
14 members from the college of education, one layperson who
15 resides in the county in which the school is located, and two
16 parents or legal guardians of students who attend the
17 developmental research school to serve on the advisory board.
18 The term of each member shall be for 2 years, and any vacancy
19 shall be filled with a person of the same classification as
20 his or her predecessor for the balance of the unexpired term.
21 The president shall stagger the terms of the initial
22 appointees in a manner that results in the expiration of terms
23 of no more than two members in any year. The president shall
24 call the organizational meeting of the board. The board shall
25 annually elect a chair and a vice chair. There shall be no
26 limitation on successive appointments to the board or
27 successive terms that may be served by a chair or vice chair.
28 The board shall adopt internal organizational procedures or
29 bylaws necessary for efficient operation as provided in
30 chapter 120. Board members shall not receive per diem or
31

1 travel expenses for the performance of their duties. The
2 board shall:

3 a. Meet at least quarterly.

4 b. Monitor the operations of the school and the
5 distribution of moneys allocated for such operations.

6 c. Establish necessary policy, program, and
7 administration modifications.

8 d. Evaluate biennially the performance of the director
9 and principal and recommend corresponding action to the dean
10 of the college of education.

11 e. Annually review evaluations of the school's
12 operation and research findings.

13 (b) One advisory body.--Each developmental research
14 school may establish an advisory body responsible for the
15 development and implementation of the school improvement plan,
16 pursuant to s. 230.23(16), in addition to general oversight
17 and guidance responsibilities. The advisory body shall reflect
18 the membership composition requirements established in s.
19 229.58, but may also include membership by the dean of the
20 college of education and additional members appointed by the
21 president of the university that represent faculty members
22 from the college of education, the university, or other bodies
23 deemed appropriate for the mission of the school.

24 Section 28. Paragraphs (b), (c), and (d) of subsection
25 (6) of section 228.0565, Florida Statutes, 1998 Supplement,
26 are amended to read:

27 228.0565 Deregulated public schools.--

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

31

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

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

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

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

12 4. Salary and benefit levels of school employees.

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

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

30 Section 29. For the purpose of incorporating the
31 amendments made by this act to section 229.57, Florida

1 Statutes, in references thereto, subsection (1) of section
2 228.301, Florida Statutes, is reenacted to read:

3 228.301 Test security.--

4 (1) It is unlawful for anyone knowingly and willfully
5 to violate test security rules adopted by the State Board of
6 Education or the Commissioner of Education for mandatory tests
7 administered by or through the State Board of Education or the
8 Commissioner of Education to students, educators, or
9 applicants for certification or administered by school
10 districts pursuant to s. 229.57, or, with respect to any such
11 test, knowingly and willfully to:

12 (a) Give examinees access to test questions prior to
13 testing;

14 (b) Copy, reproduce, or use in any manner inconsistent
15 with test security rules all or any portion of any secure test
16 booklet;

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

19 (d) Make answer keys available to examinees;

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

23 (f) Fail to follow test administration directions
24 specified in the test administration manuals; or

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

27 Section 30. For the purpose of incorporating the
28 amendments made by this act to sections 229.555, 229.565, and
29 229.57, Florida Statutes, in references thereto, subsections
30 (1) and (3) of section 229.551, Florida Statutes, 1998
31 Supplement, are reenacted to read:

1 229.551 Educational management.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Section 31. For the purpose of incorporating the
28 amendments made by this act to section 230.23, Florida
29 Statutes, in references thereto, subsection (4) of section
30 230.03, Florida Statutes, is reenacted to read:

31

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

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

12 Section 32. For the purpose of incorporating the
13 amendments made by this act to section 230.23, Florida
14 Statutes, in references thereto, paragraph (b) of subsection
15 (4) of section 230.2316, Florida Statutes, 1998 Supplement, is
16 reenacted to read:

17 230.2316 Dropout prevention.--

18 (4) PROGRAM IMPLEMENTATION.--

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

23 Section 33. For the purpose of incorporating the
24 amendments made by this act to section 230.23, Florida
25 Statutes, in references thereto, section 231.085, Florida
26 Statutes, is reenacted to read:

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

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

12 Section 34. For the purpose of incorporating the
13 amendments made by this act to sections 229.591 and 229.592,
14 Florida Statutes, in references thereto, paragraph (a) of
15 subsection (3) of section 231.24, Florida Statutes, 1998
16 Supplement, is reenacted to read:

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

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

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

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

17 Section 35. For the purpose of incorporating the
18 amendments made by this act to section 231.29, Florida
19 Statutes, in references thereto, paragraphs (e) and (f) of
20 subsection (3) of section 231.36, Florida Statutes, are
21 reenacted to read:

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

24 (3)

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

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

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

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

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

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

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

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

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

31

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

12 Section 36. For the purpose of incorporating the
13 amendments made by this act to section 229.591, Florida
14 Statutes, in references thereto, subsection (1) of section
15 231.600, Florida Statutes, 1998 Supplement, is reenacted to
16 read:

17 231.600 School Community Professional Development
18 Act.--

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

26 Section 37. For the purpose of incorporating the
27 amendments made by this act to section 232.245, Florida
28 Statutes, in references thereto, subsection (1) of section
29 232.2454, Florida Statutes, is reenacted to read:

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

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

7 Section 38. For the purpose of incorporating the
8 amendments made by this act to section 232.245, Florida
9 Statutes, in references thereto, paragraphs (a) and (b) of
10 subsection (5) of section 232.246, Florida Statutes, 1998
11 Supplement, are reenacted and amended to read:

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

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

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

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

22 Section 39. For the purpose of incorporating the
23 amendments made by this act to sections 229.57 and 232.245,
24 Florida Statutes, in references thereto, section 232.248,
25 Florida Statutes, is reenacted to read:

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

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

5 Section 40. For the purpose of incorporating the
6 amendments made by this act to section 232.245, Florida
7 Statutes, in references thereto, subsection (1) of section
8 232.2481, Florida Statutes, is reenacted to read:

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

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

22 Section 41. For the purpose of incorporating the
23 amendments made by this act to section 229.565, Florida
24 Statutes, in references thereto, subsection (4) of section
25 233.09, Florida Statutes, is reenacted to read:

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

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

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

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

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

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

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

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

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

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

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

29 Section 42. For the purpose of incorporating the
30 amendments made by this act to section 229.565, Florida
31 Statutes, in references thereto, paragraph (b) of subsection

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

3 233.165 Standards for selection.--

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

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

17 Section 43. For the purpose of incorporating the
18 amendments made by this act to section 229.565, Florida
19 Statutes, in references thereto, paragraph (b) of subsection
20 (3) of section 233.25, Florida Statutes, is reenacted to read:

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

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

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

31

1 Section 44. For the purpose of incorporating the
2 amendments made by this act to section 231.29, Florida
3 Statutes, in references thereto, paragraphs (a) and (c) of
4 subsection (2) of section 236.08106, Florida Statutes, 1998
5 Supplement, are reenacted to read:

6 236.08106 Excellent Teaching Program.--

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

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

31

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

12 Section 45. For the purpose of incorporating the
13 amendments made by this act to section 230.23, Florida
14 Statutes, in references thereto, subsection (3) of section
15 239.229, Florida Statutes, 1998 Supplement, is reenacted to
16 read:

17 239.229 Vocational standards.--

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

26 Section 46. For the purpose of incorporating the
27 amendments made by this act to section 229.592, Florida
28 Statutes, in references thereto, subsection (4) of section
29 240.118, Florida Statutes, is reenacted to read:

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

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

6 Section 47. Subsections (29), (40), and (42) of
7 section 228.041, Florida Statutes, 1998 Supplement, are
8 amended to read:

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

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

15 (a) The student has voluntarily removed himself or
16 herself from the school system before graduation for reasons
17 that include, but are not limited to, marriage, or the student
18 has withdrawn from school because he or she has failed the
19 statewide student assessment test and thereby does not receive
20 any of the certificates of completion;

21 (b) The student has not met the relevant attendance
22 requirements of the school district pursuant to State Board of
23 Education rules, or the student was expected to attend a
24 school but did not enter as expected for unknown reasons, or
25 the student's whereabouts are unknown;

26 (c) The student has withdrawn from school, but has not
27 transferred to another public or private school or enrolled in
28 any vocational, adult, home education, or alternative
29 educational program;

30 (d) The student has withdrawn from school due to
31 hardship, unless such withdrawal has been granted under the

1 provisions of s. 322.091, court action, expulsion, medical
2 reasons, or pregnancy; or

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

6
7 ~~Students not exempt from attendance pursuant to s. 232.06 and
8 who are subject to compulsory school attendance under s.
9 232.01 and who stop attending school are habitual truants as
10 defined in subsection (28) and are not considered dropouts.~~

11 The State Board of Education may adopt rules to implement the
12 provisions of this subsection.

13 (40) GRADUATION RATE.--The term "graduation rate"
14 means the percentage of students who graduate from high school
15 within 4 years after entering 9th grade for the first time,
16 not counting students who transfer out of the student
17 population to enroll in another school system; students who
18 withdraw to enroll in a private school, a home education
19 program, or an adult education program; or deceased students.
20 Incoming transfer students, at the time of their enrollment,
21 are included in the count of the class with which they are
22 scheduled to graduate. For this rate calculation, students are
23 counted as graduates upon receiving a standard high school
24 diploma, as provided in s. 232.246, or a special diploma, as
25 provided in s. 232.247. Also counted as graduates are
26 ~~calculated by dividing the number of entering 9th graders into~~
27 ~~the number of students who receive, 4 years later, a high~~
28 ~~school diploma, a special diploma, or a certificate of~~
29 ~~completion, as provided for in s. 232.246, or who receive a~~
30 ~~special certificate of completion, as provided in s. 232.247,~~
31 ~~and~~ students 19 years of age or younger who receive a general

1 equivalency diploma, as provided in s. 229.814. The number of
2 9th grade students used in the calculation of a graduation
3 rate for this state shall be students enrolling in the grade
4 for the first time. In conjunction with calculating the
5 graduation rate for this state, the Department of Education
6 shall conduct a study to evaluate the impact of the rate of
7 students who withdraw from high school to attend adult
8 education programs and the students in exceptional student
9 education programs. The department shall report its findings
10 to the Legislature by February 1, 2000. The Department of
11 Education may calculate a 5-year graduation rate using the
12 same methodology described in this section.

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

26 Section 48. Paragraph (f) of subsection (9) of section
27 228.056, Florida Statutes, 1998 Supplement, is amended to
28 read:

29 228.056 Charter schools.--

30 (9) CHARTER.--The major issues involving the operation
31 of a charter school shall be considered in advance and written

1 into the charter. The charter shall be signed by the governing
2 body of the charter school and the sponsor, following a public
3 hearing to ensure community input.

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

18 Section 49. Subsection (2) of section 230.202, Florida
19 Statutes, is amended to read:

20 230.202 District school board members; compensation.--

21 (2) Notwithstanding provisions of chapter 145 or this
22 chapter to the contrary, the annual salaries of district
23 school board members for 1993 and each year thereafter shall
24 be established at the same amounts as those members were paid
25 for fiscal year 1991-1992, adjusted by each annual increase
26 provided for in chapter 145. Any salary previously paid to
27 district school board members which was consistent with
28 chapter 145 and this section is hereby ratified and validated.
29 By June 30, 2002, at least 5 percent of the salary of school
30 board members must be based on the annual performance of

31

1 students as measured by state assessments pursuant to State
2 Board of Education rules.

3 Section 50. Subsection (3) of section 230.303, Florida
4 Statutes, is amended to read:

5 230.303 Superintendent of schools.--

6 (3) Notwithstanding provisions of chapter 145 or this
7 chapter to the contrary, the annual salaries of elected
8 superintendents of schools for 1993 and each year thereafter
9 shall be established at the same amounts as those
10 superintendents were paid for fiscal year 1991-1992, adjusted
11 by each annual increase provided for in chapter 145. Any
12 salary previously paid to elected superintendents which was
13 consistent with chapter 145 and this section is hereby
14 ratified and validated. By June 30, 2002, at least 5 percent
15 of the salary of elected superintendents must be based on the
16 annual performance of students as measured by state
17 assessments pursuant to State Board of Education rules.

18 Section 51. Business and corporate entities are
19 encouraged to enter into partnership with low-performing and
20 failing schools in order to promote improved learning. Areas
21 of partnership should include, but need not be limited to,
22 student mentoring, student tutoring, supplemental funding,
23 promotion of extracurricular activities, development of
24 after-school programs, and maintenance of school grounds.

25 Section 52. Funding levels and methodologies necessary
26 to implement the provisions of this act will be established in
27 the General Appropriations Act.

28 Section 53. If any provision of this act or the
29 application thereof to any person or circumstance is held
30 invalid, the invalidity shall not affect other provisions or
31 applications of the act which can be given effect without the

1 invalid provision or application, and to this end the
2 provisions of this act are declared severable.

3 Section 54. Except as otherwise provided in this act,
4 this act shall take effect upon becoming a law.

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