Florida House of Representatives - 2001 HB 1179 By Representatives Wiles, Henriquez, Kosmas and Frankel

1	A bill to be entitled
2	An act relating to school improvement;
3	providing a short title; amending s. 229.57,
4	F.S.; exempting certain students from the
5	statewide assessment program; revising the
6	schedule of school performance grade categories
7	to include an additional plus sign designation;
8	providing intent relating to the designation of
9	school performance grade categories; revising
10	the method for determining school performance
11	categories; revising the timeframe for
12	implementation of statewide assessments;
13	prohibiting a school that has shown at least a
14	50 percent increase in performance from being
15	designated as performance grade category "F";
16	providing for schools to retain an "A"
17	designation under certain circumstances;
18	requiring the Legislature to conduct public
19	hearings; requiring the Department of Education
20	to provide assistance to district school boards
21	regarding the development of local assessments;
22	amending s. 230.23, F.S., relating to powers
23	and duties of district school boards;
24	establishing a minimum percentage salary
25	increase required to be paid by a district to
26	employees who demonstrate outstanding
27	performance; requiring district school boards
28	to adopt a plan for compliance with
29	performance-based pay provisions; providing
30	additional mechanisms for providing assistance
31	and intervention for schools needing
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1	<pre>improvement; deleting obsolete language;</pre>
2	amending s. 231.17, F.S.; revising requirements
3	for receipt of a temporary teaching
4	certificate; amending s. 236.08104, F.S.;
5	requiring that categorical funds for
6	supplemental academic instruction be adjusted
7	for inflation and growth; holding a district
8	harmless for certain funds received; providing
9	requirements for determining a district's
10	allocation; requiring the University of South
11	Florida to develop and establish a teacher
12	preparation program; providing program
13	requirements; providing legislative intent;
14	providing an effective date.
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16	WHEREAS, since its passage in 1999, the "A+ Plan for
17	Education" (chapter 98-398, Laws of Florida) has been
18	criticized by parents, district school boards, educators, and
19	school administrators for its many problems, and
20	WHEREAS, the issue of whether the opportunity
21	scholarship program is constitutional is currently before the
22	state courts, and
23	WHEREAS, the education community has come forth with
24	recommendations to improve portions of the A+ Education Plan
25	that do not encompass the opportunity scholarship program, and
26	WHEREAS, simple measures can be taken to improve the
27	plan for our children, without compromising accountability,
28	NOW, THEREFORE,
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30	Be It Enacted by the Legislature of the State of Florida:
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HB 1179

1 Section 1. Short title. -- This act may be cited as the 2 "Best Schools Act of 2001." 3 Section 2. Paragraph (c) of subsection (3), subsection (7), paragraph (a) of subsection (8), paragraph (i) of 4 5 subsection (11), and subsection (12) of section 229.57, б Florida Statutes, are amended to read: 7 229.57 Student assessment program.--8 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner 9 shall design and implement a statewide program of educational assessment that provides information for the improvement of 10 11 the operation and management of the public schools, including schools operating for the purpose of providing educational 12 13 services to youth in Department of Juvenile Justice programs. 14 Pursuant to the statewide assessment program, the commissioner 15 shall: 16 (c) Develop and implement a student achievement testing program as part of the statewide assessment program, 17 18 to be administered annually in grades 3 through 10 to measure 19 reading, writing, science, and mathematics. The testing 20 program must be designed so that: The tests measure student skills and competencies 21 1. 22 adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in 23 reading, writing, and mathematics. Science proficiency must be 24 measured statewide beginning in 2003. Other content areas may 25 26 be included as directed by the commissioner. The commissioner 27 shall provide for the tests to be developed or obtained, as 28 appropriate, through contracts and project agreements with 29 private vendors, public vendors, public agencies, postsecondary institutions, or school districts. 30 The 31 commissioner shall obtain input with respect to the design and 3

implementation of the testing program from state educators and
 the public.

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

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

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

5. Except as provided in subparagraph 6., all 11th 16 grade students take a high school competency test developed by 17 the state board to test minimum student performance skills and 18 19 competencies in reading, writing, and mathematics. The test 20 must be based on the skills and competencies adopted by the 21 state board pursuant to paragraph (a). Upon recommendation of 22 the commissioner, the state board shall designate a passing score for each part of the high school competency test. In 23 establishing passing scores, the state board shall consider 24 any possible negative impact of the test on minority students. 25 The commissioner may establish criteria whereby a student who 26 27 successfully demonstrates proficiency in either reading or 28 mathematics or both may be exempted from taking the 29 corresponding section of the high school competency test or the college placement test. A student must earn a passing 30 31 score or have been exempted from each part of the high school

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competency test in order to qualify for a regular high school
 diploma. The school districts shall provide appropriate
 remedial instruction to students who do not pass part of the
 competency test.

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

16 7. Participation in the testing program is mandatory for all students, including students served in Department of 17 Juvenile Justice programs, except as otherwise prescribed by 18 the commissioner. The commissioner shall recommend rules to 19 20 the 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 limited English proficiency. Students who have limited English 23 proficiency and have participated in ESOL programs for less 24 25 than 3 years are exempt from participation in statewide 26 assessments, unless exemption is waived upon request of the 27 school or the student's parent or guardian. Only those 28 students continuously enrolled in a Florida public school 29 after October 1 of the school year of the assessment shall be included in the statewide assessment program. 30

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A student seeking an adult high school diploma must 1 8. 2 meet the same testing requirements that a regular high school 3 student must meet. 4 School districts must provide instruction to 9. 5 prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade 6 7 progression and high school graduation. The commissioner shall 8 conduct studies as necessary to verify that the required 9 skills and competencies are part of the district instructional 10 programs. 11 10. By January 1, 2000, the Department of Education must develop, or select, and implement a common battery of 12 13 assessment tools which will be used in all juvenile justice 14 programs in the state. These tools must accurately reflect criteria established in the Florida Sunshine State Standards. 15 16 The commissioner may design and implement student testing 17 18 programs for any grade level and subject area, based on 19 procedures designated by the commissioner to monitor 20 educational achievement in the state. (7) SCHOOL PERFORMANCE GRADE CATEGORIES.--21 22 (a) Beginning with the 1998-1999 school year's student and school performance data, the annual report shall identify 23 24 schools as being in one of the following grade categories defined according to rules of the state board: 25 26 1.(a) "A," schools making excellent progress. 27 2.(b) "B," schools making above average progress. 28 3.(c) "C," schools making satisfactory progress. 4.(d) "D," schools making less than satisfactory 29 30 progress. 31 5.(e) "F," schools failing to make adequate progress. 6

1 2 Beginning in the 2000-2001 school year, schools designated as performance grade categories "A" through "D" whose performance 3 4 in the areas of attendance, parental involvement, and dropout 5 rates meets or exceeds the state average, shall receive a plus 6 sign designation in addition to the letter-grade designation. 7 (b) Beginning in the 1999-2000 school year, Each 8 school designated in performance grade category "A," making 9 excellent progress, or as having improved at least two performance grade categories, shall have greater authority 10 11 over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and 12 13 local funds, as specified in state board rule. The rule must 14 provide that the increased budget authority shall remain in effect until the school's performance grade declines. 15 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE 16 CATEGORIES. -- For purposes of determining school performance, 17 student performance should be based on a student's annual 18 19 learning gains when the gain can be measured with an accurate 20 and consistent assessment system. Currently, the statewide 21 assessment system cannot measure a year's worth of knowledge 22 because not all grades are tested and there is not sufficient data to create a baseline to measure improvement. Therefore, 23 it is the intent of the Legislature that an alternative system 24 25 should be created until 2 years of assessment data are 26 available to start measuring actual student learning gains. 27 School performance grade category designations itemized in 28 subsection (7) shall be based on the following: (a) Timeframes.--29 School performance grade category designations 30 1. 31 shall be based on one school year of performance.

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1 2. In school years 1998-1999 and 1999-2000, a school's 2 performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other 3 4 appropriate performance data, including, but not limited to, 5 attendance, dropout rate, school discipline data, and student б readiness for college, in accordance with state board rule. 7 In the 2000-2001 school year, a school's 3. 8 performance grade category designation shall be determined as 9 follows: 10 a. Elementary schools. --11 (I) Sixty percent of the performance grade shall be 12 derived from a composite of the FCAT scores for grades 4 and 13 5, and the percentage of kindergarten through grade 2 classes 14 for which there is a ratio of one teacher to twenty students. 15 (II) Twenty percent of the performance grade shall be 16 derived from an assessment by the school advisory committee of the progress toward the goals of the school improvement plan. 17 (III) Twenty percent of the performance grade shall be 18 19 derived from an assessment of parental involvement and school 20 safety programs and initiatives, to be weighted at ten percent 21 each. 22 (IV) A bonus to the total performance grade of up to five percent shall be awarded to a school for academic and 23 24 nonacademic achievements not assessed by the FCAT, and for the 25 percentage of teachers with advanced certification or advanced 26 degrees. 27 b. Middle schools.--28 (I) Sixty percent of the performance grade shall be 29 derived from the grade 8 FCAT scores. 30 31

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(II) Twenty percent of the performance grade shall be 1 2 derived from an assessment by the school advisory committee of 3 the progress toward the goals of the school improvement plan. 4 (III) Twenty percent of the performance grade shall be 5 derived from an assessment of parental involvement and school б safety programs and initiatives, to be weighted at ten percent 7 each. 8 (IV) A bonus to the total performance grade of up to 9 five percent shall be awarded to a school for academic and nonacademic achievements not assessed by the FCAT, and for the 10 11 percentage of teachers with advanced certification or advanced 12 degrees. 13 c. High schools. --14 (I) Sixty percent of the performance grade shall be 15 derived from a composite of the grade 10 FCAT scores, and the 16 school's overall dropout and graduation rate, which shall be 17 weighted at thirty percent each. (II) Twenty percent of the performance grade shall be 18 19 derived from an assessment by the school advisory committee of 20 the progress toward the goals of the school improvement plan. (III) Twenty percent of the performance grade shall be 21 22 derived from an assessment of parental involvement and school 23 safety programs and initiatives, to be weighted at ten percent 24 each. 25 (IV) A bonus to the total performance grade of up to 26 five percent shall be awarded to a school for academic and 27 nonacademic achievements not assessed by the FCAT, for the 28 percentage of teachers with advanced certification or advanced degrees, and for the total number of acceleration mechanisms 29 available to students. 30 31

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HB 1179

The Department of Education shall determine and disseminate 1 2 the standardized method by which school advisory committees 3 shall make their assessments pursuant to this subparagraph and 4 the department shall determine a process for submission of 5 documentation and standards for assessment of parental б involvement, school safety, and bonus point factors. In the 7 2000-2001 school year, a school's performance grade category 8 designation shall be based on a combination of student 9 achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other 10 11 appropriate performance data, including, but not limited to, 12 dropout rate and student readiness for college. 13 4. Beginning in the 2001-2002 school year and 14 thereafter, a school's performance grade category designation 15 shall be determined as follows: 16 a. Elementary schools. --(I) Sixty percent of the performance grade shall be 17 derived from a composite of the FCAT scores for grades 4 and 18 19 5, and the percentage of kindergarten through grade 2 classes 20 for which there is a ratio of one teacher to twenty students. (II) Twenty percent of the performance grade shall be 21 22 derived from an assessment by the school advisory committee of the progress toward the goals of the school improvement plan. 23 24 (III) Twenty percent of the performance grade shall be derived from an assessment of parental involvement and school 25 26 safety programs and initiatives, to be weighted at ten percent 27 each. 28 (IV) A bonus to the total performance grade of up to five percent shall be awarded to a school for academic and 29 30 nonacademic achievements not assessed by the FCAT, and for the 31

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HB 1179

HB 1179

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nonacademic achievements not assessed by the FCAT, for the 1 2 percentage of teachers with advanced certification or advanced 3 degrees, and for the total number of acceleration mechanisms 4 available to students. 5 б The Department of Education shall determine and disseminate 7 the standardized method by which school advisory committees 8 shall make their assessments pursuant to this subparagraph, 9 and the department shall determine a process for submission of documentation and standards for assessment of parental 10 involvement, school safety, and bonus point factors. Beginning 11 12 with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on 13 student learning gains as measured by annual FCAT assessments 14 15 in grades 3 through 10, and on other appropriate performance 16 data, including, but not limited to, dropout rate, cohort 17 graduation rate, and student readiness for college. 5. Beginning in the 2000-2001 school year, a school 18 19 that has been designated as performance grade category "F" in 20 a prior school year shall not be designated as performance grade category "F" using the current year's data if that 21 22 school has shown at least a 50 percent increase toward the baseline score in each subject area. 23 24 6. Beginning in the 2000-2001 school year, a school that is designated as performance grade category "A" shall 25 26 retain its "A" designation as long as the school's performance on the FCAT and in the areas of attendance, parental 27 28 involvement, and dropout rates remain within 5 percent of the 29 previous year's levels of performance. If the performance levels of a school that is designated as performance grade 30 category "A" decline in any area for 2 consecutive years, the 31

12

1 school shall be designated as a lower school performance grade 2 category. 3 7. During the 2002-2003 school year, the Legislature 4 shall convene a joint committee to conduct public hearings on 5 the school performance grade requirements of this subsection 6 to receive recommendations for revisions to improve the 7 program. The joint committee shall meet in at least six 8 communities around the state. The recommendations shall be 9 considered prior to adopting the program for the 2003-2004 10 school year and thereafter. 11 The Department of Education shall study the effects of 12 13 mobility on the performance of highly mobile students and 14 recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for 15 16 each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools 17 designated as performance grade category "C," making 18 19 satisfactory progress, shall be required to demonstrate that 20 adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well 21 22 as by the overall population of students in the school. 23 (11) STATEWIDE ASSESSMENTS.--The Department of 24 Education is authorized, subject to appropriation, to 25 negotiate a multiyear contract for the development, field 26 testing, and implementation of annual assessments of students 27 in grades 3 through 10. Such assessments must comply with the 28 following criteria: 29 (i) Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year. 30 Assessments shall be administered no earlier than April 1 and 31 13

1 results must be provided to districts no later than May 15 2 annually, beginning in the 2001-2002 school year. 3 (12) LOCAL ASSESSMENTS. -- Measurement of the learning 4 gains of students in all subjects and grade levels other than 5 subjects and grade levels required for the state assessment program is the responsibility of the school districts. It is 6 7 the intent of the Legislature that the Department of Education 8 provide assistance in the development of the local 9 assessments. 10 Section 3. Paragraph (c) of subsection (5) of section 11 230.23, Florida Statutes, is amended to read: 12 230.23 Powers and duties of school board. -- The school 13 board, acting as a board, shall exercise all powers and 14 perform all duties listed below: 15 (5) PERSONNEL.--Designate positions to be filled, 16 prescribe qualifications for those positions, and provide for 17 the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements 18 19 of chapter 231: 20 (c) Compensation and salary schedules. -- Adopt a salary 21 schedule or salary schedules designed to furnish incentives 22 for improvement in training and for continued efficient service to be used as a basis for paying all school employees 23 and fix and authorize the compensation of school employees on 24 the basis thereof. A district school board, in determining the 25 26 salary schedule for instructional personnel, must base a 27 portion of each employee's compensation on performance 28 demonstrated under s. 231.29, must consider the prior teaching 29 experience of a person who has been designated state teacher of the year by any state in the United States, and must 30 31 consider prior professional experience in the field of 14

education gained in positions in addition to district level 1 2 instructional and administrative positions. In developing the 3 salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business 4 5 community. By June 30, 2002, or beginning with the full б implementation of an annual assessment of learning gains, 7 whichever occurs later, the adopted district school board 8 budget must include a reserve to fully fund an additional percentage 5 percent supplement for school administrators and 9 instructional personnel. The minimum percentage salary 10 increase required to be paid by each district to employees who 11 12 demonstrate outstanding performance shall be equal to the 13 percentage increase per weighted full-time equivalent student 14 for that same year. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, 15 16 the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding 17 performance, as measured under s. 231.29, to earn the 18 19 percentage a 5 percent supplement in addition to their 20 individual, negotiated salary. The supplements will be funded from the reserve funds adopted in the salary schedule. The 21 Commissioner of Education shall determine whether the district 22 school board's adopted salary schedule complies with the 23 requirement for performance-based pay. If the district school 24 board fails to adopt a plan for compliance for the 2003-2004 25 26 school year and thereafter comply by the required date, the 27 commissioner shall withhold disbursements from the Educational 28 Enhancement Trust Fund to the district until compliance is verified. 29 Section 4. Paragraph (c) of subsection (6) of section 30

231.17, Florida Statutes, is amended to read:

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231.17 Teacher certification requirements.--1 2 (6) TYPES AND TERMS OF CERTIFICATION. --3 (c) The department shall issue one nonrenewable 2-year 4 temporary certificate and one nonrenewable 5-year professional 5 certificate to a qualified applicant who holds a bachelor's б degree in the area of speech-language impairment to allow for 7 completion of a master's degree program in speech-language 8 impairment. 9 Each temporary certificate is valid for 3 school fiscal years 10 11 and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 2  $\pm$  calendar years year of the date 12 13 of employment under the temporary certificate. A school 14 district shall not employ, or continue the employment of, an individual beyond the 2  $\pm$  calendar year time period who has 15 16 not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to 17 extend the validity period of a temporary certificate for 2 18 19 years when the requirements for the professional certificate, 20 not including the requirement in paragraph (2)(g), were not 21 completed due to the serious illness or injury of the 22 applicant or other extraordinary extenuating circumstances. 23 The department shall reissue the temporary certificate for 2 24 additional years upon approval by the Commissioner of 25 Education. A written request for reissuance of the certificate 26 shall be submitted by the superintendent of schools, the 27 governing authority of a developmental research school, the 28 governing authority of a state-supported school, or the 29 governing authority of a nonpublic school. 30 Section 5. Subsection (2) of section 236.08104, 31 Florida Statutes, is amended to read:

16

HB 1179

1 236.08104 Supplemental academic instruction; 2 categorical fund. --3 (2) Categorical funds for supplemental academic 4 instruction shall be allocated annually to each school 5 district in the amount provided in the General Appropriations б Act. 7 (a) These funds shall be in addition to the funds 8 appropriated on the basis of full-time equivalent student (FTE) membership in the Florida Education Finance Program, and 9 shall be included in the total potential funds of each 10 district, and shall be adjusted for inflation and growth. 11 12 Districts shall be held harmless for funds received pursuant 13 to this section in fiscal year 2000-2001. 14 (b) A district's allocation shall be based on the 15 following: 16 1. One-third of a district's allocation shall be based on the weighted FTE membership enrolled in schools in the 17 district that have been designated as performance grade 18 19 categories "D" and "F" for the prior year. Such portion of a 20 district's allocation shall be held harmless for a 2-year 21 period. 22 2. Two-thirds of a district's allocation shall be 23 based on the total district weighted FTE membership. 24 (c) These funds shall be used only to provide 25 supplemental academic instruction to students enrolled in the 26 K-12 program. Supplemental instruction strategies may include, 27 but are not limited to: modified curriculum, reading 28 instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills 29 development in summer school, and other methods for improving 30 31 student achievement. Supplemental instruction may be provided 17

HB 1179

to a student in any manner and at any time during or beyond 1 2 the regular 180-day term identified by the school as being the 3 most effective and efficient way to best help that student progress from grade to grade and to graduate. 4 5 Section 6. By July 1, 2002, the University of South 6 Florida shall develop and establish at its Tampa campus a 7 rigorous teacher preparation program for highly talented 8 students. The program shall be conducted in conformance with 9 the following requirements: 10 (1) When fully operational, the program must serve 40 11 students annually. 12 (2) Participants must receive full scholarships funded 13 through private donations and other outside sources to cover 14 the cost of in-state tuition and mandatory student fees. 15 (3) Participants in the program shall be required to 16 teach at least 4 years in a Florida public school that has been designated as performance grade category "D" or 17 performance grade category "F," according to s. 229.57, 18 19 Florida Statutes. Participants who fail to fulfill this 20 requirement shall be required to repay the University of South Florida the amount of annual assistance received for each year 21 22 of the unfulfilled teaching commitment. 23 24 It is the intent of the Legislature to encourage other universities to review, and consider for adoption, the program 25 26 established by this section. 27 Section 7. This act shall take effect upon becoming a 28 law. 29 30 31

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2	HOUSE SUMMARY
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4	Creates the "Best Schools Act of 2001." Exempts certain students from the statewide assessment program. Revises
5	the schedule of school performance grade categories to include an additional plus sign designation. Revises the
6	method for determining school performance categories. Revises the timeframe for implementation of statewide
7	assessments. Prohibits a school that has shown at least a 50 percent increase in performance from being designated
8	as performance grade category "F." Provides for schools to retain an "A" designation under certain circumstances.
9	Requires the Legislature to conduct public hearings. Requires the Department of Education to provide
10	assistance to district school boards regarding the development of local assessments. Revises powers and
11	duties of district school boards: establishes a minimum percentage salary increase required to be paid by a
12	district to employees who demonstrate outstanding performance; requires district school boards to adopt a
13	plan for compliance with performance-based pay provisions; provides additional mechanisms for providing
14	assistance and intervention for schools needing improvement; and deletes obsolete language. Revises
15	requirements for receipt of a temporary teaching certificate. Requires that categorical funds for
16	supplemental academic instruction be adjusted for inflation, provides requirements for determining a
17	district's allocation, and holds the district harmless for certain funds received. Requires the University of
18	South Florida to develop and establish a teacher preparation program. Provides program requirements and
19	legislative intent.
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