

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

1001.03 Specific powers of State Board of Education.--  
(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels. The board shall periodically review the standards to ensure adequate rigor, logical pupil progression, and articulation from grade to grade, and shall evaluate the extent to which the standards are being taught at each grade level.

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

1001.215 Just Read, Florida! Office.--There is created within the Department of Education the Just Read, Florida!

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 Office. The office shall:

2 (1) Train professionally certified teachers to become  
3 certified reading coaches.

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

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

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

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

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

18 (7) Work with teacher preparation programs approved  
19 under s. 1004.04 to ensure the integration of research-based  
20 strategies for reading instruction into teacher preparation  
21 programs.

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

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

27 1001.42 Powers and duties of district school  
28 board.--The district school board, acting as a board, shall  
29 exercise all powers and perform all duties listed below:

30 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
31 ACCOUNTABILITY.--Maintain a system of school improvement and

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 education accountability as provided by statute and State  
 2 Board of Education rule. This system of school improvement and  
 3 education accountability shall be consistent with, and  
 4 implemented through, the district's continuing system of  
 5 planning and budgeting required by this section and ss.  
 6 1008.385, 1010.01, and 1011.01. This system of school  
 7 improvement and education accountability shall include, but is  
 8 not limited to, the following:

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

30       **(b) Improvement plan requirements.--Each district**  
 31 **school board's system of school improvement and student**

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 progression must be designed to provide frequent and accurate  
2 information to the teacher and student regarding each  
3 student's progress toward mastering the Sunshine State  
4 Standards. The system must demonstrate the alignment of the  
5 Sunshine State Standards, instructional strategies,  
6 assessment, and professional development. Each school's school  
7 improvement plan must identify the strategies for monitoring  
8 the progress of each student. The process used by each school  
9 to monitor student progression must, at a minimum, contain the  
10 following components that are aimed at increasing student  
11 achievement:

12       1. Disaggregated student achievement data related to  
13 student performance which are used to identify each individual  
14 student's strengths and weaknesses and to determine the  
15 effectiveness of the teaching and learning strategies that are  
16 being used in the classroom;

17       2. The Sunshine State Standards instructional calendar  
18 and timeline, using disaggregated student performance data to  
19 focus instruction on the Sunshine State Standards, manage  
20 instructional time, and allocate resources;

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

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

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

31       6. Systematic monitoring of each teacher's

Barcode 074810

1 implementation of the comprehensive program for student  
2 progression as described in subparagraphs 1.-5.

3       ~~(c)(b)~~ Approval process.--Develop a process for  
4 approval of a school improvement plan presented by an  
5 individual school and its advisory council. In the event a  
6 district school board does not approve a school improvement  
7 plan after exhausting this process, the Department of  
8 Education shall be notified of the need for assistance.

9       ~~(d)(c)~~ Assistance and intervention.--

10           1. Develop a 2-year plan of increasing individualized  
11 assistance and intervention for each school in danger of not  
12 meeting state standards or making adequate progress, as  
13 defined pursuant to statute and State Board of Education rule,  
14 toward meeting the goals and standards of its approved school  
15 improvement plan.

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

19           3. Develop a plan to encourage teachers with  
20 demonstrated mastery in improving student performance to  
21 remain at or transfer to a school designated as performance  
22 grade category "D" or "F" or to an alternative school that  
23 serves disruptive or violent youths. If a classroom teacher,  
24 as defined by s. 1012.01(2)(a), who meets the definition of  
25 teaching mastery developed according to the provisions of this  
26 paragraph, requests assignment to a school designated as  
27 performance grade category "D" or "F" or to an alternative  
28 school that serves disruptive or violent youths, the district  
29 school board shall make every practical effort to grant the  
30 request.

31           4. Prioritize, to the extent possible, the

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 expenditures of funds received from the supplemental academic  
2 instruction categorical fund under s. 1011.62(1)(f) to improve  
3 student performance in schools that receive a performance  
4 grade category designation of "D" or "F."

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

15 ~~(f)(e)~~ Public disclosure.--Provide information  
16 regarding performance of students and educational programs as  
17 required pursuant to ss. 1008.22 and 1008.385 and implement a  
18 system of school reports as required by statute and State  
19 Board of Education rule that shall include schools operating  
20 for the purpose of providing educational services to youth in  
21 Department of Juvenile Justice programs, and for those  
22 schools, report on the elements specified in s. 1003.52(19).  
23 Annual public disclosure reports shall be in an easy-to-read  
24 report card format and shall include the school's student and  
25 school performance grade category designation and performance  
26 data as specified in state board rule.

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

31 Section 4. Each school district must observe November

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 11 of each year as the Veterans' Day holiday. Classes may not  
 2 be held on such holiday for any reason except for a declared  
 3 state emergency. If November 11 falls on a Saturday or Sunday,  
 4 a school holiday shall be observed on a weekday immediately  
 5 following or preceding that weekend so as to correspond with  
 6 the date that Veterans' Day is observed as a federal holiday.

7 Section 5. Section 1002.421, Florida Statutes, is  
 8 created to read:

9 1002.421 Rights and obligations of private schools  
 10 participating in state school choice scholarship  
 11 programs.--The requirements imposed under this section on  
 12 private schools that participate in state school choice  
 13 scholarship programs are in addition to the requirements for  
 14 private schools which are outlined in s. 1002.42, specific  
 15 requirements under laws relating to various scholarship  
 16 programs, and other laws of this state which apply to private  
 17 schools.

18 (1) A private school in this state which participates  
 19 in the Corporate Tax Credit Scholarship Program, as defined in  
 20 s. 220.187, or in an educational scholarship program  
 21 established under chapter 1002 must comply with all  
 22 requirements of this section.

23 (2) A private school participating in a scholarship  
 24 program in this state:

25 (a) Must be a Florida private school as defined in s.  
 26 1002.01(2).

27 (b) Must comply with all state laws pertaining to  
 28 private schools.

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

31 (d) Must maintain a physical location in this state

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 where each scholarship student regularly attends classes.

2 (e) May not be a correspondence school or distance  
3 learning school.

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

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

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

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

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

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

18 (l) Must complete student-enrollment and  
19 attendance-verification requirements, including an on-line  
20 attendance-verification form, before a scholarship payment is  
21 made.

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

26 (n) Must demonstrate fiscal soundness and  
27 accountability by:

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



1 department.

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

9       (o) Must meet applicable state and local laws, codes,  
10 and rules relating to health, safety, and welfare, including  
11 those relating to firesafety and building safety.

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

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1       (r) Must ensure that each individual who has  
2 unsupervised access to a scholarship student for whom the  
3 private school is responsible, prior to employment, engagement  
4 of services, or appointment, undergo background screening  
5 under s. 435.04 by filing with the Department of Education a  
6 complete set of fingerprints taken by an authorized law  
7 enforcement agency or an employee of the private school who is  
8 trained to take fingerprints. However, the complete set of  
9 fingerprints for an owner of an eligible private school must  
10 be taken by an authorized law enforcement agency. These  
11 fingerprints must be submitted to the Department of Law  
12 Enforcement for state processing, which shall in turn submit  
13 the fingerprints to the Federal Bureau of Investigation for  
14 federal processing. The Department of Education shall screen  
15 the background results and report to the private school any  
16 person described in this paragraph who fails to meet level 2  
17 screening standards under s. 435.04. Any individual described  
18 in this paragraph who fails the level 2 background screening  
19 under s. 435.04 may not have unsupervised access to a  
20 scholarship student. For purposes of this paragraph:

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

23           2. A private school that allows an individual to have  
24 unsupervised access to a scholarship student who failed the  
25 level 2 background screening under s. 435.04 is ineligible to  
26 participate in the scholarship program.

27           3. An individual holding a valid teaching certificate  
28 in this state who has been fingerprinted pursuant to s.  
29 1012.32 need not comply with this paragraph.

30           (3) The inability of a private school to meet the  
31 requirements of this section constitutes a basis for the

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 ineligibility of the private school to participate in a  
2 scholarship program as determined by the department.

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

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

12 Section 6. Section 1002.423, Florida Statutes, is  
13 created to read:

14 1002.423 Department of Education; obligations for  
15 state school choice scholarship programs.--The requirements  
16 imposed under this section apply to all state choice  
17 scholarship programs, including the Corporate Tax Credit  
18 Scholarship Program, as defined in s. 220.187, or an  
19 educational scholarship program established under this  
20 chapter.

21 (a) The Department of Education must identify all  
22 nationally norm-referenced tests that are comparable to the  
23 norm-referenced test portions of the Florida Comprehensive  
24 Assessment Test (FCAT).

25 (b) The Department of Education must select an  
26 independent private research organization to which each  
27 participating private school must report the scores of  
28 participating students on the nationally norm-referenced tests  
29 administered by the private school. The independent private  
30 research organization must annually report to the Department  
31 of Education on the year-to-year improvements of the

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

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

25           1003.05 Assistance to transitioning students from  
26 military families.--

27           (3) Dependent children of active duty military  
28 personnel who otherwise meet the eligibility criteria for  
29 special academic programs offered through public schools shall  
30 be given first preference for admission to such programs even  
31 if the program is being offered through a public school other

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 than the school to which the student would generally be  
 2 assigned ~~and the school at which the program is being offered~~  
 3 ~~has reached its maximum enrollment~~. If such a program is  
 4 offered through a public school other than the school to which  
 5 the student would generally be assigned, the parent ~~or~~  
 6 ~~guardian~~ of the student must assume responsibility for  
 7 transporting the student to that school. For purposes of this  
 8 subsection, special academic programs include ~~charter schools,~~  
 9 magnet schools, advanced studies programs, advanced placement,  
 10 dual enrollment, and International Baccalaureate.

11 Section 8. Section 1003.413, Florida Statutes, is  
 12 created to read:

13 1003.413 High school reform.--

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

16 (2) Beginning with the 2005-2006 school year, each  
 17 school district shall establish policies to assist high school  
 18 students to remain in school, graduate on time, and be  
 19 prepared for postsecondary education and the workforce. The  
 20 policies must address:

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

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

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

28 (d) Placement in alternative programs, such as  
 29 programs that emphasize applied integrated curricula, small  
 30 learning communities, support services, increased discipline,  
 31 or other strategies documented to improve student achievement.

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

3  
4 A student's participation in an instructional or remediation  
5 program prior to or immediately following entering grade 9 for  
6 the first time shall not affect that student's classification  
7 as a first-time ninth grader for reporting purposes, including  
8 calculation of graduation and dropout rates.

9 Section 9. High School Reform Task Force.--

10 (1) There is created the High School Reform Task  
11 Force. The task force shall work in conjunction with the  
12 Southern Regional Education Board and shall be  
13 administratively supported by the office of the Chancellor for  
14 K-12 Public Schools in the Department of Education and the  
15 Just Read, Florida! Office. Appointments to the task force  
16 shall be coordinated to ensure that the membership reflects  
17 the geographic and cultural diversity of Florida's school age  
18 population. The task force shall be abolished upon submission  
19 of its report.

20 (2)(a) The Commissioner of Education shall appoint  
21 members of the task force from the following categories and  
22 shall appoint the chair of the task force from its membership.

23 1. Two district school superintendents, one who is  
24 from a large urban school district and one who is from a  
25 small, rural school district.

26 2. One school board member who is from a medium size  
27 school district.

28 3. Three public school principals, one from a large  
29 high performing high school, one from a vocational technical  
30 high school, and one from a lower performing high school.

31 4. Three public high school teachers, one who is an

1 experienced reading teacher, one who is from a school graded  
2 "F," and one who is from a high performing school.

3 5. Three parents of public high school students who  
4 represent the demographic, racial, and ethnic diversity of the  
5 state.

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

8 7. One representative of the business community.

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

11 9. One expert on the subject of high school reform who  
12 does not otherwise fall inside one of the enumerated  
13 categories.

14 (b) The President of the Senate shall appoint one  
15 member of the Senate to serve on the task force and the  
16 Speaker of the House of Representatives shall appoint one  
17 member of the House of Representatives to serve on the task  
18 force.

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

22 (4) Not later than February 1, 2006, the task force  
23 shall recommend to the Governor, the President of the Senate,  
24 and the Speaker of the House of Representatives a long-term  
25 plan for revisions to statutes, rules, and policies that will  
26 improve Florida's grade 9 retention rate, graduation rate,  
27 dropout rate, and college remediation rate, and align high  
28 school requirements with the needs of Florida's employers and  
29 postsecondary educational institution requirements. The plan  
30 must address, but is not limited to addressing: graduation  
31 requirements; course redesign; remediation strategies; credit

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 recovery; use of alternative programs including programs  
 2 emphasizing applied integrated curricula, small learning  
 3 communities, support services, or increased discipline; the  
 4 use of technology; adjustments to the school grading system to  
 5 reflect learning gains by high school students; middle school  
 6 systemic alignment; transition from middle school to high  
 7 school; alignment with postsecondary and workforce education  
 8 requirements; and alignment with employer expectations.

9           Section 10. Subsection (6) of section 1003.415,  
 10 Florida Statutes, is repealed, and subsection (2), paragraph  
 11 (a) of subsection (5), and paragraph (a) of present subsection  
 12 (7) of that section are amended, to read:

13           1003.415 The Middle Grades Reform Act.--

14           (2) PURPOSE AND INTENT.--

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

22           (b) It is the intent of the Legislature that students  
 23 promoted from the eighth grade will be ready for success in  
 24 high school and that the mission of the middle grades is to  
 25 prepare students for the successful completion of rigorous  
 26 courses in high school.

27           (5) RIGOROUS READING REQUIREMENT.--

28           (a) ~~Beginning with the 2004-2005 school year,~~ Each  
 29 public school serving middle grade students, including charter  
 30 schools, with fewer than 75 percent of its students reading at  
 31 or above grade level in grade 6, grade 7, or grade 8 as



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 measured by a student scoring at Level 3 or above on the FCAT  
 2 during the prior school year, must incorporate by October 1 a  
 3 rigorous reading requirement for reading and language arts  
 4 programs as the primary component of its school improvement  
 5 plan. The department shall annually provide to each district  
 6 school board by June 30 a list of its schools that are  
 7 required to incorporate a rigorous reading requirement as the  
 8 primary component of the school's improvement plan. The  
 9 department shall provide technical assistance to school  
 10 districts and school administrators required to implement the  
 11 rigorous reading requirement.

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

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

25 ~~i. Academic expectations, which include, but are not~~  
 26 ~~limited to:~~

27 ~~a. Alignment of middle school expectations with~~  
 28 ~~elementary and high school graduation requirements.~~

29 ~~b. Best practices to improve reading and language arts~~  
 30 ~~courses based on research-based programs for middle school~~  
 31 ~~students in alignment with the Sunshine State Standards.~~

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

- 1 ~~c. Strategies that focus on improving academic success~~
- 2 ~~for low-performing students.~~
- 3 ~~d. Rigor of curricula and courses.~~
- 4 ~~e. Instructional materials.~~
- 5 ~~f. Course enrollment by middle school students.~~
- 6 ~~g. Student support services.~~
- 7 ~~h. Measurement and reporting of student achievement.~~
- 8 ~~2. Attendance policies and student mobility issues.~~
- 9 ~~3. Teacher quality, which includes, but is not limited~~
- 10 ~~to:~~
- 11 ~~a. Preparedness of teachers to teach rigorous courses~~
- 12 ~~to middle school students.~~
- 13 ~~b. Teacher evaluations.~~
- 14 ~~c. Substitute teachers.~~
- 15 ~~d. Certification and recertification requirements.~~
- 16 ~~e. Staff development requirements.~~
- 17 ~~f. Availability of effective staff development~~
- 18 ~~training.~~
- 19 ~~g. Teacher recruitment and vacancy issues.~~
- 20 ~~h. Federal requirements for highly qualified teachers~~
- 21 ~~pursuant to the No Child Left Behind Act of 2001.~~
- 22 ~~4. Identification and availability of diagnostic~~
- 23 ~~testing.~~
- 24 ~~5. Availability of personnel and scheduling issues.~~
- 25 ~~6. Middle school leadership and performance.~~
- 26 ~~7. Parental and community involvement.~~
- 27 ~~(b) By December 1, 2004, the Commissioner of Education~~
- 28 ~~shall submit to the President of the Senate, the Speaker of~~
- 29 ~~the House of Representatives, the chairs of the education~~
- 30 ~~committees in the Senate and the House of Representatives, and~~
- 31 ~~the State Board of Education recommendations to increase the~~

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 ~~academic performance of middle grade students and schools.~~

2 ~~(6)(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--~~

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

21 Section 11. Section 1003.4155, Florida Statutes, is  
22 created to read:

23 1003.4155 Middle school grading system.--The grading  
24 system and interpretation of letter grades used in grades 6  
25 through 8 shall be as follows:

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

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

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

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

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

12       Section 12. Section 1003.4156, Florida Statutes, is  
13 created to read:

14       1003.4156 General requirements for middle school  
15 promotion.--

16       (1) Beginning with students entering grade 6 in the  
17 2005-2006 school year, promotion from a middle school, grades  
18 6 through 8, requires the successful completion of 12 academic  
19 credits, including:

20       (a) Three middle school or higher credits in  
21 English/language arts.

22       (b) Three middle school or higher credits in  
23 mathematics.

24       (c) Three middle school or higher credits in social  
25 studies.

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

27  
28 Other courses offered in middle school, including music, band,  
29 physical education, and art, shall be considered electives.

30       (2) In addition to the credits required under  
31 subsection (1), for each year a student scores at Level 1 or 2

Barcode 074810

1 on the reading portion of the FCAT, the student must be  
 2 enrolled the following year in a full-year intensive reading  
 3 course for which the student may earn up to three credits. The  
 4 intensive reading course must be based on frameworks developed  
 5 by the Florida Center for Reading Research, or a comparable  
 6 course as identified by the Department of Education, which  
 7 includes an emphasis on integration of core curriculum  
 8 standards and incorporation of informational and expository  
 9 text.

10       (3) In addition to the credits required under  
 11 subsection (1), for each year a student scores at Level 3 on  
 12 the reading portion of the FCAT, the student must be enrolled  
 13 the following year in a one-semester intensive reading course.  
 14 The reading course must be based on frameworks developed by  
 15 the Florida Center for Reading Research, or a comparable  
 16 course as identified by the Department of Education, which  
 17 includes an emphasis on integration of core curriculum  
 18 standards and incorporation of informational and expository  
 19 text.

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

27       (5) District school boards shall establish policies to  
 28 allow alternative methods for students to earn the credits  
 29 required by this section. The alternative methods must  
 30 include, but are not limited to, opportunities for students  
 31 to:

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1           (a) Recover credits;  
 2           (b) Be promoted on time to high school; and  
 3           (c) Be placed in programs that emphasize applied  
 4 integrated curricula, small learning communities, support  
 5 services, increased discipline, or other strategies documented  
 6 to improve student achievement.

7  
 8 The district's policy, or amendments to the policy, shall be  
 9 submitted to the State Board of Education for approval. If the  
 10 State Board of Education does not take action within 60 days  
 11 following receipt of the proposed policy, the policy shall  
 12 stand approved.

13           (6) The State Board of Education shall adopt rules  
 14 under ss. 120.536(1) and 120.54 to provide for alternative  
 15 middle school promotion standards for students in grade 6,  
 16 grade 7, or grade 8 who are not enrolled in a school that has  
 17 a grade 6 through grade 8 middle school configuration.

18           Section 13. Section 1003.42, Florida Statutes, is  
 19 amended to read:

20           1003.42 Required instruction.--

21           (1) Each district school board shall provide all  
 22 courses required for high school graduation and appropriate  
 23 instruction designed to ensure that students meet State Board  
 24 of Education adopted standards in the following subject areas:  
 25 reading and other language arts, mathematics, science, social  
 26 studies, foreign languages, health and physical education, and  
 27 the arts.

28           (2) Members of the instructional staff of the public  
 29 schools, subject to the rules of the State Board of Education  
 30 and the district school board, shall teach efficiently and  
 31 faithfully, using the books and materials required that meet

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 the highest standards for professionalism and historic  
2 accuracy, following the prescribed courses of study, and  
3 employing approved methods of instruction, the following:

4 (a) The history and content of the Declaration of  
5 Independence, including national sovereignty, natural law,  
6 self-evident truth, equality of all persons, limited  
7 government, popular sovereignty, and inalienable rights of  
8 life, liberty, and property, and how they form ~~it forms~~ the  
9 philosophical foundation of our government.

10 (b) The history, meaning, significance, and effect of  
11 the provisions of the Constitution of the United States and  
12 amendments thereto, with emphasis on each of the 10 amendments  
13 that make up the Bill of Rights and how the constitution  
14 provides the structure of our government.

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

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

20 (d) Flag education, including proper flag display and  
21 flag salute.

22 (e) The elements of civil government, including the  
23 primary functions of and interrelationships between the  
24 Federal Government, the state, and its counties,  
25 municipalities, school districts, and special districts.

26 (f) The history of the United States, including the  
27 period of discovery, early colonies, the War for Independence,  
28 the Civil War, the expansion of the United States to its  
29 present boundaries, the world wars, and the civil rights  
30 movement to the present. American history shall be viewed as  
31 factual, not as constructed, shall be viewed as knowable,

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 teachable, and testable, and shall be defined as the creation  
2 of a new nation based largely on the universal principles  
3 stated in the Declaration of Independence.

4       ~~(g)(f)~~ The history of the Holocaust (1933-1945), the  
5 systematic, planned annihilation of European Jews and other  
6 groups by Nazi Germany, a watershed event in the history of  
7 humanity, to be taught in a manner that leads to an  
8 investigation of human behavior, an understanding of the  
9 ramifications of prejudice, racism, and stereotyping, and an  
10 examination of what it means to be a responsible and  
11 respectful person, for the purposes of encouraging tolerance  
12 of diversity in a pluralistic society and for nurturing and  
13 protecting democratic values and institutions.

14       ~~(h)(g)~~ The history of African Americans, including the  
15 history of African peoples before the political conflicts that  
16 led to the development of slavery, the passage to America, the  
17 enslavement experience, abolition, and the contributions of  
18 African Americans to society.

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

20       ~~(j)(i)~~ The true effects of all alcoholic and  
21 intoxicating liquors and beverages and narcotics upon the  
22 human body and mind.

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

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

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

26       ~~(n)(m)~~ Comprehensive health education that addresses  
27 concepts of community health; consumer health; environmental  
28 health; family life, including an awareness of the benefits of  
29 sexual abstinence as the expected standard and the  
30 consequences of teenage pregnancy; mental and emotional  
31 health; injury prevention and safety; nutrition; personal



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 health; prevention and control of disease; and substance use  
2 and abuse.

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

7       ~~(p)(o)~~ The study of Hispanic contributions to the  
8 United States.

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

11       ~~(r)~~ The nature and importance of free enterprise to  
12 the United States economy.

13       ~~(s)(q)~~ A character-development program in the  
14 elementary schools, similar to Character First or Character  
15 Counts, which is secular in nature ~~and stresses such character~~  
16 ~~qualities as attentiveness, patience, and initiative.~~

17 Beginning in school year 2004-2005, the character-development  
18 program shall be required in kindergarten through grade 12.  
19 Each district school board shall develop or adopt a curriculum  
20 for the character-development program that shall be submitted  
21 to the department for approval. The character-development  
22 curriculum shall stress the qualities of patriotism;  
23 responsibility; citizenship; kindness; respect for  
24 authority, life, liberty, and personal property; honesty;  
25 charity; self-control; racial, ethnic, and religious  
26 tolerance; and cooperation.

27       ~~(t)(r)~~ In order to encourage patriotism, the  
28 sacrifices that veterans have made in serving our country and  
29 protecting democratic values worldwide. Such instruction must  
30 occur on or before Veterans' Day and Memorial Day. Members of  
31 the instructional staff are encouraged to use the assistance

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 of local veterans when practicable.

2

3 The State Board of Education is encouraged to adopt standards  
4 and pursue assessment of the requirements of this subsection.

5 (3) Any student whose parent makes written request to  
6 the school principal shall be exempted from the teaching of  
7 reproductive health or any disease, including HIV/AIDS, its  
8 symptoms, development, and treatment. A student so exempted  
9 may not be penalized by reason of that exemption. Course  
10 descriptions for comprehensive health education shall not  
11 interfere with the local determination of appropriate  
12 curriculum which reflects local values and concerns.

13 Section 14. Subsection (15) of section 1003.52,  
14 Florida Statutes, is amended to read:

15 1003.52 Educational services in Department of Juvenile  
16 Justice programs.--

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

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 assurance rating for the educational component shall be  
2 disaggregated from the overall quality assurance score and  
3 reported separately.

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

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

25 Section 15. Section 1003.57, Florida Statutes, is  
26 amended to read:

27 1003.57 Exceptional students instruction.--

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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 supplementary aids and services cannot be achieved

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 satisfactorily.

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

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

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

28       (c) The Department of Education shall develop a  
 29 process by which a school district must, before providing  
 30 services to an exceptional student with a disability who  
 31 resides in a residential facility in this state, review the

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

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

17 Section 16. 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 17. 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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

17 1004.64 Florida Center for Reading Research.--There is  
18 created, as a joint project between the College of Arts and  
19 Sciences and the Learning Systems Institute (LSI) at the  
20 Florida State University, the Florida Center for Reading  
21 Research (FCRR). The center is administratively housed within  
22 the LSI and shall:

23 (1) Provide technical assistance and support to all  
24 school districts and schools in this state in the  
25 implementation of evidence-based literacy instruction,  
26 assessments, and programs.

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

30 (3) Conduct basic research on reading, reading growth,  
31 reading assessment, and reading instruction which will

1 contribute to scientific knowledge about reading.

2       (4) Develop frameworks for comprehensive reading  
3 intervention courses for possible use in middle schools and  
4 secondary schools.

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

8       (6) Collect, manage, and report on assessment  
9 information from screening, progress monitoring, and outcome  
10 assessments through the Florida Progress Monitoring and  
11 Reporting Network. The network is a statewide resource that is  
12 operated to provide valid and timely reading assessment data  
13 for parents, teachers, principals, and district-level and  
14 state-level staff in the management of instruction at the  
15 individual, classroom, and school levels.

16       Section 19. Section 1008.22, Florida Statutes, is  
17 amended to read:

18       1008.22 Student assessment program for public  
19 schools.--

20       (1) PURPOSE.--The primary purposes of the student  
21 assessment program are to provide information needed to  
22 improve the public schools by enhancing the learning gains of  
23 all students and to inform parents of the educational progress  
24 of their public school children. The program must be designed  
25 to:

26       (a) Assess the annual learning gains of each student  
27 toward achieving the Sunshine State Standards appropriate for  
28 the student's grade level.

29       (b) Provide data for making decisions regarding school  
30 accountability and recognition.

31       (c) Identify the educational strengths and needs of

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 students and the readiness of students to be promoted to the  
2 next grade level or to graduate from high school with a  
3 standard high school diploma.

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

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

8 (f) Provide information on the performance of ~~Florida~~  
9 students in this state compared with other students ~~others~~  
10 across the United States.

11 (2) INTENT.--

12 (a) It is the intent of the Legislature that the  
13 Department of Education pursue innovations in technology and  
14 assessment to allow the Florida Comprehensive Assessment Test  
15 (FCAT) to be administered as late as possible in the school  
16 year with scores received before the end of the school year.  
17 The department shall pursue such innovations to the extent  
18 funded by the Legislature. Annually, the Commissioner of  
19 Education shall report to the Governor, the President of the  
20 Senate, and the Speaker of the House of Representatives on the  
21 state of the art in large-scale on-line assessment  
22 capabilities of the industry and of the capacity of the public  
23 schools in this state to implement a statewide program.

24 (b) It is the further intent of the Legislature that  
25 the Department of Education make accessible to the public  
26 copies of actual scored FCAT test items when sufficient items  
27 are available through the test-item databank to ensure the  
28 security and validity of the test. The department shall  
29 provide such FCAT test items to the extent that sufficient  
30 items are funded by the Legislature. However, this paragraph  
31 does not apply to those provisions of the FCAT to which the

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 department does not hold the copyright.

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

19       ~~(4)~~~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
20 shall design and implement a statewide program of educational  
21 assessment that provides information for the improvement of  
22 the operation and management of the public schools, including  
23 schools operating for the purpose of providing educational  
24 services to youth in Department of Juvenile Justice programs.  
25 The commissioner may enter into contracts for the continued  
26 administration of the assessment, testing, and evaluation  
27 programs authorized and funded by the Legislature. Contracts  
28 may be initiated in 1 fiscal year and continue into the next  
29 and may be paid from the appropriations of either or both  
30 fiscal years. The commissioner is authorized to negotiate for  
31 the sale or lease of tests, scoring protocols, test scoring

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 services, and related materials developed pursuant to law.

2 Pursuant to the statewide assessment program, the commissioner  
3 shall:

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

18 (b) Develop and implement a uniform system of  
19 indicators to describe the performance of public school  
20 students and the characteristics of the public school  
21 districts and the public schools. These indicators must  
22 include, without limitation, information gathered by the  
23 comprehensive management information system created pursuant  
24 to s. 1008.385 and student achievement information obtained  
25 pursuant to this section.

26 (c) Develop and implement a student achievement  
27 testing program known as the Florida Comprehensive Assessment  
28 Test (FCAT) as part of the statewide assessment program, ~~to be~~  
29 ~~administered annually in grades 3 through 10~~ to measure  
30 reading, writing, science, and mathematics. Other content  
31 areas may be included as directed by the commissioner. The

Barcode 074810

1 assessment of reading and math shall be administered annually  
 2 in grades 3 through 10. The assessment of writing and science  
 3 shall be administered at least once at the elementary school  
 4 level, at least once at the middle school level, and at least  
 5 once at the high school level. The testing program must be  
 6 designed so that:

7       1. The tests measure student skills and competencies  
 8 adopted by the State Board of Education as specified in  
 9 paragraph (a). The tests must measure and report student  
 10 proficiency levels in reading, writing, mathematics, and  
 11 science. The commissioner shall provide for the tests to be  
 12 developed or obtained, as appropriate, through contracts and  
 13 project agreements with private vendors, public vendors,  
 14 public agencies, postsecondary educational institutions, or  
 15 school districts. The commissioner shall obtain input with  
 16 respect to the design and implementation of the testing  
 17 program from state educators and the public.

18       2. The testing program will include a combination of  
 19 norm-referenced and criterion-referenced tests and include, to  
 20 the extent determined by the commissioner, questions that  
 21 require the student to produce information or perform tasks in  
 22 such a way that the skills and competencies he or she uses can  
 23 be measured.

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

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

26           6. Participation in the testing program is mandatory  
 27 for all students attending public school, including students  
 28 served in Department of Juvenile Justice programs, except as  
 29 otherwise prescribed by the commissioner. If a student does  
 30 not participate in the statewide assessment, the district must  
 31 notify the student's parent and provide the parent with

Barcode 074810

1 information regarding the implications of such  
 2 nonparticipation. If modifications are made in the student's  
 3 instruction to provide accommodations that would not be  
 4 permitted on the statewide assessment tests, the district must  
 5 notify the student's parent of the implications of such  
 6 instructional modifications. A parent must provide signed  
 7 consent for a student to receive instructional modifications  
 8 that would not be permitted on the statewide assessments and  
 9 must acknowledge in writing that he or she understands the  
 10 implications of such accommodations. The State Board of  
 11 Education shall adopt rules, based upon recommendations of the  
 12 commissioner, for the provision of test accommodations and  
 13 modifications of procedures as necessary for students in  
 14 exceptional education programs and for students who have  
 15 limited English proficiency. Accommodations that negate the  
 16 validity of a statewide assessment are not allowable.

17         7. A student seeking an adult high school diploma must  
 18 meet the same testing requirements that a regular high school  
 19 student must meet.

20         8. District school boards must provide instruction to  
 21 prepare students to demonstrate proficiency in the skills and  
 22 competencies necessary for successful grade-to-grade  
 23 progression and high school graduation. If a student is  
 24 provided with accommodations or modifications that are not  
 25 allowable in the statewide assessment program, as described in  
 26 the test manuals, the district must inform the parent in  
 27 writing and must provide the parent with information regarding  
 28 the impact on the student's ability to meet expected  
 29 proficiency levels in reading, writing, and math. The  
 30 commissioner shall conduct studies as necessary to verify that  
 31 the required skills and competencies are part of the district



1 instructional programs.

2           9. The Department of Education must develop, or  
3 select, and implement a common battery of assessment tools  
4 that will be used in all juvenile justice programs in the  
5 state. These tools must accurately measure the skills and  
6 competencies established in the Florida Sunshine State  
7 Standards.

8  
9 The commissioner may design and implement student testing  
10 programs, for any grade level and subject area, necessary to  
11 effectively monitor educational achievement in the state.

12           (d) Conduct ongoing research to develop improved  
13 methods of assessing student performance, including, without  
14 limitation, the use of technology to administer tests, score,  
15 or report the results of, the use of electronic transfer of  
16 data, the development of work-product assessments, and the  
17 development of process assessments.

18           (e) Conduct ongoing research into and analysis of  
19 student achievement data, including, without limitation,  
20 monitoring trends in student achievement by grade level and  
21 overall student achievement, identifying school programs that  
22 are successful, and analyzing correlates of school  
23 achievement.

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

27           ~~(5)~~(4) DISTRICT TESTING PROGRAMS.--Each district  
28 school board shall periodically assess student performance and  
29 achievement within each school of the district. The assessment  
30 programs must be based upon local goals and objectives that  
31 are compatible with the state plan for education and that

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 supplement the skills and competencies adopted by the State  
 2 Board of Education. All school districts must participate in  
 3 the statewide assessment program designed to measure annual  
 4 student learning and school performance. All district school  
 5 boards shall report assessment results as required by the  
 6 state management information system.

7       ~~(6)~~~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school  
 8 shall participate in the statewide assessment program, unless  
 9 specifically exempted by state board rule based on serving a  
 10 specialized population for which standardized testing is not  
 11 appropriate. Student performance data shall be analyzed and  
 12 reported to parents, the community, and the state. Student  
 13 performance data shall be used in developing objectives of the  
 14 school improvement plan, evaluation of instructional  
 15 personnel, evaluation of administrative personnel, assignment  
 16 of staff, allocation of resources, acquisition of  
 17 instructional materials and technology, performance-based  
 18 budgeting, and promotion and assignment of students into  
 19 educational programs. The analysis of student performance data  
 20 also must identify strengths and needs in the educational  
 21 program and trends over time. The analysis must be used in  
 22 conjunction with the budgetary planning processes developed  
 23 pursuant to s. 1008.385 and the development of the programs of  
 24 remediation.

25       ~~(7)~~~~(6)~~ REQUIRED ANALYSES.--The commissioner shall  
 26 provide, at a minimum, for the following analyses of data  
 27 produced by the student achievement testing program:

- 28           (a) The statistical system for the annual assessments
- 29 shall use measures of student learning, such as the FCAT, to
- 30 determine teacher, school, and school district statistical
- 31 distributions, which shall be determined using available data

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 from the FCAT, and other data collection as deemed appropriate  
2 by the Department of Education, to measure the differences in  
3 student prior year achievement compared to the current year  
4 achievement for the purposes of accountability and  
5 recognition.

6 (b) The statistical system shall provide the best  
7 estimates of teacher, school, and school district effects on  
8 student progress. The approach used by the department shall be  
9 approved by the commissioner before implementation.

10 (c) The annual testing program shall be administered  
11 to provide for valid statewide comparisons of learning gains  
12 to be made for purposes of accountability and recognition. The  
13 commissioner shall establish a schedule for the administration  
14 of the statewide assessments. In establishing such schedule,  
15 the commissioner is charged with the duty to accomplish the  
16 latest possible administration of the statewide assessments  
17 and the earliest possible provision of the results to the  
18 school districts feasible within available technology and  
19 specific appropriation. District school boards shall not  
20 establish school calendars that jeopardize or limit the valid  
21 testing and comparison of student learning gains.

22 ~~(8)(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning  
23 gains of students in all subjects and grade levels other than  
24 subjects and grade levels required for the state student  
25 achievement testing program is the responsibility of the  
26 school districts.

27 ~~(9)(8)~~ APPLICABILITY OF TESTING STANDARDS.--A student  
28 must meet the testing requirements for high school graduation  
29 that were in effect at the time the student entered 9th grade,  
30 provided the student's enrollment was continuous.

31 ~~(10)(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.--

Bill No. HCB 6007, 2nd Enq.

Barcode 074810

1           (a) The Commissioner of Education shall approve the  
 2 use of the SAT and ACT tests as alternative assessments to the  
 3 grade 10 FCAT ~~for the 2003-2004 school year~~. Students who  
 4 attain scores on the SAT or ACT which equate to the passing  
 5 scores on the grade 10 FCAT for purposes of high school  
 6 graduation shall satisfy the assessment requirement for a  
 7 standard high school diploma as provided in s. 1003.429(6)(a)  
 8 or s. 1003.43(5)(a) ~~for the 2003-2004 school year~~ if the  
 9 students meet the requirement in paragraph (b).

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

16           ~~(11)(10)~~ RULES.--The State Board of Education shall  
 17 adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to  
 18 implement ~~the provisions of~~ this section.

19           Section 20. Subsection (8) of section 1008.25, Florida  
 20 Statutes, is amended, and subsection (11) is added to that  
 21 section, to read:

22           1008.25 Public school student progression; remedial  
 23 instruction; reporting requirements.--

24           (8) ANNUAL REPORT.--

25           (a) In addition to the requirements in paragraph  
 26 (5)(b), each district school board must annually report to the  
 27 parent of each student the progress of the student toward  
 28 achieving state and district expectations for proficiency in  
 29 reading, writing, science, and mathematics. The district  
 30 school board must report to the parent the student's results  
 31 on each statewide assessment test. The evaluation of each

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 student's progress must be based upon the student's classroom  
2 work, observations, tests, district and state assessments, and  
3 other relevant information. Progress reporting must be  
4 provided to the parent in writing in a format adopted by the  
5 district school board.

6 (b) ~~Beginning with the 2001-2002 school year,~~ Each  
7 district school board must annually publish in the local  
8 newspaper, and report in writing to the State Board of  
9 Education by September 1 of each year, the following  
10 information on the prior school year:

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

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

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

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

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

24 (c) The Department of Education shall establish a  
25 uniform format in which school districts must report such  
26 information. The department shall annually compile the  
27 information required under subparagraphs (b)2., 3., and 4.,  
28 along with state-level summary information, and shall report  
29 the information to the Governor, the President of the Senate,  
30 and the Speaker of the House of Representatives.

31 (11) REPORTS.--The Department of Education shall

1 annually provide to the Governor, the President of the Senate,

2 and the Speaker of the House of Representatives a report on:

3 (a) The longitudinal performance of students in math  
4 and reading.

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

7 (c) The longitudinal performance regarding efforts to  
8 close the achievement gap.

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

11 (e) Other student performance data based on national  
12 norm-referenced and criterion-referenced tests, when  
13 available.

14 Section 21. Section 1008.31, Florida Statutes, is  
15 amended to read:

16 1008.31 Florida's K-20 education performance  
17 accountability system; legislative intent; public  
18 accountability and reporting ~~performance-based funding~~;  
19 mission, goals, and systemwide measures.--

20 (1) LEGISLATIVE INTENT.--It is the intent of the  
21 Legislature that:

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

26 1. What is the public receiving in return for funds it  
27 invests in education?

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

30 3. How effectively are the major delivery sectors  
31 promoting student achievement?

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1           4. How are individual schools and postsecondary  
 2 education institutions performing their responsibility to  
 3 educate their students as measured by how students are  
 4 exhibiting ~~performing and~~ how much they are learning?

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

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

14           (d) The State Board of Education recommend to the  
 15 Legislature systemwide performance standards; the Legislature  
 16 establish systemwide performance measures and standards; and  
 17 the systemwide measures and standards provide Floridians with  
 18 information on what the public is receiving in return for the  
 19 funds it invests in education and how well the K-20 system  
 20 educates its students.

21           (e) The State Board of Education establish performance  
 22 measures and set performance standards for individual  
 23 components of the public education system, including  
 24 individual schools and community colleges ~~postsecondary~~  
 25 ~~educational institutions~~, with measures and standards based  
 26 primarily on student achievement.

27           (f) The Board of Governors establish performance  
 28 measures and set performance standards for state universities,  
 29 with measures and standards based primarily on student access  
 30 and achievement. Measures should encourage the seamless  
 31 transition of students from one educational level to the next

1 and be consistent with other educational accountability  
2 measures.

3 ~~(2) PERFORMANCE BASED FUNDING.~~

4 ~~(a) The State Board of Education shall cooperate with~~  
5 ~~each delivery system to develop proposals for~~  
6 ~~performance-based funding, using performance measures adopted~~  
7 ~~pursuant to this section.~~

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

12 ~~(c) The State Board of Education shall adopt~~  
13 ~~guidelines required to implement performance-based funding~~  
14 ~~that allow 1 year to demonstrate achievement of specified~~  
15 ~~performance standards prior to a reduction in appropriations~~  
16 ~~pursuant to this section.~~

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

20 ~~1. Use the state core measures and the sector-specific~~  
21 ~~measures to evaluate the progress of each sector of the~~  
22 ~~educational delivery system toward meeting the systemwide~~  
23 ~~goals for public education.~~

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

28 ~~3. Implement the performance-based budgeting system~~  
29 ~~described in this section.~~

30 ~~(e) During the 2003-2004 fiscal year, the Department~~  
31 ~~of Education shall collect data required to establish~~



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 ~~progress, rewards, and sanctions.~~

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

12 ~~(2)(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

13 (a) The mission of Florida's K-20 education system  
14 shall be to increase the proficiency of all students within  
15 one seamless, efficient system, by allowing them the  
16 opportunity to expand their knowledge and skills through  
17 learning opportunities and research valued by students,  
18 parents, and communities.

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

- 22 1. Focused on student success;
- 23 2. Actionable, in that an educational entity can  
24 affect the outcomes through policy and program changes;
- 25 3. High-quality and efficient;
- 26 4. Measurable over time;
- 27 5. Simple to explain and display to the public; and
- 28 6. Aligned with other measures and other sectors to  
29 support a coordinated K-20 education system.

30 (c) The Department ~~State Board~~ of Education shall  
31 maintain an accountability system that measures student

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 progress toward the following goals:

2           1. Highest student achievement, as indicated by  
3 evidence of student learning gains at all levels measured by:  
4 ~~student FCAT performance and annual learning gains; the number~~  
5 ~~and percentage of schools that improve at least one school~~  
6 ~~performance grade designation or maintain a school performance~~  
7 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
8 ~~completion rates at all learning levels; and other measures~~  
9 ~~identified in law or rule.~~

10           2. Seamless articulation and maximum access, as  
11 measured by evidence of progression and readiness and evidence  
12 of access by targeted groups of students identified by the  
13 commissioner; ~~the percentage of students who demonstrate~~  
14 ~~readiness for the educational level they are entering, from~~  
15 ~~kindergarten through postsecondary education and into the~~  
16 ~~workforce; the number and percentage of students needing~~  
17 ~~remediation; the percentage of Floridians who complete~~  
18 ~~associate, baccalaureate, graduate, professional, and~~  
19 ~~postgraduate degrees; the number and percentage of credits~~  
20 ~~that articulate; the extent to which each set of exit-point~~  
21 ~~requirements matches the next set of entrance-point~~  
22 ~~requirements; the degree to which underserved populations~~  
23 ~~access educational opportunity; the extent to which access is~~  
24 ~~provided through innovative educational delivery strategies;~~  
25 ~~and other measures identified in law or rule.~~

26           3. Skilled workforce and economic development, as  
27 measured by evidence of employment and earnings; ~~the number~~  
28 ~~and percentage of graduates employed in their areas of~~  
29 ~~preparation; the percentage of Floridians with high school~~  
30 ~~diplomas and postsecondary education credentials; the~~  
31 ~~percentage of business and community members who find that~~

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 ~~Florida's graduates possess the skills they need; national~~  
2 ~~rankings; and other measures identified in law or rule.~~

3 4. Quality efficient services, as measured by evidence  
4 of return on investment; cost per completer or graduate;  
5 average cost per noncompleter at each educational level; cost  
6 disparity across institutions offering the same degrees; the  
7 percentage of education customers at each educational level  
8 who are satisfied with the education provided; and other  
9 measures identified in law or rule.

10 (3)(4) K-20 EDUCATION DATA QUALITY IMPROVEMENT.--To  
11 provide data required to implement education performance  
12 accountability measures in state and federal law, the  
13 commissioner shall initiate and maintain strategies to improve  
14 data quality and timeliness.

15 (a) SYSTEMWIDE DATA COLLECTION.--School districts and  
16 public postsecondary educational institutions shall maintain  
17 information systems that will provide the State Board of  
18 Education, the Board of Governors, and the Legislature with  
19 information and reports necessary to address the  
20 specifications of the accountability system. The State Board  
21 of Education shall determine the standards for the required  
22 data. The level of comprehensiveness and quality shall be no  
23 less than that which was available as of June 30, 2001.

24 (b) The Commissioner of Education shall determine the  
25 standards for the required data, monitor data quality, and  
26 measure improvements. The commissioner shall report annually  
27 to the Legislature, the State Board of Education, and the  
28 Board of Governors data quality indicators and ratings for all  
29 public postsecondary education institutions and school  
30 districts.

31 (4) RULES.--The State Board of Education shall adopt

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 rules under ss. 120.536(1) and 120.54 to implement this  
2 section.

3 Section 22. Section 1008.33, Florida Statutes, is  
4 amended to read:

5 1008.33 Authority to enforce public school  
6 improvement.--It is the intent of the Legislature that all  
7 public schools be held accountable for students performing at  
8 acceptable levels. A system of school improvement and  
9 accountability that assesses student performance by school,  
10 identifies schools in which students are not making adequate  
11 progress toward state standards, institutes appropriate  
12 measures for enforcing improvement, and provides rewards and  
13 sanctions based on performance shall be the responsibility of  
14 the State Board of Education.

15 (1) Pursuant to Art. IX of the State Constitution  
16 prescribing the duty of the State Board of Education to  
17 supervise Florida's public school system and notwithstanding  
18 any other statutory provisions to the contrary, the State  
19 Board of Education shall intervene in the operation of a  
20 district school system when one or more schools in the school  
21 district have failed to make adequate progress for 2 school  
22 years in a 4-year period. For purposes of determining when a  
23 school is eligible for state board action and opportunity  
24 scholarships for its students, the terms "2 years in any  
25 4-year period" and "2 years in a 4-year period" mean that in  
26 any year that a school has a grade of "F," the school is  
27 eligible for state board action and opportunity scholarships  
28 for its students if it also has had a grade of "F" in any of  
29 the previous 3 school years. The State Board of Education may  
30 determine that the school district or school has not taken  
31 steps sufficient for students in the school to be academically

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 well served. Considering recommendations of the Commissioner  
2 of Education, the State Board of Education shall recommend  
3 action to a district school board intended to improve  
4 educational services to students in each school that is  
5 designated with a grade of ~~as performance grade category~~ "F."  
6 Recommendations for actions to be taken in the school district  
7 shall be made only after thorough consideration of the unique  
8 characteristics of a school, which shall include student  
9 mobility rates, the number and type of exceptional students  
10 enrolled in the school, and the availability of options for  
11 improved educational services. The state board shall adopt by  
12 rule steps to follow in this process. Such steps shall  
13 provide school districts sufficient time to improve student  
14 performance in schools and the opportunity to present evidence  
15 of assistance and interventions that the district school board  
16 has implemented.

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

22 (a) Provide additional resources, change certain  
23 practices, and provide additional assistance if the state  
24 board determines the causes of inadequate progress to be  
25 related to school district policy or practice;

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

28 (c) Contract for the educational services of the  
29 school, or reorganize the school at the end of the school year  
30 under a new school principal who is authorized to hire new  
31 staff and implement a plan that addresses the causes of

1 inadequate progress;

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

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

7 (f)(e) Other action appropriate to improve the  
8 school's performance.

9 (3) In recommending actions to district school boards,  
10 the State Board of Education shall specify the length of time  
11 available to implement the recommended action. The State  
12 Board of Education may adopt rules to further specify how it  
13 may respond in specific circumstances. ~~No~~ Action taken by the  
14 State Board of Education does not shall relieve a school from  
15 state accountability requirements.

16 (4) The State Board of Education may require the  
17 Department of Education or Chief Financial Officer to withhold  
18 any transfer of state funds to the school district if, within  
19 the timeframe specified in state board action, the school  
20 district has failed to comply with the action ordered to  
21 improve the district's low-performing schools. ~~Withholding~~ The  
22 transfer of funds may be withheld shall occur only after all  
23 other recommended actions for school improvement have failed  
24 to improve performance. The State Board of Education may  
25 impose the same penalty on any district school board that  
26 fails to develop and implement a plan for assistance and  
27 intervention for low-performing schools as specified in s.  
28 1001.42(16)(c).

29 Section 23. Section 1008.34, Florida Statutes, is  
30 amended to read:

31 1008.34 School grading system; school report cards;

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 district performance grade.--

2 (1) ANNUAL REPORTS.--The Commissioner of Education  
3 shall prepare annual reports of the results of the statewide  
4 assessment program which describe student achievement in the  
5 state, each district, and each school. The commissioner shall  
6 prescribe the design and content of these reports, which must  
7 include, without limitation, descriptions of the performance  
8 of all schools participating in the assessment program and all  
9 of their major student populations as determined by the  
10 Commissioner of Education, and must also include the median  
11 scores of all eligible students who scored at or in the lowest  
12 25th percentile of the state in the previous school year;  
13 ~~provided, however, that~~ the provisions of s. 1002.22  
14 pertaining to student records apply to this section.

15 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
16 annual report shall identify schools as having one of the  
17 following grades ~~being in one of the following grade~~  
18 ~~categories~~ defined according to rules of the State Board of  
19 Education:

- 20 (a) "A," schools making excellent progress.
- 21 (b) "B," schools making above average progress.
- 22 (c) "C," schools making satisfactory progress.
- 23 (d) "D," schools making less than satisfactory  
24 progress.
- 25 (e) "F," schools failing to make adequate progress.

26  
27 Each school designated with a grade of ~~in performance grade~~  
28 ~~category~~ "A," making excellent progress, or having improved at  
29 least two grade levels ~~performance grade categories~~, shall  
30 have greater authority over the allocation of the school's  
31 total budget generated from the FEFP, state categoricals,

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 lottery funds, grants, and local funds, as specified in state  
2 board rule. The rule must provide that the increased budget  
3 authority shall remain in effect until the school's  
4 performance grade declines.

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

9 (a) Criteria ~~Timeframes~~.--

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

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

15 1. Student achievement scores;~~;~~

16 2. Student learning gains as measured by annual FCAT  
17 assessments in grades 3 through 10;~~;~~ and

18 3. Improvement of the lowest 25th percentile of  
19 students in the school in reading, ~~math, or writing~~ on the  
20 FCAT, unless these students are exhibiting ~~performing~~ above  
21 satisfactory performance.

22 (b) Schools to be graded.--All schools shall receive a  
23 school grade except those alternative schools that receive a  
24 school improvement rating pursuant to s. 1008.341. Alternative  
25 schools may choose to receive a school grade pursuant to the  
26 provisions of this section in lieu of a school improvement  
27 rating described in s. 1008.341.

28 (c) ~~(b)~~ Student assessment data.--Student assessment  
29 data used in determining school grades ~~performance grade~~  
30 ~~categories~~ shall include:

31 1. The aggregate scores of all eligible students



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 enrolled in the school who have been assessed on the FCAT.

2           2. The aggregate scores of all eligible students  
3 enrolled in the school who have been assessed on the FCAT,  
4 including Florida Writes, and who have scored at or in the  
5 lowest 25th percentile of students in the school in reading,  
6 math, or writing, unless these students are exhibiting  
7 performing above satisfactory performance.

8           3. The achievement scores and learning gains of  
9 eligible students attending alternative schools that provide  
10 dropout prevention and academic intervention services pursuant  
11 to s. 1003.53. The term "eligible students" as used in this  
12 subparagraph does not include students attending an  
13 alternative school who are subject to district school board  
14 policies for expulsion for repeated or serious offenses, who  
15 are in dropout retrieval programs serving students who have  
16 officially been designated as dropouts, and who are in the  
17 programs operated or contracted by the Department of Juvenile  
18 Justice. The student performance data for eligible students  
19 identified in this subparagraph shall be included in  
20 calculating the originating school's grade. For purposes of  
21 this section and s. 1008.341, the term "originating school"  
22 means the school that the student was attending when assigned  
23 to an alternative school. If an alternative school chooses to  
24 be graded pursuant to this section, student performance data  
25 for eligible students identified in this subparagraph may not  
26 be included in the originating school's grade, but shall be  
27 included only in the calculation of the alternative school's  
28 grade. School districts must ensure collaboration between the  
29 originating school and the alternative school in order to  
30 promote student success.

31

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

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

21 (5) SCHOOL REPORT CARD.--The Department of Education  
22 shall annually develop in collaboration with the school  
23 districts a school report card to be delivered to parents  
24 throughout each school district. The report card must include  
25 the school's grade, information regarding school improvement,  
26 an explanation of school performance as evaluated by the  
27 federal No Child Left Behind Act, and indicators of return on  
28 investment. ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING~~  
29 ~~REPORTS.~~ ~~School performance grade category designations and~~  
30 ~~improvement ratings shall apply to each school's performance~~  
31 ~~for the year in which performance is measured.~~ Each school's

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 ~~report card designation and rating~~ shall be published annually  
 2 by the Department of Education on the department's website,  
 3 and the school district shall provide the report card to each  
 4 parent. ~~Parents shall be entitled to an easy-to-read report~~  
 5 ~~card about the designation and rating of the school in which~~  
 6 ~~their child is enrolled.~~

7 ~~(6) RULES.--The State Board of Education shall adopt~~  
 8 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~  
 9 ~~provisions of this section.~~

10 ~~(6)(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may  
 11 factor in the performance of schools in calculating any  
 12 performance-based funding policy that is provided for annually  
 13 in the General Appropriations Act.

14 ~~(7)(8)~~ DISTRICT PERFORMANCE GRADE.--The annual report  
 15 required by subsection (1) shall include district performance  
 16 grades, which shall consist of weighted district average  
 17 grades, by level, for all elementary schools, middle schools,  
 18 and high schools in the district. A district's weighted  
 19 average grade shall be calculated by weighting individual  
 20 school grades determined pursuant to subsection (2) by school  
 21 enrollment.

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

24 Section 24. Section 1008.341, Florida Statutes, is  
 25 created to read:

26 1008.341 School improvement rating for alternative  
 27 schools.--

28 (1) ANNUAL REPORTS.--The Commissioner of Education  
 29 shall prepare an annual report on the performance of each  
 30 school receiving a school improvement rating pursuant to this  
 31 section if the provisions of s. 1002.22 pertaining to student

1 records apply.

2 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools  
3 that provide dropout prevention and academic intervention  
4 services pursuant to s. 1003.53 may not receive a school grade  
5 as described in s. 1008.34, but shall receive a school  
6 improvement rating pursuant to this section. The school  
7 improvement rating shall identify schools as having one of the  
8 following ratings defined according to rules of the State

9 Board of Education:

10 (a) "Improving" schools with students making more  
11 academic progress than when the students were served in their  
12 home school.

13 (b) "Maintaining" schools with students making the  
14 equivalent progress as when the students were served in their  
15 home school.

16 (c) "Declining" schools with students making less  
17 academic progress than when the students were served in their  
18 home school.

19  
20 The school improvement rating shall be based on a comparison  
21 of the current year's and previous year's students and school  
22 performance data. Schools that improve at least one level  
23 pursuant to this section are eligible for school recognition  
24 awards pursuant to s. 1008.36.

25 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
26 assessment data used in determining an alternative school's  
27 school improvement rating shall include:

28 (a) The aggregate scores of all eligible students who  
29 were assigned to and enrolled in the school during the October  
30 or February FTE counts, who have been assessed on the FCAT,  
31 and who have FCAT or comparable scores for the preceding

1 school year.

2 (b) The aggregate scores of all eligible students who  
3 were assigned to and enrolled in the school during the October  
4 or February FTE counts, who have been assessed on the FCAT,  
5 including Florida Writes, and who have scored at or in the  
6 lowest 25th percentile of students in the state on FCAT  
7 Reading.

8  
9 The scores of students who are subject to district school  
10 board policies for expulsion for repeated or serious offenses,  
11 who are in dropout retrieval programs serving students who  
12 have officially been designated as dropouts, and who are in  
13 programs operated and contracted by the Department of Juvenile  
14 Justice may not be included in an alternative school's  
15 improvement rating.

16 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For all  
17 alternative schools receiving a school improvement rating, the  
18 Department of Education shall annually identify the percent of  
19 students making learning gains as compared to the percent of  
20 the same students making learning gains at their originating  
21 school in the year before being assigned to the alternative  
22 school.

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

4           Section 25. 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 26. Paragraph (f) of subsection (1),  
28 paragraphs (a) and (b) of subsection (4), and subsection (8)  
29 of section 1011.62, Florida Statutes, are amended, and present  
30 subsection (9) of that section is redesignated as subsection  
31 (10), and a new subsection (9) is added to that section, to

1 read:

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

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

12           (f) Supplemental academic instruction; categorical  
13 fund.--

14           1. There is created a categorical fund to provide  
15 supplemental academic instruction to students in kindergarten  
16 through grade 12. This paragraph may be cited as the  
17 "Supplemental Academic Instruction Categorical Fund."

18           2. Categorical funds for supplemental academic  
19 instruction shall be allocated annually to each school  
20 district in the amount provided in the General Appropriations  
21 Act. These funds shall be in addition to the funds  
22 appropriated on the basis of FTE student membership in the  
23 Florida Education Finance Program and shall be included in the  
24 total potential funds of each district. These funds shall be  
25 used to provide supplemental academic instruction to students  
26 enrolled in the K-12 program. Supplemental instruction  
27 strategies may include, but are not limited to: modified  
28 curriculum, reading instruction, after-school instruction,  
29 tutoring, mentoring, class size reduction, extended school  
30 year, intensive skills development in summer school, and other  
31 methods for improving student achievement. Supplemental



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 instruction may be provided to a student in any manner and at  
 2 any time during or beyond the regular 180-day term identified  
 3 by the school as being the most effective and efficient way to  
 4 best help that student progress from grade to grade and to  
 5 graduate.

6           3. Effective with the 1999-2000 fiscal year, funding  
 7 on the basis of FTE membership beyond the 180-day regular term  
 8 shall be provided in the FEFP only for students enrolled in  
 9 juvenile justice education programs or in an education program  
 10 for juveniles under s. 985.223. Funding for instruction beyond  
 11 the regular 180-day school year for all other K-12 students  
 12 shall be provided through the supplemental academic  
 13 instruction categorical fund and other state, federal, and  
 14 local fund sources with ample flexibility for schools to  
 15 provide supplemental instruction to assist students in  
 16 progressing from grade to grade and graduating.

17           4. The Florida State University School, as a lab  
 18 school, is authorized to expend from its FEFP or Lottery  
 19 Enhancement Trust Fund allocation the cost to the student of  
 20 remediation in reading, writing, or mathematics for any  
 21 graduate who requires remediation at a postsecondary  
 22 educational institution.

23           5. Beginning in the 1999-2000 school year, dropout  
 24 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
 25 (b), and (c), and 1003.54 shall be included in group 1  
 26 programs under subparagraph (d)3.

27           (4) COMPUTATION OF DISTRICT REQUIRED LOCAL  
 28 EFFORT.--The Legislature shall prescribe the aggregate  
 29 required local effort for all school districts collectively as  
 30 an item in the General Appropriations Act for each fiscal  
 31 year. The amount that each district shall provide annually

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 toward the cost of the Florida Education Finance Program for  
2 kindergarten through grade 12 programs shall be calculated as  
3 follows:

4 (a) Estimated taxable value calculations.--

5 1.a. Not later than 2 working days prior to July 19,  
6 the Department of Revenue shall certify to the Commissioner of  
7 Education its most recent estimate of the taxable value for  
8 school purposes in each school district and the total for all  
9 school districts in the state for the current calendar year  
10 based on the latest available data obtained from the local  
11 property appraisers. Not later than July 19, the Commissioner  
12 of Education shall compute a millage rate, rounded to the next  
13 highest one one-thousandth of a mill, which, when applied to  
14 95 percent of the estimated state total taxable value for  
15 school purposes, would generate the prescribed aggregate  
16 required local effort for that year for all districts. The  
17 Commissioner of Education shall certify to each district  
18 school board the millage rate, computed as prescribed in this  
19 subparagraph, as the minimum millage rate necessary to provide  
20 the district required local effort for that year.

21 b. The General Appropriations Act shall direct the  
22 computation of the statewide adjusted aggregate amount for  
23 required local effort for all school districts collectively  
24 from ad valorem taxes to ensure that no school district's  
25 revenue from required local effort millage will produce more  
26 than 90 percent of the district's total Florida Education  
27 Finance Program calculation, and the adjustment of the  
28 required local effort millage rate of each district that  
29 produces more than 90 percent of its total Florida Education  
30 Finance Program entitlement to a level that will produce only  
31 90 percent of its total Florida Education Finance Program

Barcode 074810

1 entitlement in the July calculation.

2           2. As revised data are received from property  
3 appraisers, the Department of Revenue shall amend the  
4 certification of the estimate of the taxable value for school  
5 purposes. The Commissioner of Education, in administering the  
6 provisions of subparagraph (10)(a)2. ~~subparagraph (9)(a)2.~~,  
7 shall use the most recent taxable value for the appropriate  
8 year.

9           (b) Final calculation.--

10           1. The Department of Revenue shall, upon receipt of  
11 the official final assessed value of property from each of the  
12 property appraisers, certify to the Commissioner of Education  
13 the taxable value total for school purposes in each school  
14 district, subject to the provisions of paragraph (d). The  
15 commissioner shall use the official final taxable value for  
16 school purposes for each school district in the final  
17 calculation of the annual Florida Education Finance Program  
18 allocations.

19           2. For the purposes of this paragraph, the official  
20 final taxable value for school purposes shall be the taxable  
21 value for school purposes on which the tax bills are computed  
22 and mailed to the taxpayers, adjusted to reflect final  
23 administrative actions of value adjustment boards and judicial  
24 decisions pursuant to part I of chapter 194. By September 1 of  
25 each year, the Department of Revenue shall certify to the  
26 commissioner the official prior year final taxable value for  
27 school purposes. For each county that has not submitted a  
28 revised tax roll reflecting final value adjustment board  
29 actions and final judicial decisions, the Department of  
30 Revenue shall certify the most recent revision of the official  
31 taxable value for school purposes. The certified value shall

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 be the final taxable value for school purposes, and no further  
 2 adjustments shall be made, except those made pursuant to  
 3 subparagraph (10)(a)2 ~~subparagraph (9)(a)2~~.

4 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may  
 5 annually in the General Appropriations Act determine a  
 6 percentage increase in funds per K-12 unweighted FTE as a  
 7 minimum guarantee to each school district. The guarantee shall  
 8 be calculated from prior year base funding per unweighted FTE  
 9 student which shall include the adjusted FTE dollars as  
 10 provided in subsection ~~(10)(9)~~, quality guarantee funds, and  
 11 actual nonvoted discretionary local effort from taxes. From  
 12 the base funding per unweighted FTE, the increase shall be  
 13 calculated for the current year. The current year funds from  
 14 which the guarantee shall be determined shall include the  
 15 adjusted FTE dollars as provided in subsection ~~(10)(9)~~ and  
 16 potential nonvoted discretionary local effort from taxes. A  
 17 comparison of current year funds per unweighted FTE to prior  
 18 year funds per unweighted FTE shall be computed. For those  
 19 school districts which have less than the legislatively  
 20 assigned percentage increase, funds shall be provided to  
 21 guarantee the assigned percentage increase in funds per  
 22 unweighted FTE student. Should appropriated funds be less than  
 23 the sum of this calculated amount for all districts, the  
 24 commissioner shall prorate each district's allocation. This  
 25 provision shall be implemented to the extent specifically  
 26 funded.

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

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

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1       (b) Funds for comprehensive, research-based reading  
 2 instruction shall be allocated annually to each school  
 3 district in the amount provided in the General Appropriations  
 4 Act. Each school district may be allocated a minimum amount as  
 5 specified in the General Appropriations Act with the balance  
 6 of funds being allocated by prorating on each district's share  
 7 of Florida Education Finance Program base funding.

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

12           1. Highly qualified reading coaches whose priority is  
 13 building capacity on effective strategies to teach reading and  
 14 enhance literacy. Reading coaches who are endorsed should,  
 15 whenever possible, be involved in the instruction of students.

16           2. Professional development for district teachers in  
 17 scientifically based reading instruction;

18           3. Summer reading camps for students who score at  
 19 Level 1 on the FCAT;

20           4. Supplemental instructional materials that are  
 21 grounded in scientifically based reading research; and

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

24       (d) Annually, by a date determined by the Department  
 25 of Education but before May 1, school districts shall submit a  
 26 plan for the specific use of the research-based reading  
 27 instruction allocation in the format prescribed by the  
 28 department for review and approval by the Just Read, Florida!  
 29 Office created pursuant to s. 1001.215. The plan annually  
 30 submitted by school districts shall be deemed approved unless  
 31 the department rejects the plan on or before June 1. If a

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 school district and the Just Read, Florida! Office cannot  
 2 agree on the contents of the plan, the school district may  
 3 appeal to the State Board of Education. The plan format shall  
 4 be developed with input from school district personnel,  
 5 including teachers and principals, and shall allow courses in  
 6 core, career, and alternative programs that deliver intensive  
 7 reading remediation through integrated curricula. No later  
 8 than July 1 annually, the department shall release the school  
 9 district's allocation of appropriated funds to those districts  
 10 with approved plans. A school district that spends 100  
 11 percent of this allocation on its approved plan shall be  
 12 deemed to have been in compliance with the plan. The  
 13 department may withhold funds upon a determination that  
 14 reading instruction allocation funds are not being used to  
 15 implement the approved plan.

16 Section 27. Paragraph (b) of subsection (2) of section  
 17 1011.685, Florida Statutes, is amended to read:

18 1011.685 Class size reduction; operating categorical  
 19 fund.--

20 (2) Class size reduction operating categorical funds  
 21 shall be used by school districts for the following:

22 (b) For any lawful operating expenditure, if the  
 23 district has met the constitutional maximums identified in s.  
 24 1003.03(1) or the reduction of two students per year required  
 25 by s. 1003.03(2); however, priority shall be given to increase  
 26 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
 27 and to implement the differentiated-pay provisions detailed in  
 28 s. 1012.22 ~~salary career ladder defined in s. 1012.231.~~

29 Section 28. Subsection (1) of section 1011.71, Florida  
 30 Statutes, is amended to read:

31 1011.71 District school tax.--

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1           (1) If the district school tax is not provided in the  
2 General Appropriations Act or the substantive bill  
3 implementing the General Appropriations Act, each district  
4 school board desiring to participate in the state allocation  
5 of funds for current operation as prescribed by s. 1011.62(10)  
6 ~~s. 1011.62(9)~~ shall levy on the taxable value for school  
7 purposes of the district, exclusive of millage voted under the  
8 provisions of s. 9(b) or s. 12, Art. VII of the State  
9 Constitution, a millage rate not to exceed the amount  
10 certified by the commissioner as the minimum millage rate  
11 necessary to provide the district required local effort for  
12 the current year, pursuant to s. 1011.62(4)(a)1. In addition  
13 to the required local effort millage levy, each district  
14 school board may levy a nonvoted current operating  
15 discretionary millage. The Legislature shall prescribe  
16 annually in the appropriations act the maximum amount of  
17 millage a district may levy. The millage rate prescribed shall  
18 exceed zero mills but shall not exceed the lesser of 1.6 mills  
19 or 25 percent of the millage which is required pursuant to s.  
20 1011.62(4), exclusive of millage levied pursuant to subsection  
21 (2).

22           Section 29. Subsection (6) is added to section  
23 1012.21, Florida Statutes, to read:

24           1012.21 Department of Education duties; K-12  
25 personnel.--

26           (6) REPORTING.--The Department of Education shall  
27 annually post on-line the collective bargaining contracts of  
28 each school district in the state which the department has  
29 received under s. 1012.22.

30           Section 30. Paragraph (c) of subsection (1) of section  
31 1012.22, Florida Statutes, is amended read:

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1           1012.22 Public school personnel; powers and duties of  
2 the district school board.--The district school board shall:

3           (1) Designate positions to be filled, prescribe  
4 qualifications for those positions, and provide for the  
5 appointment, compensation, promotion, suspension, and  
6 dismissal of employees as follows, subject to the requirements  
7 of this chapter:

8           (c) Compensation and salary schedules.--

9           1. The district school board shall adopt a salary  
10 schedule or salary schedules designed to furnish incentives  
11 for improvement in training and for continued efficient  
12 service to be used as a basis for paying all school employees  
13 and fix and authorize the compensation of school employees on  
14 the basis thereof.

15           2. A district school board, in determining the salary  
16 schedule for instructional personnel, must base a portion of  
17 each employee's compensation on performance demonstrated under  
18 s. 1012.34, must consider the prior teaching experience of a  
19 person who has been designated state teacher of the year by  
20 any state in the United States, and must consider prior  
21 professional experience in the field of education gained in  
22 positions in addition to district level instructional and  
23 administrative positions.

24           3. In developing the salary schedule, the district  
25 school board shall seek input from parents, teachers, and  
26 representatives of the business community.

27           4.a. ~~Beginning with the 2002-2003 fiscal year,~~ Each  
28 district school board must adopt a performance-pay policy for  
29 school administrators and instructional personnel. The  
30 district's performance-pay policy is subject to negotiation as  
31 provided in chapter 447; however, the adopted salary schedule



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 must allow school administrators and instructional personnel  
 2 who demonstrate outstanding performance, as measured under s.  
 3 1012.34, to earn a 5-percent supplement in addition to their  
 4 individual, negotiated salary. The supplements shall be funded  
 5 from the performance-pay reserve funds adopted in the salary  
 6 schedule. ~~Beginning with the 2004-2005 academic year, The~~  
 7 ~~district's 5-percent performance-pay policy must provide for~~  
 8 ~~the evaluation of classroom teachers based on the level of~~  
 9 ~~their responsibilities within each level of the salary career~~  
 10 ~~ladder provided in s. 1012.231.~~

11 b. The Commissioner of Education shall determine  
 12 whether the district school board's adopted salary schedule  
 13 complies with the requirement for performance-based pay. If  
 14 the district school board fails to comply with this section,  
 15 the commissioner shall recommend to the State Board of  
 16 Education that the board withhold disbursements from the  
 17 Educational Enhancement Trust Fund to the district until  
 18 compliance is verified, and the board may do so.

19 5.a. Beginning with the 2005-2006 fiscal year, each  
 20 district school board shall adopt a differentiated-pay policy  
 21 for school administrators and instructional personnel. The  
 22 policy with respect to instructional personnel is subject to  
 23 negotiation as provided in chapter 447; however, the adopted  
 24 salary schedule must allow school administrators and  
 25 instructional personnel to receive differentiated pay based  
 26 upon factors including, but not limited to:

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

29 (II) The economic demographics of the school, with  
 30 school administrators and instructional personnel in schools  
 31 that have a majority of students who qualify for free or

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 reduced-price lunches receiving higher pay;

2 (III) The performance of school administrators and  
3 instructional personnel as provided in subparagraph 4.; and

4 (IV) The responsibilities of the classroom teacher.

5 b. The district school board must hold a public  
6 hearing at which the board must present its proposed  
7 differentiated-pay policy and the rationale supporting the  
8 differentiated-pay classifications as proposed, consistent  
9 with this subparagraph's differentiated-pay factors.

10 c. The Commissioner of Education shall determine  
11 whether the district school board's adopted salary schedule  
12 complies with the requirement for differentiated pay. If the  
13 district school board does not adopt a differentiated-pay  
14 scale, the commissioner shall recommend to the State Board of  
15 Education that the board withhold disbursements from the  
16 Educational Enhancement Trust Fund to the district until  
17 compliance is verified, and the board may do so.

18 Section 31. Section 1012.2315, Florida Statutes, is  
19 created to read:

20 1012.2315 Assignment of teachers.--

21 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
22 finds disparity between teachers assigned to teach in a  
23 majority of "A" schools compared with those assigned to teach  
24 in a majority of "F" schools. The disparity can be found in  
25 the average years of experience, the median salary, and the  
26 performance of the teachers on teacher certification exams.  
27 It is the intent of the Legislature that district school  
28 boards have flexibility through the collective bargaining  
29 process to assign teachers more equitably to schools  
30 throughout the district.

31 (2) ASSIGNMENT TO "D" AND "F" SCHOOLS.--School

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

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

15 (4) COLLECTIVE BARGAINING.--Notwithstanding chapter  
 16 447, no provision of collective bargaining may preclude a  
 17 school district from assigning high-quality teachers to teach  
 18 in low-performing schools.

19 Section 32. Section 1012.986, Florida Statutes, is  
 20 created to read:

21 1012.986 Professional development for school  
 22 leaders.--

23 (1) SHORT TITLE.--This section may be cited as the  
 24 GASL (Golden Academy of School Leadership) Act.

25 (2) CREATION OF PROGRAM.--There is created the GASL  
 26 Program which shall be administered by the Department of  
 27 Education. The program shall be a high-quality,  
 28 competency-based, customized, comprehensive, and coordinated  
 29 statewide professional development program to provide  
 30 leadership training opportunities for school leaders to enable  
 31 them to be more effective instructional leaders, especially in

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

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

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

8 (4) LEADERSHIP DESIGNATIONS.--The Department of  
9 Education shall determine annually, in collaboration with  
10 school principals, thresholds for different leadership  
11 designations. Criteria for school leadership designations  
12 shall be based on the following point system:

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

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

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

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

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

26 (f) One point for each percent increase over the  
27 previous year of the lowest quartile making learning gains in  
28 reading.

29 (5) GASL PROGRAM REQUIREMENTS.--

30 (a) The GASL Program shall be based upon the  
31 leadership standards adopted by the State Board of Education,

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 the standards of the National Staff Development Council, and  
2 the federal requirements for high-quality professional  
3 development under the No Child Left Behind Act of 2001.

4 (b) The GASL Program shall provide a competency-based  
5 approach that uses prediagnostic and post-diagnostic  
6 evaluations that shall be used to create an individualized  
7 professional development plan approved by the district school  
8 superintendent. The plan must be structured to support the  
9 school leader's attainment of the leadership standards adopted  
10 by the State Board of Education.

11 (c) The GASL Program shall incorporate training in  
12 instructional leadership and effective business practices for  
13 efficient school operations in school leadership training  
14 based on best practices of current effective leadership  
15 training in school districts.

16 (6) DELIVERY SYSTEM.--The Department of Education  
17 shall deliver the GASL Program through multiple delivery  
18 systems, including:

- 19 (a) Approved school district training programs;
- 20 (b) Interactive technology-based instruction; and
- 21 (c) State, regional, or local leadership academies.

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

25 Section 33. Subsection (6) of section 1013.512,  
26 Florida Statutes, is amended to read:

27 1013.512 Land Acquisition and Facilities Advisory  
28 Board.--

29 (6) Upon certification by the advisory board that  
30 corrective action has been taken, the Legislative Budget  
31 Commission shall release all funds remaining in reserve. Upon

Bill No. HCB 6007, 2nd Enq.

Barcode 074810

1 such release, each Land Acquisition and Facilities Advisory  
2 Board shall be disbanded.

3       Section 34. Approval is granted for the endowment for  
4 the Appleton Museum of Art, currently held by the Appleton  
5 Cultural Center, Inc., to be transferred to the Central  
6 Florida Community College Foundation. The endowment to be  
7 transferred, which includes state matching funds, was  
8 established in 1987 through the Cultural Arts Endowment  
9 Program. By this provision, the Central Florida Community  
10 College Foundation is authorized to manage the endowment only  
11 for the support of the educational program at the Appleton  
12 Museum of Art and is released from all other provisions of the  
13 Trust Agreement dated July 17, 1987, by and between the State  
14 of Florida and the Appleton Cultural Center, Inc., and  
15 sections 265.601 through 265.607, Florida Statutes.

16       Section 35. Sections 1012.987 and 1012.231, Florida  
17 Statutes, are repealed.

18       Section 36. If any provision of this act or the  
19 application thereof to any person or circumstance is held  
20 invalid, the invalidity does not affect other provisions or  
21 applications of the act which can be given effect without the  
22 invalid provision or application, and to this end the  
23 provisions of this act are declared severable.

24       Section 37. Except as otherwise expressly provided in  
25 this act, this act shall take effect upon becoming a law.

26  
27

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

29 And the title is amended as follows:

30       Delete everything before the enacting clause

31



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 obligations of the Department of Education for  
2 education scholarship programs; requiring the  
3 department to identify certain assessments;  
4 requiring the department to select a private  
5 research organization to which private schools  
6 report student scores; providing reporting  
7 requirements; amending s. 1003.05, F.S.;  
8 relating to military families; limiting certain  
9 enrollment opportunities; creating s. 1003.413,  
10 F.S.; requiring school districts to adopt  
11 certain reading policies in high schools;  
12 requiring that certain high schools offer  
13 specific support services for students scoring  
14 at Level 1 on the FCAT reading test; creating a  
15 high school task force; providing membership;  
16 providing reporting requirements; amending s.  
17 1003.415, F.S., relating to the Middle School  
18 Grades Reform Act; revising legislative intent;  
19 deleting obsolete references; creating s.  
20 1003.4155, F.S.; establishing a grading system  
21 for middle schools; creating s. 1003.4156,  
22 F.S.; establishing general requirements for  
23 promotion from middle school; requiring the  
24 successful completion of 12 academic credits in  
25 certain courses; requiring an intensive reading  
26 course under certain circumstances; defining a  
27 middle school academic credit for purposes of  
28 the section; requiring district school boards  
29 to adopt policies for alternatives to obtain  
30 credits; amending s. 1003.42, F.S., relating to  
31 required instruction; revising and increasing



Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 the requirements for studying U.S. history and  
2 free enterprise; providing rulemaking authority  
3 to the State Board of Education; amending s.  
4 1003.52, F.S.; requiring the Department of  
5 Education to develop procedures for reporting  
6 performance and participation data of students  
7 in juvenile justice education programs;  
8 amending s. 1003.57, F.S.; providing guidelines  
9 for determining the residency of a student who  
10 receives instruction as an exceptional student  
11 with a disability; requiring the student's  
12 placing authority or parent to pay the cost of  
13 such instruction, facilities, and services;  
14 providing responsibilities of the Department of  
15 Education; providing responsibilities of  
16 residential facilities that educate exceptional  
17 students with disabilities; providing  
18 applicability; creating s. 1003.575, F.S.;  
19 requiring the Department of Education to devise  
20 an individual education plan form for use in  
21 developing and implementing individual  
22 education plans for exceptional students;  
23 requiring school districts to use the form;  
24 amending s. 1003.58, F.S.; conforming a  
25 cross-reference; creating s. 1004.64, F.S.;  
26 establishing the Florida Center for Reading  
27 Research; specifying duties of the center;  
28 amending s. 1008.22, F.S., relating to student  
29 assessment; expressing legislative intent;  
30 identifying grade levels for state assessment  
31 administration; eliminating obsolete

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 references; requiring certain reports; amending  
2 s. 1008.25, F.S., relating to public school  
3 student progression; eliminating obsolete  
4 references; directing the Department of  
5 Education to establish a uniform format for  
6 reporting student progression information;  
7 requiring certain reports; amending s. 1008.31,  
8 F.S., relating to education accountability;  
9 expressing legislative intent relating to  
10 performance measures established by the Board  
11 of Governors with respect to the state  
12 universities; eliminating certain  
13 performance-based funding requirements;  
14 providing guiding principles for the  
15 accountability system; revising the goals of  
16 the accountability system; requiring certain  
17 reports; providing rulemaking authority to the  
18 State Board of Education; amending s. 1008.33,  
19 F.S., relating to the authority to enforce  
20 public school improvement; authorizing transfer  
21 of certain teachers to low-performing schools;  
22 amending s. 1008.34, F.S., relating to the  
23 school grading system; requiring all schools to  
24 receive a school grade except certain  
25 alternative schools; requiring that achievement  
26 scores and learning gains be calculated in  
27 alternative schools that provide certain  
28 services; requiring that student test scores be  
29 calculated in the alternative school in which  
30 the student is enrolled and in the school  
31 previously attended by the student; providing

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 exceptions; requiring the Department of  
2 Education to develop a school report card;  
3 creating s. 1008.341, F.S.; requiring school  
4 improvement ratings for alternative schools;  
5 providing definitions; requiring that the  
6 Commissioner of Education prepare an annual  
7 report; specifying the data to be used in  
8 determining school improvement ratings;  
9 requiring the department to identify student  
10 learning gains annually; requiring that a  
11 school report card be delivered to parents;  
12 requiring the State Board of Education to adopt  
13 rules; amending s. 1008.36, F.S., relating to  
14 the Florida School Recognition Program;  
15 providing that certain feeder schools are  
16 eligible to participate in the program;  
17 providing a definition; requiring certain  
18 feeder schools to be subject to the Opportunity  
19 Scholarship Program, as defined in s. 1002.38,  
20 F.S.; providing for the disposition of school  
21 recognition funds; defining eligibility for the  
22 receipt of school recognition funds; amending  
23 s. 1011.62, F.S., relating to funds for the  
24 operation of schools; providing for additional  
25 funding for students enrolled in education  
26 programs for juveniles; creating a  
27 research-based reading-instruction allocation  
28 for students in kindergarten through grade 12;  
29 providing for the use of the funds; providing  
30 for fund disbursement; amending ss. 1011.685,  
31 and 1011.71, F.S., to conform; amending s.

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 1012.21, F.S., relating to the duties of the  
2 Department of Education; requiring the  
3 department to annually post school district  
4 collective bargaining agreements on-line;  
5 amending s. 1012.22, F.S., relating to public  
6 school personnel; requiring school boards to  
7 adopt 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. 1012.2315, F.S.; establishing  
13 legislative findings; expressing legislative  
14 intent; providing criteria for the assignment  
15 of teachers to certain schools; authorizing  
16 certain salary incentives; limiting certain  
17 collective bargaining provisions relating to  
18 assignment of teachers at certain schools;  
19 creating s. 1012.986, F.S.; establishing a  
20 statewide system for the professional  
21 development of school leaders; providing a  
22 short title; providing program purposes and  
23 legislative intent; requiring the Department of  
24 Education to annually determine criteria for  
25 school leadership designations based on certain  
26 factors; requiring certain program components;  
27 providing for a program delivery system;  
28 providing rulemaking authority to the State  
29 Board of Education; amending s. 1013.512, F.S.;  
30 requiring the release of funds remaining in  
31 reserve relating to school district land

Bill No. HCB 6007, 2nd Eng.

Barcode 074810

1 acquisition and facilities operations;  
2 specifying when a Land Acquisition and  
3 Facilities Advisory Board shall be disbanded;  
4 approving a transfer of an endowment from the  
5 Appleton Cultural Center, Inc., to the Central  
6 Florida Community College Foundation; providing  
7 restrictions on the management of the  
8 endowment; releasing the foundation from  
9 certain trust agreement and statutory  
10 requirements; repealing s. 1012.987, F.S.,  
11 relating to education leadership development;  
12 repealing s. 1012.231, F.S., relating to the  
13 BEST Florida Teaching Salary career ladder  
14 program; providing for severability; providing  
15 effective dates.

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