

1                                   A bill to be entitled  
2           An act relating to public school educational  
3           instruction; creating s. 1003.415, F.S.;  
4           providing the popular name the "Middle Grades  
5           Reform Act"; providing purpose and intent;  
6           defining the term "middle grades"; requiring a  
7           review and recommendations relating to  
8           curricula and courses; requiring implementation  
9           of new or revised reading and language arts  
10          courses; providing for implementation of a  
11          rigorous reading requirement in certain  
12          schools; requiring the Department of Education  
13          to provide technical assistance; requiring a  
14          study of the academic performance of middle  
15          grade students and schools with recommendations  
16          for an increase in performance; requiring a  
17          personalized middle school success plan for  
18          certain students; providing authority for State  
19          Board of Education rulemaking and enforcement;  
20          requiring the Department of Education to  
21          conduct a study on physical education in public  
22          schools; requiring a report to the Governor and  
23          the Legislature; requiring the Department of  
24          Education to develop a physical fitness  
25          assessment instrument and support materials for  
26          fitness assessment programs; amending s.  
27          1001.42, F.S.; requiring a school improvement  
28          plan to include the rigorous reading  
29          requirement if applicable; requiring district  
30          school boards to address student health and  
31          fitness in school improvement plans; requiring

1 district school boards to adopt policies for  
2 implementing student health and fitness  
3 standards; creating s. 1003.455, F.S.;  
4 requiring district school boards to develop  
5 physical education programs; requiring district  
6 school boards to adopt written physical  
7 education policies; requiring that the policies  
8 be provided to the Department of Education;  
9 requiring school districts to implement  
10 mandatory physical education under certain  
11 circumstances; amending s. 1012.98, F.S.;  
12 providing for the development of an  
13 Internet-based clearinghouse at a public state  
14 university for professional development  
15 programs concerning physical education;  
16 amending s. 1008.25, F.S.; requiring a  
17 personalized middle school success plan to be  
18 incorporated in a student's academic  
19 improvement plan if applicable; amending s.  
20 1012.34, F.S.; revising assessment criteria for  
21 instructional personnel; providing an  
22 appropriation; providing an effective date.

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

25  
26 Section 1. Section 1003.415, Florida Statutes, is  
27 created to read:

28 1003.415 The Middle Grades Reform Act.--

29 (1) POPULAR NAME.--This section shall be known by the  
30 popular name the "Middle Grades Reform Act."

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1           (2) PURPOSE AND INTENT.--The purpose of this section  
2 is to provide added focus and rigor to academics in the middle  
3 grades. Using reading as the foundation, all middle grade  
4 students should receive rigorous academic instruction through  
5 challenging curricula delivered by highly qualified teachers  
6 in schools with outstanding leadership, which schools are  
7 supported by engaged and informed parents. It is the intent of  
8 the Legislature that students promoted from the eighth grade  
9 will be ready for success in high school.

10           (3) DEFINITION.--As used in this section, the term  
11 "middle grades" means grades 6, 7, and 8.

12           (4) CURRICULA AND COURSES.--The Department of  
13 Education shall review course offerings, teacher  
14 qualifications, instructional materials, and teaching  
15 practices used in reading and language arts programs in the  
16 middle grades. The department must consult with the Florida  
17 Center for Reading Research at Florida State University, the  
18 Just Read, Florida! Office, reading researchers, reading  
19 specialists, and district supervisors of curriculum in the  
20 development of findings and recommendations. The Commissioner  
21 of Education shall make recommendations to the State Board of  
22 Education regarding changes to reading and language arts  
23 curricula in the middle grades based on research-based proven  
24 effective programs. The State Board of Education shall adopt  
25 rules based upon the commissioner's recommendations no later  
26 than March 1, 2005. Implementation of new or revised reading  
27 and language arts courses in all middle grades shall be phased  
28 in beginning no later than the 2005-2006 school year with  
29 completion no later than the 2008-2009 school year.

30           (5) RIGOROUS READING REQUIREMENT.--  
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1        (a) Beginning with the 2004-2005 school year, each  
2 public school serving middle grade students, including charter  
3 schools, with fewer than 75 percent of its students reading at  
4 or above grade level in grade 6, grade 7, or grade 8 as  
5 measured by a student scoring at Level 3 or above on the FCAT  
6 during the prior school year, must incorporate by October 1 a  
7 rigorous reading requirement for reading and language arts  
8 programs as the primary component of its school improvement  
9 plan. The department shall annually provide to each district  
10 school board by June 30 a list of its schools that are  
11 required to incorporate a rigorous reading requirement as the  
12 primary component of the school's improvement plan. The  
13 department shall provide technical assistance to school  
14 districts and school administrators required to implement the  
15 rigorous reading requirement.

16        (b) The purpose of the rigorous reading requirement is  
17 to assist each student who is not reading at or above grade  
18 level to do so before entering high school. The rigorous  
19 reading requirement must include for a middle school's  
20 low-performing student population specific areas that address  
21 phonemic awareness, phonics, fluency, comprehension, and  
22 vocabulary; the desired levels of performance in those areas;  
23 and the instructional and support services to be provided to  
24 meet the desired levels of performance. The school shall use  
25 research-based reading activities that have been shown to be  
26 successful in teaching reading to low-performing students.

27        (c) Schools required to implement the rigorous reading  
28 requirement must provide quarterly reports to the district  
29 school superintendent on the progress of students toward  
30 increased reading achievement.

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1        (d) The results of implementation of a school's  
2 rigorous reading requirement shall be used as part of the  
3 annual evaluation of the school's instructional personnel and  
4 school administrators as required in s. 1012.34.

5        (6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC  
6 PERFORMANCE OF STUDENTS AND SCHOOLS.--

7        (a) The department shall conduct a study on how the  
8 overall academic performance of middle grade students and  
9 schools can be improved. The department must consult with the  
10 Florida Center for Reading Research at Florida State  
11 University, the Just Read, Florida! Office, and key education  
12 stakeholders, including district school board members,  
13 district school superintendents, principals, parents,  
14 teachers, district supervisors of curriculum, and students  
15 across the state, in the development of its findings and  
16 recommendations. The department shall review, at a minimum,  
17 each of the following elements:

18        1. Academic expectations, which include, but are not  
19 limited to:

20        a. Alignment of middle school expectations with  
21 elementary and high school graduation requirements.

22        b. Best practices to improve reading and language arts  
23 courses based on research-based programs for middle school  
24 students in alignment with the Sunshine State Standards.

25        c. Strategies that focus on improving academic success  
26 for low-performing students.

27        d. Rigor of curricula and courses.

28        e. Instructional materials.

29        f. Course enrollment by middle school students.

30        g. Student support services.

31        h. Measurement and reporting of student achievement.

- 1           2. Attendance policies and student mobility issues.  
2           3. Teacher quality, which includes, but is not limited  
3 to:  
4           a. Preparedness of teachers to teach rigorous courses  
5 to middle school students.  
6           b. Teacher evaluations.  
7           c. Substitute teachers.  
8           d. Certification and recertification requirements.  
9           e. Staff development requirements.  
10          f. Availability of effective staff development  
11 training.  
12          g. Teacher recruitment and vacancy issues.  
13          h. Federal requirements for highly qualified teachers  
14 pursuant to the No Child Left Behind Act of 2001.  
15          4. Identification and availability of diagnostic  
16 testing.  
17          5. Availability of personnel and scheduling issues.  
18          6. Middle school leadership and performance.  
19          7. Parental and community involvement.  
20          (b) By December 1, 2004, the Commissioner of Education  
21 shall submit to the President of the Senate, the Speaker of  
22 the House of Representatives, the chairs of the education  
23 committees in the Senate and the House of Representatives, and  
24 the State Board of Education recommendations to increase the  
25 academic performance of middle grade students and schools.  
26          (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--  
27          (a) Beginning with the 2004-2005 school year, each  
28 principal of a school with a middle grade shall designate  
29 certified staff members at the school to develop and  
30 administer a personalized middle school success plan for each  
31 entering sixth grade student who scored below Level 3 in

1 reading on the most recently administered FCAT. The purpose of  
2 the success plan is to assist the student in meeting state and  
3 school district expectations in academic proficiency and to  
4 prepare the student for a rigorous high school curriculum. The  
5 success plan shall be developed in collaboration with the  
6 student and his or her parent and must be implemented until  
7 the student completes the eighth grade or achieves a score at  
8 Level 3 or above in reading on the FCAT, whichever occurs  
9 first. The success plan must minimize paperwork and may be  
10 incorporated into a parent/teacher conference, included as  
11 part of a progress report or report card, included as part of  
12 a general orientation at the beginning of the school year, or  
13 provided by electronic mail or other written correspondence.

14 (b) The personalized middle school success plan must:

15 1. Identify educational goals and intermediate  
16 benchmarks for the student in the core curriculum areas which  
17 will prepare the student for high school.

18 2. Be based upon academic performance data and an  
19 identification of the student's strengths and weaknesses.

20 3. Include academic intervention strategies with  
21 frequent progress monitoring.

22 4. Provide innovative methods to promote the student's  
23 advancement which may include, but not be limited to, flexible  
24 scheduling, tutoring, focus on core curricula, online  
25 instruction, an alternative learning environment, or other  
26 interventions that have been shown to accelerate the learning  
27 process.

28 (c) The personalized middle school success plan must  
29 be incorporated into any individual student plan required by  
30 federal or state law, including the academic improvement plan  
31 required in s. 1008.25, an individual education plan (IEP) for

1 a student with disabilities, a federal 504 plan, or an ESOL  
2 plan.

3 (d) The Department of Education shall provide  
4 technical assistance for districts, school administrators, and  
5 instructional personnel regarding the development of  
6 personalized middle school success plans. The assistance shall  
7 include strategies and techniques designed to maximize  
8 interaction between students, parents, teachers, and other  
9 instructional and administrative staff while minimizing  
10 paperwork.

11 (8) STATE BOARD OF EDUCATION AUTHORITY.--

12 (a) The State Board of Education shall have authority  
13 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
14 implement the provisions of this section.

15 (b) The State Board of Education shall have authority  
16 pursuant to s. 1008.32 to enforce the provisions of this  
17 section.

18 Section 2. (1) The Department of Education shall  
19 conduct a study to determine the status of physical education  
20 instruction in the public schools and shall develop detailed  
21 recommendations for changes to physical education programs. As  
22 a part of the study, the Department of Education shall:

23 (a) Determine the number of public schools in the  
24 state which have eliminated or reduced physical education  
25 instruction;

26 (b) Assess current issues concerning personnel who  
27 teach physical education and determine appropriate roles for  
28 all personnel in expanding both physical education and other  
29 physical activity for students;

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1        (c) Determine the average length and frequency of  
2 physical education classes in elementary, middle, and high  
3 school, respectively, by school district;

4        (d) Determine the percent of physical education  
5 classes taught by certified physical education instructors;

6        (e) Assess the degree to which individual schools  
7 within a school district are allowed to add to or modify  
8 district requirements for physical education;

9        (f) Assess the availability of fitness assessment  
10 programs, such as the President's Challenge Physical Fitness  
11 Program, which could be adopted by schools or an entire school  
12 district in order to provide information regarding and  
13 encourage student fitness;

14        (g) Determine the methods of providing feedback to a  
15 parent through a student assessment report that would  
16 summarize a student's results and the school's results as set  
17 forth in an assessment tool, such as the Fitnessgram or the  
18 School Health Index of the Centers for Disease Control and  
19 Prevention; and

20        (h) Develop recommendations for the most efficient  
21 ways to substantially increase the level of physical education  
22 and physical activity for students in grades prekindergarten  
23 through grade 5, grades 6 through 8, and grades 9 through 12,  
24 by group.

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26 The study results must also contain an assessment developed by  
27 the Department of Education of the fiscal impact of any  
28 recommended changes. The Department of Education shall submit  
29 a report on the study to the Governor and the Legislature by  
30 February 1, 2005.

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1           (2) The Department of Education shall select or  
 2 develop by March 1, 2005, a physical fitness assessment  
 3 instrument that school districts may use in assessing and  
 4 reporting individual student fitness and a standard report  
 5 form for this information which may be provided to parents.

6           (3) By December 1, 2004, the Department of Education  
 7 shall develop support materials and distribute the materials  
 8 to each school district to enable implementation of fitness  
 9 assessment programs recommended pursuant to subsection (2).  
 10 The support materials must include the necessary instructions,  
 11 procedures, and forms to implement and successfully administer  
 12 the programs or reports. The department may develop and  
 13 distribute other support or informational materials it  
 14 determines may assist schools or school districts in improving  
 15 student health and fitness through local action.

16           Section 3. Paragraph (a) of subsection (16) and  
 17 paragraph (a) of subsection (17) of section 1001.42, Florida  
 18 Statutes, are amended to read:

19           1001.42 Powers and duties of district school  
 20 board.--The district school board, acting as a board, shall  
 21 exercise all powers and perform all duties listed below:

22           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
 23 ACCOUNTABILITY.--Maintain a system of school improvement and  
 24 education accountability as provided by statute and State  
 25 Board of Education rule. This system of school improvement and  
 26 education accountability shall be consistent with, and  
 27 implemented through, the district's continuing system of  
 28 planning and budgeting required by this section and ss.  
 29 1008.385, 1010.01, and 1011.01. This system of school  
 30 improvement and education accountability shall include, but is  
 31 not limited to, the following:

1           (a) School improvement plans.--Annually approve and  
2 require implementation of a new, amended, or continuation  
3 school improvement plan for each school in the district,  
4 except that a district school board may establish a district  
5 school improvement plan that includes all schools in the  
6 district operating for the purpose of providing educational  
7 services to youth in Department of Juvenile Justice programs.  
8 Such plan shall be designed to achieve the state education  
9 priorities pursuant to s. 1000.03(5) and student performance  
10 standards. In addition, any school required to implement a  
11 rigorous reading requirement pursuant to s. 1003.415 must  
12 include such component in its school improvement plan. Each  
13 plan shall also address issues relative to budget, training,  
14 instructional materials, technology, staffing, student support  
15 services, specific school safety and discipline strategies,  
16 student health and fitness, including physical fitness,  
17 parental information on student health and fitness, and indoor  
18 environmental air quality, and other matters of resource  
19 allocation, as determined by district school board policy, and  
20 shall be based on an analysis of student achievement and other  
21 school performance data.

22           (17) LOCAL-LEVEL DECISIONMAKING.--

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

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1           Section 4. Section 1003.455, Florida Statutes, is  
2 created to read:

3           1003.455 Physical education; assessment.--

4           (1) It is the responsibility of each district school  
5 board to develop a physical education program that stresses  
6 physical fitness and encourages healthy, active lifestyles and  
7 to encourage all students in prekindergarten through grade 12  
8 to participate in physical education. Physical education shall  
9 consist of physical activities of at least a moderate  
10 intensity level and for a duration sufficient to provide a  
11 significant health benefit to students, subject to the  
12 differing capabilities of students.

13           (2) Each district school board shall, no later than  
14 December 1, 2004, adopt a written physical education policy  
15 that details the school district's physical education program  
16 and expected program outcomes. Each district school board  
17 shall provide a copy of its written policy to the Department  
18 of Education by December 15, 2004.

19           (3) Any district that does not adopt a physical  
20 education policy by December 1, 2004, shall, at a minimum,  
21 implement a mandatory physical education program for  
22 kindergarten through grade 5 which provides students with 30  
23 minutes of physical education each day, 3 days a week.

24           Section 5. Paragraph (d) is added to subsection (4) of  
25 section 1012.98, Florida Statutes, to read:

26           1012.98 School Community Professional Development  
27 Act.--

28           (4) The Department of Education, school districts,  
29 schools, community colleges, and state universities share the  
30 responsibilities described in this section. These  
31 responsibilities include the following:

1           (d) The Department of Education shall approve a public  
2 state university having an approved physical education teacher  
3 preparation program within its college of education to develop  
4 and implement an Internet-based clearinghouse for physical  
5 education professional development programs that may be  
6 accessed and used by all instructional personnel. The  
7 development of these programs shall be financed primarily by  
8 private funds and shall be available for use no later than  
9 August 1, 2005.

10           Section 6. Paragraph (b) of subsection (4) of section  
11 1008.25, Florida Statutes, is amended to read:

12           1008.25 Public school student progression; remedial  
13 instruction; reporting requirements.--

14           (4) ASSESSMENT AND REMEDIATION.--

15           (b) The school in which the student is enrolled must  
16 develop, in consultation with the student's parent, and must  
17 implement an academic improvement plan designed to assist the  
18 student in meeting state and district expectations for  
19 proficiency. For a student for whom a personalized middle  
20 school success plan is required pursuant to s. 1003.415, the  
21 middle school success plan must be incorporated in the  
22 student's academic improvement plan. Beginning with the  
23 2002-2003 school year, if the student has been identified as  
24 having a deficiency in reading, the academic improvement plan  
25 shall identify the student's specific areas of deficiency in  
26 phonemic awareness, phonics, fluency, comprehension, and  
27 vocabulary; the desired levels of performance in these areas;  
28 and the instructional and support services to be provided to  
29 meet the desired levels of performance. Schools shall also  
30 provide for the frequent monitoring of the student's progress  
31 in meeting the desired levels of performance. District school

1 boards shall assist schools and teachers to implement  
2 research-based reading activities that have been shown to be  
3 successful in teaching reading to low-performing students.  
4 Remedial instruction provided during high school may not be in  
5 lieu of English and mathematics credits required for  
6 graduation.

7 Section 7. Paragraph (a) of subsection (3) of section  
8 1012.34, Florida Statutes, is amended to read:

9 1012.34 Assessment procedures and criteria.--

10 (3) The assessment procedure for instructional  
11 personnel and school administrators must be primarily based on  
12 the performance of students assigned to their classrooms or  
13 schools, as appropriate. The procedures must comply with, but  
14 are not limited to, the following requirements:

15 (a) An assessment must be conducted for each employee  
16 at least once a year. The assessment must be based upon sound  
17 educational principles and contemporary research in effective  
18 educational practices. The assessment must primarily use data  
19 and indicators of improvement in student performance assessed  
20 annually as specified in s. 1008.22 and may consider results  
21 of peer reviews in evaluating the employee's performance.  
22 Student performance must be measured by state assessments  
23 required under s. 1008.22 and by local assessments for  
24 subjects and grade levels not measured by the state assessment  
25 program. The assessment criteria must include, but are not  
26 limited to, indicators that relate to the following:

- 27 1. Performance of students.
- 28 2. Ability to maintain appropriate discipline.
- 29 3. Knowledge of subject matter. The district school  
30 board shall make special provisions for evaluating teachers  
31 who are assigned to teach out-of-field.

1           4. Ability to plan and deliver instruction, including  
2 implementation of the rigorous reading requirement pursuant to  
3 s. 1003.415, when applicable, and the use of technology in the  
4 classroom.

5           5. Ability to evaluate instructional needs.

6           6. Ability to establish and maintain a positive  
7 collaborative relationship with students' families to increase  
8 student achievement.

9           7. Other professional competencies, responsibilities,  
10 and requirements as established by rules of the State Board of  
11 Education and policies of the district school board.

12           Section 8. There is hereby appropriated \$445,000 from  
13 the General Revenue Fund to the Florida State University  
14 Charter Lab Elementary School in Broward County for the  
15 purpose delineated in section 1002.32(9)(e), Florida Statutes.

16           Section 9. This act shall take effect upon becoming a  
17 law.

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