

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Traviesa, Baxley, Arza, Stargel, Mealor,
2 Patterson, and Pickens offered the following:

3
4 **Amendment to Amendment (857413) (with title amendment)**

5 Remove line(s) 392-2173 and insert:

6 Section 10. Section 1002.385, Florida Statutes, is created
7 to read:

8 1002.385 Reading Compact Scholarship Program.--

9 (1) READING COMPACT SCHOLARSHIP PROGRAM.--The Reading
10 Compact Scholarship Program is established to offer the parent
11 of a student who has not attained reading proficiency above
12 Level 1 on FCAT Reading an educational choice to further the
13 student's progress in reading. The scholarship program shall
14 provide students who have scored at Level 1 on FCAT Reading for

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15 2 of the previous 3 years the option to attend a public or
16 private school of choice.

17 (2) READING COMPACT SCHOLARSHIP ELIGIBILITY.--The parent
18 of a public school student may request and receive from the
19 state a Reading Compact Scholarship for the student to enroll in
20 and attend a private school in accordance with the provisions of
21 this section if:

22 (a) The student scored at Level 1 on FCAT Reading for 2 of
23 the previous 3 years. However, a student who scored at Level 1
24 on grade 10 FCAT Reading is not eligible for a Reading Compact
25 Scholarship.

26 (b) The parent has obtained acceptance for admission of
27 the student to a private school eligible to participate in the
28 scholarship program pursuant to subsection (8) and has requested
29 from the Department of Education a Reading Compact Scholarship
30 no later than 60 days prior to the date of the first scholarship
31 payment. The parental request must be through a communication
32 directly to the department in a manner that creates a written or
33 electronic record of the request and the date of receipt of the
34 request.

35 (3) READING COMPACT SCHOLARSHIP PROHIBITIONS.--A student
36 shall not use a Reading Compact Scholarship while he or she is:

37 (a) Enrolled in a school operating for the purpose of
38 providing educational services to youth in Department of
39 Juvenile Justice commitment programs.

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

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42 (c) Already receiving an educational scholarship pursuant
43 to this chapter.

44 (d) Participating in a home education program as defined
45 in s. 1002.01(1).

46 (e) Participating in a private tutoring program pursuant
47 to s. 1002.43.

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

51 (g) Enrolled in the Florida School for the Deaf and the
52 Blind.

53 (4) TERM OF READING COMPACT SCHOLARSHIP.--

54 (a) For purposes of continuity of educational choice, a
55 Reading Compact Scholarship shall remain in force until the
56 student returns to a public school or graduates from high
57 school.

58 (b) Upon reasonable notice to the department and the
59 school district, the student's parent may remove the student
60 from the private school and place the student in a public
61 school, as provided in paragraph (5)(a).

62 (c) Upon reasonable notice to the department, the
63 student's parent may move the student from one participating
64 private school to another participating private school.

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

66 (a)1. A school district shall timely notify the parent of
67 each eligible student of all options available pursuant to this

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68 section and offer that student's parent an opportunity to enroll
69 the student in another public school within the school district.

70 2. The parent is not required to accept the offer of
71 enrolling the student in another public school in lieu of
72 requesting a Reading Compact Scholarship to a private school.
73 However, if the parent chooses the public school option, the
74 student may continue attending a public school chosen by the
75 parent until the student graduates from high school.

76 3. If the parent chooses a public school consistent with
77 the district school board's choice plan under s. 1002.31, the
78 school district shall provide transportation to the public
79 school selected by the parent. The parent is responsible for
80 providing transportation to a public school chosen that is not
81 consistent with the district school board's choice plan under s.
82 1002.31.

83 (b) If the parent chooses the private school option and
84 the student is accepted by the private school pending the
85 availability of a space for the student, the parent of the
86 student must notify the department no later than 60 days prior
87 to the first scholarship payment and before entering the private
88 school in order to be eligible for the scholarship when a space
89 becomes available for the student in the private school.

90 (c) The parent of a student may choose, as an alternative,
91 to enroll the student in and transport the student to a public
92 school in an adjacent school district that has available space,
93 and that school district shall accept the student and report the

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94 student for purposes of the school district's funding under the
95 Florida Education Finance Program.

96 (d) For a student in the school district who participates
97 in the Reading Compact Scholarship Program whose parent requests
98 that the student take the statewide assessments under s.

99 1008.22, the school district shall provide locations and times
100 to take all statewide assessments.

101 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department
102 shall:

103 (a) Establish a toll-free hotline that provides parents
104 and private schools with information on participation in the
105 Reading Compact Scholarship Program.

106 (b) Establish a process by which individuals may notify
107 the department of any violation by a parent, private school, or
108 school district of state laws relating to program participation.

109 The department shall conduct an investigation of any written
110 complaint of a violation of this section, or make a referral to
111 the appropriate agency for an investigation, if the complaint is
112 signed by the complainant and is legally sufficient. A complaint
113 is legally sufficient if it contains ultimate facts that show
114 that a violation of this section or any rule adopted by the
115 State Board of Education has occurred. In order to determine
116 legal sufficiency, the department may require supporting
117 information or documentation from the complainant.

118 (c) Require an annual, notarized, sworn compliance
119 statement by participating private schools certifying compliance
120 with state laws and shall retain such records.

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121 (d) Cross-check the list of participating scholarship
122 students with the public school enrollment lists prior to the
123 first scholarship payment to avoid duplication.

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

127 (f) Select an independent private research organization to
128 which participating private schools must report the scores of
129 participating students on the nationally norm-referenced tests
130 administered by the private school. The independent private
131 research organization must annually report to the department on
132 the year-to-year improvements of participating students. The
133 independent private research organization must analyze and
134 report student performance data in a manner that protects the
135 rights of students and parents as mandated in 20 U.S.C. s.
136 1232g, the Family Educational Rights and Privacy Act, and must
137 not disaggregate data to a level that will disclose the academic
138 level of individuals or of individual schools. To the extent
139 possible, the independent private research organization must
140 accumulate historical performance data on students from the
141 department and private schools to describe baseline performance
142 and to conduct longitudinal studies. To minimize costs and
143 reduce time required for third-party analysis and evaluation,
144 the department shall conduct analyses of matched students from
145 public school assessment data and calculate control group
146 learning gains using an agreed-upon methodology outlined in the
147 contract with the third-party evaluator. The sharing of student

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148 data must be in accordance with the requirements of 20 U.S.C. s.
149 1232g, the Family Educational Rights and Privacy Act, and shall
150 be for the sole purpose of conducting the evaluation. All
151 parties must preserve the confidentiality of such information as
152 otherwise required by state and federal law.

153 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.--

154 (a) The Commissioner of Education shall deny, suspend, or
155 revoke a private school's participation in the scholarship
156 program if it is determined that the private school has failed
157 to comply with the provisions of this section. However, in
158 instances in which the noncompliance is correctable within a
159 reasonable amount of time and in which the health, safety, and
160 welfare of the students are not threatened, the commissioner may
161 issue a notice of noncompliance which shall provide the private
162 school with a timeframe within which to provide evidence of
163 compliance prior to taking action to suspend or revoke the
164 private school's participation in the scholarship program.

165 (b) The commissioner's determination is subject to the
166 following:

167 1. If the commissioner intends to deny, suspend, or revoke
168 a private school's participation in the scholarship program, the
169 department shall notify the private school of such proposed
170 action in writing by certified mail and regular mail to the
171 private school's address of record with the department. The
172 notification shall include the reasons for the proposed action
173 and notice of the timelines and procedures set forth in this
174 paragraph.

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175 2. The private school that is adversely affected by the
176 proposed action shall have 15 days from the receipt of the
177 notice of proposed action to file with the department's agency
178 clerk a request for a proceeding pursuant to ss. 120.569 and
179 120.57. If the private school is entitled to a hearing under s.
180 120.57(1), the department shall forward the request to the
181 Division of Administrative Hearings.

182 3. Upon receipt of a request referred pursuant to this
183 paragraph, the director of the Division of Administrative
184 Hearings shall expedite the hearing and assign an administrative
185 law judge who shall commence a hearing within 30 days after the
186 receipt of the formal written request by the division and enter
187 a recommended order within 30 days after the hearing or within
188 30 days after receipt of the hearing transcript, whichever is
189 later. Each party shall be allowed 10 days in which to submit
190 written exceptions to the recommended order. A final order shall
191 be entered by the agency within 30 days after the entry of a
192 recommended order. The provisions of this subparagraph may be
193 waived upon stipulation by all parties.

194 (c) The commissioner may immediately suspend payment if it
195 is determined that there is probable cause to believe that there
196 is:

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

199 2. Fraudulent activity on the part of the private school.
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201 The commissioner's order suspending payment pursuant to this
202 paragraph may be appealed pursuant to the same procedures and
203 timelines as the notice of proposed action set forth in
204 paragraph (b).

205 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be
206 eligible to participate in the Reading Compact Scholarship
207 Program, a private school may be sectarian or nonsectarian and
208 must:

209 (a) Comply with all applicable requirements for private
210 schools participating in state school choice programs pursuant
211 to s. 1002.421.

212 (b) Provide the department all documentation required for
213 the student's participation, including the private school's and
214 student's fee schedules, at least 30 days before the first
215 quarterly scholarship payment is made for the student.

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

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

220 2. Annually administering or making provision for students
221 participating in the scholarship program to take one of the
222 nationally norm-referenced tests identified by the department.
223 Students with disabilities for whom standardized testing is not
224 appropriate are exempt from this requirement. A participating
225 private school must report a student's scores to the parent and
226 to the independent private research organization selected by the
227 department pursuant to paragraph (6)(f).

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228 3. Cooperating with the scholarship student whose parent
229 chooses to participate in the statewide assessments pursuant to
230 s. 1008.22.

231
232 The inability of a private school to meet the requirements of
233 this subsection shall constitute a basis for the ineligibility
234 of the private school to participate in the scholarship program
235 as determined by the department.

236 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
237 PARTICIPATION.--A parent who applies for a Reading Compact
238 Scholarship is exercising his or her parental option to place
239 his or her child in a private school.

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

242 (b) The parent must have requested the scholarship at
243 least 60 days prior to the date of the first scholarship
244 payment.

245 (c) Any student participating in the Reading Compact
246 Scholarship Program must remain in attendance throughout the
247 school year, unless excused by the school for illness or other
248 good cause.

249 (d) Each parent and each student has an obligation to the
250 private school to comply with the private school's published
251 policies.

252 (e) The parent shall ensure that the student participating
253 in the scholarship program takes the norm-referenced assessment
254 offered by the private school. The parent may also choose to

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255 have the student participate in the statewide assessments
256 pursuant to s. 1008.22. If the parent requests that the student
257 participating in the scholarship program take statewide
258 assessments pursuant to s. 1008.22, the parent is responsible
259 for transporting the student to the assessment site designated
260 by the school district.

261 (f) Upon receipt of a scholarship warrant, the parent to
262 whom the warrant is made must restrictively endorse the warrant
263 to the private school for deposit into the account of the
264 private school. The parent may not designate any entity or
265 individual associated with the participating private school as
266 the parent's attorney in fact to sign a scholarship warrant. A
267 participant who fails to comply with this paragraph forfeits the
268 scholarship.

269 (10) READING COMPACT SCHOLARSHIP FUNDING AND PAYMENT.--

270 (a) The maximum Reading Compact Scholarship granted for an
271 eligible student shall be a calculated amount equivalent to the
272 base student allocation in the Florida Education Finance Program
273 multiplied by the appropriate cost factor for the educational
274 program that would have been provided for the student in the
275 district school to which he or she was assigned, multiplied by
276 the district cost differential. In addition, the calculated
277 amount shall include the per-student share of instructional
278 materials funds, technology funds, and other categorical funds
279 as provided for this purpose in the General Appropriations Act.
280 For a student who attended the Florida School for the Deaf and
281 the Blind, the Reading Compact Scholarship shall be calculated

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282 based on the school district in which the student's parent
283 resides at the time of the scholarship request.

284 (b) The amount of the Reading Compact Scholarship shall be
285 the calculated amount or the amount of the private school's
286 tuition and fees, whichever is less. Fees eligible shall include
287 textbook fees, lab fees, and other fees related to instruction,
288 including transportation.

289 (c) The school district shall report all students who are
290 attending a private school under this scholarship program. The
291 students attending private schools on Reading Compact
292 Scholarships shall be reported separately from those students
293 reported for purposes of the Florida Education Finance Program.

294 (d) A public or private school that provides services to
295 students with disabilities shall receive the weighted funding
296 for such services at the appropriate funding level consistent
297 with the provisions of s. 1011.62(1)(e).

298 (e) For purposes of calculating the Reading Compact
299 Scholarship, a student shall be eligible for the amount of the
300 appropriate basic cost factor if:

301 1. The student currently participates in a Group 1 program
302 funded at the basic cost factor and is not subsequently
303 identified as having a disability; or

304 2. The student currently participates in a Group 2 program
305 and the parent has chosen a private school that does not provide
306 the additional services funded by a Group 2 program.

307 (f) Following notification on July 1, September 1,
308 December 1, or February 1 of the number of scholarship program

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309 participants, the department shall transfer, from General
310 Revenue funds only, the calculated amount from the Florida
311 Education Finance Program and authorized categorical accounts to
312 a separate account for the Reading Compact Scholarship Program
313 for quarterly disbursement to the parents of participating
314 students. When a student enters the scholarship program, the
315 department must receive all documentation required for the
316 student's participation, including the private school's and
317 student's fee schedules, at least 30 days before the first
318 quarterly scholarship payment is made for the student.

319 (g) The Chief Financial Officer shall make Reading Compact
320 Scholarship payments in four equal amounts no later than
321 September 1, November 1, February 1, and April 1 of each
322 academic year in which the Reading Compact Scholarship is in
323 force. The initial payment shall be made after department
324 verification of admission acceptance, and subsequent payments
325 shall be made upon verification of continued enrollment and
326 attendance at the private school. Payment must be by individual
327 warrant made payable to the student's parent and mailed by the
328 department to the private school of the parent's choice, and the
329 parent shall restrictively endorse the warrant to the private
330 school.

331 (h) Subsequent to each scholarship payment, the Department
332 of Financial Services shall randomly review endorsed warrants to
333 confirm compliance with endorsement requirements. The Department
334 of Financial Services shall immediately report inconsistencies
335 or irregularities to the department.

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336 (11) LIABILITY.--No liability shall arise on the part of
337 the state based on the award or use of a Reading Compact
338 Scholarship.

339 (12) SCOPE OF AUTHORITY.--The inclusion of eligible
340 private schools within options available to Florida public
341 school students does not expand the regulatory authority of the
342 state, its officers, or any school district to impose any
343 additional regulation of private schools beyond those reasonably
344 necessary to enforce requirements expressly set forth in this
345 section.

346 (13) RULES.--The State Board of Education shall adopt
347 rules pursuant to ss. 120.536(1) and 120.54 to administer this
348 section. Rules shall include penalties for noncompliance with
349 subsections (8) and (9).

350 Section 11. Section 1002.421, Florida Statutes, is created
351 to read:

352 1002.421 Rights and obligations of private schools
353 participating in state school choice scholarship
354 programs.--Requirements of this section are in addition to
355 private school requirements outlined in s. 1002.42, specific
356 requirements identified within respective scholarship program
357 laws, and other provisions of Florida law that apply to private
358 schools.

359 (1) A Florida private school participating in the
360 corporate income tax credit scholarship program established
361 pursuant to s. 220.187 or an educational scholarship program

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362 established pursuant to this chapter must comply with all
363 requirements of this section.

364 (2) A private school participating in a scholarship
365 program must be a Florida private school as defined in s.
366 1002.01(2) and must:

367 (a) Be a registered Florida private school in accordance
368 with s. 1002.42.

369 (b) Comply with antidiscrimination provisions of 42 U.S.C.
370 s. 2000d.

371 (c) Notify the department of its intent to participate in
372 a scholarship program.

373 (d) Notify the department of any change in the school's
374 name, school director, mailing address, or physical location
375 within 15 days after the change.

376 (e) Complete student enrollment and attendance
377 verification requirements, including use of an online attendance
378 verification form, prior to scholarship payment.

379 (f) Annually complete and submit to the department a
380 notarized scholarship compliance statement certifying compliance
381 with state laws relating to private school participation in the
382 scholarship program.

383 (g) Demonstrate fiscal soundness and accountability by:

384 1. Being in operation for at least 3 school years or
385 obtaining a surety bond or letter of credit for the amount equal
386 to the scholarship funds for any quarter and filing the surety
387 bond or letter of credit with the department.

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388 2. Requiring the parent of each scholarship student to
389 personally restrictively endorse the scholarship warrant to the
390 school. The school may not act as attorney in fact for the
391 parent of a scholarship student under the authority of a power
392 of attorney executed by such parent, or under any other
393 authority, to endorse scholarship warrants on behalf of such
394 parent.

395 (h) Meet applicable state and local health, safety, and
396 welfare laws, codes, and rules, including:

397 1. Fire safety.

398 2. Building safety.

399 (i) Employ or contract with teachers who hold
400 baccalaureate or higher degrees, have at least 3 years of
401 teaching experience in public or private schools, or have
402 special skills, knowledge, or expertise that qualifies them to
403 provide instruction in subjects taught.

404 (j) Require each individual with direct student contact
405 with a scholarship student to be of good moral character, to be
406 subject to the level 1 background screening as provided under
407 chapter 435, to be denied employment or terminated if required
408 under s. 435.06, and not to be ineligible to teach in a public
409 school because his or her educator certificate is suspended or
410 revoked. For purposes of this paragraph:

411 1. An "individual with direct student contact" means any
412 individual who has unsupervised access to a scholarship student
413 for whom the private school is responsible.

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414 2. The costs of fingerprinting and the background check
415 shall not be borne by the state.

416 3. Continued employment of an individual after
417 notification that the individual has failed the level 1
418 background screening shall cause a private school to be
419 ineligible for participation in a scholarship program.

420 4. An individual holding a valid Florida teaching
421 certificate who has been fingerprinted pursuant to s. 1012.32
422 shall not be required to comply with the provisions of this
423 paragraph.

424 (3) The inability of a private school to meet the
425 requirements of this section shall constitute a basis for the
426 ineligibility of the private school to participate in a
427 scholarship program as determined by the department.

428 (4)(a) The State Board of Education shall adopt rules
429 pursuant to ss. 120.536(1) and 120.54 to administer this
430 section.

431 (b) The inclusion of eligible private schools within
432 options available to Florida public school students does not
433 expand the regulatory authority of the state, its officers, or
434 any school district to impose any additional regulation of
435 private schools beyond those reasonably necessary to enforce
436 requirements expressly set forth in this section.

437 Section 12. Paragraph (b) of subsection (3) of section
438 1003.01, Florida Statutes, is amended to read:

439 1003.01 Definitions.--As used in this chapter, the term:

440 (3)

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441 (b) "Special education services" means specially designed
442 instruction and such related services as are necessary for an
443 exceptional student to benefit from education. Such services may
444 include: transportation; diagnostic and evaluation services;
445 social services; physical and occupational therapy; speech and
446 language pathology services; job placement; orientation and
447 mobility training; braillists, typists, and readers for the
448 blind; interpreters and auditory amplification; rehabilitation
449 counseling; transition services; mental health services;
450 guidance and career counseling; specified materials, assistive
451 technology devices, and other specialized equipment; and other
452 such services as approved by rules of the state board.

453 Section 13. Paragraph (b) of subsection (2) of section
454 1003.03, Florida Statutes, is amended to read:

455 1003.03 Maximum class size.--

456 (2) IMPLEMENTATION.--

457 (b) Determination of the number of students per classroom
458 in paragraph (a) shall be calculated as follows:

459 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,
460 the calculation for compliance for each of the 3 grade groupings
461 shall be the average at the district level.

462 2. For fiscal year ~~years 2006-2007~~ through 2007-2008, the
463 calculation for compliance for each of the 3 grade groupings
464 shall be the average at the school level.

465 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
466 the calculation for compliance shall be at the individual
467 classroom level.

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468 Section 14. Section 1003.035, Florida Statutes, is created
469 to read:

470 1003.035 District average class size requirements.--

471 (1) CONSTITUTIONAL CLASS SIZE REQUIREMENTS.--Pursuant to
472 s. 1, Art. IX of the State Constitution, beginning in the 2007-
473 2008 school year:

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

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

482 (c) The district average number of students assigned to
483 each teacher who is teaching core-curricula courses in public
484 school classrooms for grades 9 through 12 may not exceed 25
485 students.

486
487 However, in no event shall any such classroom exceed five
488 students over the district average allowable maximum.

489 (2) IMPLEMENTATION.--

490 (a) Beginning with the 2006-2007 fiscal year, each school
491 district that is not in compliance with the requirements in
492 subsection (1) shall reduce the district average class size in
493 each of the following grade groupings: prekindergarten through
494 grade 3, grade 4 through grade 8, and grade 9 through grade 12,

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495 by at least two students each year until the district average
496 class size does not exceed the requirements in subsection (1).

497 (b) The Department of Education shall annually calculate
498 each school district's average class size for each of the grade
499 groupings specified in paragraph (a) based upon the October
500 student membership survey.

501 (3) IMPLEMENTATION OPTIONS.--District school boards must
502 consider, but are not limited to, implementing the following
503 items in order to meet the constitutional district average class
504 size requirements described in subsection (1) and the two-
505 student-per-year reduction required in subsection (2):

506 (a) Adopt policies to encourage qualified students to take
507 dual enrollment courses.

508 (b) Adopt policies to encourage students to take courses
509 from the Florida Virtual School.

510 (c)1. Repeal district school board policies that require
511 students to have more than 24 credits to graduate from high
512 school.

513 2. Adopt policies to allow students to graduate from high
514 school as soon as they pass the grade 10 FCAT and complete the
515 courses required for high school graduation.

516 (d) Use methods to maximize use of instructional staff,
517 such as changing required teaching loads and scheduling of
518 planning periods, deploying district employees that have
519 professional certification to the classroom, using adjunct
520 educators, or any other method not prohibited by law.

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521 (e) Use innovative methods to reduce the cost of school
522 construction by using prototype school designs, using SMART
523 Schools designs, participating in the School Infrastructure
524 Thrift Program, or any other method not prohibited by law.

525 (f) Use joint-use facilities through partnerships with
526 community colleges, state universities, and private colleges and
527 universities. Joint-use facilities available for use as K-12
528 classrooms that do not meet the K-12 State Regulations for
529 Educational Facilities in the Florida Building Code may be used
530 at the discretion of the district school board provided that
531 such facilities meet all other health, life, safety, and fire
532 codes.

533 (g) Adopt alternative methods of class scheduling, such as
534 block scheduling.

535 (h) Redraw school attendance zones to maximize use of
536 facilities while minimizing the additional use of
537 transportation.

538 (i) Operate schools beyond the normal operating hours to
539 provide classes in the evening or operate more than one session
540 of school during the day.

541 (j) Use year-round schools and other nontraditional
542 calendars that do not adversely impact annual assessment of
543 student achievement.

544 (k) Review and consider amending any collective bargaining
545 contracts that hinder the implementation of class size
546 reduction.

547 (l) Use any other approach not prohibited by law.

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548 (4) ACCOUNTABILITY.--
549 (a) If the department determines for any year that a
550 school district has not reduced average class size as required
551 in subsection (2) at the time of the third FEFP calculation, the
552 department shall calculate an amount from the class size
553 reduction operating categorical which is proportionate to the
554 amount of class size reduction not accomplished. Upon
555 verification of the department's calculation by the Florida
556 Education Finance Program Appropriation Allocation Conference,
557 the Executive Office of the Governor shall transfer
558 undistributed funds equivalent to the calculated amount from the
559 district's class size reduction operating categorical to an
560 approved fixed capital outlay appropriation for class size
561 reduction in the affected district pursuant to s. 216.292(13).
562 The amount of funds transferred shall be the lesser of the
563 amount verified by the Florida Education Finance Program
564 Appropriation Allocation Conference or the undistributed balance
565 of the district's class size reduction operating categorical.
566 However, based upon a recommendation by the Commissioner of
567 Education that the State Board of Education has reviewed
568 evidence indicating that a district has been unable to meet
569 class size reduction requirements despite appropriate effort to
570 do so, the Legislative Budget Commission may approve an
571 alternative amount of funds to be transferred from the
572 district's class size reduction operating categorical to its
573 approved fixed capital outlay account for class size reduction.

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574 (b) Beginning in the 2007-2008 school year, the department
575 shall determine by January 15 of each year which districts do
576 not meet the requirements of subsection (1) based upon the
577 district's October student membership survey for the current
578 school year. The department shall report such districts to the
579 Legislature. Each district that has not met the requirements of
580 subsection (1) shall be required to implement one of the
581 following policies in the subsequent school year unless the
582 department finds that the district comes into compliance based
583 upon the February student membership survey:

- 584 1. Year-round schools;
585 2. Double sessions;
586 3. Rezoning; or
587 4. Maximizing use of instructional staff by changing
588 required teacher loads and scheduling of planning periods,
589 deploying school district employees who have professional
590 certification to the classroom, using adjunct educators,
591 operating schools beyond the normal operating hours to provide
592 classes in the evening, or operating more than one session
593 during the day.

594
595 A school district that is required to implement one of the
596 policies outlined in subparagraphs 1. through 4. shall correct
597 in the year of implementation any past deficiencies and bring
598 the district into compliance with the requirements of subsection
599 (1). A school district may choose to implement more than one of
600 these policies. The district school superintendent shall report

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601 to the Commissioner of Education the extent to which the
602 district implemented any of the policies outlined in
603 subparagraphs 1. through 4. in a format to be specified by the
604 Commissioner of Education. The Department of Education shall use
605 the enforcement authority provided in s. 1008.32 to ensure that
606 districts comply with the provisions of this paragraph.

607 (c) Beginning in the 2008-2009 school year, the department
608 shall annually determine which districts do not meet the
609 requirements described in subsection (1) based upon the October
610 student membership survey. In addition to enforcement authority
611 provided in s. 1008.32, the Department of Education shall
612 develop a constitutional compliance plan for each such district
613 which includes, but is not limited to, redrawing school
614 attendance zones to maximize use of facilities while minimizing
615 the additional use of transportation and the other
616 accountability policies listed in paragraph (b). Each district
617 school board shall implement the constitutional compliance plan
618 developed by the state board in the subsequent school year until
619 the district complies with the constitutional district average
620 class size requirements.

621 Section 15. Subsection (3) of section 1003.05, Florida
622 Statutes, is amended to read:

623 1003.05 Assistance to transitioning students from military
624 families.--

625 (3) Dependent children of active duty military personnel
626 who otherwise meet the eligibility criteria for special academic
627 programs offered through public schools shall be given first

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628 preference for admission to such programs even if the program is
629 being offered through a public school other than the school to
630 which the student would generally be assigned ~~and the school at~~
631 ~~which the program is being offered has reached its maximum~~
632 ~~enrollment~~. If such a program is offered through a public school
633 other than the school to which the student would generally be
634 assigned, the parent or guardian of the student must assume
635 responsibility for transporting the student to that school. For
636 purposes of this subsection, special academic programs include
637 ~~charter schools~~, magnet schools, advanced studies programs,
638 advanced placement, dual enrollment, and International
639 Baccalaureate.

640 Section 16. Section 1003.413, Florida Statutes, is created
641 to read:

642 1003.413 High school reform.--

643 (1) Beginning with the 2005-2006 school year, each school
644 district shall establish policies to assist high school students
645 to remain in school, graduate on time, and be prepared for
646 postsecondary education and the workforce. Such policies must
647 address:

648 (a) Intensive reading remediation for students in grades 9
649 through 12 scoring below Level 3 on FCAT Reading, pursuant to
650 the reading instruction plan required by s. 1011.62(8).

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

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

656 (d) Placement in alternative programs, such as programs
657 that emphasize applied integrated curricula, small learning
658 communities, support services, increased discipline, or other
659 strategies documented to improve student achievement.

660 (e) Summer reading institutes for rising ninth graders
661 scoring below Level 3 on FCAT Reading, pursuant to the reading
662 instruction plan required by s. 1011.62(8).

663
664 A student's participation in an instructional or remediation
665 program prior to or immediately following entering grade 9 for
666 the first time shall not affect that student's classification as
667 a first-time ninth grader for reporting purposes, including
668 calculation of graduation and dropout rates.

669 (2) The Commissioner of Education shall create and
670 implement the Challenge High School Recognition Program to
671 reward public high schools that demonstrate continuous academic
672 improvement and show the greatest gains in student academic
673 achievement in reading and mathematics.

674 Section 17. High School Reform Task Force.--

675 (1) There is created the High School Reform Task Force.
676 The task force shall work in conjunction with the Southern
677 Regional Education Board and the International Center for
678 Leadership in Education and shall be administratively supported
679 by the office of the Chancellor for K-12 Public Schools in the
680 Department of Education and the Just Read, Florida! Office.

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681 Appointments to the task force shall be coordinated to ensure
682 that the membership reflects the geographic and cultural
683 diversity of Florida's school age population. The task force
684 shall be abolished upon submission of its recommendations.

685 (2)(a) The Governor shall appoint members of the task
686 force from the following categories and shall appoint the chair
687 of the task force from its membership:

688 1. Two representatives of public school districts, who may
689 be principals, district school board members, or school
690 superintendents, at least one of whom works in or with a school
691 with a school grade of "F."

692 2. One high school teacher who teaches in a high school
693 with a school grade of "F."

694 3. Two parents of high school students scoring at Level 1
695 on FCAT Reading, at least one whom has a child enrolled in a
696 school with a school grade of "F."

697 4. One high school student.

698 5. One teacher or administrator from a charter high
699 school.

700 6. Two private school teachers or administrators from any
701 registered Florida private school with students in grades 9-12
702 regardless of whether the school is nonsectarian, sectarian, not
703 for profit, or for profit.

704 7. One representative of the business community.

705 (b) The Speaker of the House of Representatives shall
706 appoint one member of the House of Representatives to serve on

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707 the task force and the President of the Senate shall appoint one
708 member of the Senate to serve on the task force.

709 (3) Not later than January 1, 2006, the task force shall
710 vote to recommend to the Speaker of the House of
711 Representatives, the President of the Senate, and the Governor a
712 long-term plan for revisions to statutes, rules, and policies
713 that will improve Florida's grade 9 retention rate, graduation
714 rate, dropout rate, and college remediation rate and align high
715 school requirements with the needs of Florida's employers and
716 postsecondary educational institution requirements. The plan
717 must be programmatically and fiscally responsible, feasible, and
718 implementable. The plan must address, but is not limited to
719 addressing: graduation requirements; effective use of
720 accelerated high school graduation options pursuant to s.
721 1003.429; course redesign; remediation strategies; credit
722 recovery; use of alternative programs, including programs that
723 emphasize applied integrated curricula, small learning
724 communities, support services, or increased discipline; use of
725 technology; adjustments to the school grading system to reflect
726 learning gains by high school students; middle school systemic
727 alignment; transition from middle school to high school;
728 alignment with postsecondary and workforce education
729 requirements; and alignment with employer expectations.

730 Section 18. Section 1003.415, Florida Statutes, is amended
731 to read:

732 1003.415 The Middle Grades Reform Act.--

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733 (1) POPULAR NAME.--This section shall be known by the
734 popular name the "Middle Grades Reform Act."

735 (2) PURPOSE AND INTENT.--

736 (a) The purpose of this section is to provide added focus
737 and rigor to academics in the middle grades. Using reading as
738 the foundation, all middle grade students should receive
739 rigorous academic instruction through challenging curricula
740 delivered by highly qualified teachers in schools with
741 outstanding leadership, which schools are supported by engaged
742 and informed parents.

743 (b) It is the intent of the Legislature that students
744 promoted from the eighth grade will have the necessary reading
745 and mathematics skills to be ready for success in high school.
746 The mission of middle grades is to prepare students to graduate
747 from high school.

748 (3) DEFINITION.--As used in this section, the term "middle
749 grades" means grades 6, 7, and 8.

750 (4) CURRICULA AND COURSES.--The Department of Education
751 shall review course offerings, teacher qualifications,
752 instructional materials, and teaching practices used in reading
753 and language arts programs in the middle grades. The department
754 must consult with the Florida Center for Reading Research at
755 Florida State University, the Just Read, Florida! Office,
756 reading researchers, reading specialists, and district
757 supervisors of curriculum in the development of findings and
758 recommendations. The Commissioner of Education shall make
759 recommendations to the State Board of Education regarding

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760 changes to reading and language arts curricula in the middle
761 grades based on research-based proven effective programs. The
762 State Board of Education shall adopt rules based upon the
763 commissioner's recommendations no later than March 1, 2005.
764 Implementation of new or revised reading and language arts
765 courses in all middle grades shall be phased in beginning no
766 later than the 2005-2006 school year with completion no later
767 than the 2008-2009 school year.

768 ~~(5) RIGOROUS READING REQUIREMENT.--~~

769 ~~(a) Beginning with the 2004-2005 school year, each public~~
770 ~~school serving middle grade students, including charter schools,~~
771 ~~with fewer than 75 percent of its students reading at or above~~
772 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~
773 ~~student scoring at Level 3 or above on the FCAT during the prior~~
774 ~~school year, must incorporate by October 1 a rigorous reading~~
775 ~~requirement for reading and language arts programs as the~~
776 ~~primary component of its school improvement plan. The department~~
777 ~~shall annually provide to each district school board by June 30~~
778 ~~a list of its schools that are required to incorporate a~~
779 ~~rigorous reading requirement as the primary component of the~~
780 ~~school's improvement plan. The department shall provide~~
781 ~~technical assistance to school districts and school~~
782 ~~administrators required to implement the rigorous reading~~
783 ~~requirement.~~

784 ~~(b) The purpose of the rigorous reading requirement is to~~
785 ~~assist each student who is not reading at or above grade level~~
786 ~~to do so before entering high school. The rigorous reading~~

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787 ~~requirement must include for a middle school's low-performing~~
788 ~~student population specific areas that address phonemic~~
789 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~
790 ~~desired levels of performance in those areas; and the~~
791 ~~instructional and support services to be provided to meet the~~
792 ~~desired levels of performance. The school shall use research-~~
793 ~~based reading activities that have been shown to be successful~~
794 ~~in teaching reading to low-performing students.~~

795 ~~(c) Schools required to implement the rigorous reading~~
796 ~~requirement must provide quarterly reports to the district~~
797 ~~school superintendent on the progress of students toward~~
798 ~~increased reading achievement.~~

799 ~~(d) The results of implementation of a school's rigorous~~
800 ~~reading requirement shall be used as part of the annual~~
801 ~~evaluation of the school's instructional personnel and school~~
802 ~~administrators as required in s. 1012.34.~~

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

805 ~~(a) The department shall conduct a study on how the~~
806 ~~overall academic performance of middle grade students and~~
807 ~~schools can be improved. The department must consult with the~~
808 ~~Florida Center for Reading Research at Florida State University,~~
809 ~~the Just Read, Florida! Office, and key education stakeholders,~~
810 ~~including district school board members, district school~~
811 ~~superintendents, principals, parents, teachers, district~~
812 ~~supervisors of curriculum, and students across the state, in the~~

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- 813 ~~development of its findings and recommendations. The department~~
814 ~~shall review, at a minimum, each of the following elements:~~
- 815 ~~1. Academic expectations, which include, but are not~~
816 ~~limited to:~~
 - 817 ~~a. Alignment of middle school expectations with elementary~~
818 ~~and high school graduation requirements.~~
 - 819 ~~b. Best practices to improve reading and language arts~~
820 ~~courses based on research-based programs for middle school~~
821 ~~students in alignment with the Sunshine State Standards.~~
 - 822 ~~e. Strategies that focus on improving academic success for~~
823 ~~low-performing students.~~
 - 824 ~~d. Rigor of curricula and courses.~~
 - 825 ~~e. Instructional materials.~~
 - 826 ~~f. Course enrollment by middle school students.~~
 - 827 ~~g. Student support services.~~
 - 828 ~~h. Measurement and reporting of student achievement.~~
 - 829 ~~2. Attendance policies and student mobility issues.~~
 - 830 ~~3. Teacher quality, which includes, but is not limited to:~~
 - 831 ~~a. Preparedness of teachers to teach rigorous courses to~~
832 ~~middle school students.~~
 - 833 ~~b. Teacher evaluations.~~
 - 834 ~~e. Substitute teachers.~~
 - 835 ~~d. Certification and recertification requirements.~~
 - 836 ~~e. Staff development requirements.~~
 - 837 ~~f. Availability of effective staff development training.~~
 - 838 ~~g. Teacher recruitment and vacancy issues.~~

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

841 ~~4. Identification and availability of diagnostic testing.~~

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

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

844 ~~7. Parental and community involvement.~~

845 ~~(b) By December 1, 2004, the Commissioner of Education~~
846 ~~shall submit to the President of the Senate, the Speaker of the~~
847 ~~House of Representatives, the chairs of the education committees~~
848 ~~in the Senate and the House of Representatives, and the State~~
849 ~~Board of Education recommendations to increase the academic~~
850 ~~performance of middle grade students and schools.~~

851 ~~(5)(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--~~

852 ~~(a) Beginning with the 2004-2005 school year, Each~~
853 ~~principal of a school with a middle grade shall designate~~
854 ~~certified staff members at the school to develop and administer~~
855 ~~a personalized middle school success plan for each entering~~
856 ~~sixth grade student who scored below Level 3 in reading on the~~
857 ~~most recently administered FCAT. The purpose of the success plan~~
858 ~~is to assist the student in meeting state and school district~~
859 ~~expectations in academic proficiency and to prepare the student~~
860 ~~for a rigorous high school curriculum. The success plan shall be~~
861 ~~developed in collaboration with the student and his or her~~
862 ~~parent and must be implemented until the student completes the~~
863 ~~eighth grade or achieves a score at Level 3 or above in reading~~
864 ~~on the FCAT, whichever occurs first. The success plan must~~
865 ~~minimize paperwork and may be incorporated into a parent/teacher~~

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866 conference, included as part of a progress report or report
867 card, included as part of a general orientation at the beginning
868 of the school year, or provided by electronic mail or other
869 written correspondence.

870 (b) The personalized middle school success plan must:

871 1. Identify educational goals and intermediate benchmarks
872 for the student in the core curriculum areas which will prepare
873 the student for high school.

874 2. Be based upon academic performance data and an
875 identification of the student's strengths and weaknesses.

876 3. Include academic intervention strategies with frequent
877 progress monitoring.

878 4. Provide innovative methods to promote the student's
879 advancement which may include, but not be limited to, flexible
880 scheduling, tutoring, focus on core curricula, online
881 instruction, an alternative learning environment, or other
882 interventions that have been shown to accelerate the learning
883 process.

884 (c) The personalized middle school success plan must be
885 incorporated into any individual student plan required by
886 federal or state law, including the academic improvement plan
887 required in s. 1008.25, an individual education plan (IEP) for a
888 student with disabilities, a federal 504 plan, or an ESOL plan.

889 (d) The Department of Education shall provide technical
890 assistance for districts, school administrators, and
891 instructional personnel regarding the development of
892 personalized middle school success plans. The assistance shall

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893 include strategies and techniques designed to maximize
894 interaction between students, parents, teachers, and other
895 instructional and administrative staff while minimizing
896 paperwork.

897 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

898 (a) The State Board of Education shall have authority to
899 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
900 the provisions of this section.

901 (b) The State Board of Education shall have authority
902 pursuant to s. 1008.32 to enforce the provisions of this
903 section.

904 Section 19. Section 1003.4155, Florida Statutes, is
905 created to read:

906 1003.4155 Middle school grading system.--The grading
907 system and interpretation of letter grades used in grades 6
908 through 8 shall be as follows:

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

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

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

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

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

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

926 Section 20. Section 1003.4156, Florida Statutes, is
927 created to read:

928 1003.4156 General requirements for middle school
929 promotion.--

930 (1) Beginning with students entering grade 6 in the 2005-
931 2006 school year, promotion from a middle school with grades 6
932 through 8 requires that:

933 (a) A student must successfully complete 12 academic
934 credits as follows:

935 1. Three middle school or higher credits in
936 English/language arts.

937 2. Three middle school or higher credits in mathematics.

938 3. Two middle school or higher credits in social studies.

939 4. Two middle school or higher credits in science.

940 5. Two middle school or higher credits in elective
941 courses.

942 (b) For each year in which a student scores at Level 1 or
943 Level 2 on FCAT Reading, the student must the following year be
944 enrolled in and complete a full-year intensive reading course

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945 for which the student may earn up to one elective credit per
946 year. Students scoring at Level 3 or Level 4 on FCAT Reading may
947 be enrolled, with parental permission, in a full-year intensive
948 reading course for which the student may earn up to two elective
949 credits during middle school. Reading courses shall be designed
950 and offered pursuant to the reading instruction plan required by
951 s. 1011.62(8).

952 (2) One full credit means a minimum of 135 hours of
953 instruction in a designated course of study that contains
954 student performance standards. For schools authorized by the
955 district school board to implement block scheduling, one full
956 credit means a minimum of 120 hours of instruction in a
957 designated course of study that contains student performance
958 standards.

959 (3) District school boards shall establish policies to
960 implement the requirements of this section. The policies may
961 allow alternative methods for students to earn the credits
962 required by this section. School districts shall emphasize
963 alternative programs for students scoring at Level 1 on FCAT
964 Reading who have been retained in elementary school. The
965 alternatives may include, but are not limited to, opportunities
966 for students to:

967 (a) Recover credits.

968 (b) Be promoted on time to high school.

969 (c) Be placed in programs that emphasize applied
970 integrated curricula, small learning communities, support

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971 services, increased discipline, or other strategies documented
972 to improve student achievement.

973

974 The school district's policy shall be submitted to the State
975 Board of Education for approval. The school district's policy
976 shall be automatically approved unless specifically rejected by
977 the State Board of Education within 60 days after receipt.

978 (4) The State Board of Education shall adopt rules
979 pursuant to ss. 120.536(1) and 120.54 to provide for alternative
980 middle school promotion standards for students in grade 6, grade
981 7, or grade 8, including students who are not enrolled in
982 schools with a grade 6 through 8 middle school configuration.

983 Section 21. Subsection (2) of section 1003.42, Florida
984 Statutes, is amended to read:

985 1003.42 Required instruction.--

986 (2) All members of the instructional staff of the public
987 schools, subject to the rules of the State Board of Education
988 and the district school board, shall teach efficiently and
989 faithfully, using the books and materials required that meet the
990 highest standards for professionalism and historic accuracy,
991 following the prescribed courses of study, and employing
992 approved methods of instruction, the following:

993 (a) The history and content of the Declaration of
994 Independence as written, including national sovereignty, natural
995 law, self-evident truth, equality of all persons, limited
996 government, popular sovereignty, and God-given, inalienable

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997 rights of life, liberty, and property, and how they form ~~it~~
998 ~~forms~~ the philosophical foundation of our government.

999 (b) The history, meaning, significance, and effect of the
1000 provisions of the Constitution of the United States and
1001 amendments thereto with emphasis on each of the 10 amendments
1002 that make up the Bill of Rights and how the Constitution
1003 provides the structure of our government.

1004 (c) The history of the state and the State Constitution.

1005 (d)~~(b)~~ The most important arguments in support of adopting
1006 our republican form of government, as they are embodied in the
1007 most important of the Federalist Papers.

1008 ~~(e) The essentials of the United States Constitution and~~
1009 ~~how it provides the structure of our government.~~

1010 (e)~~(d)~~ Flag education, including proper flag display and
1011 flag salute.

1012 (f)~~(e)~~ The elements of United States civil government,
1013 including the primary functions of and interrelationships
1014 between the Federal Government, the state, and its counties,
1015 municipalities, school districts, and special districts.

1016 (g) The history of the United States, including the period
1017 of discovery, early colonies, the War for Independence, the
1018 Civil War, Reconstruction, the expansion of the United States to
1019 its present boundaries, the world wars, and the Civil Rights
1020 Movement to the present. The history of the United States shall
1021 be taught as genuine history and shall not follow the
1022 revisionist or postmodernist viewpoints of relative truth.
1023 American history shall be viewed as factual, not as constructed,

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1024 shall be viewed as knowable, teachable, and testable, and shall
1025 be defined as the creation of a new nation based largely on the
1026 universal principles stated in the Declaration of Independence.

1027 (h)~~(f)~~ The history of the Holocaust (1933-1945), the
1028 systematic, planned annihilation of European Jews and other
1029 groups by Nazi Germany, a watershed event in the history of
1030 humanity, to be taught in a manner that leads to an
1031 investigation of human behavior, an understanding of the
1032 ramifications of prejudice, racism, and stereotyping, and an
1033 examination of what it means to be a responsible and respectful
1034 person, for the purposes of encouraging tolerance of diversity
1035 in a pluralistic society and for nurturing and protecting
1036 democratic values and institutions.

1037 (i)~~(g)~~ The history of African Americans, including the
1038 history of African peoples before the political conflicts that
1039 led to the development of slavery, the passage to America, the
1040 enslavement experience, abolition, and the contributions of
1041 African Americans to society.

1042 (j)~~(h)~~ The elementary principles of agriculture.

1043 (k)~~(i)~~ The true effects of all alcoholic and intoxicating
1044 liquors and beverages and narcotics upon the human body and
1045 mind.

1046 (l)~~(j)~~ Kindness to animals.

1047 ~~(k) The history of the state.~~

1048 (m)~~(l)~~ The conservation of natural resources.

1049 (n)~~(m)~~ Comprehensive health education that addresses
1050 concepts of community health; consumer health; environmental

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1051 health; family life, including an awareness of the benefits of
1052 sexual abstinence as the expected standard and the consequences
1053 of teenage pregnancy; ~~mental and emotional health;~~ injury
1054 prevention and safety; nutrition; personal health; prevention
1055 and control of disease; and substance use and abuse.

1056 (o)~~(n)~~ Such additional materials, subjects, courses, or
1057 fields in such grades as are prescribed by law or by rules of
1058 the State Board of Education and the district school board in
1059 fulfilling the requirements of law.

1060 (p)~~(e)~~ The study of Hispanic contributions to the United
1061 States.

1062 (q)~~(p)~~ The study of women's contributions to the United
1063 States.

1064 (r) The nature and importance of free enterprise to the
1065 United States economy.

1066 (s)~~(q)~~ A character-development program in the elementary
1067 schools, similar to Character First or Character Counts, which
1068 is secular in nature ~~and stresses such character qualities as~~
1069 ~~attentiveness, patience, and initiative.~~ Beginning in school
1070 year 2004-2005, the character-development program shall be
1071 required in kindergarten through grade 12. Each district school
1072 board shall develop or adopt a curriculum for the character-
1073 development program that shall be submitted to the department
1074 for approval. The character-development curriculum shall stress
1075 the qualities of patriotism; responsibility; citizenship; the
1076 Golden Rule; kindness; respect for authority, human life,
1077 liberty, and personal property; honesty; charity; self-

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1078 control; ~~racial, ethnic, and religious~~ tolerance; ~~and~~
1079 cooperation.

1080 ~~(t)(r)~~ In order to encourage patriotism, the sacrifices
1081 that veterans have made in serving our country and protecting
1082 democratic values worldwide. Such instruction must occur on or
1083 before Veterans' Day and Memorial Day. Members of the
1084 instructional staff are encouraged to use the assistance of
1085 local veterans when practicable.

1086 Section 22. Paragraph (g) of subsection (1) of section
1087 1003.43, Florida Statutes, is amended to read:

1088 1003.43 General requirements for high school graduation.--

1089 (1) Graduation requires successful completion of either a
1090 minimum of 24 academic credits in grades 9 through 12 or an
1091 International Baccalaureate curriculum. The 24 credits shall be
1092 distributed as follows:

1093 (g) One-half credit in American government, including
1094 study of the Declaration of Independence and the Constitution of
1095 the United States. For students entering the 9th grade in the
1096 1997-1998 school year and thereafter, the study of Florida
1097 government, including study of the State Constitution, the three
1098 branches of state government, and municipal and county
1099 government, shall be included as part of the required study of
1100 American government.

1101
1102 District school boards may award a maximum of one-half credit in
1103 social studies and one-half elective credit for student
1104 completion of nonpaid voluntary community or school service

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1105 work. Students choosing this option must complete a minimum of
1106 75 hours of service in order to earn the one-half credit in
1107 either category of instruction. Credit may not be earned for
1108 service provided as a result of court action. District school
1109 boards that approve the award of credit for student volunteer
1110 service shall develop guidelines regarding the award of the
1111 credit, and school principals are responsible for approving
1112 specific volunteer activities. A course designated in the Course
1113 Code Directory as grade 9 through grade 12 that is taken below
1114 the 9th grade may be used to satisfy high school graduation
1115 requirements or Florida Academic Scholars award requirements as
1116 specified in a district school board's student progression plan.
1117 A student shall be granted credit toward meeting the
1118 requirements of this subsection for equivalent courses, as
1119 identified pursuant to s. 1007.271(6), taken through dual
1120 enrollment.

1121 Section 23. Section 1003.57, Florida Statutes, is amended
1122 to read:

1123 1003.57 Exceptional students instruction.--

1124 (1) Each district school board shall provide for an
1125 appropriate program of special instruction, facilities, and
1126 services for exceptional students as prescribed by the State
1127 Board of Education as acceptable, including provisions that:

1128 (a)~~(1)~~ The district school board provide the necessary
1129 professional services for diagnosis and evaluation of
1130 exceptional students.

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1131 ~~(b)(2)~~ The district school board provide the special
1132 instruction, classes, and services, either within the district
1133 school system, in cooperation with other district school
1134 systems, or through contractual arrangements with approved
1135 private schools or community facilities that meet standards
1136 established by the commissioner.

1137 ~~(c)(3)~~ The district school board annually provide
1138 information describing the Florida School for the Deaf and the
1139 Blind and all other programs and methods of instruction
1140 available to the parent of a sensory-impaired student.

1141 ~~(d)(4)~~ The district school board, once every 3 years,
1142 submit to the department its proposed procedures for the
1143 provision of special instruction and services for exceptional
1144 students.

1145 ~~(e)(5)~~ No student be given special instruction or services
1146 as an exceptional student until after he or she has been
1147 properly evaluated, classified, and placed in the manner
1148 prescribed by rules of the State Board of Education. The parent
1149 of an exceptional student evaluated and placed or denied
1150 placement in a program of special education shall be notified of
1151 each such evaluation and placement or denial. Such notice shall
1152 contain a statement informing the parent that he or she is
1153 entitled to a due process hearing on the identification,
1154 evaluation, and placement, or lack thereof. Such hearings shall
1155 be exempt from the provisions of ss. 120.569, 120.57, and
1156 286.011, except to the extent that the State Board of Education
1157 adopts rules establishing other procedures and any records

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1158 created as a result of such hearings shall be confidential and
1159 exempt from the provisions of s. 119.07(1). The hearing must be
1160 conducted by an administrative law judge from the Division of
1161 Administrative Hearings of the Department of Management
1162 Services. The decision of the administrative law judge shall be
1163 final, except that any party aggrieved by the finding and
1164 decision rendered by the administrative law judge shall have the
1165 right to bring a civil action in the circuit court. In such an
1166 action, the court shall receive the records of the
1167 administrative hearing and shall hear additional evidence at the
1168 request of either party. In the alternative, any party aggrieved
1169 by the finding and decision rendered by the administrative law
1170 judge shall have the right to request an impartial review of the
1171 administrative law judge's order by the district court of appeal
1172 as provided by s. 120.68. Notwithstanding any law to the
1173 contrary, during the pendency of any proceeding conducted
1174 pursuant to this section, unless the district school board and
1175 the parents otherwise agree, the student shall remain in his or
1176 her then-current educational assignment or, if applying for
1177 initial admission to a public school, shall be assigned, with
1178 the consent of the parents, in the public school program until
1179 all such proceedings have been completed.

1180 ~~(f)(6)~~ In providing for the education of exceptional
1181 students, the district school superintendent, principals, and
1182 teachers shall utilize the regular school facilities and adapt
1183 them to the needs of exceptional students to the maximum extent
1184 appropriate. Segregation of exceptional students shall occur

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1185 only if the nature or severity of the exceptionality is such
1186 that education in regular classes with the use of supplementary
1187 aids and services cannot be achieved satisfactorily.

1188 ~~(g)(7)~~ In addition to the services agreed to in a
1189 student's individual education plan, the district school
1190 superintendent shall fully inform the parent of a student having
1191 a physical or developmental disability of all available services
1192 that are appropriate for the student's disability. The
1193 superintendent shall provide the student's parent with a summary
1194 of the student's rights.

1195 (2)(a) An exceptional student with a disability who
1196 resides in a residential facility and receives special
1197 instruction or services is considered a resident of the state in
1198 which the parent is a resident. The cost of such instruction,
1199 facilities, and services for a nonresident exceptional student
1200 with a disability shall be provided by the placing authority,
1201 such as a public school entity, other placing authority, or
1202 parent, in the parent's state of residence. A nonresident
1203 exceptional student with a disability who resides in a
1204 residential facility may not be reported by any school district
1205 for FTE funding in the Florida Education Finance Program.

1206 (b) The Department of Education shall provide to each
1207 school district a statement of the specific limitations of the
1208 district's financial obligation for exceptional students with
1209 disabilities under federal and state law. The department shall
1210 also provide to each school district technical assistance as
1211 necessary for developing a local plan to impose on a parent's

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1212 state of residence the fiscal responsibility for educating a
1213 nonresident exceptional student with a disability.

1214 (c) The Department of Education shall develop a process by
1215 which a school district must, before providing services to an
1216 exceptional student with a disability who resides in a
1217 residential facility in this state, review the residency of the
1218 student. The residential facility, not the district, is
1219 responsible for billing and collecting from the parent's state
1220 of residence for the nonresident student's educational and
1221 related services.

1222 (d) This subsection applies to any nonresident exceptional
1223 student with a disability who resides in a residential facility
1224 and who receives instruction as an exceptional student with a
1225 disability in any type of residential facility in this state,
1226 including, but not limited to, a private school, a group home
1227 facility as defined in s. 393.063, an intensive residential
1228 treatment program for children and adolescents as defined in s.
1229 395.002, a facility as defined in s. 394.455, an intermediate
1230 care facility for the developmentally disabled or ICF/DD as
1231 defined in s. 393.063 or s. 400.960, or a community residential
1232 home as defined in s. 419.001.

1233 (3) Notwithstanding s. 1000.21(5), for purposes of this
1234 section, the term "parent" is defined as either or both parents
1235 of a student or any guardian of a student.

1236 (4) The State Board of Education may adopt rules pursuant
1237 to ss. 120.536(1) and 120.54 to implement the provisions of this

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1238 section relating to determination of the residency of an
1239 exceptional student with a disability.

1240 Section 24. Section 1003.575, Florida Statutes, is created
1241 to read:

1242 1003.575 Individual education plans for exceptional
1243 students.--The Department of Education shall coordinate the
1244 development of an individual education plan (IEP) form for use
1245 in developing and implementing individual education plans for
1246 exceptional students. The IEP form shall have a streamlined
1247 format and shall be compatible with federal standards. The
1248 department shall make the IEP form available to each school
1249 district in the state to facilitate the use of an existing IEP
1250 when a student transfers from one school district to another.

1251 Section 25. Subsection (3) of section 1003.58, Florida
1252 Statutes, is amended to read:

1253 1003.58 Students in residential care facilities.--Each
1254 district school board shall provide educational programs
1255 according to rules of the State Board of Education to students
1256 who reside in residential care facilities operated by the
1257 Department of Children and Family Services.

1258 (3) The district school board shall have full and complete
1259 authority in the matter of the assignment and placement of such
1260 students in educational programs. The parent of an exceptional
1261 student shall have the same due process rights as are provided
1262 under s. 1003.57(1)(e)~~(5)~~.

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1264 Notwithstanding the provisions herein, the educational program
1265 at the Marianna Sunland Center in Jackson County shall be
1266 operated by the Department of Education, either directly or
1267 through grants or contractual agreements with other public or
1268 duly accredited educational agencies approved by the Department
1269 of Education.

1270 Section 26. Paragraph (a) of subsection (1) and paragraph
1271 (a) of subsection (2) of section 1003.62, Florida Statutes, are
1272 amended to read:

1273 1003.62 Academic performance-based charter school
1274 districts.--The State Board of Education may enter into a
1275 performance contract with district school boards as authorized
1276 in this section for the purpose of establishing them as academic
1277 performance-based charter school districts. The purpose of this
1278 section is to examine a new relationship between the State Board
1279 of Education and district school boards that will produce
1280 significant improvements in student achievement, while complying
1281 with constitutional and statutory requirements assigned to each
1282 entity.

1283 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1284 (a) A school district shall be eligible for designation as
1285 an academic performance-based charter school district if it is a
1286 high-performing school district in which a minimum of 50 percent
1287 of the schools earn a ~~performance~~ grade of ~~category~~ "A" or "B"
1288 and in which no school earns a ~~performance~~ grade of ~~category~~ "D"
1289 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools
1290 that receive a ~~performance~~ grade of ~~category~~ "I" or "N" shall

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1291 not be included in this calculation. The performance contract
1292 for a school district that earns a charter based on school
1293 ~~performance~~ grades shall be predicated on maintenance of at
1294 least 50 percent of the schools in the school district earning a
1295 ~~performance~~ grade of ~~category~~ "A" or "B" with no school in the
1296 school district earning a ~~performance~~ grade of ~~category~~ "D" or
1297 "F" for 2 consecutive years. A school district in which the
1298 number of schools that earn a ~~performance~~ grade of "A" or "B" is
1299 less than 50 percent may have its charter renewed for 1 year;
1300 however, if the percentage of "A" or "B" schools is less than 50
1301 percent for 2 consecutive years, the charter shall not be
1302 renewed.

1303 (2) EXEMPTION FROM STATUTES AND RULES.--

1304 (a) An academic performance-based charter school district
1305 shall operate in accordance with its charter and shall be exempt
1306 from certain State Board of Education rules and statutes if the
1307 State Board of Education determines such an exemption will
1308 assist the district in maintaining or improving its high-
1309 performing status pursuant to paragraph (1)(a). However, the
1310 State Board of Education may not exempt an academic performance-
1311 based charter school district from any of the following
1312 statutes:

1313 1. Those statutes pertaining to the provision of services
1314 to students with disabilities.

1315 2. Those statutes pertaining to civil rights, including s.
1316 1000.05, relating to discrimination.

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1317 3. Those statutes pertaining to student health, safety,
1318 and welfare.

1319 4. Those statutes governing the election or compensation
1320 of district school board members.

1321 5. Those statutes pertaining to the student assessment
1322 program and the school grading system, including chapter 1008.

1323 6. Those statutes pertaining to financial matters,
1324 including chapter 1010.

1325 7. Those statutes pertaining to planning and budgeting,
1326 including chapter 1011, except that ss. 1011.64 and 1011.69
1327 shall be eligible for exemption.

1328 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),
1329 relating to performance-pay and differentiated-pay policies for
1330 school administrators and instructional personnel. Professional
1331 service contracts shall be subject to the provisions of ss.
1332 1012.33 and 1012.34.

1333 9. Those statutes pertaining to educational facilities,
1334 including chapter 1013, except as specified under contract with
1335 the State Board of Education. However, no contractual provision
1336 that could have the effect of requiring the appropriation of
1337 additional capital outlay funds to the academic performance-
1338 based charter school district shall be valid.

1339 Section 27. Paragraph (e) of subsection (2) of section
1340 1005.22, Florida Statutes, is amended to read:

1341 1005.22 Powers and duties of commission.--

1342 (2) The commission may:

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1343 (e) Advise the Governor, the Legislature, the State Board
1344 of Education, ~~the Council for Education Policy Research and~~
1345 ~~Improvement~~, and the Commissioner of Education on issues
1346 relating to private postsecondary education.

1347 Section 28. Subsection (3) of section 1007.33, Florida
1348 Statutes, is amended to read:

1349 1007.33 Site-determined baccalaureate degree access.--

1350 (3) A community college may develop a proposal to deliver
1351 specified baccalaureate degree programs in its district to meet
1352 local workforce needs. The proposal must be submitted to the
1353 State Board of Education for approval. The community college's
1354 proposal must include the following information:

1355 (a) Demand for the baccalaureate degree program is
1356 identified by the workforce development board, local businesses
1357 and industry, local chambers of commerce, and potential
1358 students.

1359 (b) Unmet need for graduates of the proposed degree
1360 program is substantiated.

1361 (c) The community college has the facilities and academic
1362 resources to deliver the program.

1363
1364 ~~The proposal must be submitted to the Council for Education~~
1365 ~~Policy Research and Improvement for review and comment.~~ Upon
1366 approval of the State Board of Education for the specific degree
1367 program or programs, the community college shall pursue regional
1368 accreditation by the Commission on Colleges of the Southern
1369 Association of Colleges and Schools. Any additional

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1370 baccalaureate degree programs the community college wishes to
1371 offer must be approved by the State Board of Education.

1372 Section 29. Paragraph (f) of subsection (1), paragraphs
1373 (c) and (e) of subsection (3), and subsection (9) of section
1374 1008.22, Florida Statutes, are amended, subsection (10) is
1375 renumbered as subsection (11), and a new subsection (10) is
1376 added to said section, to read:

1377 1008.22 Student assessment program for public schools.--

1378 (1) PURPOSE.--The primary purposes of the student
1379 assessment program are to provide information needed to improve
1380 the public schools by enhancing the learning gains of all
1381 students and to inform parents of the educational progress of
1382 their public school children. The program must be designed to:

1383 (f) Provide information on the performance of Florida
1384 students compared with other students ~~others~~ across the United
1385 States.

1386 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
1387 design and implement a statewide program of educational
1388 assessment that provides information for the improvement of the
1389 operation and management of the public schools, including
1390 schools operating for the purpose of providing educational
1391 services to youth in Department of Juvenile Justice programs.
1392 The commissioner may enter into contracts for the continued
1393 administration of the assessment, testing, and evaluation
1394 programs authorized and funded by the Legislature. Contracts may
1395 be initiated in 1 fiscal year and continue into the next and may
1396 be paid from the appropriations of either or both fiscal years.

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1397 The commissioner is authorized to negotiate for the sale or
1398 lease of tests, scoring protocols, test scoring services, and
1399 related materials developed pursuant to law. Pursuant to the
1400 statewide assessment program, the commissioner shall:

1401 (c) Develop and implement a student achievement testing
1402 program known as the Florida Comprehensive Assessment Test
1403 (FCAT) as part of the statewide assessment program, ~~to be~~
1404 ~~administered annually in grades 3 through 10~~ to measure reading,
1405 writing, science, and mathematics. Other content areas may be
1406 included as directed by the commissioner. The assessment of
1407 reading and mathematics shall be administered annually in grades
1408 3 through 10. The assessment of writing and science shall be
1409 administered at least once at the elementary, middle, and high
1410 school levels. The testing program must be designed so that:

1411 1. The tests measure student skills and competencies
1412 adopted by the State Board of Education as specified in
1413 paragraph (a). The tests must measure and report student
1414 proficiency levels in reading, writing, mathematics, and
1415 science. The commissioner shall provide for the tests to be
1416 developed or obtained, as appropriate, through contracts and
1417 project agreements with private vendors, public vendors, public
1418 agencies, postsecondary educational institutions, or school
1419 districts. The commissioner shall obtain input with respect to
1420 the design and implementation of the testing program from state
1421 educators and the public.

1422 2. The testing program will include a combination of norm-
1423 referenced and criterion-referenced tests and include, to the

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1424 extent determined by the commissioner, questions that require
1425 the student to produce information or perform tasks in such a
1426 way that the skills and competencies he or she uses can be
1427 measured.

1428 3. Each testing program, whether at the elementary,
1429 middle, or high school level, includes a test of writing in
1430 which students are required to produce writings that are then
1431 scored by appropriate methods.

1432 4. A score is designated for each subject area tested,
1433 below which score a student's performance is deemed inadequate.
1434 The school districts shall provide appropriate remedial
1435 instruction to students who score below these levels.

1436 5. Except as provided in s. 1003.43(11)(b), students must
1437 earn a passing score on the grade 10 assessment test described
1438 in this paragraph or on an alternate assessment as described in
1439 subsection (9) in reading, writing, and mathematics to qualify
1440 for a regular high school diploma. The State Board of Education
1441 shall designate a passing score for each part of the grade 10
1442 assessment test. In establishing passing scores, the state board
1443 shall consider any possible negative impact of the test on
1444 minority students. ~~All students who took the grade 10 FCAT
1445 during the 2000-2001 school year shall be required to earn the
1446 passing scores in reading and mathematics established by the
1447 State Board of Education for the March 2001 test administration.
1448 Such students who did not earn the established passing scores
1449 and must repeat the grade 10 FCAT are required to earn the
1450 passing scores established for the March 2001 test~~

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1451 ~~administration. All students who take the grade 10 FCAT for the~~
1452 ~~first time in March 2002 shall be required to earn the passing~~
1453 ~~scores in reading and mathematics established by the State Board~~
1454 ~~of Education for the March 2002 test administration. The State~~
1455 Board of Education shall adopt rules which specify the passing
1456 scores for the grade 10 FCAT. Any such rules, which have the
1457 effect of raising the required passing scores, shall only apply
1458 to students taking the grade 10 FCAT for the first time after
1459 such rules are adopted by the State Board of Education.

1460 6. Participation in the testing program is mandatory for
1461 all students attending public school, including students served
1462 in Department of Juvenile Justice programs, except as otherwise
1463 prescribed by the commissioner. If a student does not
1464 participate in the statewide assessment, the district must
1465 notify the student's parent and provide the parent with
1466 information regarding the implications of such nonparticipation.
1467 If modifications are made in the student's instruction to
1468 provide accommodations that would not be permitted on the
1469 statewide assessment tests, the district must notify the
1470 student's parent of the implications of such instructional
1471 modifications. A parent must provide signed consent for a
1472 student to receive instructional modifications that would not be
1473 permitted on the statewide assessments and must acknowledge in
1474 writing that he or she understands the implications of such
1475 accommodations. The State Board of Education shall adopt rules,
1476 based upon recommendations of the commissioner, for the
1477 provision of test accommodations and modifications of procedures

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1478 as necessary for students in exceptional education programs and
1479 for students who have limited English proficiency.

1480 Accommodations that negate the validity of a statewide
1481 assessment are not allowable.

1482 7. A student seeking an adult high school diploma must
1483 meet the same testing requirements that a regular high school
1484 student must meet.

1485 8. District school boards must provide instruction to
1486 prepare students to demonstrate proficiency in the skills and
1487 competencies necessary for successful grade-to-grade progression
1488 and high school graduation. If a student is provided with
1489 accommodations or modifications that are not allowable in the
1490 statewide assessment program, as described in the test manuals,
1491 the district must inform the parent in writing and must provide
1492 the parent with information regarding the impact on the
1493 student's ability to meet expected proficiency levels in
1494 reading, writing, and math. The commissioner shall conduct
1495 studies as necessary to verify that the required skills and
1496 competencies are part of the district instructional programs.

1497 9. The Department of Education must develop, or select,
1498 and implement a common battery of assessment tools that will be
1499 used in all juvenile justice programs in the state. These tools
1500 must accurately measure the skills and competencies established
1501 in the Florida Sunshine State Standards.

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1503 The commissioner may design and implement student testing
1504 programs, for any grade level and subject area, necessary to
1505 effectively monitor educational achievement in the state.

1506 (e) Conduct ongoing research and analysis of student
1507 achievement data, including, without limitation, monitoring
1508 trends in student achievement by grade level and overall student
1509 achievement, identifying school programs that are successful,
1510 and analyzing correlates of school achievement.

1511 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

1512 (a) The State Board of Education shall conduct concordance
1513 studies, as necessary, to determine scores on the SAT and the
1514 ACT equivalent to those required on the FCAT for high school
1515 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

1516 (b)(a) The Commissioner of Education shall approve the use
1517 of the SAT and ACT tests as alternative assessments to the grade
1518 10 FCAT ~~for the 2003-2004 school year~~. Students who attain
1519 scores on the SAT or ACT which equate to the passing scores on
1520 the grade 10 FCAT for purposes of high school graduation shall
1521 satisfy the assessment requirement for a standard high school
1522 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~
1523 ~~the 2003-2004 school year~~ if the students meet the requirement
1524 in paragraph (c)(b).

1525 (c)(b) A student shall be required to take each subject
1526 area of the grade 10 FCAT a total of three times without earning
1527 a passing score in order to use the corresponding subject area
1528 scores on an alternative assessment pursuant to paragraph
1529 (b)(a). This requirement shall not apply to a new student who

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1530 ~~enters is a new student to~~ the Florida public school system in
1531 grade 12, who may either take the FCAT or use approved score
1532 equivalencies to fulfill the graduation requirement.

1533 (10) REPORTS.--The Department of Education shall annually
1534 provide a report to the Governor, the President of the Senate,
1535 and the Speaker of the House of Representatives on the
1536 following:

1537 (a) Longitudinal performance of students in mathematics
1538 and reading.

1539 (b) Longitudinal performance of students by grade level in
1540 mathematics and reading.

1541 (c) Longitudinal performance regarding efforts to close
1542 the achievement gap.

1543 (d) Longitudinal performance of students on the norm-
1544 referenced component of the FCAT.

1545 (e) Other student performance data based on national norm-
1546 referenced and criterion-referenced tests, when available.

1547 Section 30. Paragraph (b) of subsection (4) and paragraph
1548 (b) of subsection (8) of section 1008.25, Florida Statutes, are
1549 amended, and paragraph (c) is added to subsection (8) of said
1550 section, to read:

1551 1008.25 Public school student progression; remedial
1552 instruction; reporting requirements.--

1553 (4) ASSESSMENT AND REMEDIATION.--

1554 (b) The school in which the student is enrolled must
1555 develop, in consultation with the student's parent, and must
1556 implement an academic improvement plan designed to assist the

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1557 student in meeting state and district expectations for
1558 proficiency. For a student for whom a personalized middle school
1559 success plan is required pursuant to s. 1003.415, the middle
1560 school success plan must be incorporated in the student's
1561 academic improvement plan. Beginning with the 2002-2003 school
1562 year, if the student has been identified as having a deficiency
1563 in reading, the academic improvement plan shall identify the
1564 student's specific areas of deficiency in phonemic awareness,
1565 phonics, fluency, comprehension, and vocabulary; the desired
1566 levels of performance in these areas; and the instructional and
1567 support services to be provided to meet the desired levels of
1568 performance. Schools shall also provide for the frequent
1569 monitoring of the student's progress in meeting the desired
1570 levels of performance. District school boards may require low-
1571 performing students to attend remediation programs held before
1572 or after regular school hours, upon the request of the school
1573 principal, and shall assist schools and teachers to implement
1574 research-based reading activities that have been shown to be
1575 successful in teaching reading to low-performing students.
1576 Remedial instruction provided during high school may not be in
1577 lieu of English and mathematics credits required for graduation.

1578 (8) ANNUAL REPORT.--

1579 (b) ~~Beginning with the 2001-2002 school year,~~ Each
1580 district school board must annually publish in the local
1581 newspaper, and report in writing to the State Board of Education
1582 by September 1 of each year, the following information on the
1583 prior school year:

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1584 1. The provisions of this section relating to public
1585 school student progression and the district school board's
1586 policies and procedures on student retention and promotion.

1587 2. By grade, the number and percentage of all students in
1588 grades 3 through 10 performing at Levels 1 and 2 on the reading
1589 portion of the FCAT.

1590 3. By grade, the number and percentage of all students
1591 retained in grades 3 through 10.

1592 4. Information on the total number of students who were
1593 promoted for good cause, by each category of good cause as
1594 specified in paragraph (6)(b).

1595 5. Any revisions to the district school board's policy on
1596 student retention and promotion from the prior year.

1597 (c) The Department of Education shall establish a uniform
1598 format for school districts to report the information required
1599 in paragraph (b). The format shall be developed with input from
1600 school districts and shall be provided not later than 60 days
1601 prior to the annual due date. The department shall annually
1602 compile the information required in subparagraphs (b)2., 3., and
1603 4., along with state-level summary information, and report such
1604 information to the Governor, the President of the Senate, and
1605 the Speaker of the House of Representatives.

1606 Section 31. Section 1008.301, Florida Statutes, is
1607 repealed.

1608 Section 32. Section 1008.31, Florida Statutes, is amended
1609 to read:

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1610 1008.31 Florida's K-20 education performance
1611 accountability system; legislative intent; public accountability
1612 and reporting performance-based funding; mission, goals, and
1613 systemwide measures.--

1614 (1) LEGISLATIVE INTENT.--It is the intent of the
1615 Legislature that:

1616 (a) The performance accountability system implemented to
1617 assess the effectiveness of Florida's seamless K-20 education
1618 delivery system provide answers to the following questions in
1619 relation to its mission and goals:

1620 1. What is the public receiving in return for funds it
1621 invests in education?

1622 2. How effectively is Florida's K-20 education system
1623 educating its students?

1624 3. How effectively are the major delivery sectors
1625 promoting student achievement?

1626 4. How are individual schools and postsecondary education
1627 institutions performing their responsibility to educate their
1628 students as measured by how students are performing and how much
1629 they are learning?

1630 (b) The K-20 education performance accountability system
1631 be established as a single, unified accountability system with
1632 multiple components, including, but not limited to, measures of
1633 adequate yearly progress, individual student learning gains in
1634 public schools, school grades, and return on investment.

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1635 (c) The K-20 education performance accountability system
1636 comply with the accountability requirements of the "No Child
1637 Left Behind Act of 2001," Pub. L. No. 107-110.

1638 (d) The State Board of Education recommend to the
1639 Legislature systemwide performance standards; the Legislature
1640 establish systemwide performance measures and standards; and the
1641 systemwide measures and standards provide Floridians with
1642 information on what the public is receiving in return for the
1643 funds it invests in education and how well the K-20 system
1644 educates its students.

1645 (e) The State Board of Education establish performance
1646 measures and set performance standards for individual components
1647 of the public education system, including individual schools and
1648 postsecondary educational institutions, with measures and
1649 standards based primarily on student achievement.

1650 ~~(2) PERFORMANCE BASED FUNDING.~~

1651 ~~(a) The State Board of Education shall cooperate with each~~
1652 ~~delivery system to develop proposals for performance based~~
1653 ~~funding, using performance measures adopted pursuant to this~~
1654 ~~section.~~

1655 ~~(b) The State Board of Education proposals must provide~~
1656 ~~that at least 10 percent of the state funds appropriated for the~~
1657 ~~K-20 education system are conditional upon meeting or exceeding~~
1658 ~~established performance standards.~~

1659 ~~(c) The State Board of Education shall adopt guidelines~~
1660 ~~required to implement performance based funding that allow 1~~
1661 ~~year to demonstrate achievement of specified performance~~

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1662 ~~standards prior to a reduction in appropriations pursuant to~~
1663 ~~this section.~~

1664 ~~(d) By December 1, 2003, the State Board of Education~~
1665 ~~shall adopt common definitions, measures, standards, and~~
1666 ~~performance improvement targets required to:~~

1667 ~~1. Use the state core measures and the sector-specific~~
1668 ~~measures to evaluate the progress of each sector of the~~
1669 ~~educational delivery system toward meeting the systemwide goals~~
1670 ~~for public education.~~

1671 ~~2. Notify the sectors of their progress in achieving the~~
1672 ~~specified measures so that they may develop improvement plans~~
1673 ~~that directly influence decisions about policy, program~~
1674 ~~development, and management.~~

1675 ~~3. Implement the performance-based budgeting system~~
1676 ~~described in this section.~~

1677 ~~(e) During the 2003-2004 fiscal year, the Department of~~
1678 ~~Education shall collect data required to establish progress,~~
1679 ~~rewards, and sanctions.~~

1680 ~~(f) By December 1, 2004, the Department of Education shall~~
1681 ~~recommend to the Legislature a formula for performance-based~~
1682 ~~funding that applies accountability standards for the individual~~
1683 ~~components of the public education system at every level,~~
1684 ~~kindergarten through graduate school. Effective for the 2004-~~
1685 ~~2005 fiscal year and thereafter, subject to annual legislative~~
1686 ~~approval in the General Appropriations Act, performance-based~~
1687 ~~funds shall be allocated based on the progress, rewards, and~~
1688 ~~sanctions established pursuant to this section.~~

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1689 ~~(2)(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1690 (a) The mission of Florida's K-20 education system shall
1691 be to increase the proficiency of all students within one
1692 seamless, efficient system, by allowing them the opportunity to
1693 expand their knowledge and skills through learning opportunities
1694 and research valued by students, parents, and communities.

1695 (b) The process ~~State Board of Education shall adopt~~
1696 ~~guiding principles~~ for establishing state and sector-specific
1697 standards and measures must be:

1698 1. Focused on student success.

1699 2. Addressable through policy and program changes.

1700 3. Efficient and of high quality.

1701 4. Measurable over time.

1702 5. Simple to explain and display to the public.

1703 6. Aligned with other measures and other sectors to
1704 support a coordinated K-20 education system.

1705 (c) The Department ~~State Board~~ of Education shall maintain
1706 an accountability system that measures student progress toward
1707 the following goals:

1708 1. Highest student achievement, as indicated by evidence
1709 of student learning gains at all levels ~~measured by: student~~
1710 ~~FCAT performance and annual learning gains; the number and~~
1711 ~~percentage of schools that improve at least one school~~
1712 ~~performance grade designation or maintain a school performance~~
1713 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
1714 ~~completion rates at all learning levels; and other measures~~
1715 ~~identified in law or rule.~~

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1716 2. Seamless articulation and maximum access, as measured
1717 by evidence of progression, readiness, and access by targeted
1718 groups of students identified by the Commissioner of Education;
1719 ~~the percentage of students who demonstrate readiness for the~~
1720 ~~educational level they are entering, from kindergarten through~~
1721 ~~postsecondary education and into the workforce; the number and~~
1722 ~~percentage of students needing remediation; the percentage of~~
1723 ~~Floridians who complete associate, baccalaureate, graduate,~~
1724 ~~professional, and postgraduate degrees; the number and~~
1725 ~~percentage of credits that articulate; the extent to which each~~
1726 ~~set of exit-point requirements matches the next set of entrance-~~
1727 ~~point requirements; the degree to which underserved populations~~
1728 ~~access educational opportunity; the extent to which access is~~
1729 ~~provided through innovative educational delivery strategies; and~~
1730 ~~other measures identified in law or rule.~~

1731 3. Skilled workforce and economic development, as measured
1732 by evidence of employment and earnings; ~~the number and~~
1733 ~~percentage of graduates employed in their areas of preparation;~~
1734 ~~the percentage of Floridians with high school diplomas and~~
1735 ~~postsecondary education credentials; the percentage of business~~
1736 ~~and community members who find that Florida's graduates possess~~
1737 ~~the skills they need; national rankings; and other measures~~
1738 ~~identified in law or rule.~~

1739 4. Quality efficient services, as measured by evidence of
1740 return on investment; ~~cost per completer or graduate; average~~
1741 ~~cost per noncompleter at each educational level; cost disparity~~
1742 ~~across institutions offering the same degrees; the percentage of~~

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1743 ~~education customers at each educational level who are satisfied~~
1744 ~~with the education provided; and other measures identified in~~
1745 ~~law or rule.~~

1746 5. Other goals as identified by law or rule.

1747 (3)(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE
1748 DATA COLLECTION.--To provide data required to implement
1749 education performance accountability measures in state and
1750 federal law, the Commissioner of Education shall initiate and
1751 maintain strategies to improve data quality and timeliness.

1752 (a) School districts and public postsecondary educational
1753 institutions shall maintain information systems that will
1754 provide the State Board of Education, the Board of Governors,
1755 and the Legislature with information and reports necessary to
1756 address the specifications of the accountability system. The
1757 State Board of Education shall determine the standards for the
1758 required data. The level of comprehensiveness and quality shall
1759 be no less than that which was available as of June 30, 2001.

1760 (b) The Commissioner of Education shall determine the
1761 standards for the required data, monitor data quality, and
1762 measure improvements. The commissioner shall report annually to
1763 the State Board of Education, the Board of Governors, the
1764 President of the Senate, and the Speaker of the House of
1765 Representatives data quality indicators and ratings for all
1766 school districts and public postsecondary educational
1767 institutions.

1768 (4) REPORTING OR DATA COLLECTION.--The department shall
1769 coordinate with school districts in developing any reporting or

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1770 data collection requirements to address the specifications of
1771 the accountability system. Before establishing any new reporting
1772 or data collection requirements, the department shall utilize
1773 any existing data being collected to reduce duplication and
1774 minimize paperwork.

1775 (5) RULES.--The State Board of Education shall adopt rules
1776 pursuant to ss. 120.536(1) and 120.54 to implement the
1777 provisions of this section.

1778 Section 33. Subsections (1), (2), and (4) of section
1779 1008.33, Florida Statutes, are amended to read:

1780 1008.33 Authority to enforce public school
1781 improvement.--It is the intent of the Legislature that all
1782 public schools be held accountable for students performing at
1783 acceptable levels. A system of school improvement and
1784 accountability that assesses student performance by school,
1785 identifies schools in which students are not making adequate
1786 progress toward state standards, institutes appropriate measures
1787 for enforcing improvement, and provides rewards and sanctions
1788 based on performance shall be the responsibility of the State
1789 Board of Education.

1790 (1) Pursuant to Art. IX of the State Constitution
1791 prescribing the duty of the State Board of Education to
1792 supervise Florida's public school system and notwithstanding any
1793 other statutory provisions to the contrary, the State Board of
1794 Education shall intervene in the operation of a district school
1795 system when one or more schools in the school district have
1796 failed to make adequate progress for 2 school years in a 4-year

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1797 period. For purposes of determining when a school is eligible
1798 for state board action and opportunity scholarships for its
1799 students, the terms "2 years in any 4-year period" and "2 years
1800 in a 4-year period" mean that in any year that a school has a
1801 grade of "F," the school is eligible for state board action and
1802 opportunity scholarships for its students if it also has had a
1803 grade of "F" in any of the previous 3 school years. The State
1804 Board of Education may determine that the school district or
1805 school has not taken steps sufficient for students in the school
1806 to be academically well served. Considering recommendations of
1807 the Commissioner of Education, the State Board of Education
1808 shall recommend action to a district school board intended to
1809 improve educational services to students in each school that is
1810 designated with a ~~as performance~~ grade of category "F."
1811 Recommendations for actions to be taken in the school district
1812 shall be made only after thorough consideration of the unique
1813 characteristics of a school, which shall include student
1814 mobility rates, the number and type of exceptional students
1815 enrolled in the school, and the availability of options for
1816 improved educational services. The state board shall adopt by
1817 rule steps to follow in this process. Such steps shall provide
1818 school districts sufficient time to improve student performance
1819 in schools and the opportunity to present evidence of assistance
1820 and interventions that the district school board has
1821 implemented.

1822 (2) The State Board of Education may recommend one or more
1823 of the following actions to district school boards to enable

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1824 students in schools designated with a as performance grade of
1825 ~~category~~ "F" to be academically well served by the public school
1826 system:

1827 (a) Provide additional resources, change certain
1828 practices, and provide additional assistance if the state board
1829 determines the causes of inadequate progress to be related to
1830 school district policy or practice;

1831 (b) Implement a plan that satisfactorily resolves the
1832 education equity problems in the school;

1833 (c) Contract for the educational services of the school,
1834 or reorganize the school at the end of the school year under a
1835 new school principal who is authorized to hire new staff and
1836 implement a plan that addresses the causes of inadequate
1837 progress;

1838 (d) Transfer high-quality teachers, faculty, and staff as
1839 needed to ensure adequate educational opportunities designed to
1840 improve the performance of students in a low-performing school;

1841 (e)(d) Allow parents of students in the school to send
1842 their children to another district school of their choice; or

1843 (f)(e) Other action appropriate to improve the school's
1844 performance.

1845 (4) The State Board of Education may require the
1846 Department of Education or Chief Financial Officer to withhold
1847 any transfer of state funds to the school district if, within
1848 the timeframe specified in state board action, the school
1849 district has failed to comply with the action ordered to improve
1850 the district's low-performing schools. Withholding the transfer

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1851 of funds shall occur only after all other recommended actions
1852 for school improvement have failed to improve performance. The
1853 State Board of Education may impose the same penalty on any
1854 district school board that fails to develop and implement a plan
1855 for assistance and intervention for low-performing schools as
1856 specified in s. 1001.42(16) (d) ~~(e)~~.

1857 Section 34. Section 1008.34, Florida Statutes, is amended
1858 to read:

1859 1008.34 School grading system; school report cards;
1860 district ~~performance~~ grade.--

1861 (1) ANNUAL REPORTS.--The Commissioner of Education shall
1862 prepare annual reports of the results of the statewide
1863 assessment program which describe student achievement in the
1864 state, each district, and each school. The commissioner shall
1865 prescribe the design and content of these reports, which must
1866 include, without limitation, descriptions of the performance of
1867 all schools participating in the assessment program and all of
1868 their major student populations as determined by the
1869 Commissioner of Education, and must also include the median
1870 scores of all eligible students who scored at or in the lowest
1871 25th percentile of the state in the previous school year;
1872 provided, however, that the provisions of s. 1002.22 pertaining
1873 to student records apply to this section.

1874 (2) SCHOOL GRADES PERFORMANCE ~~GRADE CATEGORIES~~.--The
1875 annual report shall identify schools as having one of the
1876 following grades ~~being in one of the following grade categories~~
1877 defined according to rules of the State Board of Education:

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- 1878 (a) "A," schools making excellent progress.
- 1879 (b) "B," schools making above average progress.
- 1880 (c) "C," schools making satisfactory progress.
- 1881 (d) "D," schools making less than satisfactory progress.
- 1882 (e) "F," schools failing to make adequate progress.

1883
1884 Each school designated with a in performance grade of category
1885 "A," making excellent progress, or having improved at least two
1886 ~~performance grade levels categories~~, shall have greater
1887 authority over the allocation of the school's total budget
1888 generated from the FEFP, state categoricals, lottery funds,
1889 grants, and local funds, as specified in state board rule. The
1890 rule must provide that the increased budget authority shall
1891 remain in effect until the school's ~~performance~~ grade declines.

1892 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
1893 ~~CATEGORIES~~.--All schools shall receive a school grade except
1894 those alternative schools that receive a school improvement
1895 rating pursuant to s. 1008.341. Alternative schools may choose
1896 to receive a school grade pursuant to the provisions of this
1897 section in lieu of a school improvement rating described in s.
1898 1008.341. School grades ~~performance grade category~~ designations
1899 itemized in subsection (2) shall be based on the following:

1900 (a) Criteria Timeframes.--A school's grade shall be based
1901 on a combination of:

- 1902 1. Student achievement scores ~~School performance grade~~
1903 ~~category designations shall be based on the school's current~~
1904 ~~year performance and the school's annual learning gains.~~

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1905 2. ~~A school's performance grade category designation shall~~
1906 ~~be based on a combination of student achievement scores, Student~~
1907 learning gains as measured by annual FCAT assessments in grades
1908 3 through 10., ~~and~~

1909 3. Improvement of the lowest 25th percentile of students
1910 in the school ~~in reading, math, or writing~~ on the FCAT Reading,
1911 unless these students are exhibiting ~~performing~~ above
1912 satisfactory performance.

1913 (b) Student assessment data.--Student assessment data used
1914 in determining school grades ~~performance grade categories~~ shall
1915 include:

1916 1. The aggregate scores of all eligible students enrolled
1917 in the school who have been assessed on the FCAT.

1918 2. The aggregate scores of all eligible students enrolled
1919 in the school who have been assessed on the FCAT, including
1920 Florida Writes, and who have scored at or in the lowest 25th
1921 percentile of students in the school in reading, math, or
1922 writing, unless these students are exhibiting ~~performing~~ above
1923 satisfactory performance.

1924 3. The achievement scores and learning gains of eligible
1925 students attending alternative schools that provide dropout
1926 prevention and academic intervention services pursuant to s.
1927 1003.53. The term "eligible students" in this subparagraph does
1928 not include students attending an alternative school who are
1929 subject to district school board policies for expulsion for
1930 repeated or serious offenses, who are in dropout retrieval
1931 programs serving students who have officially been designated as

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1932 dropouts, or who are in Department of Juvenile Justice operated
1933 and contracted programs. The student performance data for
1934 eligible students identified in this subparagraph shall be
1935 included in the calculation of the home school's grade. For
1936 purposes of this section and s. 1008.341, "home school" means
1937 the school the student was attending when assigned to an
1938 alternative school or the school to which the student would be
1939 assigned if the student left the alternative school. If an
1940 alternative school chooses to be graded pursuant to this
1941 section, student performance data for eligible students
1942 identified in this subparagraph shall not be included in the
1943 home school's grade but shall only be included in calculation of
1944 the alternative school's improvement rating. School districts
1945 must ensure collaboration between the home school and the
1946 alternative school to promote student success.

1947
1948 ~~The Department of Education shall study the effects of mobility~~
1949 ~~on the performance of highly mobile students and recommend~~
1950 ~~programs to improve the performance of such students.~~ The State
1951 Board of Education shall adopt appropriate criteria for each
1952 school ~~performance~~ grade ~~eategory~~. The criteria must also give
1953 added weight to student achievement in reading. Schools
1954 designated with a ~~as performance grade of eategory~~ "C," making
1955 satisfactory progress, shall be required to demonstrate that
1956 adequate progress has been made by students in the school who
1957 are in the lowest 25th percentile in reading, math, or writing

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1958 on the FCAT, including Florida Writes, unless these students are
1959 ~~exhibiting performing~~ above satisfactory performance.

1960 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
1961 identify each school's performance as having improved, remained
1962 the same, or declined. This school improvement rating shall be
1963 based on a comparison of the current year's and previous year's
1964 student and school performance data. Schools that improve at
1965 least one ~~performance grade category~~ are eligible for school
1966 recognition awards pursuant to s. 1008.36.

1967 (5) SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND
1968 IMPROVEMENT RATING REPORTS.--The Department of Education shall
1969 annually develop, in collaboration with the school districts, a
1970 school report card to be delivered to parents throughout each
1971 school district. The report card shall include the school's
1972 grade, information regarding school improvement, an explanation
1973 of school performance as evaluated by the federal No Child Left
1974 Behind Act of 2001, and indicators of return on investment.
1975 ~~School performance grade category designations and improvement~~
1976 ~~ratings shall apply to each school's performance for the year in~~
1977 ~~which performance is measured.~~ Each school's report card
1978 ~~designation and rating~~ shall be published annually by the
1979 department on its website, of Education and the school district
1980 shall provide the school report card to each parent. Parents
1981 ~~shall be entitled to an easy-to-read report card about the~~
1982 ~~designation and rating of the school in which their child is~~
1983 ~~enrolled.~~

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1984 (6)(7) PERFORMANCE-BASED FUNDING.--The Legislature may
1985 factor in the performance of schools in calculating any
1986 performance-based funding policy that is provided for annually
1987 in the General Appropriations Act.

1988 (7)(8) DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report
1989 required by subsection (1) shall include district ~~performance~~
1990 grades, which shall consist of weighted district average grades,
1991 by level, for all elementary schools, middle schools, and high
1992 schools in the district. A district's weighted average grade
1993 shall be calculated by weighting individual school grades
1994 determined pursuant to subsection (2) by school enrollment.

1995 (8)(6) RULES.--The State Board of Education shall adopt
1996 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1997 provisions of this section.

1998 Section 35. Section 1008.341, Florida Statutes, is created
1999 to read:

2000 1008.341 School improvement rating for alternative
2001 schools.--

2002 (1) ANNUAL REPORTS.--The Commissioner of Education shall
2003 prepare an annual report on the performance of each school
2004 receiving a school improvement rating pursuant to this section
2005 provided that the provisions of s. 1002.22 pertaining to student
2006 records shall apply.

2007 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
2008 provide dropout prevention and academic intervention services
2009 pursuant to s. 1003.53 shall receive a school improvement rating
2010 pursuant to this section. The school improvement rating shall

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2011 identify schools as having one of the following ratings defined
2012 according to rules of the State Board of Education:

2013 (a) "Improving," schools with students making more
2014 academic progress than when the students were served in their
2015 home schools.

2016 (b) "Maintaining," schools with students making progress
2017 equivalent to the progress made when the students were served in
2018 their home schools.

2019 (c) "Declining," schools with students making less
2020 academic progress than when the students were served in their
2021 home schools.

2022
2023 The school improvement rating shall be based on a comparison of
2024 the current year and previous year student performance data.
2025 Schools that improve at least one level or maintain an
2026 "improving" rating pursuant to this section are eligible for
2027 school recognition awards pursuant to s. 1008.36.

2028 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
2029 assessment data used in determining an alternative school's
2030 school improvement rating shall include:

2031 (a) The aggregate scores of all eligible students who were
2032 assigned to and enrolled in the school during the October or
2033 February FTE count, who have been assessed on the FCAT, and who
2034 have FCAT or comparable scores for the preceding school year.

2035 (b) The aggregate scores of all eligible students who were
2036 assigned to and enrolled in the school during the October or
2037 February FTE count, who have been assessed on the FCAT,

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2038 including Florida Writes, and who have scored in the lowest 25th
2039 percentile of students in the state on FCAT Reading.

2040
2041 The scores of students who are subject to district school board
2042 policies for expulsion for repeated or serious offenses, who are
2043 in dropout retrieval programs serving students who have
2044 officially been designated as dropouts, or who are in Department
2045 of Juvenile Justice operated and contracted programs shall not
2046 be included in an alternative school's school improvement
2047 rating.

2048 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
2049 alternative school receiving a school improvement rating, the
2050 Department of Education shall annually identify the percentage
2051 of students making learning gains as compared to the percentage
2052 of the same students making learning gains in their home schools
2053 in the year prior to being assigned to the alternative school.

2054 (5) SCHOOL REPORT CARD.--The Department of Education shall
2055 annually develop, in collaboration with the school districts, a
2056 school report card for alternative schools to be delivered to
2057 parents throughout each school district. The report card shall
2058 include the school improvement rating, identification of student
2059 learning gains, information regarding school improvement, an
2060 explanation of school performance as evaluated by the federal No
2061 Child Left Behind Act of 2001, and indicators of return on
2062 investment.

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2063 (6) RULES.--The State Board of Education shall adopt rules
2064 pursuant to ss. 120.536(1) and 120.54 to implement the
2065 provisions of this section.

2066 Section 36. Subsection (5), paragraphs (b) and (d) of
2067 subsection (6), and subsection (7) of section 1008.345, Florida
2068 Statutes, are amended to read:

2069 1008.345 Implementation of state system of school
2070 improvement and education accountability.--

2071 (5) The commissioner shall report to the Legislature and
2072 recommend changes in state policy necessary to foster school
2073 improvement and education accountability. Included in the report
2074 shall be a list of the schools, including schools operating for
2075 the purpose of providing educational services to youth in
2076 Department of Juvenile Justice programs, for which district
2077 school boards have developed assistance and intervention plans
2078 and an analysis of the various strategies used by the school
2079 boards. School reports shall be distributed pursuant to this
2080 subsection and s. 1001.42(16)~~(f)~~(e) and according to rules
2081 adopted by the State Board of Education.

2082 (6)

2083 (b) Upon request, the department shall provide technical
2084 assistance and training to any school, including any school
2085 operating for the purpose of providing educational services to
2086 youth in Department of Juvenile Justice programs, school
2087 advisory council, district, or district school board for
2088 conducting needs assessments, developing and implementing school
2089 improvement plans, developing and implementing assistance and

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2090 intervention plans, or implementing other components of school
2091 improvement and accountability. Priority for these services
2092 shall be given to schools designated with a ~~as performance~~ grade
2093 of category "D" or "F" and school districts in rural and
2094 sparsely populated areas of the state.

2095 (d) The department shall assign a community assessment
2096 team to each school district with a school designated with a ~~as~~
2097 ~~performance~~ grade of category "D" or "F" to review the school
2098 performance data and determine causes for the low performance.
2099 The team shall make recommendations to the school board, to the
2100 department, and to the State Board of Education for implementing
2101 an assistance and intervention plan that will address the causes
2102 of the school's low performance. The assessment team shall
2103 include, but not be limited to, a department representative,
2104 parents, business representatives, educators, and community
2105 activists, and shall represent the demographics of the community
2106 from which they are appointed.

2107 (7)(a) Schools designated with a ~~in performance~~ grade of
2108 ~~category~~ "A," making excellent progress, shall, if requested by
2109 the school, be given deregulated status as specified in s.
2110 1003.63(5), (7), (8), (9), and (10).

2111 (b) Schools that have improved at least two grades
2112 ~~performance grade categories~~ and that meet the criteria of the
2113 Florida School Recognition Program pursuant to s. 1008.36 may be
2114 given deregulated status as specified in s. 1003.63(5), (7),
2115 (8), (9), and (10).

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2116 Section 37. Subsections (3), (4), and (5) of section
2117 1008.36, Florida Statutes, are amended to read:

2118 1008.36 Florida School Recognition Program.--

2119 (3) All public schools, including charter schools, that
2120 receive a school grade pursuant to s. 1008.34 or a school
2121 improvement rating pursuant to s. 1008.341 are eligible to
2122 participate in the program. For the purpose of this section, a
2123 school or schools serving any combination of kindergarten
2124 through grade 3 students that do not receive a school grade
2125 under s. 1008.34 shall be assigned the school grade of the
2126 feeder pattern school designated by the Department of Education
2127 and verified by the school district and shall be eligible to
2128 participate in the program based on that feeder. A "feeder
2129 school pattern" is defined as a pattern in which at least 60
2130 percent of the students in the school not receiving a school
2131 grade are assigned to the graded school. A feeder pattern school
2132 shall be subject to the Opportunity Scholarship Program as
2133 defined in s. 1002.38.

2134
2135 ===== T I T L E A M E N D M E N T =====

2136 Remove line(s) 3094-3219 and insert:
2137 request of an Opportunity Scholarship; creating s. 1002.385,
2138 F.S.; establishing the Reading Compact Scholarship Program to
2139 provide students with reading deficiencies the option to attend
2140 a public or private school of choice; providing eligibility
2141 requirements for receipt of a Reading Compact Scholarship to
2142 attend a private school and restricting use of such scholarship;

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2143 providing for the term of a scholarship; providing school
2144 district obligation to notify parents of available options;
2145 providing Department of Education obligations, including
2146 establishment of a process for notification of violations,
2147 subsequent investigation, and certification of compliance by
2148 private schools and selection of a research organization to
2149 analyze student performance data; providing Commissioner of
2150 Education authority and obligations, including the denial,
2151 suspension, or revocation of a private school's participation in
2152 the scholarship program and procedures and timelines therefor;
2153 providing private school eligibility requirements and
2154 obligations, including compliance with specified laws and
2155 academic accountability to the parent; providing parent and
2156 student responsibilities for scholarship program participation,
2157 including compliance with the private school's published
2158 policies, participation in student academic assessment, and
2159 restrictive endorsement of scholarship warrants; prohibiting
2160 power of attorney for endorsing a scholarship warrant; providing
2161 funding and payment requirements, including calculation of
2162 scholarship amount, payment process, and Department of Financial
2163 Services review; providing for immunity; providing scope of
2164 authority; requiring adoption of rules; creating s. 1002.421,
2165 F.S., relating to rights and obligations of private schools
2166 participating in state school choice scholarship programs;
2167 providing requirements for participation in a scholarship
2168 program, including compliance with specified state, local, and
2169 federal laws and demonstration of fiscal soundness; requiring

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2170 restrictive endorsement of checks and prohibiting a school from
2171 acting as attorney in fact; requiring employment of qualified
2172 teachers and background screening of individuals with direct
2173 student contact; requiring adoption of rules; amending s.
2174 1003.01, F.S.; revising definition of the term "special
2175 education services"; amending s. 1003.03, F.S.; modifying
2176 implementation provisions relating to constitutional class size
2177 requirements; creating s. 1003.035, F.S.; providing class size
2178 requirements based on district average contingent upon
2179 constitutional amendment; providing implementation and
2180 calculation requirements; specifying options to meet class size
2181 requirements; authorizing transfer of funds for class size
2182 reduction; requiring certain actions by school districts not in
2183 compliance; requiring constitutional compliance plans in certain
2184 instances; amending s. 1003.05, F.S.; deleting the requirement
2185 that certain children receive preference for admission to
2186 special academic programs even if maximum enrollment has been
2187 reached; removing charter schools from the definition of special
2188 academic programs; creating s. 1003.413, F.S.; requiring each
2189 school district to establish policies to assist high school
2190 students to remain in school, graduate on time, and be prepared
2191 for postsecondary education and the workplace; directing the
2192 Commissioner of Education to create and implement the Challenge
2193 High School Recognition Program; creating the High School Reform
2194 Task Force and providing for appointment of members; requiring
2195 recommendation of a long-term plan relating to high school
2196 reform and specifying items to be addressed; providing for

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2197 termination of the task force; amending s. 1003.415, F.S.;

2198 providing the mission of middle grades; deleting the rigorous

2199 reading requirement for middle grade students; deleting obsolete

2200 language relating to a department study; creating s. 1003.4155,

2201 F.S.; specifying the grading scale for grades 6 through 8;

2202 creating s. 1003.4156, F.S.; specifying general requirements for

2203 middle school promotion; requiring an intensive reading course

2204 under certain circumstances; defining an academic credit;

2205 requiring school district policies and authorizing alternative

2206 methods for progression; requiring adoption of rules for

2207 alternative promotion standards; amending s. 1003.42, F.S.;

2208 revising provisions relating to required instruction and courses

2209 of study in the public schools; including study of the history

2210 of the United States and free enterprise; amending s. 1003.43,

2211 F.S., relating to general requirements for high school

2212 graduation; including study of the Declaration of Independence

2213 in the credit requirement for American government; amending s.

2214 1003.57, F.S.; providing guidelines for determining the

2215 residency of an exceptional student with a disability who

2216 resides in a residential facility and receives special

2217 instruction or services; requiring the placing authority in a

2218 parent's state of residence to pay the cost of such instruction,

2219 facilities, and services for a nonresident exceptional student

2220 with a disability; providing requirements of the department and

2221 school districts with respect to financial obligations;

2222 providing responsibilities of residential facilities that

2223 educate exceptional students with disabilities; providing

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2224 applicability; defining the term "parent" for purposes of the
2225 section; authorizing adoption of rules; creating s. 1003.575,
2226 F.S.; requiring the department to coordinate the development of
2227 an individual education plan form for use in developing and
2228 implementing individual education plans for exceptional
2229 students; requiring the form to be available to school districts
2230 to facilitate the use of an individual education plan when a
2231 student transfers; amending s. 1003.58, F.S.; correcting a cross
2232 reference; amending s. 1003.62, F.S.; conforming provisions
2233 relating to the designation of school grades and differentiated-
2234 pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming
2235 provisions relating to the repeal of the Council for Education
2236 Policy Research and Improvement; amending s. 1008.22, F.S.;
2237 specifying grade level and subject area testing requirements;
2238 requiring the State Board of Education to conduct concordance
2239 studies to determine FCAT equivalencies for high school
2240 graduation; deleting a limitation on and specifying requirements
2241 for the use of alternative assessments to the grade 10 FCAT;
2242 requiring an annual report on student performance; amending s.
2243 1008.25, F.S.; authorizing district school boards to require
2244 low-performing students to attend remediation programs outside
2245 of regular school hours; requiring the department to establish a
2246 uniform format for reporting information relating to student
2247 progression; requiring an annual report; repealing s. 1008.301,
2248 F.S., relating to a concordance study of FCAT equivalencies for
2249 high school graduation; amending s. 1008.31, F.S.; deleting
2250 provisions relating to performance-based funding; revising goals

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2251 and measures of the K-20 performance accountability system and
2252 requiring data quality improvement; providing for development of
2253 reporting and data collection requirements; requiring adoption
2254 of rules; amending s. 1008.33, F.S.; conforming provisions
2255 relating to the designation of school grades and a cross
2256 reference; authorizing district school boards to transfer
2257 teachers, faculty, and staff as needed; amending s. 1008.34,
2258 F.S.; revising terminology and provisions relating to
2259 designation and determination of school grades; specifying use
2260 of assessment data with respect to alternative schools; defining
2261 the term "home school"; requiring an annual school report card
2262 to be published by the department and distributed by school
2263 districts; creating s. 1008.341, F.S.; requiring improvement
2264 ratings for certain alternative schools; providing the basis for
2265 such ratings and requiring annual performance reports; providing
2266 for determination of school improvement ratings, identification
2267 of learning gains, and eligibility for school recognition
2268 awards; requiring an annual report card to be developed by the
2269 department and distributed by school districts; requiring
2270 adoption of rules; amending s. 1008.345, F.S.; conforming
2271 provisions relating to the designation of school grades and a
2272 cross reference; amending s. 1008.36, F.S.; providing for
2273 assignment of school grades to certain feeder pattern schools
2274 that do not receive such a grade for purposes of participation
2275 in the Florida School Recognition Program; defining feeder
2276 school pattern; providing that a feeder pattern school shall be
2277 subject to the Opportunity Scholarship Program; modifying

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2278 | procedures for determination and use of school recognition
2279 | awards; amending s. 1008.45

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