

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

Senate

CHAMBER ACTION

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
. .
. .
. .
. .
. .

ORIGINAL STAMP BELOW

The Conference Committee on CS/HBs 751, 753 & 755 offered the following:

Conference Committee Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

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

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

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 steps to follow in this process. Such steps shall provide
2 ~~ensure that~~ school districts ~~have~~ sufficient time to improve
3 student performance in schools and ~~have had~~ the opportunity to
4 present evidence of assistance and interventions that the
5 school board has implemented.

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

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 shall relieve a school from state accountability requirements.

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

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

16 229.0537 Opportunity Scholarship Program.--

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

28 (b) 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

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 The provisions of this section shall not apply to a student
6 who is enrolled in a school operating for the purpose of
7 providing educational services to youth in Department of
8 Juvenile Justice commitment programs. For purposes of
9 continuity of educational choice, the opportunity scholarship
10 shall remain in force until the student returns to a public
11 school or, if the student chooses to attend a private school
12 the highest grade of which is grade 8, until the student
13 matriculates to high school and the public high school to
14 which the student is assigned is an accredited school with a
15 performance grade category designation of "C" or better.
16 However, at any time upon reasonable notice to the Department
17 of Education and the school district, the student's parent or
18 guardian may remove the student from the private school and
19 place the student in a public school, as provided in
20 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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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 performance grade category designations for the
7 1998-1999 school year shall be the equivalent of the
8 corresponding performance level I-V specified in state board
9 rule at the time this act becomes a law. Levels I through V
10 shall correspond to school performance grade categories "F"
11 through "A," respectively. The parent or guardian is not
12 required to accept this offer in lieu of requesting a state
13 opportunity scholarship to a private school. The opportunity
14 to continue attending the higher performing public school
15 shall remain in force until the student graduates from high
16 school.

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

26 (c) For students in the district who are participating
27 in the state Opportunity Scholarship Program, the district
28 shall provide locations and times to take all statewide
29 assessments required pursuant to s. 229.57.

30 (d) Students with disabilities who are eligible to
31 receive services from the school district under federal or

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 state law, and who participate in this program, remain
2 eligible to receive services from the school district as
3 provided by federal or state law.

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

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

17 (a) Demonstrate fiscal soundness by being in operation
18 for one school year or provide the Department of Education
19 with a statement by a certified public accountant confirming
20 that the private school desiring to participate is insured and
21 the owner or owners have sufficient capital or credit to
22 operate the school for the upcoming year serving the number of
23 students anticipated with expected revenues from tuition and
24 other sources that may be reasonably expected. In lieu of such
25 a statement, a surety bond or letter of credit for the amount
26 equal to the opportunity scholarship funds for any quarter may
27 be filed with the department.

28 (b) Except for the first year of implementation,
29 notify the Department of Education and the school district in
30 whose service area the school is located of its intent to
31 participate in the program under this section by May 1 of the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 school year preceding the school year in which it intends to
2 participate. The notice shall specify the grade levels and
3 services that the private school has available for the
4 opportunity scholarship program.

5 (c) Comply with the antidiscrimination provisions of
6 42 U.S.C. s. 2000d.

7 (d) Meet state and local health and safety laws and
8 codes.

9 (e) Accept scholarship students on an entirely random
10 and religious-neutral basis without regard to the student's
11 past academic history; however, the private school may give
12 preference in accepting applications to siblings of students
13 who have already been accepted on a random and
14 religious-neutral basis.

15 (f) Be subject to the instruction, curriculum, and
16 attendance criteria adopted by an appropriate nonpublic school
17 accrediting body and be academically accountable to the parent
18 or guardian for meeting the educational needs of the student.
19 The private school must furnish a school profile which
20 includes student performance.

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

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

28 (i) Accept as full tuition and fees the amount
29 provided by the state for each student.

30 (j) Agree not to compel any student attending the
31 private school on an opportunity scholarship to profess a

1 specific ideological belief, to pray, or to worship.

2 (k) Adhere to the tenets of its published disciplinary
3 procedures prior to the expulsion of any opportunity
4 scholarship student.

5 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

6 (a) Any student participating in the opportunity
7 scholarship program must remain in attendance throughout the
8 school year, unless excused by the school for illness or other
9 good cause, and must comply fully with the school's code of
10 conduct.

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

16 (c) The parent or guardian shall ensure that the
17 student participating in the opportunity scholarship program
18 takes all statewide assessments required pursuant to s.
19 229.57.

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

28 Section 3. (1) PILOT PROGRAM.--There is established a
29 pilot program, which is separate and distinct from the
30 Opportunity Scholarship Program, in the Sarasota school
31 district, to provide scholarships to a public or private

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 school of choice for students with disabilities whose academic
2 progress in at least two areas has not met expected levels for
3 the previous year, as determined by the student's individual
4 education plan. Student participation in the pilot program is
5 limited to 5 percent of the students with disabilities in the
6 school district during the first year, 10 percent of students
7 with disabilities during the second year, and 20 percent of
8 students with disabilities during the third and subsequent
9 years. The following applies to the pilot program:

10 (a) To be eligible to participate in the pilot
11 program, a private school must meet all requirements of s.
12 229.0537(4), Florida Statutes, except for the accreditation
13 requirements of s. 229.0537(4)(f), Florida Statutes. For
14 purposes of the pilot program, notification under s.
15 229.0537(4)(b), Florida Statutes, must be separate from the
16 notification under the Opportunity Scholarship Program.

17 (b) The school district that participates in the pilot
18 program must comply with the requirements in s.
19 229.0537(3)(a)2., (c), and (d), Florida Statutes.

20 (c) The amount of the scholarship in the pilot program
21 shall be equal to the amount the student would have received
22 under the Florida Education Finance Program in the public
23 school to which he or she is assigned.

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

26 1. Comply with the eligibility criteria in s.
27 229.0537(2)(b), Florida Statutes, and all provisions of s.
28 229.0537, Florida Statutes, which apply to students with
29 disabilities;

30 2. For the school year immediately prior to the year
31 in which the scholarship will be in effect, have documented

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the student's failure to meet specific performance levels
2 identified in the individual education plan; or, absent
3 specific performance levels identified in the individual
4 education plan, the student must have performed below grade
5 level on state or local assessments and the parent must
6 believe that the student is not progressing adequately toward
7 the goals in the individual education plan; and

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

11 (2) The provisions s. 229.0537(6) and (8), Florida
12 Statutes, shall apply to the pilot program authorized in this
13 section. This pilot program is not intended to affect the
14 eligibility of the state or school district to receive federal
15 funds for students with disabilities.

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

21 229.512 Commissioner of Education; general powers and
22 duties.--The Commissioner of Education is the chief
23 educational officer of the state, and has the following
24 general powers and duties:

25 (14) To implement a program of school improvement and
26 education accountability designed to provide all students the
27 opportunity to make adequate learning gains in each year of
28 school as provided by statute and State Board of Education
29 rule ~~which is~~ based upon the achievement of the state
30 education goals, recognizing the State Board of Education as
31 the body corporate responsible for the supervision of the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 system of public education, the school board as responsible
2 for school and student performance, and the individual school
3 as the unit for education accountability.†

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

8 (16)(a) To prepare and publish annually reports giving
9 statistics and other useful information pertaining to the
10 state system of public education; and

11 (b) To prepare and publish annually reports giving
12 statistics and other useful information pertaining to the
13 Opportunity Scholarship Program.

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

18 Section 5. Section 229.555, Florida Statutes, is
19 amended to read:

20 229.555 Educational planning and information
21 systems.--

22 (1) EDUCATIONAL PLANNING.--

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

26 and

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

8 Section 6. Subsection (1) of section 229.565, Florida
9 Statutes, is amended to read:

10 229.565 Educational evaluation procedures.--

11 (1) STUDENT PERFORMANCE STANDARDS.--

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

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

31 Section 7. Section 229.57, Florida Statutes, 1998

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 Supplement, is amended to read:

2 229.57 Student assessment program.--

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

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

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

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

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

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

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

25 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
26 intent to participate in the measurement of national
27 educational goals ~~set by the President and governors of the~~
28 ~~United States.~~ The Commissioner of Education shall direct
29 Florida ~~is directed to provide for~~ school districts to
30 participate in the administration of the National Assessment
31 of Educational Progress, or a similar national assessment

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

22 (a) Submit to the state board a list that specifies
23 student skills and competencies to which the goals for
24 education specified in the state plan apply, including, but
25 not limited to, reading, writing, science, and mathematics.
26 The skills and competencies must include problem-solving and
27 higher-order skills as appropriate and shall be known as the
28 Sunshine State Standards. The commissioner shall select such
29 skills and competencies after receiving recommendations from
30 educators, citizens, and members of the business community.
31 The commissioner shall submit to the state board revisions to

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the list of student skills and competencies in order to
2 maintain continuous progress toward improvements in student
3 proficiency.

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

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

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

31 2. The tests are a combination of norm-referenced and

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 criterion-referenced and include, to the extent determined by
2 the commissioner, items that require the student to produce
3 information or perform tasks in such a way that the skills and
4 competencies he or she uses can be measured.

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

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

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

1 competency test.

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

13 ~~7.6.~~ Participation in the testing program is mandatory
14 for all students, except as otherwise prescribed by the
15 commissioner. The commissioner shall recommend rules to the
16 state board for the provision of test adaptations and
17 modifications of procedures as necessary for students in
18 exceptional education programs and for students who have
19 limited English proficiency.

20 ~~8.7.~~ A student seeking an adult high school diploma
21 must meet the same testing requirements that a regular high
22 school student must meet.

23 9. School districts must provide instruction to
24 prepare students to demonstrate proficiency in the skills and
25 competencies necessary for successful grade-to-grade
26 progression and high school graduation. The commissioner shall
27 conduct studies as necessary to verify that the required
28 skills and competencies are part of the district instructional
29 programs.

30

31 The commissioner may design and implement student testing

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 programs for any grade level and subject area, based on
2 procedures designated by the commissioner to monitor
3 educational achievement in the state.

4 ~~(d) Obtain or develop a career planning assessment to~~
5 ~~be administered to students, at their option, in grades 7 and~~
6 ~~10 to assist them in preparing for further education or~~
7 ~~entering the workforce. The statewide student assessment~~
8 ~~program must include career planning assessment.~~

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

15 (e)~~(f)~~ Conduct ongoing research and analysis of
16 student achievement data, including, without limitation,
17 monitoring trends in student achievement, identifying school
18 programs that are successful, and analyzing correlates of
19 school achievement.

20 (f)~~(g)~~ Provide technical assistance to school
21 districts in the implementation of state and district testing
22 programs and the use of the data produced pursuant to such
23 programs.

24 (4) DISTRICT TESTING PROGRAMS.--Each district shall
25 periodically assess student performance and achievement within
26 each school of the district. The assessment programs must be
27 based upon local goals and objectives that are compatible with
28 the state plan for education and that supplement the skills
29 and competencies adopted by the State Board of Education. All
30 school districts must participate in the state assessment
31 program designed to measure annual student learning and school

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 performance. All school districts shall report assessment
2 results as required by the management information system.~~In~~
3 ~~grades 4 and 8, each district shall administer a nationally~~
4 ~~normed achievement test selected from a list approved by the~~
5 ~~state board; the data resulting from these tests must be~~
6 ~~provided to the Department of Education according to~~
7 ~~procedures specified by the commissioner. The commissioner~~
8 ~~may request achievement data for other grade levels as~~
9 ~~necessary.~~

10 (5) SCHOOL TESTING PROGRAMS.--Each public school,
11 unless specifically exempted by state board rule based on
12 serving a specialized population for which standardized
13 testing is not appropriate, shall participate in the state
14 assessment program. Student performance data shall be analyzed
15 and reported to parents, the community, and the state. Student
16 performance data shall be used in developing objectives of the
17 school improvement plan, evaluation of instructional
18 personnel, evaluation of administrative personnel, assignment
19 of staff, allocation of resources, acquisition of
20 instructional materials and technology, performance-based
21 budgeting, and promotion and assignment of students into
22 educational programs administering an achievement test,
23 ~~whether at the elementary, middle, or high school level, and~~
24 ~~each public school administering the high school competency~~
25 ~~test, shall prepare an analysis of the resultant data after~~
26 ~~each administration. The analysis of student performance data~~
27 also must identify strengths and needs in the educational
28 program and trends over time. The analysis must be used in
29 conjunction with the budgetary planning processes developed
30 pursuant to s. 229.555 and the development of the programs of
31 remediation described in s. 233.051.

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

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

- 25 (a) "A," schools making excellent progress.
- 26 (b) "B," schools making above average progress.
- 27 (c) "C," schools making satisfactory progress.
- 28 (d) "D," schools making less than satisfactory
 29 progress.
- 30 (e) "F," schools failing to make adequate progress.

31

1 Beginning in the 1999-2000 school year, each school designated
 2 in performance grade category "A," making excellent progress,
 3 or as having improved at least two performance grade
 4 categories, shall have greater authority over the allocation
 5 of the school's total budget generated from the FEFP, state
 6 categoricals, lottery funds, grants, and local funds, as
 7 specified in state board rule. The rule must provide that the
 8 increased budget authority shall remain in effect until the
 9 school's performance grade declines.

10 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE

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

13 (a) Timeframes.--

14 1. School performance grade category designations
 15 shall be based on one school year of performance.

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

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

29 4. Beginning with the 2001-2002 school year and
 30 thereafter, a school's performance grade category designation
 31 shall be based on student learning gains as measured by annual

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 FCAT assessments in grades 3 through 10, and on other
2 appropriate performance data, including, but not limited to,
3 attendance, dropout rate, school discipline data, cohort
4 graduation rate, and student readiness for college.

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

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

20 1. The median scores of all eligible students enrolled
21 in the school who have been assessed on the FCAT.

22 2. The median scores of all eligible students enrolled
23 in the school who have been assessed on the FCAT and who have
24 scored at or in the lowest 25th percentile of the state in the
25 previous school year.

26
27 The Department of Education shall study the effects of
28 mobility on the performance of highly mobile students and
29 recommend programs to improve the performance of such
30 students. The state board shall adopt appropriate criteria for
31 each school performance grade category. The criteria must also

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 give added weight to student achievement in reading. Schools
2 designated as performance grade category "C," making
3 satisfactory progress, shall be required to demonstrate that
4 adequate progress has been made by students who have scored
5 among the lowest 25 percent of students in the state as well
6 as by the overall population of students in the school.

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

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

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

31 (a) Assessments for each grade level shall be capable

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 of measuring each student's mastery of the Sunshine State
2 Standards for that grade level and above.

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

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

10 (d) Assessments shall be designed to protect the
11 integrity of the data and prevent score inflation.

12 (e) The statistical system shall use measures of
13 student learning, such as the FCAT, to determine teacher,
14 school, and school district statistical distributions, which
15 distributions:

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

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

26 (f) The statistical system shall provide for an
27 approach which provides for best linear unbiased prediction
28 for the teacher, school, and school district effects on pupil
29 progress. These estimates should adequately be able to
30 determine effects of and compare teachers who teach multiple
31 subjects to the same groups of students, and team teaching

1 situations where teachers teach a single subject to multiple
2 groups of students, or other teaching situations as
3 appropriate.

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

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

11 (g) Assessments shall include a norm-referenced
12 subtest that allows for comparisons of Florida students with
13 the performance of students nationally.

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

28 (i) Assessments shall be implemented statewide no
29 later than the spring of the 2000-2001 school year.

30 (12) LOCAL ASSESSMENTS.--Measurement of the learning
31 gains of students in all subjects and grade levels other than

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 subjects and grade levels required for the state assessment
2 program is the responsibility of the school districts.

3 (13)(7) APPLICABILITY OF TESTING STANDARDS.--A student
4 must meet the testing requirements for high school graduation
5 which were in effect at the time the student entered 9th
6 grade, provided the student's enrollment was continuous.

7 (14)(8) RULES.--The State Board of Education shall
8 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~
9 to implement the provisions of this section.

10 (15) PERFORMANCE-BASED FUNDING.--The Legislature may
11 factor in the performance of schools in calculating any
12 performance-based funding policy that is provided for annually
13 in the General Appropriations Act.

14 Section 8. Section 229.58, Florida Statutes, 1998
15 Supplement, is amended to read:

16 229.58 District and school advisory councils.--

17 (1) ESTABLISHMENT.--

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

- 10 1. Teachers shall be elected by teachers.
- 11 2. Education support employees shall be elected by
12 education support employees.
- 13 3. Students shall be elected by students.
- 14 4. Parents shall be elected by parents.

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

27 The Commissioner of Florida ~~Commission on Education Reform and~~
28 ~~Accountability~~ shall ~~serve as a review body to~~ determine if
29 schools have maximized their efforts to include on their
30 advisory councils minority persons and persons of lower
31 socioeconomic status. Although schools should be strongly

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 encouraged to establish school advisory councils, any school
2 district that has a student population of 10,000 or fewer may
3 establish a district advisory council which shall include at
4 least one duly elected teacher from each school in the
5 district. For the purposes of school advisory councils and
6 district advisory councils, the term "teacher" shall include
7 classroom teachers, certified student services personnel, and
8 media specialists. For purposes of this paragraph, "education
9 support employee" means any person employed by a school who is
10 not defined as instructional or administrative personnel
11 pursuant to s. 228.041 and whose duties require 20 or more
12 hours in each normal working week.

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

20 (2) DUTIES.--Each advisory council shall perform such
21 functions as are prescribed by regulations of the school
22 board; however, no advisory council shall have any of the
23 powers and duties now reserved by law to the school board.
24 Each school advisory council shall assist in the preparation
25 and evaluation of the school improvement plan required
26 pursuant to s. 230.23(16). By the 1999-2000 academic year,
27 with technical assistance from the Department of Education,
28 each school advisory council shall assist in the preparation
29 of the school's annual budget and plan as required by s.
30 229.555(1). A portion of funds provided in the annual General
31 Appropriations Act for use by school advisory councils must be

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 used for implementing the school improvement plan.

2 Section 9. Section 229.591, Florida Statutes, 1998
3 Supplement, is amended to read:

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 school board as responsible for school and student
2 performance, and the individual school as the unit for
3 education accountability.

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

6 (a) Establish state and local educational goals.

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

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

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

15 (e) Recognize successful schools.

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

27 (h) Parental, family, and community
28 involvement.--Communities, school boards, and schools provide
29 opportunities for involving parents, families,and guardians,
30 and other community stakeholders as collaborative ~~active~~
31 partners in achieving school improvement and education

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~accountability. The State Board of Education shall adopt~~
2 ~~standards for indicating progress toward this state education~~
3 ~~goal by January 1, 1997.~~

4 Section 10. Section 229.592, Florida Statutes, 1998
5 Supplement, is amended to read:

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

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

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

1 ~~improvement.~~

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

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

31 (d) The department shall assign a community assessment

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 team to each school district with a school designated as
2 performance grade category "D" or "F" to review the school
3 performance data and determine causes for the low performance.
4 The team shall make recommendations to the school board, to
5 the department, and to the State Board of Education for
6 implementing an assistance and intervention plan that will
7 address the causes of the school's low performance. The
8 assessment team shall include, but not be limited to, a
9 department representative, parents, business representatives,
10 educators, and community activists, and shall represent the
11 demographics of the community from which they are appointed.

12 (8)(5) STATE BOARD.--The State Board of Education
13 shall adopt rules pursuant to ss. 120.536(1) and 120.54
14 necessary to implement a state system of school improvement
15 and education accountability and shall specify required annual
16 reports by schools and school districts. Such rules must be
17 based on recommendations of the Commission on Education Reform
18 and Accountability and must include, but need not be limited
19 to, a requirement that each school report identify the annual
20 Education Enhancement Trust Fund allocations to the district
21 and the school and how those allocations were used for
22 educational enhancement and supporting school improvement.

23 (9)(6) EXCEPTIONS TO LAW.--To facilitate innovative
24 practices and to allow local selection of educational methods,
25 the commissioner may waive, upon the request of a school
26 board, requirements of chapters 230 through 239 of the Florida
27 School Code that relate to instruction and school operations,
28 except those pertaining to civil rights, and student health,
29 safety, and welfare. The Commissioner of Education is not
30 authorized to grant waivers for any provisions of law
31 pertaining to the allocation and appropriation of state and

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 local funds for public education; the election, compensation,
2 and organization of school board members and superintendents;
3 graduation and state accountability standards; financial
4 reporting requirements; reporting of out-of-field teaching
5 assignments under s. 231.095; public meetings; public records;
6 or due process hearings governed by chapter 120. Prior to
7 approval, the commissioner shall report pending waiver
8 requests to the state board on a monthly basis, and shall,
9 upon request of any state board member, bring a waiver request
10 to the state board for consideration. If, within 2 weeks of
11 receiving the report, no member requests that a waiver be
12 considered by the state board, the commissioner may act on the
13 original waiver request. No later than January 1 of each year,
14 the commissioner shall report to the President and Minority
15 Leader of the Senate and the Speaker and Minority Leader of
16 the House of Representatives all approved waiver requests in
17 the preceding year.

18 (a) Graduation requirements in s. 232.246 must be met
19 by demonstrating performance of intended outcomes for any
20 course in the Course Code Directory unless a waiver is
21 approved by the commissioner. In developing procedures for
22 awarding credits based on performance outcomes, districts may
23 request waivers from State Board of Education rules relating
24 to curriculum frameworks and credits for courses and programs
25 in the Course Code Directory. Credit awarded for a course or
26 program beyond that allowed by the Course Code Directory
27 counts as credit for electives. Upon request by any school
28 district, the commissioner shall evaluate and establish
29 procedures for variations in academic credits awarded toward
30 graduation by a high school offering six periods per day
31 compared to those awarded by high schools operating on other

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 schedules.

2 1. A school board may originate a request for waiver
3 and submit the request to the commissioner if such a waiver is
4 required to implement districtwide improvements.

5 2. A school board may submit a request to the
6 commissioner for a waiver if such request is presented to the
7 school board by a school advisory council established pursuant
8 to s. 229.58 and if such a waiver is required to implement a
9 school improvement plan required by s. 230.23(16). The school
10 board shall report annually to the Commissioner of Florida
11 ~~Commission on Education Reform and Accountability~~, in
12 conjunction with the feedback report required pursuant to this
13 section subsection (3), the number of waivers requested by
14 school advisory councils, the number of such waiver requests
15 approved and submitted to the commissioner, and the number of
16 such waiver requests not approved and not submitted to the
17 commissioner. For each waiver request not approved, the school
18 board shall report the statute or rule for which the waiver
19 was requested, the rationale for the school advisory council
20 request, and the reason the request was not approved.

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

24 (b) Notwithstanding the provisions of chapter 120 and
25 for the purpose of implementing this subsection, the
26 commissioner may waive State Board of Education rules if the
27 school board has submitted a written request to the
28 commissioner for approval pursuant to this subsection.

29 (c) The written request for waiver of statute or rule
30 must indicate at least how ~~the general statutory purpose will~~
31 ~~be met, how~~ granting the waiver will assist schools in

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 improving student outcomes related to the student performance
2 standards adopted by the state board pursuant to subsection
3 ~~(5)~~, and how student improvement will be evaluated and
4 reported. ~~In considering any waiver,~~The commissioner shall
5 not grant any waiver that would impair the ensure protection
6 of the health, safety, welfare, or and civil rights of the
7 students or the and protection of the public interest.

8 (d) Upon denying a request for a waiver, the
9 commissioner must state with particularity the grounds or
10 basis for the denial. The commissioner shall report the
11 specific statutes and rules for which waivers are requested
12 and the number and disposition of such requests to the
13 Legislature and the State Board of Education Florida
14 ~~Commission on Education Reform and Accountability~~ for use in
15 determining which statutes and rules stand in the way of
16 school improvement.

17 (e)1. Schools designated in performance grade category
18 "A," making excellent progress, shall, if requested by the
19 school, be given deregulated status as specified in s.
20 228.0565(5), (7), (8), (9), and (10).

21 2. Schools that have improved at least two performance
22 grade categories and that meet the criteria of the Florida
23 School Recognition Program pursuant to s. 231.2905 may be
24 given deregulated status as specified in s. 228.0565(5), (7),
25 (8), (9), and (10).

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

28 Section 12. Section 229.594, Florida Statutes, is
29 repealed.

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 229.595 Implementation of state system of education
2 accountability for school-to-work transition.--

3 (5) Prior to each student's graduation from high
4 school, the school shall ~~Any assessment required for student~~
5 ~~receipt of a high school diploma shall include items designed~~
6 ~~to assess the student's student~~ preparation to enter the
7 workforce and provide the student and the student's parent or
8 guardian with the results of such assessment. The Commissioner
9 of Florida Commission on Education Reform and Accountability
10 shall identify the employability skills associated with
11 successful entry into the workforce from which such items
12 shall be derived.

13 Section 14. Paragraphs (c) and (g) of subsection (5),
14 paragraph (b) of subsection (7), and subsections (16) and (17)
15 of section 230.23, Florida Statutes, 1998 Supplement, are
16 amended, present subsection (18) is amended and renumbered as
17 subsection (20), and new subsections (18) and (19) are added
18 to that section, to read:

19 230.23 Powers and duties of school board.--The school
20 board, acting as a board, shall exercise all powers and
21 perform all duties listed below:

22 (5) PERSONNEL.--Designate positions to be filled,
23 prescribe qualifications for those positions, and provide for
24 the appointment, compensation, promotion, suspension, and
25 dismissal of employees as follows, subject to the requirements
26 of chapter 231:

27 (c) Compensation and salary schedules.--Adopt a salary
28 schedule or salary schedules designed to furnish incentives
29 for improvement in training and for continued efficient
30 service to be used as a basis for paying all school employees,
31 ~~such schedules to be arranged, insofar as practicable, so as~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~to furnish incentive for improvement in training and for~~
2 ~~continued and efficient service~~ and fix and authorize the
3 compensation of school employees on the basis thereof ~~of such~~
4 ~~schedules~~. A district school board, in determining the salary
5 schedule for instructional personnel, must base a portion of
6 each employee's compensation on performance demonstrated under
7 s. 231.29 and must consider the prior teaching experience of a
8 person who has been designated state teacher of the year by
9 any state in the United States. In developing the salary
10 schedule, the school board shall seek input from parents,
11 teachers, and representatives of the business community. By
12 June 30, 2002, the salary schedule adopted by the school board
13 must base at least 5 percent of the salary of school
14 administrators and instructional personnel on annual
15 performance measured under s. 231.29. The district's
16 performance-pay policy is subject to negotiation as provided
17 in chapter 447; however, the adopted salary schedule must
18 allow employees who demonstrate outstanding performance to
19 earn 5 percent of their individual salary. The Commissioner of
20 Education shall determine whether the board's adopted salary
21 schedule complies with the requirement for performance-based
22 pay. If the board fails to comply by June 30, 2002, the
23 commissioner shall withhold disbursements from the Educational
24 Enhancement Trust Fund to the district until compliance is
25 verified.

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

15 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
16 AIDS.--Provide adequate instructional aids for all children as
17 follows and in accordance with the requirements of chapter
18 233.

19 (b) Textbooks.--Provide for proper requisitioning,
20 distribution, accounting, storage, care, and use of all
21 instructional materials ~~textbooks and other books~~ furnished by
22 the state and furnish such other instructional materials
23 ~~textbooks and library books~~ as may be needed. The school board
24 is responsible for assuring that instructional materials used
25 in the district are consistent with the district goals and
26 objectives and the curriculum frameworks approved by the State
27 Board of Education, as well as with the state and district
28 performance standards provided for in ss. 229.565 and
29 232.2454.

30 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
31 ACCOUNTABILITY.--Maintain a system of school improvement and

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

28 (c) Assistance and intervention.--Develop a 2-year
29 ~~3-year~~ plan of increasing individualized assistance and
30 intervention for each school in danger of ~~that does~~ not
31 meeting state standards ~~meet~~ or making ~~make~~ adequate progress,

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~based upon the recommendations of the commission, as defined~~
2 pursuant to statute and State Board of Education rule, toward
3 meeting the goals and standards of its approved school
4 improvement plan. A school that is identified as being in
5 performance grade category "D" pursuant to s. 229.57 is in
6 danger of failing and must be provided assistance and
7 intervention. District school boards are encouraged to
8 prioritize the expenditures of funds received from specific
9 appropriation 110A of the General Appropriations Act of fiscal
10 year 1999-2000 to improve student performance in schools that
11 receive a performance grade category designation of "D" or
12 "F."

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 state board rule.

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

6 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 private school, in conformance with s. 229.0537 and state
2 board rule.

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

11 (20)(18) ADOPT RULES.--Adopt rules pursuant to ss.
12 120.536(1) and 120.54 to implement the provisions of this
13 section.

14 Section 15. Subsection (2) of section 231.2905,
15 Florida Statutes, is amended, and subsection (4) is added to
16 said section, to read:

17 231.2905 Florida School Recognition Program.--

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

31 ~~(a)~~ Initial criteria for identification of schools

1 must rely on the school's data and statewide data and must
2 include, but is not ~~be~~ limited to:

3 ~~(a)1.~~ Improvement in the school's student achievement
4 data.

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

6 ~~(c)~~ Student learning gains when such data becomes
7 available.

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

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

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

11 ~~(g)~~ Graduation rates.

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

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

17 ~~1. School climate, including rates of school violence~~
18 ~~and crime.~~

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

20 ~~3. Indicators of successful challenging school~~
21 ~~improvement plans.~~

22 ~~4. Parent, community, and student involvement in~~
23 ~~learning.~~

24 ~~(c) After identification of schools for final~~
25 ~~recognition and financial awards, awards must be distributed~~
26 ~~based on employee performance criteria established in district~~
27 ~~school board policy.~~

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

30 Section 16. Section 232.245, Florida Statutes, is
31 amended to read:

1 232.245 Pupil progression; remedial instruction;
2 reporting requirements.--

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

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

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

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

1 levels prescribed by the district's pupil progression plan.
 2 Such rules shall specifically address the promotion of
 3 students with limited English proficiency and students with
 4 disabilities. A school district must consider an appropriate
 5 alternative placement for a student who has been retained 2 or
 6 more years.

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

- 25 ~~(a) Summer school coursework;~~
- 26 ~~(b) Extended-day services;~~
- 27 ~~(c) Parent tutorial programs;~~
- 28 ~~(d) Contracted academic services;~~
- 29 ~~(e) Exceptional education services; or~~
- 30 ~~(f) Suspension of curriculum other than reading,~~
 31 ~~writing, and mathematics.~~ Remedial instruction provided during

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 high school may not be in lieu of English and mathematics
2 credits required for graduation.

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 may exempt a student from mandatory retention for good cause.

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

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

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

30 ~~(7)(8)~~ The Department of Education shall provide
31 technical assistance as needed to aid school districts in

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 administering this section.

2 Section 17. Subsections (3), (8), and (12) of section
3 228.053, Florida Statutes, are amended to read:

4 228.053 Developmental research schools.--

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

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

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

29 (c) Research, demonstration, and evaluation conducted
30 at a developmental research school may be generated by the
31 Education Standards Commission. Such research shall respond to

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the needs of the education community at large, rather than the
2 specific needs of the affiliated college.

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

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

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

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

22 (a) Two advisory bodies.--Each developmental research
23 school may:

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

28 2. Establish an advisory board to provide general
29 oversight and guidance. The dean of the affiliated college of
30 education shall be a standing member of the board, and the
31 president of the university shall appoint three faculty

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

31 (b) The following statutes or related rules may be

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

20 2. A developmental research school may submit a
21 request to the committee for a waiver if such request is
22 presented by a school advisory council established pursuant to
23 s. 229.58, if such waiver is required to implement a school
24 improvement plan required by s. 230.23(16), and if such
25 request is made using forms established pursuant to s.
26 229.592(6). The Joint Developmental Research School Planning,
27 Articulation, and Evaluation Committee shall monitor the
28 waiver activities of all developmental research schools and
29 shall report annually to the department ~~and the Florida~~
30 ~~Commission on Education Reform and Accountability~~, in
31 conjunction with the feedback report required pursuant to s.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 229.592(3), the number of waivers requested and submitted to
2 the committee by developmental research schools, and the
3 number of such waiver requests not approved. For each waiver
4 request not approved, the committee shall report the statute
5 or rule for which the waiver was requested, the rationale for
6 the developmental research school request, and the reason the
7 request was not approved.

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

3 228.054 Joint Developmental Research School Planning,
4 Articulation, and Evaluation Committee.--

5 (2) The committee shall have the duty and
6 responsibility to:

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

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

15 233.17 Term of adoption for instructional materials.--

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

25 Notwithstanding the provisions of s. 229.512(18)(15), the
26 criteria for such additional subject area or areas may be
27 provided to publishers less than 24 months before the date on
28 which bids are due. The schedule shall be developed so as to
29 promote balance among the subject areas so that the required
30 expenditure for new instructional materials is approximately
31 the same each year in order to maintain curricular

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 consistency.

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

4 236.685 Educational funding accountability.--

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

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

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

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

- 25 a. Basic programs;
26 b. Students-at-risk programs;
27 c. Special programs for exceptional students;
28 d. Career education programs; and
29 e. Adult programs.

30 2. Substitute teachers.

31 3. Other instructional personnel, including

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 school-based instructional specialists and their assistants.

2 4. Contracted instructional services, including
3 training for instructional staff and other contracted
4 instructional services.

5 5. School administration, including school-based
6 administrative personnel and school-based education support
7 personnel.

8 6. The following materials, supplies, and operating
9 capital outlay:

- 10 a. Textbooks;
11 b. Computer hardware and software;
12 c. Other instructional materials;
13 d. Other materials and supplies; and
14 e. Library media materials.
15 7. Food services.
16 8. Other support services.
17 9. Operation and maintenance of the school plant.

18 (c) The school financial report must also identify the
19 types of district-level expenditures that support the school's
20 operations. The total amount of these district-level
21 expenditures must be reported and expressed as total
22 expenditures per full-time equivalent student.

23
24 As used in this subsection, the term "school" means a "school
25 center" as defined by s. 228.041.

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

28 20.15 Department of Education.--There is created a
29 Department of Education.

30 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
31 contained in law to the contrary, the Commissioner of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 Education shall appoint all members of all councils and
2 committees of the Department of Education, except the Board of
3 Regents, the State Board of Community Colleges, the community
4 college district boards of trustees, the Postsecondary
5 Education Planning Commission, the Education Practices
6 Commission, the Education Standards Commission, the State
7 Board of Independent Colleges and Universities, ~~the Florida~~
8 ~~Commission on Education Reform and Accountability,~~ and the
9 State Board of Nonpublic Career Education.

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

12 236.08104 Supplemental academic instruction;
13 category fund.--

14 (1) There is created a categorical fund to provide
15 supplemental academic instruction to students in kindergarten
16 through grade 12. This section may be cited as the
17 "Supplemental Academic Instruction Categorical Fund."

18 (2) Categorical funds for supplemental academic
19 instruction shall be allocated annually to each school
20 district in the amount provided in the General Appropriations
21 Act. These funds shall be in addition to the funds
22 appropriated on the basis of full-time equivalent student
23 (FTE) membership in the Florida Education Finance Program and
24 shall be included in the total potential funds of each
25 district. These funds shall be used only to provide
26 supplemental academic instruction to students enrolled in the
27 K-12 program. Supplemental instruction strategies may
28 include, but are not limited to: modified curriculum, reading
29 instruction, after-school instruction, tutoring, mentoring,
30 class size reduction, extended school year, intensive skills
31 development in summer school, and other methods for improving

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 student achievement. Supplemental instruction may be provided
2 to a student in any manner and at any time during or beyond
3 the regular 180-day term identified by the school as being the
4 most effective and efficient way to best help that student
5 progress from grade to grade and to graduate.

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

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

22 (5) Beginning in the 1999-2000 school year, dropout
23 prevention programs as defined in ss. 230.2316(3)(a), (b), and
24 (c), 230.23161, and 230.23166 shall be included in Group 1
25 programs under s. 236.081(1)(d)3.

26 (6) Each school district receiving funds from the
27 Supplemental Academic Instruction Categorical Fund shall
28 submit to the Department of Education a plan which identifies
29 the students to be served and the scope of supplemental
30 academic instruction to be provided. Districts shall also
31 submit information through the department's database

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 documenting the district's progress in the areas of academic
2 improvement, graduation rate, dropout rate, attendance rate,
3 and retention/promotion rate. The department shall compile
4 this information into an annual report which shall be
5 submitted to the presiding officers of the Legislature by
6 February 15.

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

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

21 a. ~~Special programs for exceptional students;~~

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

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

24 d. ~~Dropout prevention programs as defined in s.~~

25 ~~230.2316 for students in residential programs operated by the~~

26 ~~Department of Children and Family Services; programs operated~~

27 ~~by the Department of Juvenile Justice as defined in s.~~

28 ~~230.23161 in which students receive educational services; or~~

29 ~~teenage parent programs as defined in s. 230.23166 for~~

30 ~~students who are in need of such additional instruction;~~

31 e. ~~Dropout prevention programs as defined in s.~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

~~230.2316 in which students are placed for academic or disciplinary purposes or programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

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

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

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

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

239.101 Legislative intent.--

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational standards articulated in s. 239.229(2) be considered in the development of accountability measures for public schools pursuant to ss.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 229.591, 229.592, ~~229.593, 229.594~~, and 230.23(16) and for
2 community colleges pursuant to s. 240.324.

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

5 239.229 Vocational standards.--

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

17 Section 26. Paragraphs (b), (c), and (d) of subsection
18 (5) of section 24.121, Florida Statutes, 1998 Supplement, are
19 reenacted and amended to read:

20 24.121 Allocation of revenues and expenditure of funds
21 for public education.--

22 (5)

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

27 (c) A portion of such net revenues, as determined
28 annually by the Legislature, shall be distributed to each
29 school district and shall be made available to each public
30 school in the district for enhancing school performance
31 through development and implementation of a school improvement

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

21 (d) No funds shall be released for any purpose from
22 the Educational Enhancement Trust Fund to any school district
23 in which one or more schools do not have an approved school
24 improvement plan pursuant to s. 230.23(16) or do not comply
25 with school advisory council membership composition
26 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
27 the Commissioner of Education shall withhold disbursements
28 from the trust fund to any school district that fails to adopt
29 the performance-based salary schedule required by s.
30 230.23(5).

31 Section 27. Paragraphs (b), (c), and (d) of subsection

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 (6) of section 228.0565, Florida Statutes, 1998 Supplement,
2 are amended to read:

3 228.0565 Deregulated public schools.--

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

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

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

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

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

18 4. Salary and benefit levels of school employees.

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

5 Section 28. For the purpose of incorporating the
6 amendments made by this act to section 229.57, Florida
7 Statutes, 1998 Supplement, and 232.245, Florida Statutes, in
8 references thereto, paragraph (b) of subsection (1) of section
9 120.81, Florida Statutes, is reenacted to read:

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

12 (1) EDUCATIONAL UNITS.--

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

19 Section 29. For the purpose of incorporating the
20 amendments made by this act to section 229.57, Florida
21 Statutes, 1998 Supplement, in references thereto, subsection
22 (1) of section 228.301, Florida Statutes, is reenacted to
23 read:

24 228.301 Test security.--

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 test, knowingly and willfully to:

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

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

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

9 (d) Make answer keys available to examinees;

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

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

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

17 Section 30. For the purpose of incorporating the
18 amendments made by this act to sections 229.555, 229.565, and
19 229.57, Florida Statutes, in references thereto, subsections
20 (1) and (3) of section 229.551, Florida Statutes, 1998
21 Supplement, are reenacted to read:

22 229.551 Educational management.--

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 shall perform the following duties and functions:

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 postsecondary institutions, shall:

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 college shall include the courses at their designated levels
2 and common course numbers.

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

30 (h) Development of common definitions necessary for
31 managing a uniform coordinated system of career education for

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 all levels of the state system of public education.

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

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

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

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

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

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

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

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

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

31 (i) Develop or contract for, and submit to the State

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

17 Section 31. For the purpose of incorporating the
18 amendments made by this act to section 230.23, Florida
19 Statutes, 1998 Supplement, in references thereto, subsection
20 (4) of section 230.03, Florida Statutes, is reenacted to read:

21 230.03 Management, control, operation, administration,
22 and supervision.--The district school system must be managed,
23 controlled, operated, administered, and supervised as follows:

24 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
25 the administration of any school or schools at a given school
26 center, for the supervision of instruction therein, and for
27 providing leadership in the development or revision and
28 implementation of a school improvement plan required pursuant
29 to s. 230.23(16) shall be delegated to the principal or head
30 of the school or schools as hereinafter set forth and in
31 accordance with rules established by the school board.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

6 231.24 Process for renewal of professional
7 certificates.--

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

10 (a) The applicant must earn a minimum of 6 college
11 credits or 120 inservice points or a combination thereof. For
12 each area of specialization to be retained on a certificate,
13 the applicant must earn at least 3 of the required credit
14 hours or equivalent inservice points in the specialization
15 area. Education in "clinical educator" training pursuant to s.
16 240.529(5)(b) and credits or points that provide training in
17 the area of exceptional student education, normal child
18 development, and the disorders of development may be applied
19 toward any specialization area. Credits or points that provide
20 training in the areas of drug abuse, child abuse and neglect,
21 strategies in teaching students having limited proficiency in
22 English, or dropout prevention, or training in areas
23 identified in the educational goals and performance standards
24 adopted pursuant to ss. 229.591(3) and 229.592 may be applied
25 toward any specialization area. Credits or points earned
26 through approved summer institutes may be applied toward the
27 fulfillment of these requirements. Inservice points may also
28 be earned by participation in professional growth components
29 approved by the State Board of Education and specified
30 pursuant to s. 236.0811 in the district's approved master plan
31 for inservice educational training, including, but not limited

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 to, serving as a trainer in an approved teacher training
2 activity, serving on an instructional materials committee or a
3 state board or commission that deals with educational issues,
4 or serving on an advisory council created pursuant to s.
5 229.58.

6 Section 33. For the purpose of incorporating the
7 amendments made by this act to section 231.29, Florida
8 Statutes, 1998 Supplement, in references thereto, paragraphs
9 (e) and (f) of subsection (3) of section 231.36, Florida
10 Statutes, are reenacted to read:

11 231.36 Contracts with instructional staff,
12 supervisors, and principals.--

13 (3)

14 (e) A professional service contract shall be renewed
15 each year unless the superintendent, after receiving the
16 recommendations required by s. 231.29, charges the employee
17 with unsatisfactory performance and notifies the employee of
18 performance deficiencies as required by s. 231.29. An employee
19 who holds a professional service contract on July 1, 1997, is
20 subject to the procedures set forth in paragraph (f) during
21 the term of the existing professional service contract. The
22 employee is subject to the procedures set forth in s.

23 231.29(3)(d) upon the next renewal of the professional service
24 contract; however, if the employee is notified of performance
25 deficiencies before the next contract renewal date, the
26 procedures of s. 231.29(3)(d) do not apply until the
27 procedures set forth in paragraph (f) have been exhausted and
28 the professional service contract is subsequently renewed.

29 (f) The superintendent shall notify an employee who
30 holds a professional service contract on July 1, 1997, in
31 writing, no later than 6 weeks prior to the end of the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 postschool conference period, of performance deficiencies
2 which may result in termination of employment, if not
3 corrected during the subsequent year of employment (which
4 shall be granted for an additional year in accordance with the
5 provisions in subsection (1)). Except as otherwise hereinafter
6 provided, this action shall not be subject to the provisions
7 of chapter 120, but the following procedures shall apply:

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

30 Section 34. For the purpose of incorporating the
31 amendments made by this act to section 232.245, Florida

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 Statutes, in references thereto, subsection (1) of section
2 232.2454, Florida Statutes, is reenacted to read:

3 232.2454 District student performance standards,
4 instruments, and assessment procedures.--

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

11 Section 35. For the purpose of incorporating the
12 amendments made by this act to section 232.245, Florida
13 Statutes, in references thereto, paragraphs (a) and (b) of
14 subsection (5) of section 232.246, Florida Statutes, 1998
15 Supplement, are reenacted and amended to read:

16 232.246 General requirements for high school
17 graduation.--

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

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

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

26 Section 36. For the purpose of incorporating the
27 amendments made by this act to section 229.57, Florida
28 Statutes, 1998 Supplement, and 232.245, Florida Statutes, in
29 references thereto, section 232.248, Florida Statutes, is
30 reenacted to read:

31 232.248 Confidentiality of assessment

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

10 Section 37. For the purpose of incorporating the
11 amendments made by this act to section 232.245, Florida
12 Statutes, in references thereto, subsection (1) of section
13 232.2481, Florida Statutes, is reenacted to read:

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

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

27 Section 38. For the purpose of incorporating the
28 amendments made by this act to section 229.565, Florida
29 Statutes, in references thereto, subsection (4) of section
30 233.09, Florida Statutes, is reenacted to read:

31 233.09 Duties of each state instructional materials

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

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

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

3 Section 39. For the purpose of incorporating the
4 amendments made by this act to section 229.565, Florida
5 Statutes, in references thereto, paragraph (b) of subsection
6 (1) of section 233.165, Florida Statutes, is reenacted to
7 read:

8 233.165 Standards for selection.--

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

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

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

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

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

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

5 Section 41. For the purpose of incorporating the
6 amendments made by this act to section 230.23, Florida
7 Statutes, 1998 Supplement, in references thereto, subsection
8 (3) of section 239.229, Florida Statutes, 1998 Supplement, is
9 reenacted to read:

10 239.229 Vocational standards.--

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

19 Section 42. For the purpose of incorporating the
20 amendments made by this act to section 229.592, Florida
21 Statutes, 1998 Supplement, in references thereto, subsection
22 (4) of section 240.118, Florida Statutes, is reenacted to
23 read:

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

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

31 Section 43. Subsections (29), (40), and (42) of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 section 228.041, Florida Statutes, 1998 Supplement, are
2 amended to read:

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

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

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

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

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

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

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

31

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~Students not exempt from attendance pursuant to s. 232.06 and~~
2 ~~who are subject to compulsory school attendance under s.~~
3 ~~232.01 and who stop attending school are habitual truants as~~
4 ~~defined in subsection (28) and are not considered dropouts.~~
5 The State Board of Education may adopt rules to implement the
6 provisions of this subsection.
7 (40) GRADUATION RATE.--The term "graduation rate"
8 means the percentage of students who graduate from high school
9 within 4 years after entering 9th grade for the first time,
10 not counting students who transfer out of the student
11 population to enroll in another school system; students who
12 withdraw to enroll in a private school, a home education
13 program, or an adult education program; or deceased students.
14 Incoming transfer students, at the time of their enrollment,
15 are included in the count of the class with which they are
16 scheduled to graduate. For this rate calculation, students are
17 counted as graduates upon receiving a standard high school
18 diploma, as provided in s. 232.246, or a special diploma, as
19 provided in s. 232.247. Also counted as graduates are
20 ~~calculated by dividing the number of entering 9th graders into~~
21 ~~the number of students who receive, 4 years later, a high~~
22 ~~school diploma, a special diploma, or a certificate of~~
23 ~~completion, as provided for in s. 232.246, or who receive a~~
24 ~~special certificate of completion, as provided in s. 232.247,~~
25 ~~and students 19 years of age or younger who receive a general~~
26 ~~equivalency diploma, as provided in s. 229.814. The number of~~
27 9th grade students used in the calculation of a graduation
28 rate for this state shall be students enrolling in the grade
29 for the first time. In conjunction with calculating the
30 graduation rate for this state, the Department of Education
31 shall conduct a study to evaluate the impact of the rate of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

20 Section 44. Paragraph (f) of subsection (9) of section
21 228.056, Florida Statutes, 1998 Supplement, is amended to
22 read:

23 228.056 Charter schools.--

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the President of the Senate, and the Speaker of the House of
2 Representatives an analysis and comparison of the overall
3 performance of charter school students, to include all
4 students whose scores are counted as part of the state
5 ~~norm-referenced~~ assessment program tests, versus comparable
6 public school students in the district as determined by the
7 state norm-referenced assessment program tests currently
8 administered in the school district, and, as appropriate, the
9 Florida Writes Assessment Test, the High School Competency
10 Test, and other assessments administered pursuant to s.
11 229.57(3).

12 Section 45. Section 231.002, Florida Statutes, is
13 created to read:

14 231.002 Teacher quality; legislative findings and
15 purpose.--

16 (1) 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.

27 (2) The purpose of this act is to raise standards for
28 certifying professional educators, establish a statewide
29 system for inservice professional development, increase
30 accountability for postsecondary programs that prepare future
31 educators, and increase accountability for administrators who

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 evaluate teacher performance. To further this initiative, the
2 Department of Education must review the provisions of chapter
3 231, Florida Statutes, and related administrative rules
4 governing the certification of individuals who must hold state
5 certification as a condition of employment in any district
6 school system. The purpose of the review is to identify ways
7 to make the certification process more efficient and
8 responsive to the needs of district school systems and
9 educators, to maintain rigorous standards for initial and
10 continuing certification, and to provide more alternative
11 certification options for individuals who have specific
12 subject-area expertise but have not completed a standard
13 teacher preparation program. The department must evaluate the
14 rigor of the assessment instruments and passing scores
15 required for certification and should consider components of
16 more rigorous and efficient certification systems in other
17 states. The department may request assistance from the
18 Education Standards Commission. By January 1, 2000, the
19 department must submit its findings and recommendations for
20 revision of statutes and administrative rules to the presiding
21 officers of the Senate, the House of Representatives, and the
22 State Board of Education.

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

25 231.02 Qualifications of personnel.--

26 (1) To be eligible for appointment in any position in
27 any district school system, a person shall be of good moral
28 character; shall have attained the age of 18 years, if he or
29 she is to be employed in an instructional capacity; and shall,
30 when required by law, hold a certificate or license issued
31 under rules of the State Board of Education or the Department

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 of Health ~~and Rehabilitative Services~~, except when employed
2 pursuant to s. 231.15 or under the emergency provisions of s.
3 236.0711. Previous residence in this state shall not be
4 required in any school of the state as a prerequisite for any
5 person holding a valid Florida certificate or license to serve
6 in an instructional capacity.

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

9 231.0861 Principals and assistant principals;
10 selection.--

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

21 Section 48. Section 231.085, Florida Statutes, is
22 amended to read:

23 231.085 Duties of principals.--A district school board
24 shall employ, through written contract, public school
25 principals who shall supervise the operation and management of
26 the schools and property as the board determines necessary.
27 Each principal is responsible for the performance of all
28 personnel employed by the school board and assigned to the
29 school to which the principal is assigned. The principal shall
30 faithfully and effectively apply the personnel assessment
31 system approved by the school board pursuant to s. 231.29.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

13 Section 49. Paragraph (a) of subsection (5) of section
14 231.087, Florida Statutes, is amended, and subsection (7) is
15 added to that section, to read:

16 231.087 Management Training Act; Florida Council on
17 Educational Management; Florida Academy for School Leaders;
18 Center for Interdisciplinary Advanced Graduate Study.--

19 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

20 (a) Pursuant to rules ~~guidelines~~ to be adopted by the
21 State Board of Education ~~Florida Council on Educational~~
22 ~~Management~~, each school board may submit to the commissioner a
23 proposed program designed to train district administrators and
24 school-based managers, including principals, assistant
25 principals, school site administrators, and persons who are
26 potential candidates for employment in such administrative
27 positions, in the competencies which have been identified by
28 the Florida Council on Educational Management ~~council~~ as being
29 necessary for effective school management. The proposed
30 program shall include a statement of the number of individuals
31 to be included in the program and an itemized statement of the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 estimated total cost of the program, which shall be paid in
2 part by the district and in part by the department.

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

11 Section 50. Section 231.09, Florida Statutes, is
12 amended to read:

13 231.09 Duties of instructional personnel.--The primary
14 duty of instructional personnel is to work diligently and
15 faithfully to help students meet or exceed annual learning
16 goals, to meet state and local achievement requirements, and
17 to master the skills required to graduate from high school
18 prepared for postsecondary education and work. This duty
19 applies to instructional personnel whether they teach or
20 function in a support role.Members of the instructional staff
21 of the public schools shall perform duties prescribed by rules
22 of the school board. Such rules shall include, but not be
23 limited to, rules relating to a teacher's duty to help
24 students master challenging standards and meet all state and
25 local requirements for achievement;teaching efficiently and
26 faithfully, using prescribed materials and methods, including
27 technology-based instruction; recordkeeping; and fulfilling
28 the terms of any contract, unless released from the contract
29 by the school board.

30 Section 51. Section 231.096, Florida Statutes, 1998
31 Supplement, is amended to read:

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 231.096 Teacher teaching out-of-field;
2 assistance.--Each ~~school~~ district school board shall adopt and
3 implement ~~have~~ a plan to assist any teacher teaching
4 out-of-field, and priority consideration in professional
5 development activities shall be given to teachers who are
6 teaching out-of-field. The school board shall require that
7 such teachers participate in a certification or staff
8 development program designed to ensure that the teacher has
9 the competencies required for the assigned duties. The
10 board-approved assistance plan must include duties of
11 administrative personnel and other instructional personnel to
12 ensure that students receive high-quality instructional
13 services.

14 Section 52. Section 231.145, Florida Statutes, is
15 amended to read:

16 231.145 Purpose of instructional personnel
17 certification.--It is the intent of the Legislature that
18 school personnel certified in this state possess the
19 credentials, knowledge, and skills necessary to provide a
20 high-quality ~~quality~~ education in the public schools. The
21 purpose of school personnel certification is to protect the
22 educational interests of students, parents, and the public at
23 large by assuring that teachers in this state are
24 professionally qualified. In fulfillment of its duty to the
25 citizens of this state, the Legislature has established
26 certification requirements to assure that educational
27 personnel in public schools possess appropriate skills in
28 reading, writing, and mathematics, and adequate pedagogical
29 knowledge, including the use of technology to enhance student
30 learning, and relevant subject matter competence so as to ~~and~~
31 ~~can~~ demonstrate an acceptable level of professional

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 performance. Further, the Legislature has established a
2 certificate renewal process which promotes the continuing
3 professional improvement of school personnel, thereby
4 enhancing public education in all areas of the state.

5 Section 53. Section 231.15, Florida Statutes, 1998
6 Supplement, is amended to read:

7 231.15 Positions for which certificates required.--

8 (1) The State Board of Education shall classify school
9 services, designate the certification subject areas, establish
10 competencies, including the use of technology to enhance
11 student learning, and certification requirements for all
12 school-based personnel, and prescribe rules in accordance with
13 which the professional, temporary, and part-time certificates
14 shall be issued by the Department of Education to applicants
15 who meet the standards prescribed by such rules for their
16 class of service. The rules must allow the holder of a valid
17 professional certificate to add an area of certification
18 without completing the associated course requirements if the
19 certificateholder attains a passing score on an examination of
20 competency in the subject area to be added, and provides
21 evidence of at least 2 years of satisfactory performance
22 evaluations that considered the performance of students taught
23 by the certificateholder. The rules must allow individuals who
24 have specific subject area expertise, but who have not
25 completed a standard teacher preparation program, to
26 participate in a state-approved alternative certification
27 program for a professional certificate. As appropriate, this
28 program must provide for demonstration competencies in lieu of
29 completion of a specific number of college course credit hours
30 in the areas of assessment, communication, critical thinking,
31 human development and learning, classroom management,

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 planning, technology, diversity, teacher responsibility, code
2 of ethics, and continuous professional improvement. The State
3 Board of Education shall consult with the State Board of
4 Independent Colleges and Universities, the State Board of
5 Nonpublic Career Education, the Board of Regents, and the
6 State Board of Community Colleges before adopting any changes
7 to training requirements relating to entry into the
8 profession. This consultation must allow the educational board
9 to provide advice regarding the impact of the proposed changes
10 in terms of the length of time necessary to complete the
11 training program and the fiscal impact of the changes. The
12 educational board must be consulted only when an institution
13 offering the training program falls under its jurisdiction.

14 Each person employed or occupying a position as school
15 supervisor, principal, teacher, library media specialist,
16 school counselor, athletic coach, or other position in which
17 the employee serves in an instructional capacity, in any
18 public school of any district of this state shall hold the
19 certificate required by law and by rules of the state board in
20 fulfilling the requirements of the law for the type of service
21 rendered. However, the state board shall adopt rules
22 authorizing school boards to employ selected noncertificated
23 personnel to provide instructional services in the
24 individuals' fields of specialty or to assist instructional
25 staff members as education paraprofessionals.

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 (3) Each person employed as a school nurse shall hold
2 a license to practice nursing in the state, and each person
3 employed as a school physician shall hold a license to
4 practice medicine in the state. ~~The provisions of this~~
5 ~~subsection shall not apply to any athletic coach who renders~~
6 ~~service in a voluntary capacity and who is not employed by any~~
7 ~~public school of any district in this state.~~

8 (4)~~(2)~~ A commissioned or noncommissioned military
9 officer who is an instructor of junior reserve officer
10 training shall be exempt from requirements for teacher
11 certification, except for the filing of fingerprints pursuant
12 to s. 231.02, if he or she meets the following qualifications:

13 (a) Is retired from active military duty with at least
14 20 years of service and draws retirement pay or is retired, or
15 transferred to retired reserve status, with at least 20 years
16 of active service and draws retirement pay or retainer pay.

17 (b) Satisfies criteria established by the appropriate
18 military service for certification by the service as a junior
19 reserve officer training instructor.

20 (c) Has an exemplary military record.

21
22 If such instructor is assigned instructional duties other than
23 junior reserve officer training, he or she shall hold the
24 certificate required by law and rules of the state board for
25 the type of service rendered.

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

29 231.17 Official statements of eligibility and
30 certificates granted on application to those meeting
31 prescribed requirements.--

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 (3) TEMPORARY CERTIFICATE.--

2 (c) To qualify for a temporary certificate, the
3 applicant must:

4 1. File a written statement under oath that the
5 applicant subscribes to and will uphold the principles
6 incorporated in the Constitutions of the United States and of
7 the State of Florida.

8 2. Be at least 18 years of age.

9 3. Document receipt of a bachelor's or higher degree
10 from an accredited institution of higher learning, as defined
11 by state board rule. Credits and degrees awarded by a newly
12 created Florida state institution that is part of the State
13 University System shall be considered as granted by an
14 accredited institution of higher learning during the first 2
15 years of course offerings while accreditation is gained.
16 Degrees from foreign institutions, or degrees from other
17 institutions of higher learning that are in the accreditation
18 process, may be validated by a process established in state
19 board rule. Once accreditation is gained, the institution
20 shall be considered as accredited beginning with the 2-year
21 period prior to the date of accreditation. The bachelor's or
22 higher degree may not be required in areas approved in rule by
23 the State Board of Education as nondegreed areas. Each
24 applicant seeking initial certification must have attained at
25 least a 2.5 overall grade point average on a 4.0 scale in the
26 applicant's major field of study. The applicant may document
27 the required education by submitting official transcripts from
28 institutions of higher education or by authorizing the direct
29 submission of such official transcripts through established
30 electronic network systems.

31 4. Be competent and capable of performing the duties,

1 functions, and responsibilities of a teacher.

2 5. Be of good moral character.

3 6. Demonstrate mastery of general knowledge, including
4 the ability to read, write, compute, and use technology for
5 classroom instruction. 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 another state's
10 general knowledge examinations or a valid standard teaching
11 certificate issued by another state that requires mastery of
12 general knowledge.

13

14 Rules adopted pursuant to this section shall provide for the
15 review and acceptance of credentials from foreign institutions
16 of higher learning.

17 (4) PROFESSIONAL CERTIFICATE.--The department shall
18 issue a professional certificate for a period not to exceed 5
19 years to any applicant who meets the requirements for a
20 temporary certificate and documents mastery of the minimum
21 competencies required by subsection (5). Mastery of the
22 minimum competencies must be documented on a comprehensive
23 written examination or through other criteria as specified by
24 rules of the state board. Mastery of minimum competencies
25 required under subsection (5) must be demonstrated in the
26 following areas:

27 (a) General knowledge, including the ability to read,
28 write, and compute, and use technology for classroom
29 instruction. However, individuals who apply for certification
30 on or after July 1, 2000, must demonstrate these minimum
31 competencies in order to receive a temporary certificate.

1 Acceptable means of demonstrating such mastery is an
2 individual's achievement of passing scores on another state's
3 general knowledge examinations or a valid standard teaching
4 certificate issued by another state that requires mastery of
5 general knowledge.

6 (b) Professional skills and knowledge of the standards
7 of professional practice.

8 (c) The subject matter in each area for which
9 certification is sought.

10 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL
11 CERTIFICATE.--

12 (a) The state board must specify, by rule, the minimum
13 essential competencies that educators must possess and
14 demonstrate in order to qualify to teach students the
15 standards of student performance adopted by the state board.
16 The minimum competencies must include but are not limited to
17 the ability to:

18 1. Write in a logical and understandable style with
19 appropriate grammar and sentence structure.

20 2. Read, comprehend, and interpret professional and
21 other written material.

22 3. Comprehend and work with ~~fundamental~~ mathematical
23 concepts, including algebra.

24 4. Recognize signs of students' difficulty with the
25 reading process and apply appropriate measures to improve
26 students' reading performance.

27 ~~5.4.~~ Recognize signs of severe emotional distress in
28 students and apply techniques of crisis intervention with an
29 emphasis on suicide prevention and positive emotional
30 development.

31 ~~6.5.~~ Recognize signs of alcohol and drug abuse in

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 students and know how to appropriately work with such students
2 and seek assistance designed to prevent ~~apply counseling~~
3 ~~techniques with emphasis on intervention and prevention of~~
4 future abuse.

5 ~~7.6.~~ Recognize the physical and behavioral indicators
6 of child abuse and neglect, know rights and responsibilities
7 regarding reporting, know how to care for a child's needs
8 after a report is made, and know recognition, intervention,
9 and prevention strategies pertaining to child abuse and
10 neglect which can be related to children in a classroom
11 setting in a nonthreatening, positive manner.

12 ~~8.7.~~ Comprehend patterns of physical, social, and
13 academic development in students, including exceptional
14 students in the regular classroom, and counsel these students
15 concerning their needs in these areas.

16 ~~9.8.~~ Recognize and be aware of the instructional needs
17 of exceptional students.

18 ~~10.9.~~ Comprehend patterns of normal development in
19 students and employ appropriate intervention strategies for
20 disorders of development.

21 ~~11.10.~~ Identify and comprehend the codes and standards
22 of professional ethics, performance, and practices adopted
23 pursuant to s. 231.546(2)(b), the grounds for disciplinary
24 action provided by s. 231.28, and the procedures for resolving
25 complaints filed pursuant to this chapter, including appeal
26 processes.

27 ~~12.11.~~ Recognize and demonstrate awareness of the
28 educational needs of students who have limited proficiency in
29 English and employ appropriate teaching strategies.

30 ~~13.12.~~ Use and integrate appropriate technology in
31 teaching and learning processes and in managing, evaluating,

1 and improving instruction.

2 14.13. Use assessment and other diagnostic strategies
3 to assist the continuous development of the learner.

4 15.14. Use teaching and learning strategies that
5 include considering each student's culture, learning styles,
6 special needs, and socioeconomic background.

7 16.15. Demonstrate knowledge and understanding of the
8 subject matter that is aligned with the subject knowledge and
9 skills specified in the Sunshine State Standards and student
10 performance standards approved by the state board.

11 17. Recognize the early signs of truancy in students
12 and identify effective interventions to avoid or resolve
13 nonattendance behavior.

14 18. Demonstrate knowledge and skill in managing
15 student behavior inside and outside the classroom. Such
16 knowledge and skill must include techniques for preventing and
17 effectively responding to incidents of disruptive or violent
18 behavior.

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

22 20. Demonstrate the ability to maintain a positive
23 collaborative relationship with students' families to increase
24 student achievement.

25 (b) The state board shall designate the certification
26 areas for subject area tests. However, an applicant may
27 satisfy the subject area and professional knowledge testing
28 requirements by attaining scores on corresponding tests from
29 the National Teachers Examination series, and successors to
30 that series, that meet standards established by the state
31 board. The College Level Academic Skills Test, a similar test

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 approved by the state board, or corresponding tests from,
2 ~~beginning January 1, 1996,~~the National Teachers Examination
3 series must be used ~~by degreed personnel~~ to demonstrate
4 mastery of general knowledge as required in paragraphs (3)(c)
5 and paragraph (4)(a). All required tests may be taken prior to
6 graduation.The College Level Academic Skills Test shall be
7 waived for any applicant who passed the reading, writing, and
8 mathematics subtest of the former Florida Teacher
9 Certification Examination or the College Level Academic Skills
10 Test and subsequently obtained a certificate pursuant to this
11 chapter.

12 (8) EXAMINATIONS.--

13 (a) The commissioner, with the approval of the state
14 board, may contract for developing, printing, administering,
15 scoring, and appropriate analysis of the written tests
16 required.

17 (b) The state board shall, by rule, specify the
18 examination scores that are required for the issuance of a
19 professional certificate and ~~certain~~ temporary certificate
20 ~~certificates.~~ ~~When the College Level Academic Skills Test is~~
21 ~~used to demonstrate general knowledge,~~Such rules must provide
22 ~~an alternative method by which an applicant may demonstrate~~
23 ~~mastery of general knowledge, including the ability to read,~~
24 ~~write, or compute,~~must define generic subject area
25 competencies~~and~~ must establish uniform evaluation
26 guidelines. Individuals who apply for their professional
27 certificate before July 1, 2000, may demonstrate mastery of
28 general knowledge pursuant to the alternative method specified
29 by state board rule which ~~The alternative method~~ must:

30 1. Apply only to an applicant who has successfully
31 completed all prerequisites for issuance of the professional

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 certificate, except passing one specific subtest of the
2 College Level Academic Skills Test, and who has taken and
3 failed to achieve a passing score on that subtest at least
4 four times.

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

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

25 (d) The department and the board shall maintain
26 confidentiality of the examination, developmental materials,
27 and workpapers, and the examination, developmental materials,
28 and workpapers are exempt from s. 119.07(1).

29 Section 55. Subsection (3) is added to section
30 231.1725, Florida Statutes, 1998 Supplement, to read:

31 231.1725 Employment of substitute teachers, teachers

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 of adult education, and nondegreed teachers of career
2 education; students performing clinical field experience.--

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

14 Section 56. Section 231.174, Florida Statutes, is
15 amended to read:

16 231.174 Alternative preparation programs for certified
17 teachers to add additional coverage.--A district school board
18 may design alternative teacher preparation programs to enable
19 persons already certificated to add an additional coverage to
20 their certificates ~~to teach exceptional education classes or~~
21 ~~in other areas of critical shortage.~~ Each alternative teacher
22 preparation program shall be reviewed and approved by the
23 Department of Education to assure that persons who complete
24 the program are competent in the necessary areas of subject
25 matter specialization. Two or more school districts may
26 jointly participate in an alternative preparation program for
27 teachers.

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

30 231.29 Assessment procedures and criteria.--

31 (3) The assessment procedure for instructional

1 personnel and school administrators must be primarily based on
 2 the performance of students assigned to their classrooms or
 3 schools, as appropriate. The procedures must ~~shall~~ comply
 4 with, but need ~~shall~~ not be limited to, the following
 5 requirements:

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

- 20 1. Performance of students.
- 21 2.1. Ability to maintain appropriate discipline.
- 22 3.2. Knowledge of subject matter. The district school
 23 board shall make special provisions for evaluating teachers
 24 who are assigned to teach out-of-field.
- 25 4.3. Ability to plan and deliver instruction,
 26 including the use of technology in the classroom.
- 27 5.4. Ability to evaluate instructional needs.
- 28 6.5. Ability to establish and maintain a positive
 29 collaborative relationship with students' families to increase
 30 student achievement ~~communicate with parents.~~
- 31 7.6. Other professional competencies,

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 responsibilities, and requirements as established by rules of
2 the State Board of Education and policies of the district
3 school board.

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

7 (c) The individual responsible for supervising the
8 employee must assess the employee's performance. The evaluator
9 must submit a written report of the assessment to the
10 superintendent for the purpose of reviewing the employee's
11 contract. If the employee is assigned to a school designated
12 in performance grade category "D" or "F" and was rated
13 unsatisfactory on any function related to the employee's
14 instructional or administrative duties, the superintendent, in
15 consultation with the employee's evaluator, shall review the
16 employee's performance assessment. If the superintendent
17 determines that the lack of general knowledge, subject area
18 expertise, or other professional competencies contributed to
19 the employee's unsatisfactory performance, the superintendent
20 shall notify the district school board of that determination.
21 The district school board shall require those employees, as
22 part of their performance probation, to take and receive a
23 passing score on a test of general knowledge, subject area
24 expertise, or professional competencies, whichever is
25 appropriate. The tests required by this paragraph shall be
26 those required for certification under chapter 231 and rules
27 of the State Board of Education. The evaluator must submit
28 the written report to the employee no later than 10 days after
29 the assessment takes place. The evaluator must discuss the
30 written report of assessment with the employee. The employee
31 shall have the right to initiate a written response to the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 assessment, and the response shall become a permanent
2 attachment to his or her personnel file.

3 (d) If an employee is not performing his or her duties
4 in a satisfactory manner, the evaluator shall notify the
5 employee in writing of such determination. The notice must
6 describe such unsatisfactory performance and include notice of
7 the following procedural requirements:

8 1. Upon delivery of a notice of unsatisfactory
9 performance, the evaluator must confer with the employee, make
10 recommendations with respect to specific areas of
11 unsatisfactory performance, and provide assistance in helping
12 to correct deficiencies within a prescribed period of time.

13 2.a. If the employee holds a professional service
14 contract as provided in s. 231.36,the employee shall be
15 placed on performance probation and governed by the provisions
16 of this section for 90 calendar days following ~~from~~ the
17 receipt of the notice of unsatisfactory performance to
18 demonstrate corrective action. School holidays and school
19 vacation periods are not counted when calculating the
20 90-calendar-day period. During the 90 calendar days, the
21 employee who holds a professional service contract must be
22 evaluated periodically and apprised of progress achieved and
23 must be provided assistance and inservice training
24 opportunities to help correct the noted performance
25 deficiencies. At any time during the 90 calendar days, the
26 employee who holds a professional service contract may request
27 a transfer to another appropriate position with a different
28 supervising administrator; however, a transfer does not extend
29 the period for correcting performance deficiencies.

30 ~~b.3.~~ Within 14 days after the close of the 90 calendar
31 days, the evaluator must assess whether the performance

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 for termination of employment.

2 Section 58. Subsections (1), (4), and (6) of section
3 231.36, Florida Statutes, are amended to read:

4 231.36 Contracts with instructional staff,
5 supervisors, and principals.--

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

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

30 (4)(a) An employee who has continuing contract status
31 prior to July 1, 1984, shall be entitled to retain such

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 contract and all rights arising therefrom in accordance with
2 existing laws, rules of the State Board of Education, or any
3 laws repealed by this act, unless the employee voluntarily
4 relinquishes his or her continuing contract.

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

26 (c) Any member of the district administrative or
27 supervisory staff and any member of the instructional staff,
28 including any principal, who is under continuing contract may
29 be suspended or dismissed at any time during the school year;
30 however, the charges against him or her must be based on
31 immorality, misconduct in office, incompetency, gross

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

20 (6)(a) Any member of the instructional staff,
21 excluding an employee specified in subsection (4), may be
22 suspended or dismissed at any time during the term of the
23 contract for just cause as provided in paragraph (1)(a). The
24 school board must notify the employee in writing whenever
25 charges are made against the employee and may suspend such
26 person without pay; but, if the charges are not sustained, the
27 employee shall be immediately reinstated, and his or her back
28 salary shall be paid. If the employee wishes to contest the
29 charges, the employee must, within 15 days after receipt of
30 the written notice, submit a written request for a hearing.
31 Such hearing shall be conducted at the school board's election

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 in accordance with one of the following procedures:

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

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

21
22 Any such decision adverse to the employee may be appealed by
23 the employee pursuant to s. 120.68, provided such appeal is
24 filed within 30 days after the decision of the school board.

25 (b) Any member of the district administrative or
26 supervisory staff, including any principal but excluding an
27 employee specified in subsection (4), may be suspended or
28 dismissed at any time during the term of the contract;
29 however, the charges against him or her must be based on
30 immorality, misconduct in office, incompetency, gross
31 insubordination, willful neglect of duty, drunkenness, or

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

19 Section 59. Paragraph (a) of subsection (1) of section
20 231.546, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 231.546 Education Standards Commission; powers and
23 duties.--

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

26 (a) Recommend to the state board high desirable
27 standards relating to programs and policies for the
28 development, certification and certification extension,
29 improvement, and maintenance of competencies of educational
30 personnel, including teacher interns. Such standards must be
31 consistent with the state's duty to provide a high-quality

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 system of public education to all students.

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

6 231.600 School Community Professional Development
7 Act.--

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

16 (3) The activities designed to implement this section
17 must:

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

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

26 (c) Provide continuous support as well as, rather than
27 temporary intervention for education professionals who need
28 improvement in knowledge, skills, and performance, for
29 ~~improving the performance of teachers and others who assist~~
30 ~~children in their learning.~~

31 (4) The Department of Education, school districts,

1 schools, and public colleges and universities share the
2 responsibilities described in this section. These
3 responsibilities include the following:

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

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

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

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

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

25 5. Continuously evaluate the quality and effectiveness
26 of professional development programs in order to eliminate
27 ineffective programs and strategies and to expand effective
28 ones. Evaluations must consider the impact of such activities
29 on the performance of participating educators and their
30 students' achievement and behavior.

31 (8) This section does not limit or discourage a

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 district school board from contracting with independent
2 entities for professional development services and inservice
3 education if the school board believes that, through such a
4 contract, a better product can be acquired or its goals for
5 education improvement can be better met.

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

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

13 236.08106 Excellent Teaching Program.--

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

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

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

27 (d) An annual bonus equal to 10 percent of the prior
28 fiscal year's statewide average salary for classroom teachers
29 to be distributed to the school district to be paid to each
30 individual who meets the requirements of paragraph (c) and
31 agrees, in writing, to provide the equivalent of 12 workdays

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 of mentoring and related services to public school teachers
2 within the district who do not hold NBPTS certification. The
3 district school board shall distribute the annual bonus in a
4 single payment following the completion of all required
5 mentoring and related services for the year. It is not the
6 intent of the Legislature to remove excellent teachers from
7 their assigned classrooms; therefore, credit may not be
8 granted by a school district or public school for mentoring or
9 related services provided during the regular school day or
10 during the 196 days of required service for the school year.

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

18
19 A teacher for whom the state pays the certification fee and
20 who does not complete the certification program or does not
21 teach in a public school of this state for a least 1 year
22 after completing the certification program must repay the
23 amount of the certification fee to the state. However, a
24 teacher who completes the certification program but fails to
25 be awarded NBPTS certification is not required to repay the
26 amount of the certification fee if the teacher meets the
27 1-year teaching requirement. Repayment is not required of a
28 teacher who does not complete the certification program or
29 fails to fulfill the teaching requirement because of the
30 teacher's death or disability or because of other extenuating
31 circumstances as determined by the State Board of Education.

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

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

4 240.529 Public accountability and state approval for
5 teacher preparation programs.--

6 (1) INTENT.--The Legislature recognizes that skilled
7 teachers make an ~~the most~~ important contribution to a ~~quality~~
8 ~~educational~~ system that allows students to obtain a
9 high-quality education and that competent teachers are
10 ~~produced by effective and accountable teacher preparation~~
11 ~~programs~~. The intent of the Legislature is to establish a
12 system for development and approval of teacher preparation
13 programs that will free postsecondary teacher preparation
14 institutions to employ varied and innovative teacher
15 preparation techniques while being held accountable for
16 producing graduates ~~teachers~~ with the competencies and skills
17 necessary to achieve for achieving the state education goals;
18 help students meet high standards for academic achievement;
19 maintain safe, secure classroom learning environments;and
20 sustain ~~sustaining~~ the state system of school improvement and
21 education accountability established pursuant to ss. 229.591
22 ~~and 229.592, and 229.593~~. To further this intent, the
23 Commissioner of Education shall appoint a Teacher Preparation
24 Program Committee for the purpose of establishing core
25 curricula in each state-approved teacher preparation program.
26 The committee shall consist of representatives from presidents
27 of public and private colleges and universities, deans of
28 colleges of education, presidents of community colleges,
29 district school superintendents, and high-performing teachers.
30 The curricula shall be focused on the knowledge, skills, and
31 abilities essential to instruction in the Sunshine State

1 Standards, with a clear emphasis on the importance of reading
 2 at all grade levels. The committee shall report its
 3 recommendations to the State Board of Education by January 1,
 4 2000, and at that time may be dissolved. The state board
 5 shall adopt rules that establish uniform core curricula for
 6 each state-approved teacher preparation program and shall use
 7 this report in the development of such rules.

8 (3) INITIAL STATE PROGRAM APPROVAL.--

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

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

16 1.2. That a student Have a grade point average of at
 17 least 2.5 on a 4.0 scale for the general education component
 18 of undergraduate studies; ~~or~~

19 ~~3. That a student~~ have completed the requirements for
 20 a baccalaureate degree with a minimum grade point average of
 21 2.5 on a 4.0 scale from any college or university accredited
 22 by a regional accrediting association as defined by state
 23 board rule; ~~and-~~

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

30
 31 The State Board of Education may ~~shall~~ provide by rule for a

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 waiver of these requirements. The rule shall require that 90
2 percent of those admitted to each teacher education program
3 meet the requirements of this paragraph and that the program
4 implement strategies to ensure that students admitted under a
5 waiver receive assistance to demonstrate competencies to
6 successfully meet requirements for certification.

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

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

24 (b) Additional criteria for continued program approval
25 for public institutions may be developed by the Education
26 Standards Commission and approved by the State Board of
27 Education. Such criteria must emphasize outcome measures of
28 student performance in the areas of classroom management and
29 improving the performance of students who have traditionally
30 failed to meet student achievement goals and have been
31 overrepresented in school suspensions and other disciplinary

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

25 (c) ~~Beginning July 1, 1997,~~ Continued approval for a
26 teacher preparation program is contingent upon the results of
27 annual reviews of the program conducted by the institution of
28 higher education, using procedures and criteria outlined in an
29 institutional program evaluation plan approved by the
30 Department of Education. This plan must incorporate the
31 criteria established in paragraphs (a) and (b) and include

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 provisions for involving primary stakeholders, such as program
2 graduates, district school personnel, classroom teachers,
3 principals, community agencies, and business representatives
4 in the evaluation process. Upon request by an institution, the
5 department shall provide assistance in developing, enhancing,
6 or reviewing the institutional program evaluation plan and
7 training evaluation team members.

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

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

22 (f) Beginning with the 2000-2001 academic year, each
23 public and private institution that offers a teacher
24 preparation program in this state must annually report
25 information regarding these programs to the state and the
26 general public. This information shall be reported in a
27 uniform and comprehensible manner that conforms with
28 definitions and methods proposed by the Education Standards
29 Commission, that is consistent with definitions and methods
30 approved by the Commissioner of the National Center for
31 Educational Statistics, and that is approved by the State

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 Board of Education. This information shall be reported through
2 publications such as college and university catalogs and
3 promotional materials sent to potential applicants, secondary
4 school guidance counselors, and prospective employers of the
5 institution's program graduates.

6 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
7 instructors, school district personnel and instructional
8 personnel, and school sites preparing instructional personnel
9 through preservice field experience courses and internships
10 shall meet special requirements.

11 (a) All instructors in postsecondary teacher
12 preparation programs who instruct or supervise preservice
13 field experience courses or internships shall have at least
14 one of the following: specialized training in clinical
15 supervision; a valid professional teaching certificate
16 pursuant to ss. 231.17 and 231.24; or at least 3 years of
17 successful teaching experience in prekindergarten through
18 grade 12; ~~or a commitment to spend periods of time specified~~
19 ~~by State Board of Education rule teaching in the public~~
20 ~~schools.~~

21 (b) All school district personnel and instructional
22 personnel who supervise or direct teacher preparation students
23 during field experience courses or internships must have
24 evidence of "clinical educator" training and must successfully
25 demonstrate effective classroom management strategies that
26 consistently result in improved student performance. The
27 Education Standards Commission shall recommend, and the state
28 board shall approve, the training requirements.

29 (c) Preservice field experience programs must provide
30 specific guidance and demonstration of effective classroom
31 management strategies, strategies for incorporating technology

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 into classroom instruction, and ways to link instructional
2 plans to the Sunshine State Standards, as appropriate. The
3 length of structured field experiences may be extended to
4 ensure that candidates achieve the competencies needed to meet
5 certification requirements.

6 (d)(e) Postsecondary teacher preparation programs in
7 cooperation with district school boards and approved nonpublic
8 school associations shall select the school sites for
9 preservice field experience activities. These sites must
10 represent the full spectrum of school communities, including,
11 but not limited to, schools located in urban settings. In
12 order to be selected, school sites must demonstrate commitment
13 to the education of public school students and to the
14 preparation of future teachers. A nonpublic school
15 association, in order to be approved, must have a
16 state-approved master inservice program plan in accordance
17 with s. 236.0811.

18 Section 63. Section 231.6135, Florida Statutes, is
19 created to read:

20 231.6135 Statewide system for inservice professional
21 development.--The intent of this section is to establish a
22 statewide system of professional development that provides a
23 wide range of targeted inservice training to teachers and
24 administrators designed to upgrade skills and knowledge needed
25 to reach world class standards in education. The system shall
26 consist of a network of professional development academies in
27 each region of the state that are operated in partnership with
28 area business partners to develop and deliver high-quality
29 training programs purchased by school districts. The
30 academies shall be established to meet the human resource
31 development needs of professional educators, schools, and

1 school districts. Funds appropriated for the initiation of
2 professional development academies shall be allocated by the
3 Commissioner of Education, unless otherwise provided in an
4 appropriations act. To be eligible for startup funds, the
5 academy must:

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

10 (2) Demonstrate the capacity to provide effective
11 training to improve teaching skills in the areas of elementary
12 reading and mathematics, the use of instructional technology,
13 high school algebra, and classroom management, and to deliver
14 such training using face-to-face, distance learning, and
15 individualized computer-based delivery systems.

16 (3) Propose a plan for responding in an effective and
17 timely manner to the professional development needs of
18 teachers, administrators, schools, and school districts
19 relating to improving student achievement and meeting state
20 and local education goals.

21 (4) Demonstrate the ability to provide high-quality
22 trainers and training, appropriate followup and coaching for
23 all participants, and support school personnel in positively
24 impacting student performance.

25 (5) Be operated under contract with its public
26 partners and governed by an independent board of directors,
27 which should include at least one superintendent and one
28 school board chairman from the participating school districts,
29 the president of the collective bargaining unit that
30 represents the majority of the region's teachers, and at least
31 three individuals who are not employees or elected or

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 appointed officials of the participating school districts.

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

7 (7) Own or lease a facility that can be used to
8 deliver training onsite and through distance learning and
9 other technology-based delivery systems. The participating
10 district school boards may lease a site or facility to the
11 academy for a nominal fee and may pay all or part of the costs
12 of renovating a facility to accommodate the academy. The
13 academy is responsible for all operational, maintenance, and
14 repair costs.

15 (8) Provide professional development services for the
16 participating school districts as specified in the contract
17 and may provide professional development services to other
18 school districts, private schools, and individuals on a
19 fee-for-services basis.

20 Section 64. Section 231.601, Florida Statutes, is
21 repealed.

22 Section 65. Section 230.2316, Florida Statutes, 1998
23 Supplement, is amended to read:

24 230.2316 Dropout prevention.--

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

27 (2) INTENT.--The Legislature recognizes that a growing
28 proportion of young people are not making successful
29 transitions to productive adult lives. ~~The Legislature further~~
30 ~~recognizes that traditional education programs which do not~~
31 ~~meet certain students' educational needs and interests may~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~cause these students to become unmotivated, fail, be truant,~~
2 ~~be disruptive, or drop out of school.~~The Legislature finds
3 that a child who does not complete his or her education is
4 greatly limited in obtaining gainful employment, achieving his
5 or her full potential, and becoming a productive member of
6 society. Therefore, it is the intent of the Legislature to
7 authorize and encourage district school boards throughout the
8 state to develop and establish dropout prevention and academic
9 intervention activities designed to meet the needs of students
10 who do not perform well in traditional educational programs.
11 ~~establish comprehensive dropout prevention programs. These~~
12 ~~programs shall be designed to meet the needs of students who~~
13 ~~are not effectively served by conventional education programs~~
14 ~~in the public school system.~~It is further the intent of the
15 Legislature that cooperative agreements be developed among
16 school districts, other governmental and private agencies, and
17 community resources in order to implement innovative exemplary
18 programs aimed at reducing the number of students who do not
19 complete their education and increasing the number of students
20 who have a positive experience in school and obtain a high
21 school diploma.

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

23 (a) Dropout prevention and academic intervention
24 programs may ~~shall~~ differ from traditional education programs
25 and schools in scheduling, administrative structure,
26 philosophy, curriculum, or setting and shall employ
27 alternative teaching methodologies, curricula, learning
28 activities, and ~~or~~ diagnostic and assessment procedures in
29 order to meet the needs, interests, abilities, and talents of
30 eligible students. The educational program shall provide
31 curricula, character development and law education as provided

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 in s. 233.0612, and related services which support the program
2 goals and lead to improved performance in the areas of
3 academic achievement, attendance, and discipline completion of
4 ~~a high school diploma.~~ Student participation in such programs
5 shall be voluntary. Districts may, however, assign students to
6 a program for disruptive students. Notwithstanding any other
7 provision of law to the contrary, no student shall be
8 identified as being eligible to receive services funded
9 through the dropout prevention and academic intervention
10 program based solely on the student being from a single-parent
11 family. ~~The minimum period of time during which the student~~
12 ~~participates in the program shall be equivalent to two~~
13 ~~instructional periods per day unless the program utilizes a~~
14 ~~student support and assistance component rather than regularly~~
15 ~~scheduled courses.~~

16 (b) Students in grades 1-12 ~~4-12~~ shall be eligible for
17 dropout prevention and academic intervention programs.
18 Eligible ~~dropout prevention~~ students shall be reported in the
19 appropriate basic cost factor for dropout prevention full-time
20 ~~equivalent student membership~~ in the Florida Education Finance
21 Program ~~in standard dropout prevention classes or student~~
22 ~~support and assistance components which provide academic~~
23 ~~assistance and coordination of support services to students~~
24 ~~enrolled full time in a regular classroom.~~ The strategies and
25 supports provided to eligible students shall be funded through
26 the General Appropriations Act and may include, but are not
27 limited to those services identified on the student's academic
28 intervention plan. ~~The student support and assistance~~
29 ~~component shall include auxiliary services provided to~~
30 ~~students or teachers, or both. Students participating in this~~
31 ~~model shall generate funding only for the time that they~~

1 ~~receive extra services or auxiliary help.~~

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

6 1. The student is academically unsuccessful as
7 evidenced by low test scores, retention, failing grades, low
8 grade point average, falling behind in earning credits, or not
9 meeting the state or district proficiency levels in reading,
10 mathematics, or writing.

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

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

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

21 ~~3. The student has been identified as a potential~~
22 ~~school dropout by student services personnel using district~~
23 ~~criteria. District criteria that are used as a basis for~~
24 ~~student referral to an educational alternatives program shall~~
25 ~~identify specific student performance indicators that the~~
26 ~~educational alternative program seeks to address.~~

27 ~~4. The student has documented drug-related or~~
28 ~~alcohol-related problems, or has immediate family members with~~
29 ~~documented drug-related or alcohol-related problems that~~
30 ~~adversely affect the student's performance in school.~~

31 ~~3.5.~~ The student has a history of disruptive behavior

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 in school or has committed an offense that warrants
2 out-of-school suspension or expulsion from school according to
3 the district code of student conduct. For the purposes of this
4 program, "disruptive behavior" is behavior that:

5 a. Interferes with the student's own learning or the
6 educational process of others and requires attention and
7 assistance beyond that which the traditional program can
8 provide or results in frequent conflicts of a disruptive
9 nature while the student is under the jurisdiction of the
10 school either in or out of the classroom; or

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

13 ~~6. The student is assigned to a program provided~~
14 ~~pursuant to chapter 39, chapter 984, or chapter 985 which is~~
15 ~~sponsored by a state-based or community-based agency or is~~
16 ~~operated or contracted for by the Department of Children and~~
17 ~~Family Services or the Department of Juvenile Justice.~~

18 (d)1. "Second chance schools" means school district
19 programs provided through cooperative agreements between the
20 Department of Juvenile Justice, private providers, state or
21 local law enforcement agencies, or other state agencies for
22 students who have been disruptive or violent or who have
23 committed serious offenses. As partnership programs, second
24 chance schools are eligible for waivers by the Commissioner of
25 Education from chapters 230-235 and 239 and State Board of
26 Education rules that prevent the provision of appropriate
27 educational services to violent, severely disruptive, or
28 delinquent students in small nontraditional settings or in
29 court-adjudicated settings.

30 2. School districts seeking to enter into a
31 partnership with a private entity or public entity to operate

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 a second chance school for disruptive students may apply to
2 the Department of Education for startup grants from the
3 Department of Education. These grants must be available for 1
4 year and must be used to offset the startup costs for
5 implementing such programs off public school campuses. General
6 operating funds must be generated through the appropriate
7 programs of the Florida Education Finance Program. Grants
8 approved under this program shall be for the full operation of
9 the school by a private nonprofit or for-profit provider or
10 the public entity. This program must operate under rules
11 adopted by the Department of Education and must be implemented
12 to the extent funded by the Legislature.

13 ~~3.2.~~ A student enrolled in a sixth, seventh, eighth,
14 ninth, or tenth grade class may be assigned to a second chance
15 school if the student meets the following criteria:

16 a. The student is a habitual truant as defined in s.
17 228.041(28).

18 b. The student's excessive absences have detrimentally
19 affected the student's academic progress and the student may
20 have unique needs that a traditional school setting may not
21 meet.

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

24 d. The student has been identified as at risk of
25 dropping out of school.

26 ~~4.3.~~ A student who is habitually truant may be
27 assigned to a second chance school only if the case staffing
28 committee, established pursuant to s. 984.12, determines that
29 such placement could be beneficial to the student and the
30 criteria included in subparagraph 2. are met.

31 ~~5.4.~~ A student may be assigned to a second chance

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 school if the school district in which the student resides has
2 a second chance school and if the student meets one of the
3 following criteria:

4 a. The student habitually exhibits disruptive behavior
5 in violation of the code of student conduct adopted by the
6 school board.

7 b. The student interferes with the student's own
8 learning or the educational process of others and requires
9 attention and assistance beyond that which the traditional
10 program can provide, or, while the student is under the
11 jurisdiction of the school either in or out of the classroom,
12 frequent conflicts of a disruptive nature occur.

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

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

19 (II) Includes violence;

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

21 (IV) Is harassment or verbal abuse of school personnel
22 or other students.

23 ~~6.5.~~ Prior to assignment of students to second chance
24 schools, school boards are encouraged to use alternative
25 programs, such as in-school suspension, which provide
26 instruction and counseling leading to improved student
27 behavior, a reduction in the incidence of truancy, and the
28 development of more effective interpersonal skills.

29 ~~7.6.~~ Students assigned to second chance schools must
30 be evaluated by the school's local child study team before
31 placement in a second chance school. The study team shall

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ensure that students are not eligible for placement in a
2 program for emotionally disturbed children.

3 ~~8.7.~~ Students who exhibit academic and social
4 progress and who wish to return to a traditional school shall
5 complete a character development and law education program, as
6 provided in s. 233.0612, and demonstrate preparedness to
7 reenter the regular school setting ~~be evaluated by school~~
8 ~~district personnel~~ prior to reentering a traditional school.

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

12 (4) PROGRAM IMPLEMENTATION.--

13 (a) Each district may establish ~~one or more~~
14 alternative programs for dropout prevention and academic
15 intervention programs at the elementary, middle, junior high
16 school, or high school level. Programs designed to eliminate
17 patterns of excessive absenteeism or habitual truancy shall
18 emphasize academic performance and may provide specific
19 instruction in the areas of vocational education,
20 preemployment training, and behavioral management. Such
21 programs shall utilize instructional teaching methods
22 appropriate to the specific needs of the student.

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

27 ~~(c) Districts may modify courses listed in the State~~
28 ~~Course Code Directory for the purpose of providing dropout~~
29 ~~prevention programs pursuant to the provisions of this~~
30 ~~section.~~

31 (5) EVALUATION.--Each school district receiving state

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 funding for dropout prevention and academic intervention
2 programs through the General Appropriations Act Florida
3 ~~Education Finance Program~~ shall submit information through an
4 annual report to the Department of Education's database
5 documenting the extent to which each of the district's dropout
6 prevention and academic intervention programs has been
7 successful in the areas of graduation rate, dropout rate,
8 attendance rate, and retention/promotion rate. The department
9 shall compile this information into an annual report which
10 shall be submitted to the presiding officers of the
11 Legislature by February 15.

12 (6) STAFF DEVELOPMENT.--Each school district shall
13 establish procedures for ensuring that teachers assigned to
14 dropout prevention and academic intervention programs possess
15 the affective, pedagogical, and content-related skills
16 necessary to meet the needs of these at-risk students. ~~Each~~
17 ~~school board shall also ensure that adequate staff development~~
18 ~~activities are available for dropout prevention staff and that~~
19 ~~dropout prevention staff participate in these activities.~~

20 (7) RECORDS.--Each district providing a ~~program for~~
21 dropout prevention and academic intervention program pursuant
22 to the provisions of this section shall maintain for each
23 participating student ~~for whom funding is generated through~~
24 ~~the Florida Education Finance Program~~ records documenting the
25 student's eligibility, the length of participation, the type
26 of program to which the student was assigned or the type of
27 academic intervention services provided, and an evaluation of
28 the student's academic and behavioral performance while in the
29 program. The school principal or his or her designee shall,
30 prior to placement in a dropout prevention and academic
31 intervention program or the provision of an academic service,

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 provide written notice of placement or services by certified
2 mail, return receipt requested, to the student's parent,
3 guardian, or legal custodian. The parent, guardian, or legal
4 custodian of the student shall sign an acknowledgment of the
5 notice of placement or service and return the signed
6 acknowledgement to the principal within 3 days after receipt
7 of the notice.The parents or guardians of a student assigned
8 to such a dropout prevention and academic intervention program
9 shall be notified in writing and entitled to an administrative
10 review of any action by school personnel relating to such
11 placement pursuant to the provisions of chapter 120.

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

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

3 231.085 Duties of principals.--A district school board
4 shall employ, through written contract, public school
5 principals who shall supervise the operation and management of
6 the schools and property as the board determines necessary.
7 Each principal shall perform such duties as may be assigned by
8 the superintendent pursuant to the rules of the school board.
9 Such rules shall include, but not be limited to, rules
10 relating to administrative responsibility, instructional
11 leadership of the educational program of the school to which
12 the principal is assigned, submission of personnel
13 recommendations to the superintendent, administrative
14 responsibility for records and reports, administration of
15 corporal punishment, and student suspension. Each principal
16 shall provide leadership in the development or revision and
17 implementation of a school improvement plan pursuant to s.
18 230.23(16). Each principal must make the necessary provisions
19 to ensure that all school reports are accurate and timely, and
20 must provide the necessary training opportunities for staff to
21 accurately report attendance, FTE program participation,
22 student performance, teacher appraisal, and school safety and
23 discipline data. A principal who fails to comply with this
24 section shall be ineligible for any portion of the performance
25 pay policy incentive under s. 230.23(5)(c).

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

28 232.001 Pilot project.--It is the purpose of this
29 section to require the Manatee County District School Board to
30 implement a pilot project that raises the compulsory age of
31 attendance for children from the age of 16 years to the age of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 18 years. The pilot project applies to each child who has not
2 attained the age of 16 years by September 30 of the school
3 year in which a school board policy is adopted.

4 (1) Beginning July 1, 1999, the Manatee County
5 District School Board shall implement a pilot project
6 consistent with policy adopted by the school board to raise
7 the compulsory age of attendance for children from the age of
8 16 years to the age of 18 years.

9 (2) The district school board must, before the
10 beginning of the school year, adopt a policy for raising the
11 compulsory age of attendance for children from the age of 16
12 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. Notwithstanding the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 provisions of s. 232.01, the formal declaration of intent to
2 terminate school enrollment does not apply to the district
3 school board.

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

14 Section 68. Subsection (2) of section 232.09, Florida
15 Statutes, is amended to read:

16 232.09 Parents and legal guardians responsible for
17 attendance of children; attendance policy.--

18 (2) Each parent and legal guardian of a child within
19 the compulsory attendance age is responsible for the child's
20 school attendance as required by law. The absence of a child
21 from school is prima facie evidence of a violation of this
22 section; however, criminal prosecution under this chapter may
23 not be brought against a parent, guardian, or other person
24 having control of the child until the provisions of s.
25 232.17(2) have been complied with. A parent or guardian of a
26 child is not responsible for the child's nonattendance at
27 school under any of the following conditions:

28 (a) With permission.--The absence was with permission
29 of the head of the school; or

30 (b) Without knowledge.--The absence was without the
31 parent's knowledge, consent, or connivance, in which case the

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 child shall be dealt with as a dependent child; or

2 (c) Financial inability.--The parent was unable
3 financially to provide necessary clothes for the child, which
4 inability was reported in writing to the superintendent prior
5 to the opening of school or immediately after the beginning of
6 such inability; provided, that the validity of any claim for
7 exemption under this subsection shall be determined by the
8 superintendent subject to appeal to the school board; or

9 (d) Sickness, injury, or other insurmountable
10 condition.--Attendance was impracticable or inadvisable on
11 account of sickness or injury, attested to by a written
12 statement of a licensed practicing physician, or was
13 impracticable because of some other stated insurmountable
14 condition as defined by rules of the state board. If a student
15 is continually sick and repeatedly absent from school, he or
16 she must be under the supervision of a physician in order to
17 receive an excuse from attendance. Such excuse provides that a
18 student's condition justifies absence for more than the number
19 of days permitted by the district school board.

20
21 Each district school board shall establish an attendance
22 policy which includes, but is not limited to, the required
23 number of days each school year that a student must be in
24 attendance and the number of absences and tardinesses after
25 which a statement explaining such absences and tardinesses
26 must be on file at the school. Each school in the district
27 must determine if an absence or tardiness is excused or
28 unexcused according to criteria established by the district
29 school board.

30 Section 69. Section 232.17, Florida Statutes, 1998
31 Supplement, is amended to read:

153

File original & 9 copies
hbd0007

04/28/99
01:06 pm

00751-0024-761259

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 232.17 Enforcement of school attendance.--The
2 Legislature finds that poor academic performance is associated
3 with nonattendance and that schools must take an active role
4 in enforcing attendance as a means of improving the
5 performance of many students. It is the policy of the state
6 that the superintendent of each school district be responsible
7 for enforcing school attendance of all children and youth
8 subject to the compulsory school age in the school district.
9 The responsibility includes recommending to the school board
10 policies and procedures to ensure that schools respond in a
11 timely manner to every unexcused absence, or absence for which
12 the reason is unknown, of students enrolled in the schools.
13 School board policies must require each parent or guardian of
14 a student to justify each absence of the student, and that
15 justification will be evaluated based on adopted school board
16 policies that define excused and unexcused absences. The
17 policies must provide that schools track excused and unexcused
18 absences and contact the home in the case of an unexcused
19 absence from school, or an absence from school for which the
20 reason is unknown, to prevent the development of patterns of
21 nonattendance. The Legislature finds that early intervention
22 in school attendance matters is the most effective way of
23 producing good attendance habits that will lead to improved
24 student learning and achievement. Each public school shall
25 implement the following steps to enforce regular school
26 attendance:

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

28 (a) Upon each unexcused absence, or absence for which
29 the reason is unknown, the school principal or his or her
30 designee shall contact the student's parent or guardian to
31 determine the reason for the absence. If the absence is an

1 excused absence, as defined by school board policy, the school
 2 shall provide opportunities for the student to make up
 3 assigned work and not receive an academic penalty unless the
 4 work is not made up within a reasonable time.

5 (b) If a student has had at least five unexcused
 6 absences, or absences for which the reasons are unknown,
 7 within a calendar month or 10 unexcused absences, or absences
 8 for which the reasons are unknown, within a 90-calendar-day
 9 period, the student's primary teacher shall report to the
 10 school principal or his or her designee that the student may
 11 be exhibiting a pattern of nonattendance. The principal shall,
 12 unless there is clear evidence that the absences are not a
 13 pattern of nonattendance, refer the case to the school's child
 14 study team to determine if early patterns of truancy are
 15 developing. If the child study team finds that a pattern of
 16 nonattendance is developing, whether the absences are excused
 17 or not, a meeting with the parent must be scheduled to
 18 identify potential remedies.

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

- 23 1. Frequent communication between the teacher and the
- 24 family;
- 25 2. Changes in the learning environment;
- 26 3. Mentoring;
- 27 4. Student counseling;
- 28 5. Tutoring, including peer tutoring;
- 29 6. Placement into different classes;
- 30 7. Evaluation for alternative education programs;
- 31 8. Attendance contracts;

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 9. Referral to other agencies for family services; or
2 10. Other interventions.

3 (d) The child study team shall be diligent in
4 facilitating intervention services and shall report the case
5 to the superintendent only when all reasonable efforts to
6 resolve the nonattendance behavior are exhausted.

7 (e) If the parent, guardian, or other person in charge
8 of the child refuses to participate in the remedial strategies
9 because he or she believes that those strategies are
10 unnecessary or inappropriate, the parent, guardian, or other
11 person in charge of the child may appeal to the school board.
12 The school board may provide a hearing officer and the hearing
13 officer shall make a recommendation for final action to the
14 board. If the board's final determination is that the
15 strategies of the child study team are appropriate, and the
16 parent, guardian, or other person in charge of the child still
17 refuses to participate or cooperate, the superintendent may
18 seek criminal prosecution for noncompliance with compulsory
19 school attendance.

20 (f) If a child subject to compulsory school attendance
21 will not comply with attempts to enforce school attendance,
22 the parent, the guardian, or the superintendent or his or her
23 designee shall refer the case to the case staffing committee
24 pursuant to s. 984.12, and the superintendent or his or her
25 designee may file a truancy petition pursuant to the
26 procedures in s. 984.151.~~Pursuant to procedures established~~
27 ~~by the district school board, a designated school~~
28 ~~representative must complete activities designed to determine~~
29 ~~the cause and attempt the remediation of truant behavior, as~~
30 ~~provided in this section.~~

31 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~ABSENCES.--A designated school representative shall~~
2 ~~investigate cases of nonenrollment and unexcused absences from~~
3 ~~school of all children subject to compulsory school~~
4 ~~attendance.~~

5 (2) GIVE WRITTEN NOTICE.--

6 (a) Under the direction of the superintendent, a
7 designated school representative shall give written notice, in
8 person or by return-receipt mail, to the parent, guardian, or
9 other person having control when no valid reason is found for
10 a child's nonenrollment in school which requires ~~or when the~~
11 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~
12 ~~within 90 calendar days, requiring enrollment or attendance~~
13 ~~within 3 days after the date of notice. If the notice and~~
14 ~~requirement are ignored, the designated school representative~~
15 ~~shall report the case to the superintendent, and may refer the~~
16 ~~case to the case staffing committee, established pursuant to~~
17 ~~s. 984.12, if the conditions of s. 232.19(3) have been met.~~
18 The superintendent shall ~~may~~ take such steps as are necessary
19 to bring criminal prosecution against the parent, guardian, or
20 other person having control.

21 (b) Subsequent to the activities required under
22 subsection (1), the superintendent or his or her designee
23 shall give written notice in person or by return-receipt mail
24 to the parent, guardian, or other person in charge of the
25 child that criminal prosecution is being sought for
26 nonattendance. The superintendent may file a truancy petition,
27 as defined in s. 984.03, following the procedures outlined in
28 s. 984.151.

29 (3) RETURN CHILD TO PARENT.--A designated school
30 representative shall visit the home or place of residence of a
31 child and any other place in which he or she is likely to find

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 any child who is required to attend school when such child is
2 not enrolled or is absent from school during school hours
3 without an excuse, and, when the child is found, shall return
4 the child to his or her parent or to the principal or teacher
5 in charge of the school, or to the private tutor from whom
6 absent, or to the juvenile assessment center or other location
7 established by the school board to receive students who are
8 absent from school. Upon receipt of the student, the parent
9 shall be immediately notified.

10 (4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
11 designated school representative shall report to the Division
12 of Jobs and Benefits of the Department of Labor and Employment
13 Security or to any person acting in similar capacity who may
14 be designated by law to receive such notices, all violations
15 of the Child Labor Law that may come to his or her knowledge.

16 (5) RIGHT TO INSPECT.--A designated school
17 representative shall have the same right of access to, and
18 inspection of, establishments where minors may be employed or
19 detained as is given by law to the Division of Jobs and
20 Benefits only for the purpose of ascertaining whether children
21 of compulsory school age are actually employed there and are
22 actually working there regularly. The designated school
23 representative shall, if he or she finds unsatisfactory
24 working conditions or violations of the Child Labor Law,
25 report his or her findings to the Division of Jobs and
26 Benefits or its agents.

27 ~~(6) RESUMING SERIES.--If a child repeats a pattern of~~
28 ~~nonattendance within one school year, the designated school~~
29 ~~representative shall resume the series of escalating~~
30 ~~activities at the point at which he or she had previously left~~
31 ~~off.~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 Section 70. Subsection (3) of section 232.19, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 232.19 Court procedure and penalties.--The court
4 procedure and penalties for the enforcement of the provisions
5 of this chapter, relating to compulsory school attendance,
6 shall be as follows:

7 (3) HABITUAL TRUANCY CASES.--The superintendent is
8 authorized to file a truancy petition, as defined in s.
9 984.03, following the procedures outlined in s. 984.151. If
10 the superintendent chooses not to file a truancy petition,
11 procedures for filing a child-in-need-of-services petition
12 shall be commenced pursuant to this subsection and chapter
13 984.In accordance with procedures established by the district
14 school board, the designated school representative shall refer
15 a student who is habitually truant and the student's family to
16 the children-in-need-of-services and
17 families-in-need-of-services provider or the case staffing
18 committee, established pursuant to s. 984.12, as determined by
19 the cooperative agreement required in this section. The case
20 staffing committee may request the Department of Juvenile
21 Justice or its designee to file a child-in-need-of-services
22 petition based upon the report and efforts of the school
23 district or other community agency or may seek to resolve the
24 truant behavior through the school or community-based
25 organizations or agencies. Prior to and subsequent to the
26 filing of a child-in-need-of-services petition due to habitual
27 truancy, the appropriate governmental agencies must allow a
28 reasonable time to complete actions required by this section
29 and s. 232.17 subsection to remedy the conditions leading to
30 the truant behavior. ~~The following criteria must be met and~~
31 ~~documented in writing~~ Prior to the filing of a petition, the

1 school district must have complied with the requirements of s.
2 232.17, and those efforts must have been unsuccessful.+

3 ~~(a) The child must have 15 unexcused absences within~~
4 ~~90 calendar days with or without the knowledge or consent of~~
5 ~~the child's parent or legal guardian, must be subject to~~
6 ~~compulsory school attendance, and must not be exempt under s.~~
7 ~~232.06, s. 232.09, or any other exemption specified by law or~~
8 ~~the rules of the State Board of Education.~~

9 ~~(b) In addition to the actions described in s. 232.17,~~
10 ~~the school administration must have completed the following~~
11 ~~activities to determine the cause, and to attempt the~~
12 ~~remediation, of the child's truant behavior+:~~

13 ~~1. After a minimum of 3 and prior to 6 unexcused~~
14 ~~absences within 90 calendar days, one or more meetings must~~
15 ~~have been held, either in person or by phone, between a~~
16 ~~designated school representative, the child's parent or~~
17 ~~guardian, and the child, if necessary, to report and to~~
18 ~~attempt to solve the truancy problem. However, if the~~
19 ~~designated school representative has documented the refusal of~~
20 ~~the parent or guardian to participate in the meetings, this~~
21 ~~requirement has been met.~~

22 ~~2. Educational counseling must have been provided to~~
23 ~~determine whether curriculum changes would help solve the~~
24 ~~truancy problem, and, if any changes were indicated, such~~
25 ~~changes must have been instituted but proved unsuccessful in~~
26 ~~remediating the truant behavior. Such curriculum changes may~~
27 ~~include enrollment of the child in a dropout prevention~~
28 ~~program that meets the specific educational and behavioral~~
29 ~~needs of the child, including a second chance school, as~~
30 ~~provided for in s. 230.2316, designed to resolve truant~~
31 ~~behavior.~~

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 ~~3. Educational evaluation, which may include~~
2 ~~psychological evaluation, must have been provided to assist in~~
3 ~~determining the specific condition, if any, that is~~
4 ~~contributing to the child's nonattendance. The evaluation~~
5 ~~must have been supplemented by specific efforts by the school~~
6 ~~to remedy any diagnosed condition.~~

7
8 ~~If a child who is subject to compulsory school attendance is~~
9 ~~responsive to the interventions described in this paragraph~~
10 ~~and has completed the necessary requirements to pass the~~
11 ~~current grade as indicated in the district pupil progression~~
12 ~~plan, the child shall be passed.~~

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

15 232.271 Removal by teacher.--

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

31 Section 72. Effective July 1, 1999, paragraph (a) of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 subsection (1) of section 236.081, Florida Statutes, 1998
2 Supplement, is amended to read:

3 236.081 Funds for operation of schools.--If the annual
4 allocation from the Florida Education Finance Program to each
5 district for operation of schools is not determined in the
6 annual appropriations act or the substantive bill implementing
7 the annual appropriations act, it shall be determined as
8 follows:

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

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

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the district's full-time equivalent membership shall be
2 adjusted by multiplying by the average daily attendance
3 factor.

4 Section 73. Paragraph (a) of subsection (4) of section
5 239.505, Florida Statutes, is amended to read:

6 239.505 Florida Constructive Youth Programs.--

7 (4) FUNDING.--Each district school board or community
8 college board of trustees wishing to implement a constructive
9 youth program must submit a comprehensive plan to the
10 Department of Education no later than October 1 of the
11 preceding school year, which plan must include a list of all
12 funding sources, including, but not limited to:

13 (a) Funds available for programs authorized under the
14 Dropout Prevention and Academic Intervention Act, as provided
15 in s. 230.2316, ~~and Dropout prevention programs funded~~
16 ~~pursuant to the provisions of s. 236.081(1)(c).~~

17 Section 74. Subsection (29) of section 984.03, Florida
18 Statutes, 1998 Supplement, is amended, present subsection (57)
19 of that section is redesignated as subsection (58), and a new
20 subsection (57) is added to that section, to read:

21 984.03 Definitions.--When used in this chapter, the
22 term:

23 (29) "Habitually truant" means that:

24 (a) The child has 15 unexcused absences within 90
25 calendar days with or without the knowledge or justifiable
26 consent of the child's parent or legal guardian, is subject to
27 compulsory school attendance under s. 232.01, and is not
28 exempt under s. 232.06, s. 232.09, or any other exemptions
29 specified by law or the rules of the State Board of Education.

30 (b) ~~Escalating~~ Activities to determine the cause, and
31 to attempt the remediation, of the child's truant behavior

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 under ss. 232.17 and 232.19 have been completed.

2

3 If a child who is subject to compulsory school attendance is
4 responsive to the interventions described in ss. 232.17 and
5 232.19 and has completed the necessary requirements to pass
6 the current grade as indicated in the district pupil
7 progression plan, the child shall not be determined to be
8 habitually truant and shall be passed. If a child within the
9 compulsory school attendance age has 15 unexcused absences
10 within 90 calendar days or fails to enroll in school, the
11 State Attorney may, or the appropriate jurisdictional agency
12 shall, file a child-in-need-of-services petition if
13 recommended by the case staffing committee, unless it is
14 determined that another alternative action is preferable.
15 ~~Prior to filing a petition, the child must be referred to the~~
16 ~~appropriate agency for evaluation. After consulting with the~~
17 ~~evaluating agency, the State Attorney may elect to file a~~
18 ~~child-in-need-of-services petition.~~

19 (c) A school representative, designated according to
20 school board policy, and a juvenile probation officer of the
21 Department of Juvenile Justice have jointly investigated the
22 truancy problem or, if that was not feasible, have performed
23 separate investigations to identify conditions that may be
24 contributing to the truant behavior; and if, after a joint
25 staffing of the case to determine the necessity for services,
26 such services were determined to be needed, the persons who
27 performed the investigations met jointly with the family and
28 child to discuss any referral to appropriate community
29 agencies for economic services, family or individual
30 counseling, or other services required to remedy the
31 conditions that are contributing to the truant behavior.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 (d) The failure or refusal of the parent or legal
2 guardian or the child to participate, or make a good faith
3 effort to participate, in the activities prescribed to remedy
4 the truant behavior, or the failure or refusal of the child to
5 return to school after participation in activities required by
6 this subsection, or the failure of the child to stop the
7 truant behavior after the school administration and the
8 Department of Juvenile Justice have worked with the child as
9 described in s. 232.19(3) and (4) shall be handled as
10 prescribed in s. 232.19.

11 (57) "Truancy petition" means a petition filed by the
12 school superintendent alleging that a student subject to
13 compulsory school attendance has had more than 15 unexcused
14 absences in a 90-calendar-day period. A truancy petition is
15 filed and processed under s. 984.151.

16 Section 75. Section 984.151, Florida Statutes, is
17 created to read:

18 984.151 Truancy petition; prosecution; disposition.--

19 (1) If the school determines that a student subject to
20 compulsory school attendance has had more than 15 unexcused
21 absences in a 90-calendar-day period, the superintendent may
22 file a truancy petition.

23 (2) The petition shall be filed in the circuit in
24 which the student is enrolled in school.

25 (3) Original jurisdiction to hear a truancy petition
26 shall be in the circuit court; however, the circuit court may
27 use a general or special master pursuant to Supreme Court
28 rules.

29 (4) The petition must contain the following: the
30 name, age, and address of the student; the name and address of
31 the student's parent or guardian; the school where the student

1 is enrolled; the efforts the school has made to get the
2 student to attend school; the number of out-of-school contacts
3 between the school system and student's parent or guardian;
4 and the number of days and dates of days the student has
5 missed school. The petition shall be sworn to by the
6 superintendent or his or her designee.

7 (5) Once the petition is filed, the court shall hear
8 the petition within 30 days.

9 (6) The student and the student's parent or guardian
10 shall attend the hearing.

11 (7) If the court determines that the student did miss
12 any of the alleged days, the court shall order the student to
13 attend school and the parent to ensure that the student
14 attends school, and may order any of the following: the
15 student to participate in alternative sanctions to include
16 mandatory attendance at alternative classes to be followed by
17 mandatory community services hours for a period up to 6
18 months; the student and the student's parent or guardian to
19 participate in homemaker or parent aide services; the student
20 or the student's parent or guardian to participate in
21 intensive crisis counseling; the student or the student's
22 parent or guardian to participate in community mental health
23 services if available and applicable; the student and the
24 student's parent or guardian to participate in service
25 provided by voluntary or community agencies as available; and
26 the student or the student's parent or guardian to participate
27 in vocational, job training, or employment services.

28 (8) If the student does not successfully complete the
29 sanctions ordered in subsection (7), the case shall be
30 referred to the case staffing committee under s. 984.12 with a
31 recommendation to file a child-in-need-of-services petition

1 under s. 984.15.

2 Section 76. The State Board of Education shall adopt
3 such rules as necessary to ensure that not-for-profit,
4 professional teacher associations which offer membership to
5 all teachers, noninstructional personnel, and administrators,
6 and which offer teacher training and staff development at no
7 fee to the district shall be given equal access to voluntary
8 teacher meetings, be provided access to teacher mailboxes for
9 distribution of professional literature, and be authorized to
10 collect voluntary membership fees through payroll deduction.

11 Section 77. If any provision of this act or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity shall not affect other provisions or
14 applications of the act which can be given effect without the
15 invalid provision or application, and to this end the
16 provisions of this act are declared severable.

17 Section 78. Except as otherwise provided herein, this
18 act shall take effect upon becoming a law.

19
20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 remove from the title of the bill: everything before the
24 enacting clause

25
26

and insert in lieu thereof:

27 A bill to be entitled
28 An act relating to education; amending s.
29 229.0535, F.S.; revising provisions relating to
30 the authority of the State Board of Education
31 to enforce school improvement; creating s.

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 229.0537, F.S.; providing findings and intent;
2 requiring private school opportunity
3 scholarships to be provided to certain public
4 school students; providing student eligibility
5 requirements; providing school district
6 requirements; providing an alternative to
7 accepting a state opportunity scholarship;
8 providing private school eligibility criteria;
9 providing student attendance requirements;
10 providing parental involvement requirements;
11 providing a district reporting requirement;
12 providing for calculation of the amount and
13 distribution of state opportunity scholarship
14 funds; providing an exemption from liability;
15 authorizing the adoption of rules; establishing
16 a pilot scholarship program for students with
17 disabilities; amending s. 229.512, F.S.;
18 revising provisions relating to the authority
19 of the Commissioner of Education regarding the
20 implementation of the program of school
21 improvement and education accountability;
22 amending s. 229.555, F.S., relating to
23 educational planning and information systems;
24 revising to conform; providing requirements
25 regarding electronic transfer of data; amending
26 s. 229.565, F.S.; eliminating the requirement
27 that the Commissioner of Education designate
28 program categories and grade levels for which
29 performance standards are to be approved;
30 amending s. 229.57, F.S.; revising the purpose
31 of the student assessment program; requiring

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the Department of Education to develop a system
2 to measure annual pupil progress; requiring the
3 statewide assessment program to include
4 science; revising provisions relating to the
5 administration of the National Assessment of
6 Educational Progress; revising the statewide
7 assessment program; revising requirements
8 relating to the annual report of the results of
9 the statewide assessment program; providing for
10 the identification of schools by performance
11 grade category according to student and school
12 performance data; providing for the
13 identification of school improvement ratings;
14 amending s. 229.58, F.S.; removing a reference
15 to the Florida Commission on Education Reform
16 and Accountability; amending s. 229.591, F.S.;
17 revising provisions relating to the system of
18 school improvement and education accountability
19 to reflect that students are not required to
20 attend schools designated in a certain
21 performance grade category; revising the state
22 education goals; amending s. 229.592, F.S.,
23 relating to the implementation of the state
24 system of school improvement and education
25 accountability; deleting references to the
26 Florida Commission on Education Reform and
27 Accountability; removing obsolete provisions;
28 deleting the requirement that the Commissioner
29 of Education appear before the Legislature;
30 revising duties of the Department of Education;
31 providing for a community assessment team;

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 revising duties of the State Board of
2 Education; revising provisions relating to
3 waivers from statutes; conforming cross
4 references; repealing ss. 229.593 and 229.594,
5 F.S., relating to the Florida Commission on
6 Education Reform and Accountability; amending
7 s. 229.595, F.S., relating to the
8 implementation of the state system of
9 educational accountability for school-to-work
10 transition; revising provisions relating to the
11 assessment of readiness to enter the workforce;
12 removing a reference to the Florida Commission
13 on Education Reform and Accountability;
14 amending s. 230.23, F.S., relating to powers
15 and duties of school boards; revising
16 provisions relating to the compensation and
17 salary schedules of school employees; requiring
18 certain performance-based pay for specified
19 school personnel; revising provisions relating
20 to courses of study and other instructional
21 aids to include the term "instructional
22 materials"; specifying content of school
23 improvement plans; revising school board duties
24 regarding the implementation and enforcement of
25 school improvement and accountability; revising
26 policies regarding public disclosure; requiring
27 school board adoption of certain policies;
28 authorizing school boards to declare an
29 emergency under certain circumstances; amending
30 s. 231.2905, F.S.; revising provisions of the
31 Florida School Recognition Program relating to

170

File original & 9 copies
hbd0007

04/28/99
01:06 pm

00751-0024-761259

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 financial awards based on employee performance;
2 revising initial criteria for identification of
3 schools; amending s. 232.245, F.S.; relating to
4 pupil progression; revising requirements
5 relating to the provision of remedial
6 instruction; prohibiting social promotion;
7 providing requirements for the use of resources
8 for remedial instruction; requiring the
9 adoption of rules regarding pupil progression;
10 eliminating requirements relating to student
11 academic improvement plans; deleting
12 duplicative requirements relating to mandatory
13 remedial reading instruction; amending s.
14 228.053, F.S.; relating to developmental
15 research schools; eliminating references to
16 Blueprint 2000; conforming cross references;
17 amending s. 228.054, F.S., relating to the
18 Joint Developmental Research School Planning,
19 Articulation, and Evaluation Committee;
20 conforming a cross reference; amending s.
21 233.17, F.S., relating to the term of adoption
22 of instructional materials; conforming cross
23 references; amending s. 236.685, F.S., relating
24 to educational funding accountability;
25 conforming a cross reference; amending s.
26 20.15, F.S.; deleting reference to the Florida
27 Education Reform and Accountability Commission;
28 creating s. 236.08104, F.S.; establishing a
29 supplemental academic instruction categorical
30 fund; providing findings and intent; providing
31 requirements for the use of funds; authorizing

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 the Florida State University School to expend
2 certain funds for student remediation; amending
3 s. 236.013, F.S.; eliminating certain
4 provisions relating to calculations of the
5 equivalent of a full-time student; revising
6 provisions relating to membership in programs
7 scheduled for more than 180 days; amending s.
8 239.101, F.S., relating to career education;
9 conforming cross references; amending s.
10 239.229, F.S., relating to vocational
11 standards; conforming cross references;
12 amending s. 24.121, F.S.; specifying conditions
13 for withholding allocations from the
14 Educational Enhancement Trust Fund; amending s.
15 228.0565, F.S., relating to deregulated public
16 schools; revising elements of an annual report;
17 reenacting s. 120.81(1)(b), F.S., relating to
18 tests, test scoring criteria, or testing
19 procedures, s. 228.301(1), F.S., relating to
20 test security, s. 229.551(1)(c) and (3), F.S.,
21 relating to educational management, s.
22 230.03(4), F.S., relating to school district
23 management, control, operation, administration,
24 and supervision, s. 231.24(3)(a), F.S.,
25 relating to the process for renewal of
26 professional certificates, s. 231.36(3)(e) and
27 (f), F.S., relating to contracts with
28 instructional staff, supervisors, and
29 principals, s. 232.2454(1), F.S., relating to
30 district student performance standards,
31 instruments, and assessment procedures;

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 reenacting and amending s. 232.246, F.S.;

2 revising general requirements for high school

3 graduation; reenacting s. 232.248, F.S.,

4 relating to confidentiality of assessment

5 instruments, s. 232.2481(1), F.S., relating to

6 graduation and promotion requirements for

7 publicly operated schools, s. 233.09(4), F.S.,

8 relating to duties of instructional materials

9 committees, s. 233.165(1)(b), F.S., relating to

10 the selection of instructional materials, s.

11 233.25(3)(b), F.S., relating to publishers and

12 manufacturers of instructional materials, s.

13 239.229(3), F.S., relating to vocational

14 standards, s. 240.118(4), F.S., relating to

15 postsecondary feedback of information to high

16 schools, to incorporate references; amending s.

17 228.041, F.S.; redefining the terms "dropout,"

18 "graduation rate," and "dropout rate"; amending

19 s. 228.056, F.S., relating to charter schools;

20 conforming provisions relating to assessment;

21 creating s. 231.002, F.S.; stating an intent to

22 increase standards for the preparation,

23 certification, and professional development of

24 educators; directing the Department of

25 Education to review statutes and rules

26 governing certification to increase efficiency,

27 rigor, and alternatives in the certification

28 process; requiring a report; amending s.

29 231.02, F.S.; correcting a reference; amending

30 s. 231.0861, F.S.; requiring the State Board of

31 Education to approve criteria for selection of

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 certain administrative personnel; authorizing
2 school districts to contract with private
3 entities for evaluation and training of such
4 personnel; amending s. 231.085, F.S.;
5 specifying principals' responsibilities for
6 assessing performance of school personnel and
7 implementing the Sunshine State Standards;
8 amending s. 231.087, F.S.; requiring the State
9 Board of Education to adopt rules governing the
10 training of school district management
11 personnel; providing for review and repeal of
12 the Management Training Act; requiring
13 recommendations; amending s. 231.09, F.S.;
14 prescribing duties of instructional personnel;
15 amending s. 231.096, F.S.; requiring a school
16 board plan to ensure the competency of teachers
17 with out-of-field teaching assignments;
18 amending s. 231.145, F.S.; revising purpose to
19 reflect increased requirements for
20 certification; amending s. 231.15, F.S.;
21 authorizing certification based on demonstrated
22 competencies; requiring rules of the State
23 Board of Education to specify certain
24 competencies; requiring consultation with
25 postsecondary education boards; amending s.
26 231.17, F.S.; revising prerequisites for
27 certification; requiring demonstration of
28 general knowledge before temporary
29 certification; increasing the requirement that
30 teachers know and use mathematics, technology,
31 and intervention strategies with students;

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 deleting alternative ways to demonstrate
2 general knowledge competency; amending s.
3 231.1725, F.S.; providing legal protections for
4 clinical field experience students; amending s.
5 231.174, F.S., relating to district programs
6 for adding certification coverages; removing
7 limitation to specific certification areas;
8 amending s. 231.29, F.S.; requiring certain
9 personnel-performance assessments to be
10 primarily based on student performance;
11 revising the assessment procedure for certain
12 school district personnel; requiring certain
13 review and testing of employees of schools in
14 performance grade categories "D" and "F";
15 amending s. 231.36, F.S.; authorizing the State
16 Board of Education to define certain terms by
17 rule; amending s. 231.546, F.S.; specifying
18 duties of the Education Standards Commission;
19 amending s. 231.600, F.S.; prescribing the
20 responsibilities of school district
21 professional development programs; amending s.
22 236.08106, F.S.; providing for the distribution
23 of Excellent Teaching Program funds; deleting
24 certain district incentives; authorizing the
25 withholding of wages as repayment; amending s.
26 240.529, F.S.; requiring the commissioner to
27 appoint a Teacher Preparation Program Committee
28 to recommend core curricula for state-approved
29 teacher preparation programs; requiring a
30 report; requiring the State Board of Education
31 to adopt rules establishing uniform core

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 curricula; revising criteria for initial and
2 continuing approval of teacher preparation
3 programs; increasing the requirements for a
4 student to enroll in and graduate from a
5 teacher education program; requiring annual
6 reports of program performance; providing
7 additional legislative intent related to
8 teacher preparation programs; providing the
9 criteria for continued program approval;
10 providing for the requirements for instructors
11 in postsecondary teacher preparation programs
12 who instruct or supervise preservice field
13 experience courses or internships; eliminating
14 the requirement related to a commitment to
15 teaching in the public schools for a period of
16 time; providing additional requirements for
17 school district and instructional personnel who
18 supervise or direct certain teacher preparation
19 students; creating s. 231.6135, F.S.;
20 establishing a statewide system for inservice
21 professional development; authorizing
22 professional development academies to meet
23 human resource development and education
24 instruction training needs of educators,
25 school, and school districts; providing for
26 organization and operation by public and
27 private partners; providing for funding;
28 specifying duties of the Commissioner of
29 Education; repealing s. 231.601, F.S., relating
30 to purpose of inservice training for
31 instructional personnel; amending s. 230.2316,

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 F.S.; providing for a dropout prevention and
2 academic intervention program; revising intent
3 of program; revising eligibility criteria;
4 expanding eligible students to grades 1-12;
5 revising reporting requirements for district
6 evaluation; providing procedures for notice to
7 and response from a parent, guardian, or legal
8 custodian prior to placement in a program or
9 the provision of services to the student;
10 amending s. 231.085, F.S.; requiring principals
11 to ensure the accuracy and timeliness of school
12 reports; requiring principals to provide staff
13 training opportunities; providing sanctions for
14 noncompliance; creating s. 232.001, F.S.;
15 requiring the Manatee County District School
16 Board to establish a pilot project to raise the
17 compulsory age of attendance for children;
18 providing requirements for the school board;
19 providing for the applicability of state law
20 and State Board of Education rule; providing an
21 exception from the provisions relating to a
22 declaration of intent to terminate school
23 enrollment; requiring a study; amending s.
24 232.09, F.S.; limiting application to certain
25 criminal proceedings; amending s. 232.17, F.S.;
26 providing legislative findings; placing
27 responsibility on school district
28 superintendents for enforcing attendance;
29 establishing requirements for school board
30 policies; revising the current steps for
31 enforcing regular school attendance; requiring

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 public schools to follow the steps;
2 establishing the requirements for school
3 principals, primary teachers, child study
4 teams, and parents; providing for parents to
5 appeal; allowing the superintendent to seek
6 criminal prosecution for parental
7 noncompliance; requiring the superintendent,
8 parent, or guardian to file certain petitions
9 involving ungovernable children in certain
10 circumstances; requiring the superintendent to
11 provide the court with certain evidence;
12 allowing for court enforcement for children who
13 refuse to comply; revising the notice
14 requirements to parents, guardians, or others;
15 eliminating a current condition for notice;
16 eliminating the option for referral to case
17 staffing committees; requiring the
18 superintendent to take steps to bring about
19 criminal prosecution and requiring related
20 notice; authorizing the superintendent to file
21 truancy petitions; allowing for the return of
22 absent children to additional locations;
23 requiring parental notification; amending s.
24 232.19, F.S., relating to habitual truancy;
25 authorizing superintendents to file truancy
26 petitions; requiring that a court order for
27 school attendance be obtained as a part of
28 services; revising the requirements that must
29 be met prior to filing a petition; amending s.
30 232.271, F.S.; revising references; amending s.
31 236.081, F.S.; amending procedures that must be

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 followed in determining the annual allocation
2 to each school district for operation;
3 requiring the average daily attendance of the
4 student membership to be calculated by school
5 and by district; amending s. 239.505, F.S.;
6 revising provisions relating to funding of
7 constructive youth programs; amending s.
8 984.03, F.S.; redefining the term "habitual
9 truant"; requiring the state attorney to file a
10 child-in-need-of-services petition in certain
11 circumstances; eliminating the requirement for
12 referral for evaluation; defining the term
13 "truancy petition"; creating s. 984.151, F.S.;
14 providing procedures for truancy petitions;
15 providing for truancy hearings and penalties;
16 requiring the State Board of Education to adopt
17 rules regarding not-for-profit, professional
18 teacher associations; providing for
19 severability; providing effective dates.

20
21 WHEREAS, providing a system of high-quality public
22 education for children is an important goal of this state, and

23 WHEREAS, Floridians reemphasized their aspiration to
24 provide for a system of high-quality public education for
25 children in this state by amending Section 1 of Article IX of
26 the State Constitution in the November 1998 general election,
27 and

28 WHEREAS, the Legislature recognizes that it has an
29 important but not exclusive role in providing children with
30 the opportunity to obtain a high-quality education in this
31 state, and

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 WHEREAS, success in obtaining a high-quality education
2 depends upon many influences, and

3 WHEREAS, among the most prominent influences on the
4 educational success of children are the positive influences of
5 parents on their children's lives and on their children's
6 desire to learn and the active involvement of parents in the
7 education of their children, and

8 WHEREAS, the presence of those influences is
9 indispensable to successfully providing a system that allows
10 students to obtain a high-quality education, and

11 WHEREAS, children will have the best opportunity to
12 obtain a high-quality education in the public education system
13 of this state and that system can best be enhanced when
14 positive parental influences are present, when we allocate
15 resources efficiently and concentrate resources to enhance a
16 safe, secure, and disciplined classroom learning environment,
17 when we support teachers, when we reinforce shared high
18 academic expectations, and when we promptly reward success and
19 promptly identify failure, as well as promptly appraise the
20 public of both successes and failures, and

21 WHEREAS, the voters of the State of Florida, in the
22 1998 General Election, amended Article IX, section 1, of the
23 Florida Constitution to state that, "Adequate provision shall
24 be made by law for a ... safe, secure, and high quality system
25 of free public schools ...," and

26 WHEREAS, House Bill 1309, a comprehensive school safety
27 and discipline package, was enacted by the Legislature in the
28 1997 Session, addressing dropouts, habitual truancy, zero
29 tolerance for crime, drugs, alcohol, and weapons, alternative
30 placement of disruptive students, and cooperative agreements
31 with local law enforcement for crime reporting, and

CONFERENCE COMMITTEE AMENDMENT

560-218AXA-38

Bill No. CS/HB 751 & others, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 WHEREAS, the Legislature annually provides for
2 safe-schools appropriations to be used for after school
3 programs for middle school students, alternative programs for
4 adjudicated youth, school resource officers, and conflict
5 resolution strategies, and
6 WHEREAS, the enhancement of school safety should be
7 measured as an element of school performance and
8 accountability and improved crime and incident reporting, as
9 well as a heightened emphasis on character education in the
10 curriculum of the early grades, NOW, THEREFORE,

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31