

1 A bill to be entitled
2 An act relating to a high-quality education
3 system; amending s. 229.0535, F.S.; revising
4 provisions relating to the authority of the
5 State Board of Education to enforce school
6 improvement; creating s. 229.0537, F.S.;
7 providing findings and intent language;
8 requiring private school opportunity
9 scholarships to be provided to certain public
10 school students; providing student eligibility
11 requirements; providing school district
12 requirements; providing an alternative to
13 accepting a state opportunity scholarship;
14 providing private school eligibility criteria;
15 providing student attendance requirements;
16 providing parental involvement requirements;
17 providing a district reporting requirement;
18 providing for calculation of the amount and
19 distribution of state opportunity scholarship
20 funds; authorizing the adoption of rules;
21 amending s. 229.512, F.S.; revising provisions
22 relating to the authority of the Commissioner
23 of Education regarding the implementation of
24 the program of 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 participation
4 in the National Assessment of Educational
5 Progress; revising the statewide assessment
6 program; revising requirements relating to the
7 annual report of the results of the statewide
8 assessment program; providing for the
9 identification of schools by performance grade
10 category according to student and school
11 performance data; providing for the
12 identification of school improvement ratings;
13 increasing the authority that each school
14 identified in a certain performance grade
15 category has over the allocation of the
16 school's total budget; authorizing the
17 negotiation of a contract for annual
18 assessment; providing contract requirements;
19 assigning responsibility for local assessments
20 in subjects and grade levels other than those
21 included in the statewide assessment program;
22 providing for funding based on school
23 performance; amending s. 229.58, F.S.; removing
24 a reference to the Florida Commission on
25 Education Reform and Accountability; amending
26 s. 229.591, F.S.; revising provisions relating
27 to the system of school improvement and
28 education accountability to reflect that
29 students are not required to attend schools
30 designated in a certain performance grade
31 category; revising the state education goals;

1 revising the duties of the Department of
2 Education with regard to school improvement;
3 amending s. 229.592, F.S., relating to the
4 implementation of the state system of school
5 improvement and education accountability;
6 removing obsolete language; removing references
7 to the Florida Commission on Education Reform
8 and Accountability; deleting the requirement
9 that the Commissioner of Education appear
10 before the Legislature; revising duties of the
11 Department of Education; revising duties of the
12 State Board of Education; revising provisions
13 relating to waivers from statutes; correcting
14 cross references; repealing s. 229.593, F.S.,
15 relating to the Florida Commission on Education
16 Reform and Accountability; repealing s.
17 229.594, F.S., relating to the powers and
18 duties of the commission; amending s. 229.595,
19 F.S., relating to the implementation of the
20 state system of educational accountability for
21 school-to-work transition; revising provisions
22 relating to the assessment of readiness to
23 enter the workforce; removing a reference to
24 the Florida Commission on Education Reform and
25 Accountability; amending s. 230.23, F.S.,
26 relating to powers and duties of school boards;
27 revising provisions relating to the
28 compensation and salary schedules of school
29 employees; revising provisions relating to
30 courses of study and other instructional aids
31 to include the term "instructional materials";

1 revising school board duties regarding the
2 implementation and enforcement of school
3 improvement and accountability; revising
4 policies regarding public disclosure; requiring
5 school board adoption of certain policies;
6 amending s. 231.29, F.S.; revising the
7 assessment procedure for school district
8 instructional, administrative, and supervisory
9 personnel; amending s. 231.2905, F.S.; revising
10 provisions of the Florida School Recognition
11 Program relating to financial awards based on
12 employee performance; revising initial criteria
13 for identification of schools; amending s.
14 232.245, F.S.; relating to pupil progression;
15 revising requirements relating to the provision
16 of remedial instruction; providing requirements
17 for the use of resources for remedial
18 instruction; requiring the adoption of rules
19 regarding pupil progression; eliminating
20 requirements relating to student academic
21 improvement plans; deleting duplicative
22 requirements relating to mandatory remedial
23 reading instruction; amending s. 228.053, F.S.;
24 relating to developmental research schools;
25 removing references to "Blueprint 2000";
26 correcting cross references; amending s.
27 228.054, F.S., relating to the Joint
28 Developmental Research School Planning,
29 Articulation, and Evaluation Committee;
30 correcting a cross reference; amending s.
31 228.056, F.S.; conforming references to testing

1 programs; amending s. 233.17, F.S., relating
2 to the term of adoption of instructional
3 materials; correcting cross references;
4 amending s. 236.685, F.S., relating to
5 educational funding accountability; correcting
6 a cross reference; amending s. 20.15, F.S.,
7 relating to the creation of the Department of
8 Education; removing a reference to the Florida
9 Commission on Education Reform and
10 Accountability; creating s. 236.08104, F.S.;
11 establishing a supplemental academic
12 instruction categorical fund; providing
13 findings and intent; providing requirements for
14 the use of funds; providing for dropout
15 prevention program funding to be included in
16 Group 1 FEFP programs; amending s. 236.013,
17 F.S.; eliminating certain provisions relating
18 to calculations of the equivalent of a
19 full-time student; revising provisions relating
20 to membership in programs scheduled for more
21 than 180 days; amending s. 239.101, F.S.,
22 relating to career education; correcting cross
23 references; amending s. 239.229, F.S., relating
24 to vocational standards; correcting cross
25 references; amending s. 240.529, F.S., relating
26 to approval of teacher education programs;
27 correcting a cross reference; creating s. 231.
28 002, F.S.; stating an intent to increase
29 standards for the preparation, certification,
30 and professional development of educators;
31 directing the Department of Education to review

1 statutes and rules governing certification to
2 increase efficiency, rigor, and alternatives in
3 the certification process; requiring a report;
4 amending s. 24.121, F.S.; specifying conditions
5 for withholding allocations from the
6 Educational Enhancement Trust Fund; amending s.
7 229.592, F.S.; prohibiting the waiver of a
8 required report of out-of-field teachers;
9 amending s. 230.23, F.S., relating to district
10 school board powers and duties; requiring
11 certain performance-based pay for school
12 administrators and instructional personnel;
13 amending s. 231.02, F.S.; correcting a
14 reference; amending s. 231.0861, F.S.;
15 requiring the State Board of Education to
16 approve criteria for selection of certain
17 administrative personnel; authorizing school
18 districts to contract with private entities for
19 evaluation and training of such personnel;
20 amending s. 231.085, F.S.; specifying
21 principals' responsibilities for assessing
22 performance of school personnel and
23 implementing the Sunshine State Standards;
24 amending s. 231.087, F.S.; requiring the State
25 Board of Education to adopt rules governing the
26 training of school district management
27 personnel; providing for review and repeal of
28 the Management Training Act; requiring
29 recommendations; amending s. 231.09, F.S.;
30 prescribing duties of instructional personnel;
31 amending s. 231.096, F.S.; requiring a school

1 board plan to ensure the competency of teachers
2 with out-of-field teaching assignments;
3 amending s. 231.145, F.S.; revising purpose to
4 reflect increased requirements for
5 certification; amending s. 231.15, F.S.;
6 authorizing certification based on demonstrated
7 competencies; requiring rules of the State
8 Board of Education to specify certain
9 competencies; requiring consultation with
10 postsecondary education boards; amending s.
11 231.17, F.S.; revising prerequisites for
12 certification; increasing the requirement that
13 teachers know and use mathematics, technology,
14 and intervention strategies with students;
15 deleting alternative ways to demonstrate
16 general knowledge competency; requiring
17 demonstration of ability to maintain
18 collaborative relationships with students'
19 families; amending s. 231.1725, F.S.; providing
20 legal protections for clinical field experience
21 students; amending s. 231.174, F.S., relating
22 to district programs for adding certification
23 coverages; removing limitation to specific
24 certification areas; amending s. 231.29, F.S.;
25 revising assessment procedures for
26 instructional personnel and school
27 administrators; revising provisions relating to
28 the probation of certain employees; amending s.
29 231.546, F.S.; specifying duties of the
30 Education Standards Commission; amending s.
31 231.600, F.S.; prescribing the responsibilities

1 of school district professional-development
2 programs; amending s. 236.08106, F.S.; revising
3 provisions of the Excellent Teaching Program;
4 providing for withholding of wages to repay the
5 certification fee subsidy owed the state by an
6 employee who defaults; providing exceptions;
7 authorizing the State Board of Education to
8 adopt rules; amending s. 240.529, F.S.;
9 requiring the Commissioner to appoint a Teacher
10 Preparation Program Committee to recommend core
11 curricula for state-approved teacher
12 preparation programs and requiring the State
13 Board of Education to adopt rules establishing
14 uniform core curricula; revising criteria for
15 initial and continuing approval of
16 teacher-preparation programs; increasing the
17 requirements for a student to enroll in and
18 graduate from a teacher-education program;
19 requiring preservice field experience programs
20 to include supervised contact with lower
21 achieving students; requiring annual reports of
22 program performance; creating s. 231.6135,
23 F.S.; establishing a statewide system for
24 in-service professional development;
25 authorizing professional development academies
26 to meet human resource development and
27 education instruction training needs of
28 educators, schools, and school districts;
29 providing for organization and operation by
30 public and private partners; providing for
31 funding; specifying duties of the Commissioner

1 of Education; repealing s. 231.601, F.S.,
2 relating to purpose of inservice training for
3 instructional personnel; amending s. 230.23,
4 F.S.; requiring school improvement plans to
5 include additional issues; amending s.
6 230.2316, F.S.; specifying the elements of
7 dropout prevention and academic intervention
8 programs; revising the intent of the program;
9 revising student eligibility and program
10 criteria; revising reporting requirements for
11 district evaluation; providing for applications
12 by school districts to the Department of
13 Education for grants to operate second chance
14 schools; establishing grant and program
15 requirements; providing for the generation of
16 operating funds through programs of the Florida
17 Education Finance Program; providing new
18 requirements for students seeking to reenter
19 traditional schools; amending s. 231.085, F.S.;
20 requiring principals to ensure the accuracy and
21 timeliness of school reports; requiring
22 principals to provide staff training
23 opportunities; creating s. 232.001, F.S.;
24 allowing certain district school boards to
25 implement pilot projects to raise the
26 compulsory age of attendance for children;
27 providing requirements for school boards that
28 choose to participate in pilot projects;
29 providing for the applicability of state law
30 and State Board of Education rule; providing an
31 exception from the provisions relating to a

1 declaration of intent to terminate school
2 enrollment; requiring a study; amending s.
3 232.09, F.S.; clarifying scope of reference to
4 term "criminal prosecution"; amending s.
5 232.17, F.S.; providing legislative findings;
6 placing responsibility on school district
7 superintendents for enforcing attendance;
8 establishing requirements for school board
9 policies; revising the current steps for
10 enforcing regular school attendance; requiring
11 public schools to follow the steps;
12 establishing the requirements for school
13 principals, primary teachers, child study
14 teams, and parents; providing for parents to
15 appeal; allowing the superintendent to seek
16 criminal prosecution for parental
17 noncompliance; requiring the parent or guardian
18 or the superintendent to file certain petitions
19 involving ungovernable children in certain
20 circumstances; requiring the superintendent to
21 provide the court with certain evidence;
22 allowing for court enforcement for children who
23 refuse to comply; revising the notice
24 requirements to parents, guardians, or others;
25 eliminating a current condition for notice;
26 eliminating the option for referral to case
27 staffing committees; requiring the
28 superintendent to take steps to bring about
29 criminal prosecution and requiring related
30 notice; authorizing superintendents to file
31 truancy petitions; allowing for the return of

1 absent children to additional locations;
2 requiring parental notification; deleting
3 certain provisions relating to escalating
4 series of truancy activities; amending s.
5 232.19, F.S., relating to habitual truancy;
6 authorizing superintendents to file truancy
7 petitions; requiring that a court order for
8 school attendance be obtained as a part of
9 services; revising the requirements that must
10 be met prior to filing a petition; amending s.
11 236.081, F.S.; amending procedures that must be
12 followed in determining the annual allocation
13 to each school district for operation;
14 requiring the average daily attendance of the
15 student membership to be calculated by school
16 and by district; requiring the district's FTE
17 membership to be adjusted by multiplying by the
18 average daily attendance factor; amending s.
19 240.529, F.S.; providing the criteria for
20 continued program approval; providing for the
21 requirements for instructors in postsecondary
22 teacher preparation programs who instruct or
23 supervise preservice field experience courses
24 or internships; eliminating the requirement
25 related to a commitment to teaching in the
26 public schools for a period of time; providing
27 additional requirements for school district and
28 instructional personnel who supervise or direct
29 certain teacher preparation students; amending
30 s. 984.03, F.S.; redefining the term "habitual
31 truant"; requiring the state attorney or the

1 appropriate jurisdictional agency to file a
 2 child-in-need-of-services petition in certain
 3 circumstances; eliminating the requirement for
 4 referral for evaluation; providing definitions
 5 for "truancy court" and "truancy petition";
 6 creating s. 984.151, F.S.; providing procedure
 7 for truancy petitions; providing for truancy
 8 hearings and penalties; reenacting s.
 9 24.121(5)(b) and (c), F.S., relating to the
 10 Educational Enhancement Trust Fund, s.
 11 120.81(1)(b), F.S., relating to tests, test
 12 scoring criteria, or testing procedures, s.
 13 228.056(9)(e), F.S., relating to charter
 14 schools, s. 228.0565(6)(b), (c), and (d), F.S.,
 15 relating to deregulated public schools, s.
 16 228.301(1), F.S., relating to test security, s.
 17 229.551(1)(c) and (3), F.S., relating to
 18 educational management, s. 230.03(4), F.S.,
 19 relating to school district management,
 20 control, operation, administration, and
 21 supervision, s. 231.24(3)(a), F.S., relating to
 22 the process for renewal of professional
 23 certificates, s. 231.36(3)(e) and (f), F.S.,
 24 relating to contracts with instructional staff,
 25 supervisors, and principals, s. 232.2454(1),
 26 F.S., relating to district student performance
 27 standards, instruments, and assessment
 28 procedures, s. 232.246(5)(a) and (b), F.S.,
 29 relating to general requirements for high
 30 school graduation, s. 232.248, F.S., relating
 31 to confidentiality of assessment instruments,

1 s. 232.2481(1), F.S., relating to graduation
2 and promotion requirements for publicly
3 operated schools, s. 233.09(4), F.S., relating
4 to duties of instructional materials
5 committees, s. 233.165(1)(b), F.S., relating to
6 the selection of instructional materials, s.
7 233.25(3)(b), F.S., relating to publishers and
8 manufacturers of instructional materials, s.
9 236.685(6), F.S., relating to educational
10 funding accountability, s. 239.101(7), F.S.,
11 relating to career education, s. 239.229(1) and
12 (3), F.S., relating to vocational standards, s.
13 240.118(4), F.S., relating to postsecondary
14 feedback of information to high schools, s.
15 240.529(1), F.S., relating to approval of
16 teacher preparation programs, to incorporate
17 references; providing rulemaking authority for
18 the State Board of Education to ensure access
19 for nonprofit professional teacher
20 associations; providing for severability;
21 providing effective dates.

22
23 WHEREAS, providing a system of high-quality public
24 education for children is an important goal of this state, and

25 WHEREAS, Floridians reemphasized their aspiration to
26 provide for a system of high-quality public education for
27 children in this state by amending Section 1 of Article IX of
28 the State Constitution in the November 1998 General Election,
29 and

30 WHEREAS, the Legislature recognizes that it has an
31 important but not exclusive role in providing children with

1 the opportunity to obtain a high-quality education in this
2 state, and

3 WHEREAS, success in obtaining a high-quality education
4 depends upon many influences, and

5 WHEREAS, among the most prominent influences on the
6 educational success of children are the positive influences of
7 parents on their children's lives and on their children's
8 desire to learn and the active involvement of parents in the
9 education of their children, and

10 WHEREAS, the presence of those influences is
11 indispensable to successfully providing a system that allows
12 students to obtain a high-quality education, and

13 WHEREAS, children will have the best opportunity to
14 obtain a high-quality education in the public education system
15 of this state and that system can best be enhanced when
16 positive parental influences are present, when we allocate
17 resources efficiently and concentrate resources to enhance a
18 safe, secure, and disciplined classroom learning environment,
19 when we support teachers, when we reinforce shared high
20 academic expectations, and when we promptly reward success and
21 promptly identify failure, as well as promptly appraise the
22 public of both successes and failures, NOW, THEREFORE,

23

24 Be It Enacted by the Legislature of the State of Florida:

25

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

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

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

7 (1) Pursuant to Art. IX of the State Constitution
 8 prescribing the duty of the State Board of Education to
 9 supervise Florida's public school system and notwithstanding
 10 any other statutory provisions to the contrary, the State
 11 Board of Education shall ~~have the authority to~~ intervene in
 12 the operation of a district school system when in cases where
 13 one or more schools in the ~~a~~ school district have failed to
 14 make adequate progress for 2 3 ~~consecutive~~ school years in any
 15 4-year period. The state board may determine that the school
 16 district or and/or school has not taken steps sufficient for
 17 ~~to ensure that~~ students in the school to be academically in
 18 ~~question are~~ well served. Considering recommendations of the
 19 Commissioner of Education, the state board shall ~~is authorized~~
 20 ~~to~~ recommend action to a district school board ~~that is~~
 21 intended to improve ~~ensure improved~~ educational services to
 22 students in each school that is designated as performance
 23 grade category "F" ~~the low-performing schools in question~~.
 24 Recommendations for actions to be taken in the school district
 25 shall be made only after thorough consideration of the unique
 26 characteristics of a school, which shall also include student
 27 mobility rates, and the number and type of exceptional
 28 students enrolled in the school, and whether or not the
 29 students in the school have available options for improved
 30 educational services. The state board shall adopt by rule
 31 steps to follow in this process. Such steps shall provide

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

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

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

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

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

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

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

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

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

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

15 229.0537 Opportunity Scholarship Program.--

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

1 public school that is performing satisfactorily or to attend
2 an eligible private school when the parent or guardian chooses
3 to apply the equivalent of the public education funds
4 generated by his or her child to the cost of tuition in the
5 eligible private school as provided in paragraph (6)(a).

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

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

15 (a) By assigned school attendance area or by special
16 assignment, the student has spent the prior school year in
17 attendance at a public school that has been designated
18 pursuant to s. 229.57 as performance grade category "F,"
19 failing to make adequate progress, and that has had 2 school
20 years of such low performance in any 4-year period, and the
21 student's attendance occurred during a school year in which
22 such designation was in effect; or the parent or guardian of a
23 student who has been in attendance elsewhere in the public
24 school system or who is entering kindergarten or first grade
25 has been notified that the student has been assigned to such
26 school for the next school year;

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

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

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

4
5 The provisions of this section shall not apply to a student
6 who is enrolled in a school operating for the purpose of
7 providing educational services to youth in Department of
8 Juvenile Justice commitment programs. For purposes of
9 continuity of educational choice, the opportunity to continue
10 attending a private school shall remain in force until the
11 student graduates from high school or reenters the public
12 school system. However, at any time upon reasonable notice to
13 the Department of Education and the school district, the
14 student's parent or guardian may remove the student from the
15 private school and place the student in a public school, as
16 provided in subparagraph (3)(a)2.

17 (3) SCHOOL DISTRICT OBLIGATIONS.--

18 (a) A school district shall, for each student enrolled
19 in or assigned to a school that has been designated as
20 performance grade category "F" for 2 school years in any
21 4-year period:

22 1. Timely notify the parent or guardian of the student
23 as soon as such designation is made of all options available
24 pursuant to this section;

25 2. Offer that student's parent or guardian an
26 opportunity to enroll the student in the public school within
27 the district closest to the student's residence that has been
28 designated by the state pursuant to s. 229.67 as a school
29 performing higher than that in which the student is currently
30 enrolled or to which the student has been assigned, but not
31 less than performance grade category "C." The parent or

1 guardian is not required to accept this offer in lieu of
2 requesting a state opportunity scholarship to a private
3 school. The opportunity to continue attending a higher
4 performing public school shall remain in force until the
5 student graduates from high school; and

6 3. Timely notify the parent or guardian of the student
7 who is assigned or formerly attended the school during the
8 designation as soon as the designation of performance grade
9 category "F" has been removed.

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

19 (c) For students in the district who are participating
20 in the state opportunity scholarship program, the district
21 shall provide locations and times to take all statewide
22 assessments required pursuant to s. 229.57.

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

28 (e) If for any reason a qualified private school is
29 not available for the student or if the parent or guardian
30 chooses to request that the student be enrolled in the higher
31 performing public school, rather than choosing to request the

1 state opportunity scholarship, transportation costs to the
2 higher performing public school shall be the responsibility of
3 the school district. The district may utilize state
4 categorical transportation funds or state-appropriated public
5 school choice incentive funds for this purpose.

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

10 (a) Except for the first year of implementation,
11 notify the Department of Education and the school district in
12 whose service area the school is located of its intent to
13 participate in the program under this section by May 1 of the
14 school year preceding the school year in which it intends to
15 participate. The notice shall specify the grade levels and
16 services that the private school has available for the
17 opportunity scholarship program.

18 (b) Comply with the antidiscrimination provisions of
19 42 U.S.C. section 2000d.

20 (c) Meet state and local health and safety laws and
21 codes.

22 (d) Accept scholarship students on an entirely random
23 and religious-neutral basis without regard to the student's
24 past academic history; however, the private school may give
25 preference in accepting applications to siblings of students
26 who have already been accepted on a random and
27 religious-neutral basis.

28 (e) Be subject to instruction, curriculum, and
29 attendance criteria adopted by an appropriate non-public
30 school accrediting body and be academically accountable to the
31 parent or guardian as meeting the educational needs of the

1 student. Upon the parent's or guardian's request, the school
2 shall furnish the parent or guardian with a school profile
3 that includes student performance information.

4 (f) Comply with qualifications for school personnel
5 consistent with s. 231.02(2) and s. 231.045.

6 (g) Comply with all state statutes relating to private
7 schools.

8 (h) Accept as full tuition and fees the amount
9 provided by the state for each student.

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

13 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

14 (a) Any student participating in the opportunity
15 scholarship program must remain in attendance throughout the
16 school year, unless excused by the school for illness or other
17 good cause, and must comply fully with the school's code of
18 conduct.

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

24 (c) The parent or guardian shall ensure that the
25 student participating in the opportunity scholarship program
26 takes all statewide assessments required pursuant to s.
27 229.57. Students participating in the opportunity scholarship
28 program may take such tests at a location and at a time
29 provided by the school district.

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

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

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

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

29 b. The student currently participates in a Group II
30 program and the parent or guardian has chosen a private school

31

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

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

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

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

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

1 district to impose any additional regulation of private
2 schools beyond those reasonably necessary to enforce
3 requirements expressly set forth in this section.

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

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

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

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

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

30
31

1 (b) To prepare and publish annually reports giving
2 statistics and other useful information pertaining to the
3 opportunity scholarship program.

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

8 Section 4. Section 229.555, Florida Statutes, is
9 amended to read:

10 229.555 Educational planning and information
11 systems.--

12 (1) EDUCATIONAL PLANNING.--

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

24 (b) Each district school board shall maintain a
25 continuing system of planning and budgeting ~~which shall be~~
26 designed to aid in identifying and meeting the educational
27 needs of students and the public. Provision shall be made for
28 coordination between district school boards and community
29 college district boards of trustees concerning the planning
30 for vocational and adult educational programs. The major
31 emphasis of the system shall be upon locally determined goals

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

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

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

12 (a) The specific responsibilities of the commissioner
13 shall include:

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

18 2. Providing operational definitions for the proposed
19 system;

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

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

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

31

1 6. Developing appropriate computer programs to assure
2 integration of the various information components dealing with
3 students, personnel, facilities, fiscal, program, community,
4 and evaluation data;

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

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

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

28 10. Assisting the district school systems in
29 establishing their subsystem components and assuring
30 compatibility with current district systems;

31

1 11. Establishing procedures for continuous evaluation
2 of system efficiency and effectiveness;

3 12. Initiating a reports-management and
4 forms-management system to ascertain that duplication in
5 collection of data does not exist and that forms and reports
6 for reporting under state and federal requirements and other
7 forms and reports are prepared in a logical and uncomplicated
8 format, resulting in a reduction in the number and complexity
9 of required reports, particularly at the school level; and

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

- 15 a. The purpose of the reporting requirement;
16 b. The origination of the reporting requirement;
17 c. The date of origin of the reporting requirement;

18 and

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

20 (b) The specific responsibilities of each district
21 school system shall include:

22 1. Establishing, at the district level, a
23 reports-control and forms-control management system committee
24 composed of school administrators and classroom teachers. The
25 district school board shall appoint school administrator
26 members and classroom teacher members; or, in school districts
27 where appropriate, the classroom teacher members shall be
28 appointed by the bargaining agent. Teachers shall constitute a
29 majority of the committee membership. The committee shall
30 periodically recommend procedures to the district school board
31 for eliminating, reducing, revising, and consolidating

1 paperwork and data collection requirements and shall submit to
2 the district school board an annual report of its findings.

3 2. With assistance from the commissioner, developing
4 systems compatibility between the state management information
5 system and unique local systems.

6 3. Providing, with the assistance of the department,
7 inservice training dealing with management information system
8 purposes and scope, a method of transmitting input data, and
9 the use of output report information.

10 4. Establishing a plan for continuous review and
11 evaluation of local management information system needs and
12 procedures.

13 5. Advising the commissioner of all district
14 management information needs.

15 6. Transmitting required data input elements to the
16 appropriate processing locations in accordance with guidelines
17 established by the commissioner.

18 7. Determining required reports, comparisons, and
19 relationships to be provided to district school systems by the
20 system output reports, continuously reviewing these reports
21 for usefulness and meaningfulness, and submitting recommended
22 additions, deletions, and change requirements in accordance
23 with the guidelines established by the commissioner.

24 8. Being responsible for the accuracy of all data
25 elements transmitted to the department.

26 (c) It is the intent of the Legislature that the
27 expertise in the state system of public education, as well as
28 contracted services, be utilized to hasten the plan for full
29 implementation of a comprehensive management information
30 system.

31

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

3 229.565 Educational evaluation procedures.--

4 (1) STUDENT PERFORMANCE STANDARDS.--

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

19 (b) The student performance standards must address the
20 skills and competencies that a student must learn in order to
21 graduate from high school. The commissioner shall also develop
22 performance standards for students who learn a higher level of
23 skills and competencies.

24 Section 6. Section 229.57, Florida Statutes, 1998
25 Supplement, is amended to read:

26 229.57 Student assessment program.--

27 (1) PURPOSE.--The primary purposes ~~purpose~~ of the
28 statewide assessment program are is to provide information
29 needed to improve for the improvement of the public schools by
30 maximizing the learning gains of all students and to inform

31

1 parents of the educational progress of their public school
2 children. The program must be designed to:

3 (a) Assess the annual learning gains of each student
4 toward achieving the Sunshine State Standards appropriate for
5 the student's grade level.

6 (b) Provide data for making decisions regarding school
7 accountability and recognition.

8 (c)(a) Identify the educational strengths and needs of
9 students and the readiness of students to be promoted to the
10 next grade level or to graduate from high school with a
11 standard high school diploma.

12 (d)(b) Assess how well educational goals and
13 performance standards are met at the school, district, and
14 state levels.

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

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

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

1 these assessments shall be included in the annual report of
2 the Commissioner of Education specified in this section. The
3 administration of the National Assessment of Educational
4 Progress or a similar program shall be in addition to and
5 separate from the administration of the statewide assessment
6 program ~~otherwise described in this section.~~

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

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

29 (b) Develop and implement a uniform system of
30 indicators to describe the performance of public school
31 students and the characteristics of the public school

1 districts and the public schools. These indicators must
2 include, without limitation, information gathered by the
3 comprehensive management information system created pursuant
4 to s. 229.555 and student achievement information obtained
5 pursuant to this section.

6 (c) Develop and implement a student achievement
7 testing program as part of the statewide assessment program,
8 to be administered annually in grades 3 through 10 at
9 ~~designated times at the elementary, middle, and high school~~
10 ~~levels~~ to measure reading, writing, and mathematics. The
11 testing program must be designed so that:

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

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

29 3. Each testing program, whether at the elementary,
30 middle, or high school level, includes a test of writing in
31

1 which students are required to produce writings which are then
2 scored by appropriate methods.

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

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

27 6. Students who enroll in grade 9 in the fall of 1999
28 and thereafter must earn a passing score on the grade 10
29 assessment test described in this paragraph instead of the
30 high school competency test described in subparagraph 5. Such
31 students must earn a passing score in reading, writing, and

1 mathematics to qualify for a regular high school diploma. Upon
2 recommendation of the commissioner, the state board shall
3 designate a passing score for each part of the grade 10
4 assessment test. In establishing passing scores, the state
5 board shall consider any possible negative impact of the test
6 on minority students.

7 ~~7.6.~~ Participation in the testing program is mandatory
8 for all students, except as otherwise prescribed by the
9 commissioner. The commissioner shall recommend rules to the
10 state board for the provision of test adaptations and
11 modifications of procedures as necessary for students in
12 exceptional education programs and for students who have
13 limited English proficiency.

14 ~~8.7.~~ A student seeking an adult high school diploma
15 must meet the same testing requirements that a regular high
16 school student must meet.

17 9. School districts must provide instruction to
18 prepare students to demonstrate proficiency on the skills and
19 competencies necessary for successful grade-to-grade
20 progression and high school graduation. The commissioner shall
21 conduct studies as necessary to verify that the required
22 skills and competencies are part of the district instructional
23 programs.

24
25 The commissioner may design and implement student testing
26 programs for any grade level and subject area, based on
27 procedures designated by the commissioner to monitor
28 educational achievement in the state.

29 (d) Obtain or develop a career planning assessment to
30 be administered to students, at their option, in grades 7 and
31 10 to assist them in preparing for further education or

1 entering the workforce. ~~The statewide student assessment~~
2 ~~program must include career planning assessment.~~

3 (e) Conduct ongoing research to develop improved
4 methods of assessing student performance, including, without
5 limitation, the use of technology to administer tests, the use
6 of electronic transfer of data, the development of
7 work-product assessments, and the development of process
8 assessments.

9 (f) Conduct ongoing research and analysis of student
10 achievement data, including, without limitation, monitoring
11 trends in student achievement, identifying school programs
12 that are successful, and analyzing correlates of school
13 achievement.

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

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

1 ~~may request achievement data for other grade levels as~~
2 ~~necessary.~~

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

25 (6) ANNUAL REPORTS.--The commissioner shall prepare
26 annual reports of the results of the statewide assessment
27 program which describe student achievement in the state, each
28 district, and each school. The commissioner shall prescribe
29 the design and content of these reports which must include,
30 without limitation, descriptions of the performance of all
31 schools participating in the assessment program and all of

1 their major student populations as determined by the
2 Commissioner of Education, and must also include the median
3 scores of all eligible students who scored at or in the lowest
4 25th percentile of the state in the previous school year
5 ~~students at both low levels and exemplary levels, as well as~~
6 ~~the performance of students scoring in the middle 50 percent~~
7 ~~of the test population. Until such time as annual assessments~~
8 prescribed in this section are fully implemented, annual
9 reports shall include student performance data based on
10 existing assessments.

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

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

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

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

19 (d) "D," schools making less than satisfactory
20 progress.

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

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

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

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

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

11 1. The median scores of all students enrolled in the
12 school who have been assessed on the FCAT.

13 2. The median scores of all students enrolled in the
14 school who have been assessed on the FCAT and who have scored
15 at or in the lowest 25th percentile of students in the state
16 who have been assessed on the FCAT in the previous school
17 year.

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

30 (9) SCHOOL IMPROVEMENT RATINGS.--Beginning with the
31 1999-2000 school year's student and school performance data,

1 the annual report shall identify each school's performance as
2 having improved, remained the same, or declined. This school
3 improvement rating shall be based on a comparison of the
4 current year's and previous year's student and school
5 performance data. Schools that improve at least one
6 performance grade category are eligible for school recognition
7 awards pursuant to s. 231.2905.

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

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

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

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

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

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

3 (e) The assessment system shall use measures of
4 student learning to determine student, classroom, school, and
5 district statistical distributions.

6 (f) These distributions shall be determined using
7 available data from the FCAT, and other data collection as
8 deemed appropriate by the Department of Education, to measure
9 the differences in student prior year achievement against the
10 current year achievement or lack thereof, such that the
11 effects of instruction to a student by a teacher, school, and
12 school district may be estimated on a per student and constant
13 basis.

14 (g) To the extent possible, these distributions shall
15 be able to be expressed in linear scales such that the effects
16 of ceiling and floor dispersions are minimized.

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

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

30
31

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

4 (i) The assessment system must provide diagnostic
5 information on appropriate measures of student learning gains
6 at the student, classroom, school, and district levels to
7 isolate various subpopulations based on previous achievement
8 levels in order to provide diagnostic information for
9 teachers, principals, administrators, and other appropriate
10 persons.

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

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

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

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

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

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

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

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

14 Section 7. Section 229.58, Florida Statutes, 1998
15 Supplement, is amended to read:

16 229.58 District and school advisory councils.--

17 (1) ESTABLISHMENT.--

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

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

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

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

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

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

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

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

1 Appropriations Act for use by school advisory councils must be
2 used for implementing the school improvement plan.

3 Section 8. Section 229.591, Florida Statutes, 1998
4 Supplement, is amended to read:

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

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

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

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

7 (a) Establish state and local educational goals.

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

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

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

16 (e) Recognize successful schools.

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

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

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

30 (a) Readiness to start school.--Communities and
31 schools collaborate in a statewide comprehensive school

1 readiness program to prepare children and families for
2 children's success in school.

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

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

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

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

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

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

29 (h) Parental, family, and community
30 involvement.--Communities, school boards, and schools provide
31 opportunities for involving parents, families, ~~and~~ guardians,

1 and other community stakeholders as collaborative active
2 partners in achieving school improvement and education
3 accountability. ~~The State Board of Education shall adopt~~
4 ~~standards for indicating progress toward this state education~~
5 ~~goal by January 1, 1997.~~

6 Section 9. Section 229.592, Florida Statutes, 1998
7 Supplement, is amended to read:

8 229.592 Implementation of state system of school
9 improvement and education accountability.--

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

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

1 ~~interest, the Legislature may repeal or revise laws, including~~
2 ~~fiscal policies, deemed to stand in the way of school~~
3 ~~improvement.~~

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

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

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

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

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

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

29 (3)~~(b)~~ The commissioner shall be held responsible for
30 the implementation and maintenance of the system of school
31 improvement and education accountability outlined in this

1 section ~~subsection~~. There shall be an annual determination of
2 whether adequate progress is being made toward implementing
3 and maintaining a system of school improvement and education
4 accountability.

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

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

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

30 ~~(7)(4)~~ DEPARTMENT.--
31

1 (a) The Department of Education shall implement a
2 training program to develop among state and district educators
3 a cadre of facilitators of school improvement. These
4 facilitators shall assist schools and districts to conduct
5 needs assessments and develop and implement school improvement
6 plans to meet state goals.

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

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

1 without a plan or without appropriate school advisory council
2 membership composition.

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

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

26 ~~(9)(6) EXCEPTIONS TO LAW.--To facilitate innovative~~
27 ~~practices and to allow local selection of educational methods,~~
28 ~~the commissioner may waive, upon the request of a school~~
29 ~~board, requirements of chapters 230 through 239 of the Florida~~
30 ~~School Code that relate to instruction and school operations,~~
31 ~~except those pertaining to civil rights, and student health,~~

1 safety, and welfare. The Commissioner of Education is not
2 authorized to grant waivers for any provisions of law
3 pertaining to the allocation and appropriation of state and
4 local funds for public education; the election, compensation,
5 and organization of school board members and superintendents;
6 graduation and state accountability standards; financial
7 reporting requirements; reporting of out-of-field teaching
8 assignments under s. 231.095; public meetings; public records;
9 or due process hearings governed by chapter 120. Prior to
10 approval, the commissioner shall report pending waiver
11 requests to the state board on a monthly basis, and shall,
12 upon request of any state board member, bring a waiver request
13 to the state board for consideration. If, within 2 weeks of
14 receiving the report, no member requests that a waiver be
15 considered by the state board, the commissioner may act on the
16 original waiver request. No later than January 1 of each year,
17 the commissioner shall report to the President and Minority
18 Leader of the Senate and the Speaker and Minority Leader of
19 the House of Representatives all approved waiver requests in
20 the preceding year.

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

1 procedures for variations in academic credits awarded toward
2 graduation by a high school offering six periods per day
3 compared to those awarded by high schools operating on other
4 schedules.

5 1. A school board may originate a request for waiver
6 and submit the request to the commissioner if such a waiver is
7 required to implement districtwide improvements.

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

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

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

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

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

20 (e)1. Schools designated in performance grade category
21 "A," making excellent progress, shall, upon the request of the
22 school, be given deregulated status as specified in s.
23 228.0565(5), (7), (8), (9), and (10).

24 2. Schools that have improved at least two performance
25 grade categories and that meet the criteria of the Florida
26 School Recognition Program pursuant to s. 231.2905 may be
27 given deregulated status as specified in s. 228.0565(5), (7),
28 (8), (9), and (10).

29 Section 10. Section 229.593, Florida Statutes, 1998
30 Supplement, is repealed.

31

1 Section 11. Section 229.594, Florida Statutes, is
2 repealed.

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

5 229.595 Implementation of state system of education
6 accountability for school-to-work transition.--

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

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

23 230.23 Powers and duties of school board.--The school
24 board, acting as a board, shall exercise all powers and
25 perform all duties listed below:

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

31

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

17 (g) Awards and incentives.--Provide for recognition of
18 district employees, students, school volunteers, and ~~or~~
19 advisory committee members who have contributed outstanding
20 and meritorious service in their fields or service areas.
21 After considering recommendations of the superintendent, the
22 board shall adopt rules establishing and regulating the
23 meritorious service awards necessary for the efficient
24 operation of the program. An award or incentive granted under
25 this paragraph may not be considered in determining the salary
26 schedules required by paragraph (c). Monetary awards shall be
27 limited to persons who propose procedures or ideas ~~which are~~
28 adopted by the board ~~and~~ which will result in eliminating or
29 reducing school board expenditures or improving district or
30 school center operations. Nonmonetary awards shall include,
31 but are ~~need~~ not ~~be~~ limited to, certificates, plaques, medals,

1 ribbons, and photographs. The school board may ~~is authorized~~
2 ~~to~~ expend funds for such recognition and awards. No award
3 granted under ~~the provisions of~~ this paragraph shall exceed
4 \$2,000 or 10 percent of the first year's gross savings,
5 whichever is greater.

6 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
7 AIDS.--Provide adequate instructional aids for all children as
8 follows and in accordance with the requirements of chapter
9 233.

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

21 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
22 ACCOUNTABILITY.--Maintain a system of school improvement and
23 education accountability as provided by statute and State
24 Board of Education rule. This system of school improvement and
25 education accountability shall be consistent with, and
26 implemented through, the district's continuing system of
27 planning and budgeting required by this section and ss.
28 229.555 and 237.041. This system of school improvement and
29 education accountability shall include, but is not ~~be~~ limited
30 to, the following:
31

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

12 (b) Approval process.--Develop a process for approval
13 of a school improvement plan presented by an individual school
14 and its advisory council. In the event a board does not
15 approve a school improvement plan after exhausting this
16 process, the Department of Education ~~Florida Commission on~~
17 ~~Education Reform and Accountability~~ shall be notified of the
18 need for assistance.

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

30 (d) After 2 ~~3~~ years.--Notify the Commissioner of
31 ~~Florida Commission on Education Reform and Accountability~~ and

1 the State Board of Education in the event any school does not
2 make adequate progress toward meeting the goals and standards
3 of a school improvement plan by the end of 2 ~~3 consecutive~~
4 years of failing to make adequate progress in any 4-year
5 period ~~district assistance and intervention~~ and proceed
6 according to guidelines developed pursuant to statute and
7 State Board of Education rule. School districts shall provide
8 intervention and assistance to schools in danger of being
9 designated as performance grade category "F," failing to make
10 adequate progress.

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

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

24 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

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

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

12 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
13 allowing students attending schools that have been designated
14 as performance grade category "F," failing to make adequate
15 progress, for 2 school years in any 4-year period to attend a
16 higher performing school in the district or an adjoining
17 district or be granted a state opportunity scholarship to a
18 private school, in conformance with s. 229.0537 and state
19 board rule.

20 (19)~~(18)~~ ADOPT RULES.--Adopt rules pursuant to ss.
21 120.536(1) and 120.54 to implement ~~the provisions of this~~
22 section.

23 Section 14. Paragraph (a) of subsection (3) of section
24 231.29, Florida Statutes, 1998 Supplement, is amended to read:

25 231.29 Assessment procedures and criteria.--

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

29 (a) An assessment shall be conducted for each employee
30 at least once a year. The assessment shall be based upon sound
31 educational principles and contemporary research in effective

1 educational practices. Beginning with the full implementation
2 of an annual assessment of learning gains, the assessment must
3 primarily use data and indicators of improvement in student
4 performance assessed annually as specified in s. 229.57 and
5 may consider results of peer reviews in evaluating the
6 employee's performance. The assessment criteria must include,
7 but are not limited to, indicators that relate to the
8 following:

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

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

22 231.2905 Florida School Recognition Program.--

23 (2) The Florida School Recognition Program is created
24 to provide greater autonomy and financial awards to ~~faculty~~
25 ~~and staff of~~ schools that sustain high performance or that
26 demonstrate exemplary improvement due to innovation and
27 effort. The Commissioner of Education shall establish
28 statewide objective criteria for schools to be invited to
29 apply for the Florida School Recognition Program. The
30 selection of schools must be based on at least 2 school years
31 of data, when available. ~~To participate in the program, a~~

1 ~~school district must have incorporated a performance incentive~~
2 ~~program into its employee salary structure.~~ All public
3 schools, including charter schools, are eligible to
4 participate in the program.

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

8 (a)1. Improvement in the school's student achievement
9 data.

10 (b)2. Statewide student achievement data.

11 (c) Student learning gains when such data becomes
12 available.

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

14 (e)4. Dropout rates.

15 (f)5. Attendance rates.

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

20 ~~1. School climate, including rates of school violence~~
21 ~~and crime.~~

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

23 ~~3. Indicators of successful challenging school~~
24 ~~improvement plans.~~

25 ~~4. Parent, community, and student involvement in~~
26 ~~learning.~~

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

31

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

3 Section 16. Section 232.245, Florida Statutes, is
4 amended to read:

5 232.245 Pupil progression; remedial instruction;
6 reporting requirements.--

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

14 (2) Each district school board shall establish a
15 comprehensive program for pupil progression which must
16 include:

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

20 (b) Specific levels of performance in reading,
21 writing, and mathematics for each grade level, including the
22 levels of performance on statewide assessments ~~at selected~~
23 ~~grade levels in elementary school, middle school, and high~~
24 ~~school~~ as defined by the Commissioner of Education, below
25 which a student must receive remediation, or ~~and may~~ be
26 retained with an intensive program that is different from the
27 previous year's program and that takes into account the
28 student's learning style. No student may be assigned to a
29 grade level based solely on age or other factors that
30 constitute social promotion. School boards shall allocate
31 remedial and supplemental instruction resources first to

1 students who fail to meet achievement performance levels
2 required for promotion. The state board shall adopt rules to
3 prescribe limited circumstances in which a student may be
4 promoted without meeting the specific assessment performance
5 levels prescribed by the district's pupil progression plan.

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

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

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

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

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

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

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

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

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

3 228.053 Developmental research schools.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) One advisory body.--Each developmental research
31 school may establish an advisory body responsible for the

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

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

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

31

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

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

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

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

9 (c) The written request for waiver of statute or rule
10 shall 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 pursuant to s. 229.592(5), and how student
14 improvement will be evaluated and reported. In considering any
15 waiver, the committee shall ensure protection of the health,
16 safety, welfare, and civil rights of the students and
17 protection of the public interest.

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

1 immediately notify the committee and developmental research
2 school of the decision and provide a rationale therefor.

3 Section 18. Paragraph (e) of subsection (2) of section
4 228.054, Florida Statutes, is amended to read:

5 228.054 Joint Developmental Research School Planning,
6 Articulation, and Evaluation Committee.--

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

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

15 Section 19. Paragraph (f) of subsection (9) of section
16 228.056, Florida Statutes, 1998 Supplement, is amended to
17 read:

18 228.056 Charter schools.--

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

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

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

7 Section 20. Subsection (3) of section 233.17, Florida
8 Statutes, is amended to read:

9 233.17 Term of adoption for instructional materials.--

10 (3) The department shall publish annually an official
11 schedule of subject areas to be called for adoption for each
12 of the succeeding 2 years, and a tentative schedule for years
13 3, 4, 5, and 6. If extenuating circumstances warrant, the
14 Commissioner of Education may order the department to add one
15 or more subject areas to the official schedule, in which event
16 the commissioner shall develop criteria for such additional
17 subject area or areas pursuant to s. 229.512(18)~~(15)~~ and make
18 them available to publishers as soon as practicable.

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

27 Section 21. Subsection (6) of section 236.685, Florida
28 Statutes, is amended to read:

29 236.685 Educational funding accountability.--

30 (6) The annual school public accountability report
31 required by ss. 229.592~~(5)~~ and 230.23(16)~~(18)~~ must include a

1 school financial report. The purpose of the school financial
2 report is to better inform parents and the public concerning
3 how revenues were spent to operate the school during the prior
4 fiscal year. Each school's financial report must follow a
5 uniform, districtwide format that is easy to read and
6 understand.

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

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

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

- 19 a. Basic programs;
- 20 b. Students-at-risk programs;
- 21 c. Special programs for exceptional students;
- 22 d. Career education programs; and
- 23 e. Adult programs.

24 2. Substitute teachers.

25 3. Other instructional personnel, including
26 school-based instructional specialists and their assistants.

27 4. Contracted instructional services, including
28 training for instructional staff and other contracted
29 instructional services.

30
31

1 5. School administration, including school-based
2 administrative personnel and school-based education support
3 personnel.

4 6. The following materials, supplies, and operating
5 capital outlay:

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

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

19
20 As used in this subsection, the term "school" means a "school
21 center" as defined by s. 228.041.

22 Section 22. Subsection (6) of section 20.15, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 20.15 Department of Education.--There is created a
25 Department of Education.

26 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
27 contained in law to the contrary, the Commissioner of
28 Education shall appoint all members of all councils and
29 committees of the Department of Education, except the Board of
30 Regents, the State Board of Community Colleges, the community
31 college district boards of trustees, the Postsecondary

1 Education Planning Commission, the Education Practices
2 Commission, the Education Standards Commission, the State
3 Board of Independent Colleges and Universities, ~~the Florida~~
4 ~~Commission on Education Reform and Accountability,~~and the
5 State Board of Nonpublic Career Education.

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

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

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

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

31

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

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

17 (5) Beginning in the 1999-2000 school year, dropout
18 prevention programs as defined in s. 230.2316(3)(a), (b), and
19 (c) shall be included in Group 1 programs under s.
20 236.081(1)(d)3.

21 (6) Each school district receiving funds from the
22 Supplemental Academic Achievement Categorical Fund shall
23 submit to the Department of Education a plan which identifies
24 the students to be served and the scope of supplemental
25 academic instruction to be provided. Districts shall also
26 submit information through the department's database
27 documenting the district's progress in the areas of academic
28 improvement, graduation rate, dropout rate, attendance rate,
29 and retention/promotion rate. The department shall compile
30 this information into an annual report which shall be
31

1 submitted to the presiding officers of the Legislature by
2 February 15.

3 Section 24. Effective July 1, 1999, paragraph (c) of
4 subsection (2) of section 236.013, Florida Statutes, is
5 amended to read:

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

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

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

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

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

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

31

1 special education programs and shall be recorded as time in
2 the appropriate basic program.

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

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

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

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

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

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

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

17 a. Support level III, IV, and V ~~Special~~ programs for
18 exceptional students;

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

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

21 ~~b.d. Dropout prevention programs as defined in s.~~
22 ~~230.2316 for students in residential programs operated by the~~
23 ~~Department of Children and Family Services; Day treatment and~~
24 ~~residential programs operated by or under contract and quality~~
25 ~~assurance review with the Department of Juvenile Justice~~
26 ~~pursuant to as defined in s. 230.23161 in which students~~
27 ~~receive educational services; ~~or teenage parent programs as~~~~
28 ~~defined in s. 230.23166 for students who are in need of such~~
29 ~~additional instruction;~~

30 ~~c.e. Dropout prevention programs as defined in s.~~
31 ~~230.2316 in which students are placed for academic or~~

1 ~~disciplinary purposes or~~ Programs in English for speakers of
2 other languages as defined in s. 233.058 for students who were
3 in membership for all of the last 15 days of the 180-day term
4 or a total of 30 days within the 180-day term and are in need
5 of such additional instruction;

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

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

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

20 Section 25. Subsection (7) of section 239.101, Florida
21 Statutes, is amended to read:

22 239.101 Legislative intent.--

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

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

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

5 239.229 Vocational standards.--

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

17 Section 27. Subsection (1) of section 240.529, Florida
18 Statutes, is amended to read:

19 240.529 Public accountability and state approval for
20 teacher preparation programs.--

21 (1) INTENT.--The Legislature recognizes that skilled
22 teachers make an ~~the most~~ important contribution to a ~~quality~~
23 ~~educational~~ system that allows students to obtain a
24 high-quality education ~~and that competent teachers are~~
25 ~~produced by effective and accountable teacher preparation~~
26 ~~programs~~. The intent of the Legislature is to establish a
27 system for development and approval of teacher preparation
28 programs that will free postsecondary teacher preparation
29 institutions to employ varied and innovative teacher
30 preparation techniques while being held accountable for
31 producing teachers with the competencies and skills for

1 achieving the state education goals and sustaining the state
2 system of school improvement and education accountability
3 established pursuant to ss. 229.591 ~~and 229.592, and 229.593.~~

4 Section 28. Section 231.002, Florida Statutes, is
5 created to read:

6 231.002 Teacher quality; legislative findings and
7 purpose.--

8 (1) The Legislature finds that the most important
9 influence the school can contribute to the learning of any
10 student is the attitude, skills, knowledge, and understanding
11 of the teacher. The Legislature intends to implement a
12 comprehensive approach to increase students' academic
13 achievement and improve teaching quality. The Legislature
14 recognizes that professional educators shape the future of
15 this state and the nation by developing the knowledge and
16 skills of our future workforce and laying the foundation for
17 good citizenship and full participation in community and civic
18 life. The Legislature also recognizes its critical role in
19 meeting the state's educational goals and preparing all
20 students to achieve at the high levels set by the Sunshine
21 State Standards.

22 (2) The purpose of this act is to raise standards for
23 certifying professional educators; establish a statewide
24 system for in-service professional development; increase
25 accountability for postsecondary programs that prepare future
26 educators; and increase accountability for administrators who
27 evaluate teacher performance. To further this initiative, the
28 Department of Education must review the provisions of chapter
29 231, Florida Statutes, and related administrative rules
30 governing the certification of individuals who must hold state
31 certification as a condition of employment in any district

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

18 Section 29. Paragraph (d) of subsection (5) of section
19 24.121, Florida Statutes, 1998 Supplement, is amended to read:

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

22 (5)

23 (d) No funds shall be released for any purpose from
24 the Educational Enhancement Trust Fund to any school district
25 in which one or more schools do not have an approved school
26 improvement plan pursuant to s. 230.23(16) or do not comply
27 with school advisory council membership composition
28 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
29 the Commissioner of Education shall withhold disbursements
30 from the trust fund to any school district that fails to adopt
31

1 and implement the performance pay policy required by s.
2 230.23(5).

3 Section 30. Paragraph (c) of subsection (5) of section
4 230.23, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

12 231.02 Qualifications of personnel.--

13 (1) To be eligible for appointment in any position in
14 any district school system, a person shall be of good moral
15 character; shall have attained the age of 18 years, if he or
16 she is to be employed in an instructional capacity; and shall,
17 when required by law, hold a certificate or license issued
18 under rules of the State Board of Education or the Department
19 of Health ~~and Rehabilitative Services~~, except when employed
20 pursuant to s. 231.15 or under the emergency provisions of s.
21 236.0711. Previous residence in this state shall not be
22 required in any school of the state as a prerequisite for any
23 person holding a valid Florida certificate or license to serve
24 in an instructional capacity.

25 Section 32. Subsection (2) of section 231.0861,
26 Florida Statutes, is amended to read:

27 231.0861 Principals and assistant principals;
28 selection.--

29 (2) ~~By July 1, 1986,~~ Each district school board shall
30 adopt and implement an objective-based process for the
31 screening, selection, and appointment of assistant principals

1 and principals in the public schools of this state which meets
2 the criteria approved by the State Board of Education ~~Florida~~
3 ~~Council on Educational Management~~. Each school district may
4 contract with other local school districts, agencies,
5 associations, private entities, or universities to conduct the
6 assessments, evaluations, and training programs required under
7 this section.

8 Section 33. Section 231.085, Florida Statutes, is
9 amended to read:

10 231.085 Duties of principals.--A district school board
11 shall employ, through written contract, public school
12 principals who shall supervise the operation and management of
13 the schools and property as the board determines necessary.

14 Each principal is responsible for the performance of all
15 personnel employed by the school board and assigned to the
16 school to which the principal is assigned. The principal shall
17 faithfully and effectively apply the personnel-assessment
18 system approved by the school board pursuant to s. 231.29.

19 Each principal shall perform such duties as may be assigned by
20 the superintendent pursuant to the rules of the school board.

21 Such rules shall include, but not be limited to, rules
22 relating to administrative responsibility, instructional
23 leadership in implementing the Sunshine State Standards and ~~of~~

24 the overall educational program of the school to which the
25 principal is assigned, submission of personnel recommendations
26 to the superintendent, administrative responsibility for
27 records and reports, administration of corporal punishment,
28 and student suspension. Each principal shall provide
29 leadership in the development or revision and implementation
30 of a school improvement plan pursuant to s. 230.23(16).

31

1 Section 34. Paragraph (a) of subsection (5) of section
2 231.087, Florida Statutes, is amended, and subsection (7) is
3 added to that section, to read:

4 231.087 Management Training Act; Florida Council on
5 Educational Management; Florida Academy for School Leaders;
6 Center for Interdisciplinary Advanced Graduate Study.--

7 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

8 (a) Pursuant to rules ~~guidelines~~ to be adopted by the
9 State Board of Education ~~Florida Council on Educational~~
10 ~~Management~~, each school board may submit to the commissioner a
11 proposed program designed to train district administrators and
12 school-based managers, including principals, assistant
13 principals, school site administrators, and persons who are
14 potential candidates for employment in such administrative
15 positions, in the competencies which have been identified by
16 the Florida Council on Educational Management ~~council~~ as being
17 necessary for effective school management. The proposed
18 program shall include a statement of the number of individuals
19 to be included in the program and an itemized statement of the
20 estimated total cost of the program, which shall be paid in
21 part by the district and in part by the department.

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

30 Section 35. Section 231.09, Florida Statutes, is
31 amended to read:

1 231.09 Duties of instructional personnel.--The primary
 2 duty of instructional personnel is to work diligently and
 3 faithfully to help students meet or exceed annual learning
 4 goals, to meet state and local achievement requirements, and
 5 to master the skills required to graduate from high school
 6 prepared for postsecondary education, technical school, or
 7 work. This duty applies to instructional personnel whether
 8 they teach or function in a support role.Members of the
 9 instructional staff of the public schools shall perform duties
 10 prescribed by rules of the school board. Such rules shall
 11 include, but not be limited to, rules relating to a teacher's
 12 duty to help students master challenging standards and meet
 13 all state and local requirements for achievement;teaching
 14 efficiently and faithfully, using prescribed materials and
 15 methods; recordkeeping; and fulfilling the terms of any
 16 contract, unless released from the contract by the school
 17 board.

18 Section 36. Section 231.096, Florida Statutes, 1998
 19 Supplement, is amended to read:

20 231.096 Teacher teaching out-of-field;
 21 assistance.--Each ~~school~~ district school board shall adopt and
 22 implement ~~have~~ a plan to assist any teacher teaching
 23 out-of-field, and priority consideration in professional
 24 development activities shall be given to teachers who are
 25 teaching out-of-field. The school board shall require that
 26 such teachers participate in a certification,
 27 staff-development, or peer assistance program designed to
 28 ensure that the teacher has the competencies required for the
 29 assigned duties. The cost of the program must be funded by
 30 the school board. The board-approved assistance plan must
 31 include duties of administrative personnel and other

1 instructional personnel to help the out-of-field teacher
2 ensure that students receive high-quality instructional
3 services.

4 Section 37. Section 231.145, Florida Statutes, is
5 amended to read:

6 231.145 Purpose of instructional personnel
7 certification.--It is the intent of the Legislature that
8 school personnel certified in this state possess the
9 credentials, knowledge, and skills necessary to provide a
10 high-quality ~~quality~~ education in the public schools. The
11 purpose of school personnel certification is to protect the
12 educational interests of students, parents, and the public at
13 large by assuring that teachers in this state are
14 professionally qualified. In fulfillment of its duty to the
15 citizens of this state, the Legislature has established
16 certification requirements to assure that educational
17 personnel in public schools possess appropriate skills in
18 reading, writing, and mathematics, and adequate pedagogical
19 knowledge and relevant subject matter competence so as to ~~and~~
20 ~~can~~ demonstrate an acceptable level of professional
21 performance. Further, the Legislature has established a
22 certificate renewal process which promotes the continuing
23 professional improvement of school personnel, thereby
24 enhancing public education in all areas of the state.

25 Section 38. Section 231.15, Florida Statutes, 1998
26 Supplement, is amended to read:

27 231.15 Positions for which certificates required.--

28 (1) The State Board of Education shall classify school
29 services, designate the certification subject areas, establish
30 competencies and certification requirements for all
31 school-based personnel, and prescribe rules in accordance with

1 which the professional, temporary, and part-time certificates
2 shall be issued by the Department of Education to applicants
3 who meet the standards prescribed by such rules for their
4 class of service. The rules must allow the holder of a valid
5 professional certificate to add an area of certification
6 without completing the associated course requirements if the
7 certificateholder attains a passing score on an examination of
8 competency in the subject area to be added and provides
9 evidence of at least 2 years of satisfactory performance
10 evaluations that considered the performance of students taught
11 by the certificateholder. The rules must allow individuals who
12 have specific subject area expertise but who have not
13 completed a standard teacher preparation program to
14 participate in a state-designed alternative certification
15 program for a professional certificate. This program must
16 provide for demonstration of the following competency areas in
17 lieu of completion of a specific number of college course
18 credit hours:

- 19 (a) Assessment.
- 20 (b) Communication.
- 21 (c) Critical thinking.
- 22 (d) Human development and learning.
- 23 (e) Classroom management.
- 24 (f) Planning.
- 25 (g) Technology.
- 26 (h) Diversity.
- 27 (i) Teacher responsibility.
- 28 (j) Code of ethics.
- 29 (k) Continuous professional improvement.

30
31

1 The State Board of Education shall consult with the State
 2 Board of Independent Colleges and Universities, the State
 3 Board of Nonpublic Career Education, the Board of Regents, and
 4 the State Board of Community Colleges before adopting any
 5 changes to training requirements relating to entry into the
 6 profession in cases affecting their jurisdiction. This
 7 consultation must allow the educational board to provide
 8 advice regarding the impact of the proposed changes in terms
 9 of the length of time necessary to complete the training
 10 program and the fiscal impact of the changes.Each person
 11 employed or occupying a position as school supervisor,
 12 principal, teacher, library media specialist, school
 13 counselor, athletic coach, or other position in which the
 14 employee serves in an instructional capacity, in any public
 15 school of any district of this state shall hold the
 16 certificate required by law and by rules of the state board in
 17 fulfilling the requirements of the law for the type of service
 18 rendered. However, the state board shall adopt rules
 19 authorizing school boards to employ selected noncertificated
 20 personnel to provide instructional services in the
 21 individuals' fields of specialty or to assist instructional
 22 staff members as education paraprofessionals.

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

29 (3) Each person employed as a school nurse shall hold
 30 a license to practice nursing in the state, and each person
 31 employed as a school physician shall hold a license to

1 practice medicine in the state. ~~The provisions of this~~
2 ~~subsection shall not apply to any athletic coach who renders~~
3 ~~service in a voluntary capacity and who is not employed by any~~
4 ~~public school of any district in this state.~~

5 (4)~~(2)~~ A commissioned or noncommissioned military
6 officer who is an instructor of junior reserve officer
7 training shall be exempt from requirements for teacher
8 certification, except for the filing of fingerprints pursuant
9 to s. 231.02, if he or she meets the following qualifications:

10 (a) Is retired from active military duty with at least
11 20 years of service and draws retirement pay or is retired, or
12 transferred to retired reserve status, with at least 20 years
13 of active service and draws retirement pay or retainer pay.

14 (b) Satisfies criteria established by the appropriate
15 military service for certification by the service as a junior
16 reserve officer training instructor.

17 (c) Has an exemplary military record.

18
19 If such instructor is assigned instructional duties other than
20 junior reserve officer training, he or she shall hold the
21 certificate required by law and rules of the state board for
22 the type of service rendered.

23 Section 39. Paragraph (c) of subsection (3) and
24 subsections (4), (5), and (8) of section 231.17, Florida
25 Statutes, 1998 Supplement, are amended to read:

26 231.17 Official statements of eligibility and
27 certificates granted on application to those meeting
28 prescribed requirements.--

29 (3) TEMPORARY CERTIFICATE.--

30 (c) To qualify for a temporary certificate, the
31 applicant must:

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

5 2. Be at least 18 years of age.

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

28 4. Be competent and capable of performing the duties,
29 functions, and responsibilities of a teacher.

30 5. Be of good moral character.

31

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

10
11 Rules adopted pursuant to this section shall provide for the
12 review and acceptance of credentials from foreign institutions
13 of higher learning.

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

24 (a) General knowledge, including the ability to read,
25 write, and compute.

26 (b) Professional skills and knowledge of the standards
27 of professional practice.

28 (c) The subject matter in each area for which
29 certification is sought.

30 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL
31 CERTIFICATE.--

1 (a) The state board must specify, by rule, the minimum
2 essential competencies that educators must possess and
3 demonstrate in order to qualify to teach students the
4 standards of student performance adopted by the state board.
5 The minimum competencies must include but are not limited to
6 the ability to:

7 1. Write and speak in a logical and understandable
8 style with appropriate grammar and sentence structure.

9 2. Read, comprehend, and interpret professional and
10 other written material.

11 3. Comprehend and work with ~~fundamental~~ mathematical
12 concepts, including algebra.

13 4. Comprehend the reading process and provide
14 instruction or referral for appropriate remediation in
15 accordance with the developmental reading levels of individual
16 students.

17 ~~5.4.~~ Recognize signs of severe emotional distress in
18 students and apply techniques of crisis intervention with an
19 emphasis on suicide prevention and positive emotional
20 development.

21 ~~6.5.~~ Recognize signs of alcohol and drug abuse in
22 students and refer such students to counseling and assistance
23 programs designed to prevent ~~apply counseling techniques with~~
24 ~~emphasis on intervention and prevention of~~ future abuse.

25 ~~7.6.~~ Recognize the physical and behavioral indicators
26 of child abuse and neglect, know rights and responsibilities
27 regarding reporting, know how to care for a child's needs
28 after a report is made, and know recognition, intervention,
29 and prevention strategies pertaining to child abuse and
30 neglect which can be related to children in a classroom
31 setting in a nonthreatening, positive manner.

1 ~~8.7.~~ Comprehend patterns of physical, social, and
2 academic development in students, including exceptional
3 students in the regular classroom, and counsel these students
4 concerning their needs in these areas.

5 ~~9.8.~~ Recognize and be aware of the instructional needs
6 of exceptional students.

7 ~~10.9.~~ Comprehend patterns of normal development in
8 students and employ appropriate intervention strategies for
9 disorders of development.

10 ~~11.10.~~ Identify and comprehend the codes and standards
11 of professional ethics, performance, and practices adopted
12 pursuant to s. 231.546(2)(b), the grounds for disciplinary
13 action provided by s. 231.28, and the procedures for resolving
14 complaints filed pursuant to this chapter, including appeal
15 processes.

16 ~~12.11.~~ Recognize and demonstrate awareness of the
17 educational needs of students who have limited proficiency in
18 English and employ appropriate teaching strategies.

19 ~~13.12.~~ Use and integrate appropriate technology in
20 teaching and learning processes and in managing, evaluating,
21 and improving instruction.

22 ~~14.13.~~ Use assessment and other diagnostic strategies
23 to assist the continuous development of the learner.

24 ~~15.14.~~ Use teaching and learning strategies that
25 include considering each student's culture, learning styles,
26 special needs, and socioeconomic background.

27 ~~16.15.~~ Demonstrate knowledge and understanding of the
28 subject matter that is aligned with the subject knowledge and
29 skills specified in the Sunshine State Standards and student
30 performance standards approved by the state board.

31

1 17. Demonstrate knowledge and skill in managing
2 student behavior inside and outside the classroom. Such
3 knowledge and skill must include techniques for preventing and
4 effectively responding to incidents of disruptive or violent
5 behavior.

6 18. Demonstrate knowledge of and skill in developing
7 and administering appropriate classroom assessment instruments
8 designed to measure student learning gains.

9 19. Demonstrate the ability to maintain a positive
10 collaborative relationship with students' families to increase
11 student achievement.

12 20. Recognize the early signs of truancy in students
13 and identify effective interventions to avoid or resolve
14 nonattendance behavior.

15 (b) The state board shall designate the certification
16 areas for subject area tests. However, an applicant may
17 satisfy the subject area and professional knowledge testing
18 requirements by attaining scores on corresponding tests from
19 the National Teachers Examination series, and successors to
20 that series, that meet standards established by the state
21 board. The College Level Academic Skills Test, a similar test
22 approved by the state board, or corresponding tests from,
23 ~~beginning January 1, 1996,~~the National Teachers Examination
24 series must be used by ~~degreed personnel~~ to demonstrate
25 mastery of general knowledge as required in paragraphs (3)(c)
26 and paragraph (4)(a). All required tests may be taken prior to
27 graduation.The College Level Academic Skills Test shall be
28 waived for any applicant who passed the reading, writing, and
29 mathematics subtest of the former Florida Teacher
30 Certification Examination or the College Level Academic Skills
31

1 Test and subsequently obtained a certificate pursuant to this
2 chapter.

3 (8) EXAMINATIONS.--

4 (a) The commissioner, with the approval of the state
5 board, may contract for developing, printing, administering,
6 scoring, and appropriate analysis of the written tests
7 required.

8 (b) The state board shall, by rule, specify the
9 examination scores that are required for the issuance of a
10 professional certificate and ~~certain~~ temporary certificate
11 ~~certificates. When the College Level Academic Skills Test is~~
12 ~~used to demonstrate general knowledge, Such rules must provide~~
13 ~~an alternative method by which an applicant may demonstrate~~
14 ~~mastery of general knowledge, including the ability to read,~~
15 ~~write, or compute, must define generic subject area~~
16 ~~competencies and must establish uniform evaluation~~
17 ~~guidelines. Individuals who apply for their professional~~
18 ~~certificate before July 1, 2000, may demonstrate mastery of~~
19 ~~general knowledge pursuant to the alternative method specified~~
20 ~~by state board rule which~~ The alternative method must:

21 1. Apply only to an applicant who has successfully
22 completed all prerequisites for issuance of the professional
23 certificate, except passing one specific subtest of the
24 College Level Academic Skills Test, and who has taken and
25 failed to achieve a passing score on that subtest at least
26 four times.

27 2. Require notification from the superintendent of the
28 employing school district, the governing authority of the
29 employing developmental research school, or the governing
30 authority of the employing state-supported school or nonpublic
31 school that the applicant has satisfactorily demonstrated

1 mastery of the subject area covered by that specific subtest
2 through successful experience in the professional application
3 of generic subject area competencies and proficient academic
4 performance in that subject area. The decision of the
5 superintendent or governing authority shall be based on a
6 review of the applicant's official academic transcript and
7 notification from the applicant's principal, a peer teacher,
8 and a district-level supervisor that the applicant has
9 demonstrated successful professional experience in that
10 subject area.

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

16 (d) The department and the board shall maintain
17 confidentiality of the examination, developmental materials,
18 and workpapers, and the examination, developmental materials,
19 and workpapers are exempt from s. 119.07(1).

20 Section 40. Subsection (3) is added to section
21 231.1725, Florida Statutes, 1998 Supplement, to read:

22 231.1725 Employment of substitute teachers, teachers
23 of adult education, and nondegreed teachers of career
24 education; students performing clinical field experience.--

25 (3) A student who is enrolled in a state-approved
26 teacher preparation program in an institution of higher
27 education approved by rules of the State Board of Education
28 and who is jointly assigned by such institution of higher
29 education and a school board to perform a clinical field
30 experience under the direction of a regularly employed and
31 certified educator shall be accorded the same protection of

1 laws as that accorded the certified educator while serving
2 such supervised clinical field experience, except for the
3 right to bargain collectively as employees of the school
4 board.

5 Section 41. Section 231.174, Florida Statutes, is
6 amended to read:

7 231.174 Alternative preparation programs for certified
8 teachers to add additional coverage.--A district school board
9 may design alternative teacher preparation programs to enable
10 persons already certificated to add an additional coverage to
11 their certificates ~~to teach exceptional education classes or~~
12 ~~in other areas of critical shortage.~~ Each alternative teacher
13 preparation program shall be reviewed and approved by the
14 Department of Education to assure that persons who complete
15 the program are competent in the necessary areas of subject
16 matter specialization. Two or more school districts may
17 jointly participate in an alternative preparation program for
18 teachers.

19 Section 42. Subsection (3) of section 231.29, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 231.29 Assessment procedures and criteria.--

22 (3) The assessment procedure for instructional
23 personnel and school administrators must ~~shall~~ comply with,
24 but need ~~shall~~ not be limited to, the following requirements:

25 (a) An assessment must ~~shall~~ be conducted for each
26 employee at least once a year. The assessment must ~~shall~~ be
27 based upon sound educational principles and contemporary
28 research in effective educational practices. The assessment
29 must use data and indicators of improvement in student
30 performance and may consider results of peer reviews in
31 evaluating the employee's performance. The assessment

1 criteria must include, but are not limited to, indicators that
2 relate to the following:

3 1. Performance of students as measured by state
4 assessments required under s. 229.57 and by local assessments
5 for subjects and grade levels not measured by the state
6 assessment program.

7 2.1. Ability to maintain appropriate discipline.

8 3.2. Knowledge of subject matter. The district school
9 board shall make special provisions for evaluating teachers
10 who are assigned to teach out-of-field.

11 4.3. Ability to plan and deliver instruction.

12 5.4. Ability to evaluate instructional needs.

13 6.5. Ability to establish and maintain a positive
14 collaborative relationship with students' families to increase
15 student achievement ~~communicate with parents.~~

16 7.6. Other professional competencies,
17 responsibilities, and requirements as established by rules of
18 the State Board of Education and policies of the district
19 school board.

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

23 (c) The individual responsible for supervising the
24 employee must assess the employee's performance. The evaluator
25 must submit a written report of the assessment to the
26 superintendent for the purpose of reviewing the employee's
27 contract. The evaluator must submit the written report to the
28 employee no later than 10 days after the assessment takes
29 place. The evaluator must discuss the written report of
30 assessment with the employee. The employee shall have the
31 right to initiate a written response to the assessment, and

1 the response shall become a permanent attachment to his or her
2 personnel file.

3 (d) If an employee is not performing his or her duties
4 in a satisfactory manner, the evaluator shall notify the
5 employee in writing of such determination. The notice must
6 describe such unsatisfactory performance and include notice of
7 the following procedural requirements:

8 1. Upon delivery of a notice of unsatisfactory
9 performance, the evaluator must confer with the employee, make
10 recommendations with respect to specific areas of
11 unsatisfactory performance, and provide assistance in helping
12 to correct deficiencies within a prescribed period of time.

13 2.a. If the employee holds a professional service
14 contract as provided in s. 231.36, the employee shall be
15 placed on performance probation and governed by the provisions
16 of this section for 90 calendar days following ~~from~~ the
17 receipt of the notice of unsatisfactory performance to
18 demonstrate corrective action. School holidays and school
19 vacation periods are not counted when calculating the
20 90-calendar-day period. During the 90 calendar days, the
21 employee who holds a professional service contract must be
22 evaluated periodically and apprised of progress achieved and
23 must be provided assistance and inservice training
24 opportunities to help correct the noted performance
25 deficiencies. At any time during the 90 calendar days, the
26 employee who holds a professional service contract may request
27 a transfer to another appropriate position with a different
28 supervising administrator; however, a transfer does not extend
29 the period for correcting performance deficiencies.

30 ~~b.3.~~ Within 14 days after the close of the 90 calendar
31 days, the evaluator must assess whether the performance

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

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

22 (II)~~b.~~ A hearing conducted by an administrative law
 23 judge assigned by the Division of Administrative Hearings of
 24 the Department of Management Services. The hearing shall be
 25 conducted within 60 days after receipt of the written appeal
 26 in accordance with chapter 120. The recommendation of the
 27 administrative law judge shall be made to the school board. A
 28 majority vote of the membership of the school board shall be
 29 required to sustain or change the administrative law judge's
 30 recommendation. The determination of the school board shall be

31

1 final as to the sufficiency or insufficiency of the grounds
2 for termination of employment.

3 Section 43. Paragraph (a) of subsection (1) of section
4 231.546, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 231.546 Education Standards Commission; powers and
7 duties.--

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

10 (a) Recommend to the state board ~~high desirable~~
11 standards relating to programs and policies for the
12 development, certification and certification extension,
13 improvement, and maintenance of competencies of educational
14 personnel, including teacher interns. Such standards must be
15 consistent with the state's duty to provide a high-quality
16 system of public education to all students.

17 Section 44. Subsections (1) and (3) and paragraph (b)
18 of subsection (4) of section 231.600, Florida Statutes, 1998
19 Supplement, are amended, and subsections (8) and (9) are added
20 to that section, to read:

21 231.600 School Community Professional Development
22 Act.--

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

31

1 (3) The activities designed to implement this section
2 must:

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

6 (b) Assist the school community in providing
7 stimulating educational activities that encourage and motivate
8 students to achieve at the highest levels and to become
9 ~~developing in school children the dispositions that will~~
10 ~~motivate them to be~~ active learners; and

11 (c) Provide continuous support as well as, ~~rather than~~
12 temporary intervention for education professionals who need
13 improvement in knowledge, skills, and performance, ~~for~~
14 ~~improving the performance of teachers and others who assist~~
15 ~~children in their learning.~~

16 (4) The Department of Education, school districts,
17 schools, and public colleges and universities share the
18 responsibilities described in this section. These
19 responsibilities include the following:

20 (b) Each district school board shall consult with
21 teachers and representatives of college and university
22 faculty, community agencies, and other interested citizen
23 groups to establish policy and procedures to guide the
24 operation of the district professional development program.
25 The professional development system must:

26 1. Require that principals and schools use student
27 achievement data, school discipline data, school environment
28 surveys, assessments of parental satisfaction, and other
29 performance indicators to identify school and student needs
30 that can be met by improved professional performance, and
31 assist principals and schools in making these identifications;

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

4 3. Provide for systematic consultation with regional
5 and state personnel designated to provide technical assistance
6 and evaluation of local professional development programs;~~;~~

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

10 5. Continuously evaluate the quality and effectiveness
11 of professional development programs in order to eliminate
12 ineffective programs and strategies and to expand effective
13 ones. Evaluations must consider the impact of such activities
14 on the performance of participating educators and their
15 students' achievement and behavior.

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

22 (9) For teachers and administrators who have been
23 evaluated as less than satisfactory, a school board may
24 require participation in a specific professional development
25 program or peer assistance and review program as part of the
26 improvement prescription.

27 Section 45. Subsection (2) of section 236.08106,
28 Florida Statutes, 1998 Supplement, is amended, and a new
29 subsection (4) is added to said section, to read:

30 236.08106 Excellent Teaching Program.--

31

1 (2) The Excellent Teaching Program is created to
2 provide categorical funding for monetary incentives and
3 bonuses for teaching excellence. The Department of Education
4 shall ~~allocate and~~ distribute to each school district or to
5 the NBPTS an amount as prescribed annually by the Legislature
6 for the Excellent Teaching Program. Unless otherwise provided
7 in the General Appropriations Act, each distribution ~~school~~
8 ~~district's annual allocation~~ shall be the sum of the amounts
9 earned for the following incentives and bonuses:

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

26 (b) A portfolio-preparation incentive of \$150 paid by
27 the Department of Education to ~~for~~ each teacher employed by
28 the district school board or a public school within the
29 district who is participating in the NBPTS certification
30 program. The portfolio-preparation incentive is a one-time
31

1 award paid during the school year for which the NBPTS fee
2 subsidy is provided.

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 distributed to the school district to be paid to each
6 individual who holds NBPTS certification and is employed by
7 the district school board or by a public school within that
8 school district. The district school board shall distribute
9 the annual bonus to each individual who meets the requirements
10 of this paragraph and who is certified annually by the
11 district to have demonstrated satisfactory teaching
12 performance pursuant to s. 231.29. The annual bonus may be
13 paid as a single payment or divided into not more than three
14 payments.

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

30 ~~(e) The district shall receive an amount equal to 50~~
31 ~~percent of the teacher bonuses provided under paragraphs (c)~~

1 ~~and (d), which shall be used by the district for professional~~
2 ~~development of teachers. The district must give priority to~~
3 ~~using all funds received pursuant to this paragraph for~~
4 ~~professional development of teachers employed at schools~~
5 ~~identified as performing at critically low level.~~

6 (4)(a) In addition to any other remedy available under
7 law, any person who is a recipient of a certification fee
8 subsidy paid to the NBPTS and who is an employee of the state
9 or any of its political subdivisions shall be deemed to have
10 agreed as a condition of employment to have consented to
11 voluntary or involuntary withholding of wages to repay the
12 certification fee subsidy due to the state pursuant to this
13 section. Any such employee who has defaulted or does default
14 on the repayment of such certification fee shall, within 60
15 days after service of a notice of default by the Department of
16 Education to the employee, establish a repayment schedule
17 which shall be agreed to by the Department of Education and
18 the employee for repaying the defaulted payment through
19 payroll deductions. Under no circumstances may an amount in
20 excess of 10 percent per pay period of the pay of the employee
21 be required by the Department of Education as part of a
22 repayment schedule or plan. If the employee fails to establish
23 a repayment schedule within the specified period of time or
24 fails to meet the terms and conditions of the agreed to or
25 approved repayment schedule as authorized by this subsection,
26 the employee shall be deemed to have breached an essential
27 condition of employment and consented to the involuntary
28 withholding of wages or salary for the repayment of the
29 certification fee.

30 (b) No person who is employed by the state or any of
31 its political subdivisions may be dismissed for having

1 defaulted on the repayment of the certification fee to the
2 state.

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

7
8 A teacher for whom the state pays the certification fee and
9 who does not complete the certification program or does not
10 teach in a public school of this state for a least 1 year
11 after completing the certification program must repay the
12 amount of the certification fee to the state. However, a
13 teacher who completes the certification program but fails to
14 be awarded NBPTS certification is not required to repay the
15 amount of the certification fee if the teacher meets the
16 1-year teaching requirement. Repayment is not required of a
17 teacher who does not complete the certification program or
18 fails to fulfill the teaching requirement because of the
19 teacher's death or disability or because of other extenuating
20 circumstances as determined by the State Board of Education.

21 Section 46. Subsections (1) and (2), paragraph (b) of
22 subsection (3), and subsections (4) and (5) of section
23 240.529, Florida Statutes, are 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 graduates ~~teachers~~
4 with the competencies and skills necessary to achieve for
5 ~~achieving~~ the state education goals; help students meet high
6 standards for academic achievement; maintain safe, secure
7 classroom learning environments; and sustain ~~sustaining~~ the
8 state system of school improvement and education
9 accountability established pursuant to ss. 229.591, 229.592,
10 and 229.593.

11 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--

12 (a) The Commissioner of Education shall appoint a
13 Teacher Preparation Program committee for the purpose of
14 establishing core curricula in each state-approved teacher
15 preparation program. The committee shall be comprised of
16 representatives from presidents of public and private colleges
17 and universities, deans of colleges of education, presidents
18 of community colleges, district school superintendents, and
19 high-performing teachers. The curricula shall be focused on
20 the knowledge, skills, and abilities essential to instruction
21 in the Sunshine State Standards, with a clear emphasis on the
22 importance of reading at all grade levels. The committee shall
23 make a report of its recommendations to the State Board of
24 Education by January 1, 2000, and at that time may be
25 dissolved. The State Board of Education shall adopt rules that
26 establish uniform core curricula for each state-approved
27 teacher preparation program and shall utilize this report in
28 the development of such rules.

29 (b) A system developed by the Department of Education
30 in collaboration with institutions of higher education shall
31 assist departments and colleges of education in the

1 restructuring of their programs to meet the need for producing
 2 quality teachers now and in the future. The system must be
 3 designed to assist teacher educators in conceptualizing,
 4 developing, implementing, and evaluating programs that meet
 5 state-adopted standards. The Education Standards Commission
 6 has primary responsibility for recommending these standards to
 7 the State Board of Education for adoption. These standards
 8 shall emphasize quality indicators drawn from research,
 9 professional literature, recognized guidelines, Florida
 10 essential teaching competencies and educator-accomplished
 11 practices, effective classroom practices, and the outcomes of
 12 the state system of school improvement and education
 13 accountability, as well as performance measures. Departments
 14 and colleges of education shall make every attempt to secure
 15 priority funding for teacher preparation programs and courses
 16 emphasizing the state system of school improvement and
 17 education accountability concepts and standards.

18 (3) INITIAL STATE PROGRAM APPROVAL.--

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

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

26 ~~1.2. That a student~~ Have a grade point average of at
 27 least 2.5 on a 4.0 scale for the general education component
 28 of undergraduate studies; or

29 ~~2.3. That a student~~ Have completed the requirements
 30 for a baccalaureate degree with a minimum grade point average
 31 of 2.5 on a 4.0 scale from any college or university

1 accredited by a regional accrediting association as defined by
2 state board rule; and-

3 3. Beginning with the 2000-2001 academic year,
4 demonstrate mastery of general knowledge, including the
5 ability to read, write, and compute by passing the College
6 Level Academic Skills Test, a corresponding component of the
7 National Teachers Examination series, or a similar test
8 pursuant to rules of the State Board of Education.

9
10 The State Board of Education may ~~shall~~ provide by rule for a
11 waiver of these requirements. The rule shall require that 90
12 percent of those admitted to each teacher education program
13 meet the requirements of this paragraph and that the program
14 implement strategies to ensure that students admitted under a
15 waiver receive assistance to demonstrate competencies to
16 successfully meet requirements for certification.

17 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
18 subsection (3), failure by a public or nonpublic teacher
19 preparation program to meet the criteria for continued program
20 approval shall result in loss of program approval. The
21 Department of Education, in collaboration with the departments
22 and colleges of education, shall develop procedures for
23 continued program approval which document the continuous
24 improvement of program processes and graduates' performance.

25 (a) Continued approval of specific teacher preparation
26 programs at each public and nonpublic institution of higher
27 education within the state is contingent upon the passing of
28 the written examination required by s. 231.17 by at least 90
29 ~~80~~ percent of the graduates of the program who take the
30 examination. On request of an institution, the Department of
31 Education shall provide an analysis of the performance of the

1 graduates of such institution with respect to the competencies
2 assessed by the examination required by s. 231.17.

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

31

1 (c) ~~Beginning July 1, 1997,~~Continued approval for a
2 teacher preparation program is contingent upon the results of
3 annual reviews of the program conducted by the institution of
4 higher education, using procedures and criteria outlined in an
5 institutional program evaluation plan approved by the
6 Department of Education. This plan must incorporate the
7 criteria established in paragraphs (a) and (b) and include
8 provisions for involving primary stakeholders, such as program
9 graduates, district school personnel, classroom teachers,
10 principals, community agencies, parents of school-aged
11 children,and business representatives in the evaluation
12 process. Upon request by an institution, the department shall
13 provide assistance in developing, enhancing, or reviewing the
14 institutional program evaluation plan and training evaluation
15 team members.

16 (d) ~~Beginning July 1, 1997,~~Continued approval for a
17 teacher preparation program is contingent upon standards being
18 in place that are designed to adequately prepare elementary,
19 middle, and high school teachers to instruct their students in
20 higher-level mathematics concepts at the appropriate grade
21 level.

22 (e) Beginning July 1, 2000, continued approval of
23 teacher preparation programs is contingent upon the receipt of
24 at least a satisfactory rating from public schools and
25 nonpublic schools that employ graduates of the program.
26 Employer satisfaction shall be determined by an annually
27 administered survey instrument approved by the Department of
28 Education.

29 (f) Beginning with the 2000-2001 academic year, each
30 public and private institution that offers a teacher
31 preparation program in this state must annually report in the

1 institution's student catalogue the prior year's performance
2 of the teacher preparation program. Each annual report must
3 address at least the following measures:

4 1. Quality of students entering the program, as
5 evidenced by mean grade point average and average score on
6 examinations of general knowledge required by chapter 231 for
7 issuance of a temporary or professional certificate.

8 2. Graduation rates.

9 3. Time-to-graduation data.

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

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

18 6. Percentage of graduates remaining in teaching for
19 at least 4 years.

20 7. Satisfaction of graduates of the program as
21 evidenced by a common survey.

22 8. Satisfaction of employers as evidenced by a common
23 survey of public and private schools that employ graduates of
24 the program.

25 (g) Beginning July 1, 2000, continued program approval
26 for teacher preparation programs is contingent upon compliance
27 with the entrance requirements itemized in subsection (3).

28 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
29 instructors, school district personnel and instructional
30 personnel, and school sites preparing instructional personnel
31

1 through preservice field experience courses and internships
2 shall meet special requirements.

3 (a) All instructors in postsecondary teacher
4 preparation programs who instruct or supervise preservice
5 field experience courses or internships shall have at least
6 one of the following: specialized training in clinical
7 supervision; a valid professional teaching certificate
8 pursuant to ss. 231.17 and 231.24; or at least 3 years of
9 successful teaching experience in prekindergarten through
10 grade 12; ~~or a commitment to spend periods of time specified~~
11 ~~by State Board of Education rule teaching in the public~~
12 ~~schools.~~

13 (b) All school district personnel and instructional
14 personnel who supervise or direct teacher preparation students
15 during field experience courses or internships must have
16 evidence of "clinical educator" training and must successfully
17 demonstrate effective classroom management strategies that
18 consistently result in improved student performance. The
19 Education Standards Commission shall recommend, and the state
20 board shall approve, the training requirements.

21 (c) Preservice field experience programs must provide
22 specific guidance and demonstration of effective classroom
23 management strategies, modeling strategies for incorporating
24 technology into classroom instruction, and ways to link
25 instructional plans to the Sunshine State Standards, as
26 appropriate. Such experience must include at least 1 week of
27 supervised student contact with lower achieving students. The
28 length of structured field experiences may be extended to
29 ensure that candidates achieve the competencies needed to meet
30 certification requirements.

31

1 ~~(d)(c)~~ Postsecondary teacher preparation programs in
2 cooperation with district school boards and approved nonpublic
3 school associations shall select the school sites for
4 preservice field experience activities. These sites must
5 represent the full spectrum of school communities, including,
6 but not limited to, schools located in urban settings. In
7 order to be selected, school sites must demonstrate commitment
8 to the education of public school students and to the
9 preparation of future teachers. A nonpublic school
10 association, in order to be approved, must have a
11 state-approved master inservice program plan in accordance
12 with s. 236.0811.

13 Section 47. Section 231.6135, Florida Statutes, is
14 created to read:

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

1 (1) Demonstrate the capacity to provide effective
2 training to improve teaching skills in the areas of elementary
3 or secondary reading and mathematics, the use of instructional
4 technology, high school algebra, and classroom management, and
5 to deliver such training using face-to-face, distance
6 learning, and individualized computer-based delivery systems.

7 (2) Propose a plan for responding in an effective and
8 timely manner to the professional development needs of
9 teachers, administrators, schools, and school districts
10 relating to improving student achievement and meeting state
11 and local education goals.

12 (3) Be established by the collaborative efforts of one
13 or more district school boards, members of the business
14 community, and the postsecondary institutions that will award
15 college credits for courses taught at the academy.

16 (4) Demonstrate the ability to provide high-quality
17 trainers and training, appropriate followup and coaching for
18 all participants, and support school personnel in positively
19 impacting student performance.

20 (5) Be operated under contract with its public
21 partners and governed by an independent board of directors,
22 which should include at least one superintendent and one
23 school board chairman from the participating school districts,
24 the president of the collective bargaining unit that
25 represents the majority of the region's teachers, and at least
26 three individuals who are not employees or elected or
27 appointed officials of the participating school districts.

28 (6) Be financed during the first year of operation by
29 an equal or greater match from private funding sources and
30 demonstrate the ability to be self-supporting within 1 year
31

1 after opening through fees for services, grants, or private
2 contributions.

3 (7) Own or lease a facility that can be used to
4 deliver training on-site and through distance learning and
5 other technology-based delivery systems. The participating
6 district school boards may lease a site or facility to the
7 academy for a nominal fee and may pay all or part of the costs
8 of renovating a facility to accommodate the academy. The
9 academy is responsible for all operational, maintenance, and
10 repair costs.

11 (8) Provide professional development services for the
12 participating school districts as specified in the contract
13 and may provide professional development services to other
14 school districts, private schools, and individuals on a
15 fee-for-services basis.

16 Section 48. Section 231.601, Florida Statutes, is
17 repealed.

18 Section 49. Paragraph (a) of subsection (16) of
19 section 230.23, Florida Statutes, 1998 Supplement, is amended
20 to read:

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

24 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
25 ACCOUNTABILITY.--Maintain a system of school improvement and
26 education accountability as provided by statute and State
27 Board of Education rule. This system of school improvement and
28 education accountability shall be consistent with, and
29 implemented through, the district's continuing system of
30 planning and budgeting required by this section and ss.
31 229.555 and 237.041. This system of school improvement and

1 education accountability shall include, but not be limited to,
2 the following:

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

14 Section 50. Section 230.2316, Florida Statutes, 1998
15 Supplement, is amended to read:

16 230.2316 Dropout prevention.--

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

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

1 intervention activities designed to meet the needs of students
 2 who do not perform well in traditional educational programs
 3 ~~establish comprehensive dropout prevention programs. These~~
 4 ~~programs shall be designed to meet the needs of students who~~
 5 ~~are not effectively served by conventional education programs~~
 6 ~~in the public school system.~~ It is further the intent of the
 7 Legislature that cooperative agreements be developed among
 8 school districts, other governmental and private agencies, and
 9 community resources in order to implement innovative exemplary
 10 programs aimed at reducing the number of students who do not
 11 complete their education and increasing the number of students
 12 who have a positive experience in school and obtain a high
 13 school diploma.

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

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

1 ~~program utilizes a student support and assistance component~~
2 ~~rather than regularly scheduled courses.~~

3 (b) Students in grades 1-12 ~~4-12~~ shall be eligible for
4 dropout prevention and academic intervention programs.

5 Eligible ~~dropout prevention~~ students shall be reported in the
6 appropriate basic cost factor for dropout prevention full-time
7 equivalent student membership in the Florida Education Finance
8 Program ~~in standard dropout prevention classes or student~~
9 ~~support and assistance components which provide academic~~
10 ~~assistance and coordination of support services to students~~
11 ~~enrolled full time in a regular classroom. The strategies and~~
12 support provided to eligible students shall be funded through
13 the General Appropriations Act and may include, but are not
14 limited to those services identified on the student's academic
15 intervention plan. ~~The student support and assistance~~
16 ~~component shall include auxiliary services provided to~~
17 ~~students or teachers, or both. Students participating in this~~
18 ~~model shall generate funding only for the time that they~~
19 ~~receive extra services or auxiliary help.~~

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

24 1. The student is academically unsuccessful as
25 evidenced by low test scores, retention, failing grades, low
26 grade point average, falling behind in earning credits, or not
27 meeting the state or district proficiency levels in reading,
28 mathematics, or writing.

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

31

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

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

9 ~~3. The student has been identified as a potential~~
10 ~~school dropout by student services personnel using district~~
11 ~~criteria. District criteria that are used as a basis for~~
12 ~~student referral to an educational alternatives program shall~~
13 ~~identify specific student performance indicators that the~~
14 ~~educational alternative program seeks to address.~~

15 ~~4. The student has documented drug-related or~~
16 ~~alcohol-related problems, or has immediate family members with~~
17 ~~documented drug-related or alcohol-related problems that~~
18 ~~adversely affect the student's performance in school.~~

19 3.5. The student has a history of disruptive behavior
20 in school or has committed an offense that warrants
21 out-of-school suspension or expulsion from school according to
22 the district code of student conduct. For the purposes of this
23 program, "disruptive behavior" is behavior that:

24 a. Interferes with the student's own learning or the
25 educational process of others and requires attention and
26 assistance beyond that which the traditional program can
27 provide or results in frequent conflicts of a disruptive
28 nature while the student is under the jurisdiction of the
29 school either in or out of the classroom; or

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

1 ~~6. The student is assigned to a program provided~~
2 ~~pursuant to chapter 39, chapter 984, or chapter 985 which is~~
3 ~~sponsored by a state-based or community-based agency or is~~
4 ~~operated or contracted for by the Department of Children and~~
5 ~~Family Services or the Department of Juvenile Justice.~~

6 (d)1. "Second chance schools" means school district
7 programs provided through cooperative agreements between the
8 Department of Juvenile Justice, private providers, state or
9 local law enforcement agencies, or other state agencies for
10 students who have been disruptive or violent or who have
11 committed serious offenses. As partnership programs, second
12 chance schools are eligible for waivers by the Commissioner of
13 Education from chapters 230-235 and 239 and State Board of
14 Education rules that prevent the provision of appropriate
15 educational services to violent, severely disruptive, or
16 delinquent students in small nontraditional settings or in
17 court-adjudicated settings.

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

1 ~~3.2.~~ A student enrolled in a sixth, seventh, eighth,
2 ninth, or tenth grade class may be assigned to a second chance
3 school if the student meets the following criteria:

4 a. The student is a habitual truant as defined in s.
5 228.041(28).

6 b. The student's excessive absences have detrimentally
7 affected the student's academic progress and the student may
8 have unique needs that a traditional school setting may not
9 meet.

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

12 d. The student has been identified as at risk of
13 dropping out of school.

14 ~~4.3.~~ A student who is habitually truant may be
15 assigned to a second chance school only if the case staffing
16 committee, established pursuant to s. 984.12, determines that
17 such placement could be beneficial to the student and the
18 criteria included in subparagraph ~~3.2.~~ are met.

19 ~~5.4.~~ A student may be assigned to a second chance
20 school if the school district in which the student resides has
21 a second chance school and if the student meets one of the
22 following criteria:

23 a. The student habitually exhibits disruptive behavior
24 in violation of the code of student conduct adopted by the
25 school board.

26 b. The student interferes with the student's own
27 learning or the educational process of others and requires
28 attention and assistance beyond that which the traditional
29 program can provide, or, while the student is under the
30 jurisdiction of the school either in or out of the classroom,
31 frequent conflicts of a disruptive nature occur.

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

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

7 (II) Includes violence;

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

9 (IV) Is harassment or verbal abuse of school personnel
10 or other students.

11 ~~6.5.~~ Prior to assignment of students to second chance
12 schools, school boards are encouraged to use alternative
13 programs, such as in-school suspension, which provide
14 instruction and counseling leading to improved student
15 behavior, a reduction in the incidence of truancy, and the
16 development of more effective interpersonal skills.

17 ~~7.6.~~ Students assigned to second chance schools must
18 be evaluated by the school's local child study team before
19 placement in a second chance school. The study team shall
20 ensure that students are not eligible for placement in a
21 program for emotionally disturbed children.

22 ~~8.7.~~ Students who exhibit academic and social progress
23 and who wish to return to a traditional school shall complete
24 a character development and law education program, as provided
25 in s. 233.0612, and demonstrate preparedness to reenter the
26 regular school setting ~~be evaluated by school district~~
27 ~~personnel~~ prior to reentering a traditional school.

28 ~~9.8.~~ Second chance schools shall be funded at the
29 dropout prevention program weight pursuant to s. 236.081 and
30 may receive school safety funds or other funds as appropriate.

31 (4) PROGRAM IMPLEMENTATION.--

1 (a) Each district may establish ~~one or more~~
2 ~~alternative programs for~~ dropout prevention and academic
3 intervention programs at the elementary, middle, junior high
4 school, or high school level. Programs designed to eliminate
5 patterns of excessive absenteeism or habitual truancy shall
6 emphasize academic performance and may provide specific
7 instruction in the areas of vocational education,
8 preemployment training, and behavioral management. Such
9 programs shall utilize instructional teaching methods
10 appropriate to the specific needs of the student.

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

15 ~~(c) Districts may modify courses listed in the State~~
16 ~~Course Code Directory for the purpose of providing dropout~~
17 ~~prevention programs pursuant to the provisions of this~~
18 ~~section.~~

19 (5) EVALUATION.--Each school district receiving state
20 funding for dropout prevention and academic intervention
21 programs through the General Appropriations Act Florida
22 ~~Education Finance Program~~ shall submit a plan to the
23 department which identifies the students to be served and the
24 scope of intervention services to be provided. Districts shall
25 also submit information through an annual report to the
26 Department of Education's database documenting the extent to
27 which each of the district's dropout prevention and academic
28 intervention programs has been successful in the areas of
29 graduation rate, dropout rate, attendance rate, and
30 retention/promotion rate. The department shall compile this
31

1 information into an annual report which shall be submitted to
2 the presiding officers of the Legislature by February 15.

3 (6) STAFF DEVELOPMENT.--Each school district shall
4 establish procedures for ensuring that teachers assigned to
5 dropout prevention and academic intervention programs possess
6 the affective, pedagogical, and content-related skills
7 necessary to meet the needs of these ~~at-risk~~ students. ~~Each~~
8 ~~school board shall also ensure that adequate staff development~~
9 ~~activities are available for dropout prevention staff and that~~
10 ~~dropout prevention staff participate in these activities.~~

11 (7) RECORDS.--Each district providing a ~~program~~ for
12 dropout prevention and academic intervention program pursuant
13 to the provisions of this section shall maintain for each
14 participating student ~~for whom funding is generated through~~
15 ~~the Florida Education Finance Program~~ records documenting the
16 student's eligibility, the length of participation, the type
17 of program to which the student was assigned or the type of
18 academic intervention services provided, and an evaluation of
19 the student's academic and behavioral performance while in the
20 program. The parents or guardians of a student assigned to
21 such a dropout prevention and academic intervention program
22 shall be notified in writing and entitled to an administrative
23 review of any action by school personnel relating to such
24 placement pursuant to the provisions of chapter 120.

25 (8) COORDINATION WITH OTHER AGENCIES.--School district
26 dropout prevention and academic intervention programs shall be
27 coordinated with social service, law enforcement,
28 prosecutorial, and juvenile justice agencies and juvenile
29 assessment centers in the school district. Notwithstanding the
30 provisions of s. 228.093, these agencies are authorized to
31 exchange information contained in student records and juvenile

1 justice records. Such information is confidential and exempt
2 from the provisions of s. 119.07(1). School districts and
3 other agencies receiving such information shall use the
4 information only for official purposes connected with the
5 certification of students for admission to and for the
6 administration of the dropout prevention and academic
7 intervention program, and shall maintain the confidentiality
8 of such information unless otherwise provided by law or rule.

9 (9) RULES.--The Department of Education shall have the
10 authority pursuant to ss. 120.536(1) and 120.54 to adopt any
11 rules necessary to implement the provisions of this section;
12 such rules shall require the minimum amount of necessary
13 paperwork and reporting ~~necessary~~ to comply with this act.

14 Section 51. Section 231.085, Florida Statutes, is
15 amended to read:

16 231.085 Duties of principals.--A district school board
17 shall employ, through written contract, public school
18 principals who shall supervise the operation and management of
19 the schools and property as the board determines necessary.
20 Each principal shall perform such duties as may be assigned by
21 the superintendent pursuant to the rules of the school board.
22 Such rules shall include, but not be limited to, rules
23 relating to administrative responsibility, instructional
24 leadership of the educational program of the school to which
25 the principal is assigned, submission of personnel
26 recommendations to the superintendent, administrative
27 responsibility for records and reports, administration of
28 corporal punishment, and student suspension. Each principal
29 shall provide leadership in the development or revision and
30 implementation of a school improvement plan pursuant to s.
31 230.23(16). Each principal must make the necessary provisions

1 to ensure that all school reports are accurate and timely, and
2 must provide the necessary training opportunities for staff to
3 accurately report attendance, FTE program participation,
4 student performance, teacher appraisal, and school safety and
5 discipline data. A principal who fails to comply with this
6 section shall be ineligible for any portion of the performance
7 pay policy incentive under s. 230.23(5)(c).

8 Section 52. Section 232.001, Florida Statutes, is
9 created to read:

10 232.001 Pilot projects.--It is the purpose of this
11 section to authorize at least three district school boards
12 identified in the General Appropriations Act to implement
13 pilot projects that raise the compulsory age of attendance for
14 children from the age of 16 years to 18 years, except for
15 those students who graduate from high school before reaching
16 18 years of age. The pilot project applies to each child who
17 has not attained the age of 16 years by September 30 of the
18 school year in which a school board policy is adopted.

19 (1) Beginning July 1, 1999, the district school boards
20 as identified in the General Appropriations Act may implement
21 a pilot project consistent with policy adopted by each of the
22 school boards to raise the compulsory age of attendance for
23 children from the age of 16 years to 18 years, except for
24 those students who graduate from high school before reaching
25 18 years of age.

26 (2) Before the beginning of the school year, each
27 district school board that chooses to participate in the pilot
28 project must adopt a policy for raising the compulsory age of
29 attendance for children from the age of 16 years to 18 years,
30 except for those students who graduate from high school before
31 reaching 18 years of age.

1 (a) Before the adoption of the policy, each district
2 school board must provide a notice of intent to adopt a policy
3 to raise the compulsory age of attendance for children from
4 the age of 16 years to 18 years, except for those students who
5 graduate from high school before reaching 18 years of age. The
6 notice must be provided to the parent or legal guardian of
7 each child who is the age of 15 years and who is enrolled in a
8 school in the district.

9 (b) Within 2 weeks after adoption of the school board
10 policy, each district school board must provide notice of the
11 policy to the parent or legal guardian of each child who is
12 the age of 15 years and who is enrolled in a school in the
13 district. The notice must also provide information related to
14 the penalties for refusing or failing to comply with the
15 compulsory attendance requirements and information on
16 alternative education programs offered within the school
17 district.

18 (3) All state laws and State Board of Education rules
19 related to students subject to compulsory school attendance
20 apply to a district school board that chooses to participate
21 in a pilot project. Notwithstanding the provisions of s.
22 232.01, the formal declaration of intent to terminate school
23 enrollment does not apply to a district school board that
24 chooses to participate in a pilot project.

25 (4) Each district school board that chooses to
26 participate in the pilot project must evaluate the effect of
27 the adopted school board policy for raising the compulsory age
28 of attendance on school attendance and the school district's
29 dropout rate, as well as the costs associated with the pilot
30 project. Each school district shall report the findings to the
31 President of the Senate, the Speaker of the House of

1 Representatives, the minority leader of each house, the
2 Governor, and the Commissioner of Education not later than
3 August 1 following each year that the pilot project is in
4 operation.

5 Section 53. Subsection (2) of section 232.09, Florida
6 Statutes, is amended to read:

7 232.09 Parents and legal guardians responsible for
8 attendance of children; attendance policy.--

9 (2) Each parent and legal guardian of a child within
10 the compulsory attendance age is responsible for the child's
11 school attendance as required by law. The absence of a child
12 from school is prima facie evidence of a violation of this
13 section; however, criminal prosecution under this chapter may
14 not be brought against a parent, guardian, or other person
15 having control of the child until the provisions of s.
16 232.17(2) have been complied with. A parent or guardian of a
17 child is not responsible for the child's nonattendance at
18 school under any of the following conditions:

19 (a) With permission.--The absence was with permission
20 of the head of the school; or

21 (b) Without knowledge.--The absence was without the
22 parent's knowledge, consent, or connivance, in which case the
23 child shall be dealt with as a dependent child; or

24 (c) Financial inability.--The parent was unable
25 financially to provide necessary clothes for the child, which
26 inability was reported in writing to the superintendent prior
27 to the opening of school or immediately after the beginning of
28 such inability; provided, that the validity of any claim for
29 exemption under this subsection shall be determined by the
30 superintendent subject to appeal to the school board; or

31

1 (d) Sickness, injury, or other insurmountable
2 condition.--Attendance was impracticable or inadvisable on
3 account of sickness or injury, attested to by a written
4 statement of a licensed practicing physician, or was
5 impracticable because of some other stated insurmountable
6 condition as defined by rules of the state board. If a student
7 is continually sick and repeatedly absent from school, he or
8 she must be under the supervision of a physician in order to
9 receive an excuse from attendance. Such excuse provides that a
10 student's condition justifies absence for more than the number
11 of days permitted by the district school board.

12

13 Each district school board shall establish an attendance
14 policy which includes, but is not limited to, the required
15 number of days each school year that a student must be in
16 attendance and the number of absences and tardinesses after
17 which a statement explaining such absences and tardinesses
18 must be on file at the school. Each school in the district
19 must determine if an absence or tardiness is excused or
20 unexcused according to criteria established by the district
21 school board.

22 Section 54. Section 232.17, Florida Statutes, 1998
23 Supplement, is amended to read:

24 232.17 Enforcement of school attendance.--The
25 Legislature finds that poor academic performance is associated
26 with nonattendance and that schools must take an active role
27 in enforcing attendance as a means of improving the
28 performance of many students. It is the policy of the state
29 that the superintendent of each school district be responsible
30 for enforcing school attendance of all children and youth
31 subject to the compulsory school age in the school district.

1 The responsibility includes recommending to the school board
2 policies and procedures to ensure that schools respond in a
3 timely manner to every unexcused absence, or absence for which
4 the reason is unknown, of students enrolled in the schools.
5 School board policies must require each parent or guardian of
6 a student to justify each absence of the student, and that
7 justification will be evaluated based on adopted school board
8 policies that define excused and unexcused absences. The
9 policies must provide that schools track excused and unexcused
10 absences and contact the home in the case of an unexcused
11 absence from school, or absence for which the reason is
12 unknown, to prevent the development of patterns of
13 nonattendance. The Legislature finds that early intervention
14 in school attendance matters is the most effective way of
15 producing good attendance habits that will lead to improved
16 student learning and achievement. Each public school shall
17 implement the following steps to enforce regular school
18 attendance:

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

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

28 (b) If a student has had at least five unexcused
29 absences, or absences for which the reason is unknown, within
30 a calendar month or ten unexcused absences, or absences for
31 which the reason is unknown, within a 90 calendar day period,

1 the student's primary teacher shall report to the school
2 principal or his or her designee that the student may be
3 exhibiting a pattern of nonattendance. The principal shall,
4 unless there is clear evidence that the absences are not a
5 pattern of nonattendance, refer the case to the school's child
6 study team to determine if early patterns of truancy are
7 developing. If the child study team finds that a pattern of
8 nonattendance is developing, whether the absences are excused
9 or not, a meeting with the parent must be scheduled to
10 identify potential remedies.

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

- 15 1. Frequent communication between the teacher and the
16 family;
- 17 2. Changes in the learning environment;
- 18 3. Mentoring;
- 19 4. Student counseling;
- 20 5. Tutoring, including peer tutoring;
- 21 6. Placement into different classes;
- 22 7. Evaluation for alternative education programs;
- 23 8. Attendance contracts;
- 24 9. Referral to other agencies for family services; or
- 25 10. Other interventions.

26 (d) The child study team shall be diligent in
27 facilitating intervention services and shall report the case
28 to the superintendent only when all reasonable efforts to
29 resolve the nonattendance behavior are exhausted.

30 (e) If the parent, guardian, or other person in charge
31 of the child refuses to participate in the remedial strategies

1 because he or she believes that those strategies are
2 unnecessary or inappropriate, the parent, guardian, or other
3 person in charge of the child may appeal to the school board.
4 The school board may provide a hearing officer and the hearing
5 officer shall make a recommendation for final action to the
6 board. If the board's final determination is that the
7 strategies of the child study team are appropriate, and the
8 parent, guardian, or other person in charge of the child still
9 refuses to participate or cooperate, the superintendent may
10 seek criminal prosecution for noncompliance with compulsory
11 school attendance.

12 (f) If the parent, guardian, or other person in charge
13 of the child reports to the child study team or other
14 designated school representative that the child subject to
15 compulsory school attendance is ungovernable and will not
16 comply with attempts to enforce school attendance, then the
17 parent or guardian or the superintendent shall file a
18 child-in-need-of-services petition or
19 family-in-need-of-services petition seeking services from the
20 Department of Juvenile Justice and a court order to attend
21 school. The superintendent shall provide evidence to the court
22 that the school system is prepared to provide a learning
23 environment for the student that is responsive to the
24 student's learning needs and that all reasonable efforts to
25 resolve the nonattendance behavior have been exhausted. The
26 court may enforce a contempt of court order if the child
27 refuses to comply.~~Pursuant to procedures established by the~~
28 ~~district school board, a designated school representative must~~
29 ~~complete activities designed to determine the cause and~~
30 ~~attempt the remediation of truant behavior, as provided in~~
31 ~~this section.~~

1 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~
2 ~~ABSENCES.--A designated school representative shall~~
3 ~~investigate cases of nonenrollment and unexcused absences from~~
4 ~~school of all children subject to compulsory school~~
5 ~~attendance.~~

6 (2) GIVE WRITTEN NOTICE.--

7 (a) Under the direction of the superintendent, a
8 designated school representative shall give written notice, in
9 person or by return-receipt mail, to the parent, guardian, or
10 other person having control when no valid reason is found for
11 a child's nonenrollment in school which requires ~~or when the~~
12 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~
13 ~~within 90 calendar days, requiring enrollment and or~~
14 attendance within 3 days after the date of notice. If the
15 notice and requirement are ignored, the designated school
16 representative shall report the case to the superintendent,
17 ~~and may refer the case to the case staffing committee,~~
18 ~~established pursuant to s. 984.12, if the conditions of s.~~
19 ~~232.19(3) have been met.~~the superintendent shall ~~may~~ take
20 such steps as are necessary to bring criminal prosecution
21 against the parent, guardian, or other person having control.

22 (b) Subsequent to the activities required under
23 subsection (1), the superintendent or his or her designee
24 shall give written notice in person or by return-receipt mail
25 to the parent, guardian, or other person in charge of the
26 child that criminal prosecution is being sought for
27 nonattendance. The superintendent may file a truancy petition
28 in truancy court, as defined in s. 984.03, following the
29 procedures outlined in s. 984.151.

30 (3) RETURN CHILD TO PARENT.--A designated school
31 representative shall visit the home or place of residence of a

1 child and any other place in which he or she is likely to find
2 any child who is required to attend school when such child is
3 not enrolled or is absent from school during school hours
4 without an excuse, and, when the child is found, shall return
5 the child to his or her parent or to the principal or teacher
6 in charge of the school, or to the private tutor from whom
7 absent, or to the juvenile assessment center or other location
8 established by the school board to receive students who are
9 absent from school. Upon receipt of the student, the parent
10 shall be immediately notified.

11 (4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
12 designated school representative shall report to the Division
13 of Jobs and Benefits of the Department of Labor and Employment
14 Security or to any person acting in similar capacity who may
15 be designated by law to receive such notices, all violations
16 of the Child Labor Law that may come to his or her knowledge.

17 (5) RIGHT TO INSPECT.--A designated school
18 representative shall have the same right of access to, and
19 inspection of, establishments where minors may be employed or
20 detained as is given by law to the Division of Jobs and
21 Benefits only for the purpose of ascertaining whether children
22 of compulsory school age are actually employed there and are
23 actually working there regularly. The designated school
24 representative shall, if he or she finds unsatisfactory
25 working conditions or violations of the Child Labor Law,
26 report his or her findings to the Division of Jobs and
27 Benefits or its agents.

28 ~~(6) RESUMING SERIES.--If a child repeats a pattern of~~
29 ~~nonattendance within one school year, the designated school~~
30 ~~representative shall resume the series of escalating~~

31

1 ~~activities at the point at which he or she had previously left~~
2 ~~off.~~

3 Section 55. Subsection (3) of section 232.19, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 232.19 Court procedure and penalties.--The court
6 procedure and penalties for the enforcement of the provisions
7 of this chapter, relating to compulsory school attendance,
8 shall be as follows:

9 (3) HABITUAL TRUANCY CASES.--The superintendent is
10 authorized to file a truancy petition in truancy court, as
11 defined in s. 984.03, following the procedures outlined in s.
12 984.151. If the superintendent chooses not to file a truancy
13 petition, procedures for filing a child-in-need-of-services
14 petition shall be commenced pursuant to this subsection. In
15 accordance with procedures established by the district school
16 board, the designated school representative shall refer a
17 student who is habitually truant and the student's family to
18 the children-in-need-of-services and
19 families-in-need-of-services provider or the case staffing
20 committee, established pursuant to s. 984.12, as determined by
21 the cooperative agreement required in this section. The case
22 staffing committee may request the Department of Juvenile
23 Justice or its designee to file a child-in-need-of-services
24 petition based upon the report and efforts of the school
25 district or other community agency or may seek to resolve the
26 truant behavior through the school or community-based
27 organizations or agencies. Prior to and subsequent to the
28 filing of a child-in-need-of-services petition due to habitual
29 truancy, the appropriate governmental agencies must allow a
30 reasonable time to complete actions required by this
31 subsection to remedy the conditions leading to the truant

1 behavior. However, a court order requiring school attendance
2 shall be obtained as a necessary part of such services.~~The~~
3 ~~following criteria must be met and documented in writing Prior~~
4 ~~to the filing of a petition, the school district must have~~
5 complied with the requirements of s. 232.17, and those efforts
6 must have been unsuccessful.+

7 ~~(a) The child must have 15 unexcused absences within~~
8 ~~90 calendar days with or without the knowledge or consent of~~
9 ~~the child's parent or legal guardian, must be subject to~~
10 ~~compulsory school attendance, and must not be exempt under s.~~
11 ~~232.06, s. 232.09, or any other exemption specified by law or~~
12 ~~the rules of the State Board of Education.~~

13 ~~(b) In addition to the actions described in s. 232.17,~~
14 ~~the school administration must have completed the following~~
15 ~~activities to determine the cause, and to attempt the~~
16 ~~remediation, of the child's truant behavior:~~

17 ~~1. After a minimum of 3 and prior to 6 unexcused~~
18 ~~absences within 90 calendar days, one or more meetings must~~
19 ~~have been held, either in person or by phone, between a~~
20 ~~designated school representative, the child's parent or~~
21 ~~guardian, and the child, if necessary, to report and to~~
22 ~~attempt to solve the truancy problem. However, if the~~
23 ~~designated school representative has documented the refusal of~~
24 ~~the parent or guardian to participate in the meetings, this~~
25 ~~requirement has been met.~~

26 ~~2. Educational counseling must have been provided to~~
27 ~~determine whether curriculum changes would help solve the~~
28 ~~truancy problem, and, if any changes were indicated, such~~
29 ~~changes must have been instituted but proved unsuccessful in~~
30 ~~remedying the truant behavior. Such curriculum changes may~~
31 ~~include enrollment of the child in a dropout prevention~~

1 ~~program that meets the specific educational and behavioral~~
2 ~~needs of the child, including a second chance school, as~~
3 ~~provided for in s. 230.2316, designed to resolve truant~~
4 ~~behavior.~~

5 ~~3. Educational evaluation, which may include~~
6 ~~psychological evaluation, must have been provided to assist in~~
7 ~~determining the specific condition, if any, that is~~
8 ~~contributing to the child's nonattendance. The evaluation~~
9 ~~must have been supplemented by specific efforts by the school~~
10 ~~to remedy any diagnosed condition.~~

11
12 ~~if a child who is subject to compulsory school attendance is~~
13 ~~responsive to the interventions described in this paragraph~~
14 ~~and has completed the necessary requirements to pass the~~
15 ~~current grade as indicated in the district pupil progression~~
16 ~~plan, the child shall be passed.~~

17 Section 56. Effective July 1, 1999, paragraph (a) of
18 subsection (1) of section 236.081, Florida Statutes, 1998
19 Supplement, is amended to read:

20 236.081 Funds for operation of schools.--If the annual
21 allocation from the Florida Education Finance Program to each
22 district for operation of schools is not determined in the
23 annual appropriations act or the substantive bill implementing
24 the annual appropriations act, it shall be determined as
25 follows:

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

30 (a) Determination of full-time equivalent
31 membership.--During each of several school weeks, including

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

20 Section 57. Paragraph (b) of subsection (4), and
21 paragraphs (a) and (b) of subsection (5) of section 240.529,
22 Florida Statutes, are amended to read:

23 240.529 Public accountability and state approval for
24 teacher preparation programs.--

25 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
26 subsection (3), failure by a public or nonpublic teacher
27 preparation program to meet the criteria for continued program
28 approval shall result in loss of program approval. The
29 Department of Education, in collaboration with the departments
30 and colleges of education, shall develop procedures for
31

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

1 public. This report must analyze the data and make
2 recommendations for improving teacher preparation programs in
3 the state.

4 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
5 instructors, school district personnel and instructional
6 personnel, and school sites preparing instructional personnel
7 through preservice field experience courses and internships
8 shall meet special requirements.

9 (a) All instructors in postsecondary teacher
10 preparation programs who instruct or supervise preservice
11 field experience courses or internships shall have at least
12 one of the following: specialized training in clinical
13 supervision; a valid professional teaching certificate
14 pursuant to ss. 231.17 and 231.24; or at least 3 years of
15 successful teaching experience in prekindergarten through
16 grade 12; ~~or a commitment to spend periods of time specified~~
17 ~~by State Board of Education rule teaching in the public~~
18 ~~schools.~~

19 (b) All school district personnel and instructional
20 personnel who supervise or direct teacher preparation students
21 during field experience courses or internships must have
22 evidence of "clinical educator" training. The Education
23 Standards Commission shall recommend, and the state board
24 shall approve, the training requirements.

25 Section 58. Subsection (29) of section 984.03, Florida
26 Statutes, 1998 Supplement, is amended, subsection (57) of said
27 section is renumbered as subsection (59), and new subsections
28 (57) and (58) are added to said section, to read:

29 984.03 Definitions.--When used in this chapter, the
30 term:

31 (29) "Habitually truant" means that:

1 (a) The child has 15 unexcused absences within 90
2 calendar days with or without the knowledge or justifiable
3 consent of the child's parent or legal guardian, is subject to
4 compulsory school attendance under s. 232.01, and is not
5 exempt under s. 232.06, s. 232.09, or any other exemptions
6 specified by law or the rules of the State Board of Education.

7 (b) ~~Escalating~~ Activities to determine the cause, and
8 to attempt the remediation, of the child's truant behavior
9 under ss. 232.17 and 232.19 have been completed.

10
11 If a child who is subject to compulsory school attendance is
12 responsive to the interventions described in ss. 232.17 and
13 232.19 and has completed the necessary requirements to pass
14 the current grade as indicated in the district pupil
15 progression plan, the child shall not be determined to be
16 habitually truant and shall be passed. If a child within the
17 compulsory school attendance age has 15 unexcused absences
18 within 90 calendar days or fails to enroll in school, the
19 State Attorney or the appropriate jurisdictional agency shall
20 ~~may~~ file a child-in-need-of-services petition unless. ~~Prior~~
21 ~~to filing a petition, the child must be referred to the~~
22 ~~appropriate agency for evaluation. after consulting with the~~
23 ~~evaluating agency, the State Attorney~~ determines that another
24 alternative placement is preferable ~~may elect to file a~~
25 ~~child-in-need-of-services petition.~~

26 (c) A school representative, designated according to
27 school board policy, and a juvenile probation officer of the
28 Department of Juvenile Justice have jointly investigated the
29 truancy problem or, if that was not feasible, have performed
30 separate investigations to identify conditions that may be
31 contributing to the truant behavior; and if, after a joint

1 staffing of the case to determine the necessity for services,
2 such services were determined to be needed, the persons who
3 performed the investigations met jointly with the family and
4 child to discuss any referral to appropriate community
5 agencies for economic services, family or individual
6 counseling, or other services required to remedy the
7 conditions that are contributing to the truant behavior.

8 (d) The failure or refusal of the parent or legal
9 guardian or the child to participate, or make a good faith
10 effort to participate, in the activities prescribed to remedy
11 the truant behavior, or the failure or refusal of the child to
12 return to school after participation in activities required by
13 this subsection, or the failure of the child to stop the
14 truant behavior after the school administration and the
15 Department of Juvenile Justice have worked with the child as
16 described in s. 232.19(3) and (4) shall be handled as
17 prescribed in s. 232.19.

18 (57) "Truancy court" means, with respect to all
19 truancy proceedings, the circuit court of the county in which
20 the truancy proceeding is pending, and includes any general or
21 special master that may be appointed by the chief judge to
22 preside over all or part of such proceeding.

23 (58) "Truancy petition" means a petition filed by the
24 school superintendent alleging that a student subject to
25 compulsory school attendance has had more than 15 unexcused
26 absences in a 90 calendar day period. A truancy petition is
27 filed in truancy court and processed under s. 984.151.

28 Section 59. Section 984.151, Florida Statutes, is
29 created to read:

30 984.151 Truancy court; petition; prosecution;
31 disposition.--

1 (1) If the school determines that a student subject to
2 compulsory school attendance has had more than 15 unexcused
3 absences in a 90 calendar day period, the superintendent may
4 file a truancy petition in truancy court.

5 (2) The petition shall be filed in the circuit where
6 the student is enrolled in school.

7 (3) Original jurisdiction to hear a truancy petition
8 shall be in the circuit court; however, the circuit court may
9 choose to delegate this authority to a general or special
10 master trained in truancy issues.

11 (4) The petition shall contain the following: name,
12 age, and address of the student, name and address of the
13 student's parent or guardian; school where the student is
14 enrolled; what efforts the school has made to get the student
15 to attend school; number of out-of-school contacts between the
16 school system and student's parent or guardian; number of days
17 and dates of days the student has missed school. The petition
18 shall be sworn to by the superintendent or his or her
19 designee.

20 (5) Once the petition is filed, the truancy court
21 shall hear the petition within 30 days.

22 (6) The student and the student's parent or guardian
23 shall attend the hearing.

24 (7) If the court determines that the student did miss
25 any of the alleged days, the court shall order the student to
26 attend school and the parent to ensure that the student
27 attends school, and may order any of the following: the
28 student to participate in alternative sanctions to include
29 mandatory attendance at alternative classes to be followed by
30 mandatory community services hours for a period up to 6
31 months; the student and the student's parent or guardian to

1 participate in homemaker or parent aide services; the student
2 or the student's parent or guardian to participate in
3 intensive crisis counseling; the student or the student's
4 parent or guardian to participate in community mental health
5 services if available and applicable; the student and the
6 student's parent or guardian to participate in service
7 provided by voluntary or community agencies as available; the
8 student or the student's parent or guardian to participate in
9 vocational, job training, or employment services.

10 (8) If the student or the student's parent or guardian
11 does not successfully complete the sanctions ordered in
12 subsection (7), the case shall be referred to the case
13 staffing committee under s. 984.12 with a recommendation to
14 file a child-in-need-of-services petition under s. 984.15.

15 Section 60. For the purpose of incorporating
16 amendments to sections or subdivisions of the Florida Statutes
17 included in sections 1 through 16 of this act in references
18 thereto, the sections or subdivisions of Florida Statutes or
19 Florida Statutes, 1998 Supplement, set forth below are
20 reenacted to read:

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

23 (5)

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

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

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

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

24 (1) EDUCATIONAL UNITS.--

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

31 228.056 Charter schools.--

1 (9) CHARTER.--The major issues involving the operation
2 of a charter school shall be considered in advance and written
3 into the charter. The charter shall be signed by the governing
4 body of the charter school and the sponsor, following a public
5 hearing to ensure community input.

6 (e) A sponsor shall ensure that the charter is
7 innovative and consistent with the state education goals
8 established by s. 229.591.

9 228.0565 Deregulated public schools.--

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

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

18 1. The school's progress towards achieving the goals
19 outlined in its proposal.

20 2. The information required in the annual school
21 report pursuant to s. 229.592.

22 3. Financial records of the school, including revenues
23 and expenditures.

24 4. Salary and benefit levels of school employees.

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

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

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

11 228.301 Test security.--

12 (1) It is unlawful for anyone knowingly and willfully
13 to violate test security rules adopted by the State Board of
14 Education or the Commissioner of Education for mandatory tests
15 administered by or through the State Board of Education or the
16 Commissioner of Education to students, educators, or
17 applicants for certification or administered by school
18 districts pursuant to s. 229.57, or, with respect to any such
19 test, knowingly and willfully to:

20 (a) Give examinees access to test questions prior to
21 testing;

22 (b) Copy, reproduce, or use in any manner inconsistent
23 with test security rules all or any portion of any secure test
24 booklet;

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

27 (d) Make answer keys available to examinees;

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

31

1 (f) Fail to follow test administration directions
2 specified in the test administration manuals; or

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

5 229.551 Educational management.--

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

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

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

21 (a) Develop minimum performance standards for various
22 grades and subject areas, as required in ss. 229.565 and
23 229.57.

24 (b) Administer the statewide assessment testing
25 program created by s. 229.57.

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

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

1 (e) Conduct the program evaluations required by s.
2 229.565.

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

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

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

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

30 (j) Perform any other functions that may be involved
31 in educational planning, research, and evaluation or that may

1 be required by the commissioner, the State Board of Education,
2 or law.

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

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

14 231.24 Process for renewal of professional
15 certificates.--

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

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

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

14 231.36 Contracts with instructional staff,
15 supervisors, and principals.--

16 (3)

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

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

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

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

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

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

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

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

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

31

1 final as to the sufficiency or insufficiency of the grounds
2 for termination of employment.

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

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

11 232.246 General requirements for high school
12 graduation.--

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

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

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

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

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1 232.2481 Graduation and promotion requirements for
2 publicly operated schools.--

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

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

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

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

1 (b) When recommending instructional materials for use
2 in the schools, each committee shall include only materials
3 which accurately portray, whenever appropriate, humankind's
4 place in ecological systems, including the necessity for the
5 protection of our environment and conservation of our natural
6 resources and the effects on the human system of the use of
7 tobacco, alcohol, controlled substances, and other dangerous
8 substances.

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

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

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

30 (f) When recommending instructional materials for use
31 in the schools, each committee shall have the recommendations

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

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

17 233.165 Standards for selection.--

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

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

31

1 233.25 Duties, responsibilities, and requirements of
2 publishers and manufacturers of instructional
3 materials.--Publishers and manufacturers of instructional
4 materials, or their representatives, shall:

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

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

11 236.685 Educational funding accountability.--

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

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

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

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

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

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

3 239.101 Legislative intent.--

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

14 239.229 Vocational standards.--

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

26 (3) Each area technical center operated by a school
27 board shall establish a center advisory council pursuant to s.
28 229.58. The center advisory council shall assist in the
29 preparation and evaluation of center improvement plans
30 required pursuant to s. 230.23(16) and may provide assistance,
31 upon the request of the center director, in the preparation of

1 the center's annual budget and plan as required by s.
2 229.555(1).

3 240.118 Postsecondary feedback of information to high
4 schools.--

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

10 240.529 Public accountability and state approval for
11 teacher preparation programs.--

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

25 Section 61. The State Board of Education shall adopt
26 such rules as necessary to ensure that not-for-profit,
27 professional teacher associations which offer membership to
28 all teachers, non-instructional personnel, and administrators,
29 and which offer teacher training and staff development at no
30 fee to the district shall be given equal access to voluntary
31 teacher meetings, be provided access to teacher mailboxes for

1 distribution of professional literature, and be authorized to
2 collect voluntary membership fees through payroll deduction.

3 Section 62. If any provision of this act or the
4 application thereof to any person or circumstance is held
5 invalid, the invalidity shall not affect other provisions or
6 applications of the act which can be given effect without the
7 invalid provision or application, and to this end the
8 provisions of this act are declared severable.

9 Section 63. Except as otherwise provided herein, this
10 act shall take effect upon becoming a law.

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