

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

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Cowin and McKay moved the following amendment:		
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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 <u>students performing 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, and</u>		
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		

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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

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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.

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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

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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 is a Florida resident; and

28 (c) The parent or guardian has obtained acceptance for
 29 admission of the student to a private school eligible for the
 30 program pursuant to subsection (4), and has notified the
 31 Department of Education and the school district of the request

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1 for an opportunity scholarship no later than July 1 of the
2 first year in which the student intends to use the
3 scholarship.

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

21 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

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

29 2. Offer that student's parent or guardian an
30 opportunity to enroll the student in the public school within
31 the district that has been designated by the state pursuant to

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

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

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

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

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

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

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

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

30 (c) Comply with the antidiscrimination provisions of
31 42 U.S.C. s. 2000d.

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

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

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

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

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

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

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

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

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

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

28 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

29 (a) Any student participating in the opportunity
30 scholarship program must remain in attendance throughout the
31 school year, unless excused by the school for illness or other

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1 good cause, and must comply fully with the school's code of
2 conduct. However, a student may be removed from a school for
3 good cause, and a student may choose to leave a school to
4 attend another school or be home-schooled.

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

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

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

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

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

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

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

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

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

31 3. Following annual notification on July 1 of the

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

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

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

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

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

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

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

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

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

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

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

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1 opportunity to make adequate learning gains in each year of
2 school as provided by statute and State Board of Education
3 rule ~~which is~~ based upon the achievement of the state
4 education goals, recognizing the State Board of Education as
5 the body corporate responsible for the supervision of the
6 system of public education, the school board as responsible
7 for school and student performance, and the individual school
8 as the unit for education accountability.†

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

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

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

21 Section 4. Section 229.555, Florida Statutes, is
22 amended to read:

23 229.555 Educational planning and information
24 systems.--

25 (1) EDUCATIONAL PLANNING.--

26 (a) The commissioner shall be responsible for all
27 planning functions for the department, including collection,
28 analysis, and interpretation of all data, information, test
29 results, evaluations, and other indicators that are used to
30 formulate policy, identify areas of concern and need, and
31 serve as the basis for short-range and long-range planning.

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1 Such planning shall include assembling data, conducting
2 appropriate studies and surveys, and sponsoring research and
3 development activities designed to provide information about
4 educational needs and the effect of alternative educational
5 practices.

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

29 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
30 commissioner shall develop and implement an integrated
31 information system for educational management. The system must

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

25 (a) The specific responsibilities of the commissioner
26 shall include:

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

31 2. Providing operational definitions for the proposed

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1 system;

2 3. Determining the information and specific data
3 elements required for the management decisions made at each
4 educational level, recognizing that the primary unit for
5 information input is ~~shall be~~ the individual school and
6 recognizing that time and effort of instructional personnel
7 expended in collection and compilation of data should be
8 minimized;

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

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

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

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

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

26 9. Developing a phased plan for distributing computer
27 services equitably among all public schools and school
28 districts in the ~~this~~ state as rapidly as possible. The plan
29 shall describe alternatives available to the state in
30 providing such computing services and shall contain estimates
31 of the cost of each alternative, together with a

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1 recommendation for action. In developing the ~~such~~ plan, the
 2 feasibility of shared use of computing hardware and software
 3 by school districts, community colleges, and universities
 4 shall be examined. Laws or administrative rules regulating
 5 procurement of data processing equipment, communication
 6 services, or data processing services by state agencies shall
 7 not be construed to apply to local agencies which share
 8 computing facilities with state agencies;

9 10. Assisting the district school systems in
 10 establishing their subsystem components and assuring
 11 compatibility with current district systems;

12 11. Establishing procedures for continuous evaluation
 13 of system efficiency and effectiveness;

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

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

- 26 a. The purpose of the reporting requirement;
- 27 b. The origination of the reporting requirement;
- 28 c. The date of origin of the reporting requirement;

29 and

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

31 (b) The specific responsibilities of each district

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1 school system shall include:

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

14 2. With assistance from the commissioner, developing
15 systems compatibility between the state management information
16 system and unique local systems.

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

21 4. Establishing a plan for continuous review and
22 evaluation of local management information system needs and
23 procedures.

24 5. Advising the commissioner of all district
25 management information needs.

26 6. Transmitting required data input elements to the
27 appropriate processing locations in accordance with guidelines
28 established by the commissioner.

29 7. Determining required reports, comparisons, and
30 relationships to be provided to district school systems by the
31 system output reports, continuously reviewing these reports

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1 for usefulness and meaningfulness, and submitting recommended
2 additions, deletions, and change requirements in accordance
3 with the guidelines established by the commissioner.

4 8. Being responsible for the accuracy of all data
5 elements transmitted to the department.

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

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

13 229.565 Educational evaluation procedures.--

14 (1) STUDENT PERFORMANCE STANDARDS.--

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

29 (b) The student performance standards must address the
30 skills and competencies that a student must learn in order to
31 graduate from high school. The commissioner shall also develop

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1 performance standards for students who learn a higher level of
2 skills and competencies.

3 Section 6. Section 229.57, Florida Statutes, 1998
4 Supplement, is amended to read:

5 229.57 Student assessment program.--

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

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

15 (b) Provide data for making decisions regarding school
16 accountability and recognition.

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

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

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

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

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

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1 "pupil progress assessment" means a statistical system for
2 educational outcome assessment which:
3 (a) Uses measures of student learning, such as the
4 FCAT, to determine teacher, school, and school district
5 statistical distributions, which distributions:
6 1. Shall be determined using available data from the
7 FCAT, and other data collection as deemed appropriate by the
8 Department of Education, to measure the differences in student
9 prior year achievement against the current year achievement or
10 lack thereof, such that the "effects" of instruction to a
11 student by a teacher, school, and school district may be
12 estimated on a per-student and constant basis.
13 2. Shall, to the extent possible, be able to be
14 expressed in linear scales such that the effects of ceiling
15 and floor dispersions are minimized.
16 (b) Shall provide for mixed model methodologies that
17 provide for best linear unbiased prediction for the teacher,
18 school, and school district effects on pupil progress. These
19 estimates should adequately be able to determine effects of
20 and compare teachers who teach multiple subjects to the same
21 groups of students, and team teaching situations where
22 teachers teach a single subject to multiple groups of
23 students, or other teaching situations as appropriate:
24 1. The department in consult with the Office of
25 Program and Policy Analysis, and other sources as appropriate,
26 shall use recognized mixed linear model approaches to
27 statistical variance and estimating random effects.
28 2. The mixed model methodology used by the department
29 shall be approved by the State Board of Education before
30 implementation in pupil progression assessment.
31 (3)~~(2)~~ NATIONAL EDUCATION COMPARISONS.--It is

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

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

28 (a) Submit to the state board a list that specifies
29 student skills and competencies to which the goals for
30 education specified in the state plan apply, including, but
31 not limited to, reading, writing, science, and mathematics.

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1 The skills and competencies must include problem-solving and
2 higher-order skills as appropriate and shall be known as the
3 Sunshine State Standards. The commissioner shall select such
4 skills and competencies after receiving recommendations from
5 educators, citizens, and members of the business community.
6 The commissioner shall submit to the state board revisions to
7 the list of student skills and competencies in order to
8 maintain continuous progress toward improvements in student
9 proficiency.

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

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

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

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1 private vendors, public vendors, public agencies,
2 postsecondary institutions, or school districts. The
3 commissioner shall obtain input with respect to the design and
4 implementation of the testing program from state educators and
5 the public.

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

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

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

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

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

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

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

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

29 9. School districts must provide instruction to
30 prepare students to demonstrate proficiency in the skills and
31 competencies necessary for successful grade-to-grade

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1 progression and high school graduation. The commissioner shall
2 conduct studies as necessary to verify that the required
3 skills and competencies are part of the district instructional
4 programs.

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

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

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

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

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

30 (5)~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district shall
31 periodically assess student performance and achievement within

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

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

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1 ~~each administration.~~ The analysis of student performance data
2 also must identify strengths and needs in the educational
3 program and trends over time. The analysis must be used in
4 conjunction with the budgetary planning processes developed
5 pursuant to s. 229.555 and the development of the programs of
6 remediation described in s. 233.051.

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

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

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

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

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

3 (d) "D," schools making less than satisfactory
4 progress.

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

6 (9) DESIGNATION OF SCHOOL PERFORMANCE GRADE

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

9 (a) Timeframes.--

10 1. School performance grade category designations
11 shall be based on one school year of performance.

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

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

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

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1 availability of adequate and appropriate textbooks and
2 instructional materials for each student, and student
3 readiness for college.

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

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

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

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

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

29 The criteria must also give added weight to student
30 achievement in reading. Schools designated as performance
31 grade category "C," making satisfactory progress, shall be

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1 required to demonstrate that adequate progress has been made
2 by students who have scored among the lowest 25 percent of
3 students in the state as well as by the overall population of
4 students in the school.

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

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

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

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

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

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

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

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

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

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

31 (14)(7) APPLICABILITY OF TESTING STANDARDS.--A student

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1 must meet the testing requirements for high school graduation
2 which were in effect at the time the student entered 9th
3 grade, provided the student's enrollment was continuous.

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

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

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

13 229.58 District and school advisory councils.--

14 (1) ESTABLISHMENT.--

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

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

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

12

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

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

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

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

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

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

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1 229.591 Comprehensive revision of Florida's system of
2 school improvement and education accountability.--
3 (1) INTENT.--The Legislature recognizes that the
4 children and youth of the state are its future and its most
5 precious resource. To provide these developing citizens with
6 the sound education needed to grow to a satisfying and
7 productive adulthood, the Legislature intends that, ~~by the~~
8 ~~year 2000,~~ Florida establish a system of school improvement
9 and education accountability based on the performance of
10 students and educational programs. The intent of the
11 Legislature is to provide clear guidelines for achieving this
12 purpose and for returning the responsibility for education to
13 those closest to the students, their ~~that is the~~ schools,
14 teachers, and parents. The Legislature recognizes, however,
15 its ultimate responsibility and that of the Governor, the
16 Commissioner of Education, and the State Board of Education
17 and other state policymaking bodies in providing the strong
18 leadership needed to forge a new concept of school improvement
19 and in making adequate provision by law ~~provisions~~ for a
20 uniform, efficient, safe, secure, and high-quality system of
21 free public schools as required by s. 1, Art. IX of the State
22 Constitution. It is further the intent of the Legislature to
23 build upon the foundation established by the Educational
24 Accountability Act of 1976 and to implement a program of
25 education accountability and school improvement based upon the
26 achievement of state goals, recognizing the State Board of
27 Education as the body corporate responsible for the
28 supervision of the system of public education, the district
29 school board as responsible for school and student
30 performance, and the individual school as the unit for
31 education accountability.

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

3 (a) Establish state and local educational goals.

4 (b) Increase the use of educational outcomes over
5 educational processes in assessing educational programs.

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

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

12 (e) Recognize successful schools.

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

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

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

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

30 (b) Graduation rate and readiness for postsecondary
31 education and employment.--Students graduate and are prepared

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1 to enter the workforce and postsecondary education.

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

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

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

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

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

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

31 Section 9. Section 229.592, Florida Statutes, 1998

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1 Supplement, is amended to read:

2 229.592 Implementation of state system of school
3 improvement and education accountability.--

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

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

29 ~~(2)(3)~~ COMMISSIONER.--The commissioner shall be
30 responsible for implementing and maintaining a system of
31 intensive school improvement and stringent education

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1 accountability, which shall include policies and programs to-

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

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

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

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

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

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

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

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

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

24 (7)(4) DEPARTMENT.--

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

31 (b) Upon request, the department shall provide

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

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

27 ~~(8)(5)~~ STATE BOARD.--The State Board of Education
28 shall adopt rules pursuant to ss. 120.536(1) and 120.54
29 ~~necessary~~ to implement a state system of school improvement
30 and education accountability and shall specify required annual
31 reports by schools and school districts. ~~Such rules must be~~

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

7 (9)(6) EXCEPTIONS TO LAW.--To facilitate innovative
8 practices and to allow local selection of educational methods,
9 the commissioner may waive, upon the request of a school
10 board, requirements of chapters 230 through 239 of the Florida
11 School Code that relate to instruction and school operations,
12 except those pertaining to civil rights, and student health,
13 safety, and welfare. The Commissioner of Education is not
14 authorized to grant waivers for any provisions of law
15 pertaining to the allocation and appropriation of state and
16 local funds for public education; the election, compensation,
17 and organization of school board members and superintendents;
18 graduation and state accountability standards; financial
19 reporting requirements; reports of out-of-field teaching
20 assignments under s. 231.095; public meetings; public records;
21 or 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

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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 Commissioner of Florida
26 ~~Commission on Education Reform and Accountability~~, in
27 conjunction with the feedback report required pursuant to this
28 section ~~subsection (3)~~, the number of waivers requested by
29 school advisory councils, the number of such waiver requests
30 approved and submitted to the commissioner, and the number of
31 such waiver requests not approved and not submitted to the

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

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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. Section 229.593, Florida Statutes, 1998
11 Supplement, is repealed.

12 Section 11. Section 229.594, Florida Statutes, is
13 repealed.

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

16 229.595 Implementation of state system of education
17 accountability for school-to-work transition.--

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

28 Section 13. Paragraphs (c) and (g) of subsection (5),
29 paragraph (b) of subsection (7), and subsections (16) and (17)
30 of section 230.23, Florida Statutes, 1998 Supplement, are
31 amended, present subsection (18) is amended and renumbered as

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1 subsection (20), and new subsections (18) and (19) are added
2 to that section, to read:

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

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

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

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1 in chapter 447; however, the adopted salary schedule must
2 allow employees who demonstrate outstanding performance to
3 earn 5 percent of their individual salary. The Commissioner of
4 Education shall determine whether the board's adopted salary
5 schedule complies with the requirement for performance-based
6 pay. If the board fails to comply by June 30, 2002, the
7 commissioner shall withhold disbursements from the Educational
8 Enhancement Trust Fund to the district until compliance is
9 verified.

10 (g) Awards and incentives.--Provide for recognition of
11 district employees, students, school volunteers, and or
12 advisory committee members who have contributed outstanding
13 and meritorious service in their fields or service areas.
14 After considering recommendations of the superintendent, the
15 board shall adopt rules establishing and regulating the
16 meritorious service awards necessary for the efficient
17 operation of the program. An award or incentive granted under
18 this paragraph may not be considered in determining the salary
19 schedules required by paragraph (c). Monetary awards shall be
20 limited to persons who propose procedures or ideas ~~which are~~
21 adopted by the board ~~and~~ which will result in eliminating or
22 reducing school board expenditures or improving district or
23 school center operations. Nonmonetary awards shall include,
24 but are need not be limited to, certificates, plaques, medals,
25 ribbons, and photographs. The school board may is authorized
26 to expend funds for such recognition and awards. No award
27 granted under ~~the provisions of~~ this paragraph shall exceed
28 \$2,000 or 10 percent of the first year's gross savings,
29 whichever is greater.

30 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
31 AIDS.--Provide adequate instructional aids for all children as

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1 follows and in accordance with the requirements of chapter
2 233.

3 (b) Textbooks.--Provide for proper requisitioning,
4 distribution, accounting, storage, care, and use of all
5 instructional materials ~~textbooks and other books~~ furnished by
6 the state and furnish such other instructional materials
7 ~~textbooks and library books~~ as may be needed. The school board
8 is responsible for assuring that instructional materials used
9 in the district are consistent with the district goals and
10 objectives and the curriculum frameworks approved by the State
11 Board of Education, as well as with the state and district
12 performance standards provided for in ss. 229.565 and
13 232.2454.

14 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
15 ACCOUNTABILITY.--Maintain a system of school improvement and
16 education accountability as provided by statute and State
17 Board of Education rule. This system of school improvement and
18 education accountability shall be consistent with, and
19 implemented through, the district's continuing system of
20 planning and budgeting required by this section and ss.
21 229.555 and 237.041. This system of school improvement and
22 education accountability shall include, but is not ~~be~~ limited
23 to, the following:

24 (a) School improvement plans.--Annually approve and
25 require implementation of a new, amended, or continuation
26 school improvement plan for each school in the district. Such
27 plan shall be designed to achieve the state education goals
28 and student performance standards pursuant to ss. 229.591(3)
29 and 229.592. Beginning in 1999-2000, each plan shall also
30 address issues relative to budget, training, instructional
31 materials, technology, staffing, student support services,

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1 specific school safety and discipline strategies, and other
2 matters of resource allocation, as determined by school board
3 policy, and shall be based on an analysis of student
4 achievement and other school performance data.

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

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

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

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1 in danger of being designated as performance grade category
2 "F," failing to make adequate progress.

3 (e) Public disclosure.--Provide information regarding
4 performance of students and educational programs as required
5 pursuant to ~~ss.~~ 229.555 and 229.57(5) and implement a
6 system of school reports as required by statute and State
7 Board of Education rule. Annual public disclosure reports
8 shall be in an easy-to-read report card format, and shall
9 include the school's student and school performance grade
10 category designation and performance data as specified in
11 state board rule.

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

24 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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1 (b) Adopt waiver process policies to enable all
2 schools to exercise maximum flexibility and notify advisory
3 councils of processes to waive school district and state
4 policies.

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

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

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

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

29 (20)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
30 120.536(1) and 120.54 to implement the provisions of this
31 section.

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1 Section 14. Subsection (2) of section 231.2905,
2 Florida Statutes, is amended, and subsection (3) is added to
3 that section, to read:

4 231.2905 Florida School Recognition Program.--

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

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

21 (a)1. Improvement in the school's student achievement
22 data.

23 (b)2. Statewide student achievement data.

24 (c) Student learning gains when such data becomes
25 available.

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

27 (e)4. Dropout rates.

28 (f)5. Attendance rates.

29 (g) Graduation rates.

30 (h) Cohort graduation rates.

31 ~~(b) After a pool of eligible schools has been~~

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1 ~~identified, schools must apply for final recognition and~~
2 ~~financial awards based on established criteria. Criteria must~~
3 ~~include, but not be limited to:~~

4 1. ~~School climate, including rates of school violence~~
5 ~~and crime.~~

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

7 3. ~~Indicators of successful challenging school~~
8 ~~improvement plans.~~

9 4. ~~Parent, community, and student involvement in~~
10 ~~learning.~~

11 (c) ~~After identification of schools for final~~
12 ~~recognition and financial awards, awards must be distributed~~
13 ~~based on employee performance criteria established in district~~
14 ~~school board policy.~~

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

17 Section 15. Section 232.245, Florida Statutes, is
18 amended to read:

19 232.245 Pupil progression; remedial instruction;
20 reporting requirements.--

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

28 (2) Each district school board shall establish a
29 comprehensive program for pupil progression which must
30 include:

31 (a) Standards for evaluating each pupil's performance,

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1 including how well he or she masters the performance standards
2 approved by the state board according to s. 229.565; and
3 (b) Specific levels of performance in reading,
4 writing, science, and mathematics for each grade level,
5 including the levels of performance on statewide assessments
6 ~~at selected grade levels in elementary school, middle school,~~
7 ~~and high school~~ as defined by the Commissioner of Education,
8 below which a student must receive remediation, or and may be
9 retained within an intensive program that is different from
10 the previous year's program and that takes into account the
11 student's learning style. No student may be assigned to a
12 grade level based solely on age or other factors that
13 constitute social promotion. School boards shall allocate
14 remedial and supplemental instruction resources first to
15 students who fail to meet achievement performance levels
16 required for promotion. The state board shall adopt rules to
17 prescribe limited circumstances in which a student may be
18 promoted without meeting the specific assessment performance
19 levels prescribed by the district's pupil progression plan.
20 Such rules shall specifically address the promotion of
21 students with limited English proficiency and students with
22 disabilities. A school district must consider an appropriate
23 alternative placement for a student who has been retained 2 or
24 more years.
25 (3) Each student must participate in the statewide
26 assessment tests required by s. 229.57. Each student who does
27 not meet specific levels of performance as determined by the
28 district school board in reading, writing, science, and
29 mathematics for each grade level, or who does not meet
30 specific levels of performance, determined by the Commissioner
31 of Education, on statewide assessments at selected grade

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

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

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

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

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

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

17 (f) ~~Suspension of curriculum other than reading,~~

18 ~~writing, and mathematics.~~ Remedial instruction provided during
19 high school may not be in lieu of English and mathematics
20 credits required for graduation.

21

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

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1 ~~deficiency is not remedied by the end of grade 5, the student~~
2 ~~may be retained.~~

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

14 (6)~~(7)~~ The Commissioner of Education shall adopt rules
15 pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ for the
16 administration of this section.

17 (7)~~(8)~~ The Department of Education shall provide
18 technical assistance as needed to aid school districts in
19 administering this section.

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

22 228.053 Developmental research schools.--

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

28 (a) The methods and requirements of the following
29 statutes shall be held in abeyance: ss. 230.01; 230.02;
30 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
31 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;

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

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

28 1. Two or more developmental research schools may
29 jointly originate a request for waiver and submit the request
30 to the committee if such waiver is approved by the school
31 advisory council of each developmental research school

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1 desiring the waiver.

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

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

30 (d) ~~The procedure established in s. 229.592(6)(f)~~
31 ~~shall be followed for any request for a waiver which is not~~

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

14 Section 17. Paragraph (e) of subsection (2) of section
15 228.054, Florida Statutes, is amended to read:

16 228.054 Joint Developmental Research School Planning,
17 Articulation, and Evaluation Committee.--

18 (2) The committee shall have the duty and
19 responsibility to:

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

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

28 233.17 Term of adoption for instructional materials.--

29 (3) The department shall publish annually an official
30 schedule of subject areas to be called for adoption for each
31 of the succeeding 2 years, and a tentative schedule for years

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

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

17 236.685 Educational funding accountability.--

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

26 (a) Total revenue must be reported at the school,
 27 district, and state levels. The revenue sources that must be
 28 addressed are state and local funds, other than lottery funds;
 29 lottery funds; federal funds; and private donations.

30 (b) Expenditures must be reported as the total
 31 expenditures per unweighted full-time equivalent student at

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1 the school level and the average expenditures per full-time
2 equivalent student at the district and state levels in each of
3 the following categories and subcategories:

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

- 7 a. Basic programs;
- 8 b. Students-at-risk programs;
- 9 c. Special programs for exceptional students;
- 10 d. Career education programs; and
- 11 e. Adult programs.

12 2. Substitute teachers.
13 3. Other instructional personnel, including
14 school-based instructional specialists and their assistants.

15 4. Contracted instructional services, including
16 training for instructional staff and other contracted
17 instructional services.

18 5. School administration, including school-based
19 administrative personnel and school-based education support
20 personnel.

21 6. The following materials, supplies, and operating
22 capital outlay:

- 23 a. Textbooks;
- 24 b. Computer hardware and software;
- 25 c. Other instructional materials;
- 26 d. Other materials and supplies; and
- 27 e. Library media materials.
- 28 7. Food services.
- 29 8. Other support services.
- 30 9. Operation and maintenance of the school plant.

31 (c) The school financial report must also identify the

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1 types of district-level expenditures that support the school's
2 operations. The total amount of these district-level
3 expenditures must be reported and expressed as total
4 expenditures per full-time equivalent student.

5

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

8 Section 20. Subsection (6) of section 20.15, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 20.15 Department of Education.--There is created a
11 Department of Education.

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

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

25 236.08104 Supplemental academic instruction;
26 categorical fund.--

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

31 (2) Categorical funds for supplemental academic

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

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

27 (4) The Florida State University School, as a
 28 developmental research school, is authorized to expend from
 29 its FEFP or Lottery Enhancement Trust Fund allocation the cost
 30 to the student of remediation in reading, writing, or
 31 mathematics for any graduate who requires remediation at a

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1 postsecondary institution.

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

5 236.013 Definitions.--Notwithstanding the provisions
6 of s. 228.041, the following terms are defined as follows for
7 the purposes of this act:

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

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

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

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

18 (I) A full-time student, except a postsecondary or
19 adult student or a senior high school student enrolled in
20 adult education when such courses are required for high school
21 graduation, in a combination of programs listed in s.

22 236.081(1)(c) shall be a fraction of a full-time equivalent
23 membership in each special program equal to the number of net
24 hours per school year for which he or she is a member, divided
25 by the appropriate number of hours set forth in subparagraph
26 (a)1. or subparagraph (a)2.; the difference between that
27 fraction or sum of fractions and the maximum value as set
28 forth in subsection (5) for each full-time student is presumed
29 to be the balance of the student's time not spent in such
30 special education programs and shall be recorded as time in
31 the appropriate basic program.

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

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

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

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

30 ~~(VI) A full-time student who is part of a program~~
31 ~~authorized by subparagraph (a)3. in a combination of programs~~

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1 ~~listed in s. 236.081(1)(c) is a fraction of a full-time~~
2 ~~equivalent membership in each regular or special program equal~~
3 ~~to the number of net hours per school year for which he or she~~
4 ~~is a member, divided by the appropriate number of hours set~~
5 ~~forth in subparagraph (a)1. or subparagraph (a)2.~~

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

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

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

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

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

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

27 ~~c.e. Dropout prevention programs as defined in s.~~
28 ~~230.2316 in which students are placed for academic or~~
29 ~~disciplinary purposes~~ or Programs in English for speakers of
30 other languages as defined in s. 233.058 for students who were
31 in membership for all of the last 15 days of the 180-day term

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1 or a total of 30 days within the 180-day term and are in need
2 of such additional instruction;

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

5 ~~g. Programs which modify the school year to~~
6 ~~accommodate the needs of children who have moved with their~~
7 ~~parents for the purpose of engaging in the farm labor or fish~~
8 ~~industries, provided such programs are approved by the~~
9 ~~commissioner.~~

10

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

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

19 239.101 Legislative intent.--

20 (7) The Legislature finds that career education is a
21 crucial component of the educational programs conducted within
22 school districts and community colleges. Accordingly, career
23 education must be represented in accountability processes
24 undertaken for educational institutions. It is the intent of
25 the Legislature that the vocational standards articulated in
26 s. 239.229(2) be considered in the development of
27 accountability measures for public schools pursuant to ss.
28 229.591, 229.592, ~~229.593, 229.594~~, and 230.23(16) and for
29 community colleges pursuant to s. 240.324.

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

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

17 (d) No funds shall be released for any purpose from
18 the Educational Enhancement Trust Fund to any school district
19 in which one or more schools do not have an approved school
20 improvement plan pursuant to s. 230.23(16) or do not comply
21 with school advisory council membership composition
22 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
23 the Commissioner of Education shall withhold disbursements
24 from the trust fund to any school district that fails to adopt
25 the performance-based salary schedule required by s.
26 230.23(5).

27 Section 26. 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, paragraph (b) of
30 subsection (1) of section 120.81, Florida Statutes, is
31 reenacted to read:

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1 120.81 Exceptions and special requirements; general
2 areas.--

3 (1) EDUCATIONAL UNITS.--

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

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

15 228.053 Developmental research schools.--

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

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

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

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

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

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

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

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

31 Developmental research schools shall comply with the

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1 provisions of s. 229.58 in one of two ways:

2 (a) Two advisory bodies.--Each developmental research
3 school may:

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

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

31 a. Meet at least quarterly.

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1 b. Monitor the operations of the school and the
2 distribution of moneys allocated for such operations.

3 c. Establish necessary policy, program, and
4 administration modifications.

5 d. Evaluate biennially the performance of the director
6 and principal and recommend corresponding action to the dean
7 of the college of education.

8 e. Annually review evaluations of the school's
9 operation and research findings.

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

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

24 228.0565 Deregulated public schools.--

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

28 (b) The school shall make annual progress reports to
29 the district, which upon verification shall be forwarded to
30 the Commissioner of Education at the same time as other annual
31 school accountability reports. The report shall contain at

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1 least the following information:

2 1. The school's progress towards achieving the goals
3 outlined in its proposal.

4 2. The information required in the annual school
5 report pursuant to s. 229.592.

6 3. Financial records of the school, including revenues
7 and expenditures.

8 4. Salary and benefit levels of school employees.

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

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

26 Section 29. For the purpose of incorporating the
27 amendments made by this act to section 229.57, Florida
28 Statutes, in references thereto, subsection (1) of section
29 228.301, Florida Statutes, is reenacted to read:

30 228.301 Test security.--

31 (1) It is unlawful for anyone knowingly and willfully

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1 to violate test security rules adopted by the State Board of
2 Education or the Commissioner of Education for mandatory tests
3 administered by or through the State Board of Education or the
4 Commissioner of Education to students, educators, or
5 applicants for certification or administered by school
6 districts pursuant to s. 229.57, or, with respect to any such
7 test, knowingly and willfully to:

8 (a) Give examinees access to test questions prior to
9 testing;

10 (b) Copy, reproduce, or use in any manner inconsistent
11 with test security rules all or any portion of any secure test
12 booklet;

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

15 (d) Make answer keys available to examinees;

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

19 (f) Fail to follow test administration directions
20 specified in the test administration manuals; or

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

23 Section 30. For the purpose of incorporating the
24 amendments made by this act to sections 229.555, 229.565, and
25 229.57, Florida Statutes, in references thereto, subsections
26 (1) and (3) of section 229.551, Florida Statutes, 1998
27 Supplement, are reenacted to read:

28 229.551 Educational management.--

29 (1) The department is directed to identify all
30 functions which under the provisions of this act contribute
31 to, or comprise a part of, the state system of educational

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1 accountability and to establish within the department the
 2 necessary organizational structure, policies, and procedures
 3 for effectively coordinating such functions. Such policies
 4 and procedures shall clearly fix and delineate
 5 responsibilities for various aspects of the system and for
 6 overall coordination of the total system. The commissioner
 7 shall perform the following duties and functions:

8 (a) Coordination of department plans for meeting
 9 educational needs and for improving the quality of education
 10 provided by the state system of public education;

11 (b) Coordination of management information system
 12 development for all levels of education and for all divisions
 13 of the department, to include the development and utilization
 14 of cooperative education computing networks for the state
 15 system of public education;

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

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

21 (e) Coordination of all cost accounting and cost
 22 reporting activities for all levels of education, including
 23 public schools, vocational programs, community colleges, and
 24 institutions in the State University System;

25 (f) Development and coordination of a common course
 26 designation and numbering system for postsecondary education
 27 in school districts, community colleges, participating
 28 nonpublic postsecondary education institutions, and the State
 29 University System which will improve program planning,
 30 increase communication among all postsecondary delivery
 31 systems, and facilitate the transfer of students. The system

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1 shall not encourage or require course content prescription or
 2 standardization or uniform course testing, and the continuing
 3 maintenance of the system shall be accomplished by appropriate
 4 faculty committees representing public and participating
 5 nonpublic institutions. The Articulation Coordinating
 6 Committee, whose membership represents public and nonpublic
 7 postsecondary institutions, shall:

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

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

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

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1 offered by any community college. The Articulation
2 Coordinating Committee shall recommend to the State Board of
3 Education the levels for the courses. The common course
4 numbering and designation system shall include the courses at
5 the recommended levels, and, by fall semester of 1996, the
6 registration process at each state university and community
7 college shall include the courses at their designated levels
8 and common course numbers.

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

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

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1 Community Colleges on the development of a centralized
2 database containing the list of courses and course
3 substitutions that meet the prerequisite requirements for each
4 baccalaureate degree program;

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

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

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

31 3. Appoint faculty committees representing both

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1 community college and public school faculties to recommend a
2 standard program length and appropriate occupational
3 completion points for each postsecondary vocational
4 certificate program, diploma, and degree; and

5 (h) Development of common definitions necessary for
6 managing a uniform coordinated system of career education for
7 all levels of the state system of public education.

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

10 (a) Develop minimum performance standards for various
11 grades and subject areas, as required in ss. 229.565 and
12 229.57.

13 (b) Administer the statewide assessment testing
14 program created by s. 229.57.

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

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

21 (e) Conduct the program evaluations required by s.
22 229.565.

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

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

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

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

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

23 Section 31. For the purpose of incorporating the
24 amendments made by this act to section 230.23, Florida
25 Statutes, in references thereto, subsection (4) of section
26 230.03, Florida Statutes, is reenacted to read:

27 230.03 Management, control, operation, administration,
28 and supervision.--The district school system must be managed,
29 controlled, operated, administered, and supervised as follows:

30 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
31 the administration of any school or schools at a given school

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1 center, for the supervision of instruction therein, and for
2 providing leadership in the development or revision and
3 implementation of a school improvement plan required pursuant
4 to s. 230.23(16) shall be delegated to the principal or head
5 of the school or schools as hereinafter set forth and in
6 accordance with rules established by the school board.

7 Section 32. For the purpose of incorporating the
8 amendments made by this act to sections 229.591 and 229.592,
9 Florida Statutes, in references thereto, paragraph (a) of
10 subsection (3) of section 231.24, Florida Statutes, 1998
11 Supplement, is reenacted to read:

12 231.24 Process for renewal of professional
13 certificates.--

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

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

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1 through approved summer institutes may be applied toward the
2 fulfillment of these requirements. Inservice points may also
3 be earned by participation in professional growth components
4 approved by the State Board of Education and specified
5 pursuant to s. 236.0811 in the district's approved master plan
6 for inservice educational training, including, but not limited
7 to, serving as a trainer in an approved teacher training
8 activity, serving on an instructional materials committee or a
9 state board or commission that deals with educational issues,
10 or serving on an advisory council created pursuant to s.
11 229.58.

12 Section 33. For the purpose of incorporating the
13 amendments made by this act to section 231.29, Florida
14 Statutes, in references thereto, paragraphs (e) and (f) of
15 subsection (3) of section 231.36, Florida Statutes, are
16 reenacted to read:

17 231.36 Contracts with instructional staff,
18 supervisors, and principals.--

19 (3)

20 (e) A professional service contract shall be renewed
21 each year unless the superintendent, after receiving the
22 recommendations required by s. 231.29, charges the employee
23 with unsatisfactory performance and notifies the employee of
24 performance deficiencies as required by s. 231.29. An employee
25 who holds a professional service contract on July 1, 1997, is
26 subject to the procedures set forth in paragraph (f) during
27 the term of the existing professional service contract. The
28 employee is subject to the procedures set forth in s.
29 231.29(3)(d) upon the next renewal of the professional service
30 contract; however, if the employee is notified of performance
31 deficiencies before the next contract renewal date, the

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1 procedures of s. 231.29(3)(d) do not apply until the
2 procedures set forth in paragraph (f) have been exhausted and
3 the professional service contract is subsequently renewed.

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

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

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

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

28 4. Not later than 6 weeks prior to the close of the
29 postschool conference period of the subsequent year, the
30 superintendent, after receiving and reviewing the
31 recommendation required by s. 231.29, shall notify the

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

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

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

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1 required to sustain or change the administrative law judge's
2 recommendation. The determination of the school board shall be
3 final as to the sufficiency or insufficiency of the grounds
4 for termination of employment.

5 Section 34. For the purpose of incorporating the
6 amendments made by this act to section 232.245, Florida
7 Statutes, in references thereto, subsection (1) of section
8 232.2454, Florida Statutes, is reenacted to read:

9 232.2454 District student performance standards,
10 instruments, and assessment procedures.--

11 (1) School districts are required to obtain or develop
12 and implement assessments of student achievement as necessary
13 to accurately measure student progress and to report this
14 progress to parents or legal guardians according to s.
15 232.245. Each school district shall implement the assessment
16 program pursuant to the procedures it adopts.

17 Section 35. For the purpose of incorporating the
18 amendments made by this act to section 232.245, Florida
19 Statutes, in references thereto, paragraphs (a) and (b) of
20 subsection (5) of section 232.246, Florida Statutes, 1998
21 Supplement, are reenacted and amended to read:

22 232.246 General requirements for high school
23 graduation.--

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

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

29 (b) Completion of all other applicable requirements
30 prescribed by the district school board pursuant to s.
31 232.245.

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1 Section 36. For the purpose of incorporating the
2 amendments made by this act to sections 229.57 and 232.245,
3 Florida Statutes, in references thereto, section 232.248,
4 Florida Statutes, is reenacted to read:

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

15 Section 37. For the purpose of incorporating the
16 amendments made by this act to section 232.245, Florida
17 Statutes, in references thereto, subsection (1) of section
18 232.2481, Florida Statutes, is reenacted to read:

19 232.2481 Graduation and promotion requirements for
20 publicly operated schools.--

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

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1 Section 38. For the purpose of incorporating the
2 amendments made by this act to section 229.565, Florida
3 Statutes, in references thereto, subsection (4) of section
4 233.09, Florida Statutes, is reenacted to read:

5 233.09 Duties of each state instructional materials
6 committee.--The duties of each state instructional materials
7 committee shall be:

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

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

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

31 (c) When recommending instructional materials for use

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1 in the schools, each committee shall require such materials as
2 it deems necessary and proper to encourage thrift, fire
3 prevention, and humane treatment of people and animals.

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

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

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

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1 district committees shall have been loaned the specified
2 number of samples.

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

8 Section 39. For the purpose of incorporating the
9 amendments made by this act to section 229.565, Florida
10 Statutes, in references thereto, paragraph (b) of subsection
11 (1) of section 233.165, Florida Statutes, is reenacted to
12 read:

13 233.165 Standards for selection.--

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

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

27 Section 40. For the purpose of incorporating the
28 amendments made by this act to section 229.565, Florida
29 Statutes, in references thereto, paragraph (b) of subsection
30 (3) of section 233.25, Florida Statutes, is reenacted to read:

31 233.25 Duties, responsibilities, and requirements of

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

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

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

10 Section 41. For the purpose of incorporating the
11 amendments made by this act to section 230.23, Florida
12 Statutes, in references thereto, subsection (3) of section
13 239.229, Florida Statutes, 1998 Supplement, is reenacted to
14 read:

15 239.229 Vocational standards.--

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

24 Section 42. For the purpose of incorporating the
25 amendments made by this act to section 229.592, Florida
26 Statutes, in references thereto, subsection (4) of section
27 240.118, Florida Statutes, is reenacted to read:

28 240.118 Postsecondary feedback of information to high
29 schools.--

30 (4) As a part of the school improvement plan pursuant
31 to s. 229.592, the State Board of Education shall ensure that

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1 each school district and high school develops strategies to
2 improve student readiness for the public postsecondary level
3 based on annual analysis of the feedback report data.

4 Section 43. Subsections (29), (40), and (42) of
5 section 228.041, Florida Statutes, 1998 Supplement, are
6 amended to read:

7 228.041 Definitions.--Specific definitions shall be as
8 follows, and wherever such defined words or terms are used in
9 the Florida School Code, they shall be used as follows:

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

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

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

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

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

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

4
5 ~~Students not exempt from attendance pursuant to s. 232.06 and~~
6 ~~who are subject to compulsory school attendance under s.~~
7 ~~232.01 and who stop attending school are habitual truants as~~
8 ~~defined in subsection (28) and are not considered dropouts.~~

9 The State Board of Education may adopt rules to implement the
10 provisions of this subsection.

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

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

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

24 Section 44. Paragraph (f) of subsection (9) of section
25 228.056, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 228.056 Charter schools.--

28 (9) CHARTER.--The major issues involving the operation
29 of a charter school shall be considered in advance and written
30 into the charter. The charter shall be signed by the governing
31 body of the charter school and the sponsor, following a public

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1 hearing to ensure community input.

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

16 Section 45. The Legislature intends to implement a
17 comprehensive approach to increase students' academic
18 achievement and improve teaching quality. The Legislature
19 recognizes that professional educators shape the future of
20 this state and the nation by developing the knowledge and
21 skills of our future workforce and laying the foundation for
22 good citizenship and full participation in community and civic
23 life. The Legislature also recognizes its critical role in
24 meeting the state's educational goals and preparing all
25 students to achieve at the high levels set by the Sunshine
26 State Standards. The purpose of this act is to raise standards
27 for certifying professional educators; establish Institutes
28 for Excellence in Teaching to respond to professional
29 development needs; increase accountability for postsecondary
30 programs that prepare future educators; increase the ability
31 of professional educators to use technology to enhance student

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

30 Section 46. Subsection (1) of section 231.02, Florida
31 Statutes, 1998 Supplement, is amended to read:

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1 231.02 Qualifications of personnel.--

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

14 Section 47. Subsection (2) of section 231.0861,
15 Florida Statutes, is amended to read:

16 231.0861 Principals and assistant principals;
17 selection.--

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

28 Section 48. Section 231.085, Florida Statutes, is
29 amended to read:

30 231.085 Duties of principals.--A district school board
31 shall employ, through written contract, public school

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

20 Section 49. Paragraph (a) of subsection (5) of section
21 231.087, Florida Statutes, is amended, and subsection (7) is
22 added to that section, to read:

23 231.087 Management Training Act; Florida Council on
24 Educational Management; Florida Academy for School Leaders;
25 Center for Interdisciplinary Advanced Graduate Study.--

26 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

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

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

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

18 Section 50. Section 231.09, Florida Statutes, is
19 amended to read:

20 231.09 Duties of instructional personnel.--The primary
21 duty of instructional personnel is to work diligently and
22 faithfully to help students meet or exceed annual learning
23 goals, to meet state and local achievement requirements, and
24 to master the skills required to graduate from high school
25 prepared for postsecondary education and work. This duty
26 applies to instructional personnel whether they teach or
27 function in a support role.Members of the instructional staff
28 of the public schools shall perform duties prescribed by rules
29 of the school board. Such rules shall include, but not be
30 limited to, rules relating to a teacher's duty to help
31 students master challenging standards and meet all state and

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

6 Section 51. Section 231.096, Florida Statutes, 1998
7 Supplement, is amended to read:

8 231.096 Teacher teaching out-of-field;
9 assistance.--Each ~~school~~ district school board shall adopt and
10 implement ~~have~~ a plan to assist any teacher teaching
11 out-of-field, and priority consideration in professional
12 development activities shall be given to teachers who are
13 teaching out-of-field. The school board shall require that
14 such teachers participate in a certification or
15 staff-development program designed to ensure that the teacher
16 has the competencies required for the assigned duties. The
17 board-approved assistance plan must include duties of
18 administrative personnel and other instructional personnel to
19 ensure that students receive high-quality instructional
20 services.

21 Section 52. Section 231.145, Florida Statutes, is
22 amended to read:

23 231.145 Purpose of instructional personnel
24 certification.--It is the intent of the Legislature that
25 school personnel certified in this state possess the
26 credentials, knowledge, and skills necessary to provide a
27 high-quality ~~quality~~ education in the public schools. The
28 purpose of school personnel certification is to protect the
29 educational interests of students, parents, and the public at
30 large by assuring that teachers in this state are
31 professionally qualified. In fulfillment of its duty to the

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

12 Section 53. Section 231.15, Florida Statutes, 1998
13 Supplement, is amended to read:

14 231.15 Positions for which certificates required.--

15 (1) The State Board of Education shall classify school
16 services, designate the certification subject areas, establish
17 competencies, including the use of technology to enhance
18 student learning, and certification requirements for all
19 school-based personnel, and prescribe rules in accordance with
20 which the professional, temporary, and part-time certificates
21 shall be issued by the Department of Education to applicants
22 who meet the standards prescribed by such rules for their
23 class of service. The rules must allow the holder of a valid
24 professional certificate to add an area of certification
25 without completing the associated course requirements if the
26 certificateholder attains a passing score on an examination of
27 competency in the subject area to be added and provides
28 evidence of at least 2 years of satisfactory performance
29 evaluations that considered the performance of students taught
30 by the certificateholder. The rules must allow individuals who
31 have specific subject area expertise but who have not

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1 completed a standard teacher preparation program to
2 participate in a state-designed alternative certification
3 program for a professional certificate. This program must
4 provide for demonstration competencies in lieu of completion
5 of a specific number of college course credit hours in the
6 areas of assessment; communication; critical thinking; human
7 development and learning; classroom management; planning;
8 technology; diversity; teacher responsibility; code of ethics;
9 and continuous professional improvement. The State Board of
10 Education shall consult with the State Board of Independent
11 Colleges and Universities, the State Board of Nonpublic Career
12 Education, the Board of Regents, and the State Board of
13 Community Colleges before adopting any changes to training
14 requirements relating to entry into the profession. This
15 consultation must allow the educational board to provide
16 advice regarding the impact of the proposed changes in terms
17 of the length of time necessary to complete the training
18 program and the fiscal impact of the changes. The educational
19 board must be consulted only when an institution offering the
20 training program falls under its jurisdiction.Each person
21 employed or occupying a position as school supervisor,
22 principal, teacher, library media specialist, school
23 counselor, athletic coach, or other position in which the
24 employee serves in an instructional capacity, in any public
25 school of any district of this state shall hold the
26 certificate required by law and by rules of the state board in
27 fulfilling the requirements of the law for the type of service
28 rendered. However, the state board shall adopt rules
29 authorizing school boards to employ selected noncertificated
30 personnel to provide instructional services in the
31 individuals' fields of specialty or to assist instructional

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1 staff members as education paraprofessionals.

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

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

15 (4)(2) A commissioned or noncommissioned military
16 officer who is an instructor of junior reserve officer
17 training shall be exempt from requirements for teacher
18 certification, except for the filing of fingerprints pursuant
19 to s. 231.02, if he or she meets the following qualifications:

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

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

27 (c) Has an exemplary military record.

28

29 If such instructor is assigned instructional duties other than
30 junior reserve officer training, he or she shall hold the
31 certificate required by law and rules of the state board for

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1 the type of service rendered.

2 Section 54. Paragraph (c) of subsection (3) and
3 subsections (4), (5), and (8) of section 231.17, Florida
4 Statutes, 1998 Supplement, are amended to read:

5 231.17 Official statements of eligibility and
6 certificates granted on application to those meeting
7 prescribed requirements.--

8 (3) TEMPORARY CERTIFICATE.--

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

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

15 2. Be at least 18 years of age.

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

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

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

9 5. Be of good moral character.

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

20

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

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

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1 required under subsection (5) must be demonstrated in the
2 following areas:

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

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

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

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

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

25 1. Write in a logical and understandable style with
26 appropriate grammar and sentence structure.

27 2. Read, comprehend, and interpret professional and
28 other written material.

29 3. Comprehend and work with ~~fundamental~~ mathematical
30 concepts, including algebra.

31 4. Recognize signs of students' difficulty with the

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1 reading process and apply appropriate measures to improve
2 students' reading performance.

3 ~~5.4.~~ Recognize signs of severe emotional distress in
4 students and apply techniques of crisis intervention with an
5 emphasis on suicide prevention and positive emotional
6 development.

7 ~~6.5.~~ Recognize signs of alcohol and drug abuse in
8 students and know how to appropriately work with such students
9 and seek assistance designed to prevent ~~apply counseling~~
10 ~~techniques with emphasis on intervention and prevention of~~
11 future abuse.

12 ~~7.6.~~ Recognize the physical and behavioral indicators
13 of child abuse and neglect, know rights and responsibilities
14 regarding reporting, know how to care for a child's needs
15 after a report is made, and know recognition, intervention,
16 and prevention strategies pertaining to child abuse and
17 neglect which can be related to children in a classroom
18 setting in a nonthreatening, positive manner.

19 ~~8.7.~~ Comprehend patterns of physical, social, and
20 academic development in students, including exceptional
21 students in the regular classroom, and counsel these students
22 concerning their needs in these areas.

23 ~~9.8.~~ Recognize and be aware of the instructional needs
24 of exceptional students.

25 ~~10.9.~~ Comprehend patterns of normal development in
26 students and employ appropriate intervention strategies for
27 disorders of development.

28 ~~11.10.~~ Identify and comprehend the codes and standards
29 of professional ethics, performance, and practices adopted
30 pursuant to s. 231.546(2)(b), the grounds for disciplinary
31 action provided by s. 231.28, and the procedures for resolving

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1 complaints filed pursuant to this chapter, including appeal
2 processes.

3 ~~12.11.~~ Recognize and demonstrate awareness of the
4 educational needs of students who have limited proficiency in
5 English and employ appropriate teaching strategies.

6 ~~13.12.~~ Use and integrate appropriate technology in
7 teaching and learning processes and in managing, evaluating,
8 and improving instruction.

9 ~~14.13.~~ Use assessment and other diagnostic strategies
10 to assist the continuous development of the learner.

11 ~~15.14.~~ Use teaching and learning strategies that
12 include considering each student's culture, learning styles,
13 special needs, and socioeconomic background.

14 ~~16.15.~~ Demonstrate knowledge and understanding of the
15 subject matter that is aligned with the subject knowledge and
16 skills specified in the Sunshine State Standards and student
17 performance standards approved by the state board.

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

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

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

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

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

19 (8) EXAMINATIONS.--

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

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

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

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

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

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

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

5 Section 55. Subsection (3) is added to section
6 231.1725, Florida Statutes, 1998 Supplement, to read:

7 231.1725 Employment of substitute teachers, teachers
8 of adult education, and nondegreed teachers of career
9 education; students performing clinical field experience.--

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

21 Section 56. Section 231.174, Florida Statutes, is
22 amended to read:

23 231.174 Alternative preparation programs for certified
24 teachers to add additional coverage.--A district school board
25 may design alternative teacher preparation programs to enable
26 persons already certificated to add an additional coverage to
27 their certificates ~~to teach exceptional education classes or~~
28 ~~in other areas of critical shortage.~~ Each alternative teacher
29 preparation program shall be reviewed and approved by the
30 Department of Education to assure that persons who complete
31 the program are competent in the necessary areas of subject

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1 matter specialization. Two or more school districts may
2 jointly participate in an alternative preparation program for
3 teachers.

4 Section 57. Subsection (3) of section 231.29, Florida
5 Statutes, 1998 Supplement, is amended to read:

6 231.29 Assessment procedures and criteria.--

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

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

27 1. Performance of students.

28 2.1- Ability to maintain appropriate discipline.

29 3.2- Knowledge of subject matter. The district school
30 board shall make special provisions for evaluating teachers
31 who are assigned to teach out-of-field.

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1 ~~4.3.~~ Ability to plan and deliver instruction,
2 including the use of technology in the classroom.

3 ~~5.4.~~ Ability to evaluate instructional needs.

4 ~~6.5.~~ Ability to establish and maintain a positive
5 collaborative relationship with students' families to increase
6 student achievement ~~communicate with parents.~~

7 ~~7.6.~~ Other professional competencies,
8 responsibilities, and requirements as established by rules of
9 the State Board of Education and policies of the district
10 school board.

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

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

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

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

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

20 2. The employee shall be placed on performance
21 probation and governed by the provisions of this section for
22 90 calendar days from the receipt of the notice of
23 unsatisfactory performance to demonstrate corrective action.
24 School holidays and school vacation periods are not counted
25 when calculating the 90-calendar-day period. During the 90
26 calendar days, the employee must be evaluated periodically and
27 apprised of progress achieved and must be provided assistance
28 and inservice training opportunities to help correct the noted
29 performance deficiencies. At any time during the 90 calendar
30 days, the employee may request a transfer to another
31 appropriate position with a different supervising

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1 administrator; however, a transfer does not extend the period
2 for correcting performance deficiencies.

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

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

25 b. A hearing conducted by an administrative law judge
26 assigned by the Division of Administrative Hearings of the
27 Department of Management Services. The hearing shall be
28 conducted within 60 days after receipt of the written appeal
29 in accordance with chapter 120. The recommendation of the
30 administrative law judge shall be made to the school board. A
31 majority vote of the membership of the school board shall be

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1 required to sustain or change the administrative law judge's
2 recommendation. The determination of the school board shall be
3 final as to the sufficiency or insufficiency of the grounds
4 for termination of employment.

5 Section 58. Subsections (1), (4), and (6) of section
6 231.36, Florida Statutes, are amended to read:

7 231.36 Contracts with instructional staff,
8 supervisors, and principals.--

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

21 (b) A supervisor or principal shall be properly
22 certified and shall receive a written contract as specified in
23 chapter 230. Such contract may be for an initial period not to
24 exceed 3 years, subject to annual review and renewal. The
25 first 97 days of an initial contract is a probationary period.
26 During the probationary period, the employee may be dismissed
27 without cause or may resign from the contractual position
28 without breach of contract. After the first 3 years, the
29 contract may be renewed for a period not to exceed 3 years and
30 shall contain provisions for dismissal during the term of the
31 contract only for just cause, in addition to such other

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1 provisions as are prescribed by the school board.

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

8 (b) Any member of the district administrative or
9 supervisory staff and any member of the instructional staff,
10 including any principal, who is under continuing contract may
11 be dismissed or may be returned to annual contract status for
12 another 3 years in the discretion of the school board, at the
13 end of the school year, when a recommendation to that effect
14 is submitted in writing to the school board on or before April
15 1 of any school year, giving good and sufficient reasons
16 therefor, by the superintendent, by the principal if his or
17 her contract is not under consideration, or by a majority of
18 the school board. The employee whose contract is under
19 consideration shall be duly notified in writing by the party
20 or parties preferring the charges at least 5 days prior to the
21 filing of the written recommendation with the school board,
22 and such notice shall include a copy of the charges and the
23 recommendation to the school board. The school board shall
24 proceed to take appropriate action. Any decision adverse to
25 the employee shall be made by a majority vote of the full
26 membership of the school board. Any such decision adverse to
27 the employee may be appealed by the employee pursuant to s.
28 120.68.

29 (c) Any member of the district administrative or
30 supervisory staff and any member of the instructional staff,
31 including any principal, who is under continuing contract may

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

23 (6)(a) Any member of the instructional staff,
24 excluding an employee specified in subsection (4), may be
25 suspended or dismissed at any time during the term of the
26 contract for just cause as provided in paragraph (1)(a). The
27 school board must notify the employee in writing whenever
28 charges are made against the employee and may suspend such
29 person without pay; but, if the charges are not sustained, the
30 employee shall be immediately reinstated, and his or her back
31 salary shall be paid. If the employee wishes to contest the

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1 charges, the employee must, within 15 days after receipt of
2 the written notice, submit a written request for a hearing.
3 Such hearing shall be conducted at the school board's election
4 in accordance with one of the following procedures:

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

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

24
25 Any such decision adverse to the employee may be appealed by
26 the employee pursuant to s. 120.68, provided such appeal is
27 filed within 30 days after the decision of the school board.

28 (b) Any member of the district administrative or
29 supervisory staff, including any principal but excluding an
30 employee specified in subsection (4), may be suspended or
31 dismissed at any time during the term of the contract;

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

22 Section 59. Paragraph (a) of subsection (1) of section
23 231.546, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 231.546 Education Standards Commission; powers and
26 duties.--

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

29 (a) Recommend to the state board high desirable
30 standards relating to programs and policies for the
31 development, certification and certification extension,

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1 improvement, and maintenance of competencies of educational
2 personnel, including teacher interns. Such standards must be
3 consistent with the state's duty to provide a high-quality
4 system of public education to all students.

5 Section 60. Subsections (1) and (3) and paragraph (b)
6 of subsection (4) of section 231.600, Florida Statutes, 1998
7 Supplement, are amended, and subsections (8) and (9) are added
8 to that section, to read:

9 231.600 School Community Professional Development
10 Act.--

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

19 (3) The activities designed to implement this section
20 must:

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

24 (b) Assist the school community in providing
25 stimulating educational activities that encourage and motivate
26 students to achieve at the highest levels and to become
27 ~~developing in school children the dispositions that will~~
28 ~~motivate them to be~~ active learners; and

29 (c) Provide continuous support as well as, ~~rather than~~
30 ~~temporary intervention~~ for education professionals who need
31 improvement in knowledge, skills, and performance, ~~for~~

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1 ~~improving the performance of teachers and others who assist~~
2 ~~children in their learning.~~

3 (4) The Department of Education, school districts,
4 schools, and public colleges and universities share the
5 responsibilities described in this section. These
6 responsibilities include the following:

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

13 1. Require that principals and schools use student
14 achievement data, school discipline data, school environment
15 surveys, assessments of parental satisfaction, and other
16 performance indicators to identify school and student needs
17 that can be met by improved professional performance, and
18 assist principals and schools in making these identifications;

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

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

25 4. Provide for delivery of professional development by
26 distance learning and other technology-based delivery systems
27 to reach more educators at lower costs; and

28 5. Continuously evaluate the quality and effectiveness
29 of professional development programs in order to eliminate
30 ineffective programs and strategies and to expand effective
31 ones. Evaluations must consider the impact of such activities

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1 on the performance of participating educators and their
2 students' achievement and behavior.

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

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

13 Section 61. Subsection (2) of section 236.08106,
14 Florida Statutes, 1998 Supplement, is amended, and subsections
15 (3) and (4) are added to that section, to read:

16 236.08106 Excellent Teaching Program.--

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

26 (a) A fee subsidy to be paid by the Department of
27 Education ~~school district~~ to the NBPTS on behalf of each
28 individual who is an employee of a ~~the~~ district school board
29 or a public school within the ~~that~~ school district, who is
30 certified by the district to have demonstrated satisfactory
31 teaching performance pursuant to s. 231.29 and who satisfies

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1 the prerequisites for participating in the NBPTS certification
2 program, and who agrees, in writing, to pay 10 percent of the
3 NBPTS participation fee and to participate in the NBPTS
4 certification program during the school year for which the fee
5 subsidy is provided. The fee subsidy for each eligible
6 participant shall be an amount equal to 90 percent of the fee
7 charged for participating in the NBPTS certification program,
8 but not more than \$1,800 per eligible participant. The fee
9 subsidy is a one-time award and may not be duplicated for any
10 individual.

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

18 (c) An annual bonus equal to 10 percent of the prior
19 fiscal year's statewide average salary for classroom teachers
20 to be distributed to the school district to be paid to each
21 individual who holds NBPTS certification and is employed by
22 the district school board or by a public school within the
23 ~~that~~ school district. The district school board shall
24 distribute the annual bonus to each individual who meets the
25 requirements of this paragraph and who is certified annually
26 by the district to have demonstrated satisfactory teaching
27 performance pursuant to s. 231.29. The annual bonus may be
28 paid as a single payment or divided into not more than three
29 payments.

30 (d) An annual bonus equal to 10 percent of the prior
31 fiscal year's statewide average salary for classroom teachers

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

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

21
 22 A teacher for whom the state pays the certification fee and
 23 who does not complete the certification program or does not
 24 teach in a public school of this state for a least 1 year
 25 after completing the certification program must repay the
 26 amount of the certification fee to the state. However, a
 27 teacher who completes the certification program but fails to
 28 be awarded NBPTS certification is not required to repay the
 29 amount of the certification fee if the teacher meets the
 30 1-year teaching requirement. Repayment is not required of a
 31 teacher who does not complete the certification program or

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1 fails to fulfill the teaching requirement because of the
2 teacher's death or disability or because of other extenuating
3 circumstances as determined by the State Board of Education.

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

27 (b) A person who is employed by the state or any of
28 its political subdivisions may not be dismissed for having
29 defaulted on the repayment of the certification fee subsidy to
30 the state.

31 (4) The State Board of Education may adopt rules as

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1 necessary to implement the provisions for payment of the fee
2 subsidies, incentives, and bonuses and for the repayment of
3 defaulted certification fee subsidies under this section.

4 Section 62. Subsection (1), paragraph (b) of
5 subsection (3), and subsections (4) and (5) of section
6 240.529, Florida Statutes, are amended to read:

7 240.529 Public accountability and state approval for
8 teacher preparation programs.--

9 (1) INTENT.--The Legislature recognizes that skilled
10 teachers make an ~~the most~~ important contribution to a ~~quality~~
11 ~~educational~~ system that allows students to obtain a

12 high-quality education and that competent teachers are
13 ~~produced by effective and accountable teacher preparation~~
14 ~~programs.~~ The intent of the Legislature is to establish a

15 system for development and approval of teacher preparation
16 programs that will free postsecondary teacher preparation
17 institutions to employ varied and innovative teacher

18 preparation techniques while being held accountable for
19 producing graduates ~~teachers~~ with the competencies and skills
20 necessary to achieve ~~for achieving~~ the state education goals;

21 help students meet high standards for academic achievement;
22 maintain safe, secure classroom learning environments;and
23 sustain ~~sustaining~~ the state system of school improvement and

24 education accountability established pursuant to ss. 229.591
25 ~~and 229.592, and 229.593.~~ To further this intent, the
26 Commissioner of Education shall appoint a Teacher Preparation

27 Program Committee for the purpose of establishing core
28 curricula in each state-approved teacher preparation program.
29 The committee shall consist of representatives from presidents

30 of public and private colleges and universities, deans of
31 colleges of education, presidents of community colleges,

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1 district school superintendents, and high-performing teachers.
 2 The curricula shall be focused on the knowledge, skills, and
 3 abilities essential to instruction in the Sunshine State
 4 Standards, with a clear emphasis on the importance of reading
 5 at all grade levels. The committee shall report its
 6 recommendations to the State Board of Education by January 1,
 7 2000, and at that time may be dissolved. The State Board of
 8 Education shall adopt rules that establish uniform core
 9 curricula for each state-approved teacher preparation program
 10 and shall use this report in the development of such rules.

11 (3) INITIAL STATE PROGRAM APPROVAL.--

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

16 ~~1. That a student receive a passing score at the 40th~~
 17 ~~percentile or above, as established by state board rule, on a~~
 18 ~~nationally standardized college entrance examination;~~

19 ~~1.2. That a student~~ Have a grade point average of at
 20 least 2.5 on a 4.0 scale for the general education component
 21 of undergraduate studies; or

22 ~~3. That a student~~ have completed the requirements for
 23 a baccalaureate degree with a minimum grade point average of
 24 2.5 on a 4.0 scale from any college or university accredited
 25 by a regional accrediting association as defined by state
 26 board rule; and:

27 2. Beginning with the 2000-2001 academic year,
 28 demonstrate mastery of general knowledge, including the
 29 ability to read, write, and compute by passing the College
 30 Level Academic Skills Test, a corresponding component of the
 31 National Teachers Examination series, or a similar test

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1 pursuant to rules of the State Board of Education.

2

3 The State Board of Education may ~~shall~~ provide by rule for a
4 waiver of these requirements. The rule shall require that 90
5 percent of those admitted to each teacher education program
6 meet the requirements of this paragraph and that the program
7 implement strategies to ensure that students admitted under a
8 waiver receive assistance to demonstrate competencies to
9 successfully meet requirements for certification.

10 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
11 subsection (3), failure by a public or nonpublic teacher
12 preparation program to meet the criteria for continued program
13 approval shall result in loss of program approval. The
14 Department of Education, in collaboration with the departments
15 and colleges of education, shall develop procedures for
16 continued program approval which document the continuous
17 improvement of program processes and graduates' performance.

18 (a) Continued approval of specific teacher preparation
19 programs at each public and nonpublic institution of higher
20 education within the state is contingent upon the passing of
21 the written examination required by s. 231.17 by at least 90
22 ~~80~~ percent of the graduates of the program who take the
23 examination. On request of an institution, the Department of
24 Education shall provide an analysis of the performance of the
25 graduates of such institution with respect to the competencies
26 assessed by the examination required by s. 231.17.

27 (b) Additional criteria for continued program approval
28 for public institutions may be developed by the Education
29 Standards Commission and approved by the State Board of
30 Education. Such criteria must emphasize outcome measures of
31 student performance in the areas of classroom management and

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1 improving the performance of students who have traditionally
2 failed to meet student achievement goals and have been
3 overrepresented in school suspensions and other disciplinary
4 actions, and ~~may~~ must include, but need not be limited to,
5 program graduates' satisfaction with training and the unit's
6 responsiveness to local school districts. Additional criteria
7 for continued program approval for nonpublic institutions
8 shall be developed in the same manner as for public
9 institutions; however, such criteria must be based upon
10 significant, objective, and quantifiable graduate performance
11 measures. Responsibility for collecting data on outcome
12 measures through survey instruments and other appropriate
13 means shall be shared by the institutions of higher education,
14 the Board of Regents, the State Board of Independent Colleges
15 and Universities, and the Department of Education. By January
16 1 of each year, the Department of Education, in cooperation
17 with the Board of Regents and the State Board of Independent
18 Colleges and Universities, shall report this information for
19 each postsecondary institution that has state-approved
20 programs of teacher education to the Governor, the
21 Commissioner of Education, the Chancellor of the State
22 University System, the President of the Senate, the Speaker of
23 the House of Representatives, all Florida postsecondary
24 teacher preparation programs, and interested members of the
25 public. This report must analyze the data and make
26 recommendations for improving teacher preparation programs in
27 the state.

28 (c) ~~Beginning July 1, 1997,~~ Continued approval for a
29 teacher preparation program is contingent upon the results of
30 annual reviews of the program conducted by the institution of
31 higher education, using procedures and criteria outlined in an

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1 institutional program evaluation plan approved by the
2 Department of Education. This plan must incorporate the
3 criteria established in paragraphs (a) and (b) and include
4 provisions for involving primary stakeholders, such as program
5 graduates, district school personnel, classroom teachers,
6 principals, community agencies, and business representatives
7 in the evaluation process. Upon request by an institution, the
8 department shall provide assistance in developing, enhancing,
9 or reviewing the institutional program evaluation plan and
10 training evaluation team members.

11 (d) ~~Beginning July 1, 1997,~~Continued approval for a
12 teacher preparation program is contingent upon standards being
13 in place that are designed to adequately prepare elementary,
14 middle, and high school teachers to instruct their students in
15 higher-level mathematics concepts and in the use of technology
16 at the appropriate grade level.

17 (e) Beginning July 1, 2000, continued approval of
18 teacher preparation programs is contingent upon compliance
19 with the student admission requirements of subsection (3) and
20 upon the receipt of at least a satisfactory rating from public
21 schools and nonpublic schools that employ graduates of the
22 program. Employer satisfaction shall be determined by an
23 annually administered survey instrument approved by the
24 Department of Education.

25 (f) Beginning with the 2000-2001 academic year, each
26 public and private institution that offers a teacher
27 preparation program in this state must annually report in the
28 institution's student catalogue the prior year's performance
29 of the teacher preparation program. Each annual report must
30 address at least the following measures:

31 1. Quality of students entering the program, as

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1 evidenced by mean grade point average and average score on
2 examinations of general knowledge required by chapter 231 for
3 issuance of a temporary or professional certificate.

4 2. Graduation rates.

5 3. Time-to-graduation data.

6 4. Ability of graduates to perform at preprofessional
7 and professional levels as evidenced by the percentage of
8 graduates who pass the examinations required by chapter 231
9 and demonstrate competencies required for issuance of the
10 temporary certificate, professional certificate, and
11 certificate of competency in various subject areas.

12 5. Percentage of graduates rehired to teach after the
13 first year of employment in a public or private school.

14 6. Percentage of graduates remaining in teaching for
15 at least 4 years.

16 7. Satisfaction of graduates of the program as
17 evidenced by a common survey.

18 8. Satisfaction of employers as evidenced by a common
19 survey of public and private schools that employ graduates of
20 the program.

21 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
22 instructors, school district personnel and instructional
23 personnel, and school sites preparing instructional personnel
24 through preservice field experience courses and internships
25 shall meet special requirements.

26 (a) All instructors in postsecondary teacher
27 preparation programs who instruct or supervise preservice
28 field experience courses or internships shall have at least
29 one of the following: specialized training in clinical
30 supervision; a valid professional teaching certificate
31 pursuant to ss. 231.17 and 231.24; or at least 3 years of

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1 successful teaching experience in prekindergarten through
2 grade 12 ~~or a commitment to spend periods of time specified~~
3 ~~by State Board of Education rule teaching in the public~~
4 ~~schools.~~

5 (b) All school district personnel and instructional
6 personnel who supervise or direct teacher preparation students
7 during field experience courses or internships must have
8 evidence of "clinical educator" training and must successfully
9 demonstrate effective classroom management strategies that
10 consistently result in improved student performance. The
11 Education Standards Commission shall recommend, and the state
12 board shall approve, the training requirements.

13 (c) Preservice field experience programs must provide
14 specific guidance and demonstration of effective classroom
15 management strategies, strategies for incorporating technology
16 into classroom instruction, and ways to link instructional
17 plans to the Sunshine State Standards, as appropriate. The
18 length of structured field experiences may be extended to
19 ensure that candidates achieve the competencies needed to meet
20 certification requirements.

21 (d)~~(c)~~ Postsecondary teacher preparation programs in
22 cooperation with district school boards and approved nonpublic
23 school associations shall select the school sites for
24 preservice field experience activities. These sites must
25 represent the full spectrum of school communities, including,
26 but not limited to, schools located in urban settings. In
27 order to be selected, school sites must demonstrate commitment
28 to the education of public school students and to the
29 preparation of future teachers. A nonpublic school
30 association, in order to be approved, must have a
31 state-approved master inservice program plan in accordance

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1 with s. 236.0811.

2 Section 63. Section 231.6135, Florida Statutes, is
3 created to read:

4 231.6135 Statewide system for in-service professional
5 development.--The intent of this section is to establish a
6 statewide system of professional development that provides a
7 wide range of targeted in-service training to teachers and
8 administrators designed to upgrade skills and knowledge needed
9 to reach world class standards in education. The system shall
10 consist of a network of professional development academies in
11 each region of the state that are operated in partnership with
12 area business partners to develop and deliver high-quality
13 training programs purchased by school districts. The
14 academies shall be established to meet the human resource
15 development needs of professional educators, schools, and
16 school districts. Funds appropriated for the initiation of
17 professional development academies shall be allocated by the
18 Commissioner of Education, unless otherwise provided in an
19 appropriations act. To be eligible for startup funds, the
20 academy must:

21 (1) Be established by the collaborative efforts of one
22 or more district school boards, members of the business
23 community, and the postsecondary institutions which may award
24 college credits for courses taught at the academy.

25 (2) Demonstrate the capacity to provide effective
26 training to improve teaching skills in the areas of elementary
27 reading and mathematics, the use of instructional technology,
28 high school algebra, and classroom management, and to deliver
29 such training using face-to-face, distance-learning, and
30 individualized computer-based delivery systems.

31 (3) Propose a plan for responding in an effective and

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1 timely manner to the professional development needs of
2 teachers, administrators, schools, and school districts
3 relating to improving student achievement and meeting state
4 and local education goals.

5 (4) Demonstrate the ability to provide high-quality
6 trainers and training, appropriate followup and coaching for
7 all participants, and support school personnel in positively
8 impacting student performance.

9 (5) Be operated under contract with its public
10 partners and governed by an independent board of directors,
11 which should include at least one superintendent and one
12 school board chairman from the participating school districts,
13 the president of the collective bargaining unit that
14 represents the majority of the region's teachers, and at least
15 three individuals who are not employees or elected or
16 appointed officials of the participating school districts.

17 (6) Be financed during the first year of operation by
18 an equal or greater match from private funding sources and
19 demonstrate the ability to be self-supporting within 1 year
20 after opening through fees for services, grants, or private
21 contributions.

22 (7) Own or lease a facility that can be used to
23 deliver training on-site and through distance learning and
24 other technology-based delivery systems. The participating
25 district school boards may lease a site or facility to the
26 academy for a nominal fee and may pay all or part of the costs
27 of renovating a facility to accommodate the academy. The
28 academy is responsible for all operational, maintenance, and
29 repair costs.

30 (8) Provide professional development services for the
31 participating school districts as specified in the contract

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1 and may provide professional development services to other
2 school districts, private schools, and individuals on a
3 fee-for-services basis.

4 Section 64. Section 231.601, Florida Statutes, is
5 repealed.

6 Section 65. Section 230.2316, Florida Statutes, 1998
7 Supplement, is amended to read:

8 230.2316 Dropout prevention.--

9 (1) SHORT TITLE.--This act may be cited as the
10 "Dropout Prevention and Academic Intervention Act."

11 (2) INTENT.--The Legislature recognizes that a growing
12 proportion of young people are not making successful
13 transitions to productive adult lives. ~~The Legislature further~~
14 ~~recognizes that traditional education programs which do not~~
15 ~~meet certain students' educational needs and interests may~~
16 ~~cause these students to become unmotivated, fail, be truant,~~
17 ~~be disruptive, or drop out of school.~~The Legislature finds
18 that a child who does not complete his or her education is
19 greatly limited in obtaining gainful employment, achieving his
20 or her full potential, and becoming a productive member of
21 society. Therefore, it is the intent of the Legislature to
22 authorize and encourage district school boards throughout the
23 state to develop and establish dropout prevention and academic
24 intervention activities designed to meet the needs of students
25 who do not perform well in traditional educational programs.

26 ~~establish comprehensive dropout prevention programs. These~~
27 ~~programs shall be designed to meet the needs of students who~~
28 ~~are not effectively served by conventional education programs~~
29 ~~in the public school system.~~It is further the intent of the
30 Legislature that cooperative agreements be developed among
31 school districts, other governmental and private agencies, and

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1 community resources in order to implement innovative exemplary
2 programs aimed at reducing the number of students who do not
3 complete their education and increasing the number of students
4 who have a positive experience in school and obtain a high
5 school diploma.

6 (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

7 (a) Dropout prevention and academic intervention
8 programs may ~~shall~~ differ from traditional education programs
9 and schools in scheduling, administrative structure,
10 philosophy, curriculum, or setting and shall employ
11 alternative teaching methodologies, curricula, learning
12 activities, and ~~or~~ diagnostic and assessment procedures in
13 order to meet the needs, interests, abilities, and talents of
14 eligible students. The educational program shall provide
15 curricula, character development and law education as provided
16 in s. 233.0612, and related services which support the program
17 goals and lead to improved performance in the areas of
18 academic achievement, attendance, and discipline ~~completion of~~
19 ~~a high school diploma~~. Student participation in such programs
20 shall be voluntary. Districts may, however, assign students to
21 a program for disruptive students. ~~The minimum period of time~~
22 ~~during which the student participates in the program shall be~~
23 ~~equivalent to two instructional periods per day unless the~~
24 ~~program utilizes a student support and assistance component~~
25 ~~rather than regularly scheduled courses.~~

26 (b) Students in grades 1-12 ~~4-12~~ shall be eligible for
27 dropout prevention and academic intervention programs.
28 Eligible ~~dropout prevention~~ students shall be reported in the
29 appropriate basic cost factor ~~for dropout prevention full-time~~
30 ~~equivalent student membership~~ in the Florida Education Finance
31 Program ~~in standard dropout prevention classes or student~~

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1 ~~support and assistance components which provide academic~~
2 ~~assistance and coordination of support services to students~~
3 ~~enrolled full time in a regular classroom. The strategies and~~
4 ~~supports provided to eligible students shall be funded through~~
5 ~~the General Appropriations Act and may include, but are not~~
6 ~~limited to those services identified on the student's academic~~
7 ~~intervention plan.~~~~The student support and assistance~~
8 ~~component shall include auxiliary services provided to~~
9 ~~students or teachers, or both. Students participating in this~~
10 ~~model shall generate funding only for the time that they~~
11 ~~receive extra services or auxiliary help.~~

12 (c) A student shall be identified as being eligible to
13 receive services funded through the dropout prevention and
14 academic intervention program ~~a potential dropout~~ based upon
15 one of the following criteria:

16 1. The student is academically unsuccessful as
17 evidenced by low test scores, retention, failing grades, low
18 grade-point-average, falling behind in earning credits, or not
19 meeting the state or district proficiency levels in reading,
20 mathematics, or writing.

21 2. The student has a pattern of excessive absenteeism
22 or has been identified as a habitual truant.

23 1. ~~The student has shown a lack of motivation in~~
24 ~~school through grades which are not commensurate with~~
25 ~~documented ability levels or high absenteeism or habitual~~
26 ~~truancy as defined in s. 228.041(28).~~

27 2. ~~The student has not been successful in school as~~
28 ~~determined by retentions, failing grades, or low achievement~~
29 ~~test scores and has needs and interests that cannot be met~~
30 ~~through traditional programs.~~

31 3. ~~The student has been identified as a potential~~

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1 ~~school dropout by student services personnel using district~~
2 ~~criteria. District criteria that are used as a basis for~~
3 ~~student referral to an educational alternatives program shall~~
4 ~~identify specific student performance indicators that the~~
5 ~~educational alternative program seeks to address.~~

6 ~~4. The student has documented drug-related or~~
7 ~~alcohol-related problems, or has immediate family members with~~
8 ~~documented drug-related or alcohol-related problems that~~
9 ~~adversely affect the student's performance in school.~~

10 ~~3.5.~~ The student has a history of disruptive behavior
11 in school or has committed an offense that warrants
12 out-of-school suspension or expulsion from school according to
13 the district code of student conduct. For the purposes of this
14 program, "disruptive behavior" is behavior that:

15 a. Interferes with the student's own learning or the
16 educational process of others and requires attention and
17 assistance beyond that which the traditional program can
18 provide or results in frequent conflicts of a disruptive
19 nature while the student is under the jurisdiction of the
20 school either in or out of the classroom; or

21 b. Severely threatens the general welfare of students
22 or others with whom the student comes into contact.

23 ~~6. The student is assigned to a program provided~~
24 ~~pursuant to chapter 39, chapter 984, or chapter 985 which is~~
25 ~~sponsored by a state-based or community-based agency or is~~
26 ~~operated or contracted for by the Department of Children and~~
27 ~~Family Services or the Department of Juvenile Justice.~~

28 (d)1. "Second chance schools" means school district
29 programs provided through cooperative agreements between the
30 Department of Juvenile Justice, private providers, state or
31 local law enforcement agencies, or other state agencies for

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1 students who have been disruptive or violent or who have
2 committed serious offenses. As partnership programs, second
3 chance schools are eligible for waivers by the Commissioner of
4 Education from chapters 230-235 and 239 and State Board of
5 Education rules that prevent the provision of appropriate
6 educational services to violent, severely disruptive, or
7 delinquent students in small nontraditional settings or in
8 court-adjudicated settings.

9 2. School districts seeking to enter into a
10 partnership with a private entity or public entity to operate
11 a second chance school for disruptive students may apply to
12 the Department of Education for start-up grants from the
13 Department of Education. These grants must be available for 1
14 year and must be used to offset the start-up costs for
15 implementing such programs off public school campuses. General
16 operating funds must be generated through the appropriate
17 programs of the Florida Education Finance Program. Grants
18 approved under this program shall be for the full operation of
19 the school by a private nonprofit or for-profit provider or
20 the public entity. This program must operate under rules
21 adopted by the Department of Education and must be implemented
22 to the extent funded by the Legislature.

23 3.2- A student enrolled in a sixth, seventh, eighth,
24 ninth, or tenth grade class may be assigned to a second chance
25 school if the student meets the following criteria:

26 a. The student is a habitual truant as defined in s.
27 228.041(28).

28 b. The student's excessive absences have detrimentally
29 affected the student's academic progress and the student may
30 have unique needs that a traditional school setting may not
31 meet.

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1 c. The student's high incidences of truancy have been
2 directly linked to a lack of motivation.

3 d. The student has been identified as at risk of
4 dropping out of school.

5 ~~4.3.~~ A student who is habitually truant may be
6 assigned to a second chance school only if the case staffing
7 committee, established pursuant to s. 984.12, determines that
8 such placement could be beneficial to the student and the
9 criteria included in subparagraph 2. are met.

10 ~~5.4.~~ A student may be assigned to a second chance
11 school if the school district in which the student resides has
12 a second chance school and if the student meets one of the
13 following criteria:

14 a. The student habitually exhibits disruptive behavior
15 in violation of the code of student conduct adopted by the
16 school board.

17 b. The student interferes with the student's own
18 learning or the educational process of others and requires
19 attention and assistance beyond that which the traditional
20 program can provide, or, while the student is under the
21 jurisdiction of the school either in or out of the classroom,
22 frequent conflicts of a disruptive nature occur.

23 c. The student has committed a serious offense which
24 warrants suspension or expulsion from school according to the
25 district code of student conduct. For the purposes of this
26 program, "serious offense" is behavior which:

27 (I) Threatens the general welfare of students or
28 others with whom the student comes into contact;

29 (II) Includes violence;

30 (III) Includes possession of weapons or drugs; or

31 (IV) Is harassment or verbal abuse of school personnel

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1 or other students.

2 ~~6.5.~~ Prior to assignment of students to second chance
3 schools, school boards are encouraged to use alternative
4 programs, such as in-school suspension, which provide
5 instruction and counseling leading to improved student
6 behavior, a reduction in the incidence of truancy, and the
7 development of more effective interpersonal skills.

8 ~~7.6.~~ Students assigned to second chance schools must
9 be evaluated by the school's local child study team before
10 placement in a second chance school. The study team shall
11 ensure that students are not eligible for placement in a
12 program for emotionally disturbed children.

13 ~~8.7.~~ Students who exhibit academic and social
14 progress and who wish to return to a traditional school shall
15 complete a character development and law education program, as
16 provided in s. 233.0612, and demonstrate preparedness to
17 reenter the regular school setting ~~be evaluated by school~~
18 ~~district personnel~~ prior to reentering a traditional school.

19 ~~8.~~ ~~Second chance schools shall be funded at the~~
20 ~~dropout prevention program weight pursuant to s. 236.081 and~~
21 ~~may receive school safety funds or other funds as appropriate.~~

22 (4) PROGRAM IMPLEMENTATION.--

23 (a) Each district may establish ~~one or more~~
24 alternative programs for dropout prevention and academic
25 intervention programs at the elementary, middle, junior high
26 school, or high school level. Programs designed to eliminate
27 patterns of excessive absenteeism, or habitual truancy shall
28 emphasize academic performance and may provide specific
29 instruction in the areas of vocational education,
30 preemployment training, and behavioral management. Such
31 programs shall utilize instructional teaching methods

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1 appropriate to the specific needs of the student.

2 (b) Each school that establishes ~~or continues~~ a
3 dropout prevention and academic intervention program at that
4 school site shall reflect that program in the school
5 improvement plan as required under s. 230.23(16).

6 ~~(c) Districts may modify courses listed in the State~~
7 ~~Course Code Directory for the purpose of providing dropout~~
8 ~~prevention programs pursuant to the provisions of this~~
9 ~~section.~~

10 (5) EVALUATION.--Each school district receiving state
11 funding for dropout prevention and academic intervention
12 programs through the General Appropriations Act Florida
13 ~~Education Finance Program~~ shall submit information through an
14 annual report to the Department of Education's database
15 documenting the extent to which each of the district's dropout
16 prevention and academic intervention programs has been
17 successful in the areas of graduation rate, dropout rate,
18 attendance rate, and retention/promotion rate. The department
19 shall compile this information into an annual report which
20 shall be submitted to the presiding officers of the
21 Legislature by February 15.

22 (6) STAFF DEVELOPMENT.--Each school district shall
23 establish procedures for ensuring that teachers assigned to
24 dropout prevention and academic intervention programs possess
25 the affective, pedagogical, and content-related skills
26 necessary to meet the needs of these at-risk students. ~~Each~~
27 ~~school board shall also ensure that adequate staff development~~
28 ~~activities are available for dropout prevention staff and that~~
29 ~~dropout prevention staff participate in these activities.~~

30 (7) RECORDS.--Each district providing a ~~program for~~
31 dropout prevention and academic intervention program pursuant

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1 to the provisions of this section shall maintain for each
2 participating student ~~for whom funding is generated through~~
3 ~~the Florida Education Finance Program~~ records documenting the
4 student's eligibility, the length of participation, the type
5 of program to which the student was assigned or the type of
6 academic intervention services provided, and an evaluation of
7 the student's academic and behavioral performance while in the
8 program. The parents or guardians of a student assigned to
9 such a dropout prevention and academic intervention program
10 shall be notified in writing and entitled to an administrative
11 review of any action by school personnel relating to such
12 placement pursuant to the provisions of chapter 120.

13 (8) COORDINATION WITH OTHER AGENCIES.--School district
14 dropout prevention and academic intervention programs shall be
15 coordinated with social service, law enforcement,
16 prosecutorial, and juvenile justice agencies and juvenile
17 assessment centers in the school district. Notwithstanding the
18 provisions of s. 228.093, these agencies are authorized to
19 exchange information contained in student records and juvenile
20 justice records. Such information is confidential and exempt
21 from the provisions of s. 119.07(1). School districts and
22 other agencies receiving such information shall use the
23 information only for official purposes connected with the
24 certification of students for admission to and for the
25 administration of the dropout prevention and academic
26 intervention program, and shall maintain the confidentiality
27 of such information unless otherwise provided by law or rule.

28 (9) RULES.--The Department of Education shall have the
29 authority pursuant to ss. 120.536(1) and 120.54 to adopt any
30 rules necessary to implement the provisions of this section;
31 such rules shall require the minimum amount of necessary

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1 paperwork and reporting necessary to comply with this act.

2 Section 66. Section 231.085, Florida Statutes, is
3 amended to read:

4 231.085 Duties of principals.--A district school board
5 shall employ, through written contract, public school
6 principals who shall supervise the operation and management of
7 the schools and property as the board determines necessary.
8 Each principal shall perform such duties as may be assigned by
9 the superintendent pursuant to the rules of the school board.
10 Such rules shall include, but not be limited to, rules
11 relating to administrative responsibility, instructional
12 leadership of the educational program of the school to which
13 the principal is assigned, submission of personnel
14 recommendations to the superintendent, administrative
15 responsibility for records and reports, administration of
16 corporal punishment, and student suspension. Each principal
17 shall provide leadership in the development or revision and
18 implementation of a school improvement plan pursuant to s.
19 230.23(16). Each principal must make the necessary provisions
20 to ensure that all school reports are accurate and timely, and
21 must provide the necessary training opportunities for staff to
22 accurately report attendance, FTE program participation,
23 student performance, teacher appraisal, and school safety and
24 discipline data.

25 Section 67. Section 232.001, Florida Statutes, is
26 created to read:

27 232.001 Pilot project.--It is the purpose of this
28 section to authorize the Manatee County District School Board
29 to implement a pilot project that raises the compulsory age of
30 attendance for children from the age of 16 years to the age of
31 18 years. The pilot project applies to each child who has not

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1 attained the age of 16 years by September 30 of the school
2 year in which a school board policy is adopted.

3 (1) Beginning July 1, 1999, the Manatee County
4 District School Board may implement a pilot project consistent
5 with policy adopted by the school board to raise the
6 compulsory age of attendance for children from the age of 16
7 years to the age of 18 years.

8 (2) If the district school board chooses to
9 participate in the pilot project, the district school board
10 must, before the beginning of the school year, adopt a policy
11 for raising the compulsory age of attendance for children from
12 the age of 16 years to 18 years.

13 (a) Before the adoption of the policy, the district
14 school board must provide a notice of intent to adopt a policy
15 to raise the compulsory age of attendance for children from
16 the age of 16 years to the age of 18 years. The notice must be
17 provided to the parent or legal guardian of each child who is
18 15 years of age and who is enrolled in a school in the
19 district.

20 (b) Within 2 weeks after adoption of the school board
21 policy, the district school board must provide notice of the
22 policy to the parent or legal guardian of each child who is 15
23 years of age and who is enrolled in a school in the district.
24 The notice must also provide information related to the
25 penalties for refusing or failing to comply with the
26 compulsory attendance requirements and information on
27 alternative education programs offered within the school
28 district.

29 (3) All state laws and State Board of Education rules
30 related to students subject to compulsory school attendance
31 apply to the district school board if it chooses to

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1 participate in a pilot project. Notwithstanding the provisions
2 of s. 232.01, the formal declaration of intent to terminate
3 school enrollment does not apply to the district school board
4 if it chooses to participate in a pilot project.

5 (4) If the district school board chooses to
6 participate in the pilot project, the school board must
7 evaluate the effect of its adopted policy raising the
8 compulsory age of attendance on school attendance and on the
9 school district's dropout rate, as well as on the costs
10 associated with the pilot project. The school district shall
11 report its findings to the President of the Senate, the
12 Speaker of the House of Representatives, the minority leader
13 of each house, the Governor, and the Commissioner of Education
14 not later than August 1 following each year that the pilot
15 project is in operation.

16 Section 68. Section 232.17, Florida Statutes, 1998
17 Supplement, is amended to read:

18 232.17 Enforcement of school attendance.--The
19 Legislature finds that poor academic performance is associated
20 with nonattendance and that schools must take an active role
21 in enforcing attendance as a means of improving the
22 performance of many students. It is the policy of the state
23 that the superintendent of each school district be responsible
24 for enforcing school attendance of all children and youth
25 subject to the compulsory school age in the school district.
26 The responsibility includes recommending to the school board
27 policies and procedures to ensure that schools respond in a
28 timely manner to every unexcused absence or absence for which
29 the reason is unknown of students enrolled in the schools.
30 School board policies must require each parent or guardian of
31 a student to justify each absence of the student, and that

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1 justification will be evaluated based on adopted school board
2 policies that define excused and unexcused absences. The
3 policies must provide that schools track excused and unexcused
4 absences and contact the home in the case of an unexcused
5 absence from school or an absence from school for which the
6 reason is unknown to prevent the development of patterns of
7 nonattendance. The Legislature finds that early intervention
8 in school attendance matters is the most effective way of
9 producing good attendance habits that will lead to improved
10 student learning and achievement. Each public school shall
11 implement the following steps to enforce regular school
12 attendance:

13 (1) CONTACT, REFER, AND ENFORCE.--

14 (a) Upon each unexcused absence or absence for which
15 the reason is unknown, the school principal or his or her
16 designee shall contact the home to determine the reason for
17 the absence. If the absence is an excused absence, as defined
18 by school board policy, the school shall provide opportunities
19 for the student to make up assigned work and not receive an
20 academic penalty unless the work is not made up within a
21 reasonable time.

22 (b) If a student has had at least five unexcused
23 absences or absences for which the reasons are unknown within
24 a calendar month or ten unexcused absences or absences for
25 which the reasons are unknown within a 90-calendar-day period,
26 the student's primary teacher shall report to the school
27 principal or his or her designee that the student may be
28 exhibiting a pattern of nonattendance. The principal shall,
29 unless there is clear evidence that the absences are not a
30 pattern of nonattendance, refer the case to the school's child
31 study team to determine if early patterns of truancy are

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1 developing. If the child study team finds that a pattern of
2 nonattendance is developing, whether the absences are excused
3 or not, a meeting with the parent must be scheduled to
4 identify potential remedies.

5 (c) If an initial meeting does not resolve the
6 problem, the child study team shall implement interventions
7 that best address the problem. The interventions may include,
8 but need not be limited to:

9 1. Frequent communication between the teacher and the
10 family;

11 2. Changes in the learning environment;

12 3. Mentoring;

13 4. Student counseling;

14 5. Tutoring, including peer tutoring;

15 6. Placement into different classes;

16 7. Evaluation for alternative education programs;

17 8. Attendance contracts;

18 9. Referral to other agencies for family services; or

19 10. Other interventions.

20 (d) The child study team shall be diligent in
21 facilitating intervention services and shall report the case
22 to the superintendent only when all reasonable efforts to
23 resolve the nonattendance behavior are exhausted.

24 (e) If the parent, guardian, or other person in charge
25 of the child refuses to participate in the remedial strategies
26 because he or she believes that those strategies are
27 unnecessary or inappropriate, the parent, guardian, or other
28 person in charge of the child may appeal to the school board.
29 The school board may provide a hearing officer and the hearing
30 officer shall make a recommendation for final action to the
31 board. If the board's final determination is that the

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1 strategies of the child study team are appropriate, and the
2 parent, guardian, or other person in charge of the child still
3 refuses to participate or cooperate, the superintendent may
4 seek criminal prosecution for noncompliance with compulsory
5 school attendance.

6 (f) If a child subject to compulsory school attendance
7 will not comply with attempts to enforce school attendance,
8 the parent, the guardian, or the superintendent or his or her
9 designee shall refer the case to the case-staffing committee
10 pursuant to s. 984.12, and the superintendent or his or her
11 designee may file a truancy petition pursuant to the
12 procedures in s. 984.151.~~Pursuant to procedures established~~
13 ~~by the district school board, a designated school~~
14 ~~representative must complete activities designed to determine~~
15 ~~the cause and attempt the remediation of truant behavior, as~~
16 ~~provided in this section.~~

17 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~
18 ~~ABSENCES.--A designated school representative shall~~
19 ~~investigate cases of nonenrollment and unexcused absences from~~
20 ~~school of all children subject to compulsory school~~
21 ~~attendance.~~

22 (2) GIVE WRITTEN NOTICE.--

23 (a) Under the direction of the superintendent, a
24 designated school representative shall give written notice, in
25 person or by return-receipt mail, to the parent, guardian, or
26 other person having control when no valid reason is found for
27 a child's nonenrollment in school which requires ~~or when the~~
28 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~
29 ~~within 90 calendar days, requiring enrollment or attendance~~
30 ~~within 3 days after the date of notice. If the notice and~~
31 ~~requirement are ignored, the designated school representative~~

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1 shall report the case to the superintendent, and may refer the
2 case to the case-staffing ~~case staffing~~ committee, established
3 pursuant to s. 984.12, ~~if the conditions of s. 232.19(3) have~~
4 ~~been met~~. The superintendent shall ~~may~~ take such steps as are
5 necessary to bring criminal prosecution against the parent,
6 guardian, or other person having control.

7 (b) Subsequent to the activities required under
8 subsection (1), the superintendent or his or her designee
9 shall give written notice in person or by return-receipt mail
10 to the parent, guardian, or other person in charge of the
11 child that criminal prosecution is being sought for
12 nonattendance. The superintendent may file a truancy petition,
13 as defined in s. 984.03, following the procedures outlined in
14 s. 984.151.

15 (3) RETURN CHILD TO PARENT.--A designated school
16 representative shall visit the home or place of residence of a
17 child and any other place in which he or she is likely to find
18 any child who is required to attend school when such child is
19 not enrolled or is absent from school during school hours
20 without an excuse, and, when the child is found, shall return
21 the child to his or her parent or to the principal or teacher
22 in charge of the school, or to the private tutor from whom
23 absent, or to the juvenile assessment center or other location
24 established by the school board to receive students who are
25 absent from school. Upon receipt of the student, the parent
26 shall be immediately notified.

27 (4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
28 designated school representative shall report to the Division
29 of Jobs and Benefits of the Department of Labor and Employment
30 Security or to any person acting in similar capacity who may
31 be designated by law to receive such notices, all violations

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1 of the Child Labor Law that may come to his or her knowledge.

2 (5) RIGHT TO INSPECT.--A designated school
3 representative shall have the same right of access to, and
4 inspection of, establishments where minors may be employed or
5 detained as is given by law to the Division of Jobs and
6 Benefits only for the purpose of ascertaining whether children
7 of compulsory school age are actually employed there and are
8 actually working there regularly. The designated school
9 representative shall, if he or she finds unsatisfactory
10 working conditions or violations of the Child Labor Law,
11 report his or her findings to the Division of Jobs and
12 Benefits or its agents.

13 ~~(6) RESUMING SERIES.--If a child repeats a pattern of~~
14 ~~nonattendance within one school year, the designated school~~
15 ~~representative shall resume the series of escalating~~
16 ~~activities at the point at which he or she had previously left~~
17 ~~off.~~

18 Section 69. Subsection (3) of section 232.19, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 232.19 Court procedure and penalties.--The court
21 procedure and penalties for the enforcement of the provisions
22 of this chapter, relating to compulsory school attendance,
23 shall be as follows:

24 (3) HABITUAL TRUANCY CASES.--The superintendent is
25 authorized to file a truancy petition, as defined in s.
26 984.03, following the procedures outlined in s. 984.151. If
27 the superintendent chooses not to file a truancy petition,
28 procedures for filing a child-in-need-of-services petition
29 shall be commenced pursuant to this subsection and chapter
30 984.In accordance with procedures established by the district
31 school board, the designated school representative shall refer

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1 a student who is habitually truant and the student's family to
2 the children-in-need-of-services and
3 families-in-need-of-services provider or the case staffing
4 committee, established pursuant to s. 984.12, as determined by
5 the cooperative agreement required in this section. The case
6 staffing committee may request the Department of Juvenile
7 Justice or its designee to file a child-in-need-of-services
8 petition based upon the report and efforts of the school
9 district or other community agency or may seek to resolve the
10 truant behavior through the school or community-based
11 organizations or agencies. Prior to and subsequent to the
12 filing of a child-in-need-of-services petition due to habitual
13 truancy, the appropriate governmental agencies must allow a
14 reasonable time to complete actions required by this section
15 and s. 232.17 subsection to remedy the conditions leading to
16 the truant behavior. ~~The following criteria must be met and~~
17 ~~documented in writing~~ Prior to the filing of a petition, the
18 school district must have complied with the requirements of s.
19 232.17, and those efforts must have been unsuccessful.†

20 (a) ~~The child must have 15 unexcused absences within~~
21 ~~90 calendar days with or without the knowledge or consent of~~
22 ~~the child's parent or legal guardian, must be subject to~~
23 ~~compulsory school attendance, and must not be exempt under s.~~
24 ~~232.06, s. 232.09, or any other exemption specified by law or~~
25 ~~the rules of the State Board of Education.~~

26 (b) ~~In addition to the actions described in s. 232.17,~~
27 ~~the school administration must have completed the following~~
28 ~~activities to determine the cause, and to attempt the~~
29 ~~remediation, of the child's truant behavior:†~~

30 1. ~~After a minimum of 3 and prior to 6 unexcused~~
31 ~~absences within 90 calendar days, one or more meetings must~~

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1 ~~have been held, either in person or by phone, between a~~
2 ~~designated school representative, the child's parent or~~
3 ~~guardian, and the child, if necessary, to report and to~~
4 ~~attempt to solve the truancy problem. However, if the~~
5 ~~designated school representative has documented the refusal of~~
6 ~~the parent or guardian to participate in the meetings, this~~
7 ~~requirement has been met.~~

8 2. ~~Educational counseling must have been provided to~~
9 ~~determine whether curriculum changes would help solve the~~
10 ~~truancy problem, and, if any changes were indicated, such~~
11 ~~changes must have been instituted but proved unsuccessful in~~
12 ~~remediating the truant behavior. Such curriculum changes may~~
13 ~~include enrollment of the child in a dropout prevention~~
14 ~~program that meets the specific educational and behavioral~~
15 ~~needs of the child, including a second chance school, as~~
16 ~~provided for in s. 230.2316, designed to resolve truant~~
17 ~~behavior.~~

18 3. ~~Educational evaluation, which may include~~
19 ~~psychological evaluation, must have been provided to assist in~~
20 ~~determining the specific condition, if any, that is~~
21 ~~contributing to the child's nonattendance. The evaluation~~
22 ~~must have been supplemented by specific efforts by the school~~
23 ~~to remedy any diagnosed condition.~~

24
25 ~~If a child who is subject to compulsory school attendance is~~
26 ~~responsive to the interventions described in this paragraph~~
27 ~~and has completed the necessary requirements to pass the~~
28 ~~current grade as indicated in the district pupil progression~~
29 ~~plan, the child shall be passed.~~

30 Section 70. Subsection (3) of section 232.26, Florida
31 Statutes, is amended to read:

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1 232.26 Authority of principal.--

2 (3) A pupil may be disciplined or expelled for
3 unlawful possession or use of any substance controlled under
4 chapter 893 ~~upon the third violation of this provision.~~

5 Section 71. Subsection (3) of section 232.271, Florida
6 Statutes, is amended to read:

7 232.271 Removal by teacher.--

8 (3) If a teacher removes a student from class under
9 subsection (2), the principal may place the student in another
10 appropriate classroom, in in-school suspension, or in a
11 dropout prevention and academic intervention program as
12 provided by s. 230.2316; or the principal may recommend the
13 student for out-of-school suspension or expulsion, as
14 appropriate. The student may be prohibited from attending or
15 participating in school-sponsored or school-related
16 activities. The principal may not return the student to that
17 teacher's class without the teacher's consent unless the
18 committee established under s. 232.272 determines that such
19 placement is the best or only available alternative. The
20 teacher and the placement review committee must render
21 decisions within 5 days of the removal of the student from the
22 classroom.

23 Section 72. Effective July 1, 1999, paragraphs (a) and
24 (c) of subsection (1) of section 236.081, Florida Statutes,
25 1998 Supplement, are amended to read:

26 236.081 Funds for operation of schools.--If the annual
27 allocation from the Florida Education Finance Program to each
28 district for operation of schools is not determined in the
29 annual appropriations act or the substantive bill implementing
30 the annual appropriations act, it shall be determined as
31 follows:

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1 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2 OPERATION.--The following procedure shall be followed in
3 determining the annual allocation to each district for
4 operation:

5 (a) Determination of full-time equivalent
6 membership.--During each of several school weeks, including
7 scheduled intersessions of a year-round school program during
8 the fiscal year, a program membership survey of each school
9 shall be made by each district by aggregating the full-time
10 equivalent student membership of each program by school and by
11 district. The department shall establish the number and
12 interval of membership calculations, except that for basic and
13 special programs such calculations shall not exceed nine for
14 any fiscal year. The district's full-time equivalent
15 membership shall be computed and currently maintained in
16 accordance with regulations of the commissioner. Beginning
17 with school year 1999-2000, each school district shall also
18 document the daily attendance of each student in membership by
19 school and by district. An average daily attendance factor
20 shall be computed by dividing the total daily attendance of
21 all students by the total number of students in membership and
22 then by the number of days in the regular school year.
23 Beginning with school year 2001-2002, the district's full-time
24 equivalent membership shall be adjusted by multiplying by the
25 average daily attendance factor.

26 (c) Determination of programs.--Cost factors based on
27 desired relative cost differences between the following
28 programs shall be established in the annual General
29 Appropriations Act. The Commissioner of Education shall
30 specify a matrix of services and intensity levels to be used
31 by districts in the determination of funding support for each

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1 exceptional student. The funding support level for each
2 exceptional student shall fund the exceptional student's total
3 education program.

- 4 1. Basic programs.--
 - 5 a. Kindergarten and grades 1, 2, and 3.
 - 6 b. Grades 4, 5, 6, 7, and 8.
 - 7 c. Grades 9, 10, 11, and 12.
- 8 2. Programs for exceptional students.--
 - 9 a. Support Level I.
 - 10 b. Support Level II.
 - 11 c. Support Level III.
 - 12 d. Support Level IV.
 - 13 e. Support Level V.
- 14 3. Secondary career education programs.--
- 15 4. Students-at-risk programs.--
 - 16 a. Department of Juvenile Justice clients ~~Dropout~~
17 ~~prevention and teenage parents.~~
 - 18 b. English for Speakers of Other Languages.

19 Section 73. Paragraph (a) of subsection (4) of section
20 239.505, Florida Statutes, is amended to read:

21 239.505 Florida Constructive Youth Programs.--

22 (4) FUNDING.--Each district school board or community
23 college board of trustees wishing to implement a constructive
24 youth program must submit a comprehensive plan to the
25 Department of Education no later than October 1 of the
26 preceding school year, which plan must include a list of all
27 funding sources, including, but not limited to:

- 28 (a) Funds available for programs authorized under the
29 Dropout Prevention and Academic Intervention Act, as provided
30 in s. 230.2316, ~~and Dropout prevention programs funded~~
31 ~~pursuant to the provisions of s. 236.081(1)(c).~~

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1 Section 74. Subsection (29) of section 984.03, Florida
2 Statutes, 1998 Supplement, is amended, present subsection (57)
3 of that section is redesignated as subsection (58), and a new
4 subsection (57) is added to that section, to read:

5 984.03 Definitions.--When used in this chapter, the
6 term:

7 (29) "Habitually truant" means that:

8 (a) The child has 15 unexcused absences within 90
9 calendar days with or without the knowledge or justifiable
10 consent of the child's parent or legal guardian, is subject to
11 compulsory school attendance under s. 232.01, and is not
12 exempt under s. 232.06, s. 232.09, or any other exemptions
13 specified by law or the rules of the State Board of Education.

14 (b) ~~Escalating~~ Activities to determine the cause, and
15 to attempt the remediation, of the child's truant behavior
16 under ss. 232.17 and 232.19 have been completed.

17
18 If a child who is subject to compulsory school attendance is
19 responsive to the interventions described in ss. 232.17 and
20 232.19 and has completed the necessary requirements to pass
21 the current grade as indicated in the district pupil
22 progression plan, the child shall not be determined to be
23 habitually truant and shall be passed. If a child within the
24 compulsory school attendance age has 15 unexcused absences
25 within 90 calendar days or fails to enroll in school, the
26 State Attorney may, or the appropriate jurisdictional agency
27 shall, file a child-in-need-of-services petition if
28 recommended by the case-staffing committee, unless it is
29 determined that another alternative action is preferable.

30 ~~Prior to filing a petition, the child must be referred to the~~
31 ~~appropriate agency for evaluation. After consulting with the~~

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1 ~~evaluating agency, the State Attorney may elect to file a~~
2 ~~child-in-need-of-services petition.~~

3 (c) A school representative, designated according to
4 school board policy, and a juvenile probation officer of the
5 Department of Juvenile Justice have jointly investigated the
6 truancy problem or, if that was not feasible, have performed
7 separate investigations to identify conditions that may be
8 contributing to the truant behavior; and if, after a joint
9 staffing of the case to determine the necessity for services,
10 such services were determined to be needed, the persons who
11 performed the investigations met jointly with the family and
12 child to discuss any referral to appropriate community
13 agencies for economic services, family or individual
14 counseling, or other services required to remedy the
15 conditions that are contributing to the truant behavior.

16 (d) The failure or refusal of the parent or legal
17 guardian or the child to participate, or make a good faith
18 effort to participate, in the activities prescribed to remedy
19 the truant behavior, or the failure or refusal of the child to
20 return to school after participation in activities required by
21 this subsection, or the failure of the child to stop the
22 truant behavior after the school administration and the
23 Department of Juvenile Justice have worked with the child as
24 described in s. 232.19(3) and (4) shall be handled as
25 prescribed in s. 232.19.

26 (57) "Truancy petition" means a petition filed by the
27 school superintendent alleging that a student subject to
28 compulsory school attendance has had more than 15 unexcused
29 absences in a 90-calendar-day period. A truancy petition is
30 filed and processed under s. 984.151.

31 Section 75. Section 984.151, Florida Statutes, is

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1 created to read:

2 984.151 Truancy petition; prosecution; disposition.--

3 (1) If the school determines that a student subject to
4 compulsory school attendance has had more than 15 unexcused
5 absences in a 90-calendar-day period, the superintendent may
6 file a truancy petition.

7 (2) The petition shall be filed in the circuit where
8 the student is enrolled in school.

9 (3) Original jurisdiction to hear a truancy petition
10 shall be in the circuit court; however, the circuit court may
11 use a general or special master pursuant to Supreme Court
12 rules.

13 (4) The petition must contain the following: the
14 name, age, and address of the student; the name and address of
15 the student's parent or guardian; the school where the student
16 is enrolled; the efforts the school has made to get the
17 student to attend school; the number of out-of-school contacts
18 between the school system and student's parent or guardian;
19 and the number of days and dates of days the student has
20 missed school. The petition shall be sworn to by the
21 superintendent or his or her designee.

22 (5) Once the petition is filed, the court shall hear
23 the petition within 30 days.

24 (6) The student and the student's parent or guardian
25 shall attend the hearing.

26 (7) If the court determines that the student did miss
27 any of the alleged days, the court shall order the student to
28 attend school and the parent to ensure that the student
29 attends school, and may order any of the following: the
30 student to participate in alternative sanctions to include
31 mandatory attendance at alternative classes to be followed by

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1 mandatory community services hours for a period up to 6
2 months; the student and the student's parent or guardian to
3 participate in homemaker or parent aide services; the student
4 or the student's parent or guardian to participate in
5 intensive crisis counseling; the student or the student's
6 parent or guardian to participate in community mental health
7 services if available and applicable; the student and the
8 student's parent or guardian to participate in service
9 provided by voluntary or community agencies as available; and
10 the student or the student's parent or guardian to participate
11 in vocational, job training, or employment services.

12 (8) If the student does not successfully complete the
13 sanctions ordered in subsection (7), the case shall be
14 referred to the case staffing committee under s. 984.12 with a
15 recommendation to file a child-in-need-of-services petition
16 under s. 984.15.

17 Section 76. Funding levels and methodologies necessary
18 to implement the provisions of this act will be established in
19 the General Appropriations Act.

20 Section 77. If any provision of this act or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity shall not affect other provisions or
23 applications of the act which can be given effect without the
24 invalid provision or application, and to this end the
25 provisions of this act are declared severable.

26 Section 78. Except as otherwise provided in this act,
27 this act shall take effect upon becoming a law.

28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

2

3 and insert:

4

A bill to be entitled

5

An act relating to education; amending s.

6

229.0535, F.S.; revising provisions relating to

7

the authority of the State Board of Education

8

to enforce school improvement; creating s.

9

229.0537, F.S.; providing findings and intent;

10

requiring private school opportunity

11

scholarships to be provided to certain public

12

school students; providing student eligibility

13

requirements; providing school district

14

requirements; providing an alternative to

15

accepting a state opportunity scholarship;

16

providing private school eligibility criteria;

17

providing student attendance requirements;

18

providing parental involvement requirements;

19

providing a district reporting requirement;

20

providing for calculation of the amount and

21

distribution of state opportunity scholarship

22

funds; authorizing the adoption of rules;

23

amending s. 229.512, F.S.; revising provisions

24

relating to the authority of the Commissioner

25

of Education regarding the implementation of

26

the program of school improvement and education

27

accountability; amending s. 229.555, F.S.,

28

relating to educational planning and

29

information systems; revising to conform;

30

amending s. 229.565, F.S.; eliminating the

31

requirement that the Commissioner of Education

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1 designate program categories and grade levels
2 for which performance standards are to be
3 approved; amending s. 229.57, F.S.; revising
4 the purpose of the student assessment program;
5 requiring the Department of Education to
6 develop a system to measure annual pupil
7 progress; requiring the statewide assessment
8 program to include science; revising provisions
9 relating to the administration of the National
10 Assessment of Educational Progress; revising
11 the statewide assessment program; revising
12 requirements relating to the annual report of
13 the results of the statewide assessment
14 program; providing for the identification of
15 schools by performance grade category according
16 to student and school performance data;
17 providing for the identification of school
18 improvement ratings; amending s. 229.58, F.S.;
19 removing a reference to the Florida Commission
20 on Education Reform and Accountability;
21 amending s. 229.591, F.S.; revising provisions
22 relating to the system of school improvement
23 and education accountability to reflect that
24 students are not required to attend schools
25 designated in a certain performance grade
26 category; revising the state education goals;
27 amending s. 229.592, F.S., relating to the
28 implementation of the state system of school
29 improvement and education accountability;
30 prohibiting the waiver of a required report of
31 out-of-field teachers; removing obsolete

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

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

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1 and Accountability; creating s. 236.08104,
2 F.S.; establishing a supplemental academic
3 instruction categorical fund; providing
4 findings and intent; providing requirements for
5 the use of funds; authorizing the Florida State
6 University School to expend certain funds for
7 student remediation; amending s. 236.013, F.S.;
8 eliminating certain provisions relating to
9 calculations of the equivalent of a full-time
10 student; revising provisions relating to
11 membership in programs scheduled for more than
12 180 days; amending s. 239.101, F.S., relating
13 to career education; conforming
14 cross-references; amending s. 239.229, F.S.,
15 relating to vocational standards; conforming
16 cross-references; amending s. 24.121, F.S.;
17 specifying conditions for withholding
18 allocations from the Educational Enhancement
19 Trust Fund; reenacting s. 120.81(1)(b), F.S.,
20 relating to tests, test scoring criteria, or
21 testing procedures, s. 228.053(3) and (8),
22 F.S., relating to developmental research
23 schools, s. 228.0565(6)(b), (c), and (d), F.S.,
24 relating to deregulated public schools, s.
25 228.301(1), F.S., relating to test security, s.
26 229.551(1)(c) and (3), F.S., relating to
27 educational management, s. 230.03(4), F.S.,
28 relating to school district management,
29 control, operation, administration, and
30 supervision, s. 231.24(3)(a), F.S., relating to
31 the process for renewal of professional

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1 certificates, s. 231.36(3)(e) and (f), F.S.,
2 relating to contracts with instructional staff,
3 supervisors, and principals, s. 232.2454(1),
4 F.S., relating to district student performance
5 standards, instruments, and assessment
6 procedures, s. 232.246(5)(a) and (b), F.S.,
7 relating to general requirements for high
8 school graduation, s. 232.248, F.S., relating
9 to confidentiality of assessment instruments,
10 s. 232.2481(1), F.S., relating to graduation
11 and promotion requirements for publicly
12 operated schools, s. 233.09(4), F.S., relating
13 to duties of instructional materials
14 committees, s. 233.165(1)(b), F.S., relating to
15 the selection of instructional materials, s.
16 233.25(3)(b), F.S., relating to publishers and
17 manufacturers of instructional materials, s.
18 239.229(3), F.S., relating to vocational
19 standards, s. 240.118(4), F.S., relating to
20 postsecondary feedback of information to high
21 schools, to incorporate references; amending s.
22 228.041, F.S.; redefining the terms "graduation
23 rate" and "dropout rate"; amending s. 228.056,
24 F.S., relating to charter schools; stating an
25 intent to increase standards for the
26 preparation, certification, and professional
27 development of educators; directing the
28 Department of Education to review statutes and
29 rules governing certification to increase
30 efficiency, rigor, and alternatives in the
31 certification process; requiring a report;

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1 amending s. 231.02, F.S.; correcting a
2 reference; amending s. 231.0861, F.S.;
3 requiring the State Board of Education to
4 approve criteria for selection of certain
5 administrative personnel; authorizing school
6 districts to contract with private entities for
7 evaluation and training of such personnel;
8 amending s. 231.085, F.S.; specifying
9 principals' responsibilities for assessing
10 performance of school personnel and
11 implementing the Sunshine State Standards;
12 amending s. 231.087, F.S.; requiring the State
13 Board of Education to adopt rules governing the
14 training of school district management
15 personnel; providing for review and repeal of
16 the Management Training Act; requiring
17 recommendations; amending s. 231.09, F.S.;
18 prescribing duties of instructional personnel;
19 amending s. 231.096, F.S.; requiring a school
20 board plan to ensure the competency of teachers
21 with out-of-field teaching assignments;
22 amending s. 231.145, F.S.; revising purpose to
23 reflect increased requirements for
24 certification; amending s. 231.15, F.S.;
25 authorizing certification based on demonstrated
26 competencies; requiring rules of the State
27 Board of Education to specify certain
28 competencies; requiring consultation with
29 postsecondary education boards; amending s.
30 231.17, F.S.; revising prerequisites for
31 certification; requiring demonstration of

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1 general knowledge before temporary
2 certification; increasing the requirement that
3 teachers know and use mathematics, technology,
4 and intervention strategies with students;
5 deleting alternative ways to demonstrate
6 general knowledge competency; amending s.
7 231.1725, F.S.; providing legal protections for
8 clinical field experience students; amending s.
9 231.174, F.S., relating to district programs
10 for adding certification coverages; removing
11 limitation to specific certification areas;
12 amending s. 231.29, F.S.; requiring certain
13 personnel-performance assessments to be
14 primarily based on student performance;
15 revising the assessment procedure for certain
16 school district personnel; amending s. 231.36,
17 F.S.; authorizing the State Board of Education
18 to define certain terms by rule; requiring
19 certain review and testing of employees of
20 schools in performance grade categories "D" and
21 "F"; amending s. 231.546, F.S.; specifying
22 duties of the Education Standards Commission;
23 amending s. 231.600, F.S.; prescribing the
24 responsibilities of school district
25 professional-development programs; amending s.
26 236.08106, F.S.; providing for the distribution
27 of Excellent Teaching Program funds; deleting
28 certain district incentives; amending s.
29 240.529, F.S.; requiring the commissioner to
30 appoint a Teacher Preparation Program Committee
31 to recommend core curricula for state-approved

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1 teacher-preparation programs; requiring a
2 report; requiring the State Board of Education
3 to adopt rules establishing uniform core
4 curricula; revising criteria for initial and
5 continuing approval of teacher-preparation
6 programs; increasing the requirements for a
7 student to enroll in and graduate from a
8 teacher-education program; requiring annual
9 reports of program performance; providing
10 additional legislative intent related to
11 teacher-preparation programs; providing the
12 criteria for continued program approval;
13 providing for the requirements for instructors
14 in postsecondary teacher-preparation programs
15 who instruct or supervise preservice field
16 experience courses or internships; eliminating
17 the requirement related to a commitment to
18 teaching in the public schools for a period of
19 time; providing additional requirements for
20 school district and instructional personnel who
21 supervise or direct certain teacher-preparation
22 students; creating s. 231.6135, F.S.;
23 establishing a statewide system for inservice
24 professional development; authorizing
25 professional development academies to meet
26 human resource development and education
27 instruction training needs of educators,
28 school, and school districts; providing for
29 organization and operation by public and
30 private partners; providing for funding;
31 specifying duties of the Commissioner of

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1 Education; repealing s. 231.601, F.S., relating
2 to purpose of inservice training for
3 instructional personnel; amending s. 230.2316,
4 F.S.; providing for a dropout prevention and
5 academic intervention program; revising intent
6 of program; revising eligibility criteria;
7 expanding eligible students to grades 1-12;
8 revising reporting requirements for district
9 evaluation; amending s. 231.085, F.S.;

10 requiring principals to ensure the accuracy and
11 timeliness of school reports; requiring
12 principals to provide staff training
13 opportunities; creating s. 232.001, F.S.;

14 allowing the Manatee County District School
15 Board to raise the compulsory age of attendance
16 for children; providing requirements for the
17 school board if it chooses to participate in
18 the pilot project; providing for the
19 applicability of state law and State Board of
20 Education rule; providing an exception from the
21 provisions relating to a declaration of intent
22 to terminate school enrollment; requiring a
23 study; amending s. 232.17, F.S.; providing
24 legislative findings; placing responsibility on
25 school district superintendents for enforcing
26 attendance; establishing requirements for
27 school board policies; revising the current
28 steps for enforcing regular school attendance;
29 requiring public schools to follow the steps;
30 establishing the requirements for school
31 principals, primary teachers, child study

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1 teams, and parents; providing for parents to
2 appeal; allowing the superintendent to seek
3 criminal prosecution for parental
4 noncompliance; requiring the superintendent,
5 parent, or guardian to file certain petitions
6 involving ungovernable children in certain
7 circumstances; requiring the superintendent to
8 provide the court with certain evidence;
9 allowing for court enforcement for children who
10 refuse to comply; revising the notice
11 requirements to parents, guardians, or others;
12 eliminating a current condition for notice;
13 eliminating the option for referral to case
14 staffing committees; requiring the
15 superintendent to take steps to bring about
16 criminal prosecution and requiring related
17 notice; authorizing the superintendent to file
18 truancy petitions; allowing for the return of
19 absent children to additional locations;
20 requiring parental notification; amending s.
21 232.19, F.S., relating to habitual truancy;
22 authorizing superintendents to file truancy
23 petitions; requiring that a court order for
24 school attendance be obtained as a part of
25 services; revising the requirements that must
26 be met prior to filing a petition; amending s.
27 232.26, F.S.; removing a limitation on the
28 principal's authority to discipline or expel
29 pupils for unlawful possession or use of
30 controlled substances under chapter 893, F.S.;
31 amending s. 232.271, F.S.; revising references;

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1 the opportunity to obtain a high-quality education in this
2 state, and

3 WHEREAS, success in obtaining a high-quality education
4 depends upon many influences, and

5 WHEREAS, among the most prominent influences on the
6 educational success of children are the positive influences of
7 parents on their children's lives and on their children's
8 desire to learn and the active involvement of parents in the
9 education of their children, and

10 WHEREAS, the presence of those influences is
11 indispensable to successfully providing a system that allows
12 students to obtain a high-quality education, and

13 WHEREAS, children will have the best opportunity to
14 obtain a high-quality education in the public education system
15 of this state and that system can best be enhanced when
16 positive parental influences are present, when we allocate
17 resources efficiently and concentrate resources to enhance a
18 safe, secure, and disciplined classroom learning environment,
19 when we support teachers, when we reinforce shared high
20 academic expectations, and when we promptly reward success and
21 promptly identify failure, as well as promptly appraise the
22 public of both successes and failures, and

23 WHEREAS, the voters of the State of Florida, in the
24 1998 General Election, amended Article IX, section 1, of the
25 Florida Constitution to state that, "Adequate provision shall
26 be made by law for a ... safe, secure, and high quality system
27 of free public schools ...," and

28 WHEREAS, House Bill 1309, a comprehensive school safety
29 and discipline package, was enacted by the Legislature in the
30 1997 Session, addressing dropouts, habitual truancy, zero
31 tolerance for crime, drugs, alcohol, and weapons, alternative

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1 placement of disruptive students, and cooperative agreements
2 with local law enforcement for crime reporting, and

3 WHEREAS, the Legislature annually provides for
4 safe-schools appropriations to be used for after school
5 programs for middle school students, alternative programs for
6 adjudicated youth, school resource officers, and conflict
7 resolution strategies, and

8 WHEREAS, the enhancement of school safety should be
9 measured as an element of school performance and
10 accountability and improved crime and incident reporting, as
11 well as a heightened emphasis on character education in the
12 curriculum of the early grades, NOW, THEREFORE,

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