

By Senator Lynn

7-1166C-05

1 A bill to be entitled
 2 An act relating to education; amending s.
 3 20.15, F.S.; creating the Division of
 4 Accountability, Research, and Measurement of
 5 the Department of Education; amending s.
 6 1000.041, F.S., relating to the Better Educated
 7 Students and Teachers Florida Teaching program;
 8 revising guiding principles of the program;
 9 amending s. 1001.03, F.S., relating to the
 10 powers of the State Board of Education;
 11 requiring the State Board of Education to
 12 periodically review the Sunshine State
 13 Standards; establishing an information systems
 14 platform for teachers; creating s. 1001.215,
 15 F.S.; creating the Just Read, Florida! Office
 16 within the Department of Education; providing
 17 duties of the office; creating s. 1002.385,
 18 F.S.; creating the Reading Compact Scholarships
 19 Program; providing scholarships to attend a
 20 public or private school to students who have
 21 scored at Level 1 on the reading portion of the
 22 Florida Comprehensive Assessment Test for 3
 23 consecutive years; providing an opportunity for
 24 screening to identify reading disabilities;
 25 providing scholarship eligibility requirements;
 26 specifying scholarship obligations for
 27 participating public and private schools and
 28 parents and students; providing for scholarship
 29 funding and payment; directing the Department
 30 of Education and the Commissioner of Education
 31 to administer the scholarship program; limiting

1 the liability of the state; providing
2 rulemaking authority; creating s. 1002.421,
3 F.S.; prescribing requirements of private
4 schools participating in state school choice
5 scholarship programs; requiring compliance with
6 requirements relating to notice, student
7 enrollment and attendance verification, fiscal
8 soundness, and criminal-background checks and
9 to applicable state and local health, safety,
10 and welfare laws, codes, and rules; providing
11 grounds for ineligibility to participate in
12 certain scholarship programs; providing
13 rulemaking authority to the State Board of
14 Education; creating s. 1003.035, F.S.;
15 providing for the contingent application of the
16 section upon the adoption of an amendment to
17 the State Constitution; prescribing district
18 average class size limitations for grades
19 prekindergarten through 3, grades 4 through 8,
20 and grades 9 through 12; requiring the
21 Department of Education to annually calculate
22 class size measures based on a specified
23 student-membership survey; creating s. 1003.06,
24 F.S.; limiting the starting date of the school
25 year, providing for exceptions; amending s.
26 1003.415, F.S., relating to the Middle School
27 Grades Reform Act; revising legislative intent;
28 deleting obsolete references; creating s.
29 1003.4155, F.S.; establishing a grading system
30 for middle schools; creating s. 1003.4156,
31 F.S.; establishing general requirements for

1 graduation from middle school; requiring the
2 successful completion of 12 academic credits in
3 certain courses; requiring an intensive reading
4 course under certain circumstances; defining a
5 middle school academic credit for purposes of
6 the section; providing rulemaking authority to
7 the State Board of Education; amending s.
8 1003.57, F.S.; providing guidelines for
9 determining the residency of a student who
10 receives instruction as an exceptional student;
11 requiring the student's placing authority or
12 parent to pay the cost of such instruction,
13 facilities, and services; providing
14 responsibilities of the Department of
15 Education; providing responsibilities of
16 residential facilities that educate exceptional
17 students; providing applicability; creating s.
18 1003.575, F.S.; requiring the Department of
19 Education to devise an individual education
20 plan form for use in developing and
21 implementing individual education plans for
22 exceptional students; requiring school
23 districts to use the form; amending s. 1003.58,
24 F.S.; conforming a cross-reference; amending s.
25 1004.04, F.S.; requiring the Department of
26 Education to review and report on the
27 effectiveness of the graduates of
28 state-approved teacher preparation programs and
29 alternative certification programs; creating s.
30 1004.64, F.S.; establishing the Florida Center
31 for Reading Research; specifying duties of the

1 center; amending s. 1008.22, F.S., relating to
2 student assessment; expressing legislative
3 intent; identifying grade levels for state
4 assessment administration; eliminating obsolete
5 references; requiring certain reports; amending
6 s. 1008.25, F.S., relating to public school
7 student progression; eliminating obsolete
8 references; directing the Department of
9 Education to establish a uniform format for
10 reporting student progression information;
11 requiring certain reports; amending s. 1008.31,
12 F.S., relating to education accountability;
13 expressing legislative intent relating to
14 performance measures established by the Board
15 of Governors with respect to the state
16 universities; eliminating certain
17 performance-based funding requirements;
18 providing guiding principles for the
19 accountability system; revising the goals of
20 the accountability system; requiring certain
21 reports; providing rulemaking authority to the
22 State Board of Education; amending s. 1008.33,
23 F.S., relating to the authority to enforce
24 public school improvement; authorizing school
25 boards to suspend and renegotiate certain
26 provisions of collective bargaining contracts
27 which impede the authority of the school boards
28 to appropriately staff certain low-performing
29 schools; amending s. 1008.34, F.S., relating to
30 the school grading system; requiring the
31 Department of Education to develop a school

1 report card; amending s. 1008.36, F.S.,
2 relating to the Florida School Recognition
3 Program; providing for the disposition of
4 school recognition funds; defining eligibility
5 for the receipt of school recognition bonuses;
6 amending s. 1011.62, F.S., relating to funds
7 for the operation of schools; creating a
8 research-based reading-instruction allocation
9 for students in kindergarten through grade 12;
10 providing for the use of the funds; providing
11 for fund disbursement; creating s. 1011.6855,
12 F.S.; providing for the contingent application
13 of the section upon the adoption of an
14 amendment to the State Constitution;
15 establishing an operating categorical fund;
16 providing a minimum teacher salary; requiring
17 the use of certain funds for class size
18 reduction; amending s. 1012.21, F.S., relating
19 to the duties of the Department of Education;
20 requiring the department to annually post
21 school district collective bargaining
22 agreements on-line; amending s. 1012.22, F.S.,
23 relating to public school personnel; requiring
24 school boards to adopt differentiated-pay
25 policies for school administrators and
26 instructional personnel; specifying factors to
27 be included in differentiated-pay policies;
28 providing for the withholding of funds for
29 failure to comply; creating s. 1012.2305, F.S.;
30 expressing legislative intent regarding minimum
31 teacher pay; providing for contingent

1 application of the section upon the adoption of
2 an amendment to the State Constitution;
3 establishing minimum pay for teachers; amending
4 s. 1012.231, F.S., relating to the BEST Florida
5 Teaching salary career ladder program;
6 eliminating certain requirements relating to
7 teacher assignments; eliminating obsolete
8 references; creating s. 1012.2315, F.S.;
9 establishing legislative findings; expressing
10 legislative intent; providing criteria for the
11 assignment of teachers to certain schools;
12 authorizing certain salary incentives; limiting
13 certain collective bargaining provisions
14 relating to incentives to teach at certain
15 schools; amending s. 1012.72, F.S., relating to
16 the Dale Hickam Excellent Teaching Program;
17 requiring that the Department of Education
18 administer the Dale Hickam Excellent Teaching
19 Program Trust Fund; requiring the department to
20 evaluate the effectiveness of the program;
21 creating s. 1012.986, F.S.; establishing a
22 statewide system for the professional
23 development of school leaders; providing a
24 short title; providing program purposes and
25 legislative intent; defining the term "school
26 leader" for purposes of the program; requiring
27 certain program components; providing for a
28 program delivery system; providing rulemaking
29 authority to the State Board of Education;
30 repealing s. 1008.51, F.S., relating to the
31 Council for Education Policy Research and

1 Improvement; repealing s. 1003.03, F.S.,
2 relating to statutory class size maximums,
3 contingent upon the adoption of an amendment to
4 the State Constitution; repealing s. 1011.685,
5 F.S., relating to the class size reduction
6 categorical fund, contingent upon the adoption
7 of an amendment to the State Constitution;
8 providing for severability; providing effective
9 dates.

10
11 WHEREAS, the Legislature recognizes that the
12 implementation of the class size amendment to the State
13 Constitution has had the unintended consequences of taking
14 authority and flexibility away from principals and teachers in
15 designing the most effective ways of organizing for
16 instruction, and

17 WHEREAS, the Legislature finds that the funds being
18 diverted to reduce class size are disproportionately going to
19 schools with the highest student performance, contrary to the
20 intent of the amendment, and

21 WHEREAS, the Legislature finds that teacher quality has
22 a greater impact on student learning and development than
23 class size, and

24 WHEREAS, the Legislature finds that the cost of
25 class-size reduction beyond school district averages is
26 aggravating the existing and growing shortage of highly
27 qualified teachers, especially in critical shortage areas such
28 as programs for students with disabilities as well as critical
29 secondary subjects such as reading, mathematics, and science,
30 and
31

1 WHEREAS, the Legislature believes that limited state
2 resources should be equitably and appropriately allocated to
3 allow district school boards to produce the highest possible
4 quality of educational services and student learning, and

5 WHEREAS, the Legislature believes that parents of
6 students for whom the school has not made adequate progress in
7 3 consecutive years deserve an opportunity to identify and
8 acquire more effective education in the public or private
9 sector, and

10 WHEREAS, providing a system of high-quality public
11 education for children is an important goal of this state, and

12 WHEREAS, the Legislature recognizes that it has an
13 important but not exclusive role in providing children with
14 the opportunity to obtain a high-quality education in this
15 state, and

16 WHEREAS, among the most prominent influences on the
17 educational success of children are the positive influences of
18 parents on their children's lives and on their children's
19 desire to learn, the active involvement of parents in the
20 education of their children, and the quality of the teachers
21 and principal leaders in the school, and

22 WHEREAS, the presence of those influences is
23 indispensable to successfully providing a system that allows
24 students to obtain a high-quality education, and

25 WHEREAS, children will have the best opportunity to
26 obtain a high-quality education in the public education system
27 of this state, and that system can best be enhanced, when
28 positive parental influences are present; when we allocate
29 resources efficiently and concentrate resources to enhance a
30 safe, secure, and disciplined classroom learning environment;
31 when we support teachers and principals; when we reinforce

1 shared high academic expectations; and when we promptly reward
2 success and promptly identify failure, as well as promptly
3 apprise the public of both successes and failures, NOW,
4 THEREFORE,

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsection (3) of section 20.15, Florida
9 Statutes, is amended to read:

10 20.15 Department of Education.--There is created a
11 Department of Education.

12 (3) DIVISIONS.--The following divisions of the
13 Department of Education are established:

- 14 (a) Division of Community Colleges.
15 (b) Division of Public Schools.
16 (c) Division of Colleges and Universities.
17 (d) Division of Vocational Rehabilitation.
18 (e) Division of Blind Services.

19 (f) Division of Accountability, Research, and
20 Measurement.

21 Section 2. Subsection (1) of section 1000.041, Florida
22 Statutes, is amended to read:

23 1000.041 Better Educated Students and Teachers (BEST)
24 Florida Teaching; legislative purposes; guiding
25 principles.--The legislative purposes and guiding principles
26 of BEST Florida Teaching are:

- 27 (1) Teachers teach ~~lead~~, students learn.

28
29 Each teacher preparation program, each postsecondary
30 educational institution providing dual enrollment or other
31 acceleration programs, each district school board, and each

1 district and school-based administrator fully supports and
2 cooperates in the accomplishment of these purposes and guiding
3 principles.

4 Section 3. Subsection (1) of section 1001.03, Florida
5 Statutes, is amended, present subsections (2), (3), (4), (5),
6 (6), (7), (8), (9), (10), (11), (12), (13), and (14) of that
7 section are redesignated as subsections (3), (4), (5), (6),
8 (7), (8), (9), (10), (11), (12), (13), (14), and (15),
9 respectively, and a new subsection (2) is added to that
10 section, to read:

11 1001.03 Specific powers of State Board of Education.--

12 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The
13 State Board of Education shall approve the student performance
14 standards known as the Sunshine State Standards in key
15 academic subject areas and grade levels. The board shall
16 periodically review the standards to ensure adequate rigor and
17 evaluate the extent to which the standards are being taught at
18 each grade level.

19 (2) TEACHER'S SUNSHINE CONNECTION TECHNOLOGY
20 INITIATIVE.--The Department of Education shall initiate a
21 codevelopment project for an information systems platform for
22 public school teachers. The platform shall provide teachers
23 with a web-based system that assists teachers with:

24 (a) Instructional management, including the use of
25 diagnostic information and monitoring of student progress;

26 (b) Consolidation of student information;

27 (c) Communication with parents and other educators;

28 (d) Access, monitoring, and manipulation of student
29 assessment data;

30 (e) Curriculum management; and

31 (f) Document management.

1 Section 4. Section 1001.215, Florida Statutes, is
2 created to read:

3 1001.215 Just Read, Florida! Office.--There is created
4 within the Department of Education the Just Read, Florida!
5 Office. The office shall:

6 (1) Train professionally certified teachers to become
7 certified reading coaches.

8 (2) Train K-12 teachers, school principals, and
9 parents on research-based strategies for reading instruction.

10 (3) Provide technical assistance to districts in the
11 development and implementation of, and annually review and
12 approve district plans for use of, the Research-based Reading
13 Instruction Allocation pursuant to s. 1011.62(9).

14 (4) Work with the Florida Center for Reading Research
15 created under s. 1004.64 to provide information on
16 research-based reading programs.

17 (5) Periodically review the Sunshine State Standards
18 for reading at all grade levels.

19 (6) Periodically review the teacher certification
20 examinations to ensure that they reflect proficiency in
21 research-based strategies for reading instruction.

22 (7) Work with teacher preparation programs approved
23 under s. 1004.04 to ensure the integration of research-based
24 strategies for reading instruction into teacher preparation
25 programs.

26 (8) Administer grants and perform other functions
27 necessary to assist with meeting the goal that all students
28 are reading on grade level.

29 Section 5. Section 1002.385, Florida Statutes, is
30 created to read:

31

1 1002.385 The Reading Compact Scholarships
2 Program.--There is established the Reading Compact
3 Scholarships Program, a program designed to offer parents of
4 students who have not attained reading proficiency beyond
5 Level 1 an educational choice to further the students'
6 progress in reading.
7 (1) PURPOSE.--The purpose of the Reading Compact
8 Scholarships Program is to provide to each student who has
9 scored at Level 1 on the reading portion of the FCAT for 3
10 consecutive years the option to attend a public or private
11 school of choice.
12 (2) ELIGIBILITY.--The parent of a public school
13 student may request and receive from the state a Reading
14 Compact Scholarship for the student to enroll in and attend a
15 private school in accordance with this section if:
16 (a) The student has scored at Level 1 on the reading
17 portion of the FCAT for a period of 3 consecutive years.
18 However, a student shall be recommended for screening and
19 evaluation, with parental consent, to determine the student's
20 eligibility for exceptional student services if the student:
21 1. Has scored at Level 1 on the reading portion of the
22 FCAT for two consecutive years; and
23 2. Has not previously been identified as an
24 exceptional student having a disability that interferes with
25 his or her academic progress in reading.
26 (b) The parent has obtained acceptance for admission
27 of the student to a private school eligible for the program
28 under subsection (4) and has requested from the Department of
29 Education a Reading Compact Scholarship at least 60 days
30 before the date of the first scholarship payment. The parental
31 request must be made through a direct communication to the

1 Department of Education in a manner that creates a written or
2 electronic record of the request and the date of receipt of
3 the request.

4 (3) PROHIBITIONS.--A student is ineligible to receive
5 a Reading Compact Scholarship if the student is:

6 (a) Enrolled in a school operating for the purpose of
7 providing educational services to youth in Department of
8 Juvenile Justice commitment programs.

9 (b) Receiving a scholarship from an eligible nonprofit
10 scholarship-funding organization under s. 220.187.

11 (c) Receiving an educational scholarship under chapter
12 1002.

13 (d) Participating in a home education program as
14 defined in s. 1002.01.

15 (e) Participating in a private tutoring program under
16 s. 1002.43.

17 (f) Participating in a virtual school, correspondence
18 school, or distance learning program that receives state
19 funding pursuant to the student's participation.

20 (4) TERM OF SCHOLARSHIP.--

21 (a) For purposes of continuity of educational choice,
22 a Reading Compact Scholarship shall remain in force until the
23 student returns to a public school or graduates from high
24 school.

25 (b) Upon reasonable notice to the Department of
26 Education and the school district, the student's parent may
27 remove the student from the private school and place the
28 student in a public school, as provided in subparagraph
29 (5)(a)2.

30 (c) Upon reasonable notice to the Department of
31 Education, the student's parent may move the student from one

1 participating private school to another participating private
2 school.

3 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.--

4 (a)1. A school district shall notify the parent of
5 each eligible student of all options available under this
6 section and shall offer the parent an opportunity to enroll
7 the student in another public school within the district.

8 2. The parent need not accept the offer of enrolling
9 the student in another public school in lieu of requesting a
10 Reading Compact Scholarship to a private school. However, if
11 the parent chooses the public-school option, the student may
12 continue attending a public school chosen by the parent until
13 the student graduates from high school.

14 3. If the parent chooses a public school consistent
15 with the district school board's choice plan under s. 1002.31,
16 the school district shall provide transportation to the public
17 school selected by the parent. The parent is responsible for
18 providing transportation to a public school that the parent
19 has chosen if the choice is not consistent with the district
20 school board's choice plan under s. 1002.31.

21 (b) If the parent chooses the private-school option
22 and the student is accepted by the private school, pending the
23 availability of a space for the student, the parent of the
24 student must notify the department 60 days before the first
25 scholarship payment and before entering the private school in
26 order to be eligible for the scholarship when a space becomes
27 available for the student in the private school.

28 (c) The parent of a student may choose, as an
29 alternative, to enroll the student in and transport the
30 student to a public school in an adjacent school district
31 which has available space, and that school district shall

1 accept the student and report the student for purposes of the
2 district's funding under the Florida Education Finance
3 Program.

4 (d) For a student in the district who participates in
5 the Reading Compact Scholarships Program and whose parent
6 requests that the student take the statewide assessments under
7 s. 1008.22, the district shall provide locations and times to
8 take all statewide assessments.

9 (6) DEPARTMENT OF EDUCATION; OBLIGATIONS.--The

10 Department of Education shall:

11 (a) Establish a toll-free hotline that provides
12 parents and private schools with information on participation
13 in the Reading Compact Scholarships Program.

14 (b) Establish a procedure by which individuals may
15 notify the department of any violation by a parent, private
16 school, or school district of state laws relating to program
17 participation. The department shall refer or conduct an
18 investigation of any written complaint of a violation of this
19 section if the complaint is signed by the complainant and is
20 legally sufficient. A complaint is legally sufficient if it
21 contains ultimate facts that show that a violation of this
22 section or of any rule adopted by the State Board of Education
23 has occurred. In order to determine legal sufficiency, the
24 Department of Education may require supporting information or
25 documentation from the complainant.

26 (c) Require an annual notarized sworn compliance
27 statement by participating private schools certifying
28 compliance with state laws and shall retain such records.

29 (d) Cross-check the list of participating scholarship
30 students with the public school enrollment lists before the
31 first scholarship payment to avoid duplication.

1 (e) Identify all nationally norm-referenced tests that
2 are comparable to the norm-referenced test portions of the
3 Florida Comprehensive Assessment Test (FCAT).

4 (f) Select an independent private research
5 organization to which each participating private school must
6 report the scores of participating students on the nationally
7 norm-referenced tests administered by the private school. The
8 independent private research organization must annually report
9 to the Department of Education on the year-to-year
10 improvements of the participating students. The independent
11 private research organization must analyze and report student
12 performance data in a manner that protects the rights of
13 students and parents as mandated in the Family Educational
14 Rights and Privacy Act requirements of 20 U.S.C. s. 1232g and
15 must not disaggregate data to a level that will disclose the
16 academic level of individuals or of individual schools. To the
17 maximum extent possible, the independent private research
18 organization must accumulate historical performance data on
19 students from the Department of Education and private schools
20 to describe baseline performance and to conduct longitudinal
21 studies. To minimize costs and reduce the time required for
22 third-party analysis and evaluation, the Department of
23 Education shall conduct analyses of matched students from
24 public school assessment data and calculate control group
25 learning gains using an agreed-upon methodology outlined in
26 the contract with the third-party evaluator. The sharing of
27 student data must be in accordance with the Family Educational
28 Rights and Privacy Act requirements of 20 U.S.C. s. 1232g and
29 must be for the sole purpose of conducting the evaluation. All
30 parties must preserve the confidentiality of such information
31 as otherwise required under state and federal law.

1 (7) COMMISSIONER OF EDUCATION; AUTHORITY AND
2 OBLIGATIONS.--

3 (a) The Commissioner of Education shall deny, suspend,
4 or revoke a private school's participation in the scholarship
5 program if it is determined that the private school has failed
6 to comply with this section. However, if the noncompliance is
7 correctable within a reasonable amount of time and if the
8 health, safety, and welfare of the students is not threatened,
9 the commissioner may issue a notice of noncompliance which
10 provides the private school with a timeframe within which to
11 provide evidence of compliance before the commissioner takes
12 action to suspend or revoke the private school's continued
13 participation in the scholarship program.

14 (b) The commissioner's determination is subject to the
15 following conditions:

16 1. If the commissioner intends to deny, suspend, or
17 revoke a private school's participation in the scholarship
18 program, the department shall notify the private school of
19 such proposed action in writing by certified and regular mail
20 to the private school's address of record with the Department
21 of Education. The notification must include the reasons for
22 the proposed action and notice of the timelines and procedures
23 set forth in this paragraph.

24 2. A private school that is adversely affected by the
25 proposed action has 15 days after its receipt of the notice of
26 proposed action to file with the agency clerk of the
27 Department of Education a request for a proceeding under ss.
28 120.569 and 120.57. If the private school is entitled to a
29 hearing under s. 120.57(1), the department shall forward the
30 request to the Division of Administrative Hearings.

31

1 3. Upon receipt of a request referred under this
2 subsection, the director of the Division of Administrative
3 Hearings shall expedite the hearing and assign an
4 administrative law judge who shall commence a hearing within
5 30 days after the receipt of the formal written protest by the
6 division and shall enter a recommended order within 30 days
7 after the hearing or within 30 days after receipt of the
8 hearing transcript, whichever is later. Each party has 10 days
9 in which to submit written exceptions to the recommended
10 order. The agency must enter a final order within 30 days
11 after the entry of a recommended order. The provisions of this
12 paragraph may be waived upon stipulation by all parties.

13 (c) The commissioner may immediately suspend payment
14 if it is determined that there is probable cause to believe
15 that there is:

16 1. An imminent threat to the health, safety, and
17 welfare of the students; or

18 2. Fraudulent activity on the part of the private
19 school.

20
21 The commissioner's order suspending payment under this
22 paragraph is subject to the same procedures and timelines as
23 the notice of proposed action set forth in paragraph (b).

24 (8) PRIVATE SCHOOLS; ELIGIBILITY AND OBLIGATIONS.--To
25 be eligible to participate in the Reading Compact Scholarships
26 Program, a private school may be sectarian or nonsectarian,
27 and must:

28 (a) Comply with all requirements for private schools
29 participating in state school choice programs under s.
30 1002.421.

31

1 (b) Provide to the department all documentation
2 required for the student's participation, including the
3 private school's and student's fee schedules, at least 30 days
4 before the first quarterly scholarship payment is made for the
5 student.

6 (c) Be academically accountable to the parent for
7 meeting the educational needs of the student by:

8 1. At a minimum, annually providing to the parent a
9 written explanation of the student's progress.

10 2. Annually administering or making provision for
11 students participating in the scholarship program to take one
12 of the nationally norm-referenced tests identified by the
13 Department of Education. Students with disabilities for whom
14 standardized testing is not appropriate are exempt from this
15 requirement. A participating private school must report a
16 student's scores to the parent and to the independent private
17 research organization selected by the department under
18 subsection (6).

19 3. Cooperating with the scholarship student whose
20 parent chooses to participate in the statewide assessments
21 under s. 1008.32.

22 4. Demonstrating fiscal soundness and accountability.

23
24 The inability of a private school to meet the requirements of
25 this subsection constitutes a basis for the ineligibility of
26 the private school to participate in the scholarship program
27 as determined by the department.

28 (9) OBLIGATIONS OF PARENTS AND STUDENTS.--A parent who
29 applies for a Reading Compact Scholarship is exercising his or
30 her parental option to place his or her child in a private
31 school.

1 (a) The parent must select the private school and
2 apply for the admission of his or her child.

3 (b) The parent must have requested the scholarship at
4 least 60 days before the date of the first scholarship
5 payment.

6 (c) Any student participating in the Reading Compact
7 Scholarships Program must remain in attendance throughout the
8 school year unless excused by the school for illness or other
9 good cause.

10 (d) The parent of each student participating in the
11 Reading Compact Scholarships Program must comply fully with
12 the private school's requirements for parental involvement
13 unless excused by the school for illness or other good cause.

14 (e) The parent shall ensure that the student
15 participating in the scholarship program takes the
16 norm-referenced assessment offered by the private school or
17 the statewide assessments required under s. 1008.22. The
18 parent may also choose to have the student participate in all
19 statewide assessments under s. 1008.22, and, if the parent
20 chooses such optional participation, he or she is responsible
21 for transporting the student to the assessment site designated
22 by the school district.

23 (f) Upon receipt of a scholarship warrant, the parent
24 to whom the warrant is made must restrictively endorse the
25 warrant to the private school for deposit into the account of
26 the private school. The parent may not designate any entity or
27 individual associated with the participating private school as
28 the parent's attorney in fact to sign a scholarship warrant. A
29 participant who fails to comply with this paragraph forfeits
30 the scholarship.

31 (10) FUNDING AND PAYMENT.--

1 (a) The maximum amount of a Reading Compact
2 Scholarship granted to an eligible student shall be a
3 calculated amount equivalent to the base student allocation in
4 the Florida Education Finance Program multiplied by the
5 appropriate cost factor for the educational program that would
6 have been provided for the student in the district school to
7 which he or she was assigned, multiplied by the district cost
8 differential. In addition, the calculated amount shall include
9 the per-student share of instructional materials funds,
10 technology funds, and other categorical funds as provided for
11 this purpose in the General Appropriations Act.

12 (b) The amount of the Reading Compact Scholarship
13 shall be the calculated amount or the amount of the private
14 school's tuition and fees, whichever is less. Eligible fees
15 include textbook fees, lab fees, and other fees related to
16 instruction, including transportation fees.

17 (c) The school district shall report all students who
18 are attending a private school under this program. Students
19 who attend private schools on Reading Compact Scholarships
20 shall be reported separately from those students reported for
21 purposes of the Florida Education Finance Program.

22 (d) A public or private school that provides services
23 to students with disabilities shall receive the weighted
24 funding for such services at the appropriate funding level
25 consistent with s. 1011.62(1)(e).

26 (e) For purposes of calculating the amount of a
27 Reading Compact Scholarship, a student is eligible for the
28 amount of the appropriate basic cost factor if:

29 1. The student currently participates in a Group I
30 program funded at the basic cost factor and is not
31 subsequently identified as having a disability; or

1 2. The student currently participates in a Group II
2 program, and the parent has chosen a private school that does
3 not provide the additional services funded by the Group II
4 program.

5 (f) Following notification on July 1, September 1,
6 December 1, or February 1 of the number of program
7 participants, the Department of Education shall transfer, from
8 general revenue funds only, the calculated amount from the
9 Florida Education Finance Program and authorized categorical
10 accounts to a separate account for the Reading Compact
11 Scholarships Program for quarterly disbursement to the parents
12 of participating students. When a student enters the
13 scholarship program, the Department of Education must receive
14 all documentation required for the student's participation,
15 including the private school's and student's fee schedules, at
16 least 30 days before the first quarterly scholarship payment
17 is made for the student.

18 (g) The Chief Financial Officer shall make Reading
19 Compact Scholarship payments in four equal amounts no later
20 than September 1, November 1, February 1, and April 1 of each
21 academic year in which the Reading Compact Scholarship is in
22 force. The initial payment shall be made after the Department
23 of Education's verification of admission acceptance, and
24 subsequent payments shall be made upon verification of
25 continued enrollment and attendance at the private school.
26 Payment must be by individual warrant made payable to the
27 student's parent and mailed by the Department of Education to
28 the private school of the parent's choice, and the parent
29 shall restrictively endorse the warrant to the private school.

30 (h) Subsequent to each scholarship payment, the
31 Department of Financial Services shall randomly review

1 endorsed warrants to confirm compliance with endorsement
2 requirements. The Department of Financial Services shall
3 immediately report inconsistencies or irregularities to the
4 Department of Education.

5 (11) LIABILITY.--Liability on the part of the state
6 may not arise on the basis of the award or use of a Reading
7 Compact Scholarship.

8 (12) RULES.--The State Board of Education shall adopt
9 rules under ss. 120.536(1) and 120.54 to administer this
10 section. The rules must include penalties for noncompliance
11 with subsection (8) or subsection (9). However, the inclusion
12 of eligible private schools in the options available to public
13 school students in this state does not expand the regulatory
14 authority of the state, its officers, or any school district
15 to impose any additional regulations upon private schools
16 beyond those that are reasonably necessary to enforce
17 requirements expressly set forth in this section.

18 Section 6. Section 1002.421, Florida Statutes, is
19 created to read:

20 1002.421 Rights and obligations of private schools
21 participating in state school choice scholarship
22 programs.--The requirements imposed under this section on
23 private schools that participate in state school choice
24 scholarship programs are in addition to the requirements for
25 private schools which are outlined in s. 1002.42, specific
26 requirements under laws relating to various scholarship
27 programs, and other laws of this state which apply to private
28 schools.

29 (1) A private school in this state which participates
30 in the Corporate Tax Credit Scholarship Program, as defined in
31 s. 220.187, or in an educational scholarship program

1 established under chapter 1002 must comply with all
2 requirements of this section.

3 (2) A private school participating in a scholarship
4 program in this state must be a Florida private school as
5 defined in s. 1002.01 and must:

6 (a) Comply with all state laws pertaining to private
7 schools.

8 (b) Be a registered Florida private school in
9 accordance with s. 1002.42.

10 (c) Comply with the anti-discrimination provisions of
11 42 U.S.C. s. 2000d.

12 (d) Notify the department of its intent to participate
13 in a scholarship program.

14 (e) Notify the department of any change in the
15 school's name, school director, mailing address, or physical
16 location within 15 days after the change occurs.

17 (f) Complete student-enrollment and
18 attendance-verification requirements, including an on-line
19 attendance-verification form, before a scholarship payment is
20 made.

21 (g) Annually complete and submit to the department a
22 notarized scholarship compliance statement certifying
23 compliance with state laws relating to the participation of
24 private schools in the scholarship program.

25 (h) Demonstrate fiscal soundness and accountability
26 by:

27 1. Having been in operation for at least 3 school
28 years or obtaining a surety bond or letter of credit for the
29 amount equal to the scholarship funds for any quarter and
30 filing the surety bond or letter of credit with the
31 department.

1 2. Requiring the parent of each scholarship student to
2 personally restrictively endorse the scholarship warrant to
3 the school. The school may not act as the attorney in fact for
4 parents of a scholarship student under the authority of a
5 power of attorney executed by the parents, or under any other
6 authority, to endorse scholarship warrants on behalf of
7 parents.

8 (i) Meet applicable state and local laws, codes, and
9 rules relating to health, safety, and welfare, including those
10 relating to firesafety and building safety.

11 (j) Employ or contract with teachers who hold
12 baccalaureate or higher degrees, have at least 3 years of
13 teaching experience in public or private schools, or have at
14 least a high school diploma and special skills, knowledge, or
15 expertise that qualifies them to provide instruction in the
16 subjects that are being taught.

17 (k) Require that each individual who has unsupervised
18 access to a scholarship student for whom the private school is
19 responsible be of good moral character, be subject to level 2
20 background screening as provided under chapter 435, be denied
21 employment or terminated if required under s. 435.06, and not
22 be ineligible to teach in a public school because his or her
23 educator certificate is suspended or revoked. For purposes of
24 this paragraph:

25 1. The costs of fingerprinting and the background
26 check shall not be borne by the state.

27 2. A private school that continues to employ an
28 individual after notification that the individual has failed
29 the level 2 background screening is ineligible to participate
30 in the scholarship program.

31

1 3. An individual holding a valid teaching certificate
2 in this state who has been fingerprinted pursuant to s.
3 1012.32 need not comply with this paragraph.

4 (3) The inability of a private school to meet the
5 requirements of this section constitutes a basis for the
6 ineligibility of the private school to participate in a
7 scholarship program as determined by the department.

8 (4)(a) The State Board of Education shall adopt rules
9 under ss. 120.536(1) and 120.54 to administer this section.

10 (b) The inclusion of eligible private schools in the
11 options available to public school students in this state does
12 not expand the regulatory authority of the state, its
13 officers, or any school district to impose any additional
14 regulations upon private schools beyond those reasonably
15 necessary to enforce requirements expressly set forth in this
16 section.

17 Section 7. Section 1003.035, Florida Statutes, is
18 created to read:

19 1003.035 Class size requirements.--

20 (1) Effective upon the passage of an amendment to s.
21 1, Art. IX of the State Constitution to create district
22 average maximum class sizes, beginning in the 2007-2008 school
23 year:

24 (a) The district average maximum number of students
25 assigned to each teacher who is teaching core-curricula
26 courses in public school classrooms for prekindergarten
27 through grade 3 may not exceed 18 students.

28 (b) The district average maximum number of students
29 assigned to each teacher who is teaching core-curricula
30 courses in public school classrooms for grades 4 through 8 may
31 not exceed 22 students.

1 (c) The district average maximum number of students
2 assigned to each teacher who is teaching core-curricula
3 courses in public school classrooms for grades 9 through 12
4 may not exceed 25 students.

5 (2) The Department of Education shall annually
6 calculate each of the three average class size measures based
7 upon the October student membership survey.

8 Section 8. Section 1003.06, Florida Statutes, is
9 created to read:

10 1003.06 Public school calendar.--District school
11 boards may set the calendar for the school year. However,
12 except for schools on a year-round schedule, a school calendar
13 may not begin before August 1.

14 Section 9. Subsection (6) of section 1003.415, Florida
15 Statutes, is repealed, and subsection (2), paragraph (a) of
16 subsection (5), and paragraph (a) of present subsection (7) of
17 that section are amended, to read:

18 1003.415 The Middle Grades Reform Act.--

19 (2) PURPOSE AND INTENT.--

20 (a) The purpose of this section is to provide added
21 focus and rigor to academics in the middle grades. Using
22 reading as the foundation, all middle grade students should
23 receive rigorous academic instruction through challenging
24 curricula delivered by highly qualified teachers in schools
25 with outstanding leadership, which schools are supported by
26 engaged and informed parents.

27 (b) It is the intent of the Legislature that students
28 promoted from the eighth grade will be ready for success in
29 high school and that the mission of the middle grades is to
30 prepare students for the successful completion of rigorous
31 courses in high school.

1 (5) RIGOROUS READING REQUIREMENT.--

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

17 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC~~
18 ~~PERFORMANCE OF STUDENTS AND SCHOOLS.~~

19 ~~(a) The department shall conduct a study on how the~~
20 ~~overall academic performance of middle grade students and~~
21 ~~schools can be improved. The department must consult with the~~
22 ~~Florida Center for Reading Research at Florida State~~
23 ~~University, the Just Read, Florida! Office, and key education~~
24 ~~stakeholders, including district school board members,~~
25 ~~district school superintendents, principals, parents,~~
26 ~~teachers, district supervisors of curriculum, and students~~
27 ~~across the state, in the development of its findings and~~
28 ~~recommendations. The department shall review, at a minimum,~~
29 ~~each of the following elements:~~

30 1. ~~Academic expectations, which include, but are not~~
31 ~~limited to:~~

- 1 a. ~~Alignment of middle school expectations with~~
2 ~~elementary and high school graduation requirements.~~
- 3 b. ~~Best practices to improve reading and language arts~~
4 ~~courses based on research based programs for middle school~~
5 ~~students in alignment with the Sunshine State Standards.~~
- 6 c. ~~Strategies that focus on improving academic success~~
7 ~~for low performing students.~~
- 8 d. ~~Rigor of curricula and courses.~~
- 9 e. ~~Instructional materials.~~
- 10 f. ~~Course enrollment by middle school students.~~
- 11 g. ~~Student support services.~~
- 12 h. ~~Measurement and reporting of student achievement.~~
- 13 2. ~~Attendance policies and student mobility issues.~~
- 14 3. ~~Teacher quality, which includes, but is not limited~~
15 ~~to:~~
- 16 a. ~~Preparedness of teachers to teach rigorous courses~~
17 ~~to middle school students.~~
- 18 b. ~~Teacher evaluations.~~
- 19 c. ~~Substitute teachers.~~
- 20 d. ~~Certification and recertification requirements.~~
- 21 e. ~~Staff development requirements.~~
- 22 f. ~~Availability of effective staff development~~
23 ~~training.~~
- 24 g. ~~Teacher recruitment and vacancy issues.~~
- 25 h. ~~Federal requirements for highly qualified teachers~~
26 ~~pursuant to the No Child Left Behind Act of 2001.~~
- 27 4. ~~Identification and availability of diagnostic~~
28 ~~testing.~~
- 29 5. ~~Availability of personnel and scheduling issues.~~
- 30 6. ~~Middle school leadership and performance.~~
- 31 7. ~~Parental and community involvement.~~

1 ~~(b) By December 1, 2004, the Commissioner of Education~~
2 ~~shall submit to the President of the Senate, the Speaker of~~
3 ~~the House of Representatives, the chairs of the education~~
4 ~~committees in the Senate and the House of Representatives, and~~
5 ~~the State Board of Education recommendations to increase the~~
6 ~~academic performance of middle grade students and schools.~~

7 ~~(6)(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

8 (a) ~~Beginning with the 2004-2005 school year,~~ Each
9 principal of a school with a middle grade shall designate
10 certified staff members at the school to develop and
11 administer a personalized middle school success plan for each
12 entering sixth grade student who scored below Level 3 in
13 reading on the most recently administered FCAT. The purpose of
14 the success plan is to assist the student in meeting state and
15 school district expectations in academic proficiency and to
16 prepare the student for a rigorous high school curriculum. The
17 success plan shall be developed in collaboration with the
18 student and his or her parent and must be implemented until
19 the student completes the eighth grade or achieves a score at
20 Level 3 or above in reading on the FCAT, whichever occurs
21 first. The success plan must minimize paperwork and may be
22 incorporated into a parent/teacher conference, included as
23 part of a progress report or report card, included as part of
24 a general orientation at the beginning of the school year, or
25 provided by electronic mail or other written correspondence.

26 Section 10. Section 1003.4155, Florida Statutes, is
27 created to read:

28 1003.4155 Middle school grading system.--The grading
29 system and interpretation of letter grades used in grades 6
30 through 8 shall be as follows:
31

1 (1) Grade "A" equals 90 percent through 100 percent,
2 has a grade point average value of 4, and is defined as
3 "outstanding progress."

4 (2) Grade "B" equals 80 percent through 89 percent,
5 has a grade point average value of 3, and is defined as "above
6 average progress."

7 (3) Grade "C" equals 70 percent through 79 percent,
8 has a grade point average value of 2, and is defined as
9 "average progress."

10 (4) Grade "D" equals 60 percent through 69 percent,
11 has a grade point average value of 1, and is defined as
12 "lowest acceptable progress."

13 (5) Grade "F" equals zero percent through 59 percent,
14 has a grade point average value of zero, and is defined as
15 "failure."

16 (6) Grade "I" equals zero percent, has a grade point
17 average value of zero, and is defined as "incomplete."

18 Section 11. Section 1003.4156, Florida Statutes, is
19 created to read:

20 1003.4156 General requirements for middle school
21 graduation.--

22 (1) Beginning with students entering grade 6 in the
23 2005-2006 school year, graduation from a middle school, grades
24 6 through 8, requires the successful completion of 12 academic
25 credits, including:

26 (a) Three middle school or higher credits in
27 English/language arts.

28 (b) Three middle school or higher credits in
29 mathematics.

30 (c) Three middle school or higher credits in social
31 studies.

1 (d) Three middle school or higher credits in science.

2
3 Other courses offered in middle school, including music, band,
4 physical education, and art, shall be considered electives.

5 (2) In addition to the credits required under
6 subsection (1), a student who scores at Level 1 or Level 2 on
7 the reading portion of the FCAT in the previous grade must be
8 enrolled in and must complete a full-year intensive reading
9 course developed by the Florida Center for Reading Research as
10 provided in s. 1004.64(7).

11 (3) A student who scores at Level 3 or Level 4 on the
12 reading portion of the FCAT in the previous grade must be
13 enrolled in and must complete a one-semester intensive reading
14 course developed by the Florida Center for Reading Research as
15 provided in s. 1004.64(7) each year the student is in middle
16 school or until he or she scores at Level 5 on the FCAT.

17 (4) One full credit must entail completing a minimum
18 of 135 hours of instruction in a designated course of study
19 which contains standards for student performance. For schools
20 authorized by the district school board to implement block
21 scheduling, one full credit must entail completing a minimum
22 of 120 hours of instruction in a designated course of study
23 which contains standards for student performance.

24 (5) The Department of Education, in conjunction with
25 local school boards, must assist middle schools in developing
26 and implementing credit-recovery programs that will offer
27 students the opportunity to make up credits required for
28 middle school graduation.

29 (6) The State Board of Education shall adopt rules
30 under ss. 120.536(1) and 120.54 to provide for alternative
31 middle school graduation standards for students in grade 6,

1 grade 7, or grade 8 who are not enrolled in a school that has
2 a grade 6 through grade 8 middle school configuration.

3 Section 12. Section 1003.57, Florida Statutes, is
4 amended to read:

5 1003.57 Exceptional students instruction.--

6 (1) Each district school board shall provide for an
7 appropriate program of special instruction, facilities, and
8 services for exceptional students as prescribed by the State
9 Board of Education as acceptable, including provisions that:

10 (a)(1) The district school board provide the necessary
11 professional services for diagnosis and evaluation of
12 exceptional students.

13 (b)(2) The district school board provide the special
14 instruction, classes, and services, either within the district
15 school system, in cooperation with other district school
16 systems, or through contractual arrangements with approved
17 private schools or community facilities that meet standards
18 established by the commissioner.

19 (c)(3) The district school board annually provide
20 information describing the Florida School for the Deaf and the
21 Blind and all other programs and methods of instruction
22 available to the parent of a sensory-impaired student.

23 (d)(4) The district school board, once every 3 years,
24 submit to the department its proposed procedures for the
25 provision of special instruction and services for exceptional
26 students.

27 (e)(5) ~~A No~~ student may not be given special
28 instruction or services as an exceptional student until after
29 he or she has been properly evaluated, classified, and placed
30 in the manner prescribed by rules of the State Board of
31 Education. The parent of an exceptional student evaluated and

1 placed or denied placement in a program of special education
2 shall be notified of each such evaluation and placement or
3 denial. Such notice shall contain a statement informing the
4 parent that he or she is entitled to a due process hearing on
5 the identification, evaluation, and placement, or lack
6 thereof. Such hearings shall be exempt from the provisions of
7 ss. 120.569, 120.57, and 286.011, except to the extent that
8 the State Board of Education adopts rules establishing other
9 procedures and any records created as a result of such
10 hearings shall be confidential and exempt from the provisions
11 of s. 119.07(1). The hearing must be conducted by an
12 administrative law judge from the Division of Administrative
13 Hearings of the Department of Management Services. The
14 decision of the administrative law judge shall be final,
15 except that any party aggrieved by the finding and decision
16 rendered by the administrative law judge shall have the right
17 to bring a civil action in the circuit court. In such an
18 action, the court shall receive the records of the
19 administrative hearing and shall hear additional evidence at
20 the request of either party. In the alternative, any party
21 aggrieved by the finding and decision rendered by the
22 administrative law judge shall have the right to request an
23 impartial review of the administrative law judge's order by
24 the district court of appeal as provided by s. 120.68.
25 Notwithstanding any law to the contrary, during the pendency
26 of any proceeding conducted pursuant to this section, unless
27 the district school board and the parents otherwise agree, the
28 student shall remain in his or her then-current educational
29 assignment or, if applying for initial admission to a public
30 school, shall be assigned, with the consent of the parents, in
31

1 the public school program until all such proceedings have been
2 completed.

3 ~~(f)(6)~~ In providing for the education of exceptional
4 students, the district school superintendent, principals, and
5 teachers shall utilize the regular school facilities and adapt
6 them to the needs of exceptional students to the maximum
7 extent appropriate. Segregation of exceptional students shall
8 occur only if the nature or severity of the exceptionality is
9 such that education in regular classes with the use of
10 supplementary aids and services cannot be achieved
11 satisfactorily.

12 ~~(g)(7)~~ In addition to the services agreed to in a
13 student's individual education plan, the district school
14 superintendent shall fully inform the parent of a student
15 having a physical or developmental disability of all available
16 services that are appropriate for the student's disability.
17 The superintendent shall provide the student's parent with a
18 summary of the student's rights.

19 (2)(a) A student who receives special instruction,
20 facilities, or services as an exceptional student is
21 considered a resident of the state in which the student's
22 parent or guardian is a resident. The cost of such
23 instruction, facilities, and services for a nonresident
24 student shall be provided by the placing authority in the
25 student's state of residence, such as a public school entity,
26 other placing authority, or parent. Nonresident students may
27 not be reported by any school district for FTE funding in the
28 Florida Education Finance Program.

29 (b) The Department of Education shall provide to each
30 school district a statement of the specific limitations of the
31 district's financial obligation for exceptional students under

1 federal and state law. The department shall also provide to
2 each school district technical assistance as necessary for
3 developing a local plan to impose on a student's home state
4 the fiscal responsibility for educating a nonresident
5 exceptional student.

6 (c) The Department of Education shall develop a
7 process by which a school district must, before providing
8 services to an exceptional student who lives in a residential
9 facility in this state, review the residency of the student.
10 The residential facility, not the district, is responsible for
11 billing and collecting from a nonresidential student's home
12 state payment for the student's educational and related
13 services.

14 (d) This subsection applies to any nonresident student
15 who receives instruction as an exceptional student in any type
16 of educational facility in this state, including, but not
17 limited to, a public school, a private school, a group home
18 facility as defined in s. 393.063, an intensive residential
19 treatment program for children and adolescents as defined in
20 s. 395.002, a facility as defined in s. 394.455, an
21 intermediate care facility for the developmentally disabled or
22 ICF/DD as defined in s. 393.063 or s. 400.960, or a community
23 residential home as defined in s. 419.001.

24 Section 13. Section 1003.575, Florida Statutes, is
25 created to read:

26 1003.575 Individual education plans for exceptional
27 students.--The Department of Education shall devise an
28 individual education plan (IEP) form for use in developing and
29 implementing individual education plans for exceptional
30 students. The IEP form must have a streamlined format; and, to
31 provide for the use of an existing IEP form when a student

1 transfers from one school district to another, the IEP form
2 developed by the department shall be used in each school
3 district in the state.

4 Section 14. Subsection (3) of section 1003.58, Florida
5 Statutes, is amended to read:

6 1003.58 Students in residential care facilities.--Each
7 district school board shall provide educational programs
8 according to rules of the State Board of Education to students
9 who reside in residential care facilities operated by the
10 Department of Children and Family Services.

11 (3) The district school board shall have full and
12 complete authority in the matter of the assignment and
13 placement of such students in educational programs. The parent
14 of an exceptional student shall have the same due process
15 rights as are provided under s. 1003.57(1)(e) ~~s. 1003.57(5)~~.

16 Section 15. Present subsection (13) of section
17 1004.04, Florida Statutes, is redesignated as subsection (14),
18 and a new subsection (13) is added to that section, to read:

19 1004.04 Public accountability and state approval for
20 teacher preparation programs.--

21 (13) RESEARCH.--The Department of Education shall
22 review and report on the effectiveness of the graduates of
23 state-approved teacher preparation programs and state-approved
24 alternative certification programs as demonstrated by the
25 progress of their students on statewide assessments.

26 Section 16. Section 1004.64, Florida Statutes, is
27 created to read:

28 1004.64 Florida Center for Reading Research.--There is
29 created, as a joint project between the College of Arts and
30 Sciences and the Learning Systems Institute (LSI) at the
31 Florida State University, the Florida Center for Reading

1 Research (FCRR). The center is administratively housed within
2 the LSI and shall:

3 (1) Provide technical assistance and support to all
4 school districts and schools in this state in the
5 implementation of evidence-based literacy instruction,
6 assessments, and programs.

7 (2) Conduct applied research that will have an
8 immediate impact on policy and practices related to literacy
9 instruction and assessment in this state.

10 (3) Conduct basic research on reading, reading growth,
11 reading assessment, and reading instruction which will
12 contribute to scientific knowledge about reading.

13 (4) Develop comprehensive reading intervention courses
14 for middle schools and secondary schools.

15 (5) Disseminate information about research-based
16 practices related to literacy instruction, assessment, and
17 programs for students in preschool through grade 12.

18 (6) Collect, manage, and report on assessment
19 information from screening, progress monitoring, and outcome
20 assessments through the Florida Progress Monitoring and
21 Reporting Network. The network is a statewide resource that is
22 operated to provide valid and timely reading assessment data
23 for parents, teachers, principals, and district-level and
24 state-level staff in the management of instruction at the
25 individual, classroom, and school levels.

26 Section 17. Section 1008.22, Florida Statutes, is
27 amended to read:

28 1008.22 Student assessment program for public
29 schools.--

30 (1) PURPOSE.--The primary purposes of the student
31 assessment program are to provide information needed to

1 improve the public schools by enhancing the learning gains of
2 all students and to inform parents of the educational progress
3 of their public school children. The program must be designed
4 to:

5 (a) Assess the annual learning gains of each student
6 toward achieving the Sunshine State Standards appropriate for
7 the student's grade level.

8 (b) Provide data for making decisions regarding school
9 accountability and recognition.

10 (c) Identify the educational strengths and needs of
11 students and the readiness of students to be promoted to the
12 next grade level or to graduate from high school with a
13 standard high school diploma.

14 (d) Assess how well educational goals and performance
15 standards are met at the school, district, and state levels.

16 (e) Provide information to aid in the evaluation and
17 development of educational programs and policies.

18 (f) Provide information on the performance of ~~Florida~~
19 students in this state compared with other students ~~others~~
20 across the United States.

21 (2) INTENT.--

22 (a) It is the intent of the Legislature that the
23 Department of Education pursue innovations in technology and
24 assessment to allow the Florida Comprehensive Assessment Test
25 (FCAT) to be administered as late as possible in the school
26 year with scores received before the end of the school year.
27 The department shall pursue such innovations to the extent
28 funded by the Legislature. Annually, the Commissioner of
29 Education shall report to the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives on the
31 state of the art in large-scale on-line assessment

1 capabilities of the industry and of the capacity of the public
2 schools in this state to implement a statewide program.

3 (b) It is the further intent of the Legislature that
4 the Department of Education make accessible to the public
5 copies of actual scored FCAT test items when sufficient items
6 are available through the test-item databank to ensure the
7 security and validity of the test. The department shall
8 provide such FCAT test items to the extent that sufficient
9 items are funded by the Legislature.

10 (3)(2) NATIONAL EDUCATION COMPARISONS.--It is
11 Florida's intent to participate in the measurement of national
12 educational goals. The Commissioner of Education shall direct
13 Florida school districts to participate in the administration
14 of the National Assessment of Educational Progress, or a
15 similar national assessment program, both for the national
16 sample and for any state-by-state comparison programs which
17 may be initiated. Such assessments must be conducted using
18 the data collection procedures, the student surveys, the
19 educator surveys, and other instruments included in the
20 National Assessment of Educational Progress or similar program
21 being administered in Florida. The results of these
22 assessments shall be included in the annual report of the
23 Commissioner of Education specified in this section. The
24 administration of the National Assessment of Educational
25 Progress or similar program shall be in addition to and
26 separate from the administration of the statewide assessment
27 program.

28 (4)(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
29 shall design and implement a statewide program of educational
30 assessment that provides information for the improvement of
31 the operation and management of the public schools, including

1 | schools operating for the purpose of providing educational
2 | services to youth in Department of Juvenile Justice programs.
3 | The commissioner may enter into contracts for the continued
4 | administration of the assessment, testing, and evaluation
5 | programs authorized and funded by the Legislature. Contracts
6 | may be initiated in 1 fiscal year and continue into the next
7 | and may be paid from the appropriations of either or both
8 | fiscal years. The commissioner is authorized to negotiate for
9 | the sale or lease of tests, scoring protocols, test scoring
10 | services, and related materials developed pursuant to law.
11 | Pursuant to the statewide assessment program, the commissioner
12 | shall:

13 | (a) Submit to the State Board of Education a list that
14 | specifies student skills and competencies to which the goals
15 | for education specified in the state plan apply, including,
16 | but not limited to, reading, writing, science, and
17 | mathematics. The skills and competencies must include
18 | problem-solving and higher-order skills as appropriate and
19 | shall be known as the Sunshine State Standards as defined in
20 | s. 1000.21. The commissioner shall select such skills and
21 | competencies after receiving recommendations from educators,
22 | citizens, and members of the business community. The
23 | commissioner shall submit to the State Board of Education
24 | revisions to the list of student skills and competencies in
25 | order to maintain continuous progress toward improvements in
26 | student proficiency.

27 | (b) Develop and implement a uniform system of
28 | indicators to describe the performance of public school
29 | students and the characteristics of the public school
30 | districts and the public schools. These indicators must
31 | include, without limitation, information gathered by the

1 comprehensive management information system created pursuant
2 to s. 1008.385 and student achievement information obtained
3 pursuant to this section.

4 (c) Develop and implement a student achievement
5 testing program known as the Florida Comprehensive Assessment
6 Test (FCAT) as part of the statewide assessment program, ~~to be~~
7 ~~administered annually in grades 3 through 10~~ to measure
8 reading, writing, science, and mathematics. Other content
9 areas may be included as directed by the commissioner. The
10 assessment of reading and math shall be administered annually
11 in grades 3 through 10. The assessment of writing and science
12 shall be administered at least once at the elementary school
13 level, at least once at the middle school level, and at least
14 once at the high school level. The testing program must be
15 designed so that:

16 1. The tests measure student skills and competencies
17 adopted by the State Board of Education as specified in
18 paragraph (a). The tests must measure and report student
19 proficiency levels in reading, writing, mathematics, and
20 science. The commissioner shall provide for the tests to be
21 developed or obtained, as appropriate, through contracts and
22 project agreements with private vendors, public vendors,
23 public agencies, postsecondary educational institutions, or
24 school districts. The commissioner shall obtain input with
25 respect to the design and implementation of the testing
26 program from state educators and the public.

27 2. The testing program will include a combination of
28 norm-referenced and criterion-referenced tests and include, to
29 the extent determined by the commissioner, questions that
30 require the student to produce information or perform tasks in
31

1 such a way that the skills and competencies he or she uses can
2 be measured.

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

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

11 5. Except as provided in s. 1003.43(11)(b), students
12 must earn a passing score on the grade 10 assessment test
13 described in this paragraph or on an alternate assessment as
14 described in subsection (9) in reading, writing, and
15 mathematics to qualify for a regular high school diploma. The
16 State Board of Education shall designate a passing score for
17 each part of the grade 10 assessment test. In establishing
18 passing scores, the state board shall consider any possible
19 negative impact of the test on minority students. ~~All students~~
20 ~~who took the grade 10 FCAT during the 2000-2001 school year~~
21 ~~shall be required to earn the passing scores in reading and~~
22 ~~mathematics established by the State Board of Education for~~
23 ~~the March 2001 test administration. Such students who did not~~
24 ~~earn the established passing scores and must repeat the grade~~
25 ~~10 FCAT are required to earn the passing scores established~~
26 ~~for the March 2001 test administration. All students who take~~
27 ~~the grade 10 FCAT for the first time in March 2002 shall be~~
28 ~~required to earn the passing scores in reading and mathematics~~
29 ~~established by the State Board of Education for the March 2002~~
30 ~~test administration.~~ The State Board of Education shall adopt
31 rules that ~~which~~ specify the passing scores for the grade 10

1 FCAT. Any such rules, which have the effect of raising the
2 required passing scores, shall ~~only~~ apply only to students
3 taking the grade 10 FCAT for the first time after such rules
4 are adopted by the State Board of Education.

5 6. Participation in the testing program is mandatory
6 for all students attending public school, including students
7 served in Department of Juvenile Justice programs, except as
8 otherwise prescribed by the commissioner. If a student does
9 not participate in the statewide assessment, the district must
10 notify the student's parent and provide the parent with
11 information regarding the implications of such
12 nonparticipation. If modifications are made in the student's
13 instruction to provide accommodations that would not be
14 permitted on the statewide assessment tests, the district must
15 notify the student's parent of the implications of such
16 instructional modifications. A parent must provide signed
17 consent for a student to receive instructional modifications
18 that would not be permitted on the statewide assessments and
19 must acknowledge in writing that he or she understands the
20 implications of such accommodations. The State Board of
21 Education shall adopt rules, based upon recommendations of the
22 commissioner, for the provision of test accommodations and
23 modifications of procedures as necessary for students in
24 exceptional education programs and for students who have
25 limited English proficiency. Accommodations that negate the
26 validity of a statewide assessment are not allowable.

27 7. A student seeking an adult high school diploma must
28 meet the same testing requirements that a regular high school
29 student must meet.

30 8. District school boards must provide instruction to
31 prepare students to demonstrate proficiency in the skills and

1 | competencies necessary for successful grade-to-grade
2 | progression and high school graduation. If a student is
3 | provided with accommodations or modifications that are not
4 | allowable in the statewide assessment program, as described in
5 | the test manuals, the district must inform the parent in
6 | writing and must provide the parent with information regarding
7 | the impact on the student's ability to meet expected
8 | proficiency levels in reading, writing, and math. The
9 | commissioner shall conduct studies as necessary to verify that
10 | the required skills and competencies are part of the district
11 | instructional programs.

12 | 9. The Department of Education must develop, or
13 | select, and implement a common battery of assessment tools
14 | that will be used in all juvenile justice programs in the
15 | state. These tools must accurately measure the skills and
16 | competencies established in the Florida Sunshine State
17 | Standards.

18 |
19 | The commissioner may design and implement student testing
20 | programs, for any grade level and subject area, necessary to
21 | effectively monitor educational achievement in the state.

22 | (d) Conduct ongoing research to develop improved
23 | methods of assessing student performance, including, without
24 | limitation, the use of technology to administer tests, score,
25 | or report the results of, the use of electronic transfer of
26 | data, the development of work-product assessments, and the
27 | development of process assessments.

28 | (e) Conduct ongoing research into and analysis of
29 | student achievement data, including, without limitation,
30 | monitoring trends in student achievement by grade level and
31 | overall student achievement, identifying school programs that

1 are successful, and analyzing correlates of school
2 achievement.

3 (f) Provide technical assistance to school districts
4 in the implementation of state and district testing programs
5 and the use of the data produced pursuant to such programs.

6 (5)~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district
7 school board shall periodically assess student performance and
8 achievement within each school of the district. The assessment
9 programs must be based upon local goals and objectives that
10 are compatible with the state plan for education and that
11 supplement the skills and competencies adopted by the State
12 Board of Education. All school districts must participate in
13 the statewide assessment program designed to measure annual
14 student learning and school performance. All district school
15 boards shall report assessment results as required by the
16 state management information system.

17 (6)~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school
18 shall participate in the statewide assessment program, unless
19 specifically exempted by state board rule based on serving a
20 specialized population for which standardized testing is not
21 appropriate. Student performance data shall be analyzed and
22 reported to parents, the community, and the state. Student
23 performance data shall be used in developing objectives of the
24 school improvement plan, evaluation of instructional
25 personnel, evaluation of administrative personnel, assignment
26 of staff, allocation of resources, acquisition of
27 instructional materials and technology, performance-based
28 budgeting, and promotion and assignment of students into
29 educational programs. The analysis of student performance data
30 also must identify strengths and needs in the educational
31 program and trends over time. The analysis must be used in

1 conjunction with the budgetary planning processes developed
2 pursuant to s. 1008.385 and the development of the programs of
3 remediation.

4 (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall
5 provide, at a minimum, for the following analyses of data
6 produced by the student achievement testing program:

7 (a) The statistical system for the annual assessments
8 shall use measures of student learning, such as the FCAT, to
9 determine teacher, school, and school district statistical
10 distributions, which shall be determined using available data
11 from the FCAT, and other data collection as deemed appropriate
12 by the Department of Education, to measure the differences in
13 student prior year achievement compared to the current year
14 achievement for the purposes of accountability and
15 recognition.

16 (b) The statistical system shall provide the best
17 estimates of teacher, school, and school district effects on
18 student progress. The approach used by the department shall be
19 approved by the commissioner before implementation.

20 (c) The annual testing program shall be administered
21 to provide for valid statewide comparisons of learning gains
22 to be made for purposes of accountability and recognition. The
23 commissioner shall establish a schedule for the administration
24 of the statewide assessments. In establishing such schedule,
25 the commissioner is charged with the duty to accomplish the
26 latest possible administration of the statewide assessments
27 and the earliest possible provision of the results to the
28 school districts feasible within available technology and
29 specific appropriation. District school boards shall not
30 establish school calendars that jeopardize or limit the valid
31 testing and comparison of student learning gains.

1 ~~(8)(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning
2 gains of students in all subjects and grade levels other than
3 subjects and grade levels required for the state student
4 achievement testing program is the responsibility of the
5 school districts.

6 ~~(9)(8)~~ APPLICABILITY OF TESTING STANDARDS.--A student
7 must meet the testing requirements for high school graduation
8 that were in effect at the time the student entered 9th grade,
9 provided the student's enrollment was continuous.

10 ~~(10)(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.--

11 (a) The Commissioner of Education shall approve the
12 use of the SAT and ACT tests as alternative assessments to the
13 grade 10 FCAT ~~for the 2003-2004 school year~~. Students who
14 attain scores on the SAT or ACT which equate to the passing
15 scores on the grade 10 FCAT for purposes of high school
16 graduation shall satisfy the assessment requirement for a
17 standard high school diploma as provided in s. 1003.429(6)(a)
18 or s. 1003.43(5)(a) ~~for the 2003-2004 school year~~ if the
19 students meet the requirement in paragraph (b).

20 (b) A student shall be required to take the grade 10
21 FCAT a total of three times without earning a passing score in
22 order to use the scores on an alternative assessment pursuant
23 to paragraph (a). This requirement shall not apply to a
24 student who is a new student to the public school system in
25 grade 12.

26 ~~(11)(10)~~ RULES.--The State Board of Education shall
27 adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
28 implement ~~the provisions of~~ this section.

29 Section 18. Subsection (8) of section 1008.25, Florida
30 Statutes, is amended, and subsection (11) is added to that
31 section, to read:

1 1008.25 Public school student progression; remedial
2 instruction; reporting requirements.--

3 (8) ANNUAL REPORT.--

4 (a) In addition to the requirements in paragraph
5 (5)(b), each district school board must annually report to the
6 parent of each student the progress of the student toward
7 achieving state and district expectations for proficiency in
8 reading, writing, science, and mathematics. The district
9 school board must report to the parent the student's results
10 on each statewide assessment test. The evaluation of each
11 student's progress must be based upon the student's classroom
12 work, observations, tests, district and state assessments, and
13 other relevant information. Progress reporting must be
14 provided to the parent in writing in a format adopted by the
15 district school board.

16 (b) ~~Beginning with the 2001-2002 school year,~~ Each
17 district school board must annually publish in the local
18 newspaper, and report in writing to the State Board of
19 Education by September 1 of each year, the following
20 information on the prior school year:

21 1. The provisions of this section relating to public
22 school student progression and the district school board's
23 policies and procedures on student retention and promotion.

24 2. By grade, the number and percentage of all students
25 in grades 3 through 10 performing at Levels 1 and 2 on the
26 reading portion of the FCAT.

27 3. By grade, the number and percentage of all students
28 retained in grades 3 through 10.

29 4. Information on the total number of students who
30 were promoted for good cause, by each category of good cause
31 as specified in paragraph (6)(b).

1 5. Any revisions to the district school board's policy
2 on student retention and promotion from the prior year.

3 (c) The Department of Education shall establish a
4 uniform format in which school districts must report such
5 information. The department shall annually compile the
6 information required under subparagraphs (b)2., 3., and 4.,
7 along with state-level summary information, and shall report
8 the information to the Governor, the President of the Senate,
9 and the Speaker of the House of Representatives.

10 (11) REPORTS.--The Department of Education shall
11 annually provide to the Governor, the President of the Senate,
12 and the Speaker of the House of Representatives a report on:

13 (a) The longitudinal performance of students in math
14 and reading.

15 (b) The longitudinal performance of students by grade
16 level in math and reading.

17 (c) The longitudinal performance regarding efforts to
18 close the achievement gap.

19 (d) The longitudinal performance of students on the
20 norm-referenced component of the FCAT.

21 (e) Other student performance data based on national
22 norm-referenced and criterion-referenced tests, when
23 available.

24 Section 19. Section 1008.31, Florida Statutes, is
25 amended to read:

26 1008.31 Florida's K-20 education performance
27 accountability system; legislative intent; public
28 accountability and reporting ~~performance based funding~~;
29 mission, goals, and systemwide measures.--

30 (1) LEGISLATIVE INTENT.--It is the intent of the
31 Legislature that:

1 (a) The performance accountability system implemented
2 to assess the effectiveness of Florida's seamless K-20
3 education delivery system provide answers to the following
4 questions in relation to its mission and goals:

5 1. What is the public receiving in return for funds it
6 invests in education?

7 2. How effectively is Florida's K-20 education system
8 educating its students?

9 3. How effectively are the major delivery sectors
10 promoting student achievement?

11 4. How are individual schools and postsecondary
12 education institutions performing their responsibility to
13 educate their students as measured by how students are
14 exhibiting ~~performing and~~ how much they are learning?

15 (b) The K-20 education performance accountability
16 system be established as a single, unified accountability
17 system with multiple components, including, but not limited
18 to, measures of adequate yearly progress, individual student
19 learning gains in public schools, school grades, and return on
20 investment.

21 (c) The K-20 education performance accountability
22 system comply with the accountability requirements of the "No
23 Child Left Behind Act of 2001," Pub. L. No. 107-110.

24 (d) The State Board of Education recommend to the
25 Legislature systemwide performance standards; the Legislature
26 establish systemwide performance measures and standards; and
27 the systemwide measures and standards provide Floridians with
28 information on what the public is receiving in return for the
29 funds it invests in education and how well the K-20 system
30 educates its students.

31

1 (e) The State Board of Education establish performance
2 measures and set performance standards for individual
3 components of the public education system, including
4 individual schools and community colleges ~~postsecondary~~
5 ~~educational institutions~~, with measures and standards based
6 primarily on student achievement.

7 (f) The Board of Governors establish performance
8 measures and set performance standards for state universities,
9 with measures and standards based primarily on student access
10 and achievement.

11 ~~(2) PERFORMANCE BASED FUNDING.—~~

12 ~~(a) The State Board of Education shall cooperate with~~
13 ~~each delivery system to develop proposals for~~
14 ~~performance based funding, using performance measures adopted~~
15 ~~pursuant to this section.~~

16 ~~(b) The State Board of Education proposals must~~
17 ~~provide that at least 10 percent of the state funds~~
18 ~~appropriated for the K-20 education system are conditional~~
19 ~~upon meeting or exceeding established performance standards.~~

20 ~~(c) The State Board of Education shall adopt~~
21 ~~guidelines required to implement performance based funding~~
22 ~~that allow 1 year to demonstrate achievement of specified~~
23 ~~performance standards prior to a reduction in appropriations~~
24 ~~pursuant to this section.~~

25 ~~(d) By December 1, 2003, the State Board of Education~~
26 ~~shall adopt common definitions, measures, standards, and~~
27 ~~performance improvement targets required to:~~

28 ~~1. Use the state core measures and the sector specific~~
29 ~~measures to evaluate the progress of each sector of the~~
30 ~~educational delivery system toward meeting the systemwide~~
31 ~~goals for public education.~~

1 ~~2. Notify the sectors of their progress in achieving~~
2 ~~the specified measures so that they may develop improvement~~
3 ~~plans that directly influence decisions about policy, program~~
4 ~~development, and management.~~

5 ~~3. Implement the performance based budgeting system~~
6 ~~described in this section.~~

7 ~~(c) During the 2003-2004 fiscal year, the Department~~
8 ~~of Education shall collect data required to establish~~
9 ~~progress, rewards, and sanctions.~~

10 ~~(f) By December 1, 2004, the Department of Education~~
11 ~~shall recommend to the Legislature a formula for~~
12 ~~performance based funding that applies accountability~~
13 ~~standards for the individual components of the public~~
14 ~~education system at every level, kindergarten through graduate~~
15 ~~school. Effective for the 2004-2005 fiscal year and~~
16 ~~thereafter, subject to annual legislative approval in the~~
17 ~~General Appropriations Act, performance based funds shall be~~
18 ~~allocated based on the progress, rewards, and sanctions~~
19 ~~established pursuant to this section.~~

20 ~~(2)(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

21 (a) The mission of Florida's K-20 education system
22 shall be to increase the proficiency of all students within
23 one seamless, efficient system, by allowing them the
24 opportunity to expand their knowledge and skills through
25 learning opportunities and research valued by students,
26 parents, and communities.

27 (b) ~~The State Board of Education shall adopt~~ guiding
28 principles for establishing state and sector-specific
29 standards and measures must assure that the process is:-

- 30 1. Focused on student success;
31

- 1 2. Actionable, in that an educational entity can
2 affect the outcomes through policy and program changes;
3 3. High-quality and efficient;
4 4. Measurable over time;
5 5. Simple to explain and display to the public; and
6 6. Aligned with other measures and other sectors to
7 support a coordinated K-20 education system.

8 (c) The Department ~~State Board~~ of Education shall
9 maintain an accountability system that measures student
10 progress toward the following goals:

11 1. Highest student achievement, as indicated by
12 evidence of student learning gains at all levels ~~measured by:~~
13 ~~student FCAT performance and annual learning gains; the number~~
14 ~~and percentage of schools that improve at least one school~~
15 ~~performance grade designation or maintain a school performance~~
16 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
17 ~~completion rates at all learning levels; and other measures~~
18 ~~identified in law or rule.~~

19 2. Seamless articulation and maximum access, as
20 measured by evidence of progression and readiness and evidence
21 of access by targeted groups of students identified by the
22 commissioner; ~~the percentage of students who demonstrate~~
23 ~~readiness for the educational level they are entering, from~~
24 ~~kindergarten through postsecondary education and into the~~
25 ~~workforce; the number and percentage of students needing~~
26 ~~remediation; the percentage of Floridians who complete~~
27 ~~associate, baccalaureate, graduate, professional, and~~
28 ~~postgraduate degrees; the number and percentage of credits~~
29 ~~that articulate; the extent to which each set of exit point~~
30 ~~requirements matches the next set of entrance point~~
31 ~~requirements; the degree to which underserved populations~~

1 ~~access educational opportunity; the extent to which access is~~
2 ~~provided through innovative educational delivery strategies;~~
3 ~~and other measures identified in law or rule.~~

4 3. Skilled workforce and economic development, as
5 measured by evidence of employment and earnings; ~~the number~~
6 ~~and percentage of graduates employed in their areas of~~
7 ~~preparation; the percentage of Floridians with high school~~
8 ~~diplomas and postsecondary education credentials; the~~
9 ~~percentage of business and community members who find that~~
10 ~~Florida's graduates possess the skills they need; national~~
11 ~~rankings; and other measures identified in law or rule.~~

12 4. Quality efficient services, as measured by evidence
13 of return on investment; ~~cost per completer or graduate;~~
14 ~~average cost per noncompleter at each educational level; cost~~
15 ~~disparity across institutions offering the same degrees; the~~
16 ~~percentage of education customers at each educational level~~
17 ~~who are satisfied with the education provided; and other~~
18 ~~measures identified in law or rule.~~

19 ~~(3)(4)~~ K-20 EDUCATION DATA QUALITY IMPROVEMENT.--To
20 provide data required to implement education performance
21 accountability measures in state and federal law, the
22 commissioner shall initiate and maintain strategies to improve
23 data quality and timeliness.

24 ~~(a) SYSTEMWIDE DATA COLLECTION.~~—School districts and
25 public postsecondary educational institutions shall maintain
26 information systems that will provide the State Board of
27 Education, the Board of Governors, and the Legislature with
28 information and reports necessary to address the
29 specifications of the accountability system. ~~The State Board~~
30 ~~of Education shall determine the standards for the required~~
31

1 ~~data.~~ The level of comprehensiveness and quality shall be no
2 less than that which was available as of June 30, 2001.

3 (b) The Commissioner of Education shall determine the
4 standards for the required data, monitor data quality, and
5 measure improvements. The commissioner shall report annually
6 to the Legislature, the State Board of Education, and the
7 Board of Governors data quality indicators and ratings for all
8 public postsecondary education institutions and school
9 districts.

10 (4) RULES.--The State Board of Education shall adopt
11 rules under ss. 120.536(1) and 120.54 to implement this
12 section.

13 Section 20. Section 1008.33, Florida Statutes, is
14 amended to read:

15 1008.33 Authority to enforce public school
16 improvement.--It is the intent of the Legislature that all
17 public schools be held accountable for students performing at
18 acceptable levels. A system of school improvement and
19 accountability that assesses student performance by school,
20 identifies schools in which students are not making adequate
21 progress toward state standards, institutes appropriate
22 measures for enforcing improvement, and provides rewards and
23 sanctions based on performance shall be the responsibility of
24 the State Board of Education.

25 (1) Pursuant to Art. IX of the State Constitution
26 prescribing the duty of the State Board of Education to
27 supervise Florida's public school system and notwithstanding
28 any other statutory provisions to the contrary, the State
29 Board of Education shall intervene in the operation of a
30 district school system when one or more schools in the school
31 district have failed to make adequate progress for 2 school

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

27 | (2) The State Board of Education may recommend one or
28 | more of the following actions to district school boards to
29 | enable students in schools designated with a grade of ~~as~~
30 | ~~performance grade category~~ "F" to be academically well served
31 | by the public school system:

1 (a) Provide additional resources, change certain
2 practices, and provide additional assistance if the state
3 board determines the causes of inadequate progress to be
4 related to school district policy or practice;

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

7 (c) Contract for the educational services of the
8 school, or reorganize the school at the end of the school year
9 under a new school principal who is authorized to hire new
10 staff and implement a plan that addresses the causes of
11 inadequate progress;

12 (d) Authorize the district school board to suspend and
13 renegotiate any collective bargaining contract provisions that
14 interfere with the board's ability to appropriately staff
15 low-performing schools with high-quality faculty and staff;

16 ~~(e)(d)~~ Allow parents of students in the school to send
17 their children to another district school of their choice; or

18 ~~(f)(e)~~ Other action appropriate to improve the
19 school's performance.

20 (3) In recommending actions to district school boards,
21 the State Board of Education shall specify the length of time
22 available to implement the recommended action. The State
23 Board of Education may adopt rules to further specify how it
24 may respond in specific circumstances. ~~No~~ Action taken by the
25 State Board of Education does not shall relieve a school from
26 state accountability requirements.

27 (4) The State Board of Education may require the
28 Department of Education or Chief Financial Officer to withhold
29 any transfer of state funds to the school district if, within
30 the timeframe specified in state board action, the school
31 district has failed to comply with the action ordered to

1 improve the district's low-performing schools. ~~Withholding~~ The
2 transfer of funds may be withheld ~~shall occur~~ only after all
3 other recommended actions for school improvement have failed
4 to improve performance. The State Board of Education may
5 impose the same penalty on any district school board that
6 fails to develop and implement a plan for assistance and
7 intervention for low-performing schools as specified in s.
8 1001.42(16)(c).

9 Section 21. Section 1008.34, Florida Statutes, is
10 amended to read:

11 1008.34 School grading system; school report cards;
12 district performance grade.--

13 (1) ANNUAL REPORTS.--The Commissioner of Education
14 shall prepare annual reports of the results of the statewide
15 assessment program which describe student achievement in the
16 state, each district, and each school. The commissioner shall
17 prescribe the design and content of these reports, which must
18 include, without limitation, descriptions of the performance
19 of all schools participating in the assessment program and all
20 of their major student populations as determined by the
21 Commissioner of Education, and must also include the median
22 scores of all eligible students who scored at or in the lowest
23 25th percentile of the state in the previous school year;
24 ~~provided, however, that~~ the provisions of s. 1002.22
25 pertaining to student records apply to this section.

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

31 (a) "A," schools making excellent progress.

- 1 (b) "B," schools making above average progress.
2 (c) "C," schools making satisfactory progress.
3 (d) "D," schools making less than satisfactory
4 progress.

5 (e) "F," schools failing to make adequate progress.
6

7 Each school designated ~~with a grade of in performance grade~~
8 ~~category~~ "A," making excellent progress, or having improved at
9 least two ~~grade levels performance grade categories~~, shall
10 have greater authority over the allocation of the school's
11 total budget generated from the FEFP, state categoricals,
12 lottery funds, grants, and local funds, as specified in state
13 board rule. The rule must provide that the increased budget
14 authority shall remain in effect until the school's
15 performance grade declines.

16 (3) DESIGNATION OF SCHOOL ~~GRADES PERFORMANCE GRADE~~
17 ~~CATEGORIES~~.--School ~~grades performance grade category~~
18 ~~designations~~ itemized in subsection (2) shall be based on the
19 following:

20 (a) Criteria Timeframes.--

21 ~~1. School performance grade category designations~~
22 ~~shall be based on the school's current year performance and~~
23 ~~the school's annual learning gains.~~

24 ~~2. A school's grade performance grade category~~
25 ~~designation shall be based on a combination of:~~

26 1. Student achievement scores;7

27 2. Student learning gains as measured by annual FCAT
28 assessments in grades 3 through 10;7 and

29 3. Improvement of the lowest 25th percentile of
30 students in the school in reading, ~~math, or writing~~ on the
31

1 FCAT, unless these students are exhibiting ~~performing~~ above
2 satisfactory performance.

3 (b) Student assessment data.--Student assessment data
4 used in determining school grades ~~performance grade categories~~
5 shall include:

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

8 2. The aggregate scores of all eligible students
9 enrolled in the school who have been assessed on the FCAT,
10 including Florida Writes, and who have scored at or in the
11 lowest 25th percentile of students in the school in reading,
12 math, or writing, unless these students are exhibiting
13 ~~performing~~ above satisfactory performance.

14
15 ~~The Department of Education shall study the effects of~~
16 ~~mobility on the performance of highly mobile students and~~
17 ~~recommend programs to improve the performance of such~~
18 ~~students.~~ The State Board of Education shall adopt appropriate
19 criteria for each school grade ~~performance grade category~~. The
20 criteria must also give added weight to student achievement in
21 reading. Schools designated with a grade of as performance
22 ~~grade category~~ "C," making satisfactory progress, shall be
23 required to demonstrate that adequate progress has been made
24 by students in the school who are in the lowest 25th
25 percentile in reading, math, or writing on the FCAT, including
26 Florida Writes, unless these students are exhibiting
27 ~~performing~~ above satisfactory performance.

28 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
29 shall identify each school's performance as having improved,
30 remained the same, or declined. This school improvement rating
31 shall be based on a comparison of the current year's and

1 previous year's student and school performance data. Schools
2 that improve at least one performance grade category are
3 eligible for school recognition awards pursuant to s. 1008.36.

4 (5) SCHOOL REPORT CARD.--The Department of Education
5 shall annually develop a school report card to be delivered to
6 parents throughout each school district. The report card must
7 include the school's grade, information regarding school
8 improvement, an explanation of school performance as evaluated
9 by the federal No Child Left Behind Act, and indicators of
10 return on investment. ~~PERFORMANCE GRADE CATEGORY AND~~
11 ~~IMPROVEMENT RATING REPORTS. School performance grade category~~
12 ~~designations and improvement ratings shall apply to each~~
13 ~~school's performance for the year in which performance is~~
14 ~~measured. Each school's report card designation and rating~~
15 shall be published annually by the Department of Education on
16 the department's website, and the school district shall
17 provide the report card to each parent. Parents shall be
18 ~~entitled to an easy to read report card about the designation~~
19 ~~and rating of the school in which their child is enrolled.~~

20 ~~(6) RULES. The State Board of Education shall adopt~~
21 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~
22 ~~provisions of this section.~~

23 ~~(6)(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may
24 factor in the performance of schools in calculating any
25 performance-based funding policy that is provided for annually
26 in the General Appropriations Act.

27 ~~(7)(8)~~ DISTRICT PERFORMANCE GRADE.--The annual report
28 required by subsection (1) shall include district performance
29 grades, which shall consist of weighted district average
30 grades, by level, for all elementary schools, middle schools,
31 and high schools in the district. A district's weighted

1 average grade shall be calculated by weighting individual
2 school grades determined pursuant to subsection (2) by school
3 enrollment.

4 (8) The State Board of Education shall adopt rules
5 under ss. 120.536(1) and 120.54 to administer this section.

6 Section 22. Section 1008.36, Florida Statutes, is
7 amended to read:

8 1008.36 Florida School Recognition Program.--

9 (1) The Legislature finds that there is a need for a
10 performance incentive program for outstanding faculty and
11 staff in highly productive schools. The Legislature further
12 finds that performance-based incentives are commonplace in the
13 private sector and should be infused into the public sector as
14 a reward for productivity.

15 (2) The Florida School Recognition Program is created
16 to provide financial awards to public schools that:

17 (a) Sustain high performance by receiving a school
18 grade of "A," making excellent progress; or

19 (b) Demonstrate exemplary improvement due to
20 innovation and effort by improving a letter grade.

21 (3) All public schools, including charter schools,
22 that receive a school grade pursuant to s. 1008.34 are
23 eligible to participate in the program.

24 (4) All selected schools shall receive financial
25 awards depending on the availability of funds appropriated and
26 the number and size of schools selected to receive an award.
27 Funds must be distributed to the school's fiscal agent and
28 placed in the school's account and must be used for
29 nonrecurring bonuses to the faculty and staff who presently
30 teach at the school or who taught at the school during the
31 year of improved performance ~~purposes listed in subsection (5)~~

1 ~~as determined jointly by the school's staff and school~~
2 ~~advisory council. If school staff and the school advisory~~
3 ~~council cannot reach agreement by November 1, the awards must~~
4 ~~be equally distributed to all classroom teachers currently~~
5 ~~teaching in the school.~~

6 ~~(5) School recognition awards must be used for the~~
7 ~~following:~~

8 ~~(a) Nonrecurring bonuses to the faculty and staff;~~

9 ~~(b) Nonrecurring expenditures for educational~~
10 ~~equipment or materials to assist in maintaining and improving~~
11 ~~student performance; or~~

12 ~~(c) Temporary personnel for the school to assist in~~
13 ~~maintaining and improving student performance.~~

14
15 Notwithstanding statutory provisions to the contrary,
16 incentive awards are not subject to collective bargaining.

17 Section 23. Present subsection (9) of section 1011.62,
18 Florida Statutes, is redesignated as subsection (10) and
19 amended, and a new subsection (9) is added to that section, to
20 read:

21 1011.62 Funds for operation of schools.--If the annual
22 allocation from the Florida Education Finance Program to each
23 district for operation of schools is not determined in the
24 annual appropriations act or the substantive bill implementing
25 the annual appropriations act, it shall be determined as
26 follows:

27 (9) RESEARCH-BASED READING-INSTRUCTION ALLOCATION.--

28 (a) There is created the Research-Based
29 Reading-Instruction Allocation to provide comprehensive
30 reading instruction to students in kindergarten through grade
31 12.

1 (b) Funds for comprehensive, research-based reading
2 instruction shall be allocated annually to each school
3 district in the amount provided in the General Appropriations
4 Act. Each eligible school district shall receive the same
5 minimum amount as specified in the General Appropriations Act,
6 and any remaining funds shall be distributed to eligible
7 school districts based on each school district's proportionate
8 share of the statewide total unweighted full-time equivalent
9 student population. The Legislature shall annually increase
10 funds for the allocation at a rate that equals or exceeds the
11 rate of overall increase in the FEFP.

12 (c) Funds allocated under this subsection must be used
13 to provide a system of comprehensive reading instruction to
14 students enrolled in K-12 programs, which may include the
15 provision of:

- 16 1. Highly qualified reading coaches;
- 17 2. Professional development for district teachers in
18 scientifically based reading instruction;
- 19 3. Summer reading camps for students who score at
20 Level 1 on the FCAT;
- 21 4. Supplemental instructional materials that are
22 grounded in scientifically based reading research; and
- 23 5. Intensive interventions for middle-school and
24 secondary-school students who are reading below grade level.

25 (d) Annually, by a date determined by the Department
26 of Education, school districts shall submit a plan in the
27 format prescribed by the department for review and approval
28 from the Just Read, Florida! Office created under s. 1001.215.
29 Upon approval of a school district's plan by the Just Read,
30 Florida! Office, the Department of Education shall release the
31 school district's allocation of appropriated funds pursuant to

1 chapter 216. The funds may not be released unless a school
2 district's plan has been approved, and the department may
3 withhold funding if a plan is not implemented as approved.

4 ~~(10)(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH
5 DISTRICT FOR CURRENT OPERATION.--The total annual state
6 allocation to each district for current operation for the FEFP
7 shall be distributed periodically in the manner prescribed in
8 the General Appropriations Act.

9 (a) The basic amount for current operation for the
10 FEFP as determined in subsection (1), multiplied by the
11 district cost differential factor as determined in subsection
12 (2), plus the amounts provided for categorical components
13 within the FEFP, plus the amount for the sparsity supplement
14 as determined in subsection (6), the decline in full-time
15 equivalent students as determined in subsection (7), ~~and~~ the
16 quality assurance guarantee as determined in subsection (8),
17 and the research-based reading-instruction allocation as
18 determined under subsection (9), less the required local
19 effort as determined in subsection (4). If the funds
20 appropriated for the purpose of funding the total amount for
21 current operation as provided in this paragraph are not
22 sufficient to pay the state requirement in full, the
23 department shall prorate the available state funds to each
24 district in the following manner:

25 1. Determine the percentage of proration by dividing
26 the sum of the total amount for current operation, as provided
27 in this paragraph for all districts collectively, and the
28 total district required local effort into the sum of the state
29 funds available for current operation and the total district
30 required local effort.

31

1 2. Multiply the percentage so determined by the sum of
2 the total amount for current operation as provided in this
3 paragraph and the required local effort for each individual
4 district.

5 3. From the product of such multiplication, subtract
6 the required local effort of each district; and the remainder
7 shall be the amount of state funds allocated to the district
8 for current operation.

9 (b) The amount thus obtained shall be the net annual
10 allocation to each school district. However, if it is
11 determined that any school district received an
12 underallocation or overallocation for any prior year because
13 of an arithmetical error, assessment roll change, full-time
14 equivalent student membership error, or any allocation error
15 revealed in an audit report, the allocation to that district
16 shall be appropriately adjusted. Beginning with audits for the
17 2001-2002 fiscal year, if the adjustment is the result of an
18 audit finding in which group 2 FTE are reclassified to the
19 basic program and the district weighted FTE are over the
20 weighted enrollment ceiling for group 2 programs, the
21 adjustment shall not result in a gain of state funds to the
22 district. If the Department of Education audit adjustment
23 recommendation is based upon controverted findings of fact,
24 the Commissioner of Education is authorized to establish the
25 amount of the adjustment based on the best interests of the
26 state.

27 (c) The amount thus obtained shall represent the net
28 annual state allocation to each district; however,
29 notwithstanding any other provision of this section ~~of the~~
30 ~~provisions herein~~, each district shall be guaranteed a minimum
31

1 level of funding in the amount and manner prescribed in the
2 General Appropriations Act.

3 Section 24. Section 1011.6855, Florida Statutes, is
4 created to read:

5 1011.6855 Minimum teacher pay and class size
6 reduction; operating categorical fund.--

7 (1) Effective upon the passage of an amendment to s.
8 1, Art. IX of the State Constitution to create district
9 average maximum class sizes, there is created an operating
10 categorical fund for implementing the average maximum class
11 sizes and implementing the provisions of this section relating
12 to teacher pay.

13 (2) The funds appropriated to the operating
14 categorical fund created under subsection (1) shall be used to
15 provide:

16 (a) Minimum pay of \$35,000 or more as specified by the
17 General Appropriations Act for all full-time, certified
18 instructional personnel identified in s. 1012.01(2)(a)-(d).

19 (b) Elevation funds of at least \$2,000 or as specified
20 in the General Appropriations Act to increase the salary of
21 all full-time, certified instructional personnel identified in
22 s. 1012.01(2)(a)-(d) to a level at or above the minimum pay.

23 (3) After the obligations set forth in paragraphs
24 (2)(a) and (b) have been met, the remaining funds must be used
25 to reduce the district average class size until it meets the
26 requirements specified in the State Constitution.

27 Section 25. Subsection (6) is added to section
28 1012.21, Florida Statutes, to read:

29 1012.21 Department of Education duties; K-12
30 personnel.--
31

1 (6) REPORTING.--The Department of Education shall
2 annually post on-line the collective bargaining contracts of
3 each school district in the state which the department has
4 received under s. 1012.22. The department shall prescribe the
5 format in which district school boards must provide the
6 information.

7 Section 26. Paragraph (c) of subsection (1) of section
8 1012.22, Florida Statutes, is amended, and subsection (3) is
9 added to that section, to read:

10 1012.22 Public school personnel; powers and duties of
11 the district school board.--The district school board shall:

12 (1) Designate positions to be filled, prescribe
13 qualifications for those positions, and provide for the
14 appointment, compensation, promotion, suspension, and
15 dismissal of employees as follows, subject to the requirements
16 of this chapter:

17 (c) Compensation and salary schedules.--

18 1. The district school board shall adopt a salary
19 schedule or salary schedules designed to furnish incentives
20 for improvement in training and for continued efficient
21 service to be used as a basis for paying all school employees
22 and fix and authorize the compensation of school employees on
23 the basis thereof.

24 2. A district school board, in determining the salary
25 schedule for instructional personnel, must base a portion of
26 each employee's compensation on performance demonstrated under
27 s. 1012.34, must consider the prior teaching experience of a
28 person who has been designated state teacher of the year by
29 any state in the United States, and must consider prior
30 professional experience in the field of education gained in
31

1 | positions in addition to district level instructional and
2 | administrative positions.

3 | 3. In developing the salary schedule, the district
4 | school board shall seek input from parents, teachers, and
5 | representatives of the business community.

6 | 4.a. ~~Beginning with the 2002-2003 fiscal year,~~ Each
7 | district school board must adopt a performance-pay policy for
8 | school administrators and instructional personnel. The
9 | district's performance-pay policy is subject to negotiation as
10 | provided in chapter 447; however, the adopted salary schedule
11 | must allow school administrators and instructional personnel
12 | who demonstrate outstanding performance, as measured under s.
13 | 1012.34, to earn a 5-percent supplement in addition to their
14 | individual, negotiated salary. The supplements shall be funded
15 | from the performance-pay reserve funds adopted in the salary
16 | schedule. ~~Beginning with the 2004-2005 academic year,~~ The
17 | district's 5-percent performance-pay policy must provide for
18 | the evaluation of classroom teachers within each level of the
19 | salary career ladder provided in s. 1012.231.

20 | **b.** The Commissioner of Education shall determine
21 | whether the district school board's adopted salary schedule
22 | complies with the requirement for performance-based pay. If
23 | the district school board fails to comply with this section,
24 | the commissioner shall recommend to the State Board of
25 | Education that the board withhold disbursements from the
26 | Educational Enhancement Trust Fund to the district until
27 | compliance is verified, and the board may do so.

28 | **5.a.** Beginning with the 2005-2006 fiscal year, each
29 | district school board shall adopt a differentiated-pay policy
30 | for school administrators and instructional personnel. The
31 | policy is subject to negotiation as provided in chapter 447;

1 however, the adopted salary schedule must allow school
2 administrators and instructional personnel to receive
3 meaningful differentiated pay based upon factors including,
4 but not limited to:

5 (I) The subject areas taught, with classroom teachers
6 who teach in critical shortage areas receiving higher pay;

7 (II) The economic demographics of the school, with
8 school administrators and instructional personnel in schools
9 that have a majority of students who qualify for free or
10 reduced-price lunches receiving higher pay;

11 (III) The environment in and surrounding the school,
12 with school administrators and instructional personnel in
13 schools that have higher than average community-crime or
14 school-safety issues receiving higher pay; and

15 (IV) The responsibilities of the classroom teacher, as
16 provided in the Teacher BEST salary career ladder under s.
17 1012.231.

18 b. The Commissioner of Education shall determine
19 whether the district school board's adopted salary schedule
20 complies with the requirement for differentiated pay. If the
21 district school board does not adopt a meaningful
22 differentiated-pay scale, the commissioner shall recommend to
23 the State Board of Education that the board withhold
24 disbursements from the Educational Enhancement Trust Fund to
25 the district until compliance is verified, and the board may
26 do so.

27 (3) Annually provide to the Department of Education
28 the negotiated collective bargaining contract for the school
29 district. The district school board shall report in the format
30 prescribed by the department under s. 1012.21.
31

1 Section 27. Section 1012.2305, Florida Statutes, is
2 created to read:

3 1012.2305 Minimum teacher pay.--

4 (1) LEGISLATIVE INTENT.--The Legislature recognizes
5 that higher pay does not guarantee high-quality performance in
6 education. The Legislature also recognizes that competitive
7 pay, differential pay, and performance incentives are
8 necessary to attract and retain the highest-quality teachers
9 and that the prospects of higher pay and career opportunities
10 are important to attract talented individuals into the field
11 of teaching.

12 (2) MINIMUM PAY FOR TEACHERS.--Contingent upon the
13 passage of an amendment to s. 1, Art. IX of the State
14 Constitution to create district average maximum class sizes
15 and establish minimum pay for teachers, the minimum pay for
16 full-time teachers in this state shall be \$35,000 and shall be
17 established by the Legislature to remain above the national
18 average starting pay.

19 Section 28. Section 1012.231, Florida Statutes, is
20 amended to read:

21 1012.231 BEST Florida Teaching salary career ladder
22 program; assignment of teachers.--

23 (1) SALARY CAREER LADDER FOR CLASSROOM
24 TEACHERS.--~~Beginning with the 2005-2006 academic year,~~ Each
25 district school board shall implement a salary career ladder
26 for classroom teachers as defined in s. 1012.01(2)(a).
27 Performance must ~~shall~~ be defined as designated in s.
28 1012.34(3)(a)1.-7. District school boards shall designate
29 categories of classroom teachers reflecting these salary
30 career ladder levels as follows:
31

1 (a) Associate teacher.--Classroom teachers in the
2 school district who have not yet received a professional
3 certificate or those with a professional certificate who are
4 evaluated as low-performing teachers.

5 (b) Professional teacher.--Classroom teachers in the
6 school district who have received a professional certificate.

7 (c) Lead teacher.--Classroom teachers in the school
8 district who are responsible for leading others in the school
9 as department chair, lead teacher, grade-level leader, intern
10 coordinator, or professional development coordinator. Lead
11 teachers must participate on a regular basis in the direct
12 instruction of students and serve as faculty for professional
13 development activities as determined by the State Board of
14 Education. To be eligible for designation as a lead teacher, a
15 teacher must demonstrate outstanding performance pursuant to
16 s. 1012.34(3)(a)1.-7. and must have been a "professional
17 teacher" pursuant to paragraph (b) for at least 1 year.

18 (d) Mentor teacher.--Classroom teachers in the school
19 district who serve as regular mentors to other teachers who
20 are either not performing satisfactorily or who strive to
21 become more proficient. Mentor teachers must serve as
22 faculty-based professional development coordinators and
23 regularly demonstrate and share their expertise with other
24 teachers in order to remain mentor teachers. Mentor teachers
25 must also participate on a regular basis in the direct
26 instruction of low-performing students. To be eligible for
27 designation as a mentor teacher, a teacher must demonstrate
28 outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and
29 must have been a "lead teacher" pursuant to paragraph (c) for
30 at least 2 years.

31

1 Promotion of a teacher to a higher level on the salary career
2 ladder shall be based upon prescribed performance criteria and
3 not based upon length of service.

4 ~~(2) TEACHER ASSIGNMENT. School districts may not~~
5 ~~assign a higher percentage than the school district average of~~
6 ~~first time teachers, temporarily certified teachers, teachers~~
7 ~~in need of improvement, or out of field teachers to schools~~
8 ~~with above the school district average of minority and~~
9 ~~economically disadvantaged students or schools that are graded~~
10 ~~"D" or "F." District school boards are authorized to provide~~
11 ~~salary incentives to meet this requirement. No district school~~
12 ~~board shall sign a collective bargaining agreement that fails~~
13 ~~to provide sufficient incentives to meet this requirement.~~

14 ~~(2)(3) STATE BOARD AND SCHOOL DISTRICT PLANS.--The~~
15 State Board of Education shall develop a long-range plan to
16 implement a career ladder differentiated pay model for
17 teachers ~~beginning in the 2005-2006 academic year~~, based upon
18 the differentiated classroom teacher categories in subsection
19 (1). ~~No later than December 1, 2003, the State Board of~~
20 ~~Education shall approve guidelines and criteria for the~~
21 ~~district plans. District school boards shall develop plans to~~
22 ~~implement the salary career ladder prescribed in this section~~
23 ~~and submit these plans to the State Board of Education by~~
24 ~~March 1, 2004.~~

25 Section 29. Section 1012.2315, Florida Statutes, is
26 created to read:

27 1012.2315 Assignment of teachers.--

28 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
29 finds disparity between teachers assigned to teach in a
30 majority of "A" schools compared with those assigned to teach
31 in a majority of "F" schools. The disparity can be found in

1 the average years of experience, the median salary, and the
2 performance of the teachers on teacher certification exams.

3 It is the intent of the Legislature that district school
4 boards have flexibility through the collective bargaining
5 process to assign teachers more equitably to schools
6 throughout the district.

7 (2) ASSIGNMENT TO "D" AND "F" SCHOOLS.--School
8 districts may not assign a higher percentage than the school
9 district average of first-time teachers, temporarily certified
10 teachers, teachers in need of improvement, or out-of-field
11 teachers to schools that have more than the school district
12 average of minority and economically disadvantaged students or
13 to schools that are graded "D" or "F." Each school district
14 shall annually certify to the Commissioner of Education that
15 this requirement has been met. If the commissioner determines
16 that a school district is not in compliance with this section,
17 the State Board of Education shall be notified and shall take
18 action in the next regularly scheduled meeting to require
19 compliance.

20 (3) SALARY INCENTIVES.--District school boards may
21 provide salary incentives to meet this requirement. A district
22 school board may not sign a collective bargaining agreement
23 that fails to provide sufficient incentives to meet this
24 requirement.

25 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions
26 of chapter 447 related to district school board collective
27 bargaining, no provision of collective bargaining should
28 preclude a school district from providing incentives for and
29 assigning high-quality teachers to teach in low-performing
30 schools; however, a teacher should not be assigned to a school
31 at which he or she does not wish to teach.

1 Section 30. Section 1012.72, Florida Statutes, is
2 amended to read:

3 1012.72 Dale Hickam Excellent Teaching Program.--

4 (1) The Legislature recognizes that teachers play a
5 critical role in preparing students to achieve the high levels
6 of academic performance expected by the Sunshine State
7 Standards. The Legislature further recognizes the importance
8 of identifying and rewarding teaching excellence and of
9 encouraging good teachers to become excellent teachers. The
10 Legislature finds that the National Board of Professional
11 Teaching Standards (NBPTS) has established high and rigorous
12 standards for accomplished teaching and has developed a
13 national voluntary system for assessing and certifying
14 teachers who demonstrate teaching excellence by meeting those
15 standards. It is therefore the Legislature's intent to provide
16 incentives for teachers to seek NBPTS certification and to
17 reward teachers who demonstrate teaching excellence by
18 attaining NBPTS certification and sharing their expertise with
19 other teachers.

20 (2) The Dale Hickam Excellent Teaching Program is
21 created to provide categorical funding for monetary incentives
22 and bonuses for teaching excellence. The Department of
23 Education shall distribute to each school district or to the
24 NBPTS an amount as prescribed annually by the Legislature for
25 the Dale Hickam Excellent Teaching Program. For purposes of
26 this section, the Florida School for the Deaf and the Blind
27 shall be considered a school district. Unless otherwise
28 provided in the General Appropriations Act, each distribution
29 shall be the sum of the amounts earned for the following
30 incentives and bonuses:
31

1 (a) A fee subsidy to be paid by the Department of
2 Education to the NBPTS on behalf of each individual who is an
3 employee of a district school board or a public school within
4 the school district, who is certified by the district to have
5 demonstrated satisfactory teaching performance pursuant to s.
6 1012.34 and who satisfies the prerequisites for participating
7 in the NBPTS certification program, and who agrees, in
8 writing, to pay 10 percent of the NBPTS participation fee and
9 to participate in the NBPTS certification program during the
10 school year for which the fee subsidy is provided. The fee
11 subsidy for each eligible participant shall be an amount equal
12 to 90 percent of the fee charged for participating in the
13 NBPTS certification program. The fee subsidy is a one-time
14 award and may not be duplicated for any individual.

15 (b) A portfolio-preparation incentive of \$150 paid by
16 the Department of Education to each teacher employed by a
17 district school board or a public school within a school
18 district who is participating in the NBPTS certification
19 program. The portfolio-preparation incentive is a one-time
20 award paid during the school year for which the NBPTS fee
21 subsidy is provided.

22 (c) An annual bonus equal to 10 percent of the prior
23 fiscal year's statewide average salary for classroom teachers
24 to be distributed to the school district to be paid to each
25 individual who holds NBPTS certification and is employed by
26 the district school board or by a public school within the
27 school district. The district school board shall distribute
28 the annual bonus to each individual who meets the requirements
29 of this paragraph and who is certified annually by the
30 district to have demonstrated satisfactory teaching
31 performance pursuant to s. 1012.34. The annual bonus may be

1 | paid as a single payment or divided into not more than three
2 | payments.

3 | (d) An annual bonus equal to 10 percent of the prior
4 | fiscal year's statewide average salary for classroom teachers
5 | to be distributed to the school district to be paid to each
6 | individual who meets the requirements of paragraph (c) and
7 | agrees, in writing, to provide the equivalent of 12 workdays
8 | of mentoring and related services to public school teachers
9 | within the state who do not hold NBPTS certification. Related
10 | services must include instruction in helping teachers work
11 | more effectively with the families of their students. The
12 | district school board shall distribute the annual bonus in a
13 | single payment following the completion of all required
14 | mentoring and related services for the year. It is not the
15 | intent of the Legislature to remove excellent teachers from
16 | their assigned classrooms; therefore, credit may not be
17 | granted by a school district or public school for mentoring or
18 | related services provided during student contact time during
19 | the 196 days of required service for the school year.

20 | (e) The employer's share of social security and
21 | Medicare taxes and Florida Retirement System contributions for
22 | those teachers who qualify for NBPTS certification and receive
23 | bonus amounts.

24 |
25 | A teacher for whom the state pays the certification fee and
26 | who does not complete the certification program or does not
27 | teach in a public school of this state for at least 1 year
28 | after completing the certification program must repay the
29 | amount of the certification fee to the state. However, a
30 | teacher who completes the certification program but fails to
31 | be awarded NBPTS certification is not required to repay the

1 amount of the certification fee if the teacher meets the
2 1-year teaching requirement. Repayment is not required of a
3 teacher who does not complete the certification program or
4 fails to fulfill the teaching requirement because of the
5 teacher's death or disability or because of other extenuating
6 circumstances as determined by the State Board of Education.

7 (3)(a) In addition to any other remedy available under
8 the law, any person who is a recipient of a certification fee
9 subsidy paid to the NBPTS and who is an employee of the state
10 or any of its political subdivisions is considered to have
11 consented, as a condition of employment, to the voluntary or
12 involuntary withholding of wages to repay to the state the
13 amount of such a certification fee subsidy awarded under this
14 section. Any such employee who defaults on the repayment of
15 such a certification fee subsidy must, within 60 days after
16 service of a notice of default by the Department of Education
17 to the employee, establish a repayment schedule which must be
18 agreed to by the department and the employee, for repaying the
19 defaulted sum through payroll deductions. The department may
20 not require the employee to pay more than 10 percent of the
21 employee's pay per pay period under such a repayment schedule
22 or plan. If the employee fails to establish a repayment
23 schedule within the specified period of time or fails to meet
24 the terms and conditions of the agreed upon or approved
25 repayment schedule as authorized by this subsection, the
26 employee has breached an essential condition of employment and
27 is considered to have consented to the involuntary withholding
28 of wages or salary for the repayment of the certification fee
29 subsidy.

30 (b) A person who is employed by the state, or any of
31 its political subdivisions, may not be dismissed for having

1 defaulted on the repayment of the certification fee subsidy to
2 the state.

3 (4) The Dale Hickam Excellent Teaching Program Trust
4 Fund shall be administered by the Department of Education
5 pursuant to s. 1010.72.

6 (5) The Department of Education shall conduct research
7 to evaluate the effectiveness of the program.

8 ~~(6)(4)~~ The State Board of Education may adopt rules
9 pursuant to ss. 120.536 and 120.54 as necessary to administer
10 the provisions for payment of the fee subsidies, incentives,
11 and bonuses and for the repayment of defaulted certification
12 fee subsidies under this section.

13 ~~(5) The Dale Hickam Excellent Teaching Program Trust~~
14 ~~Fund shall be administered by the Department of Education~~
15 ~~pursuant to s. 1010.72.~~

16 Section 31. Section 1012.986, Florida Statutes, is
17 created to read:

18 1012.986 Professional development for school
19 leaders.--

20 (1) SHORT TITLE.--This section may be cited as the
21 DELTA (Developing Educational Leaders for Tomorrow's
22 Achievers) Act.

23 (2) CREATION OF PROGRAM.--There is created the DELTA
24 Program which shall be administered by the Department of
25 Education. The program shall be a high-quality,
26 competency-based, customized, comprehensive, and coordinated
27 statewide professional development program that is aligned
28 with the leadership standards for school leaders adopted by
29 the State Board of Education under s. 1012.987. The program
30 shall provide leadership training opportunities for school
31 leaders to enable them to be more effective instructional

1 leaders, especially in the area of reading. The program shall
2 provide school leaders with the opportunity to attain a school
3 leadership designation pursuant to subsection (4).

4 (3) DEFINITION.--As used in this section, the term
5 "school leader" means a school principal or assistant
6 principal who holds a valid Florida certificate in educational
7 leadership.

8 (4) DESIGNATIONS.--The Department of Education shall
9 develop criteria for high-performance designations for school
10 leaders. The designations must include Effective School
11 Leaders, High-Performing School Leaders, and Outstanding
12 School Leaders.

13 (a) An Effective School Leader is a principal or
14 assistant principal who:

15 1. Meets the State Board of Education's Leadership
16 Standards adopted under s. 1012.987.

17 2. Meets the criteria for designation as an Effective
18 School Leader.

19 3. Leads a school that has improved by at least one
20 letter grade within a 3-year period or has maintained a school
21 grade of "C" or higher for 3 consecutive years as determined
22 by the school grading system under s. 1008.34.

23 (b) A High-Performing School Leader is a principal or
24 assistant principal who:

25 1. Meets the State Board of Education's Leadership
26 Standards adopted under s. 1012.987.

27 2. Meets the criteria for designation as a High
28 Performing School Leader.

29 3. Leads a school that has improved by at least two
30 letter grades within a 3-year period or has maintained a
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1 school grade of "B" or higher for 3 consecutive years as
2 determined by the school grading system under s. 1008.34.

3 (c) An Outstanding School Leader is a principal who:

4 1. Meets the State Board of Education's Leadership
5 Standards adopted under s. 1012.987.

6 2. Meets the criteria for designation as an
7 Outstanding School Leader.

8 3. Leads a school that has improved by at least three
9 letter grades within a 3-year period or has maintained a
10 school grade of "A" for 3 consecutive years as determined by
11 the school grading system under s. 1008.34.

12 (5) DELTA PROGRAM REQUIREMENTS.--

13 (a) The DELTA Program shall be based upon the
14 leadership standards adopted by the State Board of Education,
15 the standards of the National Staff Development Council, and
16 the federal requirements for high-quality professional
17 development under the No Child Left Behind Act of 2001.

18 (b) The DELTA Program shall provide a competency-based
19 approach that uses prediagnostic and post-diagnostic
20 evaluations that shall be used to create an individualized
21 professional development plan approved by the district school
22 superintendent. The plan must be structured to support the
23 school leader's attainment of the leadership standards adopted
24 by the State Board of Education.

25 (c) The DELTA Program shall incorporate training in
26 instructional leadership and effective business practices for
27 efficient school operations in school leadership training.

28 (6) DELIVERY SYSTEM.--The Department of Education
29 shall deliver the DELTA Program through multiple delivery
30 systems, including:

31 (a) Approved school district training programs;

1 (b) Interactive technology-based instruction; and
2 (c) State, regional, or local leadership academies.
3 (7) RULES.--The State Board of Education shall adopt
4 rules under ss. 120.536(1) and 120.54 to administer this
5 section.

6 Section 32. Section 1008.51, Florida Statutes, is
7 repealed.

8 Section 33. Sections 1003.03 and 1011.685, Florida
9 Statutes, are repealed effective upon the effective date of
10 amendments to the class size requirements provided in Section
11 1 of Article IX of the State Constitution.

12 Section 34. If any provision of this act or the
13 application thereof to any person or circumstance is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the act which can be given effect without the
16 invalid provision or application, and to this end the
17 provisions of this act are declared severable.

18 Section 35. Except as otherwise expressly provided in
19 this act, this act shall take effect upon becoming a law.
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SENATE SUMMARY

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3 Revises principles of the Better Educated Students and
4 Teachers Florida Teaching program. Requires the State
5 Board of Education to periodically review the Sunshine
6 State Standards. Creates the Just Read, Florida! Office
7 in the Department of Education. Creates the Reading
8 Compact Scholarships Program, to be administered by the
9 Department of Education and the Commissioner of
10 Education. Limits state liability. Provides for
11 rulemaking. Prescribes requirements for private schools
12 that participate in state school choice scholarship
13 programs. Provides rulemaking authority. Prescribes
14 district average class size limitations, contingent upon
15 the passage of an amendment to the State Constitution.
16 Restricts the starting date for the school year. Revises
17 provisions relating to the grading system and graduation
18 requirements for middle school. Provides rulemaking
19 authority. Provides guidelines for determining the
20 residency of a student who receives instruction as an
21 exceptional student. Provides responsibilities of the
22 placing authority or parent, of the department, and of
23 the residential facility for such exceptional students.
24 Requires the department to devise an individual education
25 plan form for use in developing and implementing
26 individual education plans for exceptional students.
27 Requires school districts to use the form. Requires that
28 the department review and report on the effectiveness of
29 the graduates of specified teacher-preparation programs.
30 Establishes the Florida Center for Reading Research.
31 Revises provisions relating to the progression of public
school students. Expresses legislative intent relating to
performance measures for state universities. Revises
provisions relating to enforcing public school
improvement. Provides for the disposition of school
recognition funds. Creates a research-based
reading-instruction allocation for students in grades
K-12. Provides for an operating categorical fund for
minimum teacher salaries and class size reduction,
contingent upon the adoption of an amendment to the State
Constitution. Requires the department to annually post
school district collective bargaining agreements on-line.
Requires the adoption of differentiated-pay policies for
school administrators and instructional personnel.
Provides requirements for minimum teacher pay and
district average class sizes, contingent upon the passage
of a constitutional amendment. Revises requirements for
the assignment of teachers to certain classrooms and
schools. Establishes a statewide system for the
professional development of school leaders, as defined in
this act. Provides rulemaking authority. Repeals
provisions relating to the Council for Education Policy
Research and Improvement. Repeals provisions relating to
statutory class size maximums and to the class size
reduction categorical fund, contingent upon the adoption
of a constitutional amendment. Provides for severability.
(See bill for further details.)