

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Pickens offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (h) of subsection (10) and paragraph
6 (e) of subsection (18) of section 1002.33, Florida Statutes, are
7 amended to read:

8 1002.33 Charter schools.--

9 (10) ELIGIBLE STUDENTS.--

10 (h) The capacity of a nonconversion ~~the~~ charter school
11 shall be determined annually by the governing board, in
12 conjunction with the sponsor, of the charter school in
13 consideration of the factors identified in this subsection.

14 Capacity of a conversion charter school shall be no more than 5
15 percent below the district average for like schools. The

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16 district average shall be calculated based on FISH capacity as
17 determined by Department of Education rule.

18 (18) FACILITIES.--

19 (e) If a district school board facility or property is
20 available because it is surplus, marked for disposal, or
21 otherwise unused, it shall be provided for a charter school's
22 use on the same basis as it is made available to other public
23 schools in the district. A district school board facility or
24 property shall not be considered unused if the facility or
25 property is within the school district's 5-year plan. A charter
26 school receiving property from the school district may not sell
27 or dispose of such property without written permission of the
28 school district. Similarly, for an existing public school
29 converting to charter status, no rental or leasing fee for the
30 existing facility or for the property normally inventoried to
31 the conversion school may be charged by the district school
32 board to the parents and teachers organizing the charter school.
33 The charter organizers shall agree to reasonable maintenance
34 provisions in order to maintain the facility in a manner similar
35 to district school board standards. The Public Education Capital
36 Outlay maintenance funds or any other maintenance funds
37 generated by the facility operated as a conversion school shall
38 remain with the conversion school.

39 Section 2. Paragraph (c) of subsection (2) and paragraph
40 (a) of subsection (4) of section 1003.03, Florida Statutes, are
41 amended to read:

42 1003.03 Maximum class size.--

43 (2) IMPLEMENTATION.--

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44 (c) The Department of Education shall annually calculate
45 each of the three average class size measures defined in
46 paragraphs (a) and (b) based upon the October student membership
47 survey. For purposes of determining the baseline from which each
48 district's average class size must be reduced for the 2003-2004
49 school year, the department shall use data from the February
50 2003 student membership survey updated to include classroom
51 identification numbers as required by the department. Beginning
52 in the 2004-2005 school year, if the actual student membership
53 in the October survey exceeds the student membership estimate
54 included in the Florida Education Finance Program first
55 calculation, the maximum student membership enrollment used in
56 determining the October class size averages shall be the student
57 membership estimate included in the Florida Education Finance
58 Program first calculation.

59 (4) ACCOUNTABILITY.--

60 (a) Beginning in the 2003-2004 fiscal year, if the
61 department determines for any year that a school district has
62 not reduced average class size as required in subsection (2) at
63 the time of the third FEFP calculation, the department shall
64 calculate an amount from the class size reduction operating
65 categorical which is proportionate to the amount of class size
66 reduction not accomplished. Upon verification of the
67 department's calculation by the Florida Education Finance
68 Program Appropriation Allocation Conference, the Executive
69 Office of the Governor shall transfer undistributed funds
70 equivalent to the calculated amount from the district's class
71 size reduction operating categorical to an approved fixed

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72 capital outlay appropriation for class size reduction in the
73 affected district pursuant to s. 216.292(13). The amount of
74 funds transferred shall be the lesser of the amount verified by
75 the Florida Education Finance Program Appropriation Allocation
76 Conference or the undistributed balance of the district's class
77 size reduction operating categorical. However, based upon a
78 recommendation by the Commissioner of Education that the State
79 Board of Education has reviewed evidence indicating that a
80 district has been unable to meet class size reduction
81 requirements despite appropriate effort to do so, the
82 Legislative Budget Commission may approve an alternative amount
83 of funds to be transferred from the district's class size
84 reduction operating categorical to its approved fixed capital
85 outlay account for class size reduction. Beginning in the 2004-
86 2005 school year, a district that fully achieves the required
87 class size averages when compared to the February 2003 baseline
88 student membership survey shall be eligible for a reversal of
89 the prior year class size reduction operating categorical
90 transfer that resulted from its inability to achieve the
91 required class size averages as required in subsection (2).

92 Section 3. Section 1003.429, Florida Statutes, is amended
93 to read:

94 1003.429 Accelerated high school graduation options.--

95 (1) Students who enter grade 9 in the 2004-2005 school
96 year ~~Beginning with the 2003-2004 school year, all students~~
97 ~~scheduled to graduate in 2004~~ and thereafter may select one of
98 the following three high school graduation options:

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99 (a) Completion of the general requirements for high school
100 graduation pursuant to s. 1003.43;

101 (b) Completion of a 3-year standard college preparatory
102 program requiring successful completion of a minimum of 18
103 academic credits in grades 9 through 12. At least 6 of the 18
104 credits required for completion of this program must be received
105 in classes that are honors, dual enrollment, advanced placement,
106 International Baccalaureate, Advanced International Certificate
107 of Education, specifically listed or identified by the
108 Department of Education as rigorous pursuant to s. 1009.531(3),
109 or weighted by the district school board for class ranking
110 purposes. The 18 credits required for completion of this program
111 shall be primary requirements and shall be distributed as
112 follows:

113 1. Four credits in English, with major concentration in
114 composition and literature;

115 2. Three credits in mathematics at the Algebra I level or
116 higher from the list of courses that qualify for state
117 university admission;

118 3. Three credits in natural science, two of which must
119 have a laboratory component;

120 4. Three credits in social sciences, which must include
121 one credit in American history, one credit in world history,
122 one-half credit in American government, and one-half credit in
123 economics;

124 5. Two credits in the same second language unless the
125 student is a native speaker of or can otherwise demonstrate
126 competency in a language other than English. If the student

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127 demonstrates competency in another language, the student may
128 replace the language requirement with two credits in other
129 academic courses; and

130 6. Three credits in electives; or

131 (c) Completion of a 3-year career preparatory program
132 requiring successful completion of a minimum of 18 academic
133 credits in grades 9 through 12. The 18 credits shall be primary
134 requirements and shall be distributed as follows:

135 1. Four credits in English, with major concentration in
136 composition and literature;

137 2. Three credits in mathematics, one of which must be
138 Algebra I;

139 3. Three credits in natural science, two of which must
140 have a laboratory component;

141 4. Three credits in social sciences, which must include
142 one credit in American history, one credit in world history,
143 one-half credit in American government, and one-half credit in
144 economics;

145 5. Three ~~Two~~ credits in a single vocational or career
146 education program, three credits in career and technical
147 certificate dual enrollment courses, or five credits in
148 vocational or career education courses ~~the same second language~~
149 ~~unless the student is a native speaker of or can otherwise~~
150 ~~demonstrate competency in a language other than English. If the~~
151 ~~student demonstrates competency in another language, the student~~
152 ~~may replace the language requirement with two credits in other~~
153 ~~academic courses; and~~

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154 6. Two ~~Three~~ credits in electives unless five credits are
155 earned pursuant to subparagraph 5.

156
157 Any student who selected an accelerated graduation program
158 before July 1, 2004, may continue that program, and all
159 statutory program requirements that were applicable when the
160 student made the program choice shall remain applicable to the
161 student as long as the student continues that program.

162 (2) Prior to selecting a program described in paragraph
163 (1)(b) or paragraph (1)(c), the following requirements must be
164 met:

165 (a) Designated school personnel shall meet with the
166 student and student's parent to give an explanation of the
167 relative requirements, advantages, and disadvantages of each
168 graduation option.

169 (b) The student shall submit to the high school principal
170 and guidance counselor a signed parental consent to enter the 3-
171 year accelerated graduation program.

172 (c) The student shall have achieved at least an FCAT
173 reading achievement level of 3, an FCAT mathematics achievement
174 level of 3, and an FCAT Writing score of 3 on the most recent
175 assessments taken by the student.

176 (3)~~(2)~~ Beginning with the 2004-2005 ~~2003-2004~~ school year,
177 each district school board shall provide each student in grades
178 6 through 9 ~~12~~ and their parents with information concerning the
179 3-year and 4-year high school graduation options listed in
180 subsection (1), including the respective curriculum requirements
181 for those options, so that ~~with curriculum for~~ the students and

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182 | their parents may ~~to~~ select the postsecondary education or
183 | career plan that best fits their needs. The information ~~options~~
184 | shall include a timeframe for achieving each graduation option.

185 | ~~(4)(3)~~ Selection of one of the graduation options listed
186 | in subsection (1) must be completed by the student prior to the
187 | end of grade 9 and is exclusively up to the student and parent,
188 | subject to the requirements in subsection (2). Each district
189 | school board shall establish policies for extending this
190 | deadline to the end of a student's first semester of grade 10
191 | for a student who entered a Florida public school after grade 9
192 | upon transfer from a private school or another state or who was
193 | prevented from choosing a graduation option due to illness
194 | during grade 9. If the student and parent fail to select a
195 | graduation option, the student shall be considered to have
196 | selected the general requirements for high school graduation
197 | pursuant to paragraph (1)(a).

198 | ~~(5)(4)~~ District school boards shall not establish
199 | requirements for accelerated 3-year high school graduation
200 | options in excess of the requirements in paragraphs (1)(b) and
201 | (c).

202 | ~~(6)(5)~~ Students pursuing accelerated 3-year high school
203 | graduation options pursuant to paragraph (1)(b) or paragraph
204 | (1)(c) are required to:

205 | (a) Earn passing scores on the FCAT as defined in s.
206 | 1008.22(3)(c) or scores on a standardized test that are
207 | concordant with passing scores on the FCAT as defined in s.
208 | 1008.22(9).

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209 (b)1. Achieve a cumulative weighted grade point average of
210 3.0 ~~2.0~~ on a 4.0 scale, or its equivalent, in the courses
211 required for the college preparatory ~~by the chosen~~ accelerated
212 3-year high school graduation option pursuant to paragraph
213 (1)(b); or

214 2. Achieve a cumulative weighted grade point average of
215 2.5 on a 4.0 scale, or its equivalent, in the courses required
216 for the career preparatory accelerated 3-year high school
217 graduation option pursuant to paragraph (1)(c).

218 (c) Receive a weighted or unweighted grade that earns at
219 least 3.0 points, or its equivalent, to earn course credit
220 toward the 18 credits required for the college preparatory
221 accelerated 3-year high school graduation option pursuant to
222 paragraph (1)(b).

223 (d) Receive a weighted or unweighted grade that earns at
224 least 2.0 points, or its equivalent, to earn course credit
225 toward the 18 credits required for the career preparatory
226 accelerated 3-year high school graduation option pursuant to
227 paragraph (1)(c).

228
229 Weighted grades referred to in paragraphs (b), (c), and (d)
230 shall be applied to those courses specifically listed or
231 identified by the department as rigorous pursuant to s.
232 1009.531(3) or weighted by the district school board for class
233 ranking purposes.

234 (7) If, at the end of grade 10, a student is not on track
235 to meet the credit, assessment, or grade-point-average

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236 requirements of the accelerated graduation option selected, the
237 school shall notify the student and parent of the following:

238 (a) The requirements that the student is not currently
239 meeting.

240 (b) The specific performance necessary in grade 11 for the
241 student to meet the accelerated graduation requirements.

242 (c) The right of the student to change to the 4-year
243 program set forth in s. 1003.43.

244 (8) A student who selected one of the accelerated 3-year
245 graduation options shall automatically move to the 4-year
246 program set forth in s. 1003.43 if the student:

247 (a) Exercises his or her right to change to the 4-year
248 program;

249 (b) Fails to earn 5 credits by the end of grade 9 or fails
250 to earn 11 credits by the end of grade 10;

251 (c) Does not achieve a score of 3 or higher on the grade
252 10 FCAT Writing assessment; or

253 (d) By the end of grade 11 does not meet the requirements
254 of subsections (1) and (6).

255 (9)~~(6)~~ A student who meets all requirements prescribed in
256 subsections (1) and ~~(6)~~~~(5)~~ shall be awarded a standard diploma
257 in a form prescribed by the State Board of Education.

258 Section 4. Paragraph (a) of subsection (5) of section
259 1003.43, Florida Statutes, is amended to read:

260 1003.43 General requirements for high school graduation.--

261 (5) Each district school board shall establish standards
262 for graduation from its schools, and these standards must
263 include:

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264 (a) Earning passing scores on the FCAT, as defined in s.
265 1008.22(3)(c) or scores on a standardized test that are
266 concordant with passing scores on the FCAT as defined in s.
267 1008.22(9).

268

269 The standards required in this subsection, and any subsequent
270 modifications, shall be reprinted in the Florida Administrative
271 Code even though not defined as "rules."

272 Section 5. Subsection (9) of section 1008.22, Florida
273 Statutes, is amended to read:

274 1008.22 Student assessment program for public schools.--

275 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--Any student who
276 enters a Florida public school at the eleventh grade or the
277 twelfth grade or any student who has exhausted all of his or her
278 attempts to pass the grade 10 FCAT and ~~The Commissioner of~~
279 ~~Education shall determine the comparable validity of other~~
280 ~~available standardized tests, including the SAT, ACT, College~~
281 ~~Placement Test, PSAT, PLAN, and tests used for entry into the~~
282 ~~military. If such tests are deemed to be valid and reliable~~
283 ~~measures, the commissioner shall approve the use of such tests~~
284 ~~as alternate assessments to the grade 10 FCAT for the 2002-2003~~
285 ~~school year. Students who~~ attains ~~attain~~ scores on the SAT or
286 the ACT that are concordant with ~~equate to~~ the passing scores on
287 the grade 10 FCAT for purposes of high school graduation ~~on any~~
288 ~~of the approved alternative assessments~~ shall satisfy the
289 assessment requirement for a standard high school diploma as
290 provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for the 2002-~~
291 ~~2003 school year graduating class. Prior to the application of~~

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292 ~~these alternative assessments in subsequent school years, the~~
293 ~~Legislature shall review the continued use of these alternative~~
294 ~~tests.~~

295 Section 6. Subsection (1) of section 1013.735, Florida
296 Statutes, is amended to read:

297 1013.735 Classrooms for Kids Program.--

298 (1) ALLOCATION.--The department shall allocate funds
299 appropriated for the Classrooms for Kids Program. It is the
300 intent of the Legislature that this program be administered as
301 nearly as practicable in the same manner as the capital outlay
302 program authorized under s. 9(a), Art. XII of the State
303 Constitution. Each district school board's share of the annual
304 appropriation for the Classrooms for Kids Program must be
305 calculated according to the following formula:

306 (a) Twenty-five percent of the appropriation shall be
307 prorated to the districts based on each district's percentage of
308 K-12 base capital outlay full-time equivalent membership, and 65
309 percent shall be based on each district's percentage of K-12
310 growth capital outlay full-time equivalent membership as
311 specified for the allocation of funds from the Public Education
312 Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

313 (b) Ten percent of the appropriation must be allocated
314 among district school boards according to the allocation formula
315 in s. 1013.64(1)(a), excluding adult vocational technical
316 facilities.

317 Section 7. This act shall take effect July 1, 2004.

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===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to class size reduction; amending s. 1002.33, F.S.; providing for determination of the capacity of conversion and nonconversion charter schools; clarifying availability to charter schools of certain district school board facilities or property; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages; providing for reversal of class size reduction operating categorical transfers under certain circumstances; amending s. 1003.429, F.S.; revising course requirements in the college preparatory accelerated high school graduation program; revising course requirements in the career preparatory accelerated high school graduation program; providing students already participating in an accelerated graduation program the right to continue in the current program; establishing requirements for selection of accelerated graduation options; requiring districts to establish a policy for extending the deadline for certain students to choose an accelerated graduation option; authorizing use of alternate assessments; revising requirements for grades that must be earned to participate in the accelerated graduation program; requiring schools to provide specific notices to students and parents if, at the end of the grade 10, the student is not on track to graduate; specifying certain situations in which a student

HOUSE AMENDMENT

Bill No. CS/SB 364

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348 shall be moved from a 3-year to a 4-year graduation
349 program; amending s. 1003.43, F.S., relating to general
350 requirements for high school graduation; authorizing use
351 of alternate assessments; amending s. 1008.22, F.S.;
352 authorizing the SAT and the ACT as alternate assessments
353 for the grade 10 FCAT for students entering a Florida
354 public school in grade 11 or grade 12 and for students who
355 have exhausted all attempts to pass the grade 10 FCAT;
356 deleting obsolete language; amending s. 1013.735, F.S.;
357 modifying the formula for the allocation of funds from the
358 Classrooms for Kids appropriation; providing an effective
359 date.

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