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

1           that the Commissioner of Education designate  
2           program categories and grade levels for which  
3           performance standards are to be approved;  
4           amending s. 229.57, F.S.; revising the purpose  
5           of the student assessment program; requiring  
6           the Department of Education to develop a system  
7           to measure annual pupil progress; requiring the  
8           statewide assessment program to include  
9           science; revising provisions relating to the  
10          administration of the National Assessment of  
11          Educational Progress; revising the statewide  
12          assessment program; revising requirements  
13          relating to the annual report of the results of  
14          the statewide assessment program; providing for  
15          the identification of schools by performance  
16          grade category according to student and school  
17          performance data; providing for the  
18          identification of school improvement ratings;  
19          amending s. 229.58, F.S.; removing a reference  
20          to the Florida Commission on Education Reform  
21          and Accountability; amending s. 229.591, F.S.;  
22          revising provisions relating to the system of  
23          school improvement and education accountability  
24          to reflect that students are not required to  
25          attend schools designated in a certain  
26          performance grade category; revising the state  
27          education goals; amending s. 229.592, F.S.,  
28          relating to the implementation of the state  
29          system of school improvement and education  
30          accountability; deleting references to the  
31          Florida Commission on Education Reform and

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

1 school board adoption of certain policies;  
2 authorizing school boards to declare an  
3 emergency under certain circumstances; amending  
4 s. 231.2905, F.S.; revising provisions of the  
5 Florida School Recognition Program relating to  
6 financial awards based on employee performance;  
7 revising initial criteria for identification of  
8 schools; amending s. 232.245, F.S.; relating to  
9 pupil progression; revising requirements  
10 relating to the provision of remedial  
11 instruction; prohibiting social promotion;  
12 providing requirements for the use of resources  
13 for remedial instruction; requiring the  
14 adoption of rules regarding pupil progression;  
15 eliminating requirements relating to student  
16 academic improvement plans; deleting  
17 duplicative requirements relating to mandatory  
18 remedial reading instruction; amending s.  
19 228.053, F.S.; relating to developmental  
20 research schools; eliminating references to  
21 Blueprint 2000; conforming cross references;  
22 amending s. 228.054, F.S., relating to the  
23 Joint Developmental Research School Planning,  
24 Articulation, and Evaluation Committee;  
25 conforming a cross reference; amending s.  
26 233.17, F.S., relating to the term of adoption  
27 of instructional materials; conforming cross  
28 references; amending s. 236.685, F.S., relating  
29 to educational funding accountability;  
30 conforming a cross reference; amending s.  
31 20.15, F.S.; deleting reference to the Florida

1 Education Reform and Accountability Commission;  
2 creating s. 236.08104, F.S.; establishing a  
3 supplemental academic instruction categorical  
4 fund; providing findings and intent; providing  
5 requirements for the use of funds; authorizing  
6 the Florida State University School to expend  
7 certain funds for student remediation; amending  
8 s. 236.013, F.S.; eliminating certain  
9 provisions relating to calculations of the  
10 equivalent of a full-time student; revising  
11 provisions relating to membership in programs  
12 scheduled for more than 180 days; amending s.  
13 239.101, F.S., relating to career education;  
14 conforming cross references; amending s.  
15 239.229, F.S., relating to vocational  
16 standards; conforming cross references;  
17 amending s. 24.121, F.S.; specifying conditions  
18 for withholding allocations from the  
19 Educational Enhancement Trust Fund; amending s.  
20 228.0565, F.S., relating to deregulated public  
21 schools; revising elements of an annual report;  
22 reenacting s. 120.81(1)(b), F.S., relating to  
23 tests, test scoring criteria, or testing  
24 procedures, s. 228.301(1), F.S., relating to  
25 test security, s. 229.551(1)(c) and (3), F.S.,  
26 relating to educational management, s.  
27 230.03(4), F.S., relating to school district  
28 management, control, operation, administration,  
29 and supervision, s. 231.24(3)(a), F.S.,  
30 relating to the process for renewal of  
31 professional certificates, s. 231.36(3)(e) and

1 (f), F.S., relating to contracts with  
2 instructional staff, supervisors, and  
3 principals, s. 232.2454(1), F.S., relating to  
4 district student performance standards,  
5 instruments, and assessment procedures;  
6 reenacting and amending s. 232.246, F.S.;  
7 revising general requirements for high school  
8 graduation; reenacting s. 232.248, F.S.,  
9 relating to confidentiality of assessment  
10 instruments, s. 232.2481(1), F.S., relating to  
11 graduation and promotion requirements for  
12 publicly operated schools, s. 233.09(4), F.S.,  
13 relating to duties of instructional materials  
14 committees, s. 233.165(1)(b), F.S., relating to  
15 the selection of instructional materials, s.  
16 233.25(3)(b), F.S., relating to publishers and  
17 manufacturers of instructional materials, s.  
18 239.229(3), F.S., relating to vocational  
19 standards, s. 240.118(4), F.S., relating to  
20 postsecondary feedback of information to high  
21 schools, to incorporate references; amending s.  
22 228.041, F.S.; redefining the terms "dropout,"  
23 "graduation rate," and "dropout rate"; amending  
24 s. 228.056, F.S., relating to charter schools;  
25 conforming provisions relating to assessment;  
26 creating s. 231.002, F.S.; stating an intent to  
27 increase standards for the preparation,  
28 certification, and professional development of  
29 educators; directing the Department of  
30 Education to review statutes and rules  
31 governing certification to increase efficiency,

1 rigor, and alternatives in the certification  
2 process; requiring a report; amending s.  
3 231.02, F.S.; correcting a reference; amending  
4 s. 231.0861, F.S.; requiring the State Board of  
5 Education to approve criteria for selection of  
6 certain administrative personnel; authorizing  
7 school districts to contract with private  
8 entities for evaluation and training of such  
9 personnel; amending s. 231.085, F.S.;  
10 specifying principals' responsibilities for  
11 assessing performance of school personnel and  
12 implementing the Sunshine State Standards;  
13 amending s. 231.087, F.S.; requiring the State  
14 Board of Education to adopt rules governing the  
15 training of school district management  
16 personnel; providing for review and repeal of  
17 the Management Training Act; requiring  
18 recommendations; amending s. 231.09, F.S.;  
19 prescribing duties of instructional personnel;  
20 amending s. 231.096, F.S.; requiring a school  
21 board plan to ensure the competency of teachers  
22 with out-of-field teaching assignments;  
23 amending s. 231.145, F.S.; revising purpose to  
24 reflect increased requirements for  
25 certification; amending s. 231.15, F.S.;  
26 authorizing certification based on demonstrated  
27 competencies; requiring rules of the State  
28 Board of Education to specify certain  
29 competencies; requiring consultation with  
30 postsecondary education boards; amending s.  
31 231.17, F.S.; revising prerequisites for

1 certification; requiring demonstration of  
2 general knowledge before temporary  
3 certification; increasing the requirement that  
4 teachers know and use mathematics, technology,  
5 and intervention strategies with students;  
6 deleting alternative ways to demonstrate  
7 general knowledge competency; amending s.  
8 231.1725, F.S.; providing legal protections for  
9 clinical field experience students; amending s.  
10 231.174, F.S., relating to district programs  
11 for adding certification coverages; removing  
12 limitation to specific certification areas;  
13 amending s. 231.29, F.S.; requiring certain  
14 personnel-performance assessments to be  
15 primarily based on student performance;  
16 revising the assessment procedure for certain  
17 school district personnel; requiring certain  
18 review and testing of employees of schools in  
19 performance grade categories "D" and "F";  
20 amending s. 231.36, F.S.; authorizing the State  
21 Board of Education to define certain terms by  
22 rule; amending s. 231.546, F.S.; specifying  
23 duties of the Education Standards Commission;  
24 amending s. 231.600, F.S.; prescribing the  
25 responsibilities of school district  
26 professional development programs; amending s.  
27 236.08106, F.S.; providing for the distribution  
28 of Excellent Teaching Program funds; deleting  
29 certain district incentives; authorizing the  
30 withholding of wages as repayment; amending s.  
31 240.529, F.S.; requiring the commissioner to



1           appoint a Teacher Preparation Program Committee  
2           to recommend core curricula for state-approved  
3           teacher preparation programs; requiring a  
4           report; requiring the State Board of Education  
5           to adopt rules establishing uniform core  
6           curricula; revising criteria for initial and  
7           continuing approval of teacher preparation  
8           programs; increasing the requirements for a  
9           student to enroll in and graduate from a  
10          teacher education program; requiring annual  
11          reports of program performance; providing  
12          additional legislative intent related to  
13          teacher preparation programs; providing the  
14          criteria for continued program approval;  
15          providing for the requirements for instructors  
16          in postsecondary teacher preparation programs  
17          who instruct or supervise preservice field  
18          experience courses or internships; eliminating  
19          the requirement related to a commitment to  
20          teaching in the public schools for a period of  
21          time; providing additional requirements for  
22          school district and instructional personnel who  
23          supervise or direct certain teacher preparation  
24          students; creating s. 231.6135, F.S.;  
25          establishing a statewide system for inservice  
26          professional development; authorizing  
27          professional development academies to meet  
28          human resource development and education  
29          instruction training needs of educators,  
30          school, and school districts; providing for  
31          organization and operation by public and

1 private partners; providing for funding;  
2 specifying duties of the Commissioner of  
3 Education; repealing s. 231.601, F.S., relating  
4 to purpose of inservice training for  
5 instructional personnel; amending s. 230.2316,  
6 F.S.; providing for a dropout prevention and  
7 academic intervention program; revising intent  
8 of program; revising eligibility criteria;  
9 expanding eligible students to grades 1-12;  
10 revising reporting requirements for district  
11 evaluation; providing procedures for notice to  
12 and response from a parent, guardian, or legal  
13 custodian prior to placement in a program or  
14 the provision of services to the student;  
15 amending s. 231.085, F.S.; requiring principals  
16 to ensure the accuracy and timeliness of school  
17 reports; requiring principals to provide staff  
18 training opportunities; providing sanctions for  
19 noncompliance; creating s. 232.001, F.S.;  
20 requiring the Manatee County District School  
21 Board to establish a pilot project to raise the  
22 compulsory age of attendance for children;  
23 providing requirements for the school board;  
24 providing for the applicability of state law  
25 and State Board of Education rule; providing an  
26 exception from the provisions relating to a  
27 declaration of intent to terminate school  
28 enrollment; requiring a study; amending s.  
29 232.09, F.S.; limiting application to certain  
30 criminal proceedings; amending s. 232.17, F.S.;  
31 providing legislative findings; placing

1 responsibility on school district  
2 superintendents for enforcing attendance;  
3 establishing requirements for school board  
4 policies; revising the current steps for  
5 enforcing regular school attendance; requiring  
6 public schools to follow the steps;  
7 establishing the requirements for school  
8 principals, primary teachers, child study  
9 teams, and parents; providing for parents to  
10 appeal; allowing the superintendent to seek  
11 criminal prosecution for parental  
12 noncompliance; requiring the superintendent,  
13 parent, or guardian to file certain petitions  
14 involving ungovernable children in certain  
15 circumstances; requiring the superintendent to  
16 provide the court with certain evidence;  
17 allowing for court enforcement for children who  
18 refuse to comply; revising the notice  
19 requirements to parents, guardians, or others;  
20 eliminating a current condition for notice;  
21 eliminating the option for referral to case  
22 staffing committees; requiring the  
23 superintendent to take steps to bring about  
24 criminal prosecution and requiring related  
25 notice; authorizing the superintendent to file  
26 truancy petitions; allowing for the return of  
27 absent children to additional locations;  
28 requiring parental notification; amending s.  
29 232.19, F.S., relating to habitual truancy;  
30 authorizing superintendents to file truancy  
31 petitions; requiring that a court order for

1 school attendance be obtained as a part of  
2 services; revising the requirements that must  
3 be met prior to filing a petition; amending s.  
4 232.271, F.S.; revising references; amending s.  
5 236.081, F.S.; amending procedures that must be  
6 followed in determining the annual allocation  
7 to each school district for operation;  
8 requiring the average daily attendance of the  
9 student membership to be calculated by school  
10 and by district; amending s. 239.505, F.S.;  
11 revising provisions relating to funding of  
12 constructive youth programs; amending s.  
13 984.03, F.S.; redefining the term "habitual  
14 truant"; requiring the state attorney to file a  
15 child-in-need-of-services petition in certain  
16 circumstances; eliminating the requirement for  
17 referral for evaluation; defining the term  
18 "truancy petition"; creating s. 984.151, F.S.;  
19 providing procedures for truancy petitions;  
20 providing for truancy hearings and penalties;  
21 requiring the State Board of Education to adopt  
22 rules regarding not-for-profit, professional  
23 teacher associations; providing for  
24 severability; providing effective dates.

25  
26 WHEREAS, providing a system of high-quality public  
27 education for children is an important goal of this state, and

28 WHEREAS, Floridians reemphasized their aspiration to  
29 provide for a system of high-quality public education for  
30 children in this state by amending Section 1 of Article IX of

31

1 the State Constitution in the November 1998 general election,  
2 and

3 WHEREAS, the Legislature recognizes that it has an  
4 important but not exclusive role in providing children with  
5 the opportunity to obtain a high-quality education in this  
6 state, and

7 WHEREAS, success in obtaining a high-quality education  
8 depends upon many influences, and

9 WHEREAS, among the most prominent influences on the  
10 educational success of children are the positive influences of  
11 parents on their children's lives and on their children's  
12 desire to learn and the active involvement of parents in the  
13 education of their children, and

14 WHEREAS, the presence of those influences is  
15 indispensable to successfully providing a system that allows  
16 students to obtain a high-quality education, and

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

27 WHEREAS, the voters of the State of Florida, in the  
28 1998 General Election, amended Article IX, section 1, of the  
29 Florida Constitution to state that, "Adequate provision shall  
30 be made by law for a ... safe, secure, and high quality system  
31 of free public schools ...," and

ENROLLED

1999 Legislature

CS/HBs 751, 753 & 755, Third Engrossed

1           WHEREAS, House Bill 1309, a comprehensive school safety  
2 and discipline package, was enacted by the Legislature in the  
3 1997 Session, addressing dropouts, habitual truancy, zero  
4 tolerance for crime, drugs, alcohol, and weapons, alternative  
5 placement of disruptive students, and cooperative agreements  
6 with local law enforcement for crime reporting, and

7           WHEREAS, the Legislature annually provides for  
8 safe-schools appropriations to be used for after school  
9 programs for middle school students, alternative programs for  
10 adjudicated youth, school resource officers, and conflict  
11 resolution strategies, and

12           WHEREAS, the enhancement of school safety should be  
13 measured as an element of school performance and  
14 accountability and improved crime and incident reporting, as  
15 well as a heightened emphasis on character education in the  
16 curriculum of the early grades, NOW, THEREFORE,

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 229.0535, Florida Statutes, is  
21 amended to read:

22           229.0535 Authority to enforce school improvement.--It  
23 is the intent of the Legislature that all public schools be  
24 held accountable for ~~ensuring that~~ students performing ~~perform~~  
25 at acceptable levels. A system of school improvement and  
26 accountability that assesses student performance by school,  
27 identifies schools in which students are not making ~~not~~  
28 providing adequate progress toward state standards, ~~and~~  
29 institutes appropriate measures for enforcing improvement, and  
30 provides rewards and sanctions based on performance shall be  
31 the responsibility of the State Board of Education.

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

1 school, and the availability of options for improved  
2 educational services. The state board shall adopt by rule  
3 steps to follow in this process. Such steps shall provide  
4 ~~ensure that~~ school districts ~~have~~ sufficient time to improve  
5 student performance in schools and ~~have had~~ the opportunity to  
6 present evidence of assistance and interventions that the  
7 school board has implemented.

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

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

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

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

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

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

29 (3) In recommending actions to school boards, the  
30 State Board of Education shall specify the length of time  
31 available to implement the recommended action. The state



1 board may adopt rules to further specify how it may respond in  
2 specific circumstances. No action taken by the state board  
3 shall relieve a school from state accountability requirements.

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

16 Section 2. Section 229.0537, Florida Statutes, is  
17 created to read:

18 229.0537 Opportunity Scholarship Program.--

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

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

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

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

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

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

6  
7 The provisions of this section shall not apply to a student  
8 who is enrolled in a school operating for the purpose of  
9 providing educational services to youth in Department of  
10 Juvenile Justice commitment programs. For purposes of  
11 continuity of educational choice, the opportunity scholarship  
12 shall remain in force until the student returns to a public  
13 school or, if the student chooses to attend a private school  
14 the highest grade of which is grade 8, until the student  
15 matriculates to high school and the public high school to  
16 which the student is assigned is an accredited school with a  
17 performance grade category designation of "C" or better.  
18 However, at any time upon reasonable notice to the Department  
19 of Education and the school district, the student's parent or  
20 guardian may remove the student from the private school and  
21 place the student in a public school, as provided in  
22 subparagraph (3)(a)2.

23 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

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

31

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

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

29           (c) For students in the district who are participating  
30 in the state Opportunity Scholarship Program, the district  
31

1 shall provide locations and times to take all statewide  
2 assessments required pursuant to s. 229.57.

3 (d) Students with disabilities who are eligible to  
4 receive services from the school district under federal or  
5 state law, and who participate in this program, remain  
6 eligible to receive services from the school district as  
7 provided by federal or state law.

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

17 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
18 participate in the opportunity scholarship program, a private  
19 school must be a Florida private school, may be sectarian or  
20 nonsectarian, and must:

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

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

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

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

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

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

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

30           (h) Comply with all state statutes relating to private  
31 schools.

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

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

6           (k) Adhere to the tenets of its published disciplinary  
7 procedures prior to the expulsion of any opportunity  
8 scholarship student.

9           (5) OBLIGATION OF PROGRAM PARTICIPATION.--

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

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

20           (c) The parent or guardian shall ensure that the  
21 student participating in the opportunity scholarship program  
22 takes all statewide assessments required pursuant to s.  
23 229.57.

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

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

27           (a)1. The maximum opportunity scholarship granted for  
28 an eligible student shall be a calculated amount equivalent to  
29 the base student allocation multiplied by the appropriate cost  
30 factor for the educational program that would have been  
31 provided for the student in the district school to which he or

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

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

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

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

29 3. Following annual notification on July 1 of the  
30 number of participants, the Department of Education shall  
31 transfer from each school district's appropriated funds the



1 calculated amount from the Florida Education Finance Program  
2 and authorized categorical accounts to a separate account for  
3 the Opportunity Scholarship Program for quarterly disbursement  
4 to the parents or guardians of participating students.

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

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

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

1           Section 3. (1) PILOT PROGRAM.--There is established a  
2 pilot program, which is separate and distinct from the  
3 Opportunity Scholarship Program, in the Sarasota school  
4 district, to provide scholarships to a public or private  
5 school of choice for students with disabilities whose academic  
6 progress in at least two areas has not met expected levels for  
7 the previous year, as determined by the student's individual  
8 education plan. Student participation in the pilot program is  
9 limited to 5 percent of the students with disabilities in the  
10 school district during the first year, 10 percent of students  
11 with disabilities during the second year, and 20 percent of  
12 students with disabilities during the third and subsequent  
13 years. The following applies to the pilot program:

14           (a) To be eligible to participate in the pilot  
15 program, a private school must meet all requirements of s.  
16 229.0537(4), Florida Statutes, except for the accreditation  
17 requirements of s. 229.0537(4)(f), Florida Statutes. For  
18 purposes of the pilot program, notification under s.  
19 229.0537(4)(b), Florida Statutes, must be separate from the  
20 notification under the Opportunity Scholarship Program.

21           (b) The school district that participates in the pilot  
22 program must comply with the requirements in s.  
23 229.0537(3)(a)2., (c), and (d), Florida Statutes.

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

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

30           1. Comply with the eligibility criteria in s.  
31 229.0537(2)(b), Florida Statutes, and all provisions of s.

1 229.0537, Florida Statutes, which apply to students with  
2 disabilities;

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

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

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

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

25 229.512 Commissioner of Education; general powers and  
26 duties.--The Commissioner of Education is the chief  
27 educational officer of the state, and has the following  
28 general powers and duties:

29 (14) To implement a program of school improvement and  
30 education accountability designed to provide all students the  
31 opportunity to make adequate learning gains in each year of

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

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

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

15 (b) To prepare and publish annually reports giving  
16 statistics and other useful information pertaining to the  
17 Opportunity Scholarship Program.

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

22 Section 5. Section 229.555, Florida Statutes, is  
23 amended to read:

24 229.555 Educational planning and information  
25 systems.--

26 (1) EDUCATIONAL PLANNING.--

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

1 serve as the basis for short-range and long-range planning.  
2 Such planning shall include assembling data, conducting  
3 appropriate studies and surveys, and sponsoring research and  
4 development activities designed to provide information about  
5 educational needs and the effect of alternative educational  
6 practices.

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

30 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The  
31 commissioner shall develop and implement an integrated

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

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

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

- 1           2. Providing operational definitions for the proposed  
2 system;
- 3           3. Determining the information and specific data  
4 elements required for the management decisions made at each  
5 educational level, recognizing that the primary unit for  
6 information input is ~~shall be~~ the individual school and  
7 recognizing that time and effort of instructional personnel  
8 expended in collection and compilation of data should be  
9 minimized;
- 10          4. Developing standardized terminology and procedures  
11 to be followed at all levels of the system;
- 12          5. Developing a standard transmittal format to be used  
13 for collection of data from the various levels of the system;
- 14          6. Developing appropriate computer programs to assure  
15 integration of the various information components dealing with  
16 students, personnel, facilities, fiscal, program, community,  
17 and evaluation data;
- 18          7. Developing the necessary programs to provide  
19 statistical analysis of the integrated data provided in  
20 subparagraph 6. in such a way that required reports may be  
21 disseminated, comparisons may be made, and relationships may  
22 be determined in order to provide the necessary information  
23 for making management decisions at all levels;
- 24          8. Developing output report formats which will provide  
25 district school systems with information for making management  
26 decisions at the various educational levels;
- 27          9. Developing a phased plan for distributing computer  
28 services equitably among all public schools and school  
29 districts in the ~~this~~ state as rapidly as possible. The plan  
30 shall describe alternatives available to the state in  
31 providing such computing services and shall contain estimates

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

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

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

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

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

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

30 and

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



1 (b) The specific responsibilities of each district  
2 school system shall include:

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

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

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

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

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

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

30 7. Determining required reports, comparisons, and  
31 relationships to be provided to district school systems by the

1 system output reports, continuously reviewing these reports  
2 for usefulness and meaningfulness, and submitting recommended  
3 additions, deletions, and change requirements in accordance  
4 with the guidelines established by the commissioner.

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

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

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

14 229.565 Educational evaluation procedures.--

15 (1) STUDENT PERFORMANCE STANDARDS.--

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

30 (b) The student performance standards must address the  
31 skills and competencies that a student must learn in order to

1 graduate from high school. The commissioner shall also develop  
2 performance standards for students who learn a higher level of  
3 skills and competencies.

4 Section 7. Section 229.57, Florida Statutes, 1998  
5 Supplement, is amended to read:

6 229.57 Student assessment program.--

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

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

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

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

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

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

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

29 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
30 intent to participate in the measurement of national  
31 educational goals ~~set by the President and governors of the~~

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

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

26 (a) Submit to the state board a list that specifies  
27 student skills and competencies to which the goals for  
28 education specified in the state plan apply, including, but  
29 not limited to, reading, writing, science, and mathematics.  
30 The skills and competencies must include problem-solving and  
31 higher-order skills as appropriate and shall be known as the

1 Sunshine State Standards. The commissioner shall select such  
2 skills and competencies after receiving recommendations from  
3 educators, citizens, and members of the business community.  
4 The commissioner shall submit to the state board revisions to  
5 the list of student skills and competencies in order to  
6 maintain continuous progress toward improvements in student  
7 proficiency.

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

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

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

1 commissioner shall obtain input with respect to the design and  
2 implementation of the testing program from state educators and  
3 the public.

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

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

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

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

1 score or have been exempted from each part of the high school  
2 competency test in order to qualify for a regular high school  
3 diploma. The school districts shall provide appropriate  
4 remedial instruction to students who do not pass part of the  
5 competency test.

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

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

24 ~~8.7.~~ A student seeking an adult high school diploma  
25 must meet the same testing requirements that a regular high  
26 school student must meet.

27 9. School districts must provide instruction to  
28 prepare students to demonstrate proficiency in the skills and  
29 competencies necessary for successful grade-to-grade  
30 progression and high school graduation. The commissioner shall  
31 conduct studies as necessary to verify that the required

1 skills and competencies are part of the district instructional  
2 programs.

3  
4 The commissioner may design and implement student testing  
5 programs for any grade level and subject area, based on  
6 procedures designated by the commissioner to monitor  
7 educational achievement in the state.

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

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

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

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

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



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

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

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

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

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

- 29 (a) "A," schools making excellent progress.  
30 (b) "B," schools making above average progress.  
31 (c) "C," schools making satisfactory progress.

1           (d) "D," schools making less than satisfactory  
2 progress.

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

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

14           (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE

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

17           (a) Timeframes.--

18           1. School performance grade category designations  
19 shall be based on one school year of performance.

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

26           3. Beginning with the 2000-2001 school year, a  
27 school's performance grade category designation shall be based  
28 on a combination of student achievement scores as measured by  
29 the FCAT, on the degree of measured learning gains of the  
30 students, and on other appropriate performance data,

31

1 including, but not limited to, attendance, dropout rate,  
2 school discipline data, and student readiness for college.

3 4. Beginning with the 2001-2002 school year and  
4 thereafter, a school's performance grade category designation  
5 shall be based on student learning gains as measured by annual  
6 FCAT assessments in grades 3 through 10, and on other  
7 appropriate performance data, including, but not limited to,  
8 attendance, dropout rate, school discipline data, cohort  
9 graduation rate, and student readiness for college.

10  
11 For the purpose of implementing ss. 229.0535 and 229.0537, if  
12 any of the four schools that were identified as critically low  
13 performing, based on both 1996-1997 and 1997-1998 school  
14 performance data and state board adopted criteria, receives a  
15 performance grade category designation of "F," based on  
16 1998-1999 school performance data, that school shall be  
17 considered as having failed to make adequate progress for 2  
18 years in a 4-year period. All other schools that receive a  
19 performance grade category designation of "F," based on  
20 1998-1999 school performance data, shall be considered as  
21 having failed to make adequate progress for 1 year.

22 (b) Student assessment data.--Student assessment data  
23 used in determining school performance grade categories shall  
24 include:

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

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

31

1 The Department of Education shall study the effects of  
2 mobility on the performance of highly mobile students and  
3 recommend programs to improve the performance of such  
4 students. The state board shall adopt appropriate criteria for  
5 each school performance grade category. The criteria must also  
6 give added weight to student achievement in reading. Schools  
7 designated as performance grade category "C," making  
8 satisfactory progress, shall be required to demonstrate that  
9 adequate progress has been made by students who have scored  
10 among the lowest 25 percent of students in the state as well  
11 as by the overall population of students in the school.

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

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

30 (11) STATEWIDE ASSESSMENTS.--The Department of  
31 Education is authorized, subject to appropriation, to

1 negotiate a multiyear contract for the development, field  
2 testing, and implementation of annual assessments of students  
3 in grades 3 through 10. Such assessments must comply with the  
4 following criteria:

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

8 (b) Assessments shall be capable of measuring the  
9 annual progress each student makes in mastering the Sunshine  
10 State Standards.

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

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

17 (e) The statistical system shall use measures of  
18 student learning, such as the FCAT, to determine teacher,  
19 school, and school district statistical distributions, which  
20 distributions:

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

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

31

1           (f) The statistical system shall provide for an  
2 approach which provides for best linear unbiased prediction  
3 for the teacher, school, and school district effects on pupil  
4 progress. These estimates should adequately be able to  
5 determine effects of and compare teachers who teach multiple  
6 subjects to the same groups of students, and team teaching  
7 situations where teachers teach a single subject to multiple  
8 groups of students, or other teaching situations as  
9 appropriate.

10           1. The department, in consultation with the Office of  
11 Program Policy Analysis and Government Accountability, and  
12 other sources as appropriate, shall use recognized approaches  
13 to statistical variance and estimating random effects.

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

17           (g) Assessments shall include a norm-referenced  
18 subtest that allows for comparisons of Florida students with  
19 the performance of students nationally.

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

1 shall not establish school calendars that jeopardize or limit  
2 the valid testing and comparison of student learning gains.

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

5 (12) LOCAL ASSESSMENTS.--Measurement of the learning  
6 gains of students in all subjects and grade levels other than  
7 subjects and grade levels required for the state assessment  
8 program is the responsibility of the school districts.

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

13 (14)~~(8)~~ RULES.--The State Board of Education shall  
14 adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary  
15 to implement the provisions of this section.

16 (15) PERFORMANCE-BASED FUNDING.--The Legislature may  
17 factor in the performance of schools in calculating any  
18 performance-based funding policy that is provided for annually  
19 in the General Appropriations Act.

20 Section 8. Section 229.58, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 229.58 District and school advisory councils.--

23 (1) ESTABLISHMENT.--

24 (a) The school board shall establish an advisory  
25 council for each school in the district, and shall develop  
26 procedures for the election and appointment of advisory  
27 council members. Each school advisory council shall include in  
28 its name the words "school advisory council." The school  
29 advisory council shall be the sole body responsible for final  
30 decisionmaking at the school relating to implementation of the  
31 provisions of ss. 229.591, 229.592, and 230.23(16). A majority



1 of the members of each school advisory council must be persons  
2 who are not employed by the school. Each advisory council  
3 shall be composed of the principal and an appropriately  
4 balanced number of teachers, education support employees,  
5 students, parents, and other business and community citizens  
6 who are representative of the ethnic, racial, and economic  
7 community served by the school. Vocational-technical center  
8 and high school advisory councils shall include students, and  
9 middle and junior high school advisory councils may include  
10 students. School advisory councils of vocational-technical  
11 and adult education centers are not required to include  
12 parents as members. Council members representing teachers,  
13 education support employees, students, and parents shall be  
14 elected by their respective peer groups at the school in a  
15 fair and equitable manner as follows:

- 16 1. Teachers shall be elected by teachers.
- 17 2. Education support employees shall be elected by  
18 education support employees.
- 19 3. Students shall be elected by students.
- 20 4. Parents shall be elected by parents.

21  
22 The school board shall establish procedures for use by schools  
23 in selecting business and community members. Such procedures  
24 shall include means of ensuring wide notice of vacancies and  
25 for taking input on possible members from local business,  
26 chambers of commerce, community and civic organizations and  
27 groups, and the public at large. The school board shall review  
28 the membership composition of each advisory council. Should  
29 the school board determine that the membership elected by the  
30 school is not representative of the ethnic, racial, and  
31 economic community served by the school, the board shall

1 appoint additional members to achieve proper representation.  
2 The Commissioner of ~~Florida Commission on Education Reform and~~  
3 ~~Accountability~~ shall ~~serve as a review body to~~ determine if  
4 schools have maximized their efforts to include on their  
5 advisory councils minority persons and persons of lower  
6 socioeconomic status. Although schools should be strongly  
7 encouraged to establish school advisory councils, any school  
8 district that has a student population of 10,000 or fewer may  
9 establish a district advisory council which shall include at  
10 least one duly elected teacher from each school in the  
11 district. For the purposes of school advisory councils and  
12 district advisory councils, the term "teacher" shall include  
13 classroom teachers, certified student services personnel, and  
14 media specialists. For purposes of this paragraph, "education  
15 support employee" means any person employed by a school who is  
16 not defined as instructional or administrative personnel  
17 pursuant to s. 228.041 and whose duties require 20 or more  
18 hours in each normal working week.

19 (b) The school board may establish a district advisory  
20 council representative of the district and composed of  
21 teachers, students, parents, and other citizens or a district  
22 advisory council which may be comprised of representatives of  
23 each school advisory council. Recognized schoolwide support  
24 groups which meet all criteria established by law or rule may  
25 function as school advisory councils.

26 (2) DUTIES.--Each advisory council shall perform such  
27 functions as are prescribed by regulations of the school  
28 board; however, no advisory council shall have any of the  
29 powers and duties now reserved by law to the school board.  
30 Each school advisory council shall assist in the preparation  
31 and evaluation of the school improvement plan required

1 pursuant to s. 230.23(16). By the 1999-2000 academic year,  
2 with technical assistance from the Department of Education,  
3 each school advisory council shall assist in the preparation  
4 of the school's annual budget and plan as required by s.  
5 229.555(1). A portion of funds provided in the annual General  
6 Appropriations Act for use by school advisory councils must be  
7 used for implementing the school improvement plan.

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

10 229.591 Comprehensive revision of Florida's system of  
11 school improvement and education accountability.--

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

1 build upon the foundation established by the Educational  
2 Accountability Act of 1976 and to implement a program of  
3 education accountability and school improvement based upon the  
4 achievement of state goals, recognizing the State Board of  
5 Education as the body corporate responsible for the  
6 supervision of the system of public education, the district  
7 school board as responsible for school and student  
8 performance, and the individual school as the unit for  
9 education accountability.

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

12 (a) Establish state and local educational goals.

13 (b) Increase the use of educational outcomes over  
14 educational processes in assessing educational programs.

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

18 (d) Provide methods for measuring, and public  
19 reporting of, state, school district, and individual school  
20 progress toward the education goals.

21 (e) Recognize successful schools.

22 (f) Provide for ~~Ensure that unsuccessful~~ schools  
23 designated as performance grade category "D" or "F" to receive  
24 are provided assistance and intervention sufficient to attain  
25 adequate ~~such that~~ improvement ~~occurs~~, and provide further  
26 ~~ensure that~~ action that should occur when schools do not  
27 improve.

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

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

3           (a) Readiness to start school.--Communities and  
4 schools collaborate in a statewide comprehensive school  
5 readiness program to prepare children and families for  
6 children's success in school.

7           (b) Graduation rate and readiness for postsecondary  
8 education and employment.--Students graduate and are prepared  
9 to enter the workforce and postsecondary education.

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

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

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

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

29           (g) Adult literacy.--Adult Floridians are literate and  
30 have the knowledge and skills needed to compete in a global  
31

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1 economy, prepare their children for success in school, and  
2 exercise the rights and responsibilities of citizenship.

3 (h) Parental, family, and community  
4 involvement.--Communities, school boards, and schools provide  
5 opportunities for involving parents, families, and guardians,  
6 and other community stakeholders as collaborative active  
7 partners in achieving school improvement and education  
8 accountability. The State Board of Education shall adopt  
9 standards for indicating progress toward this state education  
10 goal by January 1, 1997.

11 Section 10. Section 229.592, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 229.592 Implementation of state system of school  
14 improvement and education accountability.--

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

30 ~~(2) ESTABLISHMENT.--Based upon the recommendations of~~  
31 ~~the Florida Commission on Education Reform and Accountability,~~

1 ~~the Legislature may enact such laws as it considers necessary~~  
2 ~~to establish and maintain a state system of school improvement~~  
3 ~~and accountability. If, after considering the recommendations~~  
4 ~~of the commission, the Legislature determines an adequate~~  
5 ~~system of accountability to be in place to protect the public~~  
6 ~~interest, the Legislature may repeal or revise laws, including~~  
7 ~~fiscal policies, deemed to stand in the way of school~~  
8 ~~improvement.~~

9 (2)~~(3)~~ COMMISSIONER.--The commissioner shall be  
10 responsible for implementing and maintaining a system of  
11 intensive school improvement and stringent education  
12 accountability, which shall include policies and programs to:

13 ~~(a) Based on the recommendations of The Florida~~  
14 ~~Commission on Education Reform and Accountability, the~~  
15 ~~commissioner shall develop and implement the following~~  
16 ~~programs and procedures:~~

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

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

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

31

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

4           (3)~~(b)~~ The commissioner shall be held responsible for  
5 the implementation and maintenance of the system of school  
6 improvement and education accountability outlined in this  
7 section ~~subsection~~. There shall be an annual determination of  
8 whether adequate progress is being made toward implementing  
9 and maintaining a system of school improvement and education  
10 accountability.

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

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

22           (6)~~(e)~~ ~~As co-chair of the Florida Commission on~~  
23 ~~Education Reform and Accountability,~~ The commissioner shall  
24 ~~appear before the appropriate committees of the Legislature~~  
25 ~~annually in October to report~~ to the Legislature and recommend  
26 changes in state policy necessary to foster school improvement  
27 and education accountability. ~~The report shall reflect the~~  
28 ~~recommendations of the Florida Commission on Education Reform~~  
29 ~~and Accountability.~~ Included in the report shall be a list of  
30 the schools for which school boards have developed assistance  
31 and intervention plans and an analysis of the various



1 strategies used by the school boards. School reports shall be  
2 distributed pursuant to this paragraph and s. 230.23(16)(e)  
3 according to guidelines adopted by the State Board of  
4 Education.

5 ~~(7)(4)~~ DEPARTMENT.--

6 (a) The Department of Education shall implement a  
7 training program to develop among state and district educators  
8 a cadre of facilitators of school improvement. These  
9 facilitators shall assist schools and districts to conduct  
10 needs assessments and develop and implement school improvement  
11 plans to meet state goals.

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

22 (c) Pursuant to s. 24.121(5)(d), the department shall  
23 not release funds from the Educational Enhancement Trust Fund  
24 to any district in which a school does not have an approved  
25 school improvement plan, pursuant to s. 230.23(16), after 1  
26 full school year of planning and development, or does not  
27 comply with school advisory council membership composition  
28 requirements pursuant to s. 229.58(1). The department shall  
29 send a technical assistance team to each school without an  
30 approved plan to develop such school improvement plan or to  
31 each school without appropriate school advisory council

1 membership composition to develop a strategy for corrective  
2 action. The department shall release the funds upon approval  
3 of the plan or upon establishment of a plan of corrective  
4 action. Notice shall be given to the public of the  
5 department's intervention and shall identify each school  
6 without a plan or without appropriate school advisory council  
7 membership composition.

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

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

31

1           ~~(9)(6)~~ EXCEPTIONS TO LAW.--To facilitate innovative  
2 practices and to allow local selection of educational methods,  
3 the commissioner may waive, upon the request of a school  
4 board, requirements of chapters 230 through 239 of the Florida  
5 School Code that relate to instruction and school operations,  
6 except those pertaining to civil rights, and student health,  
7 safety, and welfare. The Commissioner of Education is not  
8 authorized to grant waivers for any provisions of law  
9 pertaining to the allocation and appropriation of state and  
10 local funds for public education; the election, compensation,  
11 and organization of school board members and superintendents;  
12 graduation and state accountability standards; financial  
13 reporting requirements; reporting of out-of-field teaching  
14 assignments under s. 231.095; public meetings; public records;  
15 or due process hearings governed by chapter 120. Prior to  
16 approval, the commissioner shall report pending waiver  
17 requests to the state board on a monthly basis, and shall,  
18 upon request of any state board member, bring a waiver request  
19 to the state board for consideration. If, within 2 weeks of  
20 receiving the report, no member requests that a waiver be  
21 considered by the state board, the commissioner may act on the  
22 original waiver request. No later than January 1 of each year,  
23 the commissioner shall report to the President and Minority  
24 Leader of the Senate and the Speaker and Minority Leader of  
25 the House of Representatives all approved waiver requests in  
26 the preceding year.

27           (a) Graduation requirements in s. 232.246 must be met  
28 by demonstrating performance of intended outcomes for any  
29 course in the Course Code Directory unless a waiver is  
30 approved by the commissioner. In developing procedures for  
31 awarding credits based on performance outcomes, districts may

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

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

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

30  
31

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

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

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

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

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

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

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

8           Section 12. Section 229.594, Florida Statutes, is  
9 repealed.

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

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

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

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

30  
31

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

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

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

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

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

28 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
29 AIDS.--Provide adequate instructional aids for all children as  
30 follows and in accordance with the requirements of chapter  
31 233.



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

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

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

1 policy, and shall be based on an analysis of student  
2 achievement and other school performance data.

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

10 (c) Assistance and intervention.--Develop a 2-year  
11 ~~3-year~~ plan of increasing individualized assistance and  
12 intervention for each school in danger of ~~that does~~ not  
13 meeting state standards meet or making make adequate progress,  
14 ~~based upon the recommendations of the commission,~~ as defined  
15 pursuant to statute and State Board of Education rule, toward  
16 meeting the goals and standards of its approved school  
17 improvement plan. A school that is identified as being in  
18 performance grade category "D" pursuant to s. 229.57 is in  
19 danger of failing and must be provided assistance and  
20 intervention. District school boards are encouraged to  
21 prioritize the expenditures of funds received from specific  
22 appropriation 110A of the General Appropriations Act of fiscal  
23 year 1999-2000 to improve student performance in schools that  
24 receive a performance grade category designation of "D" or  
25 "F."

26 (d) After 2 ~~3~~ years.--Notify the Commissioner of  
27 ~~Florida Commission on Education Reform and Accountability~~ and  
28 the State Board of Education in the event any school does not  
29 make adequate progress toward meeting the goals and standards  
30 of a school improvement plan by the end of 2 ~~3~~ consecutive  
31 years of failing to make adequate progress ~~district assistance~~

1 ~~and intervention~~ and proceed according to guidelines developed  
2 pursuant to statute and State Board of Education rule. School  
3 districts shall provide intervention and assistance to schools  
4 in danger of being designated as performance grade category  
5 "F," failing to make adequate progress.

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

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

19 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

31

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

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

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

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

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

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

31           231.2905 Florida School Recognition Program.--

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

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

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

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

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

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

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

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

25           ~~(g)~~ (g) Graduation rates.

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

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

31

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

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

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

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

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

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

14           Section 16. Section 232.245, Florida Statutes, is  
15 amended to read:

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

19

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

30       (4) Any student who exhibits substantial deficiency in  
31 reading skills, based on locally determined assessments



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

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

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

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

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

18           Section 17. Subsections (3), (8), and (12) of section  
19 228.053, Florida Statutes, are amended to read:

20           228.053 Developmental research schools.--

21           (3) MISSION.--The mission of a developmental research  
22 school shall be the provision of a vehicle for the conduct of  
23 research, demonstration, and evaluation regarding management,  
24 teaching, and learning. Programs to achieve the mission of a  
25 developmental research school shall embody the goals and  
26 standards of ~~"Blueprint 2000"~~ established pursuant to ss.  
27 229.591 and 229.592 and shall ensure an appropriate education  
28 for its students.

29           (a) Each developmental research school shall emphasize  
30 mathematics, science, computer science, and foreign languages.  
31 The primary goal of a developmental research school is to

1 enhance instruction and research in such specialized subjects  
2 by using the resources available on a state university campus,  
3 while also providing an education in nonspecialized subjects.  
4 Each developmental research school shall provide sequential  
5 elementary and secondary instruction where appropriate. A  
6 developmental research school may not provide instruction at  
7 grade levels higher than grade 12 without authorization from  
8 the State Board of Education. Each developmental research  
9 school shall develop and implement a school improvement plan  
10 pursuant to s. 230.23(16).

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

14 (c) Research, demonstration, and evaluation conducted  
15 at a developmental research school may be generated by the  
16 Education Standards Commission. Such research shall respond to  
17 the needs of the education community at large, rather than the  
18 specific needs of the affiliated college.

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

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

30 (8) ADVISORY BOARDS.--~~"Blueprint 2000" provisions and~~  
31 ~~intent specify that~~ Each public school in the state shall

1 establish a school advisory council that is reflective of the  
2 population served by the school, pursuant to s. 229.58, and is  
3 responsible for the development and implementation of the  
4 school improvement plan pursuant to s. 230.23(16).

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

7 (a) Two advisory bodies.--Each developmental research  
8 school may:

9 1. Establish an advisory body pursuant to the  
10 provisions and requirements of s. 229.58 to be responsible for  
11 the development and implementation of the school improvement  
12 plan, pursuant to s. 230.23(16).

13 2. Establish an advisory board to provide general  
14 oversight and guidance. The dean of the affiliated college of  
15 education shall be a standing member of the board, and the  
16 president of the university shall appoint three faculty  
17 members from the college of education, one layperson who  
18 resides in the county in which the school is located, and two  
19 parents or legal guardians of students who attend the  
20 developmental research school to serve on the advisory board.  
21 The term of each member shall be for 2 years, and any vacancy  
22 shall be filled with a person of the same classification as  
23 his or her predecessor for the balance of the unexpired term.  
24 The president shall stagger the terms of the initial  
25 appointees in a manner that results in the expiration of terms  
26 of no more than two members in any year. The president shall  
27 call the organizational meeting of the board. The board shall  
28 annually elect a chair and a vice chair. There shall be no  
29 limitation on successive appointments to the board or  
30 successive terms that may be served by a chair or vice chair.  
31 The board shall adopt internal organizational procedures or

1 bylaws necessary for efficient operation as provided in  
2 chapter 120. Board members shall not receive per diem or  
3 travel expenses for the performance of their duties. The  
4 board shall:

5       a. Meet at least quarterly.

6       b. Monitor the operations of the school and the  
7 distribution of moneys allocated for such operations.

8       c. Establish necessary policy, program, and  
9 administration modifications.

10       d. Evaluate biennially the performance of the director  
11 and principal and recommend corresponding action to the dean  
12 of the college of education.

13       e. Annually review evaluations of the school's  
14 operation and research findings.

15       (b) One advisory body.--Each developmental research  
16 school may establish an advisory body responsible for the  
17 development and implementation of the school improvement plan,  
18 pursuant to s. 230.23(16), in addition to general oversight  
19 and guidance responsibilities. The advisory body shall reflect  
20 the membership composition requirements established in s.  
21 229.58, but may also include membership by the dean of the  
22 college of education and additional members appointed by the  
23 president of the university that represent faculty members  
24 from the college of education, the university, or other bodies  
25 deemed appropriate for the mission of the school.

26       (12) EXCEPTIONS TO LAW.--To encourage innovative  
27 practices and facilitate the mission of the developmental  
28 research schools, in addition to the exceptions to law  
29 specified in s. 229.592(6), the following exceptions shall be  
30 permitted for developmental research schools:  
31

1 (a) The methods and requirements of the following  
2 statutes shall be held in abeyance: ss. 230.01; 230.02;  
3 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;  
4 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
5 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;  
6 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;  
7 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;  
8 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;  
9 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;  
10 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;  
11 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;  
12 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;  
13 and 316.75. With the exception of subsection (16) of s.  
14 230.23, s. 230.23 shall be held in abeyance. Reference to  
15 school boards in s. 230.23(16) shall mean the president of the  
16 university or the president's designee.

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

1           1. Two or more developmental research schools may  
2 jointly originate a request for waiver and submit the request  
3 to the committee if such waiver is approved by the school  
4 advisory council of each developmental research school  
5 desiring the waiver.

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

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

1 safety, welfare, and civil rights of the students and  
2 protection of the public interest.

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

18           Section 18. Paragraph (e) of subsection (2) of section  
19 228.054, Florida Statutes, is amended to read:

20           228.054 Joint Developmental Research School Planning,  
21 Articulation, and Evaluation Committee.--

22           (2) The committee shall have the duty and  
23 responsibility to:

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

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



1           233.17 Term of adoption for instructional materials.--

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

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

21           236.685 Educational funding accountability.--

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

30           (a) Total revenue must be reported at the school,  
31 district, and state levels. The revenue sources that must be

1 addressed are state and local funds, other than lottery funds;  
2 lottery funds; federal funds; and private donations.

3 (b) Expenditures must be reported as the total  
4 expenditures per unweighted full-time equivalent student at  
5 the school level and the average expenditures per full-time  
6 equivalent student at the district and state levels in each of  
7 the following categories and subcategories:

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

1           7. Food services.

2           8. Other support services.

3           9. Operation and maintenance of the school plant.

4           (c) The school financial report must also identify the  
5 types of district-level expenditures that support the school's  
6 operations. The total amount of these district-level  
7 expenditures must be reported and expressed as total  
8 expenditures per full-time equivalent student.

9

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

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

14           20.15 Department of Education.--There is created a  
15 Department of Education.

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

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

29           236.08104 Supplemental academic instruction;  
30 categorical fund.--

31

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

5           (2) Categorical funds for supplemental academic  
6 instruction shall be allocated annually to each school  
7 district in the amount provided in the General Appropriations  
8 Act. These funds shall be in addition to the funds  
9 appropriated on the basis of full-time equivalent student  
10 (FTE) membership in the Florida Education Finance Program and  
11 shall be included in the total potential funds of each  
12 district. These funds shall be used only to provide  
13 supplemental academic instruction to students enrolled in the  
14 K-12 program. Supplemental instruction strategies may  
15 include, but are not limited to: modified curriculum, reading  
16 instruction, after-school instruction, tutoring, mentoring,  
17 class size reduction, extended school year, intensive skills  
18 development in summer school, and other methods for improving  
19 student achievement. Supplemental instruction may be provided  
20 to a student in any manner and at any time during or beyond  
21 the regular 180-day term identified by the school as being the  
22 most effective and efficient way to best help that student  
23 progress from grade to grade and to graduate.

24           (3) Effective with the 1999-2000 fiscal year, funding  
25 on the basis of FTE membership beyond the 180-day regular term  
26 shall be provided in the FEFP only for students enrolled in  
27 juvenile justice education programs. Funding for instruction  
28 beyond the regular 180-day school year for all other K-12  
29 students shall be provided through the supplemental academic  
30 instruction categorical fund and other state, federal, and  
31 local fund sources with ample flexibility for schools to

1 provide supplemental instruction to assist students in  
2 progressing from grade to grade and graduating.

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

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

13 (6) Each school district receiving funds from the  
14 Supplemental Academic Instruction Categorical Fund shall  
15 submit to the Department of Education a plan which identifies  
16 the students to be served and the scope of supplemental  
17 academic instruction to be provided. Districts shall also  
18 submit information through the department's database  
19 documenting the district's progress in the areas of academic  
20 improvement, graduation rate, dropout rate, attendance rate,  
21 and retention/promotion rate. The department shall compile  
22 this information into an annual report which shall be  
23 submitted to the presiding officers of the Legislature by  
24 February 15.

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

28 236.013 Definitions.--Notwithstanding the provisions  
29 of s. 228.041, the following terms are defined as follows for  
30 the purposes of this act:

31

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

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

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

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

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

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

28           ~~(III) A half-day kindergarten student in a combination~~  
29 ~~of programs listed in s. 236.081(1)(c) is a fraction of a~~  
30 ~~full-time equivalent membership in each special program equal~~  
31 ~~to the number of net hours or major portion thereof per school~~

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

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

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

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

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

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

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

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

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

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

13 ~~230.2316 for students in residential programs operated by the~~  
14 ~~Department of Children and Family Services; programs operated~~  
15 ~~by the Department of Juvenile Justice as defined in s.~~

16 ~~230.23161 in which students receive educational services; or~~  
17 ~~teenage parent programs as defined in s. 230.23166 for~~  
18 ~~students who are in need of such additional instruction;~~

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

20 ~~230.2316 in which students are placed for academic or~~  
21 ~~disciplinary purposes or programs in English for speakers of~~  
22 ~~other languages as defined in s. 233.058 for students who were~~  
23 ~~in membership for all of the last 15 days of the 180-day term~~  
24 ~~or a total of 30 days within the 180-day term and are in need~~  
25 ~~of such additional instruction;~~

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

28           ~~g. Programs which modify the school year to~~  
29 ~~accommodate the needs of children who have moved with their~~  
30 ~~parents for the purpose of engaging in the farm labor or fish~~

31



1 ~~industries, provided such programs are approved by the~~  
2 ~~commissioner.~~

3  
4 The department shall determine and implement an equitable  
5 method of equivalent funding for experimental schools and for  
6 schools operating under emergency conditions, which schools  
7 have been approved by the department under the provisions of  
8 s. 228.041(13) to operate for less than the minimum school  
9 day.

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

12 239.101 Legislative intent.--

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

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

25 239.229 Vocational standards.--

26 (1) The purpose of career education is to enable  
27 students who complete vocational programs to attain and  
28 sustain employment and realize economic self-sufficiency. The  
29 purpose of this section is to identify issues related to  
30 career education for which school boards and community college  
31 boards of trustees are accountable. It is the intent of the

1 Legislature that the standards articulated in subsection (2)  
2 be considered in the development of accountability standards  
3 for public schools pursuant to ss. 229.591, 229.592, ~~229.593,~~  
4 ~~229.594,~~ and 230.23(16) and for community colleges pursuant to  
5 s. 240.324.

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

9 24.121 Allocation of revenues and expenditure of funds  
10 for public education.--

11 (5)

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

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

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

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

20 Section 27. Paragraphs (b), (c), and (d) of subsection  
21 (6) of section 228.0565, Florida Statutes, 1998 Supplement,  
22 are amended to read:

23 228.0565 Deregulated public schools.--

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

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

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

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

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

7           4. Salary and benefit levels of school employees.

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

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

25           Section 28. For the purpose of incorporating the  
26 amendments made by this act to section 229.57, Florida  
27 Statutes, 1998 Supplement, and 232.245, Florida Statutes, in  
28 references thereto, paragraph (b) of subsection (1) of section  
29 120.81, Florida Statutes, is reenacted to read:

30           120.81 Exceptions and special requirements; general  
31 areas.--

1           (1) EDUCATIONAL UNITS.--

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

8           Section 29. For the purpose of incorporating the  
9 amendments made by this act to section 229.57, Florida  
10 Statutes, 1998 Supplement, in references thereto, subsection  
11 (1) of section 228.301, Florida Statutes, is reenacted to  
12 read:

13           228.301 Test security.--

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

22           (a) Give examinees access to test questions prior to  
23 testing;

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

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

29           (d) Make answer keys available to examinees;  
30  
31

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

4 (f) Fail to follow test administration directions  
5 specified in the test administration manuals; or

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

8 Section 30. For the purpose of incorporating the  
9 amendments made by this act to sections 229.555, 229.565, and  
10 229.57, Florida Statutes, in references thereto, subsections  
11 (1) and (3) of section 229.551, Florida Statutes, 1998  
12 Supplement, are reenacted to read:

13 229.551 Educational management.--

14 (1) The department is directed to identify all  
15 functions which under the provisions of this act contribute  
16 to, or comprise a part of, the state system of educational  
17 accountability and to establish within the department the  
18 necessary organizational structure, policies, and procedures  
19 for effectively coordinating such functions. Such policies  
20 and procedures shall clearly fix and delineate  
21 responsibilities for various aspects of the system and for  
22 overall coordination of the total system. The commissioner  
23 shall perform the following duties and functions:

24 (a) Coordination of department plans for meeting  
25 educational needs and for improving the quality of education  
26 provided by the state system of public education;

27 (b) Coordination of management information system  
28 development for all levels of education and for all divisions  
29 of the department, to include the development and utilization  
30 of cooperative education computing networks for the state  
31 system of public education;

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

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

6 (e) Coordination of all cost accounting and cost  
7 reporting activities for all levels of education, including  
8 public schools, vocational programs, community colleges, and  
9 institutions in the State University System;

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

24 1. Identify the highest demand degree programs within  
25 the State University System.

26 2. Conduct a study of courses offered by universities  
27 and accepted for credit toward a degree. The study shall  
28 identify courses designated as either general education or  
29 required as a prerequisite for a degree. The study shall also  
30 identify these courses as upper-division level or  
31 lower-division level.

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

25           4. Appoint faculty committees representing both  
26 community college and university faculties to recommend those  
27 courses identified to meet general education requirements  
28 within the subject areas of communication, mathematics, social  
29 sciences, humanities, and natural sciences. The Articulation  
30 Coordinating Committee shall recommend to the State Board of  
31 Education those courses identified to meet these general



1 education requirements by their common course code number. All  
2 community colleges and state universities shall accept these  
3 general education courses.

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

21           (g) Expansion and ongoing maintenance of the common  
22 course designation and numbering system to include the  
23 numbering and designation of postsecondary vocational courses  
24 and facilitate the transfer of credits between public schools,  
25 community colleges, and state universities. The Articulation  
26 Coordinating Committee shall:

27           1. Adopt guidelines for the participation of public  
28 school districts and community colleges in offering courses  
29 that may be transferred to a certificate, diploma, or degree  
30 program. These guidelines shall establish standards  
31 addressing faculty qualifications, admissions, program

1 curricula, participation in the common course designation and  
2 numbering system, and other issues identified by the Task  
3 Force on Workforce Development and the Commissioner of  
4 Education. Guidelines should also address the role of  
5 accreditation in the designation of courses as transferable  
6 credit. Such guidelines must not jeopardize the accreditation  
7 status of educational institutions and must be based on data  
8 related to the history of credit transfer among institutions  
9 in this state and others.

10           2. Identify postsecondary vocational programs offered  
11 by community colleges and public school districts. The list  
12 shall also identify vocational courses designated as college  
13 credit courses applicable toward a vocational diploma or  
14 degree. Such courses must be identified within the common  
15 course numbering and designation system.

16           3. Appoint faculty committees representing both  
17 community college and public school faculties to recommend a  
18 standard program length and appropriate occupational  
19 completion points for each postsecondary vocational  
20 certificate program, diploma, and degree; and

21           (h) Development of common definitions necessary for  
22 managing a uniform coordinated system of career education for  
23 all levels of the state system of public education.

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

26           (a) Develop minimum performance standards for various  
27 grades and subject areas, as required in ss. 229.565 and  
28 229.57.

29           (b) Administer the statewide assessment testing  
30 program created by s. 229.57.

31

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

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

7 (e) Conduct the program evaluations required by s.  
8 229.565.

9 (f) Maintain a listing of college-level communication  
10 and computation skills defined by the Articulation  
11 Coordinating Committee as being associated with successful  
12 student performance through the baccalaureate level and submit  
13 the same to the State Board of Education for approval.

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

18 (h) Maintain for the information of the State Board of  
19 Education and the Legislature a file of data compiled by the  
20 Articulation Coordinating Committee to reflect achievement of  
21 college-level communication and computation competencies by  
22 students in state universities and community colleges.

23 (i) Develop or contract for, and submit to the State  
24 Board of Education for approval, tests which measure and  
25 diagnose student achievement of college-level communication  
26 and computation skills. Any tests and related documents  
27 developed are exempt from the provisions of s. 119.07(1). The  
28 commissioner shall maintain statewide responsibility for the  
29 administration of such tests and may assign administrative  
30 responsibilities for the tests to any public university or  
31 community college. The state board, upon recommendation of

1 the commissioner, is authorized to enter into contracts for  
2 such services beginning in one fiscal year and continuing into  
3 the next year which are paid from the appropriation for either  
4 or both fiscal years.

5 (j) Perform any other functions that may be involved  
6 in educational planning, research, and evaluation or that may  
7 be required by the commissioner, the State Board of Education,  
8 or law.

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

13 230.03 Management, control, operation, administration,  
14 and supervision.--The district school system must be managed,  
15 controlled, operated, administered, and supervised as follows:

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

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

29 231.24 Process for renewal of professional  
30 certificates.--

31

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

3 (a) The applicant must earn a minimum of 6 college  
4 credits or 120 inservice points or a combination thereof. For  
5 each area of specialization to be retained on a certificate,  
6 the applicant must earn at least 3 of the required credit  
7 hours or equivalent inservice points in the specialization  
8 area. Education in "clinical educator" training pursuant to s.  
9 240.529(5)(b) and credits or points that provide training in  
10 the area of exceptional student education, normal child  
11 development, and the disorders of development may be applied  
12 toward any specialization area. Credits or points that provide  
13 training in the areas of drug abuse, child abuse and neglect,  
14 strategies in teaching students having limited proficiency in  
15 English, or dropout prevention, or training in areas  
16 identified in the educational goals and performance standards  
17 adopted pursuant to ss. 229.591(3) and 229.592 may be applied  
18 toward any specialization area. Credits or points earned  
19 through approved summer institutes may be applied toward the  
20 fulfillment of these requirements. Inservice points may also  
21 be earned by participation in professional growth components  
22 approved by the State Board of Education and specified  
23 pursuant to s. 236.0811 in the district's approved master plan  
24 for inservice educational training, including, but not limited  
25 to, serving as a trainer in an approved teacher training  
26 activity, serving on an instructional materials committee or a  
27 state board or commission that deals with educational issues,  
28 or serving on an advisory council created pursuant to s.  
29 229.58.

30 Section 33. For the purpose of incorporating the  
31 amendments made by this act to section 231.29, Florida

1 Statutes, 1998 Supplement, in references thereto, paragraphs  
2 (e) and (f) of subsection (3) of section 231.36, Florida  
3 Statutes, are reenacted to read:

4           231.36 Contracts with instructional staff,  
5 supervisors, and principals.--

6           (3)

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

22           (f) The superintendent shall notify an employee who  
23 holds a professional service contract on July 1, 1997, in  
24 writing, no later than 6 weeks prior to the end of the  
25 postschool conference period, of performance deficiencies  
26 which may result in termination of employment, if not  
27 corrected during the subsequent year of employment (which  
28 shall be granted for an additional year in accordance with the  
29 provisions in subsection (1)). Except as otherwise hereinafter  
30 provided, this action shall not be subject to the provisions  
31 of chapter 120, but the following procedures shall apply:

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

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

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

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

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

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

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

23 Section 34. For the purpose of incorporating the  
24 amendments made by this act to section 232.245, Florida  
25 Statutes, in references thereto, subsection (1) of section  
26 232.2454, Florida Statutes, is reenacted to read:

27 232.2454 District student performance standards,  
28 instruments, and assessment procedures.--

29 (1) School districts are required to obtain or develop  
30 and implement assessments of student achievement as necessary  
31 to accurately measure student progress and to report this



1 progress to parents or legal guardians according to s.  
2 232.245. Each school district shall implement the assessment  
3 program pursuant to the procedures it adopts.

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

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

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

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

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

19 Section 36. For the purpose of incorporating the  
20 amendments made by this act to section 229.57, Florida  
21 Statutes, 1998 Supplement, and 232.245, Florida Statutes, in  
22 references thereto, section 232.248, Florida Statutes, is  
23 reenacted to read:

24 232.248 Confidentiality of assessment  
25 instruments.--All examination and assessment instruments,  
26 including developmental materials and workpapers directly  
27 related thereto, which are prepared, prescribed, or  
28 administered pursuant to ss. 229.57, 232.245, 232.246, and  
29 232.247 shall be confidential and exempt from the provisions  
30 of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions  
31 governing access, maintenance, and destruction of such

1 instruments and related materials shall be prescribed by rules  
2 of the state board.

3 Section 37. For the purpose of incorporating the  
4 amendments made by this act to section 232.245, Florida  
5 Statutes, in references thereto, subsection (1) of section  
6 232.2481, Florida Statutes, is reenacted to read:

7 232.2481 Graduation and promotion requirements for  
8 publicly operated schools.--

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

20 Section 38. For the purpose of incorporating the  
21 amendments made by this act to section 229.565, Florida  
22 Statutes, in references thereto, subsection (4) of section  
23 233.09, Florida Statutes, is reenacted to read:

24 233.09 Duties of each state instructional materials  
25 committee.--The duties of each state instructional materials  
26 committee shall be:

27 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To  
28 evaluate carefully all instructional materials submitted, to  
29 ascertain which instructional materials, if any, submitted for  
30 consideration best implement the selection criteria developed  
31 by the Commissioner of Education and those curricular

1 objectives included within applicable performance standards  
2 provided for in s. 229.565.

3 (a) When recommending instructional materials for use  
4 in the schools, each committee shall include only  
5 instructional materials that accurately portray the ethnic,  
6 socioeconomic, cultural, and racial diversity of our society,  
7 including men and women in professional, vocational, and  
8 executive roles, and the role and contributions of the  
9 entrepreneur and labor in the total development of this state  
10 and the United States.

11 (b) When recommending instructional materials for use  
12 in the schools, each committee shall include only materials  
13 which accurately portray, whenever appropriate, humankind's  
14 place in ecological systems, including the necessity for the  
15 protection of our environment and conservation of our natural  
16 resources and the effects on the human system of the use of  
17 tobacco, alcohol, controlled substances, and other dangerous  
18 substances.

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

23 (d) When recommending instructional materials for use  
24 in the schools, each committee shall require, when appropriate  
25 to the comprehension of pupils, that materials for social  
26 science, history, or civics classes contain the Declaration of  
27 Independence and the Constitution of the United States. No  
28 instructional materials shall be recommended by any committee  
29 for use in the schools which contain any matter reflecting  
30 unfairly upon persons because of their race, color, creed,  
31 national origin, ancestry, gender, or occupation.

1           (e) All instructional materials recommended by each  
2 committee for use in the schools shall be, to the satisfaction  
3 of each committee, accurate, objective, and current and suited  
4 to the needs and comprehension of pupils at their respective  
5 grade levels. Instructional materials committees shall  
6 consider for adoption materials developed for academically  
7 talented students such as those enrolled in advanced placement  
8 courses.

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

22           (g) In addition to relying on statements of publishers  
23 or manufacturers of instructional material, any committee may  
24 conduct, or cause to be conducted, an independent  
25 investigation as to the compliance of submitted materials with  
26 the requirements of this section.

27           Section 39. For the purpose of incorporating the  
28 amendments made by this act to section 229.565, Florida  
29 Statutes, in references thereto, paragraph (b) of subsection  
30 (1) of section 233.165, Florida Statutes, is reenacted to  
31 read:

1           233.165 Standards for selection.--

2           (1) In the selection of instructional materials,  
3 library books, and other reading material used in the public  
4 school system, the standards used to determine the propriety  
5 of the material shall include:

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

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

19           233.25 Duties, responsibilities, and requirements of  
20 publishers and manufacturers of instructional  
21 materials.--Publishers and manufacturers of instructional  
22 materials, or their representatives, shall:

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

25           (b) Written proof that the publisher has provided  
26 written correlations to appropriate curricular objectives  
27 included within applicable performance standards provided for  
28 in s. 229.565.

29           Section 41. For the purpose of incorporating the  
30 amendments made by this act to section 230.23, Florida  
31 Statutes, 1998 Supplement, in references thereto, subsection

1 (3) of section 239.229, Florida Statutes, 1998 Supplement, is  
2 reenacted to read:

3 239.229 Vocational standards.--

4 (3) Each area technical center operated by a school  
5 board shall establish a center advisory council pursuant to s.  
6 229.58. The center advisory council shall assist in the  
7 preparation and evaluation of center improvement plans  
8 required pursuant to s. 230.23(16) and may provide assistance,  
9 upon the request of the center director, in the preparation of  
10 the center's annual budget and plan as required by s.  
11 229.555(1).

12 Section 42. For the purpose of incorporating the  
13 amendments made by this act to section 229.592, Florida  
14 Statutes, 1998 Supplement, in references thereto, subsection  
15 (4) of section 240.118, Florida Statutes, is reenacted to  
16 read:

17 240.118 Postsecondary feedback of information to high  
18 schools.--

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

24 Section 43. Subsections (29), (40), and (42) of  
25 section 228.041, Florida Statutes, 1998 Supplement, are  
26 amended to read:

27 228.041 Definitions.--Specific definitions shall be as  
28 follows, and wherever such defined words or terms are used in  
29 the Florida School Code, they shall be used as follows:

30  
31

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

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

10           (b) The student has not met the relevant attendance  
11 requirements of the school district pursuant to State Board of  
12 Education rules, or the student was expected to attend a  
13 school but did not enter as expected for unknown reasons, or  
14 the student's whereabouts are unknown;

15           (c) The student has withdrawn from school, but has not  
16 transferred to another public or private school or enrolled in  
17 any vocational, adult, home education, or alternative  
18 educational program;

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

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

26  
27 ~~Students not exempt from attendance pursuant to s. 232.06 and~~  
28 ~~who are subject to compulsory school attendance under s.~~  
29 ~~232.01 and who stop attending school are habitual truants as~~  
30 ~~defined in subsection (28) and are not considered dropouts.~~  
31

1 The State Board of Education may adopt rules to implement the  
2 provisions of this subsection.

3 (40) GRADUATION RATE.--The term "graduation rate"  
4 means the percentage of students who graduate from high school  
5 within 4 years after entering 9th grade for the first time,  
6 not counting students who transfer out of the student  
7 population to enroll in another school system; students who  
8 withdraw to enroll in a private school, a home education  
9 program, or an adult education program; or deceased students.  
10 Incoming transfer students, at the time of their enrollment,  
11 are included in the count of the class with which they are  
12 scheduled to graduate. For this rate calculation, students are  
13 counted as graduates upon receiving a standard high school  
14 diploma, as provided in s. 232.246, or a special diploma, as  
15 provided in s. 232.247. Also counted as graduates are  
16 ~~calculated by dividing the number of entering 9th graders into~~  
17 ~~the number of students who receive, 4 years later, a high~~  
18 ~~school diploma, a special diploma, or a certificate of~~  
19 ~~completion, as provided for in s. 232.246, or who receive a~~  
20 ~~special certificate of completion, as provided in s. 232.247,~~  
21 ~~and~~ students 19 years of age or younger who receive a general  
22 equivalency diploma, as provided in s. 229.814. The number of  
23 9th grade students used in the calculation of a graduation  
24 rate for this state shall be students enrolling in the grade  
25 for the first time. In conjunction with calculating the  
26 graduation rate for this state, the Department of Education  
27 shall conduct a study to evaluate the impact of the rate of  
28 students who withdraw from high school to attend adult  
29 education programs and the students in exceptional student  
30 education programs. The department shall report its findings  
31 to the Legislature by February 1, 2000. The Department of



1 Education may calculate a 5-year graduation rate using the  
2 same methodology described in this section.

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

16 Section 44. Paragraph (f) of subsection (9) of section  
17 228.056, Florida Statutes, 1998 Supplement, is amended to  
18 read:

19 228.056 Charter schools.--

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

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

1 ~~norm-referenced~~ assessment program tests, versus comparable  
2 public school students in the district as determined by the  
3 state norm-referenced assessment program tests currently  
4 administered in the school district, and, as appropriate, the  
5 Florida Writes Assessment Test, the High School Competency  
6 Test, and other assessments administered pursuant to s.  
7 229.57(3).

8 Section 45. Section 231.002, Florida Statutes, is  
9 created to read:

10 231.002 Teacher quality; legislative findings and  
11 purpose.--

12 (1) The Legislature intends to implement a  
13 comprehensive approach to increase students' academic  
14 achievement and improve teaching quality. The Legislature  
15 recognizes that professional educators shape the future of  
16 this state and the nation by developing the knowledge and  
17 skills of our future workforce and laying the foundation for  
18 good citizenship and full participation in community and civic  
19 life. The Legislature also recognizes its critical role in  
20 meeting the state's educational goals and preparing all  
21 students to achieve at the high levels set by the Sunshine  
22 State Standards.

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

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

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

21 231.02 Qualifications of personnel.--

22 (1) To be eligible for appointment in any position in  
23 any district school system, a person shall be of good moral  
24 character; shall have attained the age of 18 years, if he or  
25 she is to be employed in an instructional capacity; and shall,  
26 when required by law, hold a certificate or license issued  
27 under rules of the State Board of Education or the Department  
28 of Health ~~and Rehabilitative Services~~, except when employed  
29 pursuant to s. 231.15 or under the emergency provisions of s.  
30 236.0711. Previous residence in this state shall not be  
31 required in any school of the state as a prerequisite for any

1 person holding a valid Florida certificate or license to serve  
2 in an instructional capacity.

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

5 231.0861 Principals and assistant principals;  
6 selection.--

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

17 Section 48. Section 231.085, Florida Statutes, is  
18 amended to read:

19 231.085 Duties of principals.--A district school board  
20 shall employ, through written contract, public school  
21 principals who shall supervise the operation and management of  
22 the schools and property as the board determines necessary.  
23 Each principal is responsible for the performance of all  
24 personnel employed by the school board and assigned to the  
25 school to which the principal is assigned. The principal shall  
26 faithfully and effectively apply the personnel assessment  
27 system approved by the school board pursuant to s. 231.29.  
28 Each principal shall perform such duties as may be assigned by  
29 the superintendent pursuant to the rules of the school board.  
30 Such rules shall include, but not be limited to, rules  
31 relating to administrative responsibility, instructional

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1 leadership in implementing the Sunshine State Standards and of  
2 the overall educational program of the school to which the  
3 principal is assigned, submission of personnel recommendations  
4 to the superintendent, administrative responsibility for  
5 records and reports, administration of corporal punishment,  
6 and student suspension. Each principal shall provide  
7 leadership in the development or revision and implementation  
8 of a school improvement plan pursuant to s. 230.23(16).

9 Section 49. Paragraph (a) of subsection (5) of section  
10 231.087, Florida Statutes, is amended, and subsection (7) is  
11 added to that section, to read:

12 231.087 Management Training Act; Florida Council on  
13 Educational Management; Florida Academy for School Leaders;  
14 Center for Interdisciplinary Advanced Graduate Study.--

15 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

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

30 (7) REPEAL AND REVIEW OF MANAGEMENT ACT.--The Office  
31 of Program Policy Analysis and Governmental Accountability, in

1 consultation with the Department of Education, shall conduct a  
2 comprehensive review of the Management Training Act to  
3 determine its effectiveness and by January 1, 2000, shall make  
4 recommendations to the presiding officers of the Legislature  
5 for the repeal, revision, or reauthorization of the act. This  
6 section is repealed effective June 30, 2000.

7 Section 50. Section 231.09, Florida Statutes, is  
8 amended to read:

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

26 Section 51. Section 231.096, Florida Statutes, 1998  
27 Supplement, is amended to read:

28 231.096 Teacher teaching out-of-field;  
29 assistance.--Each ~~school~~ district school board shall adopt and  
30 implement ~~have~~ a plan to assist any teacher teaching  
31 out-of-field, and priority consideration in professional

1 development activities shall be given to teachers who are  
2 teaching out-of-field. The school board shall require that  
3 such teachers participate in a certification or staff  
4 development program designed to ensure that the teacher has  
5 the competencies required for the assigned duties. The  
6 board-approved assistance plan must include duties of  
7 administrative personnel and other instructional personnel to  
8 ensure that students receive high-quality instructional  
9 services.

10 Section 52. Section 231.145, Florida Statutes, is  
11 amended to read:

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

1           Section 53. Section 231.15, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           231.15 Positions for which certificates required.--

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



1 Nonpublic Career Education, the Board of Regents, and the  
2 State Board of Community Colleges before adopting any changes  
3 to training requirements relating to entry into the  
4 profession. This consultation must allow the educational board  
5 to provide advice regarding the impact of the proposed changes  
6 in terms of the length of time necessary to complete the  
7 training program and the fiscal impact of the changes. The  
8 educational board must be consulted only when an institution  
9 offering the training program falls under its jurisdiction.

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

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

28 (3) Each person employed as a school nurse shall hold  
29 a license to practice nursing in the state, and each person  
30 employed as a school physician shall hold a license to  
31 practice medicine in the state. ~~The provisions of this~~

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

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

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

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

16 (c) Has an exemplary military record.

17

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

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

25 231.17 Official statements of eligibility and  
26 certificates granted on application to those meeting  
27 prescribed requirements.--

28 (3) TEMPORARY CERTIFICATE.--

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

31

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

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

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

25           (a) General knowledge, including the ability to read,  
26 write, and compute, and use technology for classroom  
27 instruction. However, individuals who apply for certification  
28 on or after July 1, 2000, must demonstrate these minimum  
29 competencies in order to receive a temporary certificate.  
30 Acceptable means of demonstrating such mastery is an  
31 individual's achievement of passing scores on another state's

1 general knowledge examinations or a valid standard teaching  
2 certificate issued by another state that requires mastery of  
3 general knowledge.

4 (b) Professional skills and knowledge of the standards  
5 of professional practice.

6 (c) The subject matter in each area for which  
7 certification is sought.

8 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL  
9 CERTIFICATE.--

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

16 1. Write in a logical and understandable style with  
17 appropriate grammar and sentence structure.

18 2. Read, comprehend, and interpret professional and  
19 other written material.

20 3. Comprehend and work with ~~fundamental~~ mathematical  
21 concepts, including algebra.

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

25 ~~5.4.~~ Recognize signs of severe emotional distress in  
26 students and apply techniques of crisis intervention with an  
27 emphasis on suicide prevention and positive emotional  
28 development.

29 ~~6.5.~~ Recognize signs of alcohol and drug abuse in  
30 students and know how to appropriately work with such students  
31 and seek assistance designed to prevent ~~apply counseling~~

1 ~~techniques with emphasis on intervention and prevention of~~  
2 future abuse.

3 7.6. Recognize the physical and behavioral indicators  
4 of child abuse and neglect, know rights and responsibilities  
5 regarding reporting, know how to care for a child's needs  
6 after a report is made, and know recognition, intervention,  
7 and prevention strategies pertaining to child abuse and  
8 neglect which can be related to children in a classroom  
9 setting in a nonthreatening, positive manner.

10 8.7. Comprehend patterns of physical, social, and  
11 academic development in students, including exceptional  
12 students in the regular classroom, and counsel these students  
13 concerning their needs in these areas.

14 9.8. Recognize and be aware of the instructional needs  
15 of exceptional students.

16 10.9. Comprehend patterns of normal development in  
17 students and employ appropriate intervention strategies for  
18 disorders of development.

19 11.10. Identify and comprehend the codes and standards  
20 of professional ethics, performance, and practices adopted  
21 pursuant to s. 231.546(2)(b), the grounds for disciplinary  
22 action provided by s. 231.28, and the procedures for resolving  
23 complaints filed pursuant to this chapter, including appeal  
24 processes.

25 12.11. Recognize and demonstrate awareness of the  
26 educational needs of students who have limited proficiency in  
27 English and employ appropriate teaching strategies.

28 13.12. Use and integrate appropriate technology in  
29 teaching and learning processes and in managing, evaluating,  
30 and improving instruction.

31

1           ~~14.13.~~ Use assessment and other diagnostic strategies  
2 to assist the continuous development of the learner.

3           ~~15.14.~~ Use teaching and learning strategies that  
4 include considering each student's culture, learning styles,  
5 special needs, and socioeconomic background.

6           ~~16.15.~~ Demonstrate knowledge and understanding of the  
7 subject matter that is aligned with the subject knowledge and  
8 skills specified in the Sunshine State Standards and student  
9 performance standards approved by the state board.

10           ~~17.~~ Recognize the early signs of truancy in students  
11 and identify effective interventions to avoid or resolve  
12 nonattendance behavior.

13           ~~18.~~ Demonstrate knowledge and skill in managing  
14 student behavior inside and outside the classroom. Such  
15 knowledge and skill must include techniques for preventing and  
16 effectively responding to incidents of disruptive or violent  
17 behavior.

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

21           ~~20.~~ Demonstrate the ability to maintain a positive  
22 collaborative relationship with students' families to increase  
23 student achievement.

24           (b) The state board shall designate the certification  
25 areas for subject area tests. However, an applicant may  
26 satisfy the subject area and professional knowledge testing  
27 requirements by attaining scores on corresponding tests from  
28 the National Teachers Examination series, and successors to  
29 that series, that meet standards established by the state  
30 board. The College Level Academic Skills Test, a similar test  
31 approved by the state board, or corresponding tests from

1 ~~beginning January 1, 1996,~~the National Teachers Examination  
2 series must be used ~~by degreed personnel~~ to demonstrate  
3 mastery of general knowledge as required in paragraphs (3)(c)  
4 ~~and paragraph (4)(a).~~ All required tests may be taken prior to  
5 graduation.The College Level Academic Skills Test shall be  
6 waived for any applicant who passed the reading, writing, and  
7 mathematics subtest of the former Florida Teacher  
8 Certification Examination or the College Level Academic Skills  
9 Test and subsequently obtained a certificate pursuant to this  
10 chapter.

11 (8) EXAMINATIONS.--

12 (a) The commissioner, with the approval of the state  
13 board, may contract for developing, printing, administering,  
14 scoring, and appropriate analysis of the written tests  
15 required.

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

29 1. Apply only to an applicant who has successfully  
30 completed all prerequisites for issuance of the professional  
31 certificate, except passing one specific subtest of the



1 College Level Academic Skills Test, and who has taken and  
2 failed to achieve a passing score on that subtest at least  
3 four times.

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

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

24           (d) The department and the board shall maintain  
25 confidentiality of the examination, developmental materials,  
26 and workpapers, and the examination, developmental materials,  
27 and workpapers are exempt from s. 119.07(1).

28           Section 55. Subsection (3) is added to section  
29 231.1725, Florida Statutes, 1998 Supplement, to read:

30  
31

1           231.1725 Employment of substitute teachers, teachers  
2 of adult education, and nondegreed teachers of career  
3 education; students performing clinical field experience.--

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

15           Section 56. Section 231.174, Florida Statutes, is  
16 amended to read:

17           231.174 Alternative preparation programs for certified  
18 teachers to add additional coverage.--A district school board  
19 may design alternative teacher preparation programs to enable  
20 persons already certificated to add an additional coverage to  
21 their certificates ~~to teach exceptional education classes or~~  
22 ~~in other areas of critical shortage.~~ Each alternative teacher  
23 preparation program shall be reviewed and approved by the  
24 Department of Education to assure that persons who complete  
25 the program are competent in the necessary areas of subject  
26 matter specialization. Two or more school districts may  
27 jointly participate in an alternative preparation program for  
28 teachers.

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

31           231.29 Assessment procedures and criteria.--

1           (3) The assessment procedure for instructional  
2 personnel and school administrators must be primarily based on  
3 the performance of students assigned to their classrooms or  
4 schools, as appropriate. The procedures must ~~shall~~ comply  
5 with, but need ~~shall~~ not be limited to, the following  
6 requirements:

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

21           1. Performance of students.

22           ~~2.1.~~ Ability to maintain appropriate discipline.

23           ~~3.2.~~ Knowledge of subject matter. The district school  
24 board shall make special provisions for evaluating teachers  
25 who are assigned to teach out-of-field.

26           ~~4.3.~~ Ability to plan and deliver instruction,  
27 including the use of technology in the classroom.

28           ~~5.4.~~ Ability to evaluate instructional needs.

29           ~~6.5.~~ Ability to establish and maintain a positive  
30 collaborative relationship with students' families to increase  
31 student achievement ~~communicate with parents.~~

1           ~~7.6.~~ Other professional competencies,  
2 responsibilities, and requirements as established by rules of  
3 the State Board of Education and policies of the district  
4 school board.

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

8           (c) The individual responsible for supervising the  
9 employee must assess the employee's performance. The evaluator  
10 must submit a written report of the assessment to the  
11 superintendent for the purpose of reviewing the employee's  
12 contract. If the employee is assigned to a school designated  
13 in performance grade category "D" or "F" and was rated  
14 unsatisfactory on any function related to the employee's  
15 instructional or administrative duties, the superintendent, in  
16 consultation with the employee's evaluator, shall review the  
17 employee's performance assessment. If the superintendent  
18 determines that the lack of general knowledge, subject area  
19 expertise, or other professional competencies contributed to  
20 the employee's unsatisfactory performance, the superintendent  
21 shall notify the district school board of that determination.  
22 The district school board shall require those employees, as  
23 part of their performance probation, to take and receive a  
24 passing score on a test of general knowledge, subject area  
25 expertise, or professional competencies, whichever is  
26 appropriate. The tests required by this paragraph shall be  
27 those required for certification under chapter 231 and rules  
28 of the State Board of Education. The evaluator must submit  
29 the written report to the employee no later than 10 days after  
30 the assessment takes place. The evaluator must discuss the  
31 written report of assessment with the employee. The employee

1 shall have the right to initiate a written response to the  
2 assessment, and the response shall become a permanent  
3 attachment to his or her personnel file.

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

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

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

31

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

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

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

1 recommendation. The determination of the school board shall be  
2 final as to the sufficiency or insufficiency of the grounds  
3 for termination of employment.

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

6 231.36 Contracts with instructional staff,  
7 supervisors, and principals.--

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

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

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

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

28           (c) Any member of the district administrative or  
29 supervisory staff and any member of the instructional staff,  
30 including any principal, who is under continuing contract may  
31 be suspended or dismissed at any time during the school year;



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

22 (6)(a) Any member of the instructional staff,  
23 excluding an employee specified in subsection (4), may be  
24 suspended or dismissed at any time during the term of the  
25 contract for just cause as provided in paragraph (1)(a). The  
26 school board must notify the employee in writing whenever  
27 charges are made against the employee and may suspend such  
28 person without pay; but, if the charges are not sustained, the  
29 employee shall be immediately reinstated, and his or her back  
30 salary shall be paid. If the employee wishes to contest the  
31 charges, the employee must, within 15 days after receipt of

1 the written notice, submit a written request for a hearing.  
2 Such hearing shall be conducted at the school board's election  
3 in accordance with one of the following procedures:

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

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

23  
24 Any such decision adverse to the employee may be appealed by  
25 the employee pursuant to s. 120.68, provided such appeal is  
26 filed within 30 days after the decision of the school board.

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

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

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

24 231.546 Education Standards Commission; powers and  
25 duties.--

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

28 (a) Recommend to the state board high desirable  
29 standards relating to programs and policies for the  
30 development, certification and certification extension,  
31 improvement, and maintenance of competencies of educational

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

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

8 231.600 School Community Professional Development  
9 Act.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 236.08106 Excellent Teaching Program.--

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

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

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

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

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

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

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

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

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



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

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

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

31

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

5           Section 62. Subsection (1), paragraph (b) of  
6 subsection (3), and subsections (4) and (5) of section  
7 240.529, Florida Statutes, are amended to read:

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

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

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

12 (3) INITIAL STATE PROGRAM APPROVAL.--

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

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

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

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

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

1 National Teachers Examination series, or a similar test  
2 pursuant to rules of the State Board of Education.

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

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

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

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

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

29 (c) ~~Beginning July 1, 1997,~~ Continued approval for a  
30 teacher preparation program is contingent upon the results of  
31 annual reviews of the program conducted by the institution of

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

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

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

26 (f) Beginning with the 2000-2001 academic year, each  
27 public and private institution that offers a teacher  
28 preparation program in this state must annually report  
29 information regarding these programs to the state and the  
30 general public. This information shall be reported in a  
31 uniform and comprehensible manner that conforms with

1 definitions and methods proposed by the Education Standards  
2 Commission, that is consistent with definitions and methods  
3 approved by the Commissioner of the National Center for  
4 Educational Statistics, and that is approved by the State  
5 Board of Education. This information shall be reported through  
6 publications such as college and university catalogs and  
7 promotional materials sent to potential applicants, secondary  
8 school guidance counselors, and prospective employers of the  
9 institution's program graduates.

10 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
11 instructors, school district personnel and instructional  
12 personnel, and school sites preparing instructional personnel  
13 through preservice field experience courses and internships  
14 shall meet special requirements.

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

25 (b) All school district personnel and instructional  
26 personnel who supervise or direct teacher preparation students  
27 during field experience courses or internships must have  
28 evidence of "clinical educator" training and must successfully  
29 demonstrate effective classroom management strategies that  
30 consistently result in improved student performance. The  
31

1 Education Standards Commission shall recommend, and the state  
2 board shall approve, the training requirements.

3 (c) Preservice field experience programs must provide  
4 specific guidance and demonstration of effective classroom  
5 management strategies, strategies for incorporating technology  
6 into classroom instruction, and ways to link instructional  
7 plans to the Sunshine State Standards, as appropriate. The  
8 length of structured field experiences may be extended to  
9 ensure that candidates achieve the competencies needed to meet  
10 certification requirements.

11 (d)(c) Postsecondary teacher preparation programs in  
12 cooperation with district school boards and approved nonpublic  
13 school associations shall select the school sites for  
14 preservice field experience activities. These sites must  
15 represent the full spectrum of school communities, including,  
16 but not limited to, schools located in urban settings. In  
17 order to be selected, school sites must demonstrate commitment  
18 to the education of public school students and to the  
19 preparation of future teachers. A nonpublic school  
20 association, in order to be approved, must have a  
21 state-approved master inservice program plan in accordance  
22 with s. 236.0811.

23 Section 63. Section 231.6135, Florida Statutes, is  
24 created to read:

25 231.6135 Statewide system for inservice professional  
26 development.--The intent of this section is to establish a  
27 statewide system of professional development that provides a  
28 wide range of targeted inservice training to teachers and  
29 administrators designed to upgrade skills and knowledge needed  
30 to reach world class standards in education. The system shall  
31 consist of a network of professional development academies in



1 each region of the state that are operated in partnership with  
2 area business partners to develop and deliver high-quality  
3 training programs purchased by school districts. The  
4 academies shall be established to meet the human resource  
5 development needs of professional educators, schools, and  
6 school districts. Funds appropriated for the initiation of  
7 professional development academies shall be allocated by the  
8 Commissioner of Education, unless otherwise provided in an  
9 appropriations act. To be eligible for startup funds, the  
10 academy must:

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

15 (2) Demonstrate the capacity to provide effective  
16 training to improve teaching skills in the areas of elementary  
17 reading and mathematics, the use of instructional technology,  
18 high school algebra, and classroom management, and to deliver  
19 such training using face-to-face, distance learning, and  
20 individualized computer-based delivery systems.

21 (3) Propose a plan for responding in an effective and  
22 timely manner to the professional development needs of  
23 teachers, administrators, schools, and school districts  
24 relating to improving student achievement and meeting state  
25 and local education goals.

26 (4) Demonstrate the ability to provide high-quality  
27 trainers and training, appropriate followup and coaching for  
28 all participants, and support school personnel in positively  
29 impacting student performance.

30 (5) Be operated under contract with its public  
31 partners and governed by an independent board of directors,

1 which should include at least one superintendent and one  
2 school board chairman from the participating school districts,  
3 the president of the collective bargaining unit that  
4 represents the majority of the region's teachers, and at least  
5 three individuals who are not employees or elected or  
6 appointed officials of the participating school districts.

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

12 (7) Own or lease a facility that can be used to  
13 deliver training onsite and through distance learning and  
14 other technology-based delivery systems. The participating  
15 district school boards may lease a site or facility to the  
16 academy for a nominal fee and may pay all or part of the costs  
17 of renovating a facility to accommodate the academy. The  
18 academy is responsible for all operational, maintenance, and  
19 repair costs.

20 (8) Provide professional development services for the  
21 participating school districts as specified in the contract  
22 and may provide professional development services to other  
23 school districts, private schools, and individuals on a  
24 fee-for-services basis.

25 Section 64. Section 231.601, Florida Statutes, is  
26 repealed.

27 Section 65. Section 230.2316, Florida Statutes, 1998  
28 Supplement, is amended to read:

29 230.2316 Dropout prevention.--

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

1           (2) INTENT.--The Legislature recognizes that a growing  
2 proportion of young people are not making successful  
3 transitions to productive adult lives. ~~The Legislature further~~  
4 ~~recognizes that traditional education programs which do not~~  
5 ~~meet certain students' educational needs and interests may~~  
6 ~~cause these students to become unmotivated, fail, be truant,~~  
7 ~~be disruptive, or drop out of school.~~The Legislature finds  
8 that a child who does not complete his or her education is  
9 greatly limited in obtaining gainful employment, achieving his  
10 or her full potential, and becoming a productive member of  
11 society. Therefore, it is the intent of the Legislature to  
12 authorize and encourage district school boards throughout the  
13 state to develop and establish dropout prevention and academic  
14 intervention activities designed to meet the needs of students  
15 who do not perform well in traditional educational programs.  
16 ~~establish comprehensive dropout prevention programs. These~~  
17 ~~programs shall be designed to meet the needs of students who~~  
18 ~~are not effectively served by conventional education programs~~  
19 ~~in the public school system.~~It is further the intent of the  
20 Legislature that cooperative agreements be developed among  
21 school districts, other governmental and private agencies, and  
22 community resources in order to implement innovative exemplary  
23 programs aimed at reducing the number of students who do not  
24 complete their education and increasing the number of students  
25 who have a positive experience in school and obtain a high  
26 school diploma.

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

28           (a) Dropout prevention and academic intervention  
29 programs may ~~shall~~ differ from traditional education programs  
30 and schools in scheduling, administrative structure,  
31 philosophy, curriculum, or setting and shall employ

1 alternative teaching methodologies, curricula, learning  
2 activities, and ~~or~~ diagnostic and assessment procedures in  
3 order to meet the needs, interests, abilities, and talents of  
4 eligible students. The educational program shall provide  
5 curricula, character development and law education as provided  
6 in s. 233.0612, and related services which support the program  
7 goals and lead to improved performance in the areas of  
8 academic achievement, attendance, and discipline ~~completion of~~  
9 ~~a high school diploma~~. Student participation in such programs  
10 shall be voluntary. Districts may, however, assign students to  
11 a program for disruptive students. Notwithstanding any other  
12 provision of law to the contrary, no student shall be  
13 identified as being eligible to receive services funded  
14 through the dropout prevention and academic intervention  
15 program based solely on the student being from a single-parent  
16 family. ~~The minimum period of time during which the student~~  
17 ~~participates in the program shall be equivalent to two~~  
18 ~~instructional periods per day unless the program utilizes a~~  
19 ~~student support and assistance component rather than regularly~~  
20 ~~scheduled courses.~~

21 (b) Students in grades 1-12 ~~4-12~~ shall be eligible for  
22 dropout prevention and academic intervention programs.  
23 ~~Eligible dropout prevention students shall be reported in the~~  
24 appropriate basic cost factor for dropout prevention full-time  
25 equivalent student membership in the Florida Education Finance  
26 Program ~~in standard dropout prevention classes or student~~  
27 ~~support and assistance components which provide academic~~  
28 ~~assistance and coordination of support services to students~~  
29 ~~enrolled full time in a regular classroom.~~ The strategies and  
30 supports provided to eligible students shall be funded through  
31 the General Appropriations Act and may include, but are not

1 limited to those services identified on the student's academic  
2 intervention plan.~~The student support and assistance~~  
3 ~~component shall include auxiliary services provided to~~  
4 ~~students or teachers, or both. Students participating in this~~  
5 ~~model shall generate funding only for the time that they~~  
6 ~~receive extra services or auxiliary help.~~

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

11 1. The student is academically unsuccessful as  
12 evidenced by low test scores, retention, failing grades, low  
13 grade point average, falling behind in earning credits, or not  
14 meeting the state or district proficiency levels in reading,  
15 mathematics, or writing.

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

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

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

26 ~~3. The student has been identified as a potential~~  
27 ~~school dropout by student services personnel using district~~  
28 ~~criteria. District criteria that are used as a basis for~~  
29 ~~student referral to an educational alternatives program shall~~  
30 ~~identify specific student performance indicators that the~~  
31 ~~educational alternative program seeks to address.~~

1           ~~4. The student has documented drug-related or~~  
2 ~~alcohol-related problems, or has immediate family members with~~  
3 ~~documented drug-related or alcohol-related problems that~~  
4 ~~adversely affect the student's performance in school.~~

5           3.5. The student has a history of disruptive behavior  
6 in school or has committed an offense that warrants  
7 out-of-school suspension or expulsion from school according to  
8 the district code of student conduct. For the purposes of this  
9 program, "disruptive behavior" is behavior that:

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

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

18           ~~6. The student is assigned to a program provided~~  
19 ~~pursuant to chapter 39, chapter 984, or chapter 985 which is~~  
20 ~~sponsored by a state-based or community-based agency or is~~  
21 ~~operated or contracted for by the Department of Children and~~  
22 ~~Family Services or the Department of Juvenile Justice.~~

23           (d)1. "Second chance schools" means school district  
24 programs provided through cooperative agreements between the  
25 Department of Juvenile Justice, private providers, state or  
26 local law enforcement agencies, or other state agencies for  
27 students who have been disruptive or violent or who have  
28 committed serious offenses. As partnership programs, second  
29 chance schools are eligible for waivers by the Commissioner of  
30 Education from chapters 230-235 and 239 and State Board of  
31 Education rules that prevent the provision of appropriate

1 educational services to violent, severely disruptive, or  
2 delinquent students in small nontraditional settings or in  
3 court-adjudicated settings.

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

18 3.2- A student enrolled in a sixth, seventh, eighth,  
19 ninth, or tenth grade class may be assigned to a second chance  
20 school if the student meets the following criteria:

21 a. The student is a habitual truant as defined in s.  
22 228.041(28).

23 b. The student's excessive absences have detrimentally  
24 affected the student's academic progress and the student may  
25 have unique needs that a traditional school setting may not  
26 meet.

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

29 d. The student has been identified as at risk of  
30 dropping out of school.

31

1           ~~4.3.~~ A student who is habitually truant may be  
2 assigned to a second chance school only if the case staffing  
3 committee, established pursuant to s. 984.12, determines that  
4 such placement could be beneficial to the student and the  
5 criteria included in subparagraph 2. are met.

6           ~~5.4.~~ A student may be assigned to a second chance  
7 school if the school district in which the student resides has  
8 a second chance school and if the student meets one of the  
9 following criteria:

10           a. The student habitually exhibits disruptive behavior  
11 in violation of the code of student conduct adopted by the  
12 school board.

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

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

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

25           (II) Includes violence;

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

27           (IV) Is harassment or verbal abuse of school personnel  
28 or other students.

29           ~~6.5.~~ Prior to assignment of students to second chance  
30 schools, school boards are encouraged to use alternative  
31 programs, such as in-school suspension, which provide



1 instruction and counseling leading to improved student  
2 behavior, a reduction in the incidence of truancy, and the  
3 development of more effective interpersonal skills.

4 ~~7.6.~~ Students assigned to second chance schools must  
5 be evaluated by the school's local child study team before  
6 placement in a second chance school. The study team shall  
7 ensure that students are not eligible for placement in a  
8 program for emotionally disturbed children.

9 ~~8.7.~~ Students who exhibit academic and social  
10 progress and who wish to return to a traditional school shall  
11 complete a character development and law education program, as  
12 provided in s. 233.0612, and demonstrate preparedness to  
13 reenter the regular school setting ~~be evaluated by school~~  
14 ~~district personnel~~ prior to reentering a traditional school.

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

18 (4) PROGRAM IMPLEMENTATION.--

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

29 (b) Each school that establishes ~~or continues~~ a  
30 dropout prevention and academic intervention program at that  
31

1 school site shall reflect that program in the school  
2 improvement plan as required under s. 230.23(16).

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

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

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

27 (7) RECORDS.--Each district providing a ~~program for~~  
28 dropout prevention and academic intervention program pursuant  
29 to the provisions of this section shall maintain for each  
30 participating student ~~for whom funding is generated through~~  
31 ~~the Florida Education Finance Program~~ records documenting the

1 student's eligibility, the length of participation, the type  
2 of program to which the student was assigned or the type of  
3 academic intervention services provided, and an evaluation of  
4 the student's academic and behavioral performance while in the  
5 program. The school principal or his or her designee shall,  
6 prior to placement in a dropout prevention and academic  
7 intervention program or the provision of an academic service,  
8 provide written notice of placement or services by certified  
9 mail, return receipt requested, to the student's parent,  
10 guardian, or legal custodian. The parent, guardian, or legal  
11 custodian of the student shall sign an acknowledgment of the  
12 notice of placement or service and return the signed  
13 acknowledgement to the principal within 3 days after receipt  
14 of the notice.The parents or guardians of a student assigned  
15 to such a dropout prevention and academic intervention program  
16 shall be notified in writing and entitled to an administrative  
17 review of any action by school personnel relating to such  
18 placement pursuant to the provisions of chapter 120.

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

1 intervention program, and shall maintain the confidentiality  
2 of such information unless otherwise provided by law or rule.

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

8 Section 66. 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 shall perform such duties as may be assigned by  
15 the superintendent pursuant to the rules of the school board.  
16 Such rules shall include, but not be limited to, rules  
17 relating to administrative responsibility, instructional  
18 leadership of the educational program of the school to which  
19 the principal is assigned, submission of personnel  
20 recommendations to the superintendent, administrative  
21 responsibility for records and reports, administration of  
22 corporal punishment, and student suspension. Each principal  
23 shall provide leadership in the development or revision and  
24 implementation of a school improvement plan pursuant to s.  
25 230.23(16). Each principal must make the necessary provisions  
26 to ensure that all school reports are accurate and timely, and  
27 must provide the necessary training opportunities for staff to  
28 accurately report attendance, FTE program participation,  
29 student performance, teacher appraisal, and school safety and  
30 discipline data. A principal who fails to comply with this  
31

1 section shall be ineligible for any portion of the performance  
2 pay policy incentive under s. 230.23(5)(c).

3 Section 67. Section 232.001, Florida Statutes, is  
4 created to read:

5 232.001 Pilot project.--It is the purpose of this  
6 section to require the Manatee County District School Board to  
7 implement a pilot project that raises the compulsory age of  
8 attendance for children from the age of 16 years to the age of  
9 18 years. The pilot project applies to each child who has not  
10 attained the age of 16 years by September 30 of the school  
11 year in which a school board policy is adopted.

12 (1) Beginning July 1, 1999, the Manatee County  
13 District School Board shall implement a pilot project  
14 consistent with policy adopted by the school board to raise  
15 the compulsory age of attendance for children from the age of  
16 16 years to the age of 18 years.

17 (2) The district school board must, before the  
18 beginning of the school year, adopt a policy for raising the  
19 compulsory age of attendance for children from the age of 16  
20 years to 18 years.

21 (a) Before the adoption of the policy, the district  
22 school board must provide a notice of intent to adopt a policy  
23 to raise the compulsory age of attendance for children from  
24 the age of 16 years to the age of 18 years. The notice must be  
25 provided to the parent or legal guardian of each child who is  
26 15 years of age and who is enrolled in a school in the  
27 district.

28 (b) Within 2 weeks after adoption of the school board  
29 policy, the district school board must provide notice of the  
30 policy to the parent or legal guardian of each child who is 15  
31 years of age and who is enrolled in a school in the district.

1 The notice must also provide information related to the  
2 penalties for refusing or failing to comply with the  
3 compulsory attendance requirements and information on  
4 alternative education programs offered within the school  
5 district.

6 (3) All state laws and State Board of Education rules  
7 related to students subject to compulsory school attendance  
8 apply to the district school board. Notwithstanding the  
9 provisions of s. 232.01, the formal declaration of intent to  
10 terminate school enrollment does not apply to the district  
11 school board.

12 (4) The school board must evaluate the effect of its  
13 adopted policy raising the compulsory age of attendance on  
14 school attendance and on the school district's dropout rate,  
15 as well as on the costs associated with the pilot project. The  
16 school district shall report its findings to the President of  
17 the Senate, the Speaker of the House of Representatives, the  
18 minority leader of each house of the Legislature, the  
19 Governor, and the Commissioner of Education not later than  
20 August 1 following each year that the pilot project is in  
21 operation.

22 Section 68. Subsection (2) of section 232.09, Florida  
23 Statutes, is amended to read:

24 232.09 Parents and legal guardians responsible for  
25 attendance of children; attendance policy.--

26 (2) Each parent and legal guardian of a child within  
27 the compulsory attendance age is responsible for the child's  
28 school attendance as required by law. The absence of a child  
29 from school is prima facie evidence of a violation of this  
30 section; however, criminal prosecution under this chapter may  
31 not be brought against a parent, guardian, or other person

1 having control of the child until the provisions of s.  
2 232.17(2) have been complied with. A parent or guardian of a  
3 child is not responsible for the child's nonattendance at  
4 school under any of the following conditions:

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

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

10 (c) Financial inability.--The parent was unable  
11 financially to provide necessary clothes for the child, which  
12 inability was reported in writing to the superintendent prior  
13 to the opening of school or immediately after the beginning of  
14 such inability; provided, that the validity of any claim for  
15 exemption under this subsection shall be determined by the  
16 superintendent subject to appeal to the school board; or

17 (d) Sickness, injury, or other insurmountable  
18 condition.--Attendance was impracticable or inadvisable on  
19 account of sickness or injury, attested to by a written  
20 statement of a licensed practicing physician, or was  
21 impracticable because of some other stated insurmountable  
22 condition as defined by rules of the state board. If a student  
23 is continually sick and repeatedly absent from school, he or  
24 she must be under the supervision of a physician in order to  
25 receive an excuse from attendance. Such excuse provides that a  
26 student's condition justifies absence for more than the number  
27 of days permitted by the district school board.

28

29 Each district school board shall establish an attendance  
30 policy which includes, but is not limited to, the required  
31 number of days each school year that a student must be in

1 attendance and the number of absences and tardinesses after  
2 which a statement explaining such absences and tardinesses  
3 must be on file at the school. Each school in the district  
4 must determine if an absence or tardiness is excused or  
5 unexcused according to criteria established by the district  
6 school board.

7 Section 69. Section 232.17, Florida Statutes, 1998  
8 Supplement, is amended to read:

9 232.17 Enforcement of school attendance.--The  
10 Legislature finds that poor academic performance is associated  
11 with nonattendance and that schools must take an active role  
12 in enforcing attendance as a means of improving the  
13 performance of many students. It is the policy of the state  
14 that the superintendent of each school district be responsible  
15 for enforcing school attendance of all children and youth  
16 subject to the compulsory school age in the school district.  
17 The responsibility includes recommending to the school board  
18 policies and procedures to ensure that schools respond in a  
19 timely manner to every unexcused absence, or absence for which  
20 the reason is unknown, of students enrolled in the schools.  
21 School board policies must require each parent or guardian of  
22 a student to justify each absence of the student, and that  
23 justification will be evaluated based on adopted school board  
24 policies that define excused and unexcused absences. The  
25 policies must provide that schools track excused and unexcused  
26 absences and contact the home in the case of an unexcused  
27 absence from school, or an absence from school for which the  
28 reason is unknown, to prevent the development of patterns of  
29 nonattendance. The Legislature finds that early intervention  
30 in school attendance matters is the most effective way of  
31 producing good attendance habits that will lead to improved



1 student learning and achievement. Each public school shall  
2 implement the following steps to enforce regular school  
3 attendance:

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

5 (a) Upon each unexcused absence, or absence for which  
6 the reason is unknown, the school principal or his or her  
7 designee shall contact the student's parent or guardian to  
8 determine the reason for the absence. If the absence is an  
9 excused absence, as defined by school board policy, the school  
10 shall provide opportunities for the student to make up  
11 assigned work and not receive an academic penalty unless the  
12 work is not made up within a reasonable time.

13 (b) If a student has had at least five unexcused  
14 absences, or absences for which the reasons are unknown,  
15 within a calendar month or 10 unexcused absences, or absences  
16 for which the reasons are unknown, within a 90-calendar-day  
17 period, the student's primary teacher shall report to the  
18 school principal or his or her designee that the student may  
19 be exhibiting a pattern of nonattendance. The principal shall,  
20 unless there is clear evidence that the absences are not a  
21 pattern of nonattendance, refer the case to the school's child  
22 study team to determine if early patterns of truancy are  
23 developing. If the child study team finds that a pattern of  
24 nonattendance is developing, whether the absences are excused  
25 or not, a meeting with the parent must be scheduled to  
26 identify potential remedies.

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

31

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

12          (d) The child study team shall be diligent in  
13 facilitating intervention services and shall report the case  
14 to the superintendent only when all reasonable efforts to  
15 resolve the nonattendance behavior are exhausted.

16          (e) If the parent, guardian, or other person in charge  
17 of the child refuses to participate in the remedial strategies  
18 because he or she believes that those strategies are  
19 unnecessary or inappropriate, the parent, guardian, or other  
20 person in charge of the child may appeal to the school board.  
21 The school board may provide a hearing officer and the hearing  
22 officer shall make a recommendation for final action to the  
23 board. If the board's final determination is that the  
24 strategies of the child study team are appropriate, and the  
25 parent, guardian, or other person in charge of the child still  
26 refuses to participate or cooperate, the superintendent may  
27 seek criminal prosecution for noncompliance with compulsory  
28 school attendance.

29          (f) If a child subject to compulsory school attendance  
30 will not comply with attempts to enforce school attendance,  
31 the parent, the guardian, or the superintendent or his or her

1 designee shall refer the case to the case staffing committee  
2 pursuant to s. 984.12, and the superintendent or his or her  
3 designee may file a truancy petition pursuant to the  
4 procedures in s. 984.151. ~~Pursuant to procedures established~~  
5 ~~by the district school board, a designated school~~  
6 ~~representative must complete activities designed to determine~~  
7 ~~the cause and attempt the remediation of truant behavior, as~~  
8 ~~provided in this section.~~

9 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~  
10 ~~ABSENCES.--A designated school representative shall~~  
11 ~~investigate cases of nonenrollment and unexcused absences from~~  
12 ~~school of all children subject to compulsory school~~  
13 ~~attendance.~~

14 (2) GIVE WRITTEN NOTICE.--

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

30 (b) Subsequent to the activities required under  
31 subsection (1), the superintendent or his or her designee

1 shall give written notice in person or by return-receipt mail  
2 to the parent, guardian, or other person in charge of the  
3 child that criminal prosecution is being sought for  
4 nonattendance. The superintendent may file a truancy petition,  
5 as defined in s. 984.03, following the procedures outlined in  
6 s. 984.151.

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

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

25 (5) RIGHT TO INSPECT.--A designated school  
26 representative shall have the same right of access to, and  
27 inspection of, establishments where minors may be employed or  
28 detained as is given by law to the Division of Jobs and  
29 Benefits only for the purpose of ascertaining whether children  
30 of compulsory school age are actually employed there and are  
31 actually working there regularly. The designated school

1 representative shall, if he or she finds unsatisfactory  
2 working conditions or violations of the Child Labor Law,  
3 report his or her findings to the Division of Jobs and  
4 Benefits or its agents.

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

10 Section 70. Subsection (3) of section 232.19, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 232.19 Court procedure and penalties.--The court  
13 procedure and penalties for the enforcement of the provisions  
14 of this chapter, relating to compulsory school attendance,  
15 shall be as follows:

16 (3) HABITUAL TRUANCY CASES.--The superintendent is  
17 authorized to file a truancy petition, as defined in s.  
18 984.03, following the procedures outlined in s. 984.151. If  
19 the superintendent chooses not to file a truancy petition,  
20 procedures for filing a child-in-need-of-services petition  
21 shall be commenced pursuant to this subsection and chapter  
22 984.In accordance with procedures established by the district  
23 school board, the designated school representative shall refer  
24 a student who is habitually truant and the student's family to  
25 the children-in-need-of-services and  
26 families-in-need-of-services provider or the case staffing  
27 committee, established pursuant to s. 984.12, as determined by  
28 the cooperative agreement required in this section. The case  
29 staffing committee may request the Department of Juvenile  
30 Justice or its designee to file a child-in-need-of-services  
31 petition based upon the report and efforts of the school

1 district or other community agency or may seek to resolve the  
2 truant behavior through the school or community-based  
3 organizations or agencies. Prior to and subsequent to the  
4 filing of a child-in-need-of-services petition due to habitual  
5 truancy, the appropriate governmental agencies must allow a  
6 reasonable time to complete actions required by this section  
7 and s. 232.17 subsection to remedy the conditions leading to  
8 the truant behavior. ~~The following criteria must be met and~~  
9 ~~documented in writing~~ Prior to the filing of a petition, the  
10 school district must have complied with the requirements of s.  
11 232.17, and those efforts must have been unsuccessful.+

12         ~~(a) The child must have 15 unexcused absences within~~  
13 ~~90 calendar days with or without the knowledge or consent of~~  
14 ~~the child's parent or legal guardian, must be subject to~~  
15 ~~compulsory school attendance, and must not be exempt under s.~~  
16 ~~232.06, s. 232.09, or any other exemption specified by law or~~  
17 ~~the rules of the State Board of Education.~~

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

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

31

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

11           ~~3. Educational evaluation, which may include~~  
12 ~~psychological evaluation, must have been provided to assist in~~  
13 ~~determining the specific condition, if any, that is~~  
14 ~~contributing to the child's nonattendance. The evaluation~~  
15 ~~must have been supplemented by specific efforts by the school~~  
16 ~~to remedy any diagnosed condition.~~

17  
18 ~~If a child who is subject to compulsory school attendance is~~  
19 ~~responsive to the interventions described in this paragraph~~  
20 ~~and has completed the necessary requirements to pass the~~  
21 ~~current grade as indicated in the district pupil progression~~  
22 ~~plan, the child shall be passed.~~

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

25           232.271 Removal by teacher.--

26           (3) If a teacher removes a student from class under  
27 subsection (2), the principal may place the student in another  
28 appropriate classroom, in in-school suspension, or in a  
29 dropout prevention and academic intervention program as  
30 provided by s. 230.2316; or the principal may recommend the  
31 student for out-of-school suspension or expulsion, as

1 appropriate. The student may be prohibited from attending or  
2 participating in school-sponsored or school-related  
3 activities. The principal may not return the student to that  
4 teacher's class without the teacher's consent unless the  
5 committee established under s. 232.272 determines that such  
6 placement is the best or only available alternative. The  
7 teacher and the placement review committee must render  
8 decisions within 5 days of the removal of the student from the  
9 classroom.

10 Section 72. Effective July 1, 1999, paragraph (a) of  
11 subsection (1) of section 236.081, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 236.081 Funds for operation of schools.--If the annual  
14 allocation from the Florida Education Finance Program to each  
15 district for operation of schools is not determined in the  
16 annual appropriations act or the substantive bill implementing  
17 the annual appropriations act, it shall be determined as  
18 follows:

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

23 (a) Determination of full-time equivalent  
24 membership.--During each of several school weeks, including  
25 scheduled intersessions of a year-round school program during  
26 the fiscal year, a program membership survey of each school  
27 shall be made by each district by aggregating the full-time  
28 equivalent student membership of each program by school and by  
29 district. The department shall establish the number and  
30 interval of membership calculations, except that for basic and  
31 special programs such calculations shall not exceed nine for



1 any fiscal year. The district's full-time equivalent  
2 membership shall be computed and currently maintained in  
3 accordance with regulations of the commissioner. Beginning  
4 with the 1999-2000 school year, each school district shall  
5 also document the daily attendance of each student in  
6 membership by school and by district. An average daily  
7 attendance factor shall be computed by dividing the total  
8 daily attendance of all students by the total number of  
9 students in membership and then by the number of days in the  
10 regular school year. Beginning with the 2001-2002 school year,  
11 the district's full-time equivalent membership shall be  
12 adjusted by multiplying by the average daily attendance  
13 factor.

14 Section 73. Paragraph (a) of subsection (4) of section  
15 239.505, Florida Statutes, is amended to read:

16 239.505 Florida Constructive Youth Programs.--

17 (4) FUNDING.--Each district school board or community  
18 college board of trustees wishing to implement a constructive  
19 youth program must submit a comprehensive plan to the  
20 Department of Education no later than October 1 of the  
21 preceding school year, which plan must include a list of all  
22 funding sources, including, but not limited to:

23 (a) Funds available for programs authorized under the  
24 Dropout Prevention and Academic Intervention Act, as provided  
25 in s. 230.2316, ~~and Dropout prevention programs funded~~  
26 ~~pursuant to the provisions of s. 236.081(1)(c).~~

27 Section 74. Subsection (29) of section 984.03, Florida  
28 Statutes, 1998 Supplement, is amended, present subsection (57)  
29 of that section is redesignated as subsection (58), and a new  
30 subsection (57) is added to that section, to read:

31

1           984.03 Definitions.--When used in this chapter, the  
2 term:

3           (29) "Habitually truant" means that:

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

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

13

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

30           (c) A school representative, designated according to  
31 school board policy, and a juvenile probation officer of the

1 Department of Juvenile Justice have jointly investigated the  
2 truancy problem or, if that was not feasible, have performed  
3 separate investigations to identify conditions that may be  
4 contributing to the truant behavior; and if, after a joint  
5 staffing of the case to determine the necessity for services,  
6 such services were determined to be needed, the persons who  
7 performed the investigations met jointly with the family and  
8 child to discuss any referral to appropriate community  
9 agencies for economic services, family or individual  
10 counseling, or other services required to remedy the  
11 conditions that are contributing to the truant behavior.

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

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

27 Section 75. Section 984.151, Florida Statutes, is  
28 created to read:

29 984.151 Truancy petition; prosecution; disposition.--

30 (1) If the school determines that a student subject to  
31 compulsory school attendance has had more than 15 unexcused

1 absences in a 90-calendar-day period, the superintendent may  
2 file a truancy petition.

3 (2) The petition shall be filed in the circuit in  
4 which the student is enrolled in school.

5 (3) Original jurisdiction to hear a truancy petition  
6 shall be in the circuit court; however, the circuit court may  
7 use a general or special master pursuant to Supreme Court  
8 rules.

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

18 (5) Once the petition is filed, the court shall hear  
19 the petition within 30 days.

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

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

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

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

13 Section 76. The State Board of Education shall adopt  
14 such rules as necessary to ensure that not-for-profit,  
15 professional teacher associations which offer membership to  
16 all teachers, noninstructional personnel, and administrators,  
17 and which offer teacher training and staff development at no  
18 fee to the district shall be given equal access to voluntary  
19 teacher meetings, be provided access to teacher mailboxes for  
20 distribution of professional literature, and be authorized to  
21 collect voluntary membership fees through payroll deduction.

22 Section 77. If any provision of this act or the  
23 application thereof to any person or circumstance is held  
24 invalid, the invalidity shall not affect other provisions or  
25 applications of the act which can be given effect without the  
26 invalid provision or application, and to this end the  
27 provisions of this act are declared severable.

28 Section 78. Except as otherwise provided herein, this  
29 act shall take effect upon becoming a law.  
30  
31