

By the Committee on Education; and Senators Lynn, Haridopolos, Baker, Sebesta and Peadar

581-2076-05

1                                   A bill to be entitled

2           An act relating to education; amending s.

3           1001.03, F.S., relating to the powers of the

4           State Board of Education; requiring the State

5           Board of Education to periodically review the

6           Sunshine State Standards; creating s. 1001.215,

7           F.S.; creating the Just Read, Florida! Office

8           within the Department of Education; providing

9           duties of the office; amending s. 1001.42,

10          F.S., relating to powers and duties of a

11          district school board; revising the

12          requirements for school improvement plans;

13          creating s. 1002.385, F.S.; creating the

14          Reading Compact Scholarships Program; providing

15          scholarships to attend a public or private

16          school to students who have scored at Level 1

17          on the reading portion of the Florida

18          Comprehensive Assessment Test for 3 consecutive

19          years; providing an opportunity for screening

20          to identify reading disabilities; providing

21          scholarship eligibility requirements;

22          specifying scholarship obligations for

23          participating public and private schools and

24          parents and students; providing for scholarship

25          funding and payment; directing the Department

26          of Education and the Commissioner of Education

27          to administer the scholarship program; limiting

28          the liability of the state; providing

29          rulemaking authority; creating s. 1002.421,

30          F.S.; prescribing requirements of private

31          schools participating in state school choice

1 scholarship programs; requiring compliance with  
2 requirements relating to notice, student  
3 enrollment and attendance verification, fiscal  
4 soundness, academic assessment, and  
5 criminal-background checks and to applicable  
6 state and local health, safety, and welfare  
7 laws, codes, and rules; providing grounds for  
8 ineligibility to participate in certain  
9 scholarship programs; providing rulemaking  
10 authority to the State Board of Education;  
11 creating s. 1002.423, F.S.; prescribing  
12 obligations of the Department of Education for  
13 education scholarship programs; requiring the  
14 department to identify certain assessments;  
15 requiring the department to select a private  
16 research organization to which private schools  
17 report student scores; providing reporting  
18 requirements; creating s. 1003.035, F.S.;  
19 providing for the contingent application of the  
20 section upon the adoption of an amendment to  
21 the State Constitution; prescribing district  
22 average class size limitations for grades  
23 prekindergarten through 3, grades 4 through 8,  
24 and grades 9 through 12; requiring the  
25 Department of Education to annually calculate  
26 class size measures based on a specified  
27 student-membership survey; amending s. 1003.05,  
28 F.S., relating to military families; limiting  
29 certain enrollment opportunities; creating s.  
30 1003.413, F.S.; requiring school districts to  
31 adopt certain reading policies in high schools;

1 requiring that certain high schools offer  
2 specific support services for students scoring  
3 at Level 1 on the FCAT reading test; creating a  
4 high school task force; providing membership;  
5 providing reporting requirements; amending s.  
6 1003.415, F.S., relating to the Middle School  
7 Grades Reform Act; revising legislative intent;  
8 deleting obsolete references; creating s.  
9 1003.4155, F.S.; establishing a grading system  
10 for middle schools; creating s. 1003.4156,  
11 F.S.; establishing general requirements for  
12 promotion from middle school; requiring the  
13 successful completion of 12 academic credits in  
14 certain courses; requiring an intensive reading  
15 course under certain circumstances; defining a  
16 middle school academic credit for purposes of  
17 the section; requiring district school boards  
18 to adopt policies for alternatives to obtain  
19 credits; amending s. 1003.42, F.S., relating to  
20 required instruction; revising and increasing  
21 the requirements for studying U.S. history and  
22 free enterprise; providing rulemaking authority  
23 to the State Board of Education; repealing s.  
24 1003.429, F.S., relating to options for  
25 accelerated high school graduation; providing  
26 for application; amending ss. 1003.431,  
27 1007.261, 1008.22, and 1009.531, F.S., relating  
28 to career education certification, state  
29 university admissions, a student assessment  
30 program for public schools, and the Florida  
31 Bright Futures Scholarship Program; conforming

1 provisions to the repeal of s. 1003.429, F.S. ;  
2 providing for application; amending s. 1003.52,  
3 F.S.; requiring the Department of Education to  
4 develop procedures for reporting performance  
5 and participation data of students in juvenile  
6 justice education programs; amending s.  
7 1003.57, F.S.; providing guidelines for  
8 determining the residency of a student who  
9 receives instruction as an exceptional student  
10 with a disability; requiring the student's  
11 placing authority or parent to pay the cost of  
12 such instruction, facilities, and services;  
13 providing responsibilities of the Department of  
14 Education; providing responsibilities of  
15 residential facilities that educate exceptional  
16 students with disabilities; providing  
17 applicability; creating s. 1003.575, F.S. ;  
18 requiring the Department of Education to devise  
19 an individual education plan form for use in  
20 developing and implementing individual  
21 education plans for exceptional students;  
22 requiring school districts to use the form;  
23 amending s. 1003.58, F.S.; conforming a  
24 cross-reference; amending s. 1004.04, F.S. ;  
25 requiring the Council for Education Policy  
26 Research and Improvement to review and report  
27 on the 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 transfer  
25 of certain teachers to low-performing schools;  
26 amending s. 1008.34, F.S., relating to the  
27 school grading system; requiring that student  
28 test scores be calculated in the alternative  
29 school in which the student is enrolled and the  
30 school previously attended; providing  
31 exceptions; requiring the Department of

1 Education to develop a school report card;  
2 creating s. 1008.341, F.S.; requiring the  
3 grading of alternative schools; providing  
4 definitions; requiring that the Commissioner of  
5 Education prepare an annual report; specifying  
6 the data to be used in determining school  
7 grades; requiring that a school report card be  
8 delivered to parents; requiring the State Board  
9 of Education to adopt rules; amending s.  
10 1008.36, F.S., relating to the Florida School  
11 Recognition Program; providing that certain  
12 feeder schools are eligible to participate in  
13 the program; providing a definition; requiring  
14 certain feeder schools to be subject to the  
15 Opportunity Scholarship Program, as defined in  
16 s. 1002.38, F.S.; providing for the disposition  
17 of school recognition funds; defining  
18 eligibility for the receipt of school  
19 recognition funds; amending s. 1011.62, F.S.,  
20 relating to funds for the operation of schools;  
21 creating a research-based reading-instruction  
22 allocation for students in kindergarten through  
23 grade 12; providing for the use of the funds;  
24 providing for fund disbursement; creating s.  
25 1011.6855, F.S.; providing for the contingent  
26 application of the section upon the adoption of  
27 an amendment to the State Constitution;  
28 establishing an operating categorical fund;  
29 providing a minimum instructional personnel  
30 salary; requiring the use of certain funds for  
31 class size reduction; amending s. 1012.21,

1 F.S., relating to the duties of the Department  
2 of Education; requiring the department to  
3 annually post school district collective  
4 bargaining agreements on-line; amending s.  
5 1012.22, F.S., relating to public school  
6 personnel; requiring school boards to adopt  
7 differentiated-pay policies for school  
8 administrators and instructional personnel;  
9 specifying factors to be included in  
10 differentiated-pay policies; providing for the  
11 withholding of funds for failure to comply;  
12 creating s. 1012.2305, F.S.; expressing  
13 legislative intent regarding minimum  
14 instructional personnel pay; providing for  
15 contingent application of the section upon the  
16 adoption of an amendment to the State  
17 Constitution; establishing minimum pay for  
18 certain instructional personnel; creating s.  
19 1012.2315, F.S.; establishing legislative  
20 findings; expressing legislative intent;  
21 providing criteria for the assignment of  
22 teachers to certain schools; authorizing  
23 certain salary incentives; limiting certain  
24 collective bargaining provisions relating to  
25 assignment of teachers at certain schools;  
26 amending s. 1012.72, F.S., relating to the Dale  
27 Hickam Excellent Teaching Program; requiring  
28 that the Department of Education administer the  
29 Dale Hickam Excellent Teaching Program Trust  
30 Fund; requiring the Council for Education  
31 Policy Research and Improvement to evaluate the

1 benefits and effectiveness of the program;  
2 creating s. 1012.986, F.S.; establishing a  
3 statewide system for the professional  
4 development of school leaders; providing a  
5 short title; providing program purposes and  
6 legislative intent; requiring the Department of  
7 Education to annually determine criteria for  
8 school leadership designations based on certain  
9 factors; requiring certain program components;  
10 providing for a program delivery system;  
11 providing rulemaking authority to the State  
12 Board of Education; repealing s. 1012.987,  
13 F.S., relating to education leadership  
14 development; repealing s. 1012.231, F.S.,  
15 relating to the BEST Florida Teaching Salary  
16 career ladder program; repealing s. 1003.03,  
17 F.S., relating to statutory class size  
18 maximums, contingent upon the adoption of an  
19 amendment to the State Constitution; repealing  
20 s. 1011.685, F.S., relating to the class size  
21 reduction categorical fund, contingent upon the  
22 adoption of an amendment to the State  
23 Constitution; providing for severability;  
24 providing effective dates.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (1) of section 1001.03, Florida  
29 Statutes, is amended to read:

30 1001.03 Specific powers of State Board of Education.--  
31



1           (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The  
2 State Board of Education shall approve the student performance  
3 standards known as the Sunshine State Standards in key  
4 academic subject areas and grade levels. The board shall  
5 periodically review the standards to ensure adequate rigor,  
6 logical pupil progression, and articulation from grade to  
7 grade, and shall evaluate the extent to which the standards  
8 are being taught at each grade level.

9           Section 2. Section 1001.215, Florida Statutes, is  
10 created to read:

11           1001.215 Just Read, Florida! Office.--There is created  
12 within the Department of Education the Just Read, Florida!  
13 Office. The office shall:

14           (1) Train professionally certified teachers to become  
15 certified reading coaches.

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

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

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

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

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

30           (7) Work with teacher preparation programs approved  
31 under s. 1004.04 to ensure the integration of research-based

1 strategies for reading instruction into teacher preparation  
2 programs.

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

6 Section 3. Subsection (16) of section 1001.42, Florida  
7 Statutes, is amended to read:

8 1001.42 Powers and duties of district school  
9 board.--The district school board, acting as a board, shall  
10 exercise all powers and perform all duties listed below:

11 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
12 ACCOUNTABILITY.--Maintain a system of school improvement and  
13 education accountability as provided by statute and State  
14 Board of Education rule. This system of school improvement and  
15 education accountability shall be consistent with, and  
16 implemented through, the district's continuing system of  
17 planning and budgeting required by this section and ss.  
18 1008.385, 1010.01, and 1011.01. This system of school  
19 improvement and education accountability shall include, but is  
20 not limited to, the following:

21 (a) School improvement plans.--Annually approve and  
22 require implementation of a new, amended, or continuation  
23 school improvement plan for each school in the district,  
24 except that a district school board may establish a district  
25 school improvement plan that includes all schools in the  
26 district operating for the purpose of providing educational  
27 services to youth in Department of Juvenile Justice programs.  
28 Such plan shall be designed to achieve the state education  
29 priorities pursuant to s. 1000.03(5) and student performance  
30 standards. In addition, any school required to implement a  
31 rigorous reading requirement pursuant to s. 1003.415 must

1 include such component in its school improvement plan. Each  
2 plan shall also address issues relative to budget, training,  
3 instructional materials, technology, staffing, student support  
4 services, specific school safety and discipline strategies,  
5 student health and fitness, including physical fitness,  
6 parental information on student health and fitness, and indoor  
7 environmental air quality, and other matters of resource  
8 allocation, as determined by district school board policy, and  
9 shall be based on an analysis of student achievement and other  
10 school performance data.

11 (b) Improvement plan requirements.--Each district  
12 school board's system of school improvement and student  
13 progression must be designed to provide frequent and accurate  
14 information to the teacher and student regarding each  
15 student's progress toward mastering the Sunshine State  
16 Standards. The system must demonstrate the alignment of the  
17 Sunshine State Standards, instructional strategies,  
18 assessment, and professional development. Each school's school  
19 improvement plan must identify the strategies for monitoring  
20 the progress of each student. The process used by each school  
21 to monitor student progression must, at a minimum, contain the  
22 following components that are aimed at increasing student  
23 achievement:

24 1. Disaggregated student achievement data related to  
25 student performance which are used to identify each individual  
26 student's strengths and weaknesses and to determine the  
27 effectiveness of the teaching and learning strategies that are  
28 being used in the classroom;

29 2. The Sunshine State Standards instructional calendar  
30 and timeline, using disaggregated student performance data to  
31

1 focus instruction on the Sunshine State Standards, manage  
2 instructional time, and allocate resources;

3 3. Prioritized instructional focus to facilitate  
4 explicit and systematic instruction using research-based  
5 effective practices in the classroom;

6 4. Mini-assessments of targeted Sunshine State  
7 Standards benchmarks to monitor students' progress and  
8 generate data to redesign instruction, if needed;

9 5. Alternative in-school, tutorial, remediation, or  
10 enrichment strategies for students which are based on each  
11 student's individual academic needs as defined by the  
12 mini-assessments; and

13 6. Systematic monitoring of each teacher's  
14 implementation of the comprehensive program for student  
15 progression as described in subparagraphs 1.-5.

16 ~~(c)(b)~~ Approval process.--Develop a process for  
17 approval of a school improvement plan presented by an  
18 individual school and its advisory council. In the event a  
19 district school board does not approve a school improvement  
20 plan after exhausting this process, the Department of  
21 Education shall be notified of the need for assistance.

22 ~~(d)(e)~~ Assistance and intervention.--

23 1. Develop a 2-year plan of increasing individualized  
24 assistance and intervention for each school in danger of not  
25 meeting state standards or making adequate progress, as  
26 defined pursuant to statute and State Board of Education rule,  
27 toward meeting the goals and standards of its approved school  
28 improvement plan.

29 2. Provide assistance and intervention to a school  
30 that is identified as being in performance grade category "D"  
31 pursuant to s. 1008.34 and is in danger of failing.

1           3. Develop a plan to encourage teachers with  
2 demonstrated mastery in improving student performance to  
3 remain at or transfer to a school designated as performance  
4 grade category "D" or "F" or to an alternative school that  
5 serves disruptive or violent youths. If a classroom teacher,  
6 as defined by s. 1012.01(2)(a), who meets the definition of  
7 teaching mastery developed according to the provisions of this  
8 paragraph, requests assignment to a school designated as  
9 performance grade category "D" or "F" or to an alternative  
10 school that serves disruptive or violent youths, the district  
11 school board shall make every practical effort to grant the  
12 request.

13           4. Prioritize, to the extent possible, the  
14 expenditures of funds received from the supplemental academic  
15 instruction categorical fund under s. 1011.62(1)(f) to improve  
16 student performance in schools that receive a performance  
17 grade category designation of "D" or "F."

18           ~~(e)~~~~(d)~~ After 2 years.--Notify the Commissioner of  
19 Education and the State Board of Education in the event any  
20 school does not make adequate progress toward meeting the  
21 goals and standards of a school improvement plan by the end of  
22 2 years of failing to make adequate progress and proceed  
23 according to guidelines developed pursuant to statute and  
24 State Board of Education rule. School districts shall provide  
25 intervention and assistance to schools in danger of being  
26 designated as performance grade category "F," failing to make  
27 adequate progress.

28           ~~(f)~~~~(e)~~ Public disclosure.--Provide information  
29 regarding performance of students and educational programs as  
30 required pursuant to ss. 1008.22 and 1008.385 and implement a  
31 system of school reports as required by statute and State

1 Board of Education rule that shall include schools operating  
2 for the purpose of providing educational services to youth in  
3 Department of Juvenile Justice programs, and for those  
4 schools, report on the elements specified in s. 1003.52(19).  
5 Annual public disclosure reports shall be in an easy-to-read  
6 report card format and shall include the school's student and  
7 school performance grade category designation and performance  
8 data as specified in state board rule.

9 ~~(g)(f)~~ School improvement funds.--Provide funds to  
10 schools for developing and implementing school improvement  
11 plans. Such funds shall include those funds appropriated for  
12 the purpose of school improvement pursuant to s. 24.121(5)(c).

13 Section 4. Section 1002.385, Florida Statutes, is  
14 created to read:

15 1002.385 The Reading Compact Scholarships  
16 Program.--There is established the Reading Compact  
17 Scholarships Program, a program designed to offer parents of  
18 students who have not attained reading proficiency beyond  
19 Level 1 an educational choice to further the students'  
20 progress in reading.

21 (1) PURPOSE.--The purpose of the Reading Compact  
22 Scholarships Program is to provide to each student who has  
23 scored at Level 1 on the reading portion of the FCAT for 3  
24 consecutive years the option to attend a public or private  
25 school of choice.

26 (2) ELIGIBILITY.--The parent of a public school  
27 student may request and receive from the state a Reading  
28 Compact Scholarship for the student to enroll in and attend a  
29 private school in accordance with this section if:

30 (a) The student has scored at Level 1 on the reading  
31 portion of the FCAT for a period of 3 consecutive years.

1 However, a student shall be recommended for screening and  
2 evaluation, with parental consent, to determine the student's  
3 eligibility for exceptional student services if the student:

4 1. Has scored at Level 1 on the reading portion of the  
5 FCAT for two consecutive years; and

6 2. Has not previously been identified as an  
7 exceptional student having a disability that interferes with  
8 his or her academic progress in reading.

9 (b) The parent has obtained acceptance for admission  
10 of the student to a private school eligible for the program  
11 under subsection (8) and has requested from the Department of  
12 Education a Reading Compact Scholarship at least 60 days  
13 before the date of the first scholarship payment. The parental  
14 request must be made through a direct communication to the  
15 Department of Education in a manner that creates a written or  
16 electronic record of the request and the date of receipt of  
17 the request.

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

20 (a) Enrolled in a school operating for the purpose of  
21 providing educational services to youth in Department of  
22 Juvenile Justice commitment programs.

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

25 (c) Receiving an educational scholarship under chapter  
26 1002.

27 (d) Participating in a home education program as  
28 defined in s. 1002.01(1).

29 (e) Participating in a private tutoring program under  
30 s. 1002.43.

31

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

4           (g) Not receiving regular and direct contact with his  
5 or her private school teachers at the school's physical  
6 location.

7           (4) TERM OF SCHOLARSHIP.--

8           (a) For purposes of continuity of educational choice,  
9 a Reading Compact Scholarship shall remain in force until the  
10 student returns to a public school or graduates from high  
11 school.

12           (b) Upon reasonable notice to the Department of  
13 Education and the school district, the student's parent may  
14 remove the student from the private school and place the  
15 student in a public school, as provided in subsection (5).

16           (c) Upon reasonable notice to the Department of  
17 Education, the student's parent may move the student from one  
18 participating private school to another participating private  
19 school.

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

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

25           2. The parent need not accept the offer of enrolling  
26 the student in another public school in lieu of requesting a  
27 Reading Compact Scholarship to a private school. However, if  
28 the parent chooses the public-school option, the student may  
29 continue attending a public school chosen by the parent until  
30 the student graduates from high school.

31



1           3. If the parent chooses a public school consistent  
2 with the district school board's choice plan under s. 1002.31,  
3 the school district shall provide transportation to the public  
4 school selected by the parent. The parent is responsible for  
5 providing transportation to a public school that the parent  
6 has chosen if the choice is not consistent with the district  
7 school board's choice plan under s. 1002.31.

8           (b) If the parent chooses the private-school option  
9 and the student is accepted by the private school, pending the  
10 availability of a space for the student, the parent of the  
11 student must notify the department 60 days before the first  
12 scholarship payment and before entering the private school in  
13 order to be eligible for the scholarship when a space becomes  
14 available for the student in the private school.

15           (c) The parent of a student may choose, as an  
16 alternative, to enroll the student in and transport the  
17 student to a public school in an adjacent school district  
18 which has available space, and that school district shall  
19 accept the student and report the student for purposes of the  
20 district's funding under the Florida Education Finance  
21 Program.

22           (d) For a student in the district who participates in  
23 the Reading Compact Scholarships Program and whose parent  
24 requests that the student take the statewide assessments under  
25 s. 1008.22, the district shall provide locations and times to  
26 take all statewide assessments.

27           (6) DEPARTMENT OF EDUCATION; OBLIGATIONS.--The  
28 Department of Education shall:

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

1           (b) Establish a procedure by which individuals may  
2 notify the department of any violation by a parent, private  
3 school, or school district of state laws relating to program  
4 participation. The department shall refer or conduct an  
5 investigation of any written complaint of a violation of this  
6 section if the complaint is signed by the complainant and is  
7 legally sufficient. A complaint is legally sufficient if it  
8 contains ultimate facts that show that a violation of this  
9 section or of any rule adopted by the State Board of Education  
10 has occurred. In order to determine legal sufficiency, the  
11 Department of Education may require supporting information or  
12 documentation from the complainant. The Department of  
13 Education may investigate anonymous complaints.

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

17           (d) Cross-check the list of participating scholarship  
18 students with the public school enrollment lists and other  
19 education scholarship program lists before the first  
20 scholarship payment to avoid duplication.

21           (7) COMMISSIONER OF EDUCATION; AUTHORITY AND  
22 OBLIGATIONS.--

23           (a) The Commissioner of Education shall deny, suspend,  
24 or revoke a private school's participation in the scholarship  
25 program if it is determined that the private school has failed  
26 to comply with this section. However, if the noncompliance is  
27 correctable within a reasonable amount of time and if the  
28 health, safety, and welfare of the students is not threatened,  
29 the commissioner may issue a notice of noncompliance which  
30 provides the private school with a timeframe within which to  
31 provide evidence of compliance before the commissioner takes

1 action to suspend or revoke the private school's continued  
2 participation in the scholarship program.

3 (b) The commissioner's determination is subject to the  
4 following conditions:

5 1. If the commissioner intends to deny, suspend, or  
6 revoke a private school's participation in the scholarship  
7 program, the department shall notify the private school of  
8 such proposed action in writing by certified and regular mail  
9 to the private school's address of record with the Department  
10 of Education. The notification must include the reasons for  
11 the proposed action and notice of the timelines and procedures  
12 set forth in this paragraph.

13 2. A private school that is adversely affected by the  
14 proposed action has 15 days after its receipt of the notice of  
15 proposed action to file with the agency clerk of the  
16 Department of Education a request for a proceeding under ss.  
17 120.569 and 120.57. If the private school is entitled to a  
18 hearing under s. 120.57(1), the department shall forward the  
19 request to the Division of Administrative Hearings.

20 3. Upon receipt of a request referred under this  
21 subsection, the director of the Division of Administrative  
22 Hearings shall expedite the hearing and assign an  
23 administrative law judge who shall commence a hearing within  
24 30 days after the receipt of the formal written protest by the  
25 division and shall enter a recommended order within 30 days  
26 after the hearing or within 30 days after receipt of the  
27 hearing transcript, whichever is later. Each party has 10 days  
28 in which to submit written exceptions to the recommended  
29 order. The agency must enter a final order within 30 days  
30 after the entry of a recommended order. The provisions of this  
31 paragraph may be waived upon stipulation by all parties.

1           (c) The commissioner shall immediately suspend payment  
2 if it is determined that there is probable cause to believe  
3 that there is:

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

6           2. Fraudulent activity on the part of the private  
7 school.

8  
9 The commissioner's order suspending payment under this  
10 paragraph is subject to the same procedures and timelines as  
11 the notice of proposed action set forth in paragraph (b).

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

16           (a) Comply with all requirements for private schools  
17 participating in state school choice programs under s.  
18 1002.421.

19           (b) Provide to the department all documentation  
20 required for the student's participation, including the  
21 private school's and student's fee schedules, at least 30 days  
22 before the first quarterly scholarship payment is made for the  
23 student.

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

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

28           2. Cooperating with the scholarship student whose  
29 parent chooses to participate in the statewide assessments  
30 under s. 1008.32.

31           3. Demonstrating fiscal soundness and accountability.

1  
2 The inability of a private school to meet the requirements of  
3 this subsection constitutes a basis for the ineligibility of  
4 the private school to participate in the scholarship program  
5 as determined by the department.

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

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

12 (b) The parent must have requested the scholarship at  
13 least 60 days before the date of the first scholarship  
14 payment.

15 (c) Any student participating in the Reading Compact  
16 Scholarships Program must remain in attendance throughout the  
17 school year unless excused by the school for illness or other  
18 good cause.

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

23 (e) The parent shall ensure that the student  
24 participating in the scholarship program takes the  
25 norm-referenced assessment offered by the private school or  
26 the statewide assessments required under s. 1008.22. The  
27 parent may also choose to have the student participate in all  
28 statewide assessments under s. 1008.22, and, if the parent  
29 chooses such optional participation, he or she is responsible  
30 for transporting the student to the assessment site designated  
31 by the school district.

1        (f) Upon receipt of a scholarship warrant, the parent  
2 to whom the warrant is made must restrictively endorse the  
3 warrant to the private school for deposit into the account of  
4 the private school. The parent may not designate any entity or  
5 individual associated with the participating private school as  
6 the parent's attorney in fact to sign a scholarship warrant. A  
7 participant who fails to comply with this paragraph forfeits  
8 the scholarship.

9        (10) FUNDING AND PAYMENT.--

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

21        (b) The amount of the Reading Compact Scholarship  
22 shall be the calculated amount or the amount of the private  
23 school's tuition and fees, whichever is less. Eligible fees  
24 include textbook fees, lab fees, and other fees related to  
25 instruction, including transportation fees.

26        (c) The school district shall report all students who  
27 are attending a private school under this program. Students  
28 who attend private schools on Reading Compact Scholarships  
29 shall be reported separately from those students reported for  
30 purposes of the Florida Education Finance Program.

31

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

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

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

11           2. The student currently participates in a Group II  
12 program, and the parent has chosen a private school that does  
13 not provide the additional services funded by the Group II  
14 program.

15           (f) Following notification on July 1, September 1,  
16 December 1, or February 1 of the number of program  
17 participants, the Department of Education shall transfer, from  
18 general revenue funds only, the calculated amount from the  
19 Florida Education Finance Program and authorized categorical  
20 accounts to a separate account for the Reading Compact  
21 Scholarships Program for quarterly disbursement to the parents  
22 of participating students. When a student enters the  
23 scholarship program, the Department of Education must receive  
24 all documentation required for the student's participation,  
25 including the private school's and student's fee schedules, at  
26 least 30 days before the first quarterly scholarship payment  
27 is made for the student.

28           (g) The Chief Financial Officer shall make Reading  
29 Compact Scholarship payments in four equal amounts no later  
30 than September 1, November 1, February 1, and April 1 of each  
31 academic year in which the Reading Compact Scholarship is in

1 force. The initial payment shall be made after the Department  
2 of Education's verification of admission acceptance, and  
3 subsequent payments shall be made upon verification of  
4 continued enrollment and attendance at the private school.  
5 Payment must be by individual warrant made payable to the  
6 student's parent and mailed by the Department of Education to  
7 the private school of the parent's choice, and the parent  
8 shall restrictively endorse the warrant to the private school.

9 (h) Subsequent to each scholarship payment, the  
10 Department of Financial Services shall randomly review  
11 endorsed warrants to confirm compliance with endorsement  
12 requirements. The Department of Financial Services shall  
13 immediately report inconsistencies or irregularities to the  
14 Department of Education.

15 (11) LIABILITY.--Liability on the part of the state  
16 may not arise on the basis of the award or use of a Reading  
17 Compact Scholarship.

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

28 Section 5. Section 1002.421, Florida Statutes, is  
29 created to read:

30 1002.421 Rights and obligations of private schools  
31 participating in state school choice scholarship



1 programs.--The requirements imposed under this section on  
2 private schools that participate in state school choice  
3 scholarship programs are in addition to the requirements for  
4 private schools which are outlined in s. 1002.42, specific  
5 requirements under laws relating to various scholarship  
6 programs, and other laws of this state which apply to private  
7 schools.

8 (1) A private school in this state which participates  
9 in the Corporate Tax Credit Scholarship Program, as defined in  
10 s. 220.187, or in an educational scholarship program  
11 established under chapter 1002 must comply with all  
12 requirements of this section.

13 (2) A private school participating in a scholarship  
14 program in this state:

15 (a) Must be a Florida private school as defined in s.  
16 1002.01(b).

17 (b) Must comply with all state laws pertaining to  
18 private schools.

19 (c) Must be a registered Florida private school in  
20 accordance with s. 1002.42.

21 (d) Must maintain a physical location in this state  
22 where each scholarship student regularly attends classes.

23 (e) May not be a correspondence school or distance  
24 learning school.

25 (f) May not direct or provide scholarship funds to a  
26 parent of a scholarship student who receives instruction under  
27 the program at home.

28 (g) May not be a home education program as defined in  
29 s. 1002.01(1).

30 (h) May not be a private tutoring program as described  
31 in s. 1002.43.

1           (i) Must comply with the anti-discrimination  
2 provisions of 42 U.S.C. s. 2000d.

3           (j) Must notify the department of its intent to  
4 participate in a scholarship program.

5           (k) Must notify the department of any change in the  
6 school's name, school director, mailing address, or physical  
7 location within 15 days after the change occurs.

8           (l) Must complete student-enrollment and  
9 attendance-verification requirements, including an on-line  
10 attendance-verification form, before a scholarship payment is  
11 made.

12           (m) Must annually complete and submit to the  
13 department a notarized scholarship compliance statement  
14 certifying compliance with state laws relating to the  
15 participation of private schools in the scholarship program.

16           (n) Must demonstrate fiscal soundness and  
17 accountability by:

18           1. Having been in operation for at least 3 school  
19 years or obtaining a surety bond or letter of credit for the  
20 amount equal to the scholarship funds for any quarter and  
21 filing the surety bond or letter of credit with the  
22 department.

23           2. Requiring the parent of each scholarship student to  
24 personally restrictively endorse the scholarship warrant to  
25 the school. The school may not act as the attorney in fact for  
26 parents of a scholarship student under the authority of a  
27 power of attorney executed by the parents, or under any other  
28 authority, to endorse scholarship warrants on behalf of  
29 parents.

30  
31

1       (o) Must meet applicable state and local laws, codes,  
2 and rules relating to health, safety, and welfare, including  
3 those relating to firesafety and building safety.

4       (p) Must employ or contract with teachers who hold  
5 baccalaureate or higher degrees, have at least 3 years of  
6 teaching experience in public or private schools, or have at  
7 least a high school diploma and special skills, knowledge, or  
8 expertise that qualifies them to provide instruction in the  
9 subjects that are being taught.

10       (q) Annually administer or make provisions for  
11 scholarship students to take one of the nationally  
12 norm-referenced tests identified by the State Board of  
13 Education under s. 1002.423. Students with disabilities for  
14 whom standardized testing is not appropriate are exempt from  
15 this requirement. However, a private school must require each  
16 student with a disability, for whom standardized testing is  
17 not appropriate, to participate at least annually in a student  
18 assessment which, as determined by the private school in  
19 consultation with the student's parent, will demonstrate the  
20 student's skill level to the student's parent. A private  
21 school must report a student's scores to the parent and to the  
22 independent private research organization selected by the  
23 Department of Education under s. 1002.423.

24       (r) Must ensure that each individual who has  
25 unsupervised access to a scholarship student for whom the  
26 private school is responsible, prior to employment, engagement  
27 of services, or appointment, undergo background screening  
28 under s. 435.04 by filing with the Department of Education a  
29 complete set of fingerprints taken by an authorized law  
30 enforcement agency or an employee of the private school who is  
31 trained to take fingerprints. However, the complete set of

1 fingerprints for an owner of an eligible private school must  
2 be taken by an authorized law enforcement agency. These  
3 fingerprints must be submitted to the Department of Law  
4 Enforcement for state processing, which shall in turn submit  
5 the fingerprints to the Federal Bureau of Investigation for  
6 federal processing. The Department of Education shall screen  
7 the background results and report to the private school any  
8 person described in this paragraph who fails to meet level 2  
9 screening standards under s. 435.04. Any individual described  
10 in this paragraph who fails the level 2 background screening  
11 under s. 435.04 may not have unsupervised access to a  
12 scholarship student. For purposes of this paragraph:

13 1. The cost of the fingerprinting and the background  
14 check shall not be borne by the state.

15 2. A private school that allows an individual to have  
16 unsupervised access to a scholarship student who failed the  
17 level 2 background screening under s. 435.04 is ineligible to  
18 participate in the scholarship program.

19 3. An individual holding a valid teaching certificate  
20 in this state who has been fingerprinted pursuant to s.  
21 1012.32 need not comply with this paragraph.

22 (3) The inability of a private school to meet the  
23 requirements of this section constitutes a basis for the  
24 ineligibility of the private school to participate in a  
25 scholarship program as determined by the department.

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

28 (b) The inclusion of eligible private schools in the  
29 options available to public school students in this state does  
30 not expand the regulatory authority of the state, its  
31 officers, or any school district to impose any additional

1 regulations upon private schools beyond those reasonably  
2 necessary to enforce requirements expressly set forth in this  
3 section.

4 Section 6. Section 1002.423, Florida Statutes, is  
5 created to read:

6 1002.423 Department of Education; obligations for  
7 state school choice scholarship programs.--The requirements  
8 imposed under this section apply to all state choice  
9 scholarship programs, including the Corporate Tax Credit  
10 Scholarship Program, as defined in s. 220.187, or an  
11 educational scholarship program established under this  
12 chapter.

13 (a) The Department of Education must identify all  
14 nationally norm-referenced tests that are comparable to the  
15 norm-referenced test portions of the Florida Comprehensive  
16 Assessment Test (FCAT).

17 (b) The Department of Education must select an  
18 independent private research organization to which each  
19 participating private school must report the scores of  
20 participating students on the nationally norm-referenced tests  
21 administered by the private school. The independent private  
22 research organization must annually report to the Department  
23 of Education on the year-to-year improvements of the  
24 participating students. The independent private research  
25 organization must analyze and report student performance data  
26 in a manner that protects the rights of students and parents  
27 as mandated in the Family Educational Rights and Privacy Act  
28 requirements of 20 U.S.C. s. 1232g and must not disaggregate  
29 data to a level that will disclose the academic level of  
30 students. To the maximum extent possible, the independent  
31 private research organization must accumulate historical

1 performance data for students from the Department of Education  
2 and private schools to describe baseline performance and to  
3 conduct longitudinal studies. To minimize costs and reduce the  
4 time required for third-party analysis and evaluation, the  
5 Department of Education shall conduct analyses of matched  
6 students from public school assessment data and calculate  
7 control group learning gains using an agreed-upon methodology  
8 outlined in the contract with the third-party evaluator. The  
9 sharing of student data must be in accordance with the Family  
10 Educational Rights and Privacy Act requirements of 20 U.S.C.  
11 s. 1232g and must be for the sole purpose of conducting the  
12 evaluation. All parties must preserve the confidentiality of  
13 such information as otherwise required under state and federal  
14 law.

15 Section 7. Section 1003.035, Florida Statutes, is  
16 created to read:

17 1003.035 Class size requirements.--

18 (1) Effective upon the passage of an amendment to s.  
19 1, Art. IX of the State Constitution to create district  
20 average maximum class sizes, beginning in the 2007-2008 school  
21 year:

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

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

30 (c) The district average number of students assigned  
31 to each teacher who is teaching core-curricula courses in

1 public school classrooms for grades 9 through 12 may not  
2 exceed 25 students.

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

6 Section 8. Subsection (3) of section 1003.05, Florida  
7 Statutes, is amended to read:

8 1003.05 Assistance to transitioning students from  
9 military families.--

10 (3) Dependent children of active duty military  
11 personnel who otherwise meet the eligibility criteria for  
12 special academic programs offered through public schools shall  
13 be given first preference for admission to such programs even  
14 if the program is being offered through a public school other  
15 than the school to which the student would generally be  
16 assigned ~~and the school at which the program is being offered~~  
17 ~~has reached its maximum enrollment.~~ If such a program is  
18 offered through a public school other than the school to which  
19 the student would generally be assigned, the parent ~~or~~  
20 ~~guardian~~ of the student must assume responsibility for  
21 transporting the student to that school. For purposes of this  
22 subsection, special academic programs include ~~charter schools,~~  
23 magnet schools, advanced studies programs, advanced placement,  
24 dual enrollment, and International Baccalaureate.

25 Section 9. Section 1003.413, Florida Statutes, is  
26 created to read:

27 1003.413 High school reform.--

28 (1) This section may be cited as the "High School  
29 Reform Act."

30 (2) Beginning with the 2005-2006 school year, each  
31 school district shall establish policies to assist high school

1 students to remain in school, graduate on time, and be  
2 prepared for postsecondary education and the workforce. The  
3 policies must address:

4 (a) Intensive reading remediation for students in  
5 grades 9 through 12 scoring below Level 3 on FCAT Reading.

6 (b) Credit recovery options and course scheduling  
7 designed to allow high school students to earn credit for  
8 failed courses so that they are able to graduate on time.

9 (c) Immediate and frequent notification to parents of  
10 students who are in danger of not graduating from high school.

11 (d) Placement in alternative programs, such as  
12 programs that emphasize applied integrated curricula, small  
13 learning communities, support services, increased discipline,  
14 or other strategies documented to improve student achievement.

15 (e) Summer reading institutes for rising ninth graders  
16 scoring below Level 3 on FCAT Reading.

17  
18 A student's participation in an instructional or remediation  
19 program prior to or immediately following entering grade 9 for  
20 the first time shall not affect that student's classification  
21 as a first-time ninth grader for reporting purposes, including  
22 calculation of graduation and dropout rates.

23 Section 10. High School Reform Task Force.--

24 (1) There is created the High School Reform Task  
25 Force. The task force shall work in conjunction with the  
26 Southern Regional Education Board and shall be  
27 administratively supported by the office of the Chancellor for  
28 K-12 Public Schools in the Department of Education and the  
29 Just Read, Florida! Office. Appointments to the task force  
30 shall be coordinated to ensure that the membership reflects  
31 the geographic and cultural diversity of Florida's school age



1 population. The task force shall be abolished upon submission  
2 of its report.

3 (2)(a) The Commissioner of Education shall appoint  
4 members of the task force from the following categories and  
5 shall appoint the chair of the task force from its membership.

6 1. Two district school superintendents, one who is  
7 from a large urban school district and one who is from a  
8 small, rural school district.

9 2. One school board member who is from a medium size  
10 school district.

11 3. Three public school principals, one from a large  
12 high performing high school, one from a vocational technical  
13 high school, and one from a lower performing high school.

14 4. Three public high school teachers, one who is an  
15 experienced reading teacher, one who is from a school graded  
16 "F," and one who is from a high performing school.

17 5. Three parents of public high school students who  
18 represent the demographic, racial, and ethnic diversity of the  
19 state.

20 6. Three public high school students who represent the  
21 demographic, racial and ethnic diversity of the state.

22 7. One representative of the business community.

23 8. One administrator from a charter high school  
24 serving students who are at risk of dropping out of school.

25 9. One expert on the subject of high school reform who  
26 does not otherwise fall inside one of the enumerated  
27 categories.

28 (b) The President of the Senate shall appoint one  
29 member of the Senate to serve on the task force and the  
30 Speaker of the House of Representatives shall appoint one  
31

1 member of the House of Representatives to serve on the task  
2 force.

3 (3) Not later than January 1, 2006, the task force  
4 shall vote on the final report incorporating recommendations  
5 and a long-term plan for high school reform.

6 (4) Not later than February 1, 2006, the task force  
7 shall recommend to the Governor, the President of the Senate,  
8 and the Speaker of the House of Representatives a long-term  
9 plan for revisions to statutes, rules, and policies that will  
10 improve Florida's grade 9 retention rate, graduation rate,  
11 dropout rate, and college remediation rate, and align high  
12 school requirements with the needs of Florida's employers and  
13 postsecondary educational institution requirements. The plan  
14 must address, but is not limited to addressing: graduation  
15 requirements; course redesign; remediation strategies; credit  
16 recovery; use of alternative programs including programs  
17 emphasizing applied integrated curricula, small learning  
18 communities, support services, or increased discipline; the  
19 use of technology; adjustments to the school grading system to  
20 reflect learning gains by high school students; middle school  
21 systemic alignment; transition from middle school to high  
22 school; alignment with postsecondary and workforce education  
23 requirements; and alignment with employer expectations.

24 Section 11. Subsection (6) of section 1003.415,  
25 Florida Statutes, is repealed, and subsection (2), paragraph  
26 (a) of subsection (5), and paragraph (a) of present subsection  
27 (7) of that section are amended, to read:

28 1003.415 The Middle Grades Reform Act.--

29 (2) PURPOSE AND INTENT.--

30 (a) The purpose of this section is to provide added  
31 focus and rigor to academics in the middle grades. Using

1 reading as the foundation, all middle grade students should  
2 receive rigorous academic instruction through challenging  
3 curricula delivered by highly qualified teachers in schools  
4 with outstanding leadership, which schools are supported by  
5 engaged and informed parents.

6 (b) It is the intent of the Legislature that students  
7 promoted from the eighth grade will be ready for success in  
8 high school and that the mission of the middle grades is to  
9 prepare students for the successful completion of rigorous  
10 courses in high school.

11 (5) RIGOROUS READING REQUIREMENT.--

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

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

29 ~~(a) The department shall conduct a study on how the~~  
30 ~~overall academic performance of middle grade students and~~  
31 ~~schools can be improved. The department must consult with the~~

1 ~~Florida Center for Reading Research at Florida State~~  
2 ~~University, the Just Read, Florida! Office, and key education~~  
3 ~~stakeholders, including district school board members,~~  
4 ~~district school superintendents, principals, parents,~~  
5 ~~teachers, district supervisors of curriculum, and students~~  
6 ~~across the state, in the development of its findings and~~  
7 ~~recommendations. The department shall review, at a minimum,~~  
8 ~~each of the following elements:~~  
9       1. ~~Academic expectations, which include, but are not~~  
10 ~~limited to:~~  
11           a. ~~Alignment of middle school expectations with~~  
12 ~~elementary and high school graduation requirements.~~  
13           b. ~~Best practices to improve reading and language arts~~  
14 ~~courses based on research based programs for middle school~~  
15 ~~students in alignment with the Sunshine State Standards.~~  
16           c. ~~Strategies that focus on improving academic success~~  
17 ~~for low performing students.~~  
18           d. ~~Rigor of curricula and courses.~~  
19           e. ~~Instructional materials.~~  
20           f. ~~Course enrollment by middle school students.~~  
21           g. ~~Student support services.~~  
22           h. ~~Measurement and reporting of student achievement.~~  
23       2. ~~Attendance policies and student mobility issues.~~  
24       3. ~~Teacher quality, which includes, but is not limited~~  
25 ~~to:~~  
26           a. ~~Preparedness of teachers to teach rigorous courses~~  
27 ~~to middle school students.~~  
28           b. ~~Teacher evaluations.~~  
29           c. ~~Substitute teachers.~~  
30           d. ~~Certification and recertification requirements.~~  
31           e. ~~Staff development requirements.~~

1           ~~f. Availability of effective staff development~~  
2 ~~training.~~

3           ~~g. Teacher recruitment and vacancy issues.~~

4           ~~h. Federal requirements for highly qualified teachers~~  
5 ~~pursuant to the No Child Left Behind Act of 2001.~~

6           ~~4. Identification and availability of diagnostic~~  
7 ~~testing.~~

8           ~~5. Availability of personnel and scheduling issues.~~

9           ~~6. Middle school leadership and performance.~~

10          ~~7. Parental and community involvement.~~

11          ~~(b) By December 1, 2004, the Commissioner of Education~~  
12 ~~shall submit to the President of the Senate, the Speaker of~~  
13 ~~the House of Representatives, the chairs of the education~~  
14 ~~committees in the Senate and the House of Representatives, and~~  
15 ~~the State Board of Education recommendations to increase the~~  
16 ~~academic performance of middle grade students and schools.~~

17          ~~(6)(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

18          (a) ~~Beginning with the 2004-2005 school year,~~ Each  
19 principal of a school with a middle grade shall designate  
20 certified staff members at the school to develop and  
21 administer a personalized middle school success plan for each  
22 entering sixth grade student who scored below Level 3 in  
23 reading on the most recently administered FCAT. The purpose of  
24 the success plan is to assist the student in meeting state and  
25 school district expectations in academic proficiency and to  
26 prepare the student for a rigorous high school curriculum. The  
27 success plan shall be developed in collaboration with the  
28 student and his or her parent and must be implemented until  
29 the student completes the eighth grade or achieves a score at  
30 Level 3 or above in reading on the FCAT, whichever occurs  
31 first. The success plan must minimize paperwork and may be

1 incorporated into a parent/teacher conference, included as  
2 part of a progress report or report card, included as part of  
3 a general orientation at the beginning of the school year, or  
4 provided by electronic mail or other written correspondence.

5 Section 12. Section 1003.4155, Florida Statutes, is  
6 created to read:

7 1003.4155 Middle school grading system.--The grading  
8 system and interpretation of letter grades used in grades 6  
9 through 8 shall be as follows:

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

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

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

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

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

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

27 Section 13. Section 1003.4156, Florida Statutes, is  
28 created to read:

29 1003.4156 General requirements for middle school  
30 promotion.--

31

1           (1) Beginning with students entering grade 6 in the  
2 2005-2006 school year, promotion from a middle school, grades  
3 6 through 8, requires the successful completion of 12 academic  
4 credits, including:

5           (a) Three middle school or higher credits in  
6 English/language arts.

7           (b) Three middle school or higher credits in  
8 mathematics.

9           (c) Three middle school or higher credits in social  
10 studies.

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

12  
13 Other courses offered in middle school, including music, band,  
14 physical education, and art, shall be considered electives.

15           (2) In addition to the credits required under  
16 subsection (1), for each year a student scores at Level 1 or 2  
17 on the reading portion of the FCAT, the student must be  
18 enrolled the following year in a full-year intensive reading  
19 course for which the student may earn up to three credits. The  
20 intensive reading course must be based on frameworks developed  
21 by the Florida Center for Reading Research, or a comparable  
22 course as identified by the Department of Education, which  
23 includes an emphasis on integration of core curriculum  
24 standards and incorporation of informational and expository  
25 text.

26           (3) In addition to the credits required under  
27 subsection (1), for each year a student scores at Level 3 on  
28 the reading portion of the FCAT, the student must be enrolled  
29 the following year in a one-semester intensive reading course.  
30 The reading course must be based on frameworks developed by  
31 the Florida Center for Reading Research, or a comparable

1 course as identified by the Department of Education, which  
2 includes an emphasis on integration of core curriculum  
3 standards and incorporation of informational and expository  
4 text.

5 (4) One full credit must entail completing a minimum  
6 of 135 hours of instruction in a designated course of study  
7 which contains standards for student performance. For schools  
8 authorized by the district school board to implement block  
9 scheduling, one full credit must entail completing a minimum  
10 of 120 hours of instruction in a designated course of study  
11 which contains standards for student performance.

12 (5) District school boards shall establish policies to  
13 allow alternative methods for students to earn the credits  
14 required by this section. The alternative methods must  
15 include, but are not limited to, opportunities for students  
16 to:

17 (a) Recover credits;

18 (b) Be promoted on time to high school; and

19 (c) Be placed in programs that emphasize applied  
20 integrated curricula, small learning communities, support  
21 services, increased discipline, or other strategies documented  
22 to improve student achievement.

23  
24 The district's policy, or amendments to the policy, shall be  
25 submitted to the State Board of Education for approval. If the  
26 State Board of Education does not take action within 60 days  
27 following receipt of the proposed policy, the policy shall  
28 stand approved.

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 promotion 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 14. Section 1003.42, Florida Statutes, is  
4 amended to read:

5 1003.42 Required instruction.--

6 (1) Each district school board shall provide all  
7 courses required for high school graduation and appropriate  
8 instruction designed to ensure that students meet State Board  
9 of Education adopted standards in the following subject areas:  
10 reading and other language arts, mathematics, science, social  
11 studies, foreign languages, health and physical education, and  
12 the arts.

13 (2) Members of the instructional staff of the public  
14 schools, subject to the rules of the State Board of Education  
15 and the district school board, shall teach efficiently and  
16 faithfully, using the books and materials required that meet  
17 the highest standards for professionalism and historic  
18 accuracy, following the prescribed courses of study, and  
19 employing approved methods of instruction, the following:

20 (a) The history and content of the Declaration of  
21 Independence, including national sovereignty, natural law,  
22 self-evident truth, equality of all persons, limited  
23 government, popular sovereignty, and inalienable rights of  
24 life, liberty, and property, and how they form it forms the  
25 philosophical foundation of our government.

26 (b) The history, meaning, significance, and effect of  
27 the provisions of the Constitution of the United States and  
28 amendments thereto, with emphasis on each of the 10 amendments  
29 that make up the Bill of Rights and how the constitution  
30 provides the structure of our government.

31

1           ~~(c)(b)~~ The arguments in support of adopting our  
2 republican form of government, as they are embodied in the  
3 most important of the Federalist Papers.

4           ~~(c) The essentials of the United States Constitution~~  
5 ~~and how it provides the structure of our government.~~

6           (d) Flag education, including proper flag display and  
7 flag salute.

8           (e) The elements of civil government, including the  
9 primary functions of and interrelationships between the  
10 Federal Government, the state, and its counties,  
11 municipalities, school districts, and special districts.

12           (f) The history of the United States, including the  
13 period of discovery, early colonies, the War for Independence,  
14 the Civil War, the expansion of the United States to its  
15 present boundaries, the world wars, and the civil rights  
16 movement to the present. American history shall be viewed as  
17 factual, not as constructed, shall be viewed as knowable,  
18 teachable, and testable, and shall be defined as the creation  
19 of a new nation based largely on the universal principles  
20 stated in the Declaration of Independence.

21           ~~(g)(f)~~ The history of the Holocaust (1933-1945), the  
22 systematic, planned annihilation of European Jews and other  
23 groups by Nazi Germany, a watershed event in the history of  
24 humanity, to be taught in a manner that leads to an  
25 investigation of human behavior, an understanding of the  
26 ramifications of prejudice, racism, and stereotyping, and an  
27 examination of what it means to be a responsible and  
28 respectful person, for the purposes of encouraging tolerance  
29 of diversity in a pluralistic society and for nurturing and  
30 protecting democratic values and institutions.

31

1           ~~(h)(g)~~ The history of African Americans, including the  
2 history of African peoples before the political conflicts that  
3 led to the development of slavery, the passage to America, the  
4 enslavement experience, abolition, and the contributions of  
5 African Americans to society.

6           ~~(i)(h)~~ The elementary principles of agriculture.

7           ~~(j)(i)~~ The true effects of all alcoholic and  
8 intoxicating liquors and beverages and narcotics upon the  
9 human body and mind.

10          ~~(k)(j)~~ Kindness to animals.

11          ~~(l)(k)~~ The history of the state.

12          ~~(m)(l)~~ The conservation of natural resources.

13          ~~(n)(m)~~ Comprehensive health education that addresses  
14 concepts of community health; consumer health; environmental  
15 health; family life, including an awareness of the benefits of  
16 sexual abstinence as the expected standard and the  
17 consequences of teenage pregnancy; mental and emotional  
18 health; injury prevention and safety; nutrition; personal  
19 health; prevention and control of disease; and substance use  
20 and abuse.

21          ~~(o)(n)~~ Such additional materials, subjects, courses,  
22 or fields in such grades as are prescribed by law or by rules  
23 of the State Board of Education and the district school board  
24 in fulfilling the requirements of law.

25          ~~(p)(o)~~ The study of Hispanic contributions to the  
26 United States.

27          ~~(q)(p)~~ The study of women's contributions to the  
28 United States.

29          (r) The nature and importance of free enterprise to  
30 the United States economy.

31

1           ~~(s)(g)~~ A character-development program in the  
2 elementary schools, similar to Character First or Character  
3 Counts, which is secular in nature ~~and stresses such character~~  
4 ~~qualities as attentiveness, patience, and initiative.~~  
5 Beginning in school year 2004-2005, the character-development  
6 program shall be required in kindergarten through grade 12.  
7 Each district school board shall develop or adopt a curriculum  
8 for the character-development program that shall be submitted  
9 to the department for approval. The character-development  
10 curriculum shall stress the qualities of patriotism;i;  
11 responsibility;i; citizenship;i; kindness;i; respect for  
12 authority, life, liberty, and personal property; honesty;i;  
13 charity; self-control;i; racial, ethnic, and religious  
14 tolerance;i and cooperation.

15           ~~(t)(r)~~ In order to encourage patriotism, the  
16 sacrifices that veterans have made in serving our country and  
17 protecting democratic values worldwide. Such instruction must  
18 occur on or before Veterans' Day and Memorial Day. Members of  
19 the instructional staff are encouraged to use the assistance  
20 of local veterans when practicable.

21  
22 The State Board of Education is encouraged to adopt standards  
23 and pursue assessment of the requirements of this subsection.

24           (3) Any student whose parent makes written request to  
25 the school principal shall be exempted from the teaching of  
26 reproductive health or any disease, including HIV/AIDS, its  
27 symptoms, development, and treatment. A student so exempted  
28 may not be penalized by reason of that exemption. Course  
29 descriptions for comprehensive health education shall not  
30 interfere with the local determination of appropriate  
31 curriculum which reflects local values and concerns.

1           Section 15. Effective for all students entering the  
2 ninth grade in the 2005-2006 school year and thereafter, and  
3 effective for all students beginning in the 2008-2009 school  
4 year, section 1003.429, Florida Statutes, is repealed.

5           Section 16. Effective for all students entering the  
6 ninth grade in the 2005-2006 school year and thereafter, and  
7 effective for all students beginning in the 2008-2009 school  
8 year, paragraph (a) of subsection (1) of section 1003.431,  
9 Florida Statutes, is amended to read:

10           1003.431 Career education certification.--

11           (1) A student who fulfills the following requirements  
12 shall be recognized with a career education certification on  
13 his or her high school diploma:

14           (a) Completion of the requirements for high school  
15 graduation as provided in ~~s. 1003.429~~ or s. 1003.43 and the  
16 additional requirements for a comprehensive career education  
17 program of study as provided in subsection (2).

18           Section 17. Effective for all students entering the  
19 ninth grade in the 2005-2006 school year and thereafter, and  
20 effective for all students beginning in the 2008-2009 school  
21 year, paragraph (a) of subsection (1) of section 1007.261,  
22 Florida Statutes, is amended to read:

23           1007.261 State universities; admissions of  
24 students.--Each university board of trustees is authorized to  
25 adopt rules governing the admission of students, subject to  
26 this section and rules of the State Board of Education.

27           (1) Minimum academic standards for undergraduate  
28 admission to a university include:

29           (a) Each student must have received a high school  
30 diploma pursuant to ~~s. 1003.429~~ or s. 1003.43, or its  
31

1 equivalent, except as provided in s. 1007.271(2)-(5) or  
2 completed a home education program according to s. 1002.41.

3 Section 18. Effective for all students entering the  
4 ninth grade in the 2005-2006 school year and thereafter, and  
5 effective for all students beginning in the 2008-2009 school  
6 year, paragraph (a) of subsection (9) of section 1008.22,  
7 Florida Statutes, is amended to read:

8 1008.22 Student assessment program for public  
9 schools.--

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 Section 19. Effective for all students entering the  
21 ninth grade in the 2005-2006 school year and thereafter, and  
22 effective for all students beginning in the 2008-2009 school  
23 year, paragraph (b) of subsection (1) of section 1009.531,  
24 Florida Statutes, is amended to read:

25 1009.531 Florida Bright Futures Scholarship Program;  
26 student eligibility requirements for initial awards.--

27 (1) To be eligible for an initial award from any of  
28 the three types of scholarships under the Florida Bright  
29 Futures Scholarship Program, a student must:

30  
31

1 (b) Earn a standard Florida high school diploma or its  
2 equivalent as described in ~~s. 1003.429~~, s. 1003.437 or s.  
3 1003.435 unless:

4 1. The student is enrolled full time in the early  
5 admission program of an eligible postsecondary education  
6 institution or completes a home education program according to  
7 s. 1002.41; or

8 2. The student earns a high school diploma from a  
9 non-Florida school while living with a parent or guardian who  
10 is on military or public service assignment away from Florida.

11 Section 20. Subsection (15) of section 1003.52,  
12 Florida Statutes, is amended to read:

13 1003.52 Educational services in Department of Juvenile  
14 Justice programs.--

15 (15)(a) The Department of Education shall, for  
16 students in juvenile justice education programs, develop  
17 procedures to accurately report student academic performance  
18 data and the assessment participation rates that are used to  
19 determine adequate yearly progress under Pub. L. No. 107-110.  
20 The procedures must include an opportunity for validation of  
21 the data by schools that provide educational services to  
22 students in programs of the Department of Juvenile Justice.

23 (b) The Department of Education in consultation with  
24 the Department of Juvenile Justice, district school boards,  
25 and providers shall establish objective and measurable quality  
26 assurance standards for the educational component of  
27 residential and nonresidential juvenile justice facilities.  
28 These standards shall rate the district school board's  
29 performance both as a provider and contractor. The quality  
30 assurance rating for the educational component shall be  
31

1 | disaggregated from the overall quality assurance score and  
2 | reported separately.

3 |       ~~(c)(b)~~ The Department of Education shall develop a  
4 | comprehensive quality assurance review process and schedule  
5 | for the evaluation of the educational component in juvenile  
6 | justice programs. The Department of Juvenile Justice quality  
7 | assurance site visit and the education quality assurance site  
8 | visit shall be conducted during the same visit.

9 |       ~~(d)(e)~~ The Department of Education, in consultation  
10 | with district school boards and providers, shall establish  
11 | minimum thresholds for the standards and key indicators for  
12 | educational programs in juvenile justice facilities. If a  
13 | district school board fails to meet the established minimum  
14 | standards, it will be given 6 months to achieve compliance  
15 | with the standards. If after 6 months, the district school  
16 | board's performance is still below minimum standards, the  
17 | Department of Education shall exercise sanctions as prescribed  
18 | by rules adopted by the State Board of Education. If a  
19 | provider, under contract with the district school board, fails  
20 | to meet minimum standards, such failure shall cause the  
21 | district school board to cancel the provider's contract unless  
22 | the provider achieves compliance within 6 months or unless  
23 | there are documented extenuating circumstances.

24 |       Section 21. Section 1003.57, Florida Statutes, is  
25 | amended to read:

26 |       1003.57 Exceptional students instruction.--

27 |       (1) Each district school board shall provide for an  
28 | appropriate program of special instruction, facilities, and  
29 | services for exceptional students as prescribed by the State  
30 | Board of Education as acceptable, including provisions that:

31 |



1           ~~(a)(1)~~ The district school board provide the necessary  
2 professional services for diagnosis and evaluation of  
3 exceptional students.

4           ~~(b)(2)~~ The district school board provide the special  
5 instruction, classes, and services, either within the district  
6 school system, in cooperation with other district school  
7 systems, or through contractual arrangements with approved  
8 private schools or community facilities that meet standards  
9 established by the commissioner.

10           ~~(c)(3)~~ The district school board annually provide  
11 information describing the Florida School for the Deaf and the  
12 Blind and all other programs and methods of instruction  
13 available to the parent of a sensory-impaired student.

14           ~~(d)(4)~~ The district school board, once every 3 years,  
15 submit to the department its proposed procedures for the  
16 provision of special instruction and services for exceptional  
17 students.

18           ~~(e)(5)~~ A ~~No~~ student may not be given special  
19 instruction or services as an exceptional student until after  
20 he or she has been properly evaluated, classified, and placed  
21 in the manner prescribed by rules of the State Board of  
22 Education. The parent of an exceptional student evaluated and  
23 placed or denied placement in a program of special education  
24 shall be notified of each such evaluation and placement or  
25 denial. Such notice shall contain a statement informing the  
26 parent that he or she is entitled to a due process hearing on  
27 the identification, evaluation, and placement, or lack  
28 thereof. Such hearings shall be exempt from the provisions of  
29 ss. 120.569, 120.57, and 286.011, except to the extent that  
30 the State Board of Education adopts rules establishing other  
31 procedures and any records created as a result of such

1 | hearings shall be confidential and exempt from the provisions  
2 | of s. 119.07(1). The hearing must be conducted by an  
3 | administrative law judge from the Division of Administrative  
4 | Hearings of the Department of Management Services. The  
5 | decision of the administrative law judge shall be final,  
6 | except that any party aggrieved by the finding and decision  
7 | rendered by the administrative law judge shall have the right  
8 | to bring a civil action in the circuit court. In such an  
9 | action, the court shall receive the records of the  
10 | administrative hearing and shall hear additional evidence at  
11 | the request of either party. In the alternative, any party  
12 | aggrieved by the finding and decision rendered by the  
13 | administrative law judge shall have the right to request an  
14 | impartial review of the administrative law judge's order by  
15 | the district court of appeal as provided by s. 120.68.  
16 | Notwithstanding any law to the contrary, during the pendency  
17 | of any proceeding conducted pursuant to this section, unless  
18 | the district school board and the parents otherwise agree, the  
19 | student shall remain in his or her then-current educational  
20 | assignment or, if applying for initial admission to a public  
21 | school, shall be assigned, with the consent of the parents, in  
22 | the public school program until all such proceedings have been  
23 | completed.

24 |        (f)~~(6)~~ In providing for the education of exceptional  
25 | students, the district school superintendent, principals, and  
26 | teachers shall utilize the regular school facilities and adapt  
27 | them to the needs of exceptional students to the maximum  
28 | extent appropriate. Segregation of exceptional students shall  
29 | occur only if the nature or severity of the exceptionality is  
30 | such that education in regular classes with the use of  
31 |

1 supplementary aids and services cannot be achieved  
2 satisfactorily.

3 ~~(g)(7)~~ In addition to the services agreed to in a  
4 student's individual education plan, the district school  
5 superintendent shall fully inform the parent of a student  
6 having a physical or developmental disability of all available  
7 services that are appropriate for the student's disability.  
8 The superintendent shall provide the student's parent with a  
9 summary of the student's rights.

10 (2)(a) An exceptional student with a disability who  
11 resides in a residential facility and receives special  
12 instruction or services is considered a resident of the state  
13 in which the student's parent or guardian is a resident. The  
14 cost of such instruction, facilities, and services for a  
15 nonresident student with a disability shall be provided by the  
16 placing authority in the student's state of residence, such as  
17 a public school entity, other placing authority, or parent. A  
18 nonresident student with a disability may not be reported by  
19 any school district for FTE funding in the Florida Education  
20 Finance Program.

21 (b) The Department of Education shall provide to each  
22 school district a statement of the specific limitations of the  
23 district's financial obligation for exceptional students with  
24 disabilities under federal and state law. The department shall  
25 also provide to each school district technical assistance as  
26 necessary for developing a local plan to impose on a student's  
27 home state the fiscal responsibility for educating a  
28 nonresident exceptional student with a disability.

29 (c) The Department of Education shall develop a  
30 process by which a school district must, before providing  
31 services to an exceptional student with a disability who

1 resides in a residential facility in this state, review the  
2 residency of the student. The residential facility, not the  
3 district, is responsible for billing and collecting from a  
4 nonresidential student's home state payment for the student's  
5 educational and related services.

6 (d) This subsection applies to any nonresident student  
7 with a disability who resides in a residential facility and  
8 who receives instruction as an exceptional student with a  
9 disability in any type of residential facility in this state,  
10 including, but not limited to, a private school, a group home  
11 facility as defined in s. 393.063, an intensive residential  
12 treatment program for children and adolescents as defined in  
13 s. 395.002, a facility as defined in s. 394.455, an  
14 intermediate care facility for the developmentally disabled or  
15 ICF/DD as defined in s. 393.063 or s. 400.960, or a community  
16 residential home as defined in s. 419.001.

17 Section 22. Section 1003.575, Florida Statutes, is  
18 created to read:

19 1003.575 Individual education plans for exceptional  
20 students.--The Department of Education shall devise an  
21 individual education plan (IEP) form for use in developing and  
22 implementing individual education plans for exceptional  
23 students. The IEP form must have a streamlined format; and, to  
24 provide for the use of an existing IEP form when a student  
25 transfers from one school district to another, the IEP form  
26 developed by the department shall be used in each school  
27 district in the state.

28 Section 23. Section 1003.58, Florida Statutes, is  
29 amended to read:

30 1003.58 Students in residential care facilities.--Each  
31 district school board shall provide educational programs

1 | according to rules of the State Board of Education to students  
2 | who reside in residential care facilities operated by the  
3 | Department of Children and Family Services.

4 |       (1) The district school board shall not be charged any  
5 | rent, maintenance, utilities, or overhead on such facilities.  
6 | Maintenance, repairs, and remodeling of existing facilities  
7 | shall be provided by the Department of Children and Family  
8 | Services.

9 |       (2) If additional facilities are required, the  
10 | district school board and the Department of Children and  
11 | Family Services shall agree on the appropriate site based on  
12 | the instructional needs of the students. When the most  
13 | appropriate site for instruction is on district school board  
14 | property, a special capital outlay request shall be made by  
15 | the commissioner in accordance with s. 1013.60. When the most  
16 | appropriate site is on state property, state capital outlay  
17 | funds shall be requested by the Department of Children and  
18 | Family Services as provided by s. 216.043 and shall be  
19 | submitted as specified by s. 216.023. Any instructional  
20 | facility to be built on state property shall have educational  
21 | specifications jointly developed by the school district and  
22 | the Department of Children and Family Services and approved by  
23 | the Department of Education. The size of space and occupant  
24 | design capacity criteria as provided by state board rules  
25 | shall be used for remodeling or new construction whether  
26 | facilities are provided on state property or district school  
27 | board property. The planning of such additional facilities  
28 | shall incorporate current Department of Children and Family  
29 | Services deinstitutionalization plans.

30 |       (3) The district school board shall have full and  
31 | complete authority in the matter of the assignment and

1 placement of such students in educational programs. The parent  
2 of an exceptional student shall have the same due process  
3 rights as are provided under s. 1003.57(1)(e) ~~s. 1003.57(5)~~.

4 (4) The district school board shall have a written  
5 agreement with the Department of Children and Family Services  
6 outlining the respective duties and responsibilities of each  
7 party.

8  
9 Notwithstanding the provisions herein, the educational program  
10 at the Marianna Sunland Center in Jackson County shall be  
11 operated by the Department of Education, either directly or  
12 through grants or contractual agreements with other public or  
13 duly accredited educational agencies approved by the  
14 Department of Education.

15 Section 24. Present subsection (13) of section  
16 1004.04, Florida Statutes, is redesignated as subsection (14),  
17 and a new subsection (13) is added to that section, to read:

18 1004.04 Public accountability and state approval for  
19 teacher preparation programs.--

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

26 Section 25. 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 frameworks for comprehensive reading  
14 intervention courses for possible use in middle schools and  
15 secondary schools.

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

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

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

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

31

1           (1) PURPOSE.--The primary purposes of the student  
2 assessment program are to provide information needed to  
3 improve the public schools by enhancing the learning gains of  
4 all students and to inform parents of the educational progress  
5 of their public school children. The program must be designed  
6 to:

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

10           (b) Provide data for making decisions regarding school  
11 accountability and recognition.

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

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

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

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

23           (2) INTENT.--

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



1 Senate, and the Speaker of the House of Representatives on the  
2 state of the art in large-scale on-line assessment  
3 capabilities of the industry and of the capacity of the public  
4 schools in this state to implement a statewide program.

5 (b) It is the further intent of the Legislature that  
6 the Department of Education make accessible to the public  
7 copies of actual scored FCAT test items when sufficient items  
8 are available through the test-item databank to ensure the  
9 security and validity of the test. The department shall  
10 provide such FCAT test items to the extent that sufficient  
11 items are funded by the Legislature. However, this paragraph  
12 does not apply to those provisions of the FCAT to which the  
13 department does not hold the copyright.

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

31

1            (4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
2 shall design and implement a statewide program of educational  
3 assessment that provides information for the improvement of  
4 the operation and management of the public schools, including  
5 schools operating for the purpose of providing educational  
6 services to youth in Department of Juvenile Justice programs.  
7 The commissioner may enter into contracts for the continued  
8 administration of the assessment, testing, and evaluation  
9 programs authorized and funded by the Legislature. Contracts  
10 may be initiated in 1 fiscal year and continue into the next  
11 and may be paid from the appropriations of either or both  
12 fiscal years. The commissioner is authorized to negotiate for  
13 the sale or lease of tests, scoring protocols, test scoring  
14 services, and related materials developed pursuant to law.  
15 Pursuant to the statewide assessment program, the commissioner  
16 shall:

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

31

1           (b) Develop and implement a uniform system of  
2 indicators to describe the performance of public school  
3 students and the characteristics of the public school  
4 districts and the public schools. These indicators must  
5 include, without limitation, information gathered by the  
6 comprehensive management information system created pursuant  
7 to s. 1008.385 and student achievement information obtained  
8 pursuant to this section.

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

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

1           2. The testing program will include a combination of  
2 norm-referenced and criterion-referenced tests and include, to  
3 the extent determined by the commissioner, questions that  
4 require the student to produce information or perform tasks in  
5 such a way that the skills and competencies he or she uses can  
6 be measured.

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

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

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

1 ~~required to earn the passing scores in reading and mathematics~~  
2 ~~established by the State Board of Education for the March 2002~~  
3 ~~test administration.~~ The State Board of Education shall adopt  
4 rules that ~~which~~ specify the passing scores for the grade 10  
5 FCAT. Any such rules, which have the effect of raising the  
6 required passing scores, shall ~~only~~ apply only to students  
7 taking the grade 10 FCAT for the first time after such rules  
8 are adopted by the State Board of Education.

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

31

1           7. A student seeking an adult high school diploma must  
2 meet the same testing requirements that a regular high school  
3 student must meet.

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

17           9. The Department of Education must develop, or  
18 select, and implement a common battery of assessment tools  
19 that will be used in all juvenile justice programs in the  
20 state. These tools must accurately measure the skills and  
21 competencies established in the Florida Sunshine State  
22 Standards.

23  
24 The commissioner may design and implement student testing  
25 programs, for any grade level and subject area, necessary to  
26 effectively monitor educational achievement in the state.

27           (d) Conduct ongoing research to develop improved  
28 methods of assessing student performance, including, without  
29 limitation, the use of technology to administer tests, score,  
30 or report the results of, the use of electronic transfer of  
31

1 data, the development of work-product assessments, and the  
2 development of process assessments.

3 (e) Conduct ongoing research into and analysis of  
4 student achievement data, including, without limitation,  
5 monitoring trends in student achievement by grade level and  
6 overall student achievement, identifying school programs that  
7 are successful, and analyzing correlates of school  
8 achievement.

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

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

23 ~~(6)~~~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school  
24 shall participate in the statewide assessment program, unless  
25 specifically exempted by state board rule based on serving a  
26 specialized population for which standardized testing is not  
27 appropriate. Student performance data shall be analyzed and  
28 reported to parents, the community, and the state. Student  
29 performance data shall be used in developing objectives of the  
30 school improvement plan, evaluation of instructional  
31 personnel, evaluation of administrative personnel, assignment

1 of staff, allocation of resources, acquisition of  
2 instructional materials and technology, performance-based  
3 budgeting, and promotion and assignment of students into  
4 educational programs. The analysis of student performance data  
5 also must identify strengths and needs in the educational  
6 program and trends over time. The analysis must be used in  
7 conjunction with the budgetary planning processes developed  
8 pursuant to s. 1008.385 and the development of the programs of  
9 remediation.

10 (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall  
11 provide, at a minimum, for the following analyses of data  
12 produced by the student achievement testing program:

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

22 (b) The statistical system shall provide the best  
23 estimates of teacher, school, and school district effects on  
24 student progress. The approach used by the department shall be  
25 approved by the commissioner before implementation.

26 (c) The annual testing program shall be administered  
27 to provide for valid statewide comparisons of learning gains  
28 to be made for purposes of accountability and recognition. The  
29 commissioner shall establish a schedule for the administration  
30 of the statewide assessments. In establishing such schedule,  
31 the commissioner is charged with the duty to accomplish the



1 latest possible administration of the statewide assessments  
2 and the earliest possible provision of the results to the  
3 school districts feasible within available technology and  
4 specific appropriation. District school boards shall not  
5 establish school calendars that jeopardize or limit the valid  
6 testing and comparison of student learning gains.

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

12 (9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.--A student  
13 must meet the testing requirements for high school graduation  
14 that were in effect at the time the student entered 9th grade,  
15 provided the student's enrollment was continuous.

16 (10)~~(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.--

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

26 (b) A student shall be required to take the grade 10  
27 FCAT a total of three times without earning a passing score in  
28 order to use the scores on an alternative assessment pursuant  
29 to paragraph (a). This requirement shall not apply to a  
30 student who is a new student to the public school system in  
31 grade 12.

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

4           Section 27. Subsection (8) of section 1008.25, Florida  
5 Statutes, is amended, and subsection (11) is added to that  
6 section, to read:

7           1008.25 Public school student progression; remedial  
8 instruction; reporting requirements.--

9           (8) ANNUAL REPORT.--

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

22           (b) ~~Beginning with the 2001-2002 school year,~~ Each  
23 district school board must annually publish in the local  
24 newspaper, and report in writing to the State Board of  
25 Education by September 1 of each year, the following  
26 information on the prior school year:

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

30  
31

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

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

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

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

11           (c) The Department of Education shall establish a  
12 uniform format in which school districts must report such  
13 information. The department shall annually compile the  
14 information required under subparagraphs (b)2., 3., and 4.,  
15 along with state-level summary information, and shall report  
16 the information to the Governor, the President of the Senate,  
17 and the Speaker of the House of Representatives.

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

21           (a) The longitudinal performance of students in math  
22 and reading.

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

25           (c) The longitudinal performance regarding efforts to  
26 close the achievement gap.

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

29           (e) Other student performance data based on national  
30 norm-referenced and criterion-referenced tests, when  
31 available.

1           Section 28. Section 1008.31, Florida Statutes, is  
2 amended to read:

3           1008.31 Florida's K-20 education performance  
4 accountability system; legislative intent; public  
5 accountability and reporting ~~performance based funding~~;  
6 mission, goals, and systemwide measures.--

7           (1) LEGISLATIVE INTENT.--It is the intent of the  
8 Legislature that:

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

13           1. What is the public receiving in return for funds it  
14 invests in education?

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

17           3. How effectively are the major delivery sectors  
18 promoting student achievement?

19           4. How are individual schools and postsecondary  
20 education institutions performing their responsibility to  
21 educate their students as measured by how students are  
22 exhibiting ~~performing and~~ how much they are learning?

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

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

1           (d) The State Board of Education recommend to the  
2 Legislature systemwide performance standards; the Legislature  
3 establish systemwide performance measures and standards; and  
4 the systemwide measures and standards provide Floridians with  
5 information on what the public is receiving in return for the  
6 funds it invests in education and how well the K-20 system  
7 educates its students.

8           (e) The State Board of Education establish performance  
9 measures and set performance standards for individual  
10 components of the public education system, including  
11 individual schools and community colleges ~~postsecondary~~  
12 ~~educational institutions~~, with measures and standards based  
13 primarily on student achievement.

14           (f) The Board of Governors establish performance  
15 measures and set performance standards for state universities,  
16 with measures and standards based primarily on student access  
17 and achievement. Measures should encourage the seamless  
18 transition of students from one educational level to the next  
19 and be consistent with other educational accountability  
20 measures.

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

22           ~~(a) The State Board of Education shall cooperate with~~  
23 ~~each delivery system to develop proposals for~~  
24 ~~performance based funding, using performance measures adopted~~  
25 ~~pursuant to this section.~~

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

30           ~~(c) The State Board of Education shall adopt~~  
31 ~~guidelines required to implement performance based funding~~

1 ~~that allow 1 year to demonstrate achievement of specified~~  
2 ~~performance standards prior to a reduction in appropriations~~  
3 ~~pursuant to this section.~~

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

7 ~~1. Use the state core measures and the sector specific~~  
8 ~~measures to evaluate the progress of each sector of the~~  
9 ~~educational delivery system toward meeting the systemwide~~  
10 ~~goals for public education.~~

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

15 ~~3. Implement the performance based budgeting system~~  
16 ~~described in this section.~~

17 ~~(e) During the 2003-2004 fiscal year, the Department~~  
18 ~~of Education shall collect data required to establish~~  
19 ~~progress, rewards, and sanctions.~~

20 ~~(f) By December 1, 2004, the Department of Education~~  
21 ~~shall recommend to the Legislature a formula for~~  
22 ~~performance based funding that applies accountability~~  
23 ~~standards for the individual components of the public~~  
24 ~~education system at every level, kindergarten through graduate~~  
25 ~~school. Effective for the 2004-2005 fiscal year and~~  
26 ~~thereafter, subject to annual legislative approval in the~~  
27 ~~General Appropriations Act, performance based funds shall be~~  
28 ~~allocated based on the progress, rewards, and sanctions~~  
29 ~~established pursuant to this section.~~

30 ~~(2)(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--  
31

1 (a) The mission of Florida's K-20 education system  
2 shall be to increase the proficiency of all students within  
3 one seamless, efficient system, by allowing them the  
4 opportunity to expand their knowledge and skills through  
5 learning opportunities and research valued by students,  
6 parents, and communities.

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

- 10 1. Focused on student success;  
11 2. Actionable, in that an educational entity can  
12 affect the outcomes through policy and program changes;  
13 3. High-quality and efficient;  
14 4. Measurable over time;  
15 5. Simple to explain and display to the public; and  
16 6. Aligned with other measures and other sectors to  
17 support a coordinated K-20 education system.

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

21 1. Highest student achievement, as indicated by  
22 evidence of student learning gains at all levels ~~measured by:-~~  
23 ~~student FCAT performance and annual learning gains; the number~~  
24 ~~and percentage of schools that improve at least one school~~  
25 ~~performance grade designation or maintain a school performance~~  
26 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
27 ~~completion rates at all learning levels; and other measures~~  
28 ~~identified in law or rule.~~

29 2. Seamless articulation and maximum access, as  
30 measured by evidence of progression and readiness and evidence  
31 of access by targeted groups of students identified by the

1 ~~commissioner; the percentage of students who demonstrate~~  
2 ~~readiness for the educational level they are entering, from~~  
3 ~~kindergarten through postsecondary education and into the~~  
4 ~~workforce; the number and percentage of students needing~~  
5 ~~remediation; the percentage of Floridians who complete~~  
6 ~~associate, baccalaureate, graduate, professional, and~~  
7 ~~postgraduate degrees; the number and percentage of credits~~  
8 ~~that articulate; the extent to which each set of exit point~~  
9 ~~requirements matches the next set of entrance point~~  
10 ~~requirements; the degree to which underserved populations~~  
11 ~~access educational opportunity; the extent to which access is~~  
12 ~~provided through innovative educational delivery strategies;~~  
13 ~~and other measures identified in law or rule.~~

14         3. Skilled workforce and economic development, as  
15 measured by evidence of employment and earnings; ~~the number~~  
16 ~~and percentage of graduates employed in their areas of~~  
17 ~~preparation; the percentage of Floridians with high school~~  
18 ~~diplomas and postsecondary education credentials; the~~  
19 ~~percentage of business and community members who find that~~  
20 ~~Florida's graduates possess the skills they need; national~~  
21 ~~rankings; and other measures identified in law or rule.~~

22         4. Quality efficient services, as measured by evidence  
23 of return on investment; ~~cost per completer or graduate;~~  
24 ~~average cost per noncompleter at each educational level; cost~~  
25 ~~disparity across institutions offering the same degrees; the~~  
26 ~~percentage of education customers at each educational level~~  
27 ~~who are satisfied with the education provided; and other~~  
28 ~~measures identified in law or rule.~~

29         ~~(3)(4)~~ K-20 EDUCATION DATA QUALITY IMPROVEMENT.--To  
30 provide data required to implement education performance  
31 accountability measures in state and federal law, the



1 commissioner shall initiate and maintain strategies to improve  
2 data quality and timeliness.

3 (a) SYSTEMWIDE DATA COLLECTION.—School districts and  
4 public postsecondary educational institutions shall maintain  
5 information systems that will provide the State Board of  
6 Education, the Board of Governors, and the Legislature with  
7 information and reports necessary to address the  
8 specifications of the accountability system. ~~The State Board~~  
9 ~~of Education shall determine the standards for the required~~  
10 ~~data.~~ The level of comprehensiveness and quality shall be no  
11 less than that which was available as of June 30, 2001.

12 (b) The Commissioner of Education shall determine the  
13 standards for the required data, monitor data quality, and  
14 measure improvements. The commissioner shall report annually  
15 to the Legislature, the State Board of Education, and the  
16 Board of Governors data quality indicators and ratings for all  
17 public postsecondary education institutions and school  
18 districts.

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

22 Section 29. Section 1008.33, Florida Statutes, is  
23 amended to read:

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

1 sanctions based on performance shall be the responsibility of  
2 the State Board of Education.

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

1 provide school districts sufficient time to improve student  
2 performance in schools and the opportunity to present evidence  
3 of assistance and interventions that the district school board  
4 has implemented.

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

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

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

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

21 (d) Transfer high-quality teachers, faculty, and staff  
22 to improve the performance of students in any low-performing  
23 school;

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

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

28 (3) In recommending actions to district school boards,  
29 the State Board of Education shall specify the length of time  
30 available to implement the recommended action. The State  
31 Board of Education may adopt rules to further specify how it

1 may respond in specific circumstances. ~~No~~ Action taken by the  
2 State Board of Education does not ~~shall~~ relieve a school from  
3 state accountability requirements.

4 (4) The State Board of Education may require the  
5 Department of Education or Chief Financial Officer to withhold  
6 any transfer of state funds to the school district if, within  
7 the timeframe specified in state board action, the school  
8 district has failed to comply with the action ordered to  
9 improve the district's low-performing schools. ~~Withholding~~ The  
10 transfer of funds may be withheld ~~shall occur~~ only after all  
11 other recommended actions for school improvement have failed  
12 to improve performance. The State Board of Education may  
13 impose the same penalty on any district school board that  
14 fails to develop and implement a plan for assistance and  
15 intervention for low-performing schools as specified in s.  
16 1001.42(16)(c).

17 Section 30. Section 1008.34, Florida Statutes, is  
18 amended to read:

19 1008.34 School grading system; school report cards;  
20 district performance grade.--

21 (1) ANNUAL REPORTS.--The Commissioner of Education  
22 shall prepare annual reports of the results of the statewide  
23 assessment program which describe student achievement in the  
24 state, each district, and each school. The commissioner shall  
25 prescribe the design and content of these reports, which must  
26 include, without limitation, descriptions of the performance  
27 of all schools participating in the assessment program and all  
28 of their major student populations as determined by the  
29 Commissioner of Education, and must also include the median  
30 scores of all eligible students who scored at or in the lowest  
31 25th percentile of the state in the previous school year;

1 ~~provided,~~ however, ~~that~~ the provisions of s. 1002.22  
2 pertaining to student records apply to this section.

3 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
4 annual report shall identify schools as having one of the  
5 following grades ~~being in one of the following grade~~  
6 ~~categories~~ defined according to rules of the State Board of  
7 Education:

- 8 (a) "A," schools making excellent progress.  
9 (b) "B," schools making above average progress.  
10 (c) "C," schools making satisfactory progress.  
11 (d) "D," schools making less than satisfactory  
12 progress.  
13 (e) "F," schools failing to make adequate progress.  
14

15 Each school designated with a grade of ~~in performance grade~~  
16 ~~category~~ "A," making excellent progress, or having improved at  
17 least two grade levels ~~performance grade categories~~, shall  
18 have greater authority over the allocation of the school's  
19 total budget generated from the FEFP, state categoricals,  
20 lottery funds, grants, and local funds, as specified in state  
21 board rule. The rule must provide that the increased budget  
22 authority shall remain in effect until the school's  
23 performance grade declines.

24 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~  
25 ~~CATEGORIES~~.--School grades ~~performance grade category~~  
26 ~~designations~~ itemized in subsection (2) shall be based on the  
27 following:

- 28 (a) Criteria Timeframes.--  
29 1. ~~School performance grade category designations~~  
30 ~~shall be based on the school's current year performance and~~  
31 ~~the school's annual learning gains.~~

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

3           1. Student achievement scores;~~i~~~~7~~

4           2. Student learning gains as measured by annual FCAT  
5 assessments in grades 3 through 10;~~i~~~~7~~ and

6           3. Improvement of the lowest 25th percentile of  
7 students in the school in reading, ~~math, or writing~~ on the  
8 FCAT, unless these students are exhibiting ~~performing~~ above  
9 satisfactory performance.

10           (b) Student assessment data.--Student assessment data  
11 used in determining school ~~grades performance grade categories~~  
12 shall include:

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

15           2. The aggregate scores of all eligible students  
16 enrolled in the school who have been assessed on the FCAT,  
17 including Florida Writes, and who have scored at or in the  
18 lowest 25th percentile of students in the school in reading,  
19 math, or writing, unless these students are exhibiting  
20 ~~performing~~ above satisfactory performance.

21           3. The scores of students attending alternative  
22 schools that provide dropout prevention and academic  
23 intervention services pursuant to s. 1003.53, which shall be  
24 used in the calculation of the school grade of the school the  
25 student attended before attending the alternative school. The  
26 student's test scores shall be attributable to the school from  
27 which the student transferred. The student's test scores shall  
28 also be used in the calculation of the grade of the  
29 alternative school under s. 1008.341. An alternative school  
30 that wishes to be graded under s. 1008.34 may have the  
31 students' FCAT scores calculated toward the school's grade and

1 not be calculated toward the originating school's grade.  
2 School districts must ensure collaboration between the  
3 originating school and the alternative school to promote  
4 student success.

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

19 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report  
20 shall identify each school's performance as having improved,  
21 remained the same, or declined. This school improvement rating  
22 shall be based on a comparison of the current year's and  
23 previous year's student and school performance data. Schools  
24 that improve at least one performance grade category are  
25 eligible for school recognition awards pursuant to s. 1008.36.

26 (5) SCHOOL REPORT CARD.--The Department of Education  
27 shall annually develop in collaboration with the school  
28 districts a school report card to be delivered to parents  
29 throughout each school district. The report card must include  
30 the school's grade, information regarding school improvement,  
31 an explanation of school performance as evaluated by the

1 federal No Child Left Behind Act, and indicators of return on  
2 investment. PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING  
3 REPORTS. ~~School performance grade category designations and~~  
4 ~~improvement ratings shall apply to each school's performance~~  
5 ~~for the year in which performance is measured.~~ Each school's  
6 report card designation and rating shall be published annually  
7 by the Department of Education on the department's website,  
8 and the school district shall provide the report card to each  
9 parent. ~~Parents shall be entitled to an easy to read report~~  
10 ~~card about the designation and rating of the school in which~~  
11 ~~their child is enrolled.~~

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

15 ~~(6)(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may  
16 factor in the performance of schools in calculating any  
17 performance-based funding policy that is provided for annually  
18 in the General Appropriations Act.

19 ~~(7)(8)~~ DISTRICT PERFORMANCE GRADE.--The annual report  
20 required by subsection (1) shall include district performance  
21 grades, which shall consist of weighted district average  
22 grades, by level, for all elementary schools, middle schools,  
23 and high schools in the district. A district's weighted  
24 average grade shall be calculated by weighting individual  
25 school grades determined pursuant to subsection (2) by school  
26 enrollment.

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

29 Section 31. Section 1008.341, Florida Statutes, is  
30 created to read:

31 1008.341 Grading for alternative schools.--



1           (1) ANNUAL REPORTS.--The Commissioner of Education  
2 shall prepare an annual report on the performance of each  
3 school graded pursuant to this section if the provisions of s.  
4 1002.22 pertaining to student records shall apply.

5           (2) DESIGNATION OF SCHOOL GRADES.--Notwithstanding the  
6 provisions of s. 1008.34, alternative schools that provide  
7 dropout prevention and academic intervention services pursuant  
8 to s. 1003.53 shall be graded pursuant to this section.  
9 Alternative schools serving students who are subject to school  
10 board policies for expulsion for repeated or serious offenses,  
11 dropout retrieval programs serving students who have  
12 officially been designated as dropouts, and Department of  
13 Juvenile Justice operated and contracted programs shall not  
14 receive a school grade as described in s. 1008.34. Schools  
15 meeting this definition shall be rated on a scale approved by  
16 the State Board of Education which represents the progress of  
17 students as compared to their progress prior to being assigned  
18 to the alternative schools. The schools that serve multiple  
19 populations shall receive a school grade absent the  
20 performance of students subject to expulsion or dropout if the  
21 schools meet the minimum requirements regarding the number of  
22 students with valid FCAT scores. Each school shall receive a  
23 school improvement rating of "improving," "maintaining," or  
24 "declining."

25           (a) School grade designations shall be those  
26 prescribed in s. 1008.34(2) and shall be based on a  
27 combination of the following factors weighted equally:

28           1. Aggregate student academic growth rate, which shall  
29 be based on a student's developmental scale score on the FCAT  
30 for the school year in which the student is currently enrolled  
31

1 compared to the developmental scale score on the FCAT for the  
2 preceding school year.

3 2. Improvement of students in the school who are in  
4 the lowest 25th percentile of students in the state on FCAT  
5 Reading.

6 (b) Student assessment data used in determining school  
7 grades shall include:

8 1. The aggregate scores of all eligible students who  
9 were enrolled in the school during the October and February  
10 FTE counts, who have been assessed on the FCAT, and who have  
11 FCAT or comparable scores for the preceding school year.

12 2. The aggregate scores of all eligible students who  
13 were enrolled in the school during the October and February  
14 FTE counts, who have been assessed on the FCAT, including  
15 Florida Writes, and who have scored at or in the lowest 25th  
16 percentile of students in the state on FCAT Reading.

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

24 (4) SCHOOL REPORT CARD.--The Department of Education  
25 shall annually develop in collaboration with the school  
26 districts a school report card to be delivered to parents  
27 through each school district. The report card shall include  
28 the school's grade, information regarding school improvement,  
29 an explanation of school performance as evaluated by the  
30 federal No Child Left Behind Act of 2001, and indicators of  
31 return on investment.

1           (5) RULES.--The State Board of Education shall adopt  
2 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
3 provisions of this section.

4           Section 32. Section 1008.36, Florida Statutes, is  
5 amended to read:

6           1008.36 Florida School Recognition Program.--

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

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

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

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

19           (3) All public schools, including charter schools,  
20 that receive a school grade pursuant to s. 1008.34 are  
21 eligible to participate in the program. For purposes of this  
22 section, a school serving any combination of kindergarten  
23 through grade 3 students which does not receive a school grade  
24 under s. 1008.34 shall be assigned the school performance  
25 grade of the feeder pattern school designated by the  
26 Department of Education and verified by the school district  
27 and shall be eligible to participate in the program based upon  
28 that feeder. A feeder school pattern is defined where at least  
29 60 percent of the students in the school or schools servicing  
30 a combination of kindergarten through grade 3 students are  
31 scheduled to be assigned to the school receiving the school

1 grade. In addition, the feeder pattern school shall be subject  
2 to the Opportunity Scholarship Program as defined in s.  
3 1002.38.

4 (4) All selected schools shall receive financial  
5 awards depending on the availability of funds appropriated and  
6 the number and size of schools selected to receive an award.  
7 Funds must be distributed to the school's fiscal agent and  
8 placed in the school's account and must be used for purposes  
9 listed in subsection (5) as determined ~~jointly~~ by the school's  
10 staff ~~and school advisory council. If school staff and the~~  
11 ~~school advisory council cannot reach agreement by November 1,~~  
12 ~~the awards must be equally distributed to all classroom~~  
13 ~~teachers currently teaching in the school.~~

14 (5) School recognition awards must be used for the  
15 following:

16 (a) Nonrecurring bonuses to the faculty and staff who  
17 presently are employed at the school or who were employed at  
18 the school during the year of improved performance;

19 (b) Nonrecurring expenditures for educational  
20 equipment or materials to assist in maintaining and improving  
21 student performance; or

22 (c) Temporary personnel for the school to assist in  
23 maintaining and improving student performance.

24  
25 Notwithstanding statutory provisions to the contrary,  
26 incentive awards are not subject to collective bargaining.

27 Section 33. Present subsection (9) of section 1011.62,  
28 Florida Statutes, is redesignated as subsection (10) and  
29 amended, and a new subsection (9) is added to that section, to  
30 read:  
31

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

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

8           (a) There is created the Research-Based  
9 Reading-Instruction Allocation to provide comprehensive  
10 reading instruction to students in kindergarten through grade  
11 12.

12           (b) Funds for comprehensive, research-based reading  
13 instruction shall be allocated annually to each school  
14 district in the amount provided in the General Appropriations  
15 Act. Each eligible school district shall receive the same  
16 minimum amount as specified in the General Appropriations Act,  
17 and any remaining funds shall be distributed to eligible  
18 school districts based on each school district's proportionate  
19 share of the statewide total unweighted full-time equivalent  
20 student population. The Legislature shall annually increase  
21 funds for the allocation at a rate that equals or exceeds the  
22 rate of overall increase in the FEFP.

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

- 27           1. Highly qualified reading coaches;
- 28           2. Professional development for district teachers in  
29 scientifically based reading instruction;
- 30           3. Summer reading camps for students who score at  
31 Level 1 on the FCAT;

1           4. Supplemental instructional materials that are  
2 grounded in scientifically based reading research; and

3           5. Intensive interventions for middle-school and  
4 secondary-school students who are reading below grade level.

5           (d) Annually, by a date determined by the Department  
6 of Education, school districts shall submit a plan in the  
7 format prescribed by the department for review and approval  
8 from the Just Read, Florida! Office created under s. 1001.215.  
9 Upon approval of a school district's plan by the Just Read,  
10 Florida! Office, the Department of Education shall release the  
11 school district's allocation of appropriated funds pursuant to  
12 chapter 216. The funds may not be released unless a school  
13 district's plan has been approved, and the department may  
14 withhold funding if a plan is not implemented as approved.

15           ~~(10)(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH  
16 DISTRICT FOR CURRENT OPERATION.--The total annual state  
17 allocation to each district for current operation for the FEFP  
18 shall be distributed periodically in the manner prescribed in  
19 the General Appropriations Act.

20           (a) The basic amount for current operation for the  
21 FEFP as determined in subsection (1), multiplied by the  
22 district cost differential factor as determined in subsection  
23 (2), plus the amounts provided for categorical components  
24 within the FEFP, plus the amount for the sparsity supplement  
25 as determined in subsection (6), the decline in full-time  
26 equivalent students as determined in subsection (7), ~~and~~ the  
27 quality assurance guarantee as determined in subsection (8),  
28 and the research-based reading-instruction allocation as  
29 determined under subsection (9), less the required local  
30 effort as determined in subsection (4). If the funds  
31 appropriated for the purpose of funding the total amount for

1 current operation as provided in this paragraph are not  
2 sufficient to pay the state requirement in full, the  
3 department shall prorate the available state funds to each  
4 district in the following manner:

5         1. Determine the percentage of proration by dividing  
6 the sum of the total amount for current operation, as provided  
7 in this paragraph for all districts collectively, and the  
8 total district required local effort into the sum of the state  
9 funds available for current operation and the total district  
10 required local effort.

11         2. Multiply the percentage so determined by the sum of  
12 the total amount for current operation as provided in this  
13 paragraph and the required local effort for each individual  
14 district.

15         3. From the product of such multiplication, subtract  
16 the required local effort of each district; and the remainder  
17 shall be the amount of state funds allocated to the district  
18 for current operation.

19         (b) The amount thus obtained shall be the net annual  
20 allocation to each school district. However, if it is  
21 determined that any school district received an  
22 underallocation or overallocation for any prior year because  
23 of an arithmetical error, assessment roll change, full-time  
24 equivalent student membership error, or any allocation error  
25 revealed in an audit report, the allocation to that district  
26 shall be appropriately adjusted. Beginning with audits for the  
27 2001-2002 fiscal year, if the adjustment is the result of an  
28 audit finding in which group 2 FTE are reclassified to the  
29 basic program and the district weighted FTE are over the  
30 weighted enrollment ceiling for group 2 programs, the  
31 adjustment shall not result in a gain of state funds to the

1 district. If the Department of Education audit adjustment  
2 recommendation is based upon controverted findings of fact,  
3 the Commissioner of Education is authorized to establish the  
4 amount of the adjustment based on the best interests of the  
5 state.

6 (c) The amount thus obtained shall represent the net  
7 annual state allocation to each district; however,  
8 notwithstanding any other provision of this section ~~of the~~  
9 ~~provisions herein~~, each district shall be guaranteed a minimum  
10 level of funding in the amount and manner prescribed in the  
11 General Appropriations Act.

12 Section 34. Section 1011.6855, Florida Statutes, is  
13 created to read:

14 1011.6855 Minimum instructional personnel salary and  
15 class size reduction; operating categorical fund.--

16 (1) Effective upon the passage of an amendment to s.  
17 1, Art. IX of the State Constitution to create district  
18 average maximum class sizes, there is created an operating  
19 categorical fund for implementing the average maximum class  
20 sizes and implementing the provisions of this section relating  
21 to instructional personnel salary.

22 (2) The funds appropriated to the operating  
23 categorical fund created under subsection (1) shall be used to  
24 provide:

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

28 (b) Elevation funds of at least \$2,000 or as specified  
29 in the General Appropriations Act to increase the salary of  
30 all full-time, certified instructional personnel identified in  
31



1 s. 1012.01(2)(a)-(d) to a level at or above the minimum  
2 salary.

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

7 Section 35. Subsection (6) is added to section  
8 1012.21, Florida Statutes, to read:

9 1012.21 Department of Education duties; K-12  
10 personnel.--

11 (6) REPORTING.--The Department of Education shall  
12 annually post on-line the collective bargaining contracts of  
13 each school district in the state which the department has  
14 received under s. 1012.22. The department shall prescribe the  
15 format in which district school boards must provide the  
16 information.

17 Section 36. Paragraph (c) of subsection (1) of section  
18 1012.22, Florida Statutes, is amended read:

19 1012.22 Public school personnel; powers and duties of  
20 the district school board.--The district school board shall:

21 (1) Designate positions to be filled, prescribe  
22 qualifications for those positions, and provide for the  
23 appointment, compensation, promotion, suspension, and  
24 dismissal of employees as follows, subject to the requirements  
25 of this chapter:

26 (c) Compensation and salary schedules.--

27 1. The district school board shall adopt a salary  
28 schedule or salary schedules designed to furnish incentives  
29 for improvement in training and for continued efficient  
30 service to be used as a basis for paying all school employees  
31

1 and fix and authorize the compensation of school employees on  
2 the basis thereof.

3 2. A district school board, in determining the salary  
4 schedule for instructional personnel, must base a portion of  
5 each employee's compensation on performance demonstrated under  
6 s. 1012.34, must consider the prior teaching experience of a  
7 person who has been designated state teacher of the year by  
8 any state in the United States, and must consider prior  
9 professional experience in the field of education gained in  
10 positions in addition to district level instructional and  
11 administrative positions.

12 3. In developing the salary schedule, the district  
13 school board shall seek input from parents, teachers, and  
14 representatives of the business community.

15 4.a. ~~Beginning with the 2002-2003 fiscal year,~~ Each  
16 district school board must adopt a performance-pay policy for  
17 school administrators and instructional personnel. The  
18 district's performance-pay policy is subject to negotiation as  
19 provided in chapter 447; however, the adopted salary schedule  
20 must allow school administrators and instructional personnel  
21 who demonstrate outstanding performance, as measured under s.  
22 1012.34, to earn a 5-percent supplement in addition to their  
23 individual, negotiated salary. The supplements shall be funded  
24 from the performance-pay reserve funds adopted in the salary  
25 schedule. ~~Beginning with the 2004-2005 academic year,~~ The  
26 district's 5-percent performance-pay policy must provide for  
27 the evaluation of classroom teachers based on the level of  
28 their responsibilities within each level of the salary career  
29 ladder provided in s. 1012.231.

30 b. The Commissioner of Education shall determine  
31 whether the district school board's adopted salary schedule

1 | complies with the requirement for performance-based pay. If  
2 | the district school board fails to comply with this section,  
3 | the commissioner shall recommend to the State Board of  
4 | Education that the board withhold disbursements from the  
5 | Educational Enhancement Trust Fund to the district until  
6 | compliance is verified, and the board may do so.

7 |       5.a. Beginning with the 2005-2006 fiscal year, each  
8 | district school board shall adopt a differentiated-pay policy  
9 | for school administrators and instructional personnel. The  
10 | policy with respect to instructional personnel is subject to  
11 | negotiation as provided in chapter 447; however, the adopted  
12 | salary schedule must allow school administrators and  
13 | instructional personnel to receive differentiated pay based  
14 | upon factors including, but not limited to:

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

17 |           (II) The economic demographics of the school, with  
18 | school administrators and instructional personnel in schools  
19 | that have a majority of students who qualify for free or  
20 | reduced-price lunches receiving higher pay;

21 |           (III) The performance of school administrators and  
22 | instructional personnel as provided in subparagraph 4.; and

23 |           (IV) The responsibilities of the classroom teacher.

24 |       b. The district school board must hold a public  
25 | hearing at which the board must present its proposed  
26 | differentiated-pay policy and the rationale supporting the  
27 | differentiated-pay classifications as proposed, consistent  
28 | with this subparagraph's differentiated-pay factors.

29 |       c. The Commissioner of Education shall determine  
30 | whether the district school board's adopted salary schedule  
31 | complies with the requirement for differentiated pay. If the

1 district school board does not adopt a differentiated-pay  
2 scale, the commissioner shall recommend to the State Board of  
3 Education that the board withhold disbursements from the  
4 Educational Enhancement Trust Fund to the district until  
5 compliance is verified, and the board may do so.

6 Section 37. Section 1012.2305, Florida Statutes, is  
7 created to read:

8 1012.2305 Minimum instructional personnel salary.--

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

17 (2) MINIMUM SALARY FOR INSTRUCTIONAL

18 PERSONNEL.--Contingent upon the passage of an amendment to s.  
19 1, Art. IX of the State Constitution to create district  
20 average maximum class sizes and establish minimum salary for  
21 instructional personnel, the minimum salary for full-time  
22 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
23 this state shall be \$35,000 and shall be established by the  
24 Legislature to remain above the national average public school  
25 teacher beginning salary.

26 Section 38. Section 1012.2315, Florida Statutes, is  
27 created to read:

28 1012.2315 Assignment of teachers.--

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

1 in a majority of "F" schools. The disparity can be found in  
2 the average years of experience, the median salary, and the  
3 performance of the teachers on teacher certification exams.  
4 It is the intent of the Legislature that district school  
5 boards have flexibility through the collective bargaining  
6 process to assign teachers more equitably to schools  
7 throughout the district.

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

21 (3) SALARY INCENTIVES.--District school boards may  
22 provide salary incentives to meet this requirement.

23 (4) COLLECTIVE BARGAINING.--Notwithstanding chapter  
24 447, no provision of collective bargaining may preclude a  
25 school district from assigning high-quality teachers to teach  
26 in low-performing schools.

27 Section 39. Section 1012.72, Florida Statutes, is  
28 amended to read:

29 1012.72 Dale Hickam Excellent Teaching Program.--

30 (1) The Legislature recognizes that teachers play a  
31 critical role in preparing students to achieve the high levels

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

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

26 (a) A fee subsidy to be paid by the Department of  
27 Education to the NBPTS on behalf of each individual who is an  
28 employee of a district school board or a public school within  
29 the school district, who is certified by the district to have  
30 demonstrated satisfactory teaching performance pursuant to s.  
31 1012.34 and who satisfies the prerequisites for participating

1 | in the NBPTS certification program, and who agrees, in  
2 | writing, to pay 10 percent of the NBPTS participation fee and  
3 | to participate in the NBPTS certification program during the  
4 | school year for which the fee subsidy is provided. The fee  
5 | subsidy for each eligible participant shall be an amount equal  
6 | to 90 percent of the fee charged for participating in the  
7 | NBPTS certification program. The fee subsidy is a one-time  
8 | award and may not be duplicated for any individual.

9 |         (b) A portfolio-preparation incentive of \$150 paid by  
10 | the Department of Education to each teacher employed by a  
11 | district school board or a public school within a school  
12 | district who is participating in the NBPTS certification  
13 | program. The portfolio-preparation incentive is a one-time  
14 | award paid during the school year for which the NBPTS fee  
15 | subsidy is provided.

16 |         (c) An annual bonus equal to 10 percent of the prior  
17 | fiscal year's statewide average salary for classroom teachers  
18 | to be distributed to the school district to be paid to each  
19 | individual who holds NBPTS certification and is employed by  
20 | the district school board or by a public school within the  
21 | school district. The district school board shall distribute  
22 | the annual bonus to each individual who meets the requirements  
23 | of this paragraph and who is certified annually by the  
24 | district to have demonstrated satisfactory teaching  
25 | performance pursuant to s. 1012.34. The annual bonus may be  
26 | paid as a single payment or divided into not more than three  
27 | payments.

28 |         (d) An annual bonus equal to 10 percent of the prior  
29 | fiscal year's statewide average salary for classroom teachers  
30 | to be distributed to the school district to be paid to each  
31 | individual who meets the requirements of paragraph (c) and

1 | agrees, in writing, to provide the equivalent of 12 workdays  
2 | of mentoring and related services to public school teachers  
3 | within the state who do not hold NBPTS certification. Related  
4 | services must include instruction in helping teachers work  
5 | more effectively with the families of their students. The  
6 | district school board shall distribute the annual bonus in a  
7 | single payment following the completion of all required  
8 | mentoring and related services for the year. It is not the  
9 | intent of the Legislature to remove excellent teachers from  
10 | their assigned classrooms; therefore, credit may not be  
11 | granted by a school district or public school for mentoring or  
12 | related services provided during student contact time during  
13 | the 196 days of required service for the school year.

14 |         (e) The employer's share of social security and  
15 | Medicare taxes and Florida Retirement System contributions for  
16 | those teachers who qualify for NBPTS certification and receive  
17 | bonus amounts.

18 |  
19 | A teacher for whom the state pays the certification fee and  
20 | who does not complete the certification program or does not  
21 | teach in a public school of this state for at least 1 year  
22 | after completing the certification program must repay the  
23 | amount of the certification fee to the state. However, a  
24 | teacher who completes the certification program but fails to  
25 | be awarded NBPTS certification is not required to repay the  
26 | amount of the certification fee if the teacher meets the  
27 | 1-year teaching requirement. Repayment is not required of a  
28 | teacher who does not complete the certification program or  
29 | fails to fulfill the teaching requirement because of the  
30 | teacher's death or disability or because of other extenuating  
31 | circumstances as determined by the State Board of Education.



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

24           (b) A person who is employed by the state, or any of  
25 its political subdivisions, may not be dismissed for having  
26 defaulted on the repayment of the certification fee subsidy to  
27 the state.

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

31

1           (5) The Council for Education Policy Research and  
2 Improvement shall conduct research to evaluate the benefits  
3 and effectiveness of the program.

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

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

12           Section 40. Section 1012.986, Florida Statutes, is  
13 created to read:

14           1012.986 Professional development for school  
15 leaders.--

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

19           (2) CREATION OF PROGRAM.--There is created the DELTA  
20 Program which shall be administered by the Department of  
21 Education. The program shall be a high-quality,  
22 competency-based, customized, comprehensive, and coordinated  
23 statewide professional development program to provide  
24 leadership training opportunities for school leaders to enable  
25 them to be more effective instructional leaders, especially in  
26 the area of reading. The program shall provide school leaders  
27 with the opportunity to attain a school leadership designation  
28 pursuant to subsection (4).

29           (3) DEFINITION.--As used in this section, the term  
30 "school leader" means a school principal or assistant  
31

1 principal who holds a valid Florida certificate in educational  
2 leadership.

3 (4) LEADERSHIP DESIGNATIONS.--The Department of  
4 Education shall determine annually, in collaboration with  
5 school principals, thresholds for different leadership  
6 designations. Criteria for school leadership designations  
7 shall be based on the following point system:

8 (a) One point for each percent increase over the  
9 previous year, by grade, of students who score at or above  
10 FCAT Level 3 in reading;

11 (b) One point for each percent increase over the  
12 previous year, by grade, of students who score at or above  
13 FCAT Level 3 in math;

14 (c) One point for each percent increase over the  
15 previous year, by school, of students who score 3.5 or higher  
16 on FCAT writing;

17 (d) One point for each percent increase over the  
18 previous year of students making learning gains in reading;

19 (e) One point for each percent increase over the  
20 previous year of students making learning gains in math;

21 (f) One point for each percent increase over the  
22 previous year of the lowest quartile making learning gains in  
23 reading.

24 (5) DELTA PROGRAM REQUIREMENTS.--

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

30 (b) The DELTA Program shall provide a competency-based  
31 approach that uses prediagnostic and post-diagnostic

1 evaluations that shall be used to create an individualized  
2 professional development plan approved by the district school  
3 superintendent. The plan must be structured to support the  
4 school leader's attainment of the leadership standards adopted  
5 by the State Board of Education.

6 (c) The DELTA Program shall incorporate training in  
7 instructional leadership and effective business practices for  
8 efficient school operations in school leadership training  
9 based on best practices of current effective leadership  
10 training in school districts.

11 (6) DELIVERY SYSTEM.--The Department of Education  
12 shall deliver the DELTA Program through multiple delivery  
13 systems, including:

14 (a) Approved school district training programs;

15 (b) Interactive technology-based instruction; and

16 (c) State, regional, or local leadership academies.

17 (7) RULES.--The State Board of Education shall adopt  
18 rules under ss. 120.536(1) and 120.54 to administer this  
19 section.

20 Section 41. Sections 1012.987 and 1012.231, Florida  
21 Statutes, are repealed.

22 Section 42. Sections 1003.03 and 1011.685, Florida  
23 Statutes, are repealed effective upon the effective date of  
24 amendments to the class size requirements provided in Section  
25 1 of Article IX of the State Constitution.

26 Section 43. If any provision of this act or the  
27 application thereof to any person or circumstance is held  
28 invalid, the invalidity does not affect other provisions or  
29 applications of the act which can be given effect without the  
30 invalid provision or application, and to this end the  
31 provisions of this act are declared severable.

1           Section 44. Except as otherwise expressly provided in  
2 this act, this act shall take effect upon becoming a law.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   Senate Bill 2480

4 The committee substitute:

5 Eliminates the creation of the Division of Accountability,  
6 Research, and Measurement within the Department of Education;

7 Deletes the Teacher's Sunshine Connection Technology  
8 Initiative;

9 Restores the Council for Education Policy Research and  
10 Improvement (CEPRI) to current law;

11 Eliminates the public records exemption of the academic level  
12 of private schools participating in educational scholarship  
13 programs;

14 Requires level 2 background screening for private schools  
15 participating in scholarship programs prior to employing staff  
16 who have unsupervised access to students;

17 Requires that private schools participating in scholarship  
18 programs conduct instruction at the school's physical site;

19 Requires the Commissioner of Education to revoke private  
20 school participation in the educational scholarship program in  
21 the event of fraud or imminent danger to the health, safety,  
22 and welfare of students;

23 Authorizes the Department of Education to investigate  
24 anonymous complaints of private schools participating in  
25 scholarship programs;

26 Eliminates a prohibition on school districts from beginning  
27 the school calendar prior to August 1;

28 Provides school and program choice preferences to students of  
29 transitioning military families, provided that space is  
30 available and eliminates charter schools from the special  
31 choice preference;

Establishes the High School Reform Act and Task Force to  
deliver recommendations to enhance high school curriculum and  
postsecondary choices;

Requires middle school students scoring at Level 3 to be  
enrolled in an intensive reading course;

Requires additional emphasis be given to study of U.S. History  
and encourages the Department of Education to pursue inclusion  
of social studies as a part of the Florida Comprehensive  
Assessment Test (FCAT);

Repeals the accelerated high school graduation option;

Requires academic performance data on Department of Juvenile  
Justice students to determine annual yearly progress (AYP)  
status;

1 Requires the grading of alternative schools and the  
2 Commissioner of Education to report annually on their  
3 performance;  
4 Requires alternative school student test scores to be  
5 attributable to the grades of both the originating school and  
6 the alternative school and provides exceptions;  
7 Assigns grades to combination schools not previously graded  
8 based on certain feeder patterns;  
9 Eliminates school advisory councils in the decision-making  
10 process as to how School Recognition funds will be allocated;  
11 Provides leadership designations within the Developing  
12 Educational Leaders for Tomorrow's Achievers (DELTA) program  
13 to be based on student learning gains as opposed to school  
14 grades;  
15 Requires all private schools participating in the educational  
16 scholarship programs to administer or make provisions for  
17 administering a nationally norm-referenced assessment  
18 comparable to the Florida Comprehensive Assessment Test as  
19 identified by the Department of Education;and  
20 Exempts students with disabilities, when appropriate, from  
21 standardized testing but requires an annual assessment to be  
22 determined by parents and staff.  
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