

By Representative Diaz de la Portilla

1 A bill to be entitled
2 An act relating to educational accountability;
3 amending s. 229.0535, F.S.; revising provisions
4 relating to the authority of the State Board of
5 Education to enforce school improvement;
6 creating s. 229.0537, F.S.; providing findings
7 and intent language; requiring private school
8 opportunity scholarships to be provided to
9 certain public school students; providing
10 student eligibility requirements; providing
11 school district requirements; providing an
12 alternative to accepting a state opportunity
13 scholarship; providing private school
14 eligibility criteria; providing student
15 attendance requirements; providing parental
16 involvement requirements; providing a district
17 reporting requirement; providing for
18 calculation of the amount and distribution of
19 state opportunity scholarship funds;
20 authorizing the adoption of rules; amending s.
21 229.512, F.S.; revising provisions relating to
22 the authority of the Commissioner of Education
23 regarding the implementation of the program of
24 school improvement and education
25 accountability; amending s. 229.555, F.S.,
26 relating to educational planning and
27 information systems; revising to conform;
28 amending s. 229.565, F.S.; eliminating the
29 requirement that the Commissioner of Education
30 designate program categories and grade levels
31 for which performance standards are to be

1 approved; amending s. 229.57, F.S.; revising
2 the purpose of the student assessment program;
3 revising provisions relating to the
4 administration of the National Assessment of
5 Educational Progress; revising the statewide
6 assessment program; revising requirements
7 relating to the annual report of the results of
8 the statewide assessment program; providing for
9 the identification of schools by performance
10 grade category according to student and school
11 performance data; providing for the
12 identification of school improvement ratings;
13 amending s. 229.58, F.S.; removing a reference
14 to the Florida Commission on Education Reform
15 and Accountability; increasing the authority
16 that each school identified in a certain
17 performance grade category has over the
18 allocation of the school's total budget;
19 amending s. 229.591, F.S.; revising provisions
20 relating to the system of school improvement
21 and education accountability to reflect that
22 students are not required to attend schools
23 designated in a certain performance grade
24 category; revising the state education goals;
25 amending s. 229.592, F.S., relating to the
26 implementation of the state system of school
27 improvement and education accountability;
28 removing obsolete language; removing references
29 to the Florida Commission on Education Reform
30 and Accountability; deleting the requirement
31 that the Commissioner of Education appear

1 before the Legislature; revising duties of the
2 Department of Education; revising duties of the
3 State Board of Education; revising provisions
4 relating to waivers from statutes; correcting
5 cross references; repealing s. 229.593, F.S.,
6 relating to the Florida Commission on Education
7 Reform and Accountability; repealing s.
8 229.594, F.S., relating to the powers and
9 duties of the commission; amending s. 229.595,
10 F.S., relating to the implementation of the
11 state system of educational accountability for
12 school-to-work transition; revising provisions
13 relating to the assessment of readiness to
14 enter the workforce; removing a reference to
15 the Florida Commission on Education Reform and
16 Accountability; amending s. 230.23, F.S.,
17 relating to powers and duties of school boards;
18 revising provisions relating to the
19 compensation and salary schedules of school
20 employees; revising provisions relating to
21 courses of study and other instructional aids
22 to include the term "instructional materials";
23 revising school board duties regarding the
24 implementation and enforcement of school
25 improvement and accountability; revising
26 policies regarding public disclosure; requiring
27 school board adoption of certain policies;
28 amending s. 231.29, F.S.; revising the
29 assessment procedure for school district
30 instructional, administrative, and supervisory
31 personnel; amending s. 231.2905, F.S.; revising

1 provisions of the Florida School Recognition
2 Program relating to financial awards based on
3 employee performance; revising initial criteria
4 for identification of schools; amending s.
5 232.245, F.S.; relating to pupil progression;
6 revising requirements relating to the provision
7 of remedial instruction; providing requirements
8 for the use of resources for remedial
9 instruction; requiring the adoption of rules
10 regarding pupil progression; eliminating
11 requirements relating to student academic
12 improvement plans; deleting requirements
13 relating to mandatory remedial reading
14 instruction; amending s. 228.053, F.S.;
15 relating to developmental research schools;
16 correcting cross references; amending s.
17 228.054, F.S., relating to the Joint
18 Developmental Research School Planning,
19 Articulation, and Evaluation Committee;
20 correcting a cross reference; amending s.
21 233.17, F.S., relating to the term of adoption
22 of instructional materials; correcting cross
23 references; amending s. 236.685, F.S., relating
24 to educational funding accountability;
25 correcting a cross reference; amending s.
26 20.15, F.S., relating to the creation of the
27 Department of Education; removing a reference
28 to the Florida Commission on Education Reform
29 and Accountability; creating s. 236.08104,
30 F.S.; establishing a supplemental academic
31 instruction categorical fund; providing

1 findings and intent; providing requirements for
2 the use of funds; amending s. 236.013, F.S.;
3 eliminating certain provisions relating to
4 calculations of the equivalent of a full-time
5 student; revising provisions relating to
6 membership in programs scheduled for more than
7 180 days; amending s. 239.101, F.S., relating
8 to career education; correcting cross
9 references; amending s. 239.229, F.S., relating
10 to vocational standards; correcting cross
11 references; amending s. 240.529, F.S., relating
12 to approval of teacher education programs;
13 correcting a cross reference; reenacting s.
14 24.121(5)(b), (c), and (d), F.S., relating to
15 the Educational Enhancement Trust Fund, s.
16 120.81(1)(b), F.S., relating to tests, test
17 scoring criteria, or testing procedures, s.
18 228.053(3) and (8), F.S., relating to
19 developmental research schools, s.
20 228.054(2)(e), F.S., relating to the Joint
21 Developmental Research School Planning,
22 Articulation, and Evaluation Committee, s.
23 228.056(9)(e) and (f), F.S., relating to
24 charter schools, s. 228.0565(6)(b), (c), and
25 (d), F.S., relating to deregulated public
26 schools, s. 228.301(1), F.S., relating to test
27 security, s. 229.551(1)(c) and (3), F.S.,
28 relating to educational management, s.
29 230.03(4), F.S., relating to school district
30 management, control, operation, administration,
31 and supervision, s. 230.2316(4)(b), F.S.,

1 relating to dropout prevention, s. 231.085,
2 F.S., relating to duties of principals, s.
3 231.24(3)(a), F.S., relating to the process for
4 renewal of professional certificates, s.
5 231.36(3)(e) and (f), F.S., relating to
6 contracts with instructional staff,
7 supervisors, and principals, s. 231.600(1),
8 F.S., relating to the School Community
9 Professional Development Act, s. 232.2454(1),
10 F.S., relating to district student performance
11 standards, instruments, and assessment
12 procedures, s. 232.246(5)(a) and (b), F.S.,
13 relating to general requirements for high
14 school graduation, s. 232.248, F.S., relating
15 to confidentiality of assessment instruments,
16 s. 232.2481(1), F.S., relating to graduation
17 and promotion requirements for publicly
18 operated schools, s. 233.09(4), F.S., relating
19 to duties of instructional materials
20 committees, s. 233.165(1)(b), F.S., relating to
21 the selection of instructional materials, s.
22 233.25(3)(b), F.S., relating to publishers and
23 manufacturers of instructional materials, s.
24 236.08106(2)(a) and (c), F.S., relating to the
25 Excellent Teaching Program, s. 236.685(6),
26 F.S., relating to educational funding
27 accountability, s. 239.101(7), F.S., relating
28 to career education, s. 239.229(1) and (3),
29 F.S., relating to vocational standards, s.
30 240.118(4), F.S., relating to postsecondary
31 feedback of information to high schools, s.

1 240.529(1), F.S., relating to approval of
2 teacher preparation programs, to incorporate
3 references; providing effective dates.

4
5 WHEREAS, the voters of the State of Florida, in the
6 November 1998 General Election, amended Article IX, section 1,
7 of the Florida Constitution to state that "Adequate provision
8 shall be made by law for a uniform, efficient, safe, secure
9 and high quality system of free public schools that allows
10 students to obtain a high quality education. . .," and

11 WHEREAS, a high quality education system must hold high
12 academic expectations for students and must annually measure
13 their achievement, demanding as a benchmark goal that students
14 gain at least a year's worth of knowledge in a year, and

15 WHEREAS, a high quality education system can best
16 attain that benchmark goal by quickly rewarding success and
17 correcting failure, apprising the public of successes and
18 failures so that informed educational decisions can be made,
19 and concentrating resources on the academic progress of
20 students and the effectiveness of classroom teachers, NOW,
21 THEREFORE,

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 229.0535, Florida Statutes, is
26 amended to read:

27 229.0535 Authority to enforce school improvement.--It
28 is the intent of the Legislature that all public schools be
29 held accountable for ~~ensuring that~~ students performing perform
30 at acceptable levels. A system of school improvement and
31 accountability that assesses student performance by school,

1 identifies schools in which students are not making ~~not~~
2 ~~providing~~ adequate progress toward state standards, ~~and~~
3 institutes appropriate measures for enforcing improvement, and
4 provides rewards and sanctions based on performance shall be
5 the responsibility of the State Board of Education.

6 (1) Pursuant to Art. IX of the State Constitution
7 prescribing the duty of the State Board of Education to
8 supervise Florida's public school system and notwithstanding
9 any other statutory provisions to the contrary, the State
10 Board of Education may ~~shall have the authority to~~ intervene
11 in the operation of a district school system when ~~in cases~~
12 ~~where~~ one or more schools in the ~~a~~ school district have failed
13 to make adequate progress for 2 ~~3 consecutive~~ school years.
14 The state board may determine that the school district or
15 ~~and/or~~ school has not taken steps sufficient for ~~to ensure~~
16 ~~that~~ students in the school to be academically ~~in question are~~
17 well served. Considering recommendations of the Commissioner
18 of Education, the state board may ~~is authorized to~~ recommend
19 action to a district school board ~~that is~~ intended to improve
20 ~~ensure improved~~ educational services to students in each the
21 low-performing school ~~schools in question~~. Recommendations for
22 actions to be taken in the school district shall be made only
23 after thorough consideration of the unique characteristics of
24 a school, which shall also include student mobility rates and
25 the number and type of exceptional students enrolled in the
26 school. The state board shall adopt by rule steps to follow in
27 this process. Such steps shall provide ~~ensure that~~ school
28 districts ~~have~~ sufficient time to improve student performance
29 in schools and ~~have had~~ the opportunity to present evidence of
30 assistance and interventions that the school board has
31 implemented.

1 (2) The state board is specifically authorized to
2 recommend one or more of the following actions to school
3 boards to enable ~~ensure that~~ students in low-performing
4 schools to be academically ~~are~~ well served by the public
5 school system:

6 (a) Provide additional resources, change certain
7 practices, and provide additional assistance if the state
8 board determines the causes of inadequate progress to be
9 related to school district policy or practice;

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

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

17 ~~(d) Allow parents of students in the school to send
18 their children to another district school of their choice, if
19 appropriate; or~~

20 (d)~~(e)~~ Other action ~~as deemed~~ appropriate to improve
21 the school's performance.

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

28 (4) The State Board of Education is authorized to
29 require the Department of Education or Comptroller to withhold
30 any transfer of state funds to the school district if, within
31 the timeframe specified in state board action, the school

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

9 Section 2. Section 229.0537, Florida Statutes, is
10 created to read:

11 229.0537 Opportunity Scholarship Program.--

12 (1) FINDINGS AND INTENT.--This section represents a
13 covenant between the state and the citizens of Florida that
14 all children will have the opportunity to attend schools that
15 can meet their educational needs and in which they can gain
16 the knowledge and skills required to graduate from high school
17 and be prepared for postsecondary education and the world of
18 work. The Legislature recognizes that the voters of the State
19 of Florida, in the November 1998 general election, amended
20 Article IX, Section 1, of the Florida Constitution so as to
21 make education a paramount duty of the state. The Legislature
22 finds that the new constitutional requirements to provide a
23 high quality education mandate that no student be compelled,
24 against the wishes of the student's parent or guardian, to
25 remain in a school found by the state to be failing for 2
26 years. It is therefore the intent of the Legislature that
27 parents and guardians be given the opportunity for their
28 children to attend a public school that is performing
29 satisfactorily; or, if the parent or guardian so chooses, it
30 is the intent of the Legislature to make state funds available
31 in order to apply the equivalent of the public education funds

1 generated by their child, in accordance with paragraph (6)(a),
2 to the cost of tuition in an eligible private school.

3 Eligibility of a private school shall include the control and
4 accountability requirements which, coupled with the exercise
5 of parental choice, are reasonably necessary to secure the
6 educational public purpose, as delineated in subsection (4).

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

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

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

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

1
2 For purposes of continuity of educational choice, the
3 opportunity to attend the private school shall remain in force
4 until the student graduates from high school. However, at any
5 time upon reasonable notice to the Department of Education and
6 the school district, the student's parent or guardian may
7 remove the student from the private school and place the
8 student in a public school, as provided in subparagraph
9 (3)(a)2.

10 (3) SCHOOL DISTRICT OBLIGATIONS.--

11 (a) A school district shall, for each student enrolled
12 in or assigned to a school that has been designated as
13 performance grade category "F" for two school years:

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

17 2. Offer that student's parent or guardian an
18 opportunity to enroll the student in the public school within
19 the district closest to the student's residence that has been
20 designated by the state pursuant to s. 229.57 as a school
21 performing higher than that in which the student is currently
22 enrolled or to which the student has been assigned, but not
23 less than performance grade category "C." The parent or
24 guardian is not required to accept this offer in lieu of
25 requesting a state opportunity scholarship to a private
26 school. The opportunity to attend the higher performing public
27 school shall remain in force until the student graduates from
28 high school.

29 (b) The parent or guardian of a student enrolled in or
30 assigned to a school that has been designated performance
31 grade category "F" for two school years may choose as an

1 alternative to enroll the student in and transport the student
2 to a public school that has available space in an adjacent
3 school district, and that school district shall accept the
4 student and report the student for purposes of the district's
5 funding pursuant to the Florida Education Finance Program.

6 (c) For students in the district who are participating
7 in the state opportunity scholarship program, the district
8 shall provide locations and times to take all statewide
9 assessments required pursuant to s. 229.57.

10 (d) For students with disabilities who have been
11 identified and placed in special education programs by the
12 school district or students who have been screened by a
13 multidisciplinary team and referred for an evaluation to
14 determine their eligibility for special education whose
15 parents or guardians have chosen the opportunity scholarship
16 option, the private school may provide, or may contract with a
17 private provider or with the school district to provide
18 special education services through an individual educational
19 plan process.

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

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

1 (a) Except for the first year of implementation,
2 notify the Department of Education and the school district in
3 whose service area the school is located of its intent to
4 participate in the program under this section by May 1 of the
5 school year preceding the school year in which it intends to
6 participate. The notice shall specify the grade levels and
7 services that the private school has available for the
8 opportunity scholarship program.

9 (b) Comply with the antidiscrimination provisions of
10 42 U.S.C. section 2000d.

11 (c) Meet state and local health and safety laws and
12 codes.

13 (d) Determine, on an entirely random and
14 religious-neutral basis, which students to accept; however,
15 the private school may give preference in accepting
16 applications to siblings of students who have already been
17 accepted on a random and religious-neutral basis.

18 (e) Be subject to instruction, curriculum, and
19 attendance criteria adopted by an appropriate non-public
20 school accrediting body and be satisfactory to the parent or
21 guardian as meeting the educational needs of the student.

22 (f) Comply with all state statutes relating to private
23 schools.

24 (g) Accept as full tuition and fees the amount
25 provided by the state for each student.

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

29 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

30 (a) Any student participating in the opportunity
31 scholarship program must remain in attendance throughout the

1 school year, unless excused by the school for illness or other
2 good cause, and must comply fully with the school's code of
3 conduct.

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

9 (c) The parent or guardian shall ensure that the
10 student participating in the opportunity scholarship program
11 takes all statewide assessments required pursuant to s.
12 229.57. Students participating in the opportunity scholarship
13 program may take such tests at a location and at a time
14 provided by the school district.

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

16 (a)1. The maximum opportunity scholarship granted for
17 an eligible student shall be a calculated amount equivalent to
18 the base student allocation multiplied by the weighted cost
19 factor for the educational program provided for the student in
20 the district multiplied by the district cost differential. In
21 addition, the calculated amount shall include the per student
22 share of instructional materials funding, technology funding,
23 and other categorical funds as provided for this purpose in
24 the General Appropriations Act. The amount of the opportunity
25 scholarship shall be the calculated amount or the amount of
26 the private school's tuition and fees, whichever is less.
27 Fees eligible shall include textbook fees, lab fees, and other
28 fees related to instruction, including transportation. The
29 district shall report all students who are attending a private
30 school under this program. The students attending private
31 schools on opportunity scholarships shall be reported

1 separately from those students reported for purposes of the
2 Florida Education Finance Program.

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

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

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

26 (8) RULES.--The State Board of Education may adopt
27 rules pursuant to ss. 120.536(1) and 120.54 to implement the
28 provisions of this section. Rules shall include penalties for
29 noncompliance with subsections (3) and (5). However, the
30 inclusion of eligible private schools within options available
31 to Florida public school students does not expand the

1 regulatory authority of the state, its officers, or any school
2 district to impose any additional regulation of private
3 schools beyond those reasonably necessary to enforce
4 requirements expressly set forth in this section.

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

10 229.512 Commissioner of Education; general powers and
11 duties.--The Commissioner of Education is the chief
12 educational officer of the state, and has the following
13 general powers and duties:

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

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

28 (16) To prepare and publish annually reports giving
29 statistics and other useful information pertaining to the
30 state system of public education.† ~~and~~

31

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

5 Section 4. Section 229.555, Florida Statutes, is
6 amended to read:

7 229.555 Educational planning and information
8 systems.--

9 (1) EDUCATIONAL PLANNING.--

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

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

1 Education. The district planning and budgeting system must
2 include consideration of student achievement data obtained
3 pursuant to s. 229.57. The system shall be structured to meet
4 the specific management needs of the district and to align-
5 ~~The system of planning and budgeting shall ensure that the~~
6 budget adopted by the district school board with ~~reflect~~ the
7 plan the board has also adopted. Each district school board
8 shall utilize its system of planning and budgeting to
9 emphasize a system of school-based management in which
10 individual school centers become the principal planning units
11 and ~~eventually~~ to integrate planning and budgeting at the
12 school level.

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

1 the district level, with input from the reports-and-forms
2 control management committees. Each district school system
3 with a unique management information system shall assure that
4 compatibility exists between its unique system and the
5 district component of the state system so ~~to the extent~~ that
6 all data required as input to the state system is ~~shall be~~
7 made available via electronic transfer and in the appropriate
8 input format.

9 (a) The specific responsibilities of the commissioner
10 shall include:

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

15 2. Providing operational definitions for the proposed
16 system;

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

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

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

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

1 7. Developing the necessary programs to provide
2 statistical analysis of the integrated data provided in
3 subparagraph 6. in such a way that required reports may be
4 disseminated, comparisons may be made, and relationships may
5 be determined in order to provide the necessary information
6 for making management decisions at all levels;

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

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

24 10. Assisting the district school systems in
25 establishing their subsystem components and assuring
26 compatibility with current district systems;

27 11. Establishing procedures for continuous evaluation
28 of system efficiency and effectiveness;

29 12. Initiating a reports-management and
30 forms-management system to ascertain that duplication in
31 collection of data does not exist and that forms and reports

1 for reporting under state and federal requirements and other
2 forms and reports are prepared in a logical and uncomplicated
3 format, resulting in a reduction in the number and complexity
4 of required reports, particularly at the school level; and

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

- 10 a. The purpose of the reporting requirement;
11 b. The origination of the reporting requirement;
12 c. The date of origin of the reporting requirement;

13 and

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

15 (b) The specific responsibilities of each district
16 school system shall include:

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

29 2. With assistance from the commissioner, developing
30 systems compatibility between the state management information
31 system and unique local systems.

1 3. Providing, with the assistance of the department,
2 inservice training dealing with management information system
3 purposes and scope, a method of transmitting input data, and
4 the use of output report information.

5 4. Establishing a plan for continuous review and
6 evaluation of local management information system needs and
7 procedures.

8 5. Advising the commissioner of all district
9 management information needs.

10 6. Transmitting required data input elements to the
11 appropriate processing locations in accordance with guidelines
12 established by the commissioner.

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

19 8. Being responsible for the accuracy of all data
20 elements transmitted to the department.

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

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

28 229.565 Educational evaluation procedures.--

29 (1) STUDENT PERFORMANCE STANDARDS.--

30 (a) The State Board of Education shall approve student
31 performance standards in key academic subject areas and the

1 ~~various program categories and chronological~~ grade levels
2 ~~which the Commissioner of Education designates as necessary~~
3 ~~for maintaining a good educational system.~~ The standards must
4 apply, without limitation, to language arts, mathematics,
5 science, social studies, the arts, health and physical
6 education, foreign language, reading, writing, history,
7 government, geography, economics, and computer literacy. The
8 commissioner shall obtain opinions and advice from citizens,
9 educators, and members of the business community in developing
10 the standards. For purposes of this section, the term "student
11 performance standard" means a statement describing a skill or
12 competency students are expected to learn.

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

18 Section 6. Section 229.57, Florida Statutes, 1998
19 Supplement, is amended to read:

20 229.57 Student assessment program.--

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

27 (a) Assess the annual learning gains of each student
28 toward achieving the Sunshine State Standards appropriate for
29 the student's grade level.

30 (b) Provide data for making decisions regarding school
31 accountability and recognition.

1 (c)(a) Identify the educational strengths and needs of
2 students and the readiness of students to be promoted to the
3 next grade level or to graduate from high school with a
4 standard high school diploma.

5 (d)(b) Assess how well educational goals and
6 performance standards are met at the school, district, and
7 state levels.

8 (e)(c) Provide information to aid in the evaluation
9 and development of educational programs and policies.

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

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

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

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

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

30 (c) Develop and implement a student achievement
31 testing program as part of the statewide assessment program,

1 to be administered annually in grades 3 through 10 ~~at~~
2 ~~designated times at the elementary, middle, and high school~~
3 ~~levels~~ to measure reading, writing, and mathematics. The
4 testing program must be designed so that:

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

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

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

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

30 5. Except as provided in subparagraph 6., all 11th
31 grade students take a high school competency test developed by

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

19 6. The commissioner shall recommend and the state
20 board shall adopt a date to discontinue the high school
21 competency test and set a passing score on the new test for
22 purposes of high school graduation at such time as the Florida
23 Comprehensive Assessment Test is fully implemented.

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

31

1 ~~8.7.~~ A student seeking an adult high school diploma
2 must meet the same testing requirements that a regular high
3 school student must meet.

4
5 The commissioner may design and implement student testing
6 programs for any grade level and subject area, based on
7 procedures designated by the commissioner to monitor
8 educational achievement in the state.

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

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

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

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

28 (4) DISTRICT TESTING PROGRAMS.--Each district shall
29 periodically assess student performance and achievement within
30 each school of the district. The assessment programs must be
31 based upon local goals and objectives that are compatible with

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

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

1 analysis must be used in conjunction with the budgetary
2 planning processes developed pursuant to s. 229.555 and the
3 development of the programs of remediation described in s.
4 233.051.

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

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

- 27 (a) "A," schools making excellent progress.
28 (b) "B," schools making above average progress.
29 (c) "C," schools making satisfactory progress.
30 (d) "D," schools making less than satisfactory
31 progress.

1 (e) "F," schools failing to make adequate progress.
2 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE
3 CATEGORIES.--School performance grade category designations
4 itemized in subsection (7) shall be based on the following:
5 (a) Timeframes.--
6 1. School performance grade category designations
7 shall be based on one school year of performance.
8 2. In school years 1998-1999 and 1999-2000, a school's
9 performance grade category designation shall be determined by
10 the student achievement levels on the FCAT, and on other
11 appropriate performance data, including, but not limited to,
12 attendance, dropout rate, school discipline data, and student
13 readiness for college, in accordance with state board rule.
14 3. Beginning with the 2000-2001 school year, a
15 school's performance grade category designation shall be based
16 on a combination of student achievement scores, on the degree
17 of measured learning gains of the students, and on other
18 appropriate performance data, including, but not limited to,
19 attendance, dropout rate, school discipline data, and student
20 readiness for college.
21 4. Beginning with the 2001-2002 school year and
22 thereafter, a school's performance grade category designation
23 shall be based on student learning gains as measured by annual
24 assessments in grades 3 through 10, and on other appropriate
25 performance data, including, but not limited to, attendance,
26 dropout rate, school discipline data, and student readiness
27 for college.
28
29 For the purpose of implementing ss. 229.0535 and 229.0537,
30 each school identified as critically low performing based on
31 both 1996-1997 and 1997-1998 school performance data and state

1 board-adopted criteria, and that receives a performance grade
2 category designation of "F" based on 1998-1999 school
3 performance data pursuant to this section, shall be considered
4 as having failed to make adequate progress for 2 years. All
5 other schools that receive a performance grade category
6 designation of "F" based on 1998-1999 school performance data
7 shall be considered as having failed to make adequate progress
8 for 1 year.

9 (b) Student assessment data.--Student assessment data
10 used in determining school performance grade categories shall
11 include:

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

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

17
18 The state board shall adopt appropriate criteria for each
19 school performance grade category so as to ensure that school
20 performance grade category designations reflect each school's
21 accountability for the learning of all students in the school.
22 The criteria must also give added weight to student
23 achievement in reading. Schools designated as performance
24 grade category "C," making satisfactory progress, shall be
25 required to demonstrate that adequate progress has been made
26 by the lowest quartile of students in the school as well as by
27 the overall population of students in the school.

28 (9) SCHOOL IMPROVEMENT RATINGS.--Beginning with the
29 1999-2000 school year's student and school performance data,
30 the annual report shall identify each school's performance as
31 having improved, remained the same, or declined. This school

1 improvement rating shall be based on a comparison of the
2 current year's and previous year's student and school
3 performance data. Schools that improve at least one
4 performance grade category are eligible for school recognition
5 awards pursuant to s. 231.2905.

6 (10) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
7 RATING REPORTS.--School performance grade category
8 designations and improvement ratings shall apply to each
9 school's performance for the year in which performance is
10 measured. Each school's designation and rating shall be
11 published annually by the Department of Education and the
12 school district. Parents and guardians shall be entitled to an
13 easy-to-read report card about the designation and rating of
14 the school in which their child is enrolled.

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

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

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

27 (c) Assessments shall include measures in reading and
28 mathematics in each grade level and must include writing in
29 grades 4, 8, and 10.

30
31

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

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

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

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

24 (13)(7) APPLICABILITY OF TESTING STANDARDS.--A student
25 must meet the testing requirements for high school graduation
26 which were in effect at the time the student entered 9th
27 grade, provided the student's enrollment was continuous.

28 (14)(8) RULES.--The State Board of Education shall
29 adopt rules pursuant to ss. 120.536(1) and 120.54 ~~as necessary~~
30 to implement the provisions of this section.

31

1 Section 7. Section 229.58, Florida Statutes, 1998
2 Supplement, is amended to read:
3 229.58 District and school advisory councils.--
4 (1) ESTABLISHMENT.--
5 (a) The school board shall establish an advisory
6 council for each school in the district, and shall develop
7 procedures for the election and appointment of advisory
8 council members. Each school advisory council shall include in
9 its name the words "school advisory council." The school
10 advisory council shall be the sole body responsible for final
11 decisionmaking at the school relating to implementation of the
12 provisions of ss. 229.591, 229.592, and 230.23(16). A majority
13 of the members of each school advisory council must be persons
14 who are not employed by the school. Each advisory council
15 shall be composed of the principal and an appropriately
16 balanced number of teachers, education support employees,
17 students, parents, and other business and community citizens
18 who are representative of the ethnic, racial, and economic
19 community served by the school. Vocational-technical center
20 and high school advisory councils shall include students, and
21 middle and junior high school advisory councils may include
22 students. School advisory councils of vocational-technical
23 and adult education centers are not required to include
24 parents as members. Council members representing teachers,
25 education support employees, students, and parents shall be
26 elected by their respective peer groups at the school in a
27 fair and equitable manner as follows:
28 1. Teachers shall be elected by teachers.
29 2. Education support employees shall be elected by
30 education support employees.
31 3. Students shall be elected by students.

1 4. Parents shall be elected by parents.
2
3 The school board shall establish procedures for use by schools
4 in selecting business and community members. Such procedures
5 shall include means of ensuring wide notice of vacancies and
6 for taking input on possible members from local business,
7 chambers of commerce, community and civic organizations and
8 groups, and the public at large. The school board shall review
9 the membership composition of each advisory council. Should
10 the school board determine that the membership elected by the
11 school is not representative of the ethnic, racial, and
12 economic community served by the school, the board shall
13 appoint additional members to achieve proper representation.
14 The Commissioner of Florida Commission on Education Reform and
15 ~~Accountability~~ shall ~~serve as a review body to~~ determine if
16 schools have maximized their efforts to include on their
17 advisory councils minority persons and persons of lower
18 socioeconomic status. Although schools should be strongly
19 encouraged to establish school advisory councils, any school
20 district that has a student population of 10,000 or fewer may
21 establish a district advisory council which shall include at
22 least one duly elected teacher from each school in the
23 district. For the purposes of school advisory councils and
24 district advisory councils, the term "teacher" shall include
25 classroom teachers, certified student services personnel, and
26 media specialists. For purposes of this paragraph, "education
27 support employee" means any person employed by a school who is
28 not defined as instructional or administrative personnel
29 pursuant to s. 228.041 and whose duties require 20 or more
30 hours in each normal working week.
31

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

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

21 (3) Beginning in the 1999-2000 school year, each
22 school designated in performance grade category "A," making
23 excellent progress, or as having improved at least two
24 performance grade categories, shall have greater authority
25 over the allocation of the school's total budget generated
26 from the FEFP, state categoricals, lottery funds, grants, and
27 local funds, as specified in state board rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2)~~(3)~~ COMMISSIONER.--The commissioner shall be
27 responsible for implementing and maintaining a system of
28 intensive school improvement and stringent education
29 accountability, which shall include policies and programs to-

30 ~~(a) Based on the recommendations of The Florida~~
31 ~~Commission on Education Reform and Accountability, the~~

1 ~~commissioner shall develop and~~ implement the following
2 ~~programs and procedures:~~

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

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

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

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

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

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

29 (5)~~(d)~~ The commissioner ~~and the commission~~ shall
30 review each school board's feedback report and submit ~~its~~
31 findings to the State Board of Education. If adequate

1 progress is not being made toward implementing and maintaining
2 a system of school improvement and education accountability,
3 the State Board of Education shall direct the commissioner to
4 prepare and implement a corrective action plan. The
5 commissioner and State Board of Education shall monitor the
6 development and implementation of the corrective action plan.

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

21 ~~(7)(4)~~ DEPARTMENT.--

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

28 (b) Upon request, the department shall provide
29 technical assistance and training to any school, school
30 advisory council, district, or school board for conducting
31 needs assessments, developing and implementing school

1 improvement plans, developing and implementing assistance and
2 intervention plans, or implementing other components of school
3 improvement and accountability. Priority for these services
4 shall be given to low-performing schools as defined by state
5 board rule and school districts in rural and sparsely
6 populated areas of the state.

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

24 ~~(8)(5)~~ STATE BOARD.--The State Board of Education
25 shall adopt rules pursuant to ss. 120.536(1) and 120.54
26 ~~necessary~~ to implement a state system of school improvement
27 and education accountability and shall specify required annual
28 reports by schools and school districts. ~~Such rules must be~~
29 ~~based on recommendations of the Commission on Education Reform~~
30 ~~and Accountability and must include, but need not be limited~~
31 ~~to, a requirement that each school report identify the annual~~

1 ~~Education Enhancement Trust Fund allocations to the district~~
2 ~~and the school and how those allocations were used for~~
3 ~~educational enhancement and supporting school improvement.~~

4 (9)~~(6)~~ EXCEPTIONS TO LAW.--To facilitate innovative
5 practices and to allow local selection of educational methods,
6 the commissioner may waive, upon the request of a school
7 board, requirements of chapters 230 through 239 of the Florida
8 School Code that relate to instruction and school operations,
9 except those pertaining to civil rights, and student health,
10 safety, and welfare. The Commissioner of Education is not
11 authorized to grant waivers for any provisions of law
12 pertaining to the allocation and appropriation of state and
13 local funds for public education; the election, compensation,
14 and organization of school board members and superintendents;
15 graduation and state accountability standards; financial
16 reporting requirements; public meetings; public records; or
17 due process hearings governed by chapter 120. Prior to
18 approval, the commissioner shall report pending waiver
19 requests to the state board on a monthly basis, and shall,
20 upon request of any state board member, bring a waiver request
21 to the state board for consideration. If, within 2 weeks of
22 receiving the report, no member requests that a waiver be
23 considered by the state board, the commissioner may act on the
24 original waiver request. No later than January 1 of each year,
25 the commissioner shall report to the President and Minority
26 Leader of the Senate and the Speaker and Minority Leader of
27 the House of Representatives all approved waiver requests in
28 the preceding year.

29 (a) Graduation requirements in s. 232.246 must be met
30 by demonstrating performance of intended outcomes for any
31 course in the Course Code Directory unless a waiver is

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

13 1. A school board may originate a request for waiver
14 and submit the request to the commissioner if such a waiver is
15 required to implement districtwide improvements.

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

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

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

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

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

28 (e)1. Schools designated in performance grade category
29 "A," making excellent progress, shall be given deregulated
30 status as specified in s. 228.0565(5), (7), (8), (9), and
31 (10).

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

6 Section 10. Section 229.593, Florida Statutes, 1998
7 Supplement, is repealed.

8 Section 11. Section 229.594, Florida Statutes, is
9 repealed.

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

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

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

24 Section 13. Paragraphs (c) and (g) of subsection (5),
25 paragraph (b) of subsection (7), and subsections (16) and (17)
26 of section 230.23, Florida Statutes, 1998 Supplement, are
27 amended, subsection (18) is amended and renumbered as
28 subsection (19), and a new subsection (18) is added to said
29 section, to read:

30
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (17) LOCAL-LEVEL DECISIONMAKING.--
31

1 (a) Adopt policies that clearly encourage and enhance
2 maximum decisionmaking appropriate to the school site. Such
3 policies must include guidelines for schools in the adoption
4 and purchase of district and school site instructional
5 materials and technology, staff training, school advisory
6 council member training, student support services, budgeting,
7 and the allocation of staff resources.

8 (b) Adopt waiver process policies to enable all
9 schools to exercise maximum flexibility and notify advisory
10 councils of processes to waive school district and state
11 policies.

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

15 (d) Adopt policies that assist in giving greater
16 autonomy to schools designated as performance grade category
17 "A," making excellent progress, and schools rated as having
18 improved at least two performance grade categories.

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

26 ~~(19)(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
27 120.536(1) and 120.54 to implement ~~the provisions of this~~
28 section.

29 Section 14. Paragraph (a) of subsection (3) of section
30 231.29, Florida Statutes, 1998 Supplement, is amended to read:

31 231.29 Assessment procedures and criteria.--

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

4 (a) An assessment shall be conducted for each employee
5 at least once a year. The assessment shall be based upon sound
6 educational principles and contemporary research in effective
7 educational practices. Beginning with the full implementation
8 of an annual assessment of learning gains, the assessment must
9 primarily use data and indicators of improvement in student
10 performance assessed annually as specified in s. 229.57 and
11 may consider results of peer reviews in evaluating the
12 employee's performance. The assessment criteria must include,
13 but are not limited to, indicators that relate to the
14 following:

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

25 Section 15. Subsection (2) of section 231.2905,
26 Florida Statutes, is amended, and a new subsection (3) is
27 added to said section, to read:

28 231.2905 Florida School Recognition Program.--

29 (2) The Florida School Recognition Program is created
30 to provide greater autonomy and financial awards to ~~faculty~~
31 ~~and staff of~~ schools that sustain high performance or that

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

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

14 (a)1. Improvement in the school's student achievement
15 data.

16 (b)2. Statewide student achievement data.

17 (c) Student learning gains when such data becomes
18 available.

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

20 (e)4. Dropout rates.

21 (f)5. Attendance rates.

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

26 ~~1. School climate, including rates of school violence~~
27 ~~and crime.~~

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

29 ~~3. Indicators of successful challenging school~~
30 ~~improvement plans.~~

31

1 ~~4. Parent, community, and student involvement in~~
2 ~~learning.~~

3 ~~(c) After identification of schools for final~~
4 ~~recognition and financial awards, awards must be distributed~~
5 ~~based on employee performance criteria established in district~~
6 ~~school board policy.~~

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

9 Section 16. Section 232.245, Florida Statutes, is
10 amended to read:

11 232.245 Pupil progression; remedial instruction;
12 reporting requirements.--

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

20 (2) Each district school board shall establish a
21 comprehensive program for pupil progression which must
22 include:

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

26 (b) Specific levels of performance in reading,
27 writing, and mathematics for each grade level, including the
28 levels of performance on statewide assessments ~~at selected~~
29 ~~grade levels in elementary school, middle school, and high~~
30 ~~school~~ as defined by the Commissioner of Education, below
31 which a student must receive remediation, or ~~and may~~ be

1 retained, or both. No student may be assigned to a grade level
2 based solely on age or other factors that constitute social
3 promotion. School boards shall allocate remedial and
4 supplemental instruction resources first to students who fail
5 to meet achievement performance levels required for promotion.
6 The state board shall adopt rules to prescribe limited
7 circumstances in which a student may be promoted without
8 meeting the specific assessment performance levels prescribed
9 by the district's pupil progression plan.

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

- 27 (a) ~~Summer school coursework;~~
28 (b) ~~Extended day services;~~
29 (c) ~~Parent tutorial programs;~~
30 (d) ~~Contracted academic services;~~
31 (e) ~~Exceptional education services;~~ or

1 ~~(f) Suspension of curriculum other than reading,~~
2 ~~writing, and mathematics. Remedial instruction provided during~~
3 ~~high school may not be in lieu of English and mathematics~~
4 ~~credits required for graduation.~~

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

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

1 elementary school, the student must be retained. The local
2 school board may exempt a student from mandatory retention for
3 good cause.

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

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

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

1 (7)~~(8)~~ The Department of Education shall provide
2 technical assistance as needed to aid school districts in
3 administering this section.

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

6 228.053 Developmental research schools.--

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

12 (a) The methods and requirements of the following
13 statutes shall be held in abeyance: ss. 230.01; 230.02;
14 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
15 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
16 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
17 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
18 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
19 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
20 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
21 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
22 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
23 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
24 and 316.75. With the exception of subsection (16) of s.
25 230.23, s. 230.23 shall be held in abeyance. Reference to
26 school boards in s. 230.23(16) shall mean the president of the
27 university or the president's designee.

28 (b) The following statutes or related rules may be
29 waived for any developmental research school so requesting,
30 provided the general statutory purpose of each section is met
31 and the developmental research school has submitted a written

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

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

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

1 request not approved, the committee shall report the statute
2 or rule for which the waiver was requested, the rationale for
3 the developmental research school request, and the reason the
4 request was not approved.

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

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

29 Section 18. Paragraph (e) of subsection (2) of section
30 228.054, Florida Statutes, is amended to read:

31

1 228.054 Joint Developmental Research School Planning,
2 Articulation, and Evaluation Committee.--

3 (2) The committee shall have the duty and
4 responsibility to:

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

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

13 233.17 Term of adoption for instructional materials.--

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

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

31

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

3 236.685 Educational funding accountability.--

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

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

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

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

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

29 2. Substitute teachers.

30 3. Other instructional personnel, including
31 school-based instructional specialists and their assistants.

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

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

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

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

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

22
23 As used in this subsection, the term "school" means a "school
24 center" as defined by s. 228.041.

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

27 20.15 Department of Education.--There is created a
28 Department of Education.

29 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
30 contained in law to the contrary, the Commissioner of
31 Education shall appoint all members of all councils and

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

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

11 236.08104 Supplemental academic instruction;
12 categorical fund.--

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

17 (2) The Legislature finds that when appropriate types
18 of supplemental instruction are provided at appropriate times,
19 students who might otherwise fall behind can acquire the
20 skills and knowledge needed to be promoted to the next grade
21 level and to receive a high school diploma. Failure to
22 provide a student with needed supplemental instruction at the
23 appropriate time can result in nonpromotion or dropping out of
24 school. The Legislature further finds that for schools and
25 classrooms to provide flexible supplemental instruction to
26 meet the needs of students, they must have resources which can
27 be used with equal flexibility.

28 (3) It is the intent of the Legislature that all
29 students gain at least a year's worth of knowledge for each
30 year in school and that no student be left behind by his or
31 her peers. In order for some students to achieve this goal

1 they may need supplemental instruction. All students will not
2 need the same kind or the same amount. Some may need
3 supplemental instruction during the school day using
4 specialized skills development curriculum, others may need
5 tutoring after school or at home, some may benefit from
6 Saturday morning sessions, some may need specialized or
7 intensive help during the summer, and others may need modified
8 curriculum. It is the intent of the Legislature that
9 supplemental instruction be provided throughout the year at
10 the time it can be most effective and that it not be limited
11 to summer school. It is also the intent of the Legislature
12 that funds be allocated specifically to provide supplemental
13 academic instruction and that schools and classrooms have
14 ample flexibility to use these funds to meet student needs.

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

29 (5) Effective with the 1999-2000 fiscal year, funding
30 on the basis of FTE membership beyond the 180-day regular term
31 shall be provided in the FEFP only for students enrolled

1 pursuant to s. 236.013(2)(c)2.a. Funding for instruction
2 beyond the regular 180-day school year for all other K-12
3 students shall be provided through the supplemental academic
4 instruction categorical fund and other state, federal, and
5 local fund sources with ample flexibility for schools to
6 provide supplemental instruction to enable students to gain a
7 year's worth knowledge for each year in school, not fall
8 behind, to progress from grade to grade, and to receive a high
9 school diploma.

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

13 236.013 Definitions.--Notwithstanding the provisions
14 of s. 228.041, the following terms are defined as follows for
15 the purposes of this act:

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

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

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

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

26 (I) A full-time student, except a postsecondary or
27 adult student or a senior high school student enrolled in
28 adult education when such courses are required for high school
29 graduation, in a combination of programs listed in s.
30 236.081(1)(c) shall be a fraction of a full-time equivalent
31 membership in each special program equal to the number of net

1 hours per school year for which he or she is a member, divided
2 by the appropriate number of hours set forth in subparagraph
3 (a)1. or subparagraph (a)2.; the difference between that
4 fraction or sum of fractions and the maximum value as set
5 forth in subsection (5) for each full-time student is presumed
6 to be the balance of the student's time not spent in such
7 special education programs and shall be recorded as time in
8 the appropriate basic program.

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

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

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

31

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

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

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

17 2. A student in membership in a program scheduled for
18 more or less than 180 school days is a fraction of a full-time
19 equivalent membership equal to the number of instructional
20 hours in membership divided by the appropriate number of hours
21 set forth in subparagraph (a)1.; however, for the purposes of
22 this subparagraph, membership in programs scheduled for more
23 than 180 days is limited to:

24 a. Support level ~~Special~~ programs for exceptional
25 students;

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

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

28 ~~b.d. Dropout prevention programs as defined in s.~~
29 ~~230.2316 for students in residential programs operated by the~~
30 ~~Department of Children and Family Services;~~Residential
31 programs operated by the Department of Juvenile Justice as

1 defined in s. 230.23161 in which students receive educational
2 services; ~~or teenage parent programs as defined in s.~~
3 ~~230.23166 for students who are in need of such additional~~
4 ~~instruction;~~

5 c.e. ~~Dropout prevention programs as defined in s.~~
6 ~~230.2316 in which students are placed for academic or~~
7 ~~disciplinary purposes or Programs in English for speakers of~~
8 other languages as defined in s. 233.058 for students who were
9 in membership for all of the last 15 days of the 180-day term
10 or a total of 30 days within the 180-day term and are in need
11 of such additional instruction;

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

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

19
20 The department shall determine and implement an equitable
21 method of equivalent funding for experimental schools and for
22 schools operating under emergency conditions, which schools
23 have been approved by the department under the provisions of
24 s. 228.041(13) to operate for less than the minimum school
25 day.

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

28 239.101 Legislative intent.--

29 (7) The Legislature finds that career education is a
30 crucial component of the educational programs conducted within
31 school districts and community colleges. Accordingly, career

1 education must be represented in accountability processes
2 undertaken for educational institutions. It is the intent of
3 the Legislature that the vocational standards articulated in
4 s. 239.229(2) be considered in the development of
5 accountability measures for public schools pursuant to ss.
6 229.591, 229.592, ~~229.593~~, ~~229.594~~, and 230.23(16) and for
7 community colleges pursuant to s. 240.324.

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

10 239.229 Vocational standards.--

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

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

24 240.529 Public accountability and state approval for
25 teacher preparation programs.--

26 (1) INTENT.--The Legislature recognizes that skilled
27 teachers make the most important contribution to a quality
28 educational system and that competent teachers are produced by
29 effective and accountable teacher preparation programs. The
30 intent of the Legislature is to establish a system for
31 development and approval of teacher preparation programs that

1 will free postsecondary teacher preparation institutions to
2 employ varied and innovative teacher preparation techniques
3 while being held accountable for producing teachers with the
4 competencies and skills for achieving the state education
5 goals and sustaining the state system of school improvement
6 and education accountability established pursuant to ss.
7 229.591 ~~and 229.592, and 229.593.~~

8 Section 27. For the purpose of incorporating
9 amendments to sections or subdivisions of the Florida Statutes
10 included in sections 1 through 16 of this act in references
11 thereto, the sections or subdivisions of Florida Statutes or
12 Florida Statutes, 1998 Supplement, set forth below are
13 reenacted to read:

14 24.121 Allocation of revenues and expenditure of funds
15 for public education.--

16 (5)

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

21 (c) A portion of such net revenues, as determined
22 annually by the Legislature, shall be distributed to each
23 school district and shall be made available to each public
24 school in the district for enhancing school performance
25 through development and implementation of a school improvement
26 plan pursuant to s. 230.23(16). A portion of these moneys, as
27 determined annually in the General Appropriations Act, must be
28 allocated to each school in an equal amount for each student
29 enrolled. These moneys may be expended only on programs or
30 projects selected by the school advisory council or by a
31 parent advisory committee created pursuant to this paragraph.

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

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

21 120.81 Exceptions and special requirements; general
22 areas.--

23 (1) EDUCATIONAL UNITS.--

24 (b) Notwithstanding s. 120.52(15), any tests, test
25 scoring criteria, or testing procedures relating to student
26 assessment which are developed or administered by the
27 Department of Education pursuant to s. 229.57, s. 232.245, s.
28 232.246, or s. 232.247, or any other statewide educational
29 tests required by law, are not rules.

30 228.053 Developmental research schools.--

31

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

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

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

25 (c) Research, demonstration, and evaluation conducted
26 at a developmental research school may be generated by the
27 Education Standards Commission. Such research shall respond to
28 the needs of the education community at large, rather than the
29 specific needs of the affiliated college.

30 (d) Research, demonstration, and evaluation conducted
31 at a developmental research school may consist of pilot

1 projects to be generated by the affiliated college, the
2 Education Standards Commission, or the Legislature.

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

10 (8) ADVISORY BOARDS.--"Blueprint 2000" provisions and
11 intent specify that each public school in the state shall
12 establish a school advisory council that is reflective of the
13 population served by the school, pursuant to s. 229.58, and is
14 responsible for the development and implementation of the
15 school improvement plan pursuant to s. 230.23(16).
16 Developmental research schools shall comply with the
17 provisions of s. 229.58 in one of two ways:

18 (a) Two advisory bodies.--Each developmental research
19 school may:

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

24 2. Establish an advisory board to provide general
25 oversight and guidance. The dean of the affiliated college of
26 education shall be a standing member of the board, and the
27 president of the university shall appoint three faculty
28 members from the college of education, one layperson who
29 resides in the county in which the school is located, and two
30 parents or legal guardians of students who attend the
31 developmental research school to serve on the advisory board.

1 The term of each member shall be for 2 years, and any vacancy
2 shall be filled with a person of the same classification as
3 his or her predecessor for the balance of the unexpired term.
4 The president shall stagger the terms of the initial
5 appointees in a manner that results in the expiration of terms
6 of no more than two members in any year. The president shall
7 call the organizational meeting of the board. The board shall
8 annually elect a chair and a vice chair. There shall be no
9 limitation on successive appointments to the board or
10 successive terms that may be served by a chair or vice chair.
11 The board shall adopt internal organizational procedures or
12 bylaws necessary for efficient operation as provided in
13 chapter 120. Board members shall not receive per diem or
14 travel expenses for the performance of their duties. The
15 board shall:

- 16 a. Meet at least quarterly.
- 17 b. Monitor the operations of the school and the
18 distribution of moneys allocated for such operations.
- 19 c. Establish necessary policy, program, and
20 administration modifications.
- 21 d. Evaluate biennially the performance of the director
22 and principal and recommend corresponding action to the dean
23 of the college of education.
- 24 e. Annually review evaluations of the school's
25 operation and research findings.

26 (b) One advisory body.--Each developmental research
27 school may establish an advisory body responsible for the
28 development and implementation of the school improvement plan,
29 pursuant to s. 230.23(16), in addition to general oversight
30 and guidance responsibilities. The advisory body shall reflect
31 the membership composition requirements established in s.

1 229.58, but may also include membership by the dean of the
2 college of education and additional members appointed by the
3 president of the university that represent faculty members
4 from the college of education, the university, or other bodies
5 deemed appropriate for the mission of the school.

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

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

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

16 228.056 Charter schools.--

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

22 (e) A sponsor shall ensure that the charter is
23 innovative and consistent with the state education goals
24 established by s. 229.591.

25 (f) Upon receipt of the annual report required by
26 paragraph (d), the Department of Education shall provide to
27 the State Board of Education, the Commissioner of Education,
28 the President of the Senate, and the Speaker of the House of
29 Representatives an analysis and comparison of the overall
30 performance of charter school students, to include all
31 students whose scores are counted as part of the

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

7 228.0565 Deregulated public schools.--

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

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

16 1. The school's progress towards achieving the goals
17 outlined in its proposal.

18 2. The information required in the annual school
19 report pursuant to s. 229.592.

20 3. Financial records of the school, including revenues
21 and expenditures.

22 4. Salary and benefit levels of school employees.

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

26 (d) Upon receipt of the annual report required by
27 paragraph (b), the Department of Education shall provide to
28 the State Board of Education, the Commissioner of Education,
29 the President of the Senate, and the Speaker of the House of
30 Representatives with a copy of each report and an analysis and
31 comparison of the overall performance of students, to include

1 all students in deregulated public schools whose scores are
2 counted as part of the norm-referenced assessment tests,
3 versus comparable public school students in the district as
4 determined by norm-referenced assessment tests currently
5 administered in the school district, and, as appropriate, the
6 Florida Writes Assessment Test, the High School Competency
7 Test, and other assessments administered pursuant to s.
8 229.57(3).
9 228.301 Test security.--
10 (1) It is unlawful for anyone knowingly and willfully
11 to violate test security rules adopted by the State Board of
12 Education or the Commissioner of Education for mandatory tests
13 administered by or through the State Board of Education or the
14 Commissioner of Education to students, educators, or
15 applicants for certification or administered by school
16 districts pursuant to s. 229.57, or, with respect to any such
17 test, knowingly and willfully to:
18 (a) Give examinees access to test questions prior to
19 testing;
20 (b) Copy, reproduce, or use in any manner inconsistent
21 with test security rules all or any portion of any secure test
22 booklet;
23 (c) Coach examinees during testing or alter or
24 interfere with examinees' responses in any way;
25 (d) Make answer keys available to examinees;
26 (e) Fail to follow security rules for distribution and
27 return of secure test as directed, or fail to account for all
28 secure test materials before, during, and after testing;
29 (f) Fail to follow test administration directions
30 specified in the test administration manuals; or
31

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

3 229.551 Educational management.--

4 (1) The department is directed to identify all
5 functions which under the provisions of this act contribute
6 to, or comprise a part of, the state system of educational
7 accountability and to establish within the department the
8 necessary organizational structure, policies, and procedures
9 for effectively coordinating such functions. Such policies
10 and procedures shall clearly fix and delineate

11 responsibilities for various aspects of the system and for
12 overall coordination of the total system. The commissioner
13 shall perform the following duties and functions:

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

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

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

22 (b) Administer the statewide assessment testing
23 program created by s. 229.57.

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

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

30 (e) Conduct the program evaluations required by s.
31 229.565.

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

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

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

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

28 (j) Perform any other functions that may be involved
29 in educational planning, research, and evaluation or that may
30 be required by the commissioner, the State Board of Education,
31 or law.

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

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

12 230.2316 Dropout prevention.--

13 (4) PROGRAM IMPLEMENTATION.--

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

18 231.085 Duties of principals.--A district school board
19 shall employ, through written contract, public school
20 principals who shall supervise the operation and management of
21 the schools and property as the board determines necessary.
22 Each principal shall perform such duties as may be assigned by
23 the superintendent pursuant to the rules of the school board.
24 Such rules shall include, but not be limited to, rules
25 relating to administrative responsibility, instructional
26 leadership of the educational program of the school to which
27 the principal is assigned, submission of personnel
28 recommendations to the superintendent, administrative
29 responsibility for records and reports, administration of
30 corporal punishment, and student suspension. Each principal
31 shall provide leadership in the development or revision and

1 implementation of a school improvement plan pursuant to s.
2 230.23(16).

3 231.24 Process for renewal of professional
4 certificates.--

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

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

1 or serving on an advisory council created pursuant to s.
2 229.58.
3 231.36 Contracts with instructional staff,
4 supervisors, and principals.--
5 (3)
6 (e) A professional service contract shall be renewed
7 each year unless the superintendent, after receiving the
8 recommendations required by s. 231.29, charges the employee
9 with unsatisfactory performance and notifies the employee of
10 performance deficiencies as required by s. 231.29. An employee
11 who holds a professional service contract on July 1, 1997, is
12 subject to the procedures set forth in paragraph (f) during
13 the term of the existing professional service contract. The
14 employee is subject to the procedures set forth in s.
15 231.29(3)(d) upon the next renewal of the professional service
16 contract; however, if the employee is notified of performance
17 deficiencies before the next contract renewal date, the
18 procedures of s. 231.29(3)(d) do not apply until the
19 procedures set forth in paragraph (f) have been exhausted and
20 the professional service contract is subsequently renewed.
21 (f) The superintendent shall notify an employee who
22 holds a professional service contract on July 1, 1997, in
23 writing, no later than 6 weeks prior to the end of the
24 postschool conference period, of performance deficiencies
25 which may result in termination of employment, if not
26 corrected during the subsequent year of employment (which
27 shall be granted for an additional year in accordance with the
28 provisions in subsection (1)). Except as otherwise hereinafter
29 provided, this action shall not be subject to the provisions
30 of chapter 120, but the following procedures shall apply:
31

1 1. On receiving notice of unsatisfactory performance,
2 the employee, on request, shall be accorded an opportunity to
3 meet with the superintendent or the superintendent's designee
4 for an informal review of the determination of unsatisfactory
5 performance.

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

10 3. During the subsequent year, the employee shall be
11 provided assistance and inservice training opportunities to
12 help correct the noted performance deficiencies. The employee
13 shall also be evaluated periodically so that he or she will be
14 kept apprised of progress achieved.

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

1 charges of unsatisfactory performance. Such hearing shall be
2 conducted at the school board's election in accordance with
3 one of the following procedures:

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

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

23 231.600 School Community Professional Development
24 Act.--

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

1 232.2454 District student performance standards,
2 instruments, and assessment procedures.--

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

9 232.246 General requirements for high school
10 graduation.--

11 (5) Each district school board shall establish
12 standards for graduation from its schools, and these standards
13 must include:

14 (a) Earning passing scores on the high school
15 competency test defined in s. 229.57(3)(c).

16 (b) Completion of all other applicable requirements
17 prescribed by the district school board pursuant to s.
18 232.245.

19 232.248 Confidentiality of assessment
20 instruments.--All examination and assessment instruments,
21 including developmental materials and workpapers directly
22 related thereto, which are prepared, prescribed, or
23 administered pursuant to ss. 229.57, 232.245, 232.246, and
24 232.247 shall be confidential and exempt from the provisions
25 of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions
26 governing access, maintenance, and destruction of such
27 instruments and related materials shall be prescribed by rules
28 of the state board.

29 232.2481 Graduation and promotion requirements for
30 publicly operated schools.--

31

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

12 233.09 Duties of each state instructional materials
13 committee.--The duties of each state instructional materials
14 committee shall be:

15 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
16 evaluate carefully all instructional materials submitted, to
17 ascertain which instructional materials, if any, submitted for
18 consideration best implement the selection criteria developed
19 by the Commissioner of Education and those curricular
20 objectives included within applicable performance standards
21 provided for in s. 229.565.

22 (a) When recommending instructional materials for use
23 in the schools, each committee shall include only
24 instructional materials that accurately portray the ethnic,
25 socioeconomic, cultural, and racial diversity of our society,
26 including men and women in professional, vocational, and
27 executive roles, and the role and contributions of the
28 entrepreneur and labor in the total development of this state
29 and the United States.

30 (b) When recommending instructional materials for use
31 in the schools, each committee shall include only materials

1 which accurately portray, whenever appropriate, humankind's
2 place in ecological systems, including the necessity for the
3 protection of our environment and conservation of our natural
4 resources and the effects on the human system of the use of
5 tobacco, alcohol, controlled substances, and other dangerous
6 substances.

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

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

20 (e) All instructional materials recommended by each
21 committee for use in the schools shall be, to the satisfaction
22 of each committee, accurate, objective, and current and suited
23 to the needs and comprehension of pupils at their respective
24 grade levels. Instructional materials committees shall
25 consider for adoption materials developed for academically
26 talented students such as those enrolled in advanced placement
27 courses.

28 (f) When recommending instructional materials for use
29 in the schools, each committee shall have the recommendations
30 of all districts which submit evaluations on the materials
31 submitted for adoption in that particular subject area

1 aggregated and presented to the members to aid them in the
2 selection process; however, such aggregation shall be weighted
3 in accordance with the full-time equivalent student percentage
4 of each district. Each committee shall prepare an additional
5 aggregation, unweighted, with each district recommendation
6 given equal consideration. No instructional materials shall
7 be evaluated or recommended for adoption unless each of the
8 district committees shall have been loaned the specified
9 number of samples.

10 (g) In addition to relying on statements of publishers
11 or manufacturers of instructional material, any committee may
12 conduct, or cause to be conducted, an independent
13 investigation as to the compliance of submitted materials with
14 the requirements of this section.

15 233.165 Standards for selection.--

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

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

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

31

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

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

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

9 236.08106 Excellent Teaching Program.--

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

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

1 eligible participant. The fee subsidy is a one-time award and
2 may not be duplicated for any individual.

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

14 236.685 Educational funding accountability.--

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

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

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

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

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

3

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

6 239.101 Legislative intent.--

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

17 239.229 Vocational standards.--

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

29 (3) Each area technical center operated by a school
30 board shall establish a center advisory council pursuant to s.
31 229.58. The center advisory council shall assist in the

1 preparation and evaluation of center improvement plans
2 required pursuant to s. 230.23(16) and may provide assistance,
3 upon the request of the center director, in the preparation of
4 the center's annual budget and plan as required by s.
5 229.555(1).

6 240.118 Postsecondary feedback of information to high
7 schools.--

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

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

15 (1) INTENT.--The Legislature recognizes that skilled
16 teachers make the most important contribution to a quality
17 educational system and that competent teachers are produced by
18 effective and accountable teacher preparation programs. The
19 intent of the Legislature is to establish a system for
20 development and approval of teacher preparation programs that
21 will free postsecondary teacher preparation institutions to
22 employ varied and innovative teacher preparation techniques
23 while being held accountable for producing teachers with the
24 competencies and skills for achieving the state education
25 goals and sustaining the state system of school improvement
26 and education accountability established pursuant to ss.
27 229.591, 229.592, and 229.593.

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

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

3 Section 29. Except as otherwise provided herein, this
4 act shall take effect upon becoming a law.

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

HOUSE SUMMARY

Revises provisions relating to the authority of the State Board of Education to enforce school improvement. Requires private school tuition scholarships to be provided to certain public school students. Provides student eligibility requirements. Provides an alternative to accepting a state tuition scholarship, private school eligibility criteria, student attendance requirements, and parental involvement requirements for participation in the tuition scholarship program. Provides for the calculation of the amount and distribution of state tuition scholarship funds. Authorizes the adoption of rules. Revises provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability. Revises provisions relating to educational planning and information systems to conform. Eliminates the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved. Revises the purpose of the student assessment program. Revises provisions relating to the administration of the National Assessment of Educational Progress. Revises the requirements relating to the annual report of the results of the statewide assessment program. Provides for the identification of schools by performance grade category according to student performance data. Increases the authority that each school advisory council of a school identified in a certain category has over the allocation of the school's budget. Revises provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend school designated in a certain performance grade category. Revises the state education goals. Revises provisions relating to the implementation of the state system of school improvement and education accountability, to remove obsolete language. Removes references to the Florida Commission on Education Reform and Accountability. Deletes the requirement that the Commissioner of Education appear before the Legislature. Revises duties of the Department of Education and revises provisions relating to waivers from statutes. Repeals provisions relating to the establishment and the powers and duties of the Florida Commission on Education Reform and Accountability. Revises provisions relating to the implementation of the state system of educational accountability for school-to-work transition. Revises provisions relating to the assessment of readiness to enter the workforce. Revises provisions relating to powers and duties of school boards regarding the compensation and salary schedules of school employees, courses of study and other instructional aids, the implementation and enforcement of school improvement and accountability, and school board adoption of certain policies. Revises the assessment procedure for school district instructional, administrative, and supervisory personnel. Revises provisions of the Florida School Recognition Program relating to financial awards based on

1 employee performance. Revises provisions relating to
2 pupil progression regarding the provision of remedial
3 instruction. Provides requirements for the use of
4 resources for remedial instruction. Requires the adoption
5 of rules regarding pupil progression. Eliminates
6 requirements relating to student academic improvement
7 plans. Deletes requirements relating to mandatory
8 remedial reading instruction. Establishes a supplemental
9 academic instruction categorical fund. Provides
10 requirements for the use of funds. Revises provisions
11 relating to calculations of the equivalent of a full-time
12 student and for certain instruction to conform. Corrects
13 cross references.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31