

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senators Cowin and McKay moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 229.0535, Florida Statutes, is		
18	amended to read:		
19	229.0535 Authority to enforce school improvement.--It		
20	is the intent of the Legislature that all public schools be		
21	held accountable for ensuring that students performing <u>perform</u>		
22	at acceptable levels. A system of school improvement and		
23	accountability that assesses student performance by school,		
24	identifies schools <u>in which students are not making</u> not		
25	providing <u>adequate progress toward state standards,</u> and		
26	institutes appropriate measures for enforcing improvement, <u>and</u>		
27	<u>provides rewards and sanctions based on performance</u> shall be		
28	the responsibility of the State Board of Education.		
29	(1) Pursuant to Art. IX of the State Constitution		
30	prescribing the duty of the State Board of Education to		
31	supervise Florida's public school system and notwithstanding		

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 any other statutory provisions to the contrary, the State
2 Board of Education shall ~~have the authority to~~ intervene in
3 the operation of a district school system when in cases where
4 one or more schools in the a school district have failed to
5 make adequate progress for 2 3 consecutive school years in a
6 4-year period. For purposes of determining when a school is
7 eligible for state board action and opportunity scholarships
8 for its students, the terms "2 years in any 4-year period" and
9 "2 years in a 4-year period" mean that in any year that a
10 school has a grade of "F," the school is eligible for state
11 board action and opportunity scholarships for its students if
12 it also has had a grade of "F" in any of the previous 3 school
13 years. Except as otherwise provided in s. 229.57(9), a
14 performance rating based on data before the 1998-1999 school
15 year data may not be included in a 4-year period.The state
16 board may determine that the school district or and/or school
17 has not taken steps sufficient for to ensure that students in
18 the school to be academically in question are well served.
19 Considering recommendations of the Commissioner of Education,
20 the state board shall is authorized to recommend action to a
21 district school board that is intended to improve ensure
22 improved educational services to students in each school that
23 is designated as performance grade category "F."~~the~~
24 ~~low-performing schools in question.~~Recommendations for
25 actions to be taken in the school district shall be made only
26 after thorough consideration of the unique characteristics of
27 a school, which shall ~~also~~ include student mobility rates, and
28 the number and type of exceptional students enrolled in the
29 school, and the availability of options for improved
30 educational services. The state board shall adopt by rule
31 steps to follow in this process. Such steps shall provide

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~ensure that~~ school districts ~~have~~ sufficient time to improve
2 student performance in schools and ~~have had~~ the opportunity to
3 present evidence of assistance and interventions that the
4 school board has implemented.

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

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

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

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

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

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

26 (3) In recommending actions to school boards, the
27 State Board of Education shall specify the length of time
28 available to implement the recommended action. The state
29 board may adopt rules to further specify how it may respond in
30 specific circumstances. No action taken by the state board
31 shall relieve a school from state accountability requirements.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (4) The State Board of Education is authorized to
2 require the Department of Education or Comptroller to withhold
3 any transfer of state funds to the school district if, within
4 the timeframe specified in state board action, the school
5 district has failed to comply with the said action ordered to
6 improve the district's low-performing schools. Withholding the
7 transfer of funds shall occur only after all other recommended
8 actions for school improvement have failed to improve ~~the~~
9 performance ~~of the school~~. The State Board of Education may
10 invoke the same penalty to any school board that fails to
11 develop and implement a plan for assistance and intervention
12 for low-performing schools as specified in s. 230.23(16)(c).

13 Section 2. Section 229.0537, Florida Statutes, is
14 created to read:

15 229.0537 Opportunity Scholarship Program.--

16 (1) FINDINGS AND INTENT.--The purpose of this section
17 is to provide enhanced opportunity for students in this state
18 to gain the knowledge and skills necessary for postsecondary
19 education, a technical education, or the world of work. The
20 Legislature recognizes that the voters of the State of
21 Florida, in the November 1998 general election, amended s. 1,
22 Art. IX, of the Florida Constitution so as to make education a
23 paramount duty of the state. The Legislature finds that the
24 State Constitution requires the state to provide the
25 opportunity to obtain a high-quality education. The
26 Legislature further finds that a student should not be
27 compelled, against the wishes of the student's parent or
28 guardian, to remain in a school found by the state to be
29 failing for 2 years in a 4-year period. The Legislature shall
30 make available opportunity scholarships in order to give
31 parents and guardians the opportunity for their children to

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 attend a public school that is performing satisfactorily or to
2 attend an eligible private school when the parent or guardian
3 chooses to apply the equivalent of the public education funds
4 generated by his or her child to the cost of tuition in the
5 eligible private school as provided in paragraph (6)(a).
6 Eligibility of a private school shall include the control and
7 accountability requirements that, coupled with the exercise of
8 parental choice, are reasonably necessary to secure the
9 educational public purpose, as delineated in subsection (4).

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

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

27 (b) The student has scored in the lowest quartile on
28 statewide assessment tests described in s. 229.57;

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

30 (d) The parent or guardian has obtained acceptance for
31 admission of the student to a private school eligible for the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 program pursuant to subsection (4), and has notified the
2 Department of Education and the school district of the request
3 for an opportunity scholarship no later than July 1 of the
4 first year in which the student intends to use the
5 scholarship.

6
7 For purposes of continuity of educational choice, the
8 opportunity scholarship shall be for the entire school year
9 for which it was originally issued and shall remain in force
10 until the student leaves the private school for which the
11 scholarship was originally granted, or until the student
12 graduates into high school and the public high school to which
13 the student is assigned has earned a performance grade of "C"
14 or better. If the scholarship student leaves the private
15 school for which the scholarship was originally granted and
16 the public school to which he or she would be assigned has a
17 performance grade of "D" or "F," the student shall remain
18 eligible for an opportunity scholarship. However, at any time
19 upon reasonable notice to the Department of Education and the
20 school district, the student's parent or guardian may remove
21 the student from the private school and place the student in a
22 public school, as provided in subparagraph (3)(a)2.

23 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

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

31 2. Offer that student's parent or guardian an

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 opportunity to enroll the student in the public school within
2 the district that has been designated by the state pursuant to
3 s. 229.57 as a school performing higher than that in which the
4 student is currently enrolled or to which the student has been
5 assigned, but not less than performance grade category "C."
6 For purposes of identifying higher performing public schools
7 eligible for parental choice for the 1999-2000 school year,
8 school grade designations for the 1998-1999 school year shall
9 be the grade equivalent of the corresponding performance level
10 I-V specified in state board rule at the time this act becomes
11 a law. Level I corresponds to an "F" grade and Level V
12 corresponds to an "A" grade. The parent or guardian is not
13 required to accept this offer in lieu of requesting a state
14 opportunity scholarship to a private school. The opportunity
15 to continue attending the higher performing public school
16 shall remain in force until the student graduates from high
17 school.

18 (b) The parent or guardian of a student enrolled in or
19 assigned to a school that has been designated performance
20 grade category "F" for 2 school years in a 4-year period may
21 choose as an alternative to enroll the student in and
22 transport the student to a higher-performing public school
23 that has available space in an adjacent school district, and
24 that school district shall accept the student and report the
25 student for purposes of the district's funding pursuant to the
26 Florida Education Finance Program.

27 (c) Students with disabilities who are eligible to
28 receive services from the school district under federal or
29 state law, and who participate in this program, remain
30 eligible to receive services from the school district as
31 provided by federal or state law.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (d) If for any reason a qualified private school is
 2 not available for the student or if the parent or guardian
 3 chooses to request that the student be enrolled in the higher
 4 performing public school, rather than choosing to request the
 5 state opportunity scholarship, transportation costs to the
 6 higher performing public school shall be the responsibility of
 7 the school district. The district may utilize state
 8 categorical transportation funds or state-appropriated public
 9 school choice incentive funds for this purpose.

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

14 (a) Be in existence at least 1 year and provide the
 15 State Board of Education with evidence of fiscal soundness
 16 consistent with generally accepted accounting practices. In
 17 lieu of providing evidence of fiscal soundness, a surety bond
 18 or letter of credit for an amount equal to the opportunity
 19 scholarship funds received in any quarter may be filed with
 20 the State Board of Education. However, the 1-year requirement
 21 does not apply to those schools providing services to students
 22 with disabilities under the pilot programs that offer
 23 opportunity scholarships.

24 (b) Except for the first year of implementation,
 25 notify the Department of Education and the school district in
 26 whose service area the school is located of its intent to
 27 participate in the program under this section by May 1 of the
 28 school year preceding the school year in which it intends to
 29 participate. The notice shall specify the grade levels, the
 30 number of available student spaces, the random selection
 31 process, and other services that the private school has

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 available for the opportunity scholarship program.

2 (c) Comply with the antidiscrimination provisions of
3 42 U.S.C. s. 2000d and the Florida Constitution.

4 (d) Meet state and local health and safety laws and
5 codes.

6 (e) Determine, on an entirely random and
7 religious-neutral basis and without regard to the student's
8 past academic history, which scholarship students to accept;
9 however, the private school may give preference in accepting
10 applications to siblings of students who have already been
11 accepted on a random and religious-neutral basis. A private
12 school dedicated to a particular subject area or specialized
13 curricular focus may take into account a student's experience
14 in that subject area or related curriculum.

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

30 (g) Employ or contract with teachers who hold a
31 baccalaureate or higher degree, have at least 3 years teaching

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 experience in public or private schools, or have special
2 skills, knowledge, or expertise that qualifies them to provide
3 instruction in subjects taught.

4 (h) Comply with all state statutes relating to private
5 schools.

6 (i) Accept as full tuition and fees the amount
7 provided by the state for each student, and agree not to
8 require or compel any opportunity scholarship student, or his
9 or her parent or guardian, to purchase materials, clothing, or
10 equipment that would not normally be required of a student
11 attending a public school, such as, but not limited to,
12 instructional materials, uniforms, or materials and equipment
13 related to extracurricular activities.

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

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

20 (l) Generate an annual report to include a detailed
21 accounting of all state funds, a review of educational
22 programs and operational policies, and an assessment of gains
23 in student achievement for each student served via an
24 opportunity scholarship. This report shall be submitted to the
25 Department of Education and made available to the general
26 public; however, the provisions of s. 228.093 shall apply to
27 this requirement.

28 (m) Agree to accept opportunity scholarship students
29 for a minimum of 3 school years, or until the student
30 completes the highest grade available at the school, with the
31 exception that the student may be dismissed for violation of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 school rules pertaining to the health, safety, or welfare of
2 students and staff. The private school shall adhere to the
3 tenets of its published due-process procedures prior to the
4 expulsion of any opportunity scholarship student. The private
5 school must also agree to be responsible for attendance during
6 that time period.

7 (n) Use at least grade-appropriate textbooks and other
8 learning materials.

9 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

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

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

22 (c) The parent or guardian shall ensure that the
23 student participating in the opportunity scholarship program
24 takes all statewide assessments required pursuant to s.
25 229.57. The private school and the school district shall
26 cooperate to ensure that the scholarship student takes all
27 statewide assessments required in s. 229.57. Students
28 participating in the opportunity scholarship program may take
29 such tests at a location and at a time provided by the school
30 district or the private school in accordance with state and
31 district assessment procedures, at the discretion of the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 school district. If the school district chooses not to allow
2 opportunity scholarship students to participate with public
3 school students, the school district shall open state
4 assessment training workshops to private school test
5 administrators and provide supervision of the test
6 administration.

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 provisions of s. 236.025.

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

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

8 b. The student currently participates in a Group II
9 program and the parent has chosen a private school that does
10 not provide the additional services funded by the Group II
11 program.

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (7) LIABILITY.--No liability shall arise on the part
2 of the state based on any grant or use of an opportunity
3 scholarship.

4 (8) PILOT PROGRAM.--There is established a pilot
5 program, which is separate and distinct from the Opportunity
6 Scholarship Program, in the Broward, Clay, and Sarasota school
7 districts to provide scholarships to a public or private
8 school of choice for students with disabilities whose academic
9 progress in at least two areas has not met expected levels for
10 the previous year, as determined by the student's individual
11 education plan. Student participation in the pilot program is
12 limited to 5 percent of the students with disabilities in the
13 participating school districts during the first year, 10
14 percent of students with disabilities during the second year,
15 and 20 percent of students with disabilities during the third
16 and subsequent years. The following applies to the pilot
17 program:

18 (a) To be eligible to participate in the pilot
19 program, a private school must meet all requirements of
20 subsection (4). For purposes of the pilot program,
21 notification under paragraph (4)(a) must be separate from the
22 notification under the Opportunity Scholarship Program.

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

4 2. For the school year immediately prior to the year
5 in which the scholarship will be in effect, have documented
6 the student's failure to meet specific performance levels
7 identified in the individual education plan, or, absent
8 specific performance levels identified in the individual
9 education plan, the student must have performed below grade
10 level on state or local assessments and the parent believes
11 that the student is not progressing adequately toward the
12 goals in the individual education plan; and

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

16
17 Subsections (6) and (9) shall apply to the pilot program
18 authorized in this subsection. This pilot program is not
19 intended to affect the eligibility of the state or school
20 district to receive federal funds for students with
21 disabilities.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 federal law.

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

7 229.512 Commissioner of Education; general powers and
8 duties.--The Commissioner of Education is the chief
9 educational officer of the state, and has the following
10 general powers and duties:

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

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

25 (16) To prepare and publish annually reports giving
26 statistics and other useful information pertaining to the
27 state system of public education, including the Opportunity
28 Scholarship Program.† ~~and~~

29 (17) To have printed copies of school laws, forms,
30 instruments, instructions, and regulations of the State Board
31 of Education and ~~to provide for their the distribution of the~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~same.~~

2 Section 4. Section 229.555, Florida Statutes, is
3 amended to read:

4 229.555 Educational planning and information
5 systems.--

6 (1) EDUCATIONAL PLANNING.--

7 (a) The commissioner shall be responsible for all
8 planning functions for the department, including collection,
9 analysis, and interpretation of all data, information, test
10 results, evaluations, and other indicators that are used to
11 formulate policy, identify areas of concern and need, and
12 serve as the basis for short-range and long-range planning.
13 Such planning shall include assembling data, conducting
14 appropriate studies and surveys, and sponsoring research and
15 development activities designed to provide information about
16 educational needs and the effect of alternative educational
17 practices.

18 (b) Each district school board shall maintain a
19 continuing system of planning and budgeting ~~which shall be~~
20 designed to aid in identifying and meeting the educational
21 needs of students and the public. Provision shall be made for
22 coordination between district school boards and community
23 college district boards of trustees concerning the planning
24 for vocational and adult educational programs. The major
25 emphasis of the system shall be upon locally determined goals
26 and objectives, the state plan for education, and the Sunshine
27 State minimum performance Standards developed by the
28 Department of Education and adopted by the State Board of
29 Education. The district planning and budgeting system must
30 include consideration of student achievement data obtained
31 pursuant to s. 229.57. The system shall be structured to meet

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the specific management needs of the district and to align-
2 ~~The system of planning and budgeting shall ensure that the~~
3 budget adopted by the district school board with ~~reflect~~ the
4 plan the board has also adopted. Each district school board
5 shall utilize its system of planning and budgeting to
6 emphasize a system of school-based management in which
7 individual school centers become the principal planning units
8 and ~~eventually~~ to integrate planning and budgeting at the
9 school level.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 compatibility exists between its unique system and the
2 district component of the state system so to the extent that
3 all data required as input to the state system is shall be
4 made available via electronic transfer and in the appropriate
5 input format.

6 (a) The specific responsibilities of the commissioner
7 shall include:

8 1. Consulting with school district representatives in
9 the development of the system design model and implementation
10 plans for the management information system for public school
11 education management;

12 2. Providing operational definitions for the proposed
13 system;

14 3. Determining the information and specific data
15 elements required for the management decisions made at each
16 educational level, recognizing that the primary unit for
17 information input is shall be the individual school and
18 recognizing that time and effort of instructional personnel
19 expended in collection and compilation of data should be
20 minimized;

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

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

25 6. Developing appropriate computer programs to assure
26 integration of the various information components dealing with
27 students, personnel, facilities, fiscal, program, community,
28 and evaluation data;

29 7. Developing the necessary programs to provide
30 statistical analysis of the integrated data provided in
31 subparagraph 6. in such a way that required reports may be

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 disseminated, comparisons may be made, and relationships may
2 be determined in order to provide the necessary information
3 for making management decisions at all levels;

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

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

21 10. Assisting the district school systems in
22 establishing their subsystem components and assuring
23 compatibility with current district systems;

24 11. Establishing procedures for continuous evaluation
25 of system efficiency and effectiveness;

26 12. Initiating a reports-management and
27 forms-management system to ascertain that duplication in
28 collection of data does not exist and that forms and reports
29 for reporting under state and federal requirements and other
30 forms and reports are prepared in a logical and uncomplicated
31 format, resulting in a reduction in the number and complexity

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 of required reports, particularly at the school level; and

2 13. Initiating such other actions as are necessary to
3 carry out the intent of the Legislature that a management
4 information system for public school management needs be
5 implemented. Such other actions shall be based on criteria
6 including, but not limited to:

- 7 a. The purpose of the reporting requirement;
8 b. The origination of the reporting requirement;
9 c. The date of origin of the reporting requirement;

10 and

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

12 (b) The specific responsibilities of each district
13 school system shall include:

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

26 2. With assistance from the commissioner, developing
27 systems compatibility between the state management information
28 system and unique local systems.

29 3. Providing, with the assistance of the department,
30 inservice training dealing with management information system
31 purposes and scope, a method of transmitting input data, and

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the use of output report information.

2 4. Establishing a plan for continuous review and
3 evaluation of local management information system needs and
4 procedures.

5 5. Advising the commissioner of all district
6 management information needs.

7 6. Transmitting required data input elements to the
8 appropriate processing locations in accordance with guidelines
9 established by the commissioner.

10 7. Determining required reports, comparisons, and
11 relationships to be provided to district school systems by the
12 system output reports, continuously reviewing these reports
13 for usefulness and meaningfulness, and submitting recommended
14 additions, deletions, and change requirements in accordance
15 with the guidelines established by the commissioner.

16 8. Being responsible for the accuracy of all data
17 elements transmitted to the department.

18 (c) It is the intent of the Legislature that the
19 expertise in the state system of public education, as well as
20 contracted services, be utilized to hasten the plan for full
21 implementation of a comprehensive management information
22 system.

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

25 229.565 Educational evaluation procedures.--

26 (1) STUDENT PERFORMANCE STANDARDS.--

27 (a) The State Board of Education shall approve student
28 performance standards in key academic subject areas and ~~the~~
29 ~~various program categories and chronological~~ grade levels
30 ~~which the Commissioner of Education designates as necessary~~
31 ~~for maintaining a good educational system.~~ The standards must

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 apply, without limitation, to language arts, mathematics,
2 science, social studies, the arts, health and physical
3 education, foreign language, reading, writing, history,
4 government, geography, economics, and computer literacy. The
5 commissioner shall obtain opinions and advice from citizens,
6 educators, and members of the business community in developing
7 the standards. For purposes of this section, the term "student
8 performance standard" means a statement describing a skill or
9 competency students are expected to learn.

10 (b) The student performance standards must address the
11 skills and competencies that a student must learn in order to
12 graduate from high school. The commissioner shall also develop
13 performance standards for students who learn a higher level of
14 skills and competencies.

15 Section 6. Section 229.57, Florida Statutes, 1998
16 Supplement, is amended to read:

17 229.57 Student assessment program.--

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

24 (a) Assess the annual learning gains of each student
25 toward achieving the Sunshine State Standards appropriate for
26 the student's grade level.

27 (b) Provide data for making decisions regarding school
28 accountability and recognition.

29 (c) ~~(a)~~ Identify the educational strengths and needs of
30 students and the readiness of students to be promoted to the
31 next grade level or to graduate from high school with a

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 standard high school diploma.

2 (d)(b) Assess how well educational goals and
3 performance standards are met at the school, district, and
4 state levels.

5 (e)(e) Provide information to aid in the evaluation
6 and development of educational programs and policies.

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

9 (2) ANNUAL PUPIL PROGRESS ASSESSMENT.--The Department
10 of Education shall develop a statistical assessment tool for
11 measuring pupil progress during a school year which shall be
12 used for the purposes of this act. As used in this subsection,
13 "pupil progress assessment" means a statistical system for
14 educational outcome assessment which:

15 (a) Uses measures of student learning, such as the
16 FCAT, to determine teacher, school, and school district
17 statistical distributions, which distributions:

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

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

28 (b) The statistical system shall provide for an
29 approach which provides for best linear unbiased prediction
30 for the teacher, school, and school district effects on pupil
31 progress. These estimates should adequately be able to

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 determine effects of and compare teachers who teach multiple
2 subjects to the same groups of students, and team teaching
3 situations where teachers teach a single subject to multiple
4 groups of students, or other teaching situations as
5 appropriate.

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

10 2. The approach used by the department shall be
11 approved by the State Board of Education before implementation
12 for pupil progression assessment.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.--The commissioner
2 ~~shall~~ ~~is directed to~~ design and implement a statewide program
3 of educational assessment that provides information for the
4 improvement of the operation and management of the public
5 schools. ~~The program must be designed, as far as possible, so~~
6 ~~as not to conflict with ongoing district assessment programs~~
7 ~~and so as to use information obtained from district programs.~~
8 Pursuant to the statewide assessment program, the commissioner
9 shall:

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

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

31 (c) Develop and implement a student achievement

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

- 1 testing program as part of the statewide assessment program,
2 to be administered annually in grades 3 through 10 at
3 ~~designated times at the elementary, middle, and high school~~
4 ~~levels~~ to measure reading, writing, science, and mathematics.
5 The testing program must be designed so that:
- 6 1. The tests measure student skills and competencies
7 adopted by the state board as specified in paragraph (a). The
8 tests must measure and report student proficiency levels in
9 reading, writing, and mathematics. Science proficiency must be
10 measured statewide beginning in 2003. Other content areas may
11 be included as directed by the commissioner. The commissioner
12 shall provide for the tests to be developed or obtained, as
13 appropriate, through contracts and project agreements with
14 private vendors, public vendors, public agencies,
15 postsecondary institutions, or school districts. The
16 commissioner shall obtain input with respect to the design and
17 implementation of the testing program from state educators and
18 the public.
- 19 2. The tests are a combination of norm-referenced and
20 criterion-referenced and include, to the extent determined by
21 the commissioner, items that require the student to produce
22 information or perform tasks in such a way that the skills and
23 competencies he or she uses can be measured.
- 24 3. Each testing program, whether at the elementary,
25 middle, or high school level, includes a test of writing in
26 which students are required to produce writings which are then
27 scored by appropriate methods.
- 28 4. A score is designated for each subject area tested,
29 below which score a student's performance is deemed
30 inadequate. The school districts shall provide appropriate
31 remedial instruction to students who score below these levels.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 7.6. Participation in the testing program is mandatory
2 for all students, except as otherwise prescribed by the
3 commissioner. The commissioner shall recommend rules to the
4 state board for the provision of test adaptations and
5 modifications of procedures as necessary for students in
6 exceptional education programs and for students who have
7 limited English proficiency.

8 8.7. A student seeking an adult high school diploma
9 must meet the same testing requirements that a regular high
10 school student must meet.

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

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

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

28 (d)(e) Conduct ongoing research to develop improved
29 methods of assessing student performance, including, without
30 limitation, the use of technology to administer tests, the use
31 of electronic transfer of data, the development of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 work-product assessments, and the development of process
2 assessments.

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

8 (f)~~(g)~~ Provide technical assistance to school
9 districts in the implementation of state and district testing
10 programs and the use of the data produced pursuant to such
11 programs.

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

29 (6)~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school,
30 unless specifically exempted by state board rule based on
31 serving a specialized population for which standardized

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 testing is not appropriate, shall participate in the state
2 assessment program. Student performance data shall be analyzed
3 and reported to parents, the community, and the state. Student
4 performance data shall be used in developing objectives of the
5 school improvement plan, evaluation of instructional
6 personnel, evaluation of administrative personnel, assignment
7 of staff, allocation of resources, acquisition of
8 instructional materials and technology, performance-based
9 budgeting, and promotion and assignment of students into
10 educational programs administering an achievement test,
11 ~~whether at the elementary, middle, or high school level, and~~
12 ~~each public school administering the high school competency~~
13 ~~test, shall prepare an analysis of the resultant data after~~
14 ~~each administration. The analysis of student performance data~~
15 also must identify strengths and needs in the educational
16 program and trends over time. The analysis must be used in
17 conjunction with the budgetary planning processes developed
18 pursuant to s. 229.555 and the development of the programs of
19 remediation described in s. 233.051.

20 (7)(6) ANNUAL REPORTS.--The commissioner shall prepare
21 annual reports of the results of the statewide assessment
22 program which describe student achievement in the state, each
23 district, and each school. The commissioner shall prescribe
24 the design and content of these reports, which must include,
25 without limitation, descriptions of the performance of all
26 schools participating in the assessment program and all of
27 their major student populations as determined by the
28 Commissioner of Education, and must also include the median
29 scores of all eligible students who scored at or in the lowest
30 25th percentile of the state in the previous school year,
31 provided, however, that the provisions of s. 228.093

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 pertaining to student records apply to this section ~~students~~
2 ~~at both low levels and exemplary levels, as well as the~~
3 ~~performance of students scoring in the middle 50 percent of~~
4 ~~the test population. Until such time as annual assessments~~
5 ~~prescribed in this section are fully implemented, annual~~
6 ~~reports shall include student performance data based on~~
7 ~~existing assessments.~~

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

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

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

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

16 (d) "D," schools making less than satisfactory
17 progress.

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

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

22 (a) Timeframes.--

23 1. School performance grade category designations
24 shall be based on one school year of performance.

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

31 3. Beginning with the 2000-2001 school year, a

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 school's performance grade category designation shall be based
2 on a combination of student achievement scores as measured by
3 the FCAT, on the degree of measured learning gains of the
4 students, and on other appropriate performance data,
5 including, but not limited to, attendance, dropout rate,
6 school discipline data, cohort graduation rate, and student
7 readiness for college.

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

17
18 For the purpose of implementing ss. 229.0535 and 229.0537, if
19 any school of the 4 schools that were identified as critically
20 low performing, based on both 1996-1997 and 1997-1998 school
21 performance data and state board adopted criteria, receives a
22 performance grade category designation of "F" based on
23 1998-1999 school performance data, that school shall be
24 considered as having failed to make adequate progress for 2
25 years in a 4-year period. All other schools that receive a
26 performance grade category designation of "F" based on
27 1998-1999 school performance data shall be considered as
28 having failed to make adequate progress for 1 year.

29 (b) Student assessment data.--Student assessment data
30 used in determining school performance grade categories shall
31 include:

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

11
12 The state board shall adopt appropriate criteria for each
13 school performance grade category so as to ensure that school
14 performance grade category designations reflect each school's
15 accountability for the learning of all students in the school.

16 The criteria must also give added weight to student
17 achievement in reading. Schools designated as performance
18 grade category "C," making satisfactory progress, shall be
19 required to demonstrate that adequate progress has been made
20 by students who have scored among the lowest 25 percent of
21 students in the state as well as by the overall population of
22 students in the school.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (11) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
2 RATING REPORTS.--School performance grade category
3 designations and improvement ratings shall apply to each
4 school's performance for the year in which performance is
5 measured. Each school's designation and rating shall be
6 published annually by the Department of Education and the
7 school district. Parents and guardians shall be entitled to an
8 easy-to-read report card about the designation and rating of
9 the school in which their child is enrolled. The address of
10 the parent's or guardian's local school board and State
11 Department of Education shall be included on the report card.
12 The report shall include a statement established by the
13 Commissioner of Education which serves to encourage the
14 student's parent or guardian to make recommendations or
15 provide comments to the Department of Education and their
16 local school board regarding the report card and the plight of
17 their child's school. The Department of Education and the
18 school district shall review parent feedback and shall
19 annually produce a report to the Legislature concerning the
20 parent feedback.

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

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

30 (b) Assessments shall be capable of measuring the
31 annual progress each student makes in mastering the Sunshine

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 State Standards.

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

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

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

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

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

29 (14)(7) APPLICABILITY OF TESTING STANDARDS.--A student
30 must meet the testing requirements for high school graduation
31 which were in effect at the time the student entered 9th

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 grade, provided the student's enrollment was continuous.

2 (15)(8) RULES.--The State Board of Education shall
3 adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary
4 to implement the provisions of this section.

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

9 Section 7. Section 229.58, Florida Statutes, 1998
10 Supplement, is amended to read:

11 229.58 District and school advisory councils.--

12 (1) ESTABLISHMENT.--

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 parents as members. Council members representing teachers,
2 education support employees, students, and parents shall be
3 elected by their respective peer groups at the school in a
4 fair and equitable manner as follows:

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

10

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

22 The Commissioner of Florida Commission on Education Reform and
23 ~~Accountability shall serve as a review body to~~ determine if
24 schools have maximized their efforts to include on their
25 advisory councils minority persons and persons of lower
26 socioeconomic status. Although schools should be strongly
27 encouraged to establish school advisory councils, any school
28 district that has a student population of 10,000 or fewer may
29 establish a district advisory council which shall include at
30 least one duly elected teacher from each school in the
31 district. For the purposes of school advisory councils and

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

30 229.591 Comprehensive revision of Florida's system of
31 school improvement and education accountability.--

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

- 1 (a) Establish state and local educational goals.
- 2 (b) Increase the use of educational outcomes over
3 educational processes in assessing educational programs.
- 4 (c) Redirect state fiscal and human resources to
5 assist school districts and schools to meet state and local
6 goals for student success in school and in later life.
- 7 (d) Provide methods for measuring, and public
8 reporting of, state, school district, and individual school
9 progress toward the education goals.
- 10 (e) Recognize successful schools.
- 11 (f) Provide for ~~Ensure that unsuccessful~~ schools
12 designated as performance grade category "D" or "F" to receive
13 are provided assistance and intervention sufficient to attain
14 adequate ~~such that~~ improvement ~~occurs,~~ and provide further
15 ~~ensure that~~ action that should occur when schools do not
16 improve.
- 17 (g) Provide that parents or guardians are not required
18 to send their children to schools that have been designated in
19 performance grade category "F," failing to make adequate
20 progress, as defined in state board rule, for two school years
21 in a 4-year period.
- 22 (3) EDUCATION GOALS.--The state as a whole shall work
23 toward the following goals:
- 24 (a) Readiness to start school.--Communities and
25 schools collaborate in a statewide comprehensive school
26 readiness program to prepare children and families for
27 children's success in school.
- 28 (b) Graduation rate and readiness for postsecondary
29 education and employment.--Students graduate and are prepared
30 to enter the workforce and postsecondary education.
- 31 (c) Student performance.--Students make annual

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 learning gains sufficient to acquire the knowledge, skills,
2 and competencies needed to master state standards,
3 successfully compete at the highest levels nationally and
4 internationally, and be ~~are~~ prepared to make well-reasoned,
5 thoughtful, and healthy lifelong decisions.

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

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

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

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

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

31 Section 9. Section 229.592, Florida Statutes, 1998

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 based on the recommendations of the Florida Commission on
2 Education Reform and Accountability to:

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

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

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

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

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

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

31 (5)(c) The annual feedback report shall be developed

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 by the commission and the Department of Education.

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

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

25 (8)(4) DEPARTMENT.--

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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 the House of Representatives all approved waiver requests in

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the preceding year.

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

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

20 2. A school board may submit a request to the
21 commissioner for a waiver if such request is presented to the
22 school board by a school advisory council established pursuant
23 to s. 229.58 and if such a waiver is required to implement a
24 school improvement plan required by s. 230.23(16). The school
25 board shall report annually to the Florida Commission on
26 Education Reform and Accountability, in conjunction with the
27 feedback report required pursuant to this section ~~subsection~~
28 ~~(3)~~, the number of waivers requested by school advisory
29 councils, the number of such waiver requests approved and
30 submitted to the commissioner, and the number of such waiver
31 requests not approved and not submitted to the commissioner.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

12 229.595 Implementation of state system of education
 13 accountability for school-to-work transition.--

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

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

30 230.23 Powers and duties of school board.--The school
 31 board, acting as a board, shall exercise all powers and

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 perform all duties listed below:

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

7 (c) Compensation and salary schedules.--Adopt a salary
8 schedule or salary schedules designed to furnish incentives
9 for improvement in training and for continued efficient
10 service to be used as a basis for paying all school employees,
11 ~~such schedules to be arranged, insofar as practicable, so as~~
12 ~~to furnish incentive for improvement in training and for~~
13 ~~continued and efficient service~~ and fix and authorize the
14 compensation of school employees on the basis thereof of such
15 ~~schedules~~. A district school board, in determining the salary
16 schedule for instructional personnel, must base a portion of
17 each employee's compensation on performance demonstrated under
18 s. 231.29 and must consider the prior teaching experience of a
19 person who has been designated state teacher of the year by
20 any state in the United States. In developing the salary
21 schedule, the school board shall seek input from parents,
22 teachers, and representatives of the business community. By
23 June 30, 2002, the salary schedule adopted by the school board
24 must base at least 5 percent of the salary of school
25 administrators and instructional personnel on annual
26 performance measured under s. 231.29. The district's
27 performance-pay policy is subject to negotiation as provided
28 in chapter 447; however, the adopted salary schedule must
29 allow employees who demonstrate outstanding performance to
30 earn 5 percent of their individual salary. The Commissioner of
31 Education shall determine whether the board's adopted salary

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 schedule complies with the requirement for performance-based
2 pay. If the board fails to comply by June 30, 2002, the
3 commissioner shall withhold disbursements from the Educational
4 Enhancement Trust Fund to the district until compliance is
5 verified.

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

26 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
27 AIDS.--Provide adequate instructional aids for all children as
28 follows and in accordance with the requirements of chapter
29 233.

30 (b) Textbooks.--Provide for proper requisitioning,
31 distribution, accounting, storage, care, and use of all

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 instructional materials ~~textbooks and other books~~ furnished by
2 the state and furnish such other instructional materials
3 ~~textbooks and library books~~ as may be needed. The school board
4 is responsible for assuring that instructional materials used
5 in the district are consistent with the district goals and
6 objectives and the curriculum frameworks approved by the State
7 Board of Education, as well as with the state and district
8 performance standards provided for in ss. 229.565 and
9 232.2454.

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (b) Approval process.--Develop a process for approval
2 of a school improvement plan presented by an individual school
3 and its advisory council. In the event a board does not
4 approve a school improvement plan after exhausting this
5 process, the Department of Education ~~Florida Commission on~~
6 ~~Education Reform and Accountability~~ shall be notified of the
7 need for assistance.

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

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

30 (e) Public disclosure.--Provide information regarding
31 performance of students and educational programs as required

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 pursuant to ss.~~s~~-229.555 and 229.57(5)and implement a
 2 system of school reports as required by statute and State
 3 Board of Education rule. Annual public disclosure reports
 4 shall be in an easy-to-read report card format, and shall
 5 include the school's student and school performance grade
 6 category designation and performance data as specified in
 7 state board rule. The address of the parent's or guardian's
 8 local school board and State Department of Education shall be
 9 included on the report card. The report shall include a
 10 statement established by the Commissioner of Education which
 11 serves to encourage the student's parent or guardian to make
 12 recommendations or provide comments to the Department of
 13 Education and their local school board regarding the report
 14 card and the plight of their child's school. The Department of
 15 Education and the school district shall review parent feedback
 16 and shall annually produce a report to the Legislature
 17 concerning the parent feedback.

- 18 1. The report cards shall also include, but are not
 19 limited to:
- 20 a. The percentage of limited English proficient
 21 students;
 - 22 b. The per pupil expenditures and state aid ratio;
 - 23 c. The percentage of budget allocated to salaries and
 24 benefits of administrative personnel;
 - 25 d. The percentage of budget allocated for salaries and
 26 benefits of teachers;
 - 27 e. The percentage of increase over the previous year
 28 for salaries and benefits of administrative and instructional
 29 personnel; and
 - 30 f. The number of administrative personnel to
 31 instructional personnel.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 2. The school report card shall include, for purposes
 2 of comparison and review, the statewide average for each
 3 element reported by school and a comparison of the district
 4 averages for each element reported by school and a comparison
 5 of the district averages for each element reported by district
 6 with the averages of school districts that have similar
 7 characteristics as defined by the commissioner.

8 (f) School improvement funds.--Provide funds to
 9 schools for developing and implementing school improvement
 10 plans. Such funds shall include those funds appropriated for
 11 the purpose of school improvement pursuant to s. 24.121(5)(c).
 12 A school identified as performance grade category "F" for one
 13 school year, pursuant to s. 229.57, shall receive school
 14 district funds for the next school year at a level necessary
 15 to reduce each K through 3rd grade class to no more than 15
 16 students for each full-time classroom teacher and at a level
 17 necessary to provide for an instructional year that is
 18 equivalent to a 210-day schedule for each student in grades 4
 19 through 12.

20 (17) LOCAL-LEVEL DECISIONMAKING.--

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

28 (b) Adopt waiver process policies to enable all
 29 schools to exercise maximum flexibility and notify advisory
 30 councils of processes to waive school district and state
 31 policies.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

25 (20)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
26 120.536(1) and 120.54 to implement the provisions of this
27 section.

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

31 231.2905 Florida School Recognition Program.--

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

17 (a)1. Improvement in the school's student achievement
 18 data.

19 (b)2. Statewide student achievement data.

20 (c) Student learning gains when such data becomes
 21 available.

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

23 (e)4. Dropout rates.

24 (f)5. Attendance rates.

25 (g) Graduation rates.

26 (h) Cohort graduation rates.

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

31 1. School climate, including rates of school violence

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~and crime.~~

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

3 ~~3. Indicators of successful challenging school~~
4 ~~improvement plans.~~

5 ~~4. Parent, community, and student involvement in~~
6 ~~learning.~~

7 ~~(c) After identification of schools for final~~
8 ~~recognition and financial awards, awards must be distributed~~
9 ~~based on employee performance criteria established in district~~
10 ~~school board policy.~~

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

13 Section 13. Section 232.245, Florida Statutes, is
14 amended to read:

15 232.245 Pupil progression; remedial instruction;
16 reporting requirements.--

17 (1) It is the intent of the Legislature that each
18 student's progression from one grade to another be determined,
19 in part, upon proficiency in reading, writing, science, and
20 mathematics; that school district policies facilitate such
21 proficiency; and that each student and his or her parent or
22 legal guardian be informed of that student's academic
23 progress.

24 (2) Each district school board shall establish a
25 comprehensive program for pupil progression which must
26 include:

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

30 (b) Specific levels of performance in reading,
31 writing, science, and mathematics for each grade level,

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

16 Section 14. Section 233.061, Florida Statutes, 1998
17 Supplement, is amended to read:

18 233.061 Required instruction.--

19 (1) Each school district and private school receiving
20 opportunity scholarships shall provide all courses required
21 for high school graduation and appropriate instruction
22 designed to ensure that students meet state board adopted
23 standards in the following subject areas: reading and other
24 language arts, mathematics, science, social studies, foreign
25 languages, health and physical education, and the arts.

26 (2) Members of the instructional staff of the public
27 schools and private schools receiving opportunity scholarships
28 , subject to the rules and regulations of the commissioner,
29 the state board, and the school board, shall teach efficiently
30 and faithfully, using the books and materials required,
31 following the prescribed courses of study, and employing

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 approved methods of instruction, the following:

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

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

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

9 (d) Flag education, including proper flag display and
10 flag salute.

11 (e) The elements of civil government shall include the
12 primary functions of and interrelationships between the
13 Federal Government, the state, and its counties,
14 municipalities, school districts, and special districts.

15 (f) The history of the Holocaust (1933-1945), the
16 systematic, planned annihilation of European Jews and other
17 groups by Nazi Germany, a watershed event in the history of
18 humanity, to be taught in a manner that leads to an
19 investigation of human behavior, an understanding of the
20 ramifications of prejudice, racism, and stereotyping, and an
21 examination of what it means to be a responsible and
22 respectful person, for the purposes of encouraging tolerance
23 of diversity in a pluralistic society and for nurturing and
24 protecting democratic values and institutions.

25 (g) The history of African Americans, including the
26 history of African peoples before the political conflicts that
27 led to the development of slavery, the passage to America, the
28 enslavement experience, abolition, and the contributions of
29 African Americans to society.

30 (h) The elementary principles of agriculture.

31 (i) The true effects of all alcoholic and intoxicating

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 liquors and beverages and narcotics upon the human body and
2 mind.

3 (j) Kindness to animals.

4 (k) The history of the state.

5 (l) The conservation of natural resources.

6 (m) Comprehensive health education that addresses
7 concepts of community health; consumer health; environmental
8 health; family life, including an awareness of the benefits of
9 sexual abstinence as the expected standard and the
10 consequences of teenage pregnancy; mental and emotional
11 health; injury prevention and safety; nutrition; personal
12 health; prevention and control of disease; and substance use
13 and abuse.

14 (n) Such additional materials, subjects, courses, or
15 fields in such grades as are prescribed by law or by rules of
16 the commissioner and the school board in fulfilling the
17 requirements of law.

18 (o) The study of Hispanic contributions to the United
19 States.

20 (p) The study of women's contributions to the United
21 States.

22 (3) Any child whose parent presents to the school
23 principal a signed statement that the teaching of disease, its
24 symptoms, development, and treatment, and the viewing of
25 pictures or motion pictures that teach about disease, conflict
26 with the religious teachings of the child's religious
27 affiliation, is exempt from such instruction; and a child so
28 exempted may not be penalized by reason of that exemption.

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

31 228.053 Developmental research schools.--

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

6 (a) The methods and requirements of the following
7 statutes shall be held in abeyance: ss. 230.01; 230.02;
8 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
9 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
10 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
11 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
12 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
13 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
14 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
15 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
16 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
17 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
18 and 316.75. With the exception of subsection (16) of s.
19 230.23, s. 230.23 shall be held in abeyance. Reference to
20 school boards in s. 230.23(16) shall mean the president of the
21 university or the president's designee.

22 (b) The following statutes or related rules may be
23 waived for any developmental research school so requesting,
24 provided the general statutory purpose of each section is met
25 and the developmental research school has submitted a written
26 request to the Joint Developmental Research School Planning,
27 Articulation, and Evaluation Committee for approval pursuant
28 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;
29 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;
30 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;
31 237.171; 237.181; 237.211; and 237.34. Notwithstanding

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 reference to the responsibilities of the superintendent or
2 school board in chapter 237, developmental research schools
3 shall follow the policy intent of the chapter and shall, at
4 least, adhere to the general state agency accounting
5 procedures established in s. 11.46.

6 1. Two or more developmental research schools may
7 jointly originate a request for waiver and submit the request
8 to the committee if such waiver is approved by the school
9 advisory council of each developmental research school
10 desiring the waiver.

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

30 (c) The written request for waiver of statute or rule
31 shall indicate at least how the general statutory purpose will

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 be met, how granting the waiver will assist schools in
2 improving student outcomes related to the student performance
3 standards adopted pursuant to s. 229.592(5), and how student
4 improvement will be evaluated and reported. In considering any
5 waiver, the committee shall ensure protection of the health,
6 safety, welfare, and civil rights of the students and
7 protection of the public interest.

8 (d) ~~The procedure established in s. 229.592(6)(f)~~
9 ~~shall be followed for any request for a waiver which is not~~
10 ~~denied, or for which a request for additional information is~~
11 ~~not issued.~~Notwithstanding the request provisions of s.
12 229.592(6), developmental research schools shall request all
13 waivers through the Joint Developmental Research School
14 Planning, Articulation, and Evaluation Committee, as
15 established in s. 228.054. The committee shall approve or
16 disapprove said requests pursuant to this subsection and s.
17 229.592(6); however, the Commissioner of Education shall have
18 standing to challenge any decision of the committee should it
19 adversely affect the health, safety, welfare, or civil rights
20 of the students or public interest. The department shall
21 immediately notify the committee and developmental research
22 school of the decision and provide a rationale therefor.

23 Section 16. Paragraph (e) of subsection (2) of section
24 228.054, Florida Statutes, is amended to read:

25 228.054 Joint Developmental Research School Planning,
26 Articulation, and Evaluation Committee.--

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

29 (e) Provide assistance to schools in the waiver
30 process established under s. 228.053(12), review and approve
31 or disapprove waivers requested pursuant to ss. 228.053(12)

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 and 229.592(6), and annually review, identify, and report to
2 the Legislature additional barriers and statutes that hinder
3 the implementation of s. 228.053.

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

6 233.17 Term of adoption for instructional materials.--

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

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

26 236.685 Educational funding accountability.--

27 (6) The annual school public accountability report
28 required by ss. 229.592(5)and 230.23(16)(18)must include a
29 school financial report. The purpose of the school financial
30 report is to better inform parents and the public concerning
31 how revenues were spent to operate the school during the prior

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 fiscal year. Each school's financial report must follow a
2 uniform, districtwide format that is easy to read and
3 understand.

4 (a) Total revenue must be reported at the school,
5 district, and state levels. The revenue sources that must be
6 addressed are state and local funds, other than lottery funds;
7 lottery funds; federal funds; and private donations.

8 (b) Expenditures must be reported as the total
9 expenditures per unweighted full-time equivalent student at
10 the school level and the average expenditures per full-time
11 equivalent student at the district and state levels in each of
12 the following categories and subcategories:

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

- 16 a. Basic programs;
17 b. Students-at-risk programs;
18 c. Special programs for exceptional students;
19 d. Career education programs; and
20 e. Adult programs.

21 2. Substitute teachers.

22 3. Other instructional personnel, including
23 school-based instructional specialists and their assistants.

24 4. Contracted instructional services, including
25 training for instructional staff and other contracted
26 instructional services.

27 5. School administration, including school-based
28 administrative personnel and school-based education support
29 personnel.

30 6. The following materials, supplies, and operating
31 capital outlay:

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

- 1 a. Textbooks;
- 2 b. Computer hardware and software;
- 3 c. Other instructional materials;
- 4 d. Other materials and supplies; and
- 5 e. Library media materials.
- 6 7. Food services.
- 7 8. Other support services.
- 8 9. Operation and maintenance of the school plant.

9 (c) The school financial report must also identify the
10 types of district-level expenditures that support the school's
11 operations. The total amount of these district-level
12 expenditures must be reported and expressed as total
13 expenditures per full-time equivalent student.

14
15 As used in this subsection, the term "school" means a "school
16 center" as defined by s. 228.041.

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

19 236.08104 Supplemental academic instruction;
20 categorical fund.--

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

25 (2) Categorical funds for supplemental academic
26 instruction shall be allocated annually to each school
27 district in the amount provided in the General Appropriations
28 Act. These funds shall be in addition to the funds
29 appropriated on the basis of full-time equivalent student
30 (FTE) membership in the Florida Education Finance Program and
31 shall be included in the total potential funds of each

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 district. These funds shall be used only to provide
 2 supplemental academic instruction to students enrolled in the
 3 K-12 program. Supplemental instruction may include methods
 4 such as lowering class size, providing after-school tutoring,
 5 holding Saturday morning sessions, and other methods for
 6 improving student achievement and may be provided to a student
 7 in any manner and at any time during or beyond the regular
 8 180-day term identified by the school as being the most
 9 effective and efficient way to best help that student progress
 10 from grade to grade and to graduate.

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the purposes of this act:

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

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

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

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

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

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

29 ~~(III) A half-day kindergarten student in a combination~~
30 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~
31 ~~full-time equivalent membership in each special program equal~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

31 ~~(II)(VII)~~ A prekindergarten handicapped student shall

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 meet the requirements specified for kindergarten students.

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

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

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

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

14 ~~b.d. Residential Dropout prevention programs as~~
15 ~~defined in s. 230.2316 for students in residential programs~~
16 ~~operated by the Department of Children and Family Services;~~
17 programs operated by the Department of Juvenile Justice as
18 defined in s. 230.23161 in which students receive educational
19 services; ~~or teenage parent programs as defined in s.~~
20 ~~230.23166 for students who are in need of such additional~~
21 ~~instruction;~~

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

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

31 ~~g. Programs which modify the school year to~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~accommodate the needs of children who have moved with their~~
2 ~~parents for the purpose of engaging in the farm labor or fish~~
3 ~~industries, provided such programs are approved by the~~
4 ~~commissioner.~~

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

12 Section 21. Subsection (7) of section 239.101, Florida
13 Statutes, is amended to read:

14 239.101 Legislative intent.--

15 (7) The Legislature finds that career education is a
16 crucial component of the educational programs conducted within
17 school districts and community colleges. Accordingly, career
18 education must be represented in accountability processes
19 undertaken for educational institutions. It is the intent of
20 the Legislature that the vocational standards articulated in
21 s. 239.229(2) be considered in the development of
22 accountability measures for public schools pursuant to ss.
23 229.591, 229.592, ~~229.593, 229.594~~, and 230.23(16) and for
24 community colleges pursuant to s. 240.324.

25 Section 22. Subsection (1) of section 239.229, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 239.229 Vocational standards.--

28 (1) The purpose of career education is to enable
29 students who complete vocational programs to attain and
30 sustain employment and realize economic self-sufficiency. The
31 purpose of this section is to identify issues related to

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 career education for which school boards and community college
2 boards of trustees are accountable. It is the intent of the
3 Legislature that the standards articulated in subsection (2)
4 be considered in the development of accountability standards
5 for public schools pursuant to ss. 229.591, 229.592, ~~229.593,~~
6 ~~229.594,~~ and 230.23(16) and for community colleges pursuant to
7 s. 240.324.

8 Section 23. Paragraphs (b), (c), and (d) of subsection
9 (5) of section 24.121, Florida Statutes, 1998 Supplement, are
10 reenacted and amended to read:

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

13 (5)

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

12 (d) No funds shall be released for any purpose from
13 the Educational Enhancement Trust Fund to any school district
14 in which one or more schools do not have an approved school
15 improvement plan pursuant to s. 230.23(16) or do not comply
16 with school advisory council membership composition
17 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
18 the Commissioner of Education shall withhold disbursements
19 from the trust fund to any school district that fails to adopt
20 the performance-based salary schedule required by s.
21 230.23(5).

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

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

29 (1) EDUCATIONAL UNITS.--

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

5 Section 25. For the purpose of incorporating the
6 amendments made by this act to section 230.23, Florida
7 Statutes, in references thereto, subsections (3) and (8) of
8 section 228.053, Florida Statutes, are reenacted and amended
9 to read:

10 228.053 Developmental research schools.--

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

26 a. Meet at least quarterly.

27 b. Monitor the operations of the school and the
28 distribution of moneys allocated for such operations.

29 c. Establish necessary policy, program, and
30 administration modifications.

31 d. Evaluate biennially the performance of the director

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

19 228.0565 Deregulated public schools.--

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

3 4. Salary and benefit levels of school employees.

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

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

21 Section 27. For the purpose of incorporating the
22 amendments made by this act to section 229.57, Florida
23 Statutes, in references thereto, subsection (1) of section
24 228.301, Florida Statutes, is reenacted to read:

25 228.301 Test security.--

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

10 (d) Make answer keys available to examinees;

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

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

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

18 Section 28. For the purpose of incorporating the
19 amendments made by this act to sections 229.555, 229.565, and
20 229.57, Florida Statutes, in references thereto, subsections
21 (1) and (3) of section 229.551, Florida Statutes, 1998
22 Supplement, are reenacted to read:

23 229.551 Educational management.--

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

31 (g) Expansion and ongoing maintenance of the common

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

31 (h) Development of common definitions necessary for

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

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

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 accordance with rules established by the school board.

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

14 (3)

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

31 Section 32. For the purpose of incorporating the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 amendments made by this act to section 232.245, Florida
2 Statutes, in references thereto, subsection (1) of section
3 232.2454, Florida Statutes, is reenacted to read:

4 232.2454 District student performance standards,
5 instruments, and assessment procedures.--

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

12 Section 33. For the purpose of incorporating the
13 amendments made by this act to section 232.245, Florida
14 Statutes, in references thereto, paragraphs (a) and (b) of
15 subsection (5) of section 232.246, Florida Statutes, 1998
16 Supplement, are reenacted and amended to read:

17 232.246 General requirements for high school
18 graduation.--

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

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

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

27 Section 34. For the purpose of incorporating the
28 amendments made by this act to sections 229.57 and 232.245,
29 Florida Statutes, in references thereto, section 232.248,
30 Florida Statutes, is reenacted to read:

31 232.248 Confidentiality of assessment

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

10 Section 35. For the purpose of incorporating the
11 amendments made by this act to section 232.245, Florida
12 Statutes, in references thereto, subsection (1) of section
13 232.2481, Florida Statutes, is reenacted to read:

14 232.2481 Graduation and promotion requirements for
15 publicly operated schools.--

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

27 Section 36. For the purpose of incorporating the
28 amendments made by this act to section 229.565, Florida
29 Statutes, in references thereto, subsection (4) of section
30 233.09, Florida Statutes, is reenacted to read:

31 233.09 Duties of each state instructional materials

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

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

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

30 (d) When recommending instructional materials for use
31 in the schools, each committee shall require, when appropriate

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

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

29 (g) In addition to relying on statements of publishers
30 or manufacturers of instructional material, any committee may
31 conduct, or cause to be conducted, an independent

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 investigation as to the compliance of submitted materials with
2 the requirements of this section.

3 Section 37. For the purpose of incorporating the
4 amendments made by this act to section 229.565, Florida
5 Statutes, in references thereto, paragraph (b) of subsection
6 (1) of section 233.165, Florida Statutes, is reenacted to
7 read:

8 233.165 Standards for selection.--

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

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

22 Section 38. For the purpose of incorporating the
23 amendments made by this act to section 229.565, Florida
24 Statutes, in references thereto, paragraph (b) of subsection
25 (3) of section 233.25, Florida Statutes, is reenacted to read:

26 233.25 Duties, responsibilities, and requirements of
27 publishers and manufacturers of instructional
28 materials.--Publishers and manufacturers of instructional
29 materials, or their representatives, shall:

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (b) Written proof that the publisher has provided
2 written correlations to appropriate curricular objectives
3 included within applicable performance standards provided for
4 in s. 229.565.

5 Section 39. For the purpose of incorporating the
6 amendments made by this act to section 230.23, Florida
7 Statutes, in references thereto, subsection (3) of section
8 239.229, Florida Statutes, 1998 Supplement, is reenacted to
9 read:

10 239.229 Vocational standards.--

11 (3) Each area technical center operated by a school
12 board shall establish a center advisory council pursuant to s.
13 229.58. The center advisory council shall assist in the
14 preparation and evaluation of center improvement plans
15 required pursuant to s. 230.23(16) and may provide assistance,
16 upon the request of the center director, in the preparation of
17 the center's annual budget and plan as required by s.
18 229.555(1).

19 Section 40. For the purpose of incorporating the
20 amendments made by this act to section 229.592, Florida
21 Statutes, in references thereto, subsection (4) of section
22 240.118, Florida Statutes, is reenacted to read:

23 240.118 Postsecondary feedback of information to high
24 schools.--

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

30 Section 41. Subsections (29), (40), and (42) of
31 section 228.041, Florida Statutes, 1998 Supplement, are

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~who are subject to compulsory school attendance under s.~~
2 ~~232.01 and who stop attending school are habitual truants as~~
3 ~~defined in subsection (28) and are not considered dropouts.~~
4 The State Board of Education may adopt rules to implement the
5 provisions of this subsection.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

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

19 Section 42. Paragraph (f) of subsection (9) of section
20 228.056, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 228.056 Charter schools.--

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

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 Representatives an analysis and comparison of the overall
2 performance of charter school students, to include all
3 students whose scores are counted as part of the state
4 ~~norm-referenced~~ assessment program tests, versus comparable
5 public school students in the district as determined by the
6 state norm-referenced assessment program tests currently
7 administered in the school district, and, as appropriate, the
8 Florida Writes Assessment Test, the High School Competency
9 Test, and other assessments administered pursuant to s.
10 229.57(3).

11 Section 43. Business and corporate entities are
12 encouraged to enter into partnership with low-performing and
13 failing schools in order to promote improved learning. Areas
14 of partnership should include, but need not be limited to,
15 student mentoring, student tutoring, supplemental funding,
16 promotion of extracurricular activities, development of
17 after-school programs, and maintenance of school grounds.

18 Section 44. 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 students as measured by state assessments pursuant to State

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 Board of Education rules.

2 Section 45. Subsection (3) of section 230.303, Florida
3 Statutes, is amended to read:

4 230.303 Superintendent of schools.--

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

17 Section 46. The Legislature intends to implement a
18 comprehensive approach to increase students' academic
19 achievement and improve teaching quality. The Legislature
20 recognizes that professional educators shape the future of
21 this state and the nation by developing the knowledge and
22 skills of our future workforce and laying the foundation for
23 good citizenship and full participation in community and civic
24 life. The Legislature also recognizes its critical role in
25 meeting the state's educational goals and preparing all
26 students to achieve at the high levels set by the Sunshine
27 State Standards. The purpose of this act is to raise standards
28 for certifying professional educators; establish Institutes
29 for Excellence in Teaching to respond to professional
30 development needs; increase accountability for postsecondary
31 programs that prepare future educators; increase the ability

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 of professional educators to use technology to enhance student
2 learning; and increase accountability for administrators who
3 evaluate teacher performance. To further this initiative, the
4 Department of Education must review the provisions of chapter
5 231, Florida Statutes, and related administrative rules
6 governing the certification of individuals who must hold state
7 certification as a condition of employment in any district
8 school system. The purpose of the review is to identify ways
9 to make the certification process more efficient and
10 responsive to the needs of district school systems and
11 educators; to maintain rigorous standards for initial and
12 continuing certification; and to provide more alternative
13 certification options for individuals who have specific
14 subject-area expertise but have not completed a standard
15 teacher preparation program. The department must evaluate the
16 rigor of the assessment instruments and passing scores
17 required for certification and should consider components of
18 more rigorous and efficient certification systems in other
19 states, including those states in which educators govern their
20 profession through autonomous or semi-autonomous governing
21 boards. When reviewing the certification assessment
22 instruments, the department must consider alternatives that
23 assess applicants' general knowledge of science in addition to
24 their abilities to read, write, and compute mathematically.
25 The department may request assistance from the Education
26 Standards Commission. By January 1, 2000, the department must
27 submit its findings and recommendations for revision of
28 statutes and administrative rules to the presiding officers of
29 the Senate, the House of Representatives, and the State Board
30 of Education.

31 Section 47. Subsection (1) of section 231.02, Florida

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 Statutes, 1998 Supplement, is amended to read:

2 231.02 Qualifications of personnel.--

3 (1) To be eligible for appointment in any position in
4 any district school system, a person shall be of good moral
5 character; shall have attained the age of 18 years, if he or
6 she is to be employed in an instructional capacity; and shall,
7 when required by law, hold a certificate or license issued
8 under rules of the State Board of Education or the Department
9 of Health ~~and Rehabilitative Services~~, except when employed
10 pursuant to s. 231.15 or under the emergency provisions of s.
11 236.0711. Previous residence in this state shall not be
12 required in any school of the state as a prerequisite for any
13 person holding a valid Florida certificate or license to serve
14 in an instructional capacity.

15 Section 48. Subsection (2) of section 231.0861,
16 Florida Statutes, is amended to read:

17 231.0861 Principals and assistant principals;
18 selection.--

19 (2) ~~By July 1, 1986,~~ Each district school board shall
20 adopt and implement an objective-based process for the
21 screening, selection, and appointment of assistant principals
22 and principals in the public schools of this state which meets
23 the criteria approved by the State Board of Education ~~Florida~~
24 ~~Council on Educational Management~~. Each school district may
25 contract with other local school districts, agencies,
26 associations, private entities, or universities to conduct the
27 assessments, evaluations, and training programs required under
28 this section.

29 Section 49. Section 231.085, Florida Statutes, is
30 amended to read:

31 231.085 Duties of principals.--A district school board

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 shall employ, through written contract, public school
2 principals who shall supervise the operation and management of
3 the schools and property as the board determines necessary.
4 Each principal is responsible for the performance of all
5 personnel employed by the school board and assigned to the
6 school to which the principal is assigned. The principal shall
7 faithfully and effectively apply the personnel-assessment
8 system approved by the school board pursuant to s. 231.29.
9 Each principal shall perform such duties as may be assigned by
10 the superintendent pursuant to the rules of the school board.
11 Such rules shall include, but not be limited to, rules
12 relating to administrative responsibility, instructional
13 leadership in implementing the Sunshine State Standards and of
14 the overall educational program of the school to which the
15 principal is assigned, submission of personnel recommendations
16 to the superintendent, administrative responsibility for
17 records and reports, administration of corporal punishment,
18 and student suspension. Each principal shall provide
19 leadership in the development or revision and implementation
20 of a school improvement plan pursuant to s. 230.23(16).

21 Section 50. Paragraph (a) of subsection (5) of section
22 231.087, Florida Statutes, is amended, and subsection (7) is
23 added to that section, to read:

24 231.087 Management Training Act; Florida Council on
25 Educational Management; Florida Academy for School Leaders;
26 Center for Interdisciplinary Advanced Graduate Study.--

27 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

28 (a) Pursuant to rules ~~guidelines~~ to be adopted by the
29 State Board of Education ~~Florida Council on Educational~~
30 ~~Management~~, each school board may submit to the commissioner a
31 proposed program designed to train district administrators and

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 school-based managers, including principals, assistant
2 principals, school site administrators, and persons who are
3 potential candidates for employment in such administrative
4 positions, in the competencies which have been identified by
5 the Florida Council on Educational Management ~~council~~ as being
6 necessary for effective school management. The proposed
7 program shall include a statement of the number of individuals
8 to be included in the program and an itemized statement of the
9 estimated total cost of the program, which shall be paid in
10 part by the district and in part by the department.

11 (7) REPEAL AND REVIEW OF MANAGEMENT ACT.--The Office
12 of Program Policy Analysis and Governmental Accountability, in
13 consultation with the Department of Education, shall conduct a
14 comprehensive review of the Management Training Act to
15 determine its effectiveness and by January 1, 2000, shall make
16 recommendations to the presiding officers of the Legislature
17 for the repeal, revision, or reauthorization of the act. This
18 section is repealed effective June 30, 2000.

19 Section 51. Section 231.09, Florida Statutes, is
20 amended to read:

21 231.09 Duties of instructional personnel.--The primary
22 duty of instructional personnel is to work diligently and
23 faithfully to help students meet or exceed annual learning
24 goals, to meet state and local achievement requirements, and
25 to master the skills required to graduate from high school
26 prepared for postsecondary education and work. This duty
27 applies to instructional personnel whether they teach or
28 function in a support role.Members of the instructional staff
29 of the public schools shall perform duties prescribed by rules
30 of the school board. Such rules shall include, but not be
31 limited to, rules relating to a teacher's duty to help

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 students master challenging standards and meet all state and
2 local requirements for achievement; teaching efficiently and
3 faithfully, using prescribed materials and methods, including
4 technology-based instruction; recordkeeping; and fulfilling
5 the terms of any contract, unless released from the contract
6 by the school board.

7 Section 52. Section 231.096, Florida Statutes, 1998
8 Supplement, is amended to read:

9 231.096 Teacher teaching out-of-field;
10 assistance.--Each ~~school~~ district school board shall adopt and
11 implement ~~have~~ a plan to assist any teacher teaching
12 out-of-field, and priority consideration in professional
13 development activities shall be given to teachers who are
14 teaching out-of-field. The school board shall require that
15 such teachers participate in a certification or
16 staff-development program designed to ensure that the teacher
17 has the competencies required for the assigned duties. The
18 board-approved assistance plan must include duties of
19 administrative personnel and other instructional personnel to
20 ensure that students receive high-quality instructional
21 services.

22 Section 53. Section 231.145, Florida Statutes, is
23 amended to read:

24 231.145 Purpose of instructional personnel
25 certification.--It is the intent of the Legislature that
26 school personnel certified in this state possess the
27 credentials, knowledge, and skills necessary to provide a
28 high-quality ~~quality~~ education in the public schools. The
29 purpose of school personnel certification is to protect the
30 educational interests of students, parents, and the public at
31 large by assuring that teachers in this state are

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 professionally qualified. In fulfillment of its duty to the
2 citizens of this state, the Legislature has established
3 certification requirements to assure that educational
4 personnel in public schools possess appropriate skills in
5 reading, writing, and mathematics, and adequate pedagogical
6 knowledge, including the use of technology to enhance student
7 learning, and relevant subject matter competence so as to ~~and~~
8 ~~can~~ demonstrate an acceptable level of professional
9 performance. Further, the Legislature has established a
10 certificate renewal process which promotes the continuing
11 professional improvement of school personnel, thereby
12 enhancing public education in all areas of the state.

13 Section 54. Section 231.15, Florida Statutes, 1998
14 Supplement, is amended to read:

15 231.15 Positions for which certificates required.--

16 (1) The State Board of Education shall classify school
17 services, designate the certification subject areas, establish
18 competencies, including the use of technology to enhance
19 student learning, and certification requirements for all
20 school-based personnel, and prescribe rules in accordance with
21 which the professional, temporary, and part-time certificates
22 shall be issued by the Department of Education to applicants
23 who meet the standards prescribed by such rules for their
24 class of service. The rules must allow the holder of a valid
25 professional certificate to add an area of certification
26 without completing the associated course requirements if the
27 certificateholder attains a passing score on an examination of
28 competency in the subject area to be added and provides
29 evidence of at least 2 years of satisfactory performance
30 evaluations that considered the performance of students taught
31 by the certificateholder. The rules must allow individuals who

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 have specific subject area expertise but who have not
2 completed a standard teacher preparation program to
3 participate in a state-approved alternative certification
4 program for a professional certificate. As appropriate, this
5 program must provide for demonstration competencies in lieu of
6 completion of a specific number of college course credit hours
7 in the areas of assessment; communication; critical thinking;
8 human development and learning; classroom management;
9 planning; technology; diversity; teacher responsibility; code
10 of ethics; and continuous professional improvement. The State
11 Board of Education shall consult with the State Board of
12 Independent Colleges and Universities, the State Board of
13 Nonpublic Career Education, the Board of Regents, and the
14 State Board of Community Colleges before adopting any changes
15 to training requirements relating to entry into the
16 profession. This consultation must allow the educational board
17 to provide advice regarding the impact of the proposed changes
18 in terms of the length of time necessary to complete the
19 training program and the fiscal impact of the changes. The
20 educational board must be consulted only when an institution
21 offering the training program falls under its jurisdiction.
22 Each person employed or occupying a position as school
23 supervisor, principal, teacher, library media specialist,
24 school counselor, athletic coach, or other position in which
25 the employee serves in an instructional capacity, in any
26 public school of any district of this state shall hold the
27 certificate required by law and by rules of the state board in
28 fulfilling the requirements of the law for the type of service
29 rendered. However, the state board shall adopt rules
30 authorizing school boards to employ selected noncertificated
31 personnel to provide instructional services in the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 individuals' fields of specialty or to assist instructional
2 staff members as education paraprofessionals.

3 (2) Each person who is employed and renders service as
4 an athletic coach in any public school in any district of this
5 state shall hold a valid part-time, temporary, or professional
6 certificate. The provisions of this subsection do not apply to
7 any athletic coach who voluntarily renders service and who is
8 not employed by any public school district of this state.

9 (3) Each person employed as a school nurse shall hold
10 a license to practice nursing in the state, and each person
11 employed as a school physician shall hold a license to
12 practice medicine in the state. ~~The provisions of this~~
13 ~~subsection shall not apply to any athletic coach who renders~~
14 ~~service in a voluntary capacity and who is not employed by any~~
15 ~~public school of any district in this state.~~

16 (4)(2) A commissioned or noncommissioned military
17 officer who is an instructor of junior reserve officer
18 training shall be exempt from requirements for teacher
19 certification, except for the filing of fingerprints pursuant
20 to s. 231.02, if he or she meets the following qualifications:

21 (a) Is retired from active military duty with at least
22 20 years of service and draws retirement pay or is retired, or
23 transferred to retired reserve status, with at least 20 years
24 of active service and draws retirement pay or retainer pay.

25 (b) Satisfies criteria established by the appropriate
26 military service for certification by the service as a junior
27 reserve officer training instructor.

28 (c) Has an exemplary military record.

29

30 If such instructor is assigned instructional duties other than
31 junior reserve officer training, he or she shall hold the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 certificate required by law and rules of the state board for
2 the type of service rendered.

3 Section 55. Paragraph (c) of subsection (3) and
4 subsections (4), (5), and (8) of section 231.17, Florida
5 Statutes, 1998 Supplement, are amended to read:

6 231.17 Official statements of eligibility and
7 certificates granted on application to those meeting
8 prescribed requirements.--

9 (3) TEMPORARY CERTIFICATE.--

10 (c) To qualify for a temporary certificate, the
11 applicant must:

12 1. File a written statement under oath that the
13 applicant subscribes to and will uphold the principles
14 incorporated in the Constitutions of the United States and of
15 the State of Florida.

16 2. Be at least 18 years of age.

17 3. Document receipt of a bachelor's or higher degree
18 from an accredited institution of higher learning, as defined
19 by state board rule. Credits and degrees awarded by a newly
20 created Florida state institution that is part of the State
21 University System shall be considered as granted by an
22 accredited institution of higher learning during the first 2
23 years of course offerings while accreditation is gained.
24 Degrees from foreign institutions, or degrees from other
25 institutions of higher learning that are in the accreditation
26 process, may be validated by a process established in state
27 board rule. Once accreditation is gained, the institution
28 shall be considered as accredited beginning with the 2-year
29 period prior to the date of accreditation. The bachelor's or
30 higher degree may not be required in areas approved in rule by
31 the State Board of Education as nondegreed areas. Each

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 applicant seeking initial certification must have attained at
2 least a 2.5 overall grade point average on a 4.0 scale in the
3 applicant's major field of study. The applicant may document
4 the required education by submitting official transcripts from
5 institutions of higher education or by authorizing the direct
6 submission of such official transcripts through established
7 electronic network systems.

8 4. Be competent and capable of performing the duties,
9 functions, and responsibilities of a teacher.

10 5. Be of good moral character.

11 6. Demonstrate mastery of general knowledge, including
12 the ability to read, write, compute, and use technology for
13 classroom instruction. Individuals who apply for certification
14 on or after July 1, 2000, must demonstrate these minimum
15 competencies in order to receive a temporary certificate.
16 Acceptable means of demonstrating such mastery is an
17 individual's achievement of passing scores on other states'
18 general knowledge examinations or a valid standard teaching
19 certificate issued by another state that requires mastery of
20 general knowledge.

21

22 Rules adopted pursuant to this section shall provide for the
23 review and acceptance of credentials from foreign institutions
24 of higher learning.

25 (4) PROFESSIONAL CERTIFICATE.--The department shall
26 issue a professional certificate for a period not to exceed 5
27 years to any applicant who meets the requirements for a
28 temporary certificate and documents mastery of the minimum
29 competencies required by subsection (5). Mastery of the
30 minimum competencies must be documented on a comprehensive
31 written examination or through other criteria as specified by

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 rules of the state board. Mastery of minimum competencies
2 required under subsection (5) must be demonstrated in the
3 following areas:

4 (a) General knowledge, including the ability to read,
5 write, and compute, and use technology for classroom
6 instruction. However, individuals who apply for certification
7 on or after July 1, 2000, must demonstrate these minimum
8 competencies in order to receive a temporary certificate.
9 Acceptable means of demonstrating such mastery is an
10 individual's achievement of passing scores on other states'
11 general knowledge examinations or a valid standard teaching
12 certificate issued by another state that requires mastery of
13 general knowledge.

14 (b) Professional skills and knowledge of the standards
15 of professional practice.

16 (c) The subject matter in each area for which
17 certification is sought.

18 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL
19 CERTIFICATE.--

20 (a) The state board must specify, by rule, the minimum
21 essential competencies that educators must possess and
22 demonstrate in order to qualify to teach students the
23 standards of student performance adopted by the state board.
24 The minimum competencies must include but are not limited to
25 the ability to:

- 26 1. Write in a logical and understandable style with
27 appropriate grammar and sentence structure.
28 2. Read, comprehend, and interpret professional and
29 other written material.
30 3. Comprehend and work with ~~fundamental~~ mathematical
31 concepts, including algebra.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 4. Recognize signs of students' difficulty with the
2 reading process and apply appropriate measures to improve
3 students' reading performance.

4 ~~5.4.~~ Recognize signs of severe emotional distress in
5 students and apply techniques of crisis intervention with an
6 emphasis on suicide prevention and positive emotional
7 development.

8 ~~6.5.~~ Recognize signs of alcohol and drug abuse in
9 students and know how to appropriately work with such students
10 and seek assistance designed to prevent ~~apply counseling~~
11 ~~techniques with emphasis on intervention and prevention of~~
12 future abuse.

13 ~~7.6.~~ Recognize the physical and behavioral indicators
14 of child abuse and neglect, know rights and responsibilities
15 regarding reporting, know how to care for a child's needs
16 after a report is made, and know recognition, intervention,
17 and prevention strategies pertaining to child abuse and
18 neglect which can be related to children in a classroom
19 setting in a nonthreatening, positive manner.

20 ~~8.7.~~ Comprehend patterns of physical, social, and
21 academic development in students, including exceptional
22 students in the regular classroom, and counsel these students
23 concerning their needs in these areas.

24 ~~9.8.~~ Recognize and be aware of the instructional needs
25 of exceptional students.

26 ~~10.9.~~ Comprehend patterns of normal development in
27 students and employ appropriate intervention strategies for
28 disorders of development.

29 ~~11.10.~~ Identify and comprehend the codes and standards
30 of professional ethics, performance, and practices adopted
31 pursuant to s. 231.546(2)(b), the grounds for disciplinary

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 action provided by s. 231.28, and the procedures for resolving
2 complaints filed pursuant to this chapter, including appeal
3 processes.

4 ~~12.11.~~ Recognize and demonstrate awareness of the
5 educational needs of students who have limited proficiency in
6 English and employ appropriate teaching strategies.

7 ~~13.12.~~ Use and integrate appropriate technology in
8 teaching and learning processes and in managing, evaluating,
9 and improving instruction.

10 ~~14.13.~~ Use assessment and other diagnostic strategies
11 to assist the continuous development of the learner.

12 ~~15.14.~~ Use teaching and learning strategies that
13 include considering each student's culture, learning styles,
14 special needs, and socioeconomic background.

15 ~~16.15.~~ Demonstrate knowledge and understanding of the
16 subject matter that is aligned with the subject knowledge and
17 skills specified in the Sunshine State Standards and student
18 performance standards approved by the state board.

19 17. Recognize the early signs of truancy in students
20 and identify effective interventions to avoid or resolve
21 nonattendance behavior.

22 18. Demonstrate knowledge and skill in managing
23 student behavior inside and outside the classroom. Such
24 knowledge and skill must include techniques for preventing and
25 effectively responding to incidents of disruptive or violent
26 behavior.

27 19. Demonstrate knowledge of and skill in developing
28 and administering appropriate classroom assessment instruments
29 designed to measure student learning gains.

30 20. Demonstrate the ability to maintain a positive
31 collaborative relationship with students' families to increase

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 student achievement.

2 (b) The state board shall designate the certification
3 areas for subject area tests. However, an applicant may
4 satisfy the subject area and professional knowledge testing
5 requirements by attaining scores on corresponding tests from
6 the National Teachers Examination series, and successors to
7 that series, that meet standards established by the state
8 board. The College Level Academic Skills Test, a similar test
9 approved by the state board, or corresponding tests from,
10 ~~beginning January 1, 1996,~~the National Teachers Examination
11 series must be used ~~by degreed personnel~~ to demonstrate
12 mastery of general knowledge as required in paragraphs (3)(c)
13 and paragraph (4)(a). All required tests may be taken prior to
14 graduation.The College Level Academic Skills Test shall be
15 waived for any applicant who passed the reading, writing, and
16 mathematics subtest of the former Florida Teacher
17 Certification Examination or the College Level Academic Skills
18 Test and subsequently obtained a certificate pursuant to this
19 chapter.

20 (8) EXAMINATIONS.--

21 (a) The commissioner, with the approval of the state
22 board, may contract for developing, printing, administering,
23 scoring, and appropriate analysis of the written tests
24 required.

25 (b) The state board shall, by rule, specify the
26 examination scores that are required for the issuance of a
27 professional certificate and ~~certain temporary certificate~~
28 ~~certificates.~~ ~~When the College Level Academic Skills Test is~~
29 ~~used to demonstrate general knowledge,~~Such rules must provide
30 ~~an alternative method by which an applicant may demonstrate~~
31 ~~mastery of general knowledge, including the ability to read,~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~write, or compute,~~ must define generic subject area
2 competencies and must establish uniform evaluation
3 guidelines. Individuals who apply for their professional
4 certificate before July 1, 2000, may demonstrate mastery of
5 general knowledge pursuant to the alternative method specified
6 by state board rule which ~~The alternative method~~ must:

7 1. Apply only to an applicant who has successfully
8 completed all prerequisites for issuance of the professional
9 certificate, except passing one specific subtest of the
10 College Level Academic Skills Test, and who has taken and
11 failed to achieve a passing score on that subtest at least
12 four times.

13 2. Require notification from the superintendent of the
14 employing school district, the governing authority of the
15 employing developmental research school, or the governing
16 authority of the employing state-supported school or nonpublic
17 school that the applicant has satisfactorily demonstrated
18 mastery of the subject area covered by that specific subtest
19 through successful experience in the professional application
20 of generic subject area competencies and proficient academic
21 performance in that subject area. The decision of the
22 superintendent or governing authority shall be based on a
23 review of the applicant's official academic transcript and
24 notification from the applicant's principal, a peer teacher,
25 and a district-level supervisor that the applicant has
26 demonstrated successful professional experience in that
27 subject area.

28 (c) If an applicant takes an examination developed by
29 this state and does not achieve the score necessary for
30 certification, the applicant may review his or her completed
31 examination and bring to the attention of the department any

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 errors that would result in a passing score.

2 (d) The department and the board shall maintain
3 confidentiality of the examination, developmental materials,
4 and workpapers, and the examination, developmental materials,
5 and workpapers are exempt from s. 119.07(1).

6 Section 56. Subsection (3) is added to section
7 231.1725, Florida Statutes, 1998 Supplement, to read:

8 231.1725 Employment of substitute teachers, teachers
9 of adult education, and nondegreed teachers of career
10 education; students performing clinical field experience.--

11 (3) A student who is enrolled in a state-approved
12 teacher preparation program in an institution of higher
13 education which is approved by rules of the State Board of
14 Education and who is jointly assigned by the institution of
15 higher education and a school board to perform a clinical
16 field experience under the direction of a regularly employed
17 and certified educator shall, while serving such supervised
18 clinical field experience, be accorded the same protection of
19 law as that accorded to the certified educator except for the
20 right to bargain collectively as employees of the school
21 board.

22 Section 57. Section 231.174, Florida Statutes, is
23 amended to read:

24 231.174 Alternative preparation programs for certified
25 teachers to add additional coverage.--A district school board
26 may design alternative teacher preparation programs to enable
27 persons already certificated to add an additional coverage to
28 their certificates ~~to teach exceptional education classes or~~
29 ~~in other areas of critical shortage.~~ Each alternative teacher
30 preparation program shall be reviewed and approved by the
31 Department of Education to assure that persons who complete

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the program are competent in the necessary areas of subject
2 matter specialization. Two or more school districts may
3 jointly participate in an alternative preparation program for
4 teachers.

5 Section 58. Subsection (3) of section 231.29, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 231.29 Assessment procedures and criteria.--

8 (3) The assessment procedure for instructional
9 personnel and school administrators must be primarily based on
10 the performance of students assigned to their classrooms or
11 schools, as appropriate. The procedures must ~~shall~~ comply
12 with, but need ~~shall~~ not be limited to, the following
13 requirements:

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

28 1. Performance of students.

29 2.1- Ability to maintain appropriate discipline.

30 3.2- Knowledge of subject matter. The district school
31 board shall make special provisions for evaluating teachers

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 who are assigned to teach out-of-field.

2 ~~4.3.~~ Ability to plan and deliver instruction,
3 including the use of technology in the classroom.

4 ~~5.4.~~ Ability to evaluate instructional needs.

5 ~~6.5.~~ Ability to establish and maintain a positive
6 collaborative relationship with students' families to increase
7 student achievement ~~communicate with parents.~~

8 ~~7.6.~~ Other professional competencies,
9 responsibilities, and requirements as established by rules of
10 the State Board of Education and policies of the district
11 school board.

12 (b) All personnel must ~~shall~~ be fully informed of the
13 criteria and procedures associated with the assessment process
14 before the assessment takes place.

15 (c) The individual responsible for supervising the
16 employee must assess the employee's performance. The evaluator
17 must submit a written report of the assessment to the
18 superintendent for the purpose of reviewing the employee's
19 contract. If the employee is assigned to a school designated
20 in performance grade categories "D" or "F" and was rated
21 unsatisfactory on any function related to the employee's
22 instructional or administrative duties, the superintendent, in
23 consultation with the employee's evaluator, shall review the
24 employee's performance assessment. If the superintendent
25 determines that the lack of general knowledge, subject area
26 expertise, or other professional competencies contributed to
27 the employee's unsatisfactory performance, the superintendent
28 shall notify the district school board of that determination.
29 The district school board shall require those employees, as
30 part of their performance probation, to take and receive a
31 passing score on a test of general knowledge, subject area

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 expertise, or professional competencies, whichever is
2 appropriate. The tests required by this paragraph shall be
3 those required for certification under chapter 231 and rules
4 of the State Board of Education. The evaluator must submit
5 the written report to the employee no later than 10 days after
6 the assessment takes place. The evaluator must discuss the
7 written report of assessment with the employee. The employee
8 shall have the right to initiate a written response to the
9 assessment, and the response shall become a permanent
10 attachment to his or her personnel file.

11 (d) If an employee is not performing his or her duties
12 in a satisfactory manner, the evaluator shall notify the
13 employee in writing of such determination. The notice must
14 describe such unsatisfactory performance and include notice of
15 the following procedural requirements:

16 1. Upon delivery of a notice of unsatisfactory
17 performance, the evaluator must confer with the employee, make
18 recommendations with respect to specific areas of
19 unsatisfactory performance, and provide assistance in helping
20 to correct deficiencies within a prescribed period of time.

21 2.a. If the employee holds a professional service
22 contract as provided in s. 231.36, the employee shall be
23 placed on performance probation and governed by the provisions
24 of this section for 90 calendar days following from the
25 receipt of the notice of unsatisfactory performance to
26 demonstrate corrective action. School holidays and school
27 vacation periods are not counted when calculating the
28 90-calendar-day period. During the 90 calendar days, the
29 employee who holds a professional service contract must be
30 evaluated periodically and apprised of progress achieved and
31 must be provided assistance and inservice training

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 opportunities to help correct the noted performance
2 deficiencies. At any time during the 90 calendar days, the
3 employee who holds a professional service contract may request
4 a transfer to another appropriate position with a different
5 supervising administrator; however, a transfer does not extend
6 the period for correcting performance deficiencies.

7 b.3. Within 14 days after the close of the 90 calendar
8 days, the evaluator must assess whether the performance
9 deficiencies have been corrected and forward a recommendation
10 to the superintendent. Within 14 days after receiving the
11 evaluator's recommendation, the superintendent must notify the
12 employee who holds a professional service contract in writing
13 whether the performance deficiencies have been satisfactorily
14 corrected and whether the superintendent will recommend that
15 the school board continue or terminate his or her employment
16 contract. If the employee wishes to contest the
17 superintendent's recommendation, the employee must, within 15
18 days after receipt of the superintendent's recommendation,
19 submit a written request for a hearing. Such hearing shall be
20 conducted at the school board's election in accordance with
21 one of the following procedures:

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

30 (II)b. A hearing conducted by an administrative law
31 judge assigned by the Division of Administrative Hearings of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

10 Section 59. Subsections (1), (4), and (6) of section
11 231.36, Florida Statutes, are amended to read:

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

14 (1)(a) Each person employed as a member of the
15 instructional staff in any district school system shall be
16 properly certificated pursuant to s. 231.17 or employed
17 pursuant to s. 231.1725 and shall be entitled to and shall
18 receive a written contract as specified in chapter 230. All
19 such contracts, except continuing contracts as specified in
20 subsection (4), shall contain provisions for dismissal during
21 the term of the contract only for just cause. Just cause
22 includes, but is not limited to, the following instances as
23 defined by rule of the State Board of Education: misconduct in
24 office, incompetency, gross insubordination, willful neglect
25 of duty, or conviction of a crime involving moral turpitude.

26 (b) A supervisor or principal shall be properly
27 certified and shall receive a written contract as specified in
28 chapter 230. Such contract may be for an initial period not to
29 exceed 3 years, subject to annual review and renewal. The
30 first 97 days of an initial contract is a probationary period.
31 During the probationary period, the employee may be dismissed

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 without cause or may resign from the contractual position
2 without breach of contract. After the first 3 years, the
3 contract may be renewed for a period not to exceed 3 years and
4 shall contain provisions for dismissal during the term of the
5 contract only for just cause, in addition to such other
6 provisions as are prescribed by the school board.

7 (4)(a) An employee who has continuing contract status
8 prior to July 1, 1984, shall be entitled to retain such
9 contract and all rights arising therefrom in accordance with
10 existing laws, rules of the State Board of Education, or any
11 laws repealed by this act, unless the employee voluntarily
12 relinquishes his or her continuing contract.

13 (b) Any member of the district administrative or
14 supervisory staff and any member of the instructional staff,
15 including any principal, who is under continuing contract may
16 be dismissed or may be returned to annual contract status for
17 another 3 years in the discretion of the school board, at the
18 end of the school year, when a recommendation to that effect
19 is submitted in writing to the school board on or before April
20 1 of any school year, giving good and sufficient reasons
21 therefor, by the superintendent, by the principal if his or
22 her contract is not under consideration, or by a majority of
23 the school board. The employee whose contract is under
24 consideration shall be duly notified in writing by the party
25 or parties preferring the charges at least 5 days prior to the
26 filing of the written recommendation with the school board,
27 and such notice shall include a copy of the charges and the
28 recommendation to the school board. The school board shall
29 proceed to take appropriate action. Any decision adverse to
30 the employee shall be made by a majority vote of the full
31 membership of the school board. Any such decision adverse to

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the employee may be appealed by the employee pursuant to s.
2 120.68.

3 (c) Any member of the district administrative or
4 supervisory staff and any member of the instructional staff,
5 including any principal, who is under continuing contract may
6 be suspended or dismissed at any time during the school year;
7 however, the charges against him or her must be based on
8 immorality, misconduct in office, incompetency, gross
9 insubordination, willful neglect of duty, drunkenness, or
10 conviction of a crime involving moral turpitude, as these
11 terms are defined by rule of the State Board of Education.
12 Whenever such charges are made against any such employee of
13 the school board, the school board may suspend such person
14 without pay; but, if the charges are not sustained, he or she
15 shall be immediately reinstated, and his or her back salary
16 shall be paid. In cases of suspension by the school board or
17 by the superintendent, the school board shall determine upon
18 the evidence submitted whether the charges have been sustained
19 and, if the charges are sustained, shall determine either to
20 dismiss the employee or fix the terms under which he or she
21 may be reinstated. If such charges are sustained by a
22 majority vote of the full membership of the school board and
23 such employee is discharged, his or her contract of employment
24 shall be thereby canceled. Any such decision adverse to the
25 employee may be appealed by the employee pursuant to s.
26 120.68, provided such appeal is filed within 30 days after the
27 decision of the school board.

28 (6)(a) Any member of the instructional staff,
29 excluding an employee specified in subsection (4), may be
30 suspended or dismissed at any time during the term of the
31 contract for just cause as provided in paragraph (1)(a). The

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 school board must notify the employee in writing whenever
2 charges are made against the employee and may suspend such
3 person without pay; but, if the charges are not sustained, the
4 employee shall be immediately reinstated, and his or her back
5 salary shall be paid. If the employee wishes to contest the
6 charges, the employee must, within 15 days after receipt of
7 the written notice, submit a written request for a hearing.
8 Such hearing shall be conducted at the school board's election
9 in accordance with one of the following procedures:

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

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

29
30 Any such decision adverse to the employee may be appealed by
31 the employee pursuant to s. 120.68, provided such appeal is

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 filed within 30 days after the decision of the school board.

2 (b) Any member of the district administrative or
3 supervisory staff, including any principal but excluding an
4 employee specified in subsection (4), may be suspended or
5 dismissed at any time during the term of the contract;
6 however, the charges against him or her must be based on
7 immorality, misconduct in office, incompetency, gross
8 insubordination, willful neglect of duty, drunkenness, or
9 conviction of any crime involving moral turpitude, as these
10 terms are defined by rule of the State Board of Education.
11 Whenever such charges are made against any such employee of
12 the school board, the school board may suspend the employee
13 without pay; but, if the charges are not sustained, he or she
14 shall be immediately reinstated, and his or her back salary
15 shall be paid. In cases of suspension by the school board or
16 by the superintendent, the school board shall determine upon
17 the evidence submitted whether the charges have been sustained
18 and, if the charges are sustained, shall determine either to
19 dismiss the employee or fix the terms under which he or she
20 may be reinstated. If such charges are sustained by a
21 majority vote of the full membership of the school board and
22 such employee is discharged, his or her contract of employment
23 shall be thereby canceled. Any such decision adverse to the
24 employee may be appealed by him or her pursuant to s. 120.68,
25 provided such appeal is filed within 30 days after the
26 decision of the school board.

27 Section 60. Paragraph (a) of subsection (1) of section
28 231.546, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 231.546 Education Standards Commission; powers and
31 duties.--

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (1) The Education Standards Commission shall have the
2 duty to:

3 (a) Recommend to the state board high desirable
4 standards relating to programs and policies for the
5 development, certification and certification extension,
6 improvement, and maintenance of competencies of educational
7 personnel, including teacher interns. Such standards must be
8 consistent with the state's duty to provide a high-quality
9 system of public education to all students.

10 Section 61. Subsections (1) and (3) and paragraph (b)
11 of subsection (4) of section 231.600, Florida Statutes, 1998
12 Supplement, are amended, and subsections (8) and (9) are added
13 to that section, to read:

14 231.600 School Community Professional Development
15 Act.--

16 (1) The Department of Education, public community
17 colleges and universities, public school districts, and public
18 schools in this state shall collaborate to establish a
19 coordinated system of professional development. The purpose of
20 the professional development system is to enable the school
21 community to meet state and local student achievement
22 standards and the state education goals and to succeed in
23 school improvement as described in s. 229.591.

24 (3) The activities designed to implement this section
25 must:

26 (a) Increase the success of educators in guiding
27 student learning and development so as to implement state and
28 local educational standards, goals, and initiatives;

29 (b) Assist the school community in providing
30 stimulating educational activities that encourage and motivate
31 students to achieve at the highest levels and to become

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~developing in school children the dispositions that will~~
2 ~~motivate them to be active learners; and~~

3 (c) Provide continuous support as well as, ~~rather than~~
4 temporary intervention for education professionals who need
5 improvement in knowledge, skills, and performance, ~~for~~
6 ~~improving the performance of teachers and others who assist~~
7 ~~children in their learning.~~

8 (4) The Department of Education, school districts,
9 schools, and public colleges and universities share the
10 responsibilities described in this section. These
11 responsibilities include the following:

12 (b) Each district school board shall consult with
13 teachers and representatives of college and university
14 faculty, community agencies, and other interested citizen
15 groups to establish policy and procedures to guide the
16 operation of the district professional development program.
17 The professional development system must:

18 1. Require that principals and schools use student
19 achievement data, school discipline data, school environment
20 surveys, assessments of parental satisfaction, and other
21 performance indicators to identify school and student needs
22 that can be met by improved professional performance, and
23 assist principals and schools in making these identifications;

24 2. Provide training activities coupled with followup
25 support that is appropriate to accomplish district-level and
26 school-level improvement goals and standards; ~~and~~

27 3. Provide for systematic consultation with regional
28 and state personnel designated to provide technical assistance
29 and evaluation of local professional development programs; ~~-~~

30 4. Provide for delivery of professional development by
31 distance learning and other technology-based delivery systems

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 to reach more educators at lower costs; and
2 5. Continuously evaluate the quality and effectiveness
3 of professional development programs in order to eliminate
4 ineffective programs and strategies and to expand effective
5 ones. Evaluations must consider the impact of such activities
6 on the performance of participating educators and their
7 students' achievement and behavior.

8 (8) This section does not limit or discourage a
9 district school board from contracting with independent
10 entities for professional-development services and inservice
11 education if the school board believes that, through such a
12 contract, a better product can be acquired or its goals for
13 education improvement can be better met.

14 (9) For teachers and administrators who have been
15 evaluated as less than satisfactory, a school board may
16 require participation in specific professional-development
17 programs as part of the improvement prescription.

18 Section 62. Subsection (2) of section 236.08106,
19 Florida Statutes, 1998 Supplement, is amended, and subsections
20 (3) and (4) are added to that section, to read:

21 236.08106 Excellent Teaching Program.--

22 (2) The Excellent Teaching Program is created to
23 provide categorical funding for monetary incentives and
24 bonuses for teaching excellence. The Department of Education
25 shall ~~allocate and~~ distribute to each school district or to
26 the NBPTS an amount as prescribed annually by the Legislature
27 for the Excellent Teaching Program. Unless otherwise provided
28 in the General Appropriations Act, each distribution ~~school~~
29 ~~district's annual allocation~~ shall be the sum of the amounts
30 earned for the following incentives and bonuses:

31 (a) A fee subsidy to be paid by the Department of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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

16 (b) A portfolio-preparation incentive of \$150 paid by
17 the Department of Education to ~~for~~ each teacher employed by a
18 ~~the~~ district school board or a public school within a school
19 ~~the~~ district who is participating in the NBPTS certification
20 program. The portfolio-preparation incentive is a one-time
21 award paid during the school year for which the NBPTS fee
22 subsidy is provided.

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

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 performance pursuant to s. 231.29. The annual bonus may be
2 paid as a single payment or divided into not more than three
3 payments.

4 (d) An annual bonus equal to 10 percent of the prior
5 fiscal year's statewide average salary for classroom teachers
6 to be distributed to the school district to be paid to each
7 individual who meets the requirements of paragraph (c) and
8 agrees, in writing, to provide the equivalent of 12 workdays
9 of mentoring and related services to public school teachers
10 within the district who do not hold NBPTS certification. The
11 district school board shall distribute the annual bonus in a
12 single payment following the completion of all required
13 mentoring and related services for the year. It is not the
14 intent of the Legislature to remove excellent teachers from
15 their assigned classrooms; therefore, credit may not be
16 granted by a school district or public school for mentoring or
17 related services provided during the regular school day or
18 during the 196 days of required service for the school year.

19 ~~(e) The district shall receive an amount equal to 50~~
20 ~~percent of the teacher bonuses provided under paragraphs (c)~~
21 ~~and (d), which shall be used by the district for professional~~
22 ~~development of teachers. The district must give priority to~~
23 ~~using all funds received pursuant to this paragraph for~~
24 ~~professional development of teachers employed at schools~~
25 ~~identified as performing at critically low levels.~~

26
27 A teacher for whom the state pays the certification fee and
28 who does not complete the certification program or does not
29 teach in a public school of this state for a least 1 year
30 after completing the certification program must repay the
31 amount of the certification fee to the state. However, a

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 teacher who completes the certification program but fails to
2 be awarded NBPTS certification is not required to repay the
3 amount of the certification fee if the teacher meets the
4 1-year teaching requirement. Repayment is not required of a
5 teacher who does not complete the certification program or
6 fails to fulfill the teaching requirement because of the
7 teacher's death or disability or because of other extenuating
8 circumstances as determined by the State Board of Education.

9 (3)(a) In addition to any other remedy available under
10 the law, any person who is a recipient of a certification fee
11 subsidy paid to the NBPTS and who is an employee of the state
12 or any of its political subdivisions is considered to have
13 consented, as a condition of employment, to the voluntary or
14 involuntary withholding of wages to repay to the state the
15 amount of such a certification fee subsidy awarded under this
16 section. Any such employee who defaults on the repayment of
17 such a certification fee subsidy must, within 60 days after
18 service of a notice of default by the Department of Education
19 to the employee, establish a repayment schedule, which must be
20 agreed to by the department and the employee, for repaying the
21 defaulted sum through payroll deductions. The department may
22 not require the employee to pay more than 10 percent of the
23 employee's pay per pay period under such a repayment schedule
24 or plan. If the employee fails to establish a repayment
25 schedule within the specified period of time or fails to meet
26 the terms and conditions of the agreed-upon or approved
27 repayment schedule as authorized by this subsection, the
28 employee has breached an essential condition of employment and
29 is considered to have consented to the involuntary withholding
30 of wages or salary for the repayment of the certification fee
31 subsidy.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 (b) A person who is employed by the state or any of
2 its political subdivisions may not be dismissed for having
3 defaulted on the repayment of the certification fee subsidy to
4 the state.

5 (4) The State Board of Education may adopt rules as
6 necessary to implement the provisions for payment of the fee
7 subsidies, incentives, and bonuses and for the repayment of
8 defaulted certification fee subsidies under this section.

9 Section 63. Subsection (1), paragraph (b) of
10 subsection (3), and subsections (4) and (5) of section
11 240.529, Florida Statutes, are amended to read:

12 240.529 Public accountability and state approval for
13 teacher preparation programs.--

14 (1) INTENT.--The Legislature recognizes that skilled
15 teachers make an ~~the most~~ important contribution to a ~~quality~~
16 ~~educational~~ system that allows students to obtain a
17 high-quality education and that competent teachers are
18 ~~produced by effective and accountable teacher preparation~~
19 ~~programs.~~ The intent of the Legislature is to establish a
20 system for development and approval of teacher preparation
21 programs that will free postsecondary teacher preparation
22 institutions to employ varied and innovative teacher
23 preparation techniques while being held accountable for
24 producing graduates ~~teachers~~ with the competencies and skills
25 necessary to achieve for achieving the state education goals;
26 help students meet high standards for academic achievement;
27 maintain safe, secure classroom learning environments; and
28 sustain ~~sustaining~~ the state system of school improvement and
29 education accountability established pursuant to ss. 229.591
30 ~~and 229.592, and 229.593.~~ To further this intent, the
31 Commissioner of Education shall appoint a Teacher Preparation

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 Program Committee for the purpose of establishing core
 2 curricula in each state-approved teacher preparation program.
 3 The committee shall consist of representatives from presidents
 4 of public and private colleges and universities, deans of
 5 colleges of education, presidents of community colleges,
 6 district school superintendents, and high-performing teachers.
 7 The curricula shall be focused on the knowledge, skills, and
 8 abilities essential to instruction in the Sunshine State
 9 Standards, with a clear emphasis on the importance of reading
 10 at all grade levels. The committee shall report its
 11 recommendations to the State Board of Education by January 1,
 12 2000, and at that time may be dissolved. The State Board of
 13 Education shall adopt rules that establish uniform core
 14 curricula for each state-approved teacher preparation program
 15 and shall use this report in the development of such rules.

16 (3) INITIAL STATE PROGRAM APPROVAL.--

17 (b) Each teacher preparation program approved by the
 18 Department of Education, as provided for by this section,
 19 shall require students to meet one of the following as
 20 prerequisites ~~a prerequisite~~ for admission into the program:

21 1. ~~That a student receive a passing score at the 40th~~
 22 ~~percentile or above, as established by state board rule, on a~~
 23 ~~nationally standardized college entrance examination;~~

24 1.2. ~~That a student~~ Have a grade point average of at
 25 least 2.5 on a 4.0 scale for the general education component
 26 of undergraduate studies; or

27 3. ~~That a student~~ have completed the requirements for
 28 a baccalaureate degree with a minimum grade point average of
 29 2.5 on a 4.0 scale from any college or university accredited
 30 by a regional accrediting association as defined by state
 31 board rule; and-

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 2. Beginning with the 2000-2001 academic year,
2 demonstrate mastery of general knowledge, including the
3 ability to read, write, and compute by passing the College
4 Level Academic Skills Test, a corresponding component of the
5 National Teachers Examination series, or a similar test
6 pursuant to rules of the State Board of Education.

7
8 The State Board of Education may ~~shall~~ provide by rule for a
9 waiver of these requirements. The rule shall require that 90
10 percent of those admitted to each teacher education program
11 meet the requirements of this paragraph and that the program
12 implement strategies to ensure that students admitted under a
13 waiver receive assistance to demonstrate competencies to
14 successfully meet requirements for certification.

15 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
16 subsection (3), failure by a public or nonpublic teacher
17 preparation program to meet the criteria for continued program
18 approval shall result in loss of program approval. The
19 Department of Education, in collaboration with the departments
20 and colleges of education, shall develop procedures for
21 continued program approval which document the continuous
22 improvement of program processes and graduates' performance.

23 (a) Continued approval of specific teacher preparation
24 programs at each public and nonpublic institution of higher
25 education within the state is contingent upon the passing of
26 the written examination required by s. 231.17 by at least 90
27 ~~80~~ percent of the graduates of the program who take the
28 examination. On request of an institution, the Department of
29 Education shall provide an analysis of the performance of the
30 graduates of such institution with respect to the competencies
31 assessed by the examination required by s. 231.17.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ___

1 (b) Additional criteria for continued program approval
2 for public institutions may be developed by the Education
3 Standards Commission and approved by the State Board of
4 Education. Such criteria must emphasize outcome measures of
5 student performance in the areas of classroom management and
6 improving the performance of students who have traditionally
7 failed to meet student achievement goals and have been
8 overrepresented in school suspensions and other disciplinary
9 actions, and must ~~may~~ include, but need not be limited to,
10 program graduates' satisfaction with training and the unit's
11 responsiveness to local school districts. Additional criteria
12 for continued program approval for nonpublic institutions
13 shall be developed in the same manner as for public
14 institutions; however, such criteria must be based upon
15 significant, objective, and quantifiable graduate performance
16 measures. Responsibility for collecting data on outcome
17 measures through survey instruments and other appropriate
18 means shall be shared by the institutions of higher education,
19 the Board of Regents, the State Board of Independent Colleges
20 and Universities, and the Department of Education. By January
21 1 of each year, the Department of Education, in cooperation
22 with the Board of Regents and the State Board of Independent
23 Colleges and Universities, shall report this information for
24 each postsecondary institution that has state-approved
25 programs of teacher education to the Governor, the
26 Commissioner of Education, the Chancellor of the State
27 University System, the President of the Senate, the Speaker of
28 the House of Representatives, all Florida postsecondary
29 teacher preparation programs, and interested members of the
30 public. This report must analyze the data and make
31 recommendations for improving teacher preparation programs in

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 the state.

2 (c) ~~Beginning July 1, 1997,~~Continued approval for a
3 teacher preparation program is contingent upon the results of
4 annual reviews of the program conducted by the institution of
5 higher education, using procedures and criteria outlined in an
6 institutional program evaluation plan approved by the
7 Department of Education. This plan must incorporate the
8 criteria established in paragraphs (a) and (b) and include
9 provisions for involving primary stakeholders, such as program
10 graduates, district school personnel, classroom teachers,
11 principals, community agencies, and business representatives
12 in the evaluation process. Upon request by an institution, the
13 department shall provide assistance in developing, enhancing,
14 or reviewing the institutional program evaluation plan and
15 training evaluation team members.

16 (d) ~~Beginning July 1, 1997,~~Continued approval for a
17 teacher preparation program is contingent upon standards being
18 in place that are designed to adequately prepare elementary,
19 middle, and high school teachers to instruct their students in
20 higher-level mathematics concepts and in the use of technology
21 at the appropriate grade level.

22 (e) Beginning July 1, 2000, continued approval of
23 teacher preparation programs is contingent upon compliance
24 with the student admission requirements of subsection (3) and
25 upon the receipt of at least a satisfactory rating from public
26 schools and nonpublic schools that employ graduates of the
27 program. Employer satisfaction shall be determined by an
28 annually administered survey instrument approved by the
29 Department of Education.

30 (f) Beginning with the 2000-2001 academic year, each
31 public and private institution that offers a teacher

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 preparation program in this state must annually report
2 information regarding these programs to the state and the
3 general public. This information shall be reported in a
4 uniform and comprehensible manner that conforms with
5 definitions and methods proposed by the Education Standards
6 Commission, that are consistent with definitions and methods
7 approved by the Commissioner of the National Center for
8 Educational Statistics, and that are approved by the State
9 Board of Education. This information shall be reported through
10 publications such as college and university catalogs and
11 promotional materials sent to potential applicants, secondary
12 school guidance counselors, and prospective employers of the
13 institution's program graduates.

14 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
15 instructors, school district personnel and instructional
16 personnel, and school sites preparing instructional personnel
17 through preservice field experience courses and internships
18 shall meet special requirements.

19 (a) All instructors in postsecondary teacher
20 preparation programs who instruct or supervise preservice
21 field experience courses or internships shall have at least
22 one of the following: specialized training in clinical
23 supervision; a valid professional teaching certificate
24 pursuant to ss. 231.17 and 231.24; or at least 3 years of
25 successful teaching experience in prekindergarten through
26 grade 12; ~~or a commitment to spend periods of time specified~~
27 ~~by State Board of Education rule teaching in the public~~
28 ~~schools.~~

29 (b) All school district personnel and instructional
30 personnel who supervise or direct teacher preparation students
31 during field experience courses or internships must have

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 evidence of "clinical educator" training and must successfully
2 demonstrate effective classroom management strategies that
3 consistently result in improved student performance. The
4 Education Standards Commission shall recommend, and the state
5 board shall approve, the training requirements.

6 (c) Preservice field experience programs must provide
7 specific guidance and demonstration of effective classroom
8 management strategies, strategies for incorporating technology
9 into classroom instruction, and ways to link instructional
10 plans to the Sunshine State Standards, as appropriate. The
11 length of structured field experiences may be extended to
12 ensure that candidates achieve the competencies needed to meet
13 certification requirements.

14 (d)(c) Postsecondary teacher preparation programs in
15 cooperation with district school boards and approved nonpublic
16 school associations shall select the school sites for
17 preservice field experience activities. These sites must
18 represent the full spectrum of school communities, including,
19 but not limited to, schools located in urban settings. In
20 order to be selected, school sites must demonstrate commitment
21 to the education of public school students and to the
22 preparation of future teachers. A nonpublic school
23 association, in order to be approved, must have a
24 state-approved master inservice program plan in accordance
25 with s. 236.0811.

26 Section 64. Section 231.6135, Florida Statutes, is
27 created to read:

28 231.6135 Statewide system for in-service professional
29 development.--The intent of this section is to establish a
30 statewide system of professional development that provides a
31 wide range of targeted in-service training to teachers and

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 administrators designed to upgrade skills and knowledge needed
2 to reach world class standards in education. The system shall
3 consist of a network of professional development academies in
4 each region of the state that are operated in partnership with
5 area business partners to develop and deliver high-quality
6 training programs purchased by school districts. The
7 academies shall be established to meet the human resource
8 development needs of professional educators, schools, and
9 school districts. Funds appropriated for the initiation of
10 professional development academies shall be allocated by the
11 Commissioner of Education, unless otherwise provided in an
12 appropriations act. To be eligible for startup funds, the
13 academy must:

14 (1) Be established by the collaborative efforts of one
15 or more district school boards, members of the business
16 community, and the postsecondary institutions which may award
17 college credits for courses taught at the academy.

18 (2) Demonstrate the capacity to provide effective
19 training to improve teaching skills in the areas of elementary
20 reading and mathematics, the use of instructional technology,
21 high school algebra, and classroom management, and to deliver
22 such training using face-to-face, distance-learning, and
23 individualized computer-based delivery systems.

24 (3) Propose a plan for responding in an effective and
25 timely manner to the professional development needs of
26 teachers, administrators, schools, and school districts
27 relating to improving student achievement and meeting state
28 and local education goals.

29 (4) Demonstrate the ability to provide high-quality
30 trainers and training, appropriate followup and coaching for
31 all participants, and support school personnel in positively

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 impacting student performance.

2 (5) Be operated under contract with its public
3 partners and governed by an independent board of directors,
4 which should include at least one superintendent and one
5 school board chairman from the participating school districts,
6 the president of the collective bargaining unit that
7 represents the majority of the region's teachers, and at least
8 three individuals who are not employees or elected or
9 appointed officials of the participating school districts.

10 (6) Be financed during the first year of operation by
11 an equal or greater match from private funding sources and
12 demonstrate the ability to be self-supporting within 1 year
13 after opening through fees for services, grants, or private
14 contributions.

15 (7) Own or lease a facility that can be used to
16 deliver training on-site and through distance learning and
17 other technology-based delivery systems. The participating
18 district school boards may lease a site or facility to the
19 academy for a nominal fee and may pay all or part of the costs
20 of renovating a facility to accommodate the academy. The
21 academy is responsible for all operational, maintenance, and
22 repair costs.

23 (8) Provide professional development services for the
24 participating school districts as specified in the contract
25 and may provide professional development services to other
26 school districts, private schools, and individuals on a
27 fee-for-services basis.

28 Section 65. Section 231.601, Florida Statutes, is
29 repealed.

30 Section 66. Section 230.2316, Florida Statutes, 1998
31 Supplement, is amended to read:

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 230.2316 Dropout prevention.--

2 (1) SHORT TITLE.--This act may be cited as the
3 "Dropout Prevention and Academic Intervention Act."

4 (2) INTENT.--The Legislature recognizes that a growing
5 proportion of young people are not making successful
6 transitions to productive adult lives. ~~The Legislature further
7 recognizes that traditional education programs which do not
8 meet certain students' educational needs and interests may
9 cause these students to become unmotivated, fail, be truant,
10 be disruptive, or drop out of school.~~The Legislature finds
11 that a child who does not complete his or her education is
12 greatly limited in obtaining gainful employment, achieving his
13 or her full potential, and becoming a productive member of
14 society. Therefore, it is the intent of the Legislature to
15 authorize and encourage district school boards throughout the
16 state to develop and establish dropout prevention and academic
17 intervention activities designed to meet the needs of students
18 who do not perform well in traditional educational programs.
19 ~~establish comprehensive dropout prevention programs. These
20 programs shall be designed to meet the needs of students who
21 are not effectively served by conventional education programs
22 in the public school system.~~It is further the intent of the
23 Legislature that cooperative agreements be developed among
24 school districts, other governmental and private agencies, and
25 community resources in order to implement innovative exemplary
26 programs aimed at reducing the number of students who do not
27 complete their education and increasing the number of students
28 who have a positive experience in school and obtain a high
29 school diploma.

30 (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

31 (a) Dropout prevention and academic intervention

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 programs ~~may shall~~ differ from traditional education programs
2 and schools in scheduling, administrative structure,
3 philosophy, curriculum, or setting and shall employ
4 alternative teaching methodologies, curricula, learning
5 activities, and ~~or~~ diagnostic and assessment procedures in
6 order to meet the needs, interests, abilities, and talents of
7 eligible students. The educational program shall provide
8 curricula, character development and law education as provided
9 in s. 233.0612, and related services which support the program
10 goals and lead to improved performance in the areas of
11 academic achievement, attendance, and discipline ~~completion of~~
12 ~~a high school diploma~~. Student participation in such programs
13 shall be voluntary. Districts may, however, assign students to
14 a program for disruptive students. Notwithstanding any other
15 provision of law to the contrary, no student shall be
16 identified as being eligible to receive services funded
17 through the dropout prevention and academic intervention
18 program based solely on the student being from a single-parent
19 family. ~~The minimum period of time during which the student~~
20 ~~participates in the program shall be equivalent to two~~
21 ~~instructional periods per day unless the program utilizes a~~
22 ~~student support and assistance component rather than regularly~~
23 ~~scheduled courses.~~

24 (b) Students in grades 1-12 ~~4-12~~ shall be eligible for
25 dropout prevention and academic intervention programs.
26 Eligible ~~dropout prevention~~ students shall be reported in the
27 appropriate basic cost factor ~~for dropout prevention full-time~~
28 ~~equivalent student membership~~ in the Florida Education Finance
29 Program ~~in standard dropout prevention classes or student~~
30 ~~support and assistance components which provide academic~~
31 ~~assistance and coordination of support services to students~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~enrolled full time in a regular classroom. The strategies and~~
2 ~~supports provided to eligible students shall be funded through~~
3 ~~the General Appropriations Act and may include, but are not~~
4 ~~limited to those services identified on the student's academic~~
5 ~~intervention plan. The student support and assistance~~
6 ~~component shall include auxiliary services provided to~~
7 ~~students or teachers, or both. Students participating in this~~
8 ~~model shall generate funding only for the time that they~~
9 ~~receive extra services or auxiliary help.~~

10 (c) A student shall be identified as being eligible to
11 receive services funded through the dropout prevention and
12 academic intervention program ~~a potential dropout~~ based upon
13 one of the following criteria:

14 1. The student is academically unsuccessful as
15 evidenced by low test scores, retention, failing grades, low
16 grade-point-average, falling behind in earning credits, or not
17 meeting the state or district proficiency levels in reading,
18 mathematics, or writing.

19 2. The student has a pattern of excessive absenteeism
20 or has been identified as a habitual truant.

21 ~~1. The student has shown a lack of motivation in~~
22 ~~school through grades which are not commensurate with~~
23 ~~documented ability levels or high absenteeism or habitual~~
24 ~~truancy as defined in s. 228.041(28).~~

25 ~~2. The student has not been successful in school as~~
26 ~~determined by retentions, failing grades, or low achievement~~
27 ~~test scores and has needs and interests that cannot be met~~
28 ~~through traditional programs.~~

29 ~~3. The student has been identified as a potential~~
30 ~~school dropout by student services personnel using district~~
31 ~~criteria. District criteria that are used as a basis for~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~student referral to an educational alternatives program shall~~
2 ~~identify specific student performance indicators that the~~
3 ~~educational alternative program seeks to address.~~

4 ~~4. The student has documented drug-related or~~
5 ~~alcohol-related problems, or has immediate family members with~~
6 ~~documented drug-related or alcohol-related problems that~~
7 ~~adversely affect the student's performance in school.~~

8 ~~3.5.~~ The student has a history of disruptive behavior
9 in school or has committed an offense that warrants
10 out-of-school suspension or expulsion from school according to
11 the district code of student conduct. For the purposes of this
12 program, "disruptive behavior" is behavior that:

13 a. Interferes with the student's own learning or the
14 educational process of others and requires attention and
15 assistance beyond that which the traditional program can
16 provide or results in frequent conflicts of a disruptive
17 nature while the student is under the jurisdiction of the
18 school either in or out of the classroom; or

19 b. Severely threatens the general welfare of students
20 or others with whom the student comes into contact.

21 ~~6. The student is assigned to a program provided~~
22 ~~pursuant to chapter 39, chapter 984, or chapter 985 which is~~
23 ~~sponsored by a state-based or community-based agency or is~~
24 ~~operated or contracted for by the Department of Children and~~
25 ~~Family Services or the Department of Juvenile Justice.~~

26 (d)1. "Second chance schools" means school district
27 programs provided through cooperative agreements between the
28 Department of Juvenile Justice, private providers, state or
29 local law enforcement agencies, or other state agencies for
30 students who have been disruptive or violent or who have
31 committed serious offenses. As partnership programs, second

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 chance schools are eligible for waivers by the Commissioner of
2 Education from chapters 230-235 and 239 and State Board of
3 Education rules that prevent the provision of appropriate
4 educational services to violent, severely disruptive, or
5 delinquent students in small nontraditional settings or in
6 court-adjudicated settings.

7 2. School districts seeking to enter into a
8 partnership with a private entity or public entity to operate
9 a second chance school for disruptive students may apply to
10 the Department of Education for start-up grants from the
11 Department of Education. These grants must be available for 1
12 year and must be used to offset the start-up costs for
13 implementing such programs off public school campuses. General
14 operating funds must be generated through the appropriate
15 programs of the Florida Education Finance Program. Grants
16 approved under this program shall be for the full operation of
17 the school by a private nonprofit or for-profit provider or
18 the public entity. This program must operate under rules
19 adopted by the Department of Education and must be implemented
20 to the extent funded by the Legislature.

21 3.2. A student enrolled in a sixth, seventh, eighth,
22 ninth, or tenth grade class may be assigned to a second chance
23 school if the student meets the following criteria:

24 a. The student is a habitual truant as defined in s.
25 228.041(28).

26 b. The student's excessive absences have detrimentally
27 affected the student's academic progress and the student may
28 have unique needs that a traditional school setting may not
29 meet.

30 c. The student's high incidences of truancy have been
31 directly linked to a lack of motivation.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 d. The student has been identified as at risk of
2 dropping out of school.

3 ~~4.3.~~ A student who is habitually truant may be
4 assigned to a second chance school only if the case staffing
5 committee, established pursuant to s. 984.12, determines that
6 such placement could be beneficial to the student and the
7 criteria included in subparagraph 2. are met.

8 ~~5.4.~~ A student may be assigned to a second chance
9 school if the school district in which the student resides has
10 a second chance school and if the student meets one of the
11 following criteria:

12 a. The student habitually exhibits disruptive behavior
13 in violation of the code of student conduct adopted by the
14 school board.

15 b. The student interferes with the student's own
16 learning or the educational process of others and requires
17 attention and assistance beyond that which the traditional
18 program can provide, or, while the student is under the
19 jurisdiction of the school either in or out of the classroom,
20 frequent conflicts of a disruptive nature occur.

21 c. The student has committed a serious offense which
22 warrants suspension or expulsion from school according to the
23 district code of student conduct. For the purposes of this
24 program, "serious offense" is behavior which:

25 (I) Threatens the general welfare of students or
26 others with whom the student comes into contact;

27 (II) Includes violence;

28 (III) Includes possession of weapons or drugs; or

29 (IV) Is harassment or verbal abuse of school personnel
30 or other students.

31 ~~6.5.~~ Prior to assignment of students to second chance

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 schools, school boards are encouraged to use alternative
2 programs, such as in-school suspension, which provide
3 instruction and counseling leading to improved student
4 behavior, a reduction in the incidence of truancy, and the
5 development of more effective interpersonal skills.

6 ~~7.6.~~ Students assigned to second chance schools must
7 be evaluated by the school's local child study team before
8 placement in a second chance school. The study team shall
9 ensure that students are not eligible for placement in a
10 program for emotionally disturbed children.

11 ~~8.7.~~ Students who exhibit academic and social
12 progress and who wish to return to a traditional school shall
13 complete a character development and law education program, as
14 provided in s. 233.0612, and demonstrate preparedness to
15 reenter the regular school setting ~~be evaluated by school~~
16 ~~district personnel~~ prior to reentering a traditional school.

17 ~~8.~~ ~~Second chance schools shall be funded at the~~
18 ~~dropout prevention program weight pursuant to s. 236.081 and~~
19 ~~may receive school safety funds or other funds as appropriate.~~

20 (4) PROGRAM IMPLEMENTATION.--

21 (a) Each district may establish ~~one or more~~
22 alternative programs for dropout prevention and academic
23 intervention programs at the elementary, middle, junior high
24 school, or high school level. Programs designed to eliminate
25 patterns of excessive absenteeism, or habitual truancy shall
26 emphasize academic performance and may provide specific
27 instruction in the areas of vocational education,
28 preemployment training, and behavioral management. Such
29 programs shall utilize instructional teaching methods
30 appropriate to the specific needs of the student.

31 (b) Each school that establishes ~~or continues~~ a

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 dropout prevention and academic intervention program at that
2 school site shall reflect that program in the school
3 improvement plan as required under s. 230.23(16).

4 ~~(c) Districts may modify courses listed in the State~~
5 ~~Course Code Directory for the purpose of providing dropout~~
6 ~~prevention programs pursuant to the provisions of this~~
7 ~~section.~~

8 (5) EVALUATION.--Each school district receiving state
9 funding for dropout prevention and academic intervention
10 programs through the General Appropriations Act Florida
11 ~~Education Finance Program~~ shall submit information through an
12 annual report to the Department of Education's database
13 documenting the extent to which each of the district's dropout
14 prevention and academic intervention programs has been
15 successful in the areas of graduation rate, dropout rate,
16 attendance rate, and retention/promotion rate. The department
17 shall compile this information into an annual report which
18 shall be submitted to the presiding officers of the
19 Legislature by February 15.

20 (6) STAFF DEVELOPMENT.--Each school district shall
21 establish procedures for ensuring that teachers assigned to
22 dropout prevention and academic intervention programs possess
23 the affective, pedagogical, and content-related skills
24 necessary to meet the needs of these at-risk students. ~~Each~~
25 ~~school board shall also ensure that adequate staff development~~
26 ~~activities are available for dropout prevention staff and that~~
27 ~~dropout prevention staff participate in these activities.~~

28 (7) RECORDS.--Each district providing a ~~program for~~
29 dropout prevention and academic intervention program pursuant
30 to the provisions of this section shall maintain for each
31 participating student ~~for whom funding is generated through~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~the Florida Education Finance Program~~ records documenting the
2 student's eligibility, the length of participation, the type
3 of program to which the student was assigned or the type of
4 academic intervention services provided, and an evaluation of
5 the student's academic and behavioral performance while in the
6 program. The school principal or his or her designee shall,
7 prior to placement in a dropout prevention and academic
8 intervention program or the provision of an academic service,
9 provide written notice of placement or services by
10 return-receipt mail to the student's parent, guardian, or
11 legal custodian. The parent, guardian, or legal custodian of
12 the student shall sign an acknowledgment of the notice of
13 placement or service and return the signed acknowledgement to
14 the principal within 3 days after receipt of the notice.The
15 parents or guardians of a student assigned to such a dropout
16 prevention and academic intervention program shall be notified
17 in writing and entitled to an administrative review of any
18 action by school personnel relating to such placement pursuant
19 to the provisions of chapter 120.

20 (8) COORDINATION WITH OTHER AGENCIES.--School district
21 dropout prevention and academic intervention programs shall be
22 coordinated with social service, law enforcement,
23 prosecutorial, and juvenile justice agencies and juvenile
24 assessment centers in the school district. Notwithstanding the
25 provisions of s. 228.093, these agencies are authorized to
26 exchange information contained in student records and juvenile
27 justice records. Such information is confidential and exempt
28 from the provisions of s. 119.07(1). School districts and
29 other agencies receiving such information shall use the
30 information only for official purposes connected with the
31 certification of students for admission to and for the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 administration of the dropout prevention and academic
2 intervention program, and shall maintain the confidentiality
3 of such information unless otherwise provided by law or rule.

4 (9) RULES.--The Department of Education shall have the
5 authority pursuant to ss. 120.536(1) and 120.54 to adopt any
6 rules necessary to implement the provisions of this section;
7 such rules shall require the minimum amount of necessary
8 paperwork and reporting ~~necessary~~ to comply with this act.

9 Section 67. Section 231.085, Florida Statutes, is
10 amended to read:

11 231.085 Duties of principals.--A district school board
12 shall employ, through written contract, public school
13 principals who shall supervise the operation and management of
14 the schools and property as the board determines necessary.
15 Each principal shall perform such duties as may be assigned by
16 the superintendent pursuant to the rules of the school board.
17 Such rules shall include, but not be limited to, rules
18 relating to administrative responsibility, instructional
19 leadership of the educational program of the school to which
20 the principal is assigned, submission of personnel
21 recommendations to the superintendent, administrative
22 responsibility for records and reports, administration of
23 corporal punishment, and student suspension. Each principal
24 shall provide leadership in the development or revision and
25 implementation of a school improvement plan pursuant to s.
26 230.23(16). Each principal must make the necessary provisions
27 to ensure that all school reports are accurate and timely, and
28 must provide the necessary training opportunities for staff to
29 accurately report attendance, FTE program participation,
30 student performance, teacher appraisal, and school safety and
31 discipline data.

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No.

1 Section 68. Section 232.001, Florida Statutes, is
2 created to read:

3 232.001 Pilot project.--It is the purpose of this
4 section to authorize the Manatee County District School Board
5 to implement a pilot project that raises the compulsory age of
6 attendance for children from the age of 16 years to the age of
7 18 years. The pilot project applies to each child who has not
8 attained the age of 16 years by September 30 of the school
9 year in which a school board policy is adopted.

10 (1) Beginning July 1, 1999, the Manatee County
11 District School Board may implement a pilot project consistent
12 with policy adopted by the school board to raise the
13 compulsory age of attendance for children from the age of 16
14 years to the age of 18 years.

15 (2) If the district school board chooses to
16 participate in the pilot project, the district school board
17 must, before the beginning of the school year, adopt a policy
18 for raising the compulsory age of attendance for children from
19 the age of 16 years to 18 years.

20 (a) Before the adoption of the policy, the district
21 school board must provide a notice of intent to adopt a policy
22 to raise the compulsory age of attendance for children from
23 the age of 16 years to the age of 18 years. The notice must be
24 provided to the parent or legal guardian of each child who is
25 15 years of age and who is enrolled in a school in the
26 district.

27 (b) Within 2 weeks after adoption of the school board
28 policy, the district school board must provide notice of the
29 policy to the parent or legal guardian of each child who is 15
30 years of age and who is enrolled in a school in the district.
31 The notice must also provide information related to the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 penalties for refusing or failing to comply with the
2 compulsory attendance requirements and information on
3 alternative education programs offered within the school
4 district.

5 (3) All state laws and State Board of Education rules
6 related to students subject to compulsory school attendance
7 apply to the district school board if it chooses to
8 participate in a pilot project. Notwithstanding the provisions
9 of s. 232.01, the formal declaration of intent to terminate
10 school enrollment does not apply to the district school board
11 if it chooses to participate in a pilot project.

12 (4) If the district school board chooses to
13 participate in the pilot project, the school board must
14 evaluate the effect of its adopted policy raising the
15 compulsory age of attendance on school attendance and on the
16 school district's dropout rate, as well as on the costs
17 associated with the pilot project. The school district shall
18 report its findings to the President of the Senate, the
19 Speaker of the House of Representatives, the minority leader
20 of each house, the Governor, and the Commissioner of Education
21 not later than August 1 following each year that the pilot
22 project is in operation.

23 Section 69. Section 232.17, Florida Statutes, 1998
24 Supplement, is amended to read:

25 232.17 Enforcement of school attendance.--The
26 Legislature finds that poor academic performance is associated
27 with nonattendance and that schools must take an active role
28 in enforcing attendance as a means of improving the
29 performance of many students. It is the policy of the state
30 that the superintendent of each school district be responsible
31 for enforcing school attendance of all children and youth

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 subject to the compulsory school age in the school district.
2 The responsibility includes recommending to the school board
3 policies and procedures to ensure that schools respond in a
4 timely manner to every unexcused absence or absence for which
5 the reason is unknown of students enrolled in the schools.
6 School board policies must require each parent or guardian of
7 a student to justify each absence of the student, and that
8 justification will be evaluated based on adopted school board
9 policies that define excused and unexcused absences. The
10 policies must provide that schools track excused and unexcused
11 absences and contact the home in the case of an unexcused
12 absence from school or an absence from school for which the
13 reason is unknown to prevent the development of patterns of
14 nonattendance. The Legislature finds that early intervention
15 in school attendance matters is the most effective way of
16 producing good attendance habits that will lead to improved
17 student learning and achievement. Each public school shall
18 implement the following steps to enforce regular school
19 attendance:

20 (1) CONTACT, REFER, AND ENFORCE.--

21 (a) Upon each unexcused absence or absence for which
22 the reason is unknown, the school principal or his or her
23 designee shall contact the student's parent or guardian to
24 determine the reason for the absence. If the absence is an
25 excused absence, as defined by school board policy, the school
26 shall provide opportunities for the student to make up
27 assigned work and not receive an academic penalty unless the
28 work is not made up within a reasonable time.

29 (b) If a student has had at least five unexcused
30 absences or absences for which the reasons are unknown within
31 a calendar month or ten unexcused absences or absences for

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 which the reasons are unknown within a 90-calendar-day period,
2 the student's primary teacher shall report to the school
3 principal or his or her designee that the student may be
4 exhibiting a pattern of nonattendance. The principal shall,
5 unless there is clear evidence that the absences are not a
6 pattern of nonattendance, refer the case to the school's child
7 study team to determine if early patterns of truancy are
8 developing. If the child study team finds that a pattern of
9 nonattendance is developing, whether the absences are excused
10 or not, a meeting with the parent must be scheduled to
11 identify potential remedies.

12 (c) If an initial meeting does not resolve the
13 problem, the child study team shall implement interventions
14 that best address the problem. The interventions may include,
15 but need not be limited to:

- 16 1. Frequent communication between the teacher and the
17 family;
- 18 2. Changes in the learning environment;
- 19 3. Mentoring;
- 20 4. Student counseling;
- 21 5. Tutoring, including peer tutoring;
- 22 6. Placement into different classes;
- 23 7. Evaluation for alternative education programs;
- 24 8. Attendance contracts;
- 25 9. Referral to other agencies for family services; or
- 26 10. Other interventions.

27 (d) The child study team shall be diligent in
28 facilitating intervention services and shall report the case
29 to the superintendent only when all reasonable efforts to
30 resolve the nonattendance behavior are exhausted.

31 (e) If the parent, guardian, or other person in charge

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 of the child refuses to participate in the remedial strategies
2 because he or she believes that those strategies are
3 unnecessary or inappropriate, the parent, guardian, or other
4 person in charge of the child may appeal to the school board.
5 The school board may provide a hearing officer and the hearing
6 officer shall make a recommendation for final action to the
7 board. If the board's final determination is that the
8 strategies of the child study team are appropriate, and the
9 parent, guardian, or other person in charge of the child still
10 refuses to participate or cooperate, the superintendent may
11 seek criminal prosecution for noncompliance with compulsory
12 school attendance.

13 (f) If a child subject to compulsory school attendance
14 will not comply with attempts to enforce school attendance,
15 the parent, the guardian, or the superintendent or his or her
16 designee shall refer the case to the case-staffing committee
17 pursuant to s. 984.12, and the superintendent or his or her
18 designee may file a truancy petition pursuant to the
19 procedures in s. 984.151.~~Pursuant to procedures established~~
20 ~~by the district school board, a designated school~~
21 ~~representative must complete activities designed to determine~~
22 ~~the cause and attempt the remediation of truant behavior, as~~
23 ~~provided in this section.~~

24 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~
25 ~~ABSENCES.--A designated school representative shall~~
26 ~~investigate cases of nonenrollment and unexcused absences from~~
27 ~~school of all children subject to compulsory school~~
28 ~~attendance.~~

29 (2) GIVE WRITTEN NOTICE.--

30 (a) Under the direction of the superintendent, a
31 designated school representative shall give written notice, in

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 person or by return-receipt mail, to the parent, guardian, or
2 other person having control when no valid reason is found for
3 a child's nonenrollment in school which requires ~~or when the~~
4 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~
5 ~~within 90 calendar days, requiring~~ enrollment or attendance
6 within 3 days after the date of notice. If the notice and
7 requirement are ignored, the designated school representative
8 shall report the case to the superintendent, and may refer the
9 case to the case-staffing ~~case-staffing~~ committee, established
10 pursuant to s. 984.12, ~~if the conditions of s. 232.19(3) have~~
11 ~~been met~~. The superintendent shall ~~may~~ take such steps as are
12 necessary to bring criminal prosecution against the parent,
13 guardian, or other person having control.

14 (b) Subsequent to the activities required under
15 subsection (1), the superintendent or his or her designee
16 shall give written notice in person or by return-receipt mail
17 to the parent, guardian, or other person in charge of the
18 child that criminal prosecution is being sought for
19 nonattendance. The superintendent may file a truancy petition,
20 as defined in s. 984.03, following the procedures outlined in
21 s. 984.151.

22 (3) RETURN CHILD TO PARENT.--A designated school
23 representative shall visit the home or place of residence of a
24 child and any other place in which he or she is likely to find
25 any child who is required to attend school when such child is
26 not enrolled or is absent from school during school hours
27 without an excuse, and, when the child is found, shall return
28 the child to his or her parent or to the principal or teacher
29 in charge of the school, or to the private tutor from whom
30 absent, or to the juvenile assessment center or other location
31 established by the school board to receive students who are

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 absent from school. Upon receipt of the student, the parent
2 shall be immediately notified.

3 (4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
4 designated school representative shall report to the Division
5 of Jobs and Benefits of the Department of Labor and Employment
6 Security or to any person acting in similar capacity who may
7 be designated by law to receive such notices, all violations
8 of the Child Labor Law that may come to his or her knowledge.

9 (5) RIGHT TO INSPECT.--A designated school
10 representative shall have the same right of access to, and
11 inspection of, establishments where minors may be employed or
12 detained as is given by law to the Division of Jobs and
13 Benefits only for the purpose of ascertaining whether children
14 of compulsory school age are actually employed there and are
15 actually working there regularly. The designated school
16 representative shall, if he or she finds unsatisfactory
17 working conditions or violations of the Child Labor Law,
18 report his or her findings to the Division of Jobs and
19 Benefits or its agents.

20 ~~(6) RESUMING SERIES.--If a child repeats a pattern of~~
21 ~~nonattendance within one school year, the designated school~~
22 ~~representative shall resume the series of escalating~~
23 ~~activities at the point at which he or she had previously left~~
24 ~~off.~~

25 Section 70. Subsection (3) of section 232.19, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 232.19 Court procedure and penalties.--The court
28 procedure and penalties for the enforcement of the provisions
29 of this chapter, relating to compulsory school attendance,
30 shall be as follows:

31 (3) HABITUAL TRUANCY CASES.--The superintendent is

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 authorized to file a truancy petition, as defined in s.
2 984.03, following the procedures outlined in s. 984.151. If
3 the superintendent chooses not to file a truancy petition,
4 procedures for filing a child-in-need-of-services petition
5 shall be commenced pursuant to this subsection and chapter
6 984.In accordance with procedures established by the district
7 school board, the designated school representative shall refer
8 a student who is habitually truant and the student's family to
9 the children-in-need-of-services and
10 families-in-need-of-services provider or the case staffing
11 committee, established pursuant to s. 984.12, as determined by
12 the cooperative agreement required in this section. The case
13 staffing committee may request the Department of Juvenile
14 Justice or its designee to file a child-in-need-of-services
15 petition based upon the report and efforts of the school
16 district or other community agency or may seek to resolve the
17 truant behavior through the school or community-based
18 organizations or agencies. Prior to and subsequent to the
19 filing of a child-in-need-of-services petition due to habitual
20 truancy, the appropriate governmental agencies must allow a
21 reasonable time to complete actions required by this section
22 and s. 232.17 subsection to remedy the conditions leading to
23 the truant behavior. ~~The following criteria must be met and~~
24 ~~documented in writing~~ Prior to the filing of a petition, the
25 school district must have complied with the requirements of s.
26 232.17, and those efforts must have been unsuccessful.+

27 ~~(a) The child must have 15 unexcused absences within~~
28 ~~90 calendar days with or without the knowledge or consent of~~
29 ~~the child's parent or legal guardian, must be subject to~~
30 ~~compulsory school attendance, and must not be exempt under s.~~
31 ~~232.06, s. 232.09, or any other exemption specified by law or~~

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~the rules of the State Board of Education.~~

2 ~~(b) In addition to the actions described in s. 232.17,~~
3 ~~the school administration must have completed the following~~
4 ~~activities to determine the cause, and to attempt the~~
5 ~~remediation, of the child's truant behavior:~~

6 ~~1. After a minimum of 3 and prior to 6 unexcused~~
7 ~~absences within 90 calendar days, one or more meetings must~~
8 ~~have been held, either in person or by phone, between a~~
9 ~~designated school representative, the child's parent or~~
10 ~~guardian, and the child, if necessary, to report and to~~
11 ~~attempt to solve the truancy problem. However, if the~~
12 ~~designated school representative has documented the refusal of~~
13 ~~the parent or guardian to participate in the meetings, this~~
14 ~~requirement has been met.~~

15 ~~2. Educational counseling must have been provided to~~
16 ~~determine whether curriculum changes would help solve the~~
17 ~~truancy problem, and, if any changes were indicated, such~~
18 ~~changes must have been instituted but proved unsuccessful in~~
19 ~~remedying the truant behavior. Such curriculum changes may~~
20 ~~include enrollment of the child in a dropout prevention~~
21 ~~program that meets the specific educational and behavioral~~
22 ~~needs of the child, including a second chance school, as~~
23 ~~provided for in s. 230.2316, designed to resolve truant~~
24 ~~behavior.~~

25 ~~3. Educational evaluation, which may include~~
26 ~~psychological evaluation, must have been provided to assist in~~
27 ~~determining the specific condition, if any, that is~~
28 ~~contributing to the child's nonattendance. The evaluation~~
29 ~~must have been supplemented by specific efforts by the school~~
30 ~~to remedy any diagnosed condition.~~

31

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 ~~if a child who is subject to compulsory school attendance is~~
2 ~~responsive to the interventions described in this paragraph~~
3 ~~and has completed the necessary requirements to pass the~~
4 ~~current grade as indicated in the district pupil progression~~
5 ~~plan, the child shall be passed.~~

6 Section 71. Subsection (3) of section 232.26, Florida
7 Statutes, is amended to read:

8 232.26 Authority of principal.--

9 (3) A pupil may be disciplined or expelled for
10 unlawful possession or use of any substance controlled under
11 chapter 893 ~~upon the third violation of this provision.~~

12 Section 72. Subsection (3) of section 232.271, Florida
13 Statutes, is amended to read:

14 232.271 Removal by teacher.--

15 (3) If a teacher removes a student from class under
16 subsection (2), the principal may place the student in another
17 appropriate classroom, in in-school suspension, or in a
18 dropout prevention and academic intervention program as
19 provided by s. 230.2316; or the principal may recommend the
20 student for out-of-school suspension or expulsion, as
21 appropriate. The student may be prohibited from attending or
22 participating in school-sponsored or school-related
23 activities. The principal may not return the student to that
24 teacher's class without the teacher's consent unless the
25 committee established under s. 232.272 determines that such
26 placement is the best or only available alternative. The
27 teacher and the placement review committee must render
28 decisions within 5 days of the removal of the student from the
29 classroom.

30 Section 73. Effective July 1, 1999, paragraphs (a) and
31 (c) of subsection (1) of section 236.081, Florida Statutes,

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 1998 Supplement, are amended to read:

2 236.081 Funds for operation of schools.--If the annual
3 allocation from the Florida Education Finance Program to each
4 district for operation of schools is not determined in the
5 annual appropriations act or the substantive bill implementing
6 the annual appropriations act, it shall be determined as
7 follows:

8 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
9 OPERATION.--The following procedure shall be followed in
10 determining the annual allocation to each district for
11 operation:

12 (a) Determination of full-time equivalent
13 membership.--During each of several school weeks, including
14 scheduled intersessions of a year-round school program during
15 the fiscal year, a program membership survey of each school
16 shall be made by each district by aggregating the full-time
17 equivalent student membership of each program by school and by
18 district. The department shall establish the number and
19 interval of membership calculations, except that for basic and
20 special programs such calculations shall not exceed nine for
21 any fiscal year. The district's full-time equivalent
22 membership shall be computed and currently maintained in
23 accordance with regulations of the commissioner. Beginning
24 with school year 1999-2000, each school district shall also
25 document the daily attendance of each student in membership by
26 school and by district. An average daily attendance factor
27 shall be computed by dividing the total daily attendance of
28 all students by the total number of students in membership and
29 then by the number of days in the regular school year.
30 Beginning with school year 2001-2002, the district's full-time
31 equivalent membership shall be adjusted by multiplying by the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 average daily attendance factor.

2 (c) Determination of programs.--Cost factors based on
3 desired relative cost differences between the following
4 programs shall be established in the annual General
5 Appropriations Act. The Commissioner of Education shall
6 specify a matrix of services and intensity levels to be used
7 by districts in the determination of funding support for each
8 exceptional student. The funding support level for each
9 exceptional student shall fund the exceptional student's total
10 education program.

11 1. Basic programs.--

12 a. Kindergarten and grades 1, 2, and 3.

13 b. Grades 4, 5, 6, 7, and 8.

14 c. Grades 9, 10, 11, and 12.

15 2. Programs for exceptional students.--

16 a. Support Level I.

17 b. Support Level II.

18 c. Support Level III.

19 d. Support Level IV.

20 e. Support Level V.

21 3. Secondary career education programs.--

22 4. Students-at-risk programs.--

23 a. Department of Juvenile Justice clients ~~Dropout~~
24 ~~prevention and teenage parents.~~

25 b. English for Speakers of Other Languages.

26 Section 74. Paragraph (a) of subsection (4) of section
27 239.505, Florida Statutes, is amended to read:

28 239.505 Florida Constructive Youth Programs.--

29 (4) FUNDING.--Each district school board or community
30 college board of trustees wishing to implement a constructive
31 youth program must submit a comprehensive plan to the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 Department of Education no later than October 1 of the
2 preceding school year, which plan must include a list of all
3 funding sources, including, but not limited to:

4 (a) Funds available for programs authorized under the
5 Dropout Prevention and Academic Intervention Act, as provided
6 in s. 230.2316, ~~and Dropout prevention programs funded~~
7 ~~pursuant to the provisions of s. 236.081(1)(c).~~

8 Section 75. Subsection (29) of section 984.03, Florida
9 Statutes, 1998 Supplement, is amended, present subsection (57)
10 of that section is redesignated as subsection (58), and a new
11 subsection (57) is added to that section, to read:

12 984.03 Definitions.--When used in this chapter, the
13 term:

14 (29) "Habitually truant" means that:

15 (a) The child has 15 unexcused absences within 90
16 calendar days with or without the knowledge or justifiable
17 consent of the child's parent or legal guardian, is subject to
18 compulsory school attendance under s. 232.01, and is not
19 exempt under s. 232.06, s. 232.09, or any other exemptions
20 specified by law or the rules of the State Board of Education.

21 (b) ~~Escalating~~ Activities to determine the cause, and
22 to attempt the remediation, of the child's truant behavior
23 under ss. 232.17 and 232.19 have been completed.

24
25 If a child who is subject to compulsory school attendance is
26 responsive to the interventions described in ss. 232.17 and
27 232.19 and has completed the necessary requirements to pass
28 the current grade as indicated in the district pupil
29 progression plan, the child shall not be determined to be
30 habitually truant and shall be passed. If a child within the
31 compulsory school attendance age has 15 unexcused absences

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 within 90 calendar days or fails to enroll in school, the
2 State Attorney may, or the appropriate jurisdictional agency
3 shall, file a child-in-need-of-services petition if
4 recommended by the case-staffing committee, unless it is
5 determined that another alternative action is preferable.
6 ~~Prior to filing a petition, the child must be referred to the~~
7 ~~appropriate agency for evaluation. After consulting with the~~
8 ~~evaluating agency, the State Attorney may elect to file a~~
9 ~~child-in-need-of-services petition.~~

10 (c) A school representative, designated according to
11 school board policy, and a juvenile probation officer of the
12 Department of Juvenile Justice have jointly investigated the
13 truancy problem or, if that was not feasible, have performed
14 separate investigations to identify conditions that may be
15 contributing to the truant behavior; and if, after a joint
16 staffing of the case to determine the necessity for services,
17 such services were determined to be needed, the persons who
18 performed the investigations met jointly with the family and
19 child to discuss any referral to appropriate community
20 agencies for economic services, family or individual
21 counseling, or other services required to remedy the
22 conditions that are contributing to the truant behavior.

23 (d) The failure or refusal of the parent or legal
24 guardian or the child to participate, or make a good faith
25 effort to participate, in the activities prescribed to remedy
26 the truant behavior, or the failure or refusal of the child to
27 return to school after participation in activities required by
28 this subsection, or the failure of the child to stop the
29 truant behavior after the school administration and the
30 Department of Juvenile Justice have worked with the child as
31 described in s. 232.19(3) and (4) shall be handled as

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 prescribed in s. 232.19.

2 (57) "Truancy petition" means a petition filed by the
3 school superintendent alleging that a student subject to
4 compulsory school attendance has had more than 15 unexcused
5 absences in a 90-calendar-day period. A truancy petition is
6 filed and processed under s. 984.151.

7 Section 76. Section 984.151, Florida Statutes, is
8 created to read:

9 984.151 Truancy petition; prosecution; disposition.--

10 (1) If the school determines that a student subject to
11 compulsory school attendance has had more than 15 unexcused
12 absences in a 90-calendar-day period, the superintendent may
13 file a truancy petition.

14 (2) The petition shall be filed in the circuit where
15 the student is enrolled in school.

16 (3) Original jurisdiction to hear a truancy petition
17 shall be in the circuit court; however, the circuit court may
18 use a general or special master pursuant to Supreme Court
19 rules.

20 (4) The petition must contain the following: the
21 name, age, and address of the student; the name and address of
22 the student's parent or guardian; the school where the student
23 is enrolled; the efforts the school has made to get the
24 student to attend school; the number of out-of-school contacts
25 between the school system and student's parent or guardian;
26 and the number of days and dates of days the student has
27 missed school. The petition shall be sworn to by the
28 superintendent or his or her designee.

29 (5) Once the petition is filed, the court shall hear
30 the petition within 30 days.

31 (6) The student and the student's parent or guardian

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 shall attend the hearing.

2 (7) If the court determines that the student did miss
3 any of the alleged days, the court shall order the student to
4 attend school and the parent to ensure that the student
5 attends school, and may order any of the following: the
6 student to participate in alternative sanctions to include
7 mandatory attendance at alternative classes to be followed by
8 mandatory community services hours for a period up to 6
9 months; the student and the student's parent or guardian to
10 participate in homemaker or parent aide services; the student
11 or the student's parent or guardian to participate in
12 intensive crisis counseling; the student or the student's
13 parent or guardian to participate in community mental health
14 services if available and applicable; the student and the
15 student's parent or guardian to participate in service
16 provided by voluntary or community agencies as available; and
17 the student or the student's parent or guardian to participate
18 in vocational, job training, or employment services.

19 (8) If the student does not successfully complete the
20 sanctions ordered in subsection (7), the case shall be
21 referred to the case staffing committee under s. 984.12 with a
22 recommendation to file a child-in-need-of-services petition
23 under s. 984.15.

24 Section 77. Funding levels and methodologies necessary
25 to implement the provisions of this act will be established in
26 the General Appropriations Act.

27 Section 78. If any provision of this act or the
28 application thereof to any person or circumstance is held
29 invalid, the invalidity shall not affect other provisions or
30 applications of the act which can be given effect without the
31 invalid provision or application, and to this end the

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 provisions of this act are declared severable.

2 Section 79. Except as otherwise provided in this act,
3 this act shall take effect upon becoming a law.

4
5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled
12 An act relating to education; amending s.
13 229.0535, F.S.; revising provisions relating to
14 the authority of the State Board of Education
15 to enforce school improvement; creating s.
16 229.0537, F.S.; providing findings and intent;
17 requiring private school opportunity
18 scholarships to be provided to certain public
19 school students; providing student eligibility
20 requirements; providing school district
21 requirements; providing an alternative to
22 accepting a state opportunity scholarship;
23 providing private school eligibility criteria;
24 providing student attendance requirements;
25 providing parental involvement requirements;
26 providing a district reporting requirement;
27 providing for calculation of the amount and
28 distribution of state opportunity scholarship
29 funds; authorizing the adoption of rules;
30 amending s. 229.512, F.S.; revising provisions
31 relating to the authority of the Commissioner

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 of Education regarding the implementation of
2 the program of school improvement and education
3 accountability; amending s. 229.555, F.S.,
4 relating to educational planning and
5 information systems; revising to conform;
6 amending s. 229.565, F.S.; eliminating the
7 requirement that the Commissioner of Education
8 designate program categories and grade levels
9 for which performance standards are to be
10 approved; amending s. 229.57, F.S.; revising
11 the purpose of the student assessment program;
12 requiring the Department of Education to
13 develop a system to measure annual pupil
14 progress; requiring the statewide assessment
15 program to include science; revising provisions
16 relating to the administration of the National
17 Assessment of Educational Progress; revising
18 the statewide assessment program; revising
19 requirements relating to the annual report of
20 the results of the statewide assessment
21 program; providing for the identification of
22 schools by performance grade category according
23 to student and school performance data;
24 providing for the identification of school
25 improvement ratings; amending s. 229.58, F.S.;
26 removing a reference to the Florida Commission
27 on Education Reform and Accountability;
28 amending s. 229.591, F.S.; revising provisions
29 relating to the system of school improvement
30 and education accountability to reflect that
31 students are not required to attend schools

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 designated in a certain performance grade
2 category; revising the state education goals;
3 amending s. 229.592, F.S., relating to the
4 implementation of the state system of school
5 improvement and education accountability;
6 removing obsolete provisions; deleting the
7 requirement that the Commissioner of Education
8 appear before the Legislature; revising duties
9 of the Department of Education; revising duties
10 of the State Board of Education; revising
11 provisions relating to waivers from statutes;
12 conforming cross-references; amending s.
13 229.595, F.S., relating to the implementation
14 of the state system of educational
15 accountability for school-to-work transition;
16 revising provisions relating to the assessment
17 of readiness to enter the workforce; removing a
18 reference to the Florida Commission on
19 Education Reform and Accountability; amending
20 s. 230.23, F.S., relating to powers and duties
21 of school boards; revising provisions relating
22 to the compensation and salary schedules of
23 school employees; requiring certain
24 performance-based pay for specified school
25 personnel; revising provisions relating to
26 courses of study and other instructional aids
27 to include the term "instructional materials";
28 specifying content of school improvement plans;
29 revising school board duties regarding the
30 implementation and enforcement of school
31 improvement and accountability; revising

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 policies regarding public disclosure; requiring
2 school board adoption of certain policies;
3 amending s. 231.2905, F.S.; revising provisions
4 of the Florida School Recognition Program
5 relating to financial awards based on employee
6 performance; revising initial criteria for
7 identification of schools; amending s. 232.245,
8 F.S.; relating to pupil progression; revising
9 requirements relating to the provision of
10 remedial instruction; providing requirements
11 for the use of resources for remedial
12 instruction; requiring the adoption of rules
13 regarding pupil progression; eliminating
14 requirements relating to student academic
15 improvement plans; deleting duplicative
16 requirements relating to mandatory remedial
17 reading instruction; amending s. 233.061, F.S.;
18 requiring schools that receive opportunity
19 scholarships to provide certain courses of
20 study; amending s. 228.053, F.S.; relating to
21 developmental research schools; conforming
22 cross-references; amending s. 228.054, F.S.,
23 relating to the Joint Developmental Research
24 School Planning, Articulation, and Evaluation
25 Committee; conforming a cross-reference;
26 amending s. 233.17, F.S., relating to the term
27 of adoption of instructional materials;
28 conforming cross-references; amending s.
29 236.685, F.S., relating to educational funding
30 accountability; conforming a cross-reference;
31 creating s. 236.08104, F.S.; establishing a

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 supplemental academic instruction categorical
2 fund; providing findings and intent; providing
3 requirements for the use of funds; authorizing
4 the Florida State University School to expend
5 certain funds for student remediation; amending
6 s. 236.013, F.S.; eliminating certain
7 provisions relating to calculations of the
8 equivalent of a full-time student; revising
9 provisions relating to membership in programs
10 scheduled for more than 180 days; amending s.
11 239.101, F.S., relating to career education;
12 conforming cross-references; amending s.
13 239.229, F.S., relating to vocational
14 standards; conforming cross-references;
15 amending s. 24.121, F.S.; specifying conditions
16 for withholding allocations from the
17 Educational Enhancement Trust Fund; reenacting
18 s. 120.81(1)(b), F.S., relating to tests, test
19 scoring criteria, or testing procedures, s.
20 228.053(3) and (8), F.S., relating to
21 developmental research schools, s.
22 228.0565(6)(b), (c), and (d), F.S., relating to
23 deregulated public schools, s. 228.301(1),
24 F.S., relating to test security, s.
25 229.551(1)(c) and (3), F.S., relating to
26 educational management, s. 230.03(4), F.S.,
27 relating to school district management,
28 control, operation, administration, and
29 supervision, s. 231.24(3)(a), F.S., relating to
30 the process for renewal of professional
31 certificates, s. 231.36(3)(e) and (f), F.S.,

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 relating to contracts with instructional staff,
2 supervisors, and principals, s. 232.2454(1),
3 F.S., relating to district student performance
4 standards, instruments, and assessment
5 procedures, s. 232.246(5)(a) and (b), F.S.,
6 relating to general requirements for high
7 school graduation, s. 232.248, F.S., relating
8 to confidentiality of assessment instruments,
9 s. 232.2481(1), F.S., relating to graduation
10 and promotion requirements for publicly
11 operated schools, s. 233.09(4), F.S., relating
12 to duties of instructional materials
13 committees, s. 233.165(1)(b), F.S., relating to
14 the selection of instructional materials, s.
15 233.25(3)(b), F.S., relating to publishers and
16 manufacturers of instructional materials, s.
17 239.229(3), F.S., relating to vocational
18 standards, s. 240.118(4), F.S., relating to
19 postsecondary feedback of information to high
20 schools, to incorporate references; amending s.
21 228.041, F.S.; redefining the terms "graduation
22 rate" and "dropout rate"; encouraging
23 businesses and corporations to enter into
24 partnerships with low-performing and failing
25 schools for stated purposes; amending s.
26 230.202, F.S.; providing that, after a
27 specified date, part of the salary of school
28 board members must be based on students'
29 performance; amending s. 230.303, F.S.;
30 providing that, after a specified date, part of
31 the salary of elected superintendents of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 schools must be based on students' performance;
2 amending s. 228.056, F.S., relating to charter
3 schools; stating an intent to increase
4 standards for the preparation, certification,
5 and professional development of educators;
6 directing the Department of Education to review
7 statutes and rules governing certification to
8 increase efficiency, rigor, and alternatives in
9 the certification process; requiring a report;
10 amending s. 231.02, F.S.; correcting a
11 reference; amending s. 231.0861, F.S.;
12 requiring the State Board of Education to
13 approve criteria for selection of certain
14 administrative personnel; authorizing school
15 districts to contract with private entities for
16 evaluation and training of such personnel;
17 amending s. 231.085, F.S.; specifying
18 principals' responsibilities for assessing
19 performance of school personnel and
20 implementing the Sunshine State Standards;
21 amending s. 231.087, F.S.; requiring the State
22 Board of Education to adopt rules governing the
23 training of school district management
24 personnel; providing for review and repeal of
25 the Management Training Act; requiring
26 recommendations; amending s. 231.09, F.S.;
27 prescribing duties of instructional personnel;
28 amending s. 231.096, F.S.; requiring a school
29 board plan to ensure the competency of teachers
30 with out-of-field teaching assignments;
31 amending s. 231.145, F.S.; revising purpose to

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 reflect increased requirements for
2 certification; amending s. 231.15, F.S.;
3 authorizing certification based on demonstrated
4 competencies; requiring rules of the State
5 Board of Education to specify certain
6 competencies; requiring consultation with
7 postsecondary education boards; amending s.
8 231.17, F.S.; revising prerequisites for
9 certification; requiring demonstration of
10 general knowledge before temporary
11 certification; increasing the requirement that
12 teachers know and use mathematics, technology,
13 and intervention strategies with students;
14 deleting alternative ways to demonstrate
15 general knowledge competency; amending s.
16 231.1725, F.S.; providing legal protections for
17 clinical field experience students; amending s.
18 231.174, F.S., relating to district programs
19 for adding certification coverages; removing
20 limitation to specific certification areas;
21 amending s. 231.29, F.S.; requiring certain
22 personnel-performance assessments to be
23 primarily based on student performance;
24 revising the assessment procedure for certain
25 school district personnel; amending s. 231.36,
26 F.S.; authorizing the State Board of Education
27 to define certain terms by rule; requiring
28 certain review and testing of employees of
29 schools in performance grade categories "D" and
30 "F"; amending s. 231.546, F.S.; specifying
31 duties of the Education Standards Commission;

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 amending s. 231.600, F.S.; prescribing the
2 responsibilities of school district
3 professional-development programs; amending s.
4 236.08106, F.S.; providing for the distribution
5 of Excellent Teaching Program funds; deleting
6 certain district incentives; amending s.
7 240.529, F.S.; requiring the commissioner to
8 appoint a Teacher Preparation Program Committee
9 to recommend core curricula for state-approved
10 teacher-preparation programs; requiring a
11 report; requiring the State Board of Education
12 to adopt rules establishing uniform core
13 curricula; revising criteria for initial and
14 continuing approval of teacher-preparation
15 programs; increasing the requirements for a
16 student to enroll in and graduate from a
17 teacher-education program; requiring annual
18 reports of program performance; providing
19 additional legislative intent related to
20 teacher-preparation programs; providing the
21 criteria for continued program approval;
22 providing for the requirements for instructors
23 in postsecondary teacher-preparation programs
24 who instruct or supervise preservice field
25 experience courses or internships; eliminating
26 the requirement related to a commitment to
27 teaching in the public schools for a period of
28 time; providing additional requirements for
29 school district and instructional personnel who
30 supervise or direct certain teacher-preparation
31 students; creating s. 231.6135, F.S.;

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 establishing a statewide system for inservice
2 professional development; authorizing
3 professional development academies to meet
4 human resource development and education
5 instruction training needs of educators,
6 school, and school districts; providing for
7 organization and operation by public and
8 private partners; providing for funding;
9 specifying duties of the Commissioner of
10 Education; repealing s. 231.601, F.S., relating
11 to purpose of inservice training for
12 instructional personnel; amending s. 230.2316,
13 F.S.; providing for a dropout prevention and
14 academic intervention program; revising intent
15 of program; revising eligibility criteria;
16 expanding eligible students to grades 1-12;
17 revising reporting requirements for district
18 evaluation; providing procedures for notice to
19 and response from a parent, guardian, or legal
20 custodian prior to placement in a program or
21 the provision of services to the student;
22 amending s. 231.085, F.S.; requiring principals
23 to ensure the accuracy and timeliness of school
24 reports; requiring principals to provide staff
25 training opportunities; creating s. 232.001,
26 F.S.; allowing the Manatee County District
27 School Board to raise the compulsory age of
28 attendance for children; providing requirements
29 for the school board if it chooses to
30 participate in the pilot project; providing for
31 the applicability of state law and State Board

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 of Education rule; providing an exception from
2 the provisions relating to a declaration of
3 intent to terminate school enrollment;
4 requiring a study; amending s. 232.17, F.S.;
5 providing legislative findings; placing
6 responsibility on school district
7 superintendents for enforcing attendance;
8 establishing requirements for school board
9 policies; revising the current steps for
10 enforcing regular school attendance; requiring
11 public schools to follow the steps;
12 establishing the requirements for school
13 principals, primary teachers, child study
14 teams, and parents; providing for parents to
15 appeal; allowing the superintendent to seek
16 criminal prosecution for parental
17 noncompliance; requiring the superintendent,
18 parent, or guardian to file certain petitions
19 involving ungovernable children in certain
20 circumstances; requiring the superintendent to
21 provide the court with certain evidence;
22 allowing for court enforcement for children who
23 refuse to comply; revising the notice
24 requirements to parents, guardians, or others;
25 eliminating a current condition for notice;
26 eliminating the option for referral to case
27 staffing committees; requiring the
28 superintendent to take steps to bring about
29 criminal prosecution and requiring related
30 notice; authorizing the superintendent to file
31 truancy petitions; allowing for the return of

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 absent children to additional locations;
2 requiring parental notification; amending s.
3 232.19, F.S., relating to habitual truancy;
4 authorizing superintendents to file truancy
5 petitions; requiring that a court order for
6 school attendance be obtained as a part of
7 services; revising the requirements that must
8 be met prior to filing a petition; amending s.
9 232.26, F.S.; removing a limitation on the
10 principal's authority to discipline or expel
11 pupils for unlawful possession or use of
12 controlled substances under chapter 893, F.S.;
13 amending s. 232.271, F.S.; revising references;
14 amending s. 236.081, F.S.; amending procedures
15 that must be followed in determining the annual
16 allocation to each school district for
17 operation; requiring the average daily
18 attendance of the student membership to be
19 calculated by school and by district; revising
20 students-at-risk programs; amending s. 239.505,
21 F.S.; revising provisions relating to funding
22 of constructive youth programs; amending s.
23 984.03, F.S.; redefining the term "habitual
24 truant"; requiring the state attorney to file a
25 child-in-need-of-services petition in certain
26 circumstances; eliminating the requirement for
27 referral for evaluation; defining the term
28 "truancy petition"; requiring the appropriate
29 jurisdictional agency to file a petition;
30 creating s. 984.151, F.S.; providing procedures
31 for truancy petitions; providing for truancy

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

1 hearings and penalties; providing for funding;
2 providing for severability; providing effective
3 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,

Bill No. CS/HBs 751, 753 & 755, 2nd Eng.

Amendment No. ____

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, and

5 WHEREAS, the voters of the State of Florida, in the
6 1998 General Election, amended Article IX, section 1, of the
7 Florida Constitution to state that, "Adequate provision shall
8 be made by law for a ... safe, secure, and high quality system
9 of free public schools ...," and

10 WHEREAS, House Bill 1309, a comprehensive school safety
11 and discipline package, was enacted by the Legislature in the
12 1997 Session, addressing dropouts, habitual truancy, zero
13 tolerance for crime, drugs, alcohol, and weapons, alternative
14 placement of disruptive students, and cooperative agreements
15 with local law enforcement for crime reporting, and

16 WHEREAS, the Legislature annually provides for
17 safe-schools appropriations to be used for after school
18 programs for middle school students, alternative programs for
19 adjudicated youth, school resource officers, and conflict
20 resolution strategies, and

21 WHEREAS, the enhancement of school safety should be
22 measured as an element of school performance and
23 accountability and improved crime and incident reporting, as
24 well as a heightened emphasis on character education in the
25 curriculum of the early grades, NOW, THEREFORE,

26
27
28
29
30
31