

By Senator Wilson

33-27-05

1 A bill to be entitled
2 An act relating to the school grading system;
3 amending s. 1008.34, F.S.; removing letter
4 grades from the performance grade categories by
5 which schools must be identified in the
6 Commissioner of Education's annual report of
7 the results of the statewide assessment
8 program; amending ss. 1001.42, 1002.38,
9 1003.62, 1008.33, 1008.345, and 1011.62, F.S. ;
10 correcting references to the letter grades, to
11 conform; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (2) and (3) of section 1008.34,
16 Florida Statutes, are amended to read:

17 1008.34 School grading system; district performance
18 grade.--

19 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
20 report shall identify schools as being in one of the following
21 performance grade categories defined according to rules of the
22 State Board of Education:

- 23 (a) ~~"A,"~~ Schools making excellent progress.
- 24 (b) ~~"B,"~~ Schools making above average progress.
- 25 (c) ~~"C,"~~ Schools making satisfactory progress.
- 26 (d) ~~"D,"~~ Schools making less than satisfactory
27 progress.
- 28 (e) ~~"F,"~~ Schools failing to make adequate progress.

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30 Each school ~~designated in performance grade category "A,"~~
31 making excellent progress, or having improved at least two

1 performance grade categories, shall have greater authority
2 over the allocation of the school's total budget generated
3 from the FEFP, state categoricals, lottery funds, grants, and
4 local funds, as specified in state board rule. The rule must
5 provide that the increased budget authority shall remain in
6 effect until the school's performance grade declines.

7 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
8 CATEGORIES.--School performance grade category designations
9 itemized in subsection (2) shall be based on the following:

10 (a) Timeframes.--

11 1. School performance grade category designations
12 shall be based on the school's current year performance and
13 the school's annual learning gains.

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

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

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

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

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

14 Section 2. Paragraphs (c) and (d) of subsection (16),
15 paragraph (d) of subsection (17), and subsection (18) of
16 section 1001.42, Florida Statutes, are amended to read:

17 1001.42 Powers and duties of district school
18 board.--The district school board, acting as a board, shall
19 exercise all powers and perform all duties listed below:

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

30 (c) Assistance and intervention.--
31

- 1 1. Develop a 2-year plan of increasing individualized
2 assistance and intervention for each school in danger of not
3 meeting state standards or making adequate progress, as
4 defined pursuant to statute and State Board of Education rule,
5 toward meeting the goals and standards of its approved school
6 improvement plan.
- 7 2. Provide assistance and intervention to a school
8 that is identified as making less than satisfactory progress
9 ~~being in performance grade category "D"~~ pursuant to s. 1008.34
10 and is in danger of failing.
- 11 3. Develop a plan to encourage teachers with
12 demonstrated mastery in improving student performance to
13 remain at or transfer to a school designated as making less
14 than satisfactory progress or failing to make adequate
15 progress ~~performance grade category "D" or "F"~~ or to an
16 alternative school that serves disruptive or violent youths.
17 If a classroom teacher, as defined by s. 1012.01(2)(a), who
18 meets the definition of teaching mastery developed according
19 to the provisions of this paragraph, requests assignment to a
20 school designated as making less than satisfactory progress or
21 failing to make adequate progress ~~performance grade category~~
22 ~~"D" or "F"~~ or to an alternative school that serves disruptive
23 or violent youths, the district school board shall make every
24 practical effort to grant the request.
- 25 4. Prioritize, to the extent possible, the
26 expenditures of funds received from the supplemental academic
27 instruction categorical fund under s. 1011.62(1)(f) to improve
28 student performance in schools designated as making less than
29 satisfactory progress or failing to make adequate progress.
30 ~~that receive a performance grade category designation of "D"~~
31 ~~or "F."~~

1 (d) After 2 years.--Notify the Commissioner of
2 Education and the State Board of Education in the event any
3 school does not make adequate progress toward meeting the
4 goals and standards of a school improvement plan by the end of
5 2 years of failing to make adequate progress and proceed
6 according to guidelines developed pursuant to statute and
7 State Board of Education rule. School districts shall provide
8 intervention and assistance to schools in danger of being
9 designated as ~~performance grade category "F,"~~ failing to make
10 adequate progress.

11 (17) LOCAL-LEVEL DECISIONMAKING.--

12 (d) Adopt policies that assist in giving greater
13 autonomy, including authority over the allocation of the
14 school's budget, to schools designated as ~~performance grade~~
15 ~~category "A,"~~ making excellent progress, and schools rated as
16 having improved at least two performance grade categories.

17 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
18 allowing students attending schools that have been designated
19 as ~~performance grade category "F,"~~ failing to make adequate
20 progress, for 2 school years in a 4-year period to attend a
21 higher performing school in the district or an adjoining
22 district or be granted a state opportunity scholarship to a
23 private school, in conformance with s. 1002.38 and State Board
24 of Education rule.

25 Section 3. Subsection (2) and paragraphs (a) and (b)
26 of subsection (3) of section 1002.38, Florida Statutes, are
27 amended to read:

28 1002.38 Opportunity Scholarship Program.--

29 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
30 school student's parent may request and receive from the state
31 an opportunity scholarship for the student to enroll in and

1 attend a private school in accordance with the provisions of
2 this section if:

3 (a)1. By assigned school attendance area or by special
4 assignment, the student has spent the prior school year in
5 attendance at a public school that has been designated
6 pursuant to s. 1008.34 as ~~performance grade category "F,"~~
7 failing to make adequate progress, and that has had 2 school
8 years in a 4-year period of such low performance, and the
9 student's attendance occurred during a school year in which
10 such designation was in effect;

11 2. The student has been in attendance elsewhere in the
12 public school system and has been assigned to such school for
13 the next school year; or

14 3. The student is entering kindergarten or first grade
15 and has been notified that the student has been assigned to
16 such school for the next school year.

17 (b) The parent has obtained acceptance for admission
18 of the student to a private school eligible for the program
19 pursuant to subsection (4), and has notified the Department of
20 Education and the school district of the request for an
21 opportunity scholarship no later than July 1 of the first year
22 in which the student intends to use the scholarship.

23
24 This section does ~~The provisions of this section shall not~~
25 apply to a student who is enrolled in a school operating for
26 the purpose of providing educational services to youth in
27 Department of Juvenile Justice commitment programs. For
28 purposes of continuity of educational choice, the opportunity
29 scholarship shall remain in force until the student returns to
30 a public school or, if the student chooses to attend a private
31 school the highest grade of which is grade 8, until the

1 student matriculates to high school and the public high school
2 to which the student is assigned is an accredited school with
3 a performance grade category designation as making
4 satisfactory progress ~~of "C" or better~~. However, at any time
5 upon reasonable notice to the Department of Education and the
6 school district, the student's parent may remove the student
7 from the private school and place the student in a public
8 school, as provided in subparagraph (3)(a)2.

9 (3) SCHOOL DISTRICT OBLIGATIONS.--

10 (a) A school district shall, for each student enrolled
11 in or assigned to a school that has been designated as failing
12 to make adequate progress ~~performance grade category "F" for 2~~
13 school years in a 4-year period:

14 1. Timely notify the parent of the student as soon as
15 such designation is made of all options available pursuant to
16 this section.

17 2. Offer that student's parent an opportunity to
18 enroll the student in the public school within the district
19 that has been designated by the state pursuant to s. 1008.34
20 as a school performing higher than that in which the student
21 is currently enrolled or to which the student has been
22 assigned, but not less than the performance grade category of
23 "schools making adequate progress." ~~"C."~~ The parent is not
24 required to accept this offer in lieu of requesting a state
25 opportunity scholarship to a private school. The opportunity
26 to continue attending the higher performing public school
27 shall remain in force until the student graduates from high
28 school.

29 (b) The parent of a student enrolled in or assigned to
30 a school that has been designated as failing to make adequate
31 progress ~~performance grade category "F" for 2 school years in~~

1 a 4-year period may choose as an alternative to enroll the
2 student in and transport the student to a higher-performing
3 public school that has available space in an adjacent school
4 district, and that school district shall accept the student
5 and report the student for purposes of the district's funding
6 pursuant to the Florida Education Finance Program.

7 Section 4. Paragraph (a) of subsection (1) of section
8 1003.62, Florida Statutes, is amended to read:

9 1003.62 Academic performance-based charter school
10 districts.--The State Board of Education may enter into a
11 performance contract with district school boards as authorized
12 in this section for the purpose of establishing them as
13 academic performance-based charter school districts. The
14 purpose of this section is to examine a new relationship
15 between the State Board of Education and district school
16 boards that will produce significant improvements in student
17 achievement, while complying with constitutional and statutory
18 requirements assigned to each entity.

19 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL
20 DISTRICT.--

21 (a) A school district shall be eligible for
22 designation as an academic performance-based charter school
23 district if it is a high-performing school district in which a
24 minimum of 50 percent of the schools are designated as making
25 excellent progress or making above average progress ~~earn a~~
26 ~~performance grade category "A" or "B"~~ and in which no school
27 is designated as making less than satisfactory progress or
28 failing to make adequate progress ~~earns a performance grade~~
29 ~~category "D" or "F"~~ for 2 consecutive years pursuant to s.
30 1008.34. Schools that receive a performance grade category "I"
31 or "N" shall not be included in this calculation. The

1 performance contract for a school district that earns a
2 charter based on school performance grades shall be predicated
3 on maintenance of at least 50 percent of the schools in the
4 school district being designated as making excellent progress
5 or making above average progress ~~earning a performance grade~~
6 ~~category "A" or "B"~~ with no school in the school district
7 being designated as making less than satisfactory progress or
8 failing to make adequate progress ~~earning a performance grade~~
9 ~~category "D" or "F"~~ for 2 consecutive years. A school district
10 in which the percentage number of schools designated as making
11 excellent progress or making above average progress ~~that earn~~
12 ~~a performance grade of "A" or "B"~~ is less than 50 percent may
13 have its charter renewed for 1 year; however, if the
14 percentage of ~~"A" or "B"~~ schools designated as making
15 excellent progress or making above average progress is less
16 than 50 percent for 2 consecutive years, the charter ~~may shall~~
17 not be renewed.

18 Section 5. Subsections (1) and (2) of section 1008.33,
19 Florida Statutes, are amended to read:

20 1008.33 Authority to enforce public school
21 improvement.--It is the intent of the Legislature that all
22 public schools be held accountable for students performing at
23 acceptable levels. A system of school improvement and
24 accountability that assesses student performance by school,
25 identifies schools in which students are not making adequate
26 progress toward state standards, institutes appropriate
27 measures for enforcing improvement, and provides rewards and
28 sanctions based on performance shall be the responsibility of
29 the State Board of Education.

30 (1) Pursuant to Art. IX of the State Constitution
31 prescribing the duty of the State Board of Education to

1 supervise Florida's public school system and notwithstanding
2 any other statutory provisions to the contrary, the State
3 Board of Education shall intervene in the operation of a
4 district school system when one or more schools in the school
5 district have failed to make adequate progress for 2 school
6 years in a 4-year period. For purposes of determining when a
7 school is eligible for state board action and opportunity
8 scholarships for its students, the terms "2 years in any
9 4-year period" and "2 years in a 4-year period" mean that in
10 any year that a school is designated as failing to make
11 adequate progress, ~~has a grade of "F,"~~ the school is eligible
12 for state board action and opportunity scholarships for its
13 students if it also has been designated as failing to make
14 adequate progress ~~had a grade of "F"~~ in any of the previous 3
15 school years. The State Board of Education may determine that
16 the school district or school has not taken steps sufficient
17 for students in the school to be academically well served.
18 Considering recommendations of the Commissioner of Education,
19 the State Board of Education shall recommend action to a
20 district school board intended to improve educational services
21 to students in each school that is designated as failing to
22 make adequate progress. ~~performance grade category "F."~~
23 Recommendations for actions to be taken in the school district
24 shall be made only after thorough consideration of the unique
25 characteristics of a school, which shall include student
26 mobility rates, the number and type of exceptional students
27 enrolled in the school, and the availability of options for
28 improved educational services. The state board shall adopt by
29 rule steps to follow in this process. Such steps shall
30 provide school districts sufficient time to improve student
31 performance in schools and the opportunity to present evidence

1 of assistance and interventions that the district school board
2 has implemented.

3 (2) The State Board of Education may recommend one or
4 more of the following actions to district school boards to
5 enable students in schools designated as failing to make
6 adequate progress ~~performance grade category "F"~~ to be
7 academically well served by the public school system:

8 (a) Provide additional resources, change certain
9 practices, and provide additional assistance if the state
10 board determines the causes of inadequate progress to be
11 related to school district policy or practice;

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

14 (c) Contract for the educational services of the
15 school, or reorganize the school at the end of the school year
16 under a new school principal who is authorized to hire new
17 staff and implement a plan that addresses the causes of
18 inadequate progress;

19 (d) Allow parents of students in the school to send
20 their children to another district school of their choice; or

21 (e) Other action appropriate to improve the school's
22 performance.

23 Section 6. Paragraphs (b) and (d) of subsection (6)
24 and paragraph (a) of subsection (7) of section 1008.345,
25 Florida Statutes, are amended to read:

26 1008.345 Implementation of state system of school
27 improvement and education accountability.--

28 (6)

29 (b) Upon request, the department shall provide
30 technical assistance and training to any school, including any
31 school operating for the purpose of providing educational

1 services to youth in Department of Juvenile Justice programs,
2 school advisory council, district, or district school board
3 for conducting needs assessments, developing and implementing
4 school improvement plans, developing and implementing
5 assistance and intervention plans, or implementing other
6 components of school improvement and accountability. Priority
7 for these services shall be given to schools designated as
8 making less than satisfactory progress or failing to make
9 adequate progress ~~performance grade category "D" or "F"~~ and
10 school districts in rural and sparsely populated areas of the
11 state.

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

25 (7)(a) Schools designated as ~~in performance grade~~
26 ~~category "A,"~~ making excellent progress, shall, if requested
27 by the school, be given deregulated status as specified in s.
28 1003.63(5), (7), (8), (9), and (10).

29 Section 7. Paragraphs (l), (m), and (n) of subsection
30 (1) of section 1011.62, Florida Statutes, are amended to read:
31

1 1011.62 Funds for operation of schools.--If the annual
2 allocation from the Florida Education Finance Program to each
3 district for operation of schools is not determined in the
4 annual appropriations act or the substantive bill implementing
5 the annual appropriations act, it shall be determined as
6 follows:

7 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
8 OPERATION.--The following procedure shall be followed in
9 determining the annual allocation to each district for
10 operation:

11 (1) Calculation of additional full-time equivalent
12 membership based on international baccalaureate examination
13 scores of students.--A value of 0.24 full-time equivalent
14 student membership shall be calculated for each student
15 enrolled in an international baccalaureate course who receives
16 a score of 4 or higher on a subject examination. A value of
17 0.3 full-time equivalent student membership shall be
18 calculated for each student who receives an international
19 baccalaureate diploma. Such value shall be added to the total
20 full-time equivalent student membership in basic programs for
21 grades 9 through 12 in the subsequent fiscal year. The school
22 district shall distribute to each classroom teacher who
23 provided international baccalaureate instruction:

24 1. A bonus in the amount of \$50 for each student
25 taught by the International Baccalaureate teacher in each
26 international baccalaureate course who receives a score of 4
27 or higher on the international baccalaureate examination.

28 2. An additional bonus of \$500 to each International
29 Baccalaureate teacher in a school designated as making less
30 than satisfactory progress or failing to make adequate
31 progress ~~performance grade category "D" or "F"~~ who has at

1 | least one student scoring 4 or higher on the international
2 | baccalaureate examination, regardless of the number of classes
3 | taught or of the number of students scoring a 4 or higher on
4 | the international baccalaureate examination.

5 |
6 | Bonuses awarded to a teacher according to this paragraph shall
7 | not exceed \$2,000 in any given school year and shall be in
8 | addition to any regular wage or other bonus the teacher
9 | received or is scheduled to receive.

10 | (m) Calculation of additional full-time equivalent
11 | membership based on Advanced International Certificate of
12 | Education examination scores of students.--A value of 0.24
13 | full-time equivalent student membership shall be calculated
14 | for each student enrolled in a full-credit Advanced
15 | International Certificate of Education course who receives a
16 | score of 2 or higher on a subject examination. A value of 0.12
17 | full-time equivalent student membership shall be calculated
18 | for each student enrolled in a half-credit Advanced
19 | International Certificate of Education course who receives a
20 | score of 1 or higher on a subject examination. A value of 0.3
21 | full-time equivalent student membership shall be calculated
22 | for each student who received an Advanced International
23 | Certificate of Education diploma. Such value shall be added to
24 | the total full-time equivalent student membership in basic
25 | programs for grades 9 through 12 in the subsequent fiscal
26 | year. The school district shall distribute to each classroom
27 | teacher who provided Advanced International Certificate of
28 | Education instruction:

29 | 1. A bonus in the amount of \$50 for each student
30 | taught by the Advanced International Certificate of Education
31 | teacher in each full-credit Advanced International Certificate

1 of Education course who receives a score of 2 or higher on the
2 Advanced International Certificate of Education examination. A
3 bonus in the amount of \$25 for each student taught by the
4 Advanced International Certificate of Education teacher in
5 each half-credit Advanced International Certificate of
6 Education course who receives a score of 1 or higher on the
7 Advanced International Certificate of Education examination.

8 2. An additional bonus of \$500 to each Advanced
9 International Certificate of Education teacher in a school
10 designated as making less than satisfactory progress or
11 failing to make adequate progress ~~performance grade category~~
12 ~~"D" or "F"~~ who has at least one student scoring 2 or higher on
13 the full-credit Advanced International Certificate of
14 Education examination, regardless of the number of classes
15 taught or of the number of students scoring a 2 or higher on
16 the full-credit Advanced International Certificate of
17 Education examination.

18 3. Additional bonuses of \$250 each to teachers of
19 half-credit Advanced International Certificate of Education
20 classes in a school designated as making less than
21 satisfactory progress or failing to make adequate progress
22 ~~performance grade category "D" or "F"~~ which has at least one
23 student scoring a 1 or higher on the half-credit Advanced
24 International Certificate of Education examination in that
25 class. The maximum additional bonus for a teacher awarded in
26 accordance with this subparagraph shall not exceed \$500 in any
27 given school year. Teachers receiving an award under
28 subparagraph 2. are not eligible for a bonus under this
29 subparagraph.

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1 Bonuses awarded to a teacher according to this paragraph shall
2 not exceed \$2,000 in any given school year and shall be in
3 addition to any regular wage or other bonus the teacher
4 received or is scheduled to receive.

5 (n) Calculation of additional full-time equivalent
6 membership based on college board advanced placement scores of
7 students.--A value of 0.24 full-time equivalent student
8 membership shall be calculated for each student in each
9 advanced placement course who receives a score of 3 or higher
10 on the College Board Advanced Placement Examination for the
11 prior year and added to the total full-time equivalent student
12 membership in basic programs for grades 9 through 12 in the
13 subsequent fiscal year. Each district must allocate at least
14 80 percent of the funds provided to the district for advanced
15 placement instruction, in accordance with this paragraph, to
16 the high school that generates the funds. The school district
17 shall distribute to each classroom teacher who provided
18 advanced placement instruction:

19 1. A bonus in the amount of \$50 for each student
20 taught by the Advanced Placement teacher in each advanced
21 placement course who receives a score of 3 or higher on the
22 College Board Advanced Placement Examination.

23 2. An additional bonus of \$500 to each Advanced
24 Placement teacher in a school designated as making less than
25 satisfactory progress or failing to make adequate progress
26 ~~performance grade category "D" or "F"~~ who has at least one
27 student scoring 3 or higher on the College Board Advanced
28 Placement Examination, regardless of the number of classes
29 taught or of the number of students scoring a 3 or higher on
30 the College Board Advanced Placement Examination.

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1 Bonuses awarded to a teacher according to this paragraph shall
2 not exceed \$2,000 in any given school year and shall be in
3 addition to any regular wage or other bonus the teacher
4 received or is scheduled to receive.

5 Section 8. This act shall take effect July 1, 2005.

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8 SENATE SUMMARY

9 Removes letter grades from the performance grade
10 categories by which schools must be identified in the
11 Commissioner of Education's annual report of the results
12 of the statewide assessment program.

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