

By Senator Wasserman Schultz

34-1856-04

See HB

1 A bill to be entitled
 2 An act relating to public school
 3 accountability; providing a popular name;
 4 amending s. 1008.34, F.S.; revising school
 5 performance grade categories; revising
 6 requirements for obtaining increased budget
 7 authority by schools; revising the method for
 8 determining school performance grades;
 9 providing for public hearings relating to the
 10 adoption of school performance grade
 11 requirements; amending s. 1008.36, F.S.;
 12 renaming the Florida School Recognition Program
 13 as the Students First Program and revising
 14 provisions thereof; providing program
 15 components; providing for the use of Students
 16 First Program funds; providing duties of the
 17 Department of Education; providing an effective
 18 date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. This act may be referred to by the popular
 23 name the "Students First Act."

24 Section 2. Subsections (2), (3), and (4) of section
 25 1008.34, Florida Statutes, are amended to read:

26 1008.34 School grading system; district performance
 27 grade.--

28 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
 29 report shall identify schools as being in one of the following
 30 grade categories defined according to rules of the State Board
 31 of Education:

1 (a) "Passing with Distinction." ~~"A," schools making~~
2 ~~excellent progress.~~

3 (b) "Passing." ~~"B," schools making above average~~
4 ~~progress.~~

5 (c) "Failing." ~~"C," schools making satisfactory~~
6 ~~progress.~~

7 (d) ~~"D," schools making less than satisfactory~~
8 ~~progress.~~

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

10
11 Each school designated in performance grade category "Passing
12 with Distinction," ~~"A," making excellent progress,~~ or having
13 improved at least one ~~two~~ performance grade category
14 ~~categories,~~ shall have greater authority over the allocation
15 of the school's total budget generated from the FEFP, state
16 categoricals, lottery funds, grants, and local funds, as
17 specified in state board rule. The rule must provide that the
18 increased budget authority shall remain in effect until the
19 school's performance grade declines. Beginning in the
20 2004-2005 school year, a school that has been designated as
21 performance grade category "F" in a prior school year shall
22 not be designated as performance grade category "Failing"
23 using the current year's data if that school has shown at
24 least a 50-percent increase toward the baseline score in each
25 subject area.

26 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
27 CATEGORIES.--For purposes of determining school performance,
28 student performance should be based on a student's annual
29 learning gains when the gain can be measured with an accurate
30 and consistent assessment system. School performance grade
31

1 category designations itemized in subsection (2) shall be
2 based on the following:

3 (a) Timeframes.--

4 1. School performance grade category designations
5 shall be based on the school's current year performance and
6 the school's annual learning gains.

7 2. Beginning in school year 2004-2005, a school's
8 performance grade category designation shall be determined
9 based upon the following weighted factors for the following
10 grade levels, according to rules adopted by the State Board of
11 Education:

12 a. For kindergarten through grade 2, 60 percent of the
13 performance grade shall be based on the percentage of classes
14 for which there is a ratio of 1 teacher to 20 students, 20
15 percent shall be based on attendance, 10 percent shall be
16 based on parental involvement, and 10 percent shall be based
17 on school safety.

18 b. For grades 3 through 5, 60 percent of the
19 performance grade shall be based on FCAT scores, 20 percent
20 shall be based on attendance, 10 percent shall be based on
21 parental involvement, and 10 percent shall be based on school
22 safety.

23 c. For grades 6 through 10, 60 percent of the
24 performance grade shall be based on FCAT scores, 10 percent
25 shall be based on attendance, 10 percent shall be based on the
26 dropout rate, 10 percent shall be based on parental
27 involvement, and 10 percent shall be based on school safety.

28 d. For grades 11 and 12, 35 percent of the performance
29 grade shall be based on the dropout rate; 35 percent shall be
30 based on the number of acceleration mechanisms available to
31 students, including, but not limited to, Advanced Placement

1 courses and dual enrollment courses; 10 percent shall be based
2 on attendance; 10 percent shall be based on parental
3 involvement; and 10 percent shall be based on school safety.

4
5 During the 2006-2007 school year, the Legislature shall
6 conduct public hearings on the school performance grade
7 requirements of this paragraph to receive recommendations for
8 revisions to improve such requirements. The recommendations
9 shall be considered prior to adopting school performance grade
10 requirements for the 2007-2008 school year and thereafter.

11 ~~2. A school's performance grade category designation~~
12 ~~shall be based on a combination of student achievement scores,~~
13 ~~student learning gains as measured by annual FCAT assessments~~
14 ~~in grades 3 through 10, and improvement of the lowest 25th~~
15 ~~percentile of students in the school in reading, math, or~~
16 ~~writing on the FCAT, unless these students are performing~~
17 ~~above satisfactory performance.~~

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

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

23 2. The aggregate scores of all eligible students
24 enrolled in the school who have been assessed on the FCAT,
25 including Florida Writes, and who have scored at or in the
26 lowest 25th percentile of students in the school in reading,
27 math, or writing, unless these students are performing above
28 satisfactory performance.

29
30 The Department of Education shall study the effects of
31 mobility on the performance of highly mobile students and

1 recommend programs to improve the performance of such
2 students. The State Board of Education shall adopt appropriate
3 criteria for each school performance grade category. The
4 criteria must also give added weight to student achievement in
5 reading. Schools designated as performance grade category
6 "Passing" ~~"C," making satisfactory progress,~~ shall be required
7 to demonstrate that adequate progress has been made by
8 students in the school who are in the lowest 25th percentile
9 in reading, math, or writing on the FCAT, including Florida
10 Writes, unless these students are performing above
11 satisfactory performance.

12 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
13 shall identify each school's performance as having improved,
14 remained the same, or declined. This school improvement rating
15 shall be based on a comparison of the current year's and
16 previous year's student and school performance data. ~~Schools~~
17 ~~that improve at least one performance grade category are~~
18 ~~eligible for school recognition awards pursuant to s. 1008.36.~~

19 Section 3. Section 1008.36, Florida Statutes, is
20 amended to read:

21 1008.36 Students First ~~Florida School Recognition~~
22 Program.--

23 (1) The Legislature finds that in order to provide
24 every student enrolled in K-12 public schools with the
25 opportunity to achieve a successful public education, academic
26 problems must be identified early and remediation and
27 intervention services must be provided. It is the intent of
28 this section that no child shall be left behind ~~there is a~~
29 ~~need for a performance incentive program for outstanding~~
30 ~~faculty and staff in highly productive schools. The~~
31 ~~Legislature further finds that performance-based incentives~~

1 ~~are commonplace in the private sector and should be infused~~
2 ~~into the public sector as a reward for productivity.~~

3 (2) The Students First Florida School Recognition
4 ~~Program is created to provide financial awards to public~~
5 ~~schools that:~~

6 (a) A curriculum-based, year-round measurement of
7 learning gains for all kindergarten students enrolled in
8 public schools. Sustain high performance by receiving a school
9 grade of "A," making excellent progress; or

10 (b) Remediation and intervention services to all
11 kindergarten through grade 12 students enrolled in public
12 schools who are not meeting grade-appropriate performance
13 expectations, including FCAT scores Demonstrate exemplary
14 improvement due to innovation and effort by improving a letter
15 grade.

16 (3) All public schools, including charter schools,
17 ~~that receive a school grade pursuant to s. 1008.34~~ are
18 eligible to participate in the program.

19 (4) All ~~selected~~ schools shall receive financial
20 assistance awards depending on the availability of funds
21 ~~appropriated and the number and size of schools selected to~~
22 ~~receive an award.~~ Funds must be distributed to the school's
23 fiscal agent and placed in the school's account and must be
24 used for purposes listed in subsection (5) as determined
25 jointly by the school's staff and school advisory council. ~~If~~
26 ~~school staff and the school advisory council cannot reach~~
27 ~~agreement by November 1, the awards must be equally~~
28 ~~distributed to all classroom teachers currently teaching in~~
29 ~~the school.~~

30 (5) Students First Program funds ~~School recognition~~
31 ~~awards~~ must be used for the following:

1 (a) Administration of the Dynamic Indicators of Basic
2 Early Literacy Skills (DIBELS) to all kindergarten students
3 enrolled in public schools ~~Nonrecurring bonuses to the faculty~~
4 ~~and staff;~~

5 (b) Nonrecurring expenditures for remediation of
6 low-performing students, including remediation programs and
7 intervention services adopted and administered by the
8 Department of Education;

9 (c) ~~(b)~~ Nonrecurring expenditures for educational
10 equipment or materials to assist in the remediation of
11 low-performing students ~~maintaining and improving student~~
12 ~~performance; or~~

13 (d) ~~(c)~~ Temporary personnel for the school to assist in
14 the remediation of low-performing students; or ~~maintaining and~~
15 ~~improving student performance.~~

16 (e) Contracts with private sector participants to
17 provide remediation services, provided that 90 percent of the
18 personnel providing services reside in Florida.

19
20 ~~Notwithstanding statutory provisions to the contrary,~~
21 ~~incentive awards are not subject to collective bargaining.~~

22 Section 4. (1) The Department of Education shall
23 provide training and informational resources for educators to
24 administer the Dynamic Indicators of Basic Early Literacy
25 Skills (DIBELS) and shall be responsible for creating and
26 implementing provisions for the collection and analysis of the
27 testing data.

28 (2) The Department of Education shall establish
29 policies and procedures for the development of individual
30 education plans for low-performing students who need
31 remediation and intervention services.

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Section 5. This act shall take effect July 1, 2004.