

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Bendross-Mindingall offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (f) is added to subsection (3) of
6 section 20.15, Florida Statutes, to read:

7 20.15 Department of Education.--There is created a
8 Department of Education.

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

11 (f) Division of Accountability, Research, and Measurement.

12 Section 2. Paragraph (a) of subsection (5) of section
13 1000.01, Florida Statutes, is amended to read:

14 1000.01 The Florida K-20 education system; technical
15 provisions.--

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16 (5) EDUCATION GOVERNANCE TRANSFERS.--

17 (a) Effective July 1, 2001:

18 1. The Board of Regents is abolished.

19 2. All of the powers, duties, functions, records,
20 personnel, and property; unexpended balances of appropriations,
21 allocations, and other funds; administrative authority;
22 administrative rules; pending issues; and existing contracts of
23 the Board of Regents are transferred by a type two transfer,
24 pursuant to s. 20.06(2), to the State Board of Education.

25 3. The State Board of Community Colleges is abolished.

26 4. All of the powers, duties, functions, records,
27 personnel, and property; unexpended balances of appropriations,
28 allocations, and other funds; administrative authority;
29 administrative rules; pending issues; and existing contracts of
30 the State Board of Community Colleges are transferred by a type
31 two transfer, pursuant to s. 20.06(2), from the Department of
32 Education to the State Board of Education.

33 5. The Postsecondary Education Planning Commission is
34 abolished.

35 ~~6. The Council for Education Policy Research and~~
36 ~~Improvement is created as an independent office under the Office~~
37 ~~of Legislative Services.~~

38 ~~7. All personnel, unexpended balances of appropriations,~~
39 ~~and allocations of the Postsecondary Education Planning~~
40 ~~Commission are transferred to the Council for Education Policy~~
41 ~~Research and Improvement.~~

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42 ~~6.8-~~ The Articulation Coordinating Committee and the
43 Education Standards Commission are transferred by a type two
44 transfer, pursuant to s. 20.06(2), from the Department of
45 Education to the State Board of Education.

46 Section 3. Subsection (1) of section 1001.03, Florida
47 Statutes, is amended to read:

48 1001.03 Specific powers of State Board of Education.--

49 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State
50 Board of Education shall approve the student performance
51 standards known as the Sunshine State Standards in key academic
52 subject areas and grade levels. The state board shall
53 periodically review the standards to ensure adequate rigor,
54 logical student progression, and articulation from grade to
55 grade and evaluate the extent to which the standards are being
56 taught at each grade level. The evaluation shall be provided to
57 the Governor, the Speaker of the House of Representatives, and
58 the President of the Senate and shall include a determination of
59 each district school board's provision of a complete education
60 program pursuant to s. 1001.41(3).

61 Section 4. Paragraph (a) of subsection (2) of section
62 1001.11, Florida Statutes, is amended to read:

63 1001.11 Commissioner of Education; other duties.--

64 (2)(a) The Commissioner of Education shall recommend to
65 the State Board of Education performance goals addressing the
66 educational needs of the state for the K-20 education system.
67 The Department of Council for Education Policy Research and
68 Improvement, as an independent entity, shall develop a report

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69 card assigning grades to indicate Florida's progress toward
70 meeting those goals. The annual report card shall contain
71 information showing Florida's performance relative to other
72 states on selected measures, as well as Florida's ability to
73 meet the need for postsecondary degrees and programs and how
74 well the Legislature has provided resources to meet this need.
75 The information shall include the results of the National
76 Assessment of Educational Progress or a similar national
77 assessment program administered to students in Florida. By
78 January 1 of each year, the department Council for Education
79 Policy Research and Improvement shall submit the report card to
80 the Legislature, the Governor, and the public.

81 Section 5. Section 1001.215, Florida Statutes, is created
82 to read:

83 1001.215 Just Read, Florida! Office.--There is created in
84 the Department of Education the Just Read, Florida! Office. The
85 office shall:

86 (1) Train professionally certified teachers to become
87 certified reading coaches.

88 (2) Create multiple designations of effective reading
89 instruction, with accompanying credentials, that encourage all
90 teachers to integrate reading instruction into their content
91 areas.

92 (3) Train K-12 teachers, school principals, and parents on
93 research-based reading instruction strategies.

94 (4) Provide technical assistance to school districts in
95 the development and implementation of district plans for use of

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96 | the research-based reading instruction allocation provided in s.
97 | 1011.62(8) and annually review and approve such plans.

98 | (5) Work with the Florida Center for Reading Research to
99 | provide information on research-based reading programs.

100 | (6) Periodically review the Sunshine State Standards for
101 | reading at all grade levels.

102 | (7) Periodically review teacher certification examinations
103 | to ensure that the examinations measure necessary skills in
104 | research-based reading instructional strategies.

105 | (8) Work with teacher preparation programs approved
106 | pursuant to s. 1004.04 to ensure integration of research-based
107 | reading instructional strategies into teacher preparation
108 | programs.

109 | (9) Administer grants and perform other functions
110 | necessary to assist with meeting the goal that all students read
111 | at grade level.

112 | Section 6. Subsection (3) of section 1001.41, Florida
113 | Statutes, is amended to read:

114 | 1001.41 General powers of district school board.--The
115 | district school board, after considering recommendations
116 | submitted by the district school superintendent, shall exercise
117 | the following general powers:

118 | (3) Prescribe and adopt standards and policies to provide
119 | each student the opportunity to receive a complete education
120 | program, including language arts, mathematics, science, social
121 | studies, health, physical education, foreign languages, and the
122 | arts as defined by the Sunshine State Standards pursuant to s.

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123 | ~~1001.03(1) as are considered desirable by it for improving the~~
124 | ~~district school system.~~

125 | Section 7. Subsection (16), paragraph (d) of subsection
126 | (17), and subsection (18) of section 1001.42, Florida Statutes,
127 | are amended to read:

128 | 1001.42 Powers and duties of district school board.--The
129 | district school board, acting as a board, shall exercise all
130 | powers and perform all duties listed below:

131 | (16) IMPLEMENT SCHOOL IMPROVEMENT AND
132 | ACCOUNTABILITY.--Maintain a system of school improvement and
133 | education accountability as provided by statute and State Board
134 | of Education rule. This system of school improvement and
135 | education accountability shall be consistent with, and
136 | implemented through, the district's continuing system of
137 | planning and budgeting required by this section and ss.
138 | 1008.385, 1010.01, and 1011.01. This system of school
139 | improvement and education accountability shall include, but is
140 | not limited to, the following:

141 | (a) School improvement plans.--Annually approve and
142 | require implementation of a new, amended, or continuation school
143 | improvement plan for each school in the district, except that a
144 | district school board may establish a district school
145 | improvement plan that includes all schools in the district
146 | operating for the purpose of providing educational services to
147 | youth in Department of Juvenile Justice programs. Such plan
148 | shall be designed to achieve the state education priorities
149 | pursuant to s. 1000.03(5) and student performance standards. ~~In~~

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150 ~~addition, any school required to implement a rigorous reading~~
151 ~~requirement pursuant to s. 1003.415 must include such component~~
152 ~~in its school improvement plan.~~ Each plan shall also address
153 issues relative to budget, training, instructional materials,
154 technology, staffing, student support services, specific school
155 safety and discipline strategies, student health and fitness,
156 including physical fitness, parental information on student
157 health and fitness, and indoor environmental air quality, and
158 other matters of resource allocation, as determined by district
159 school board policy, and shall be based on an analysis of
160 student achievement and other school performance data.

161 (b) School improvement plan requirements.--Each district
162 school board's system of school improvement and student
163 progression must be designed to provide frequent and accurate
164 information to the teacher and student regarding each student's
165 progress toward mastering the Sunshine State Standards. The
166 system must demonstrate the alignment of the Sunshine State
167 Standards, instructional strategies, assessment, and
168 professional development. Each school improvement plan must
169 identify the strategies for monitoring the progress of each
170 student. The process used by each school to monitor student
171 progression must, at a minimum, contain the following components
172 that are aimed at increasing student achievement:

173 1. Disaggregated student achievement data related to
174 student performance which is used to identify each individual
175 student's strengths and weaknesses and to determine the

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176 effectiveness of the teaching and learning strategies that are
177 being used in the classroom.

178 2. The Sunshine State Standards instructional calendar and
179 timeline, using disaggregated student performance data to focus
180 instruction on the Sunshine State Standards, manage
181 instructional time, and allocate resources.

182 3. Prioritized instructional focus to facilitate explicit
183 and systematic instruction using research-based effective
184 practices in the classroom.

185 4. Mini-assessments of targeted Sunshine State Standards
186 benchmarks to monitor student progress and generate data to
187 redesign instruction, if needed.

188 5. Alternative in-school, tutorial, remediation, or
189 enrichment strategies for students which are based on each
190 student's individual academic needs as defined by the mini-
191 assessments.

192 6. Systematic monitoring of each teacher's implementation
193 of the comprehensive program for student progression as
194 described in subparagraphs 1.-5.

195 (c)(b) Approval process.--Develop a process for approval
196 of a school improvement plan presented by an individual school
197 and its advisory council. In the event a district school board
198 does not approve a school improvement plan after exhausting this
199 process, the Department of Education shall be notified of the
200 need for assistance.

201 (d)(e) Assistance and intervention.--

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202 1. Develop a 2-year plan of increasing individualized
203 assistance and intervention for each school in danger of not
204 meeting state standards or making adequate progress, as defined
205 pursuant to statute and State Board of Education rule, toward
206 meeting the goals and standards of its approved school
207 improvement plan.

208 2. Provide assistance and intervention to a school that is
209 designated with a ~~identified as being in performance~~ grade of
210 ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.

211 3. Develop a plan to encourage teachers with demonstrated
212 mastery in improving student performance to remain at or
213 transfer to a school designated with a ~~as performance~~ grade of
214 ~~category~~ "D" or "F" or to an alternative school that serves
215 disruptive or violent youths. If a classroom teacher, as defined
216 by s. 1012.01(2)(a), who meets the definition of teaching
217 mastery developed according to the provisions of this paragraph,
218 requests assignment to a school designated with a ~~as performance~~
219 grade of category "D" or "F" or to an alternative school that
220 serves disruptive or violent youths, the district school board
221 shall make every practical effort to grant the request.

222 4. Prioritize, to the extent possible, the expenditures of
223 funds received from the supplemental academic instruction
224 categorical fund under s. 1011.62(1)(f) to improve student
225 performance in schools that receive a ~~performance~~ grade ~~category~~
226 ~~designation~~ of "D" or "F."

227 (e)~~(d)~~ After 2 years.--Notify the Commissioner of
228 Education and the State Board of Education in the event any

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229 school does not make adequate progress toward meeting the goals
230 and standards of a school improvement plan by the end of 2 years
231 of failing to make adequate progress and proceed according to
232 guidelines developed pursuant to statute and State Board of
233 Education rule. School districts shall provide intervention and
234 assistance to schools in danger of being designated with a ~~as~~
235 ~~performance~~ grade of ~~category~~ "F," failing to make adequate
236 progress.

237 ~~(f)(e)~~ Public disclosure.--Provide information regarding
238 performance of students and educational programs as required
239 pursuant to ss. 1008.22 and 1008.385 and implement a system of
240 school reports as required by statute and State Board of
241 Education rule that shall include schools operating for the
242 purpose of providing educational services to youth in Department
243 of Juvenile Justice programs, and for those schools, report on
244 the elements specified in s. 1003.52(19). Annual public
245 disclosure reports shall be in an easy-to-read report card
246 format and shall include the school's student and school
247 ~~performance~~ grade ~~category designation~~ and performance data as
248 specified in state board rule.

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

253 (17) LOCAL-LEVEL DECISIONMAKING.--

254 (d) Adopt policies that assist in giving greater autonomy,
255 including authority over the allocation of the school's budget,

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256 to schools designated with a ~~as performance~~ grade of category
257 "A," making excellent progress, and schools rated as having
258 improved at least two grades ~~performance grade categories~~.

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

267 Section 8. Paragraph (d) of subsection (3) and paragraphs
268 (a) and (b) of subsection (6) of section 1002.20, Florida
269 Statutes, are amended to read:

270 1002.20 K-12 student and parent rights.--Parents of public
271 school students must receive accurate and timely information
272 regarding their child's academic progress and must be informed
273 of ways they can help their child to succeed in school. K-12
274 students and their parents are afforded numerous statutory
275 rights including, but not limited to, the following:

276 (3) HEALTH ISSUES.--

277 (d) Reproductive health and disease education.--A public
278 school student whose parent makes written request to the school
279 principal shall be exempted from the teaching of reproductive
280 health or any disease, including HIV/AIDS, in accordance with
281 the provisions of s. 1003.42(4)~~(3)~~.

282 (6) EDUCATIONAL CHOICE.--

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283 (a) Public school choices.--Parents of public school
284 students may seek whatever public school choice options that are
285 applicable to their students and are available to students in
286 their school districts. These options may include controlled
287 open enrollment, lab schools, charter schools, charter technical
288 career centers, magnet schools, alternative schools, special
289 programs, advanced placement, dual enrollment, International
290 Baccalaureate, early admissions, credit by examination or
291 demonstration of competency, the New World School of the Arts,
292 the Florida School for the Deaf and the Blind, and the Florida
293 Virtual School. These options may also include the public school
294 choice options of the Opportunity Scholarship Program, ~~and~~ the
295 McKay Scholarships for Students with Disabilities Program, and
296 the Reading Compact Scholarship Program.

297 (b) Private school choices.--Parents of public school
298 students may seek private school choice options under certain
299 programs.

300 1. Under the Opportunity Scholarship Program, the parent
301 of a student in a failing public school may request and receive
302 an opportunity scholarship for the student to attend a private
303 school in accordance with the provisions of s. 1002.38.

304 2. Under the McKay Scholarships for Students with
305 Disabilities Program, the parent of a public school student with
306 a disability who is dissatisfied with the student's progress may
307 request and receive a McKay Scholarship for the student to
308 attend a private school in accordance with the provisions of s.
309 1002.39.

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310 3. Under the corporate income tax credit scholarship
311 program, the parent of a student who qualifies for free or
312 reduced-price school lunch may seek a scholarship from an
313 eligible nonprofit scholarship-funding organization in
314 accordance with the provisions of s. 220.187.

315 4. Under the Reading Compact Scholarship Program, the
316 parent of a student with reading deficiencies may request and
317 receive a Reading Compact Scholarship for the student to attend
318 a private school in accordance with the provisions of s.
319 1002.385.

320 Section 9. Subsection (2) and paragraphs (a) and (b) of
321 subsection (3) of section 1002.38, Florida Statutes, are amended
322 to read:

323 1002.38 Opportunity Scholarship Program.--

324 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school
325 student's parent may request and receive from the state an
326 opportunity scholarship for the student to enroll in and attend
327 a private school in accordance with the provisions of this
328 section if:

329 (a)1. By assigned school attendance area or by special
330 assignment, the student has spent the prior school year in
331 attendance at a public school that has been designated pursuant
332 to s. 1008.34 with a ~~as performance~~ grade of ~~eate~~gory "F,"
333 failing to make adequate progress, and that has had 2 school
334 years in a 4-year period of such low performance, and the
335 student's attendance occurred during a school year in which such
336 designation was in effect;

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337 2. The student has been in attendance elsewhere in the
338 public school system and has been assigned to such school for
339 the next school year; or

340 3. The student is entering kindergarten or first grade and
341 has been notified that the student has been assigned to such
342 school for the next school year.

343 (b) The parent has obtained acceptance for admission of
344 the student to a private school eligible for the program
345 pursuant to subsection (4), and has notified the Department of
346 Education and the school district of the request for an
347 opportunity scholarship no later than August ~~July~~ 1 of the first
348 year in which the student intends to use the scholarship.

349
350 The provisions of this section shall not apply to a student who
351 is enrolled in a school operating for the purpose of providing
352 educational services to youth in Department of Juvenile Justice
353 commitment programs. For purposes of continuity of educational
354 choice, the opportunity scholarship shall remain in force until
355 the student returns to a public school or, if the student
356 chooses to attend a private school the highest grade of which is
357 grade 8, until the student matriculates to high school and the
358 public high school to which the student is assigned is an
359 accredited school with a ~~performance grade category designation~~
360 of "C" or better. However, at any time upon reasonable notice to
361 the Department of Education and the school district, the
362 student's parent may remove the student from the private school

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363 and place the student in a public school, as provided in
364 subparagraph (3)(a)2.

365 (3) SCHOOL DISTRICT OBLIGATIONS.--

366 (a) A school district shall, for each student enrolled in
367 or assigned to a school that has been designated with a ~~as~~
368 ~~performance grade of category~~ "F" for 2 school years in a 4-year
369 period:

370 1. Timely notify the parent of the student as soon as such
371 designation is made of all options available pursuant to this
372 section.

373 2. Offer that student's parent an opportunity to enroll
374 the student in the public school within the district that has
375 been designated by the state pursuant to s. 1008.34 as a school
376 performing higher than that in which the student is currently
377 enrolled or to which the student has been assigned, but not less
378 than ~~performance grade category~~ "C." The parent is not required
379 to accept this offer in lieu of requesting a state opportunity
380 scholarship to a private school. The opportunity to continue
381 attending the higher performing public school shall remain in
382 force until the student graduates from high school.

383 (b) The parent of a student enrolled in or assigned to a
384 school that has been designated with a ~~performance grade of~~
385 ~~category~~ "F" for 2 school years in a 4-year period may choose as
386 an alternative to enroll the student in and transport the
387 student to a higher-performing public school that has available
388 space in an adjacent school district, and that school district
389 shall accept the student and report the student for purposes of

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390 the district's funding pursuant to the Florida Education Finance
391 Program.

392 Section 10. Section 1002.421, Florida Statutes, is created
393 to read:

394 1002.421 Rights and obligations of private schools
395 participating in state school choice scholarship
396 programs.--Requirements of this section are in addition to
397 private school requirements outlined in s. 1002.42, specific
398 requirements identified within respective scholarship program
399 laws, and other provisions of Florida law that apply to private
400 schools.

401 (1) A Florida private school participating in the
402 corporate income tax credit scholarship program established
403 pursuant to s. 220.187 or an educational scholarship program
404 established pursuant to this chapter must comply with all
405 requirements of this section.

406 (2) A private school participating in a scholarship
407 program must be a Florida private school as defined in s.
408 1002.01(2) and must:

409 (a) Be a registered Florida private school in accordance
410 with s. 1002.42.

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

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

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

418 (e) Complete student enrollment and attendance
419 verification requirements, including use of an online attendance
420 verification form, prior to scholarship payment.

421 (f) Annually complete and submit to the department a
422 notarized scholarship compliance statement certifying compliance
423 with state laws relating to private school participation in the
424 scholarship program.

425 (g) Demonstrate fiscal soundness and accountability by:

426 1. Being in operation for at least 3 school years or
427 obtaining a surety bond or letter of credit for the amount equal
428 to the scholarship funds for any quarter and filing the surety
429 bond or letter of credit with the department.

430 2. Requiring the parent of each scholarship student to
431 personally restrictively endorse the scholarship warrant to the
432 school. The school may not act as attorney in fact for the
433 parent of a scholarship student under the authority of a power
434 of attorney executed by such parent, or under any other
435 authority, to endorse scholarship warrants on behalf of such
436 parent.

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

439 1. Fire safety.

440 2. Building safety.

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441 (i) Employ or contract with teachers who hold
442 baccalaureate or higher degrees, have at least 3 years of
443 teaching experience in public or private schools, or have
444 special skills, knowledge, or expertise that qualifies them to
445 provide instruction in subjects taught.

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

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

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

458 3. Continued employment of an individual after
459 notification that the individual has failed the level 1
460 background screening shall cause a private school to be
461 ineligible for participation in a scholarship program.

462 4. An individual holding a valid Florida teaching
463 certificate who has been fingerprinted pursuant to s. 1012.32
464 shall not be required to comply with the provisions of this
465 paragraph.

466 (3) The inability of a private school to meet the
467 requirements of this section shall constitute a basis for the

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

470 (4)(a) The State Board of Education shall adopt rules
471 pursuant to ss. 120.536(1) and 120.54 to administer this
472 section.

473 (b) The inclusion of eligible private schools within
474 options available to Florida public school students does not
475 expand the regulatory authority of the state, its officers, or
476 any school district to impose any additional regulation of
477 private schools beyond those reasonably necessary to enforce
478 requirements expressly set forth in this section.

479 Section 11. Paragraph (b) of subsection (3) of section
480 1003.01, Florida Statutes, is amended to read:

481 1003.01 Definitions.--As used in this chapter, the term:

482 (3)

483 (b) "Special education services" means specially designed
484 instruction and such related services as are necessary for an
485 exceptional student to benefit from education. Such services may
486 include: transportation; diagnostic and evaluation services;
487 social services; physical and occupational therapy; speech and
488 language pathology services; job placement; orientation and
489 mobility training; braillists, typists, and readers for the
490 blind; interpreters and auditory amplification; rehabilitation
491 counseling; transition services; mental health services;
492 guidance and career counseling; specified materials, assistive
493 technology devices, and other specialized equipment; and other
494 such services as approved by rules of the state board.

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495 Section 12. Paragraph (b) of subsection (2) of section
496 1003.03, Florida Statutes, is amended to read:

497 1003.03 Maximum class size.--

498 (2) IMPLEMENTATION.--

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

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

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

507 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
508 the calculation for compliance shall be at the individual
509 classroom level.

510 Section 13. Section 1003.035, Florida Statutes, is created
511 to read:

512 1003.035 District average class size requirements.--

513 (1) CONSTITUTIONAL CLASS SIZE REQUIREMENTS.--Pursuant to
514 s. 1, Art. IX of the State Constitution, beginning in the 2007-
515 2008 school year:

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

520 (b) The district average number of students assigned to
521 each teacher who is teaching core-curricula courses in public

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522 school classrooms for grades 4 through 8 may not exceed 22
523 students.

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

528
529 However, in no event shall any such classroom exceed five
530 students over the district average allowable maximum.

531 (2) IMPLEMENTATION.--

532 (a) Beginning with the 2006-2007 fiscal year, each school
533 district that is not in compliance with the requirements in
534 subsection (1) shall reduce the district average class size in
535 each of the following grade groupings: prekindergarten through
536 grade 3, grade 4 through grade 8, and grade 9 through grade 12,
537 by at least two students each year until the district average
538 class size does not exceed the requirements in subsection (1).

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

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

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548 (a) Adopt policies to encourage qualified students to take
549 dual enrollment courses.

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

552 (c)1. Repeal district school board policies that require
553 students to have more than 24 credits to graduate from high
554 school.

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

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

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

567 (f) Use joint-use facilities through partnerships with
568 community colleges, state universities, and private colleges and
569 universities. Joint-use facilities available for use as K-12
570 classrooms that do not meet the K-12 State Regulations for
571 Educational Facilities in the Florida Building Code may be used
572 at the discretion of the district school board provided that
573 such facilities meet all other health, life, safety, and fire
574 codes.

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575 (g) Adopt alternative methods of class scheduling, such as
576 block scheduling.

577 (h) Redraw school attendance zones to maximize use of
578 facilities while minimizing the additional use of
579 transportation.

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

583 (j) Use year-round schools and other nontraditional
584 calendars that do not adversely impact annual assessment of
585 student achievement.

586 (k) Review and consider amending any collective bargaining
587 contracts that hinder the implementation of class size
588 reduction.

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

590 (4) ACCOUNTABILITY.--

591 (a) If the department determines for any year that a
592 school district has not reduced average class size as required
593 in subsection (2) at the time of the third FEFP calculation, the
594 department shall calculate an amount from the class size
595 reduction operating categorical which is proportionate to the
596 amount of class size reduction not accomplished. Upon
597 verification of the department's calculation by the Florida
598 Education Finance Program Appropriation Allocation Conference,
599 the Executive Office of the Governor shall transfer
600 undistributed funds equivalent to the calculated amount from the
601 district's class size reduction operating categorical to an

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602 approved fixed capital outlay appropriation for class size
603 reduction in the affected district pursuant to s. 216.292(13).
604 The amount of funds transferred shall be the lesser of the
605 amount verified by the Florida Education Finance Program
606 Appropriation Allocation Conference or the undistributed balance
607 of the district's class size reduction operating categorical.
608 However, based upon a recommendation by the Commissioner of
609 Education that the State Board of Education has reviewed
610 evidence indicating that a district has been unable to meet
611 class size reduction requirements despite appropriate effort to
612 do so, the Legislative Budget Commission may approve an
613 alternative amount of funds to be transferred from the
614 district's class size reduction operating categorical to its
615 approved fixed capital outlay account for class size reduction.

616 (b) Beginning in the 2007-2008 school year, the department
617 shall determine by January 15 of each year which districts do
618 not meet the requirements of subsection (1) based upon the
619 district's October student membership survey for the current
620 school year. The department shall report such districts to the
621 Legislature. Each district that has not met the requirements of
622 subsection (1) shall be required to implement one of the
623 following policies in the subsequent school year unless the
624 department finds that the district comes into compliance based
625 upon the February student membership survey:

- 626 1. Year-round schools;
627 2. Double sessions;
628 3. Rezoning; or

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629 4. Maximizing use of instructional staff by changing
630 required teacher loads and scheduling of planning periods,
631 deploying school district employees who have professional
632 certification to the classroom, using adjunct educators,
633 operating schools beyond the normal operating hours to provide
634 classes in the evening, or operating more than one session
635 during the day.

636

637 A school district that is required to implement one of the
638 policies outlined in subparagraphs 1. through 4. shall correct
639 in the year of implementation any past deficiencies and bring
640 the district into compliance with the requirements of subsection
641 (1). A school district may choose to implement more than one of
642 these policies. The district school superintendent shall report
643 to the Commissioner of Education the extent to which the
644 district implemented any of the policies outlined in
645 subparagraphs 1. through 4. in a format to be specified by the
646 Commissioner of Education. The Department of Education shall use
647 the enforcement authority provided in s. 1008.32 to ensure that
648 districts comply with the provisions of this paragraph.

649 (c) Beginning in the 2008-2009 school year, the department
650 shall annually determine which districts do not meet the
651 requirements described in subsection (1) based upon the October
652 student membership survey. In addition to enforcement authority
653 provided in s. 1008.32, the Department of Education shall
654 develop a constitutional compliance plan for each such district
655 which includes, but is not limited to, redrawing school

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656 attendance zones to maximize use of facilities while minimizing
657 the additional use of transportation and the other
658 accountability policies listed in paragraph (b). Each district
659 school board shall implement the constitutional compliance plan
660 developed by the state board in the subsequent school year until
661 the district complies with the constitutional district average
662 class size requirements.

663 Section 14. Subsection (3) of section 1003.05, Florida
664 Statutes, is amended to read:

665 1003.05 Assistance to transitioning students from military
666 families.--

667 (3) Dependent children of active duty military personnel
668 who otherwise meet the eligibility criteria for special academic
669 programs offered through public schools shall be given first
670 preference for admission to such programs even if the program is
671 being offered through a public school other than the school to
672 which the student would generally be assigned ~~and the school at~~
673 ~~which the program is being offered has reached its maximum~~
674 ~~enrollment~~. If such a program is offered through a public school
675 other than the school to which the student would generally be
676 assigned, the parent or guardian of the student must assume
677 responsibility for transporting the student to that school. For
678 purposes of this subsection, special academic programs include
679 ~~charter schools~~, magnet schools, advanced studies programs,
680 advanced placement, dual enrollment, and International
681 Baccalaureate.

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682 Section 15. Section 1003.413, Florida Statutes, is created
683 to read:

684 1003.413 High school reform.--

685 (1) Beginning with the 2005-2006 school year, each school
686 district shall establish policies to assist high school students
687 to remain in school, graduate on time, and be prepared for
688 postsecondary education and the workforce. Such policies must
689 address:

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

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

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

698 (d) Placement in alternative programs, such as programs
699 that emphasize applied integrated curricula, small learning
700 communities, support services, increased discipline, or other
701 strategies documented to improve student achievement.

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

705

706 A student's participation in an instructional or remediation
707 program prior to or immediately following entering grade 9 for
708 the first time shall not affect that student's classification as

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709 a first-time ninth grader for reporting purposes, including
710 calculation of graduation and dropout rates.

711 (2) The Commissioner of Education shall create and
712 implement the Challenge High School Recognition Program to
713 reward public high schools that demonstrate continuous academic
714 improvement and show the greatest gains in student academic
715 achievement in reading and mathematics.

716 Section 16. High School Reform Task Force.--

717 (1) There is created the High School Reform Task Force.
718 The task force shall work in conjunction with the Southern
719 Regional Education Board and the International Center for
720 Leadership in Education and shall be administratively supported
721 by the office of the Chancellor for K-12 Public Schools in the
722 Department of Education and the Just Read, Florida! Office.
723 Appointments to the task force shall be coordinated to ensure
724 that the membership reflects the geographic and cultural
725 diversity of Florida's school age population. The task force
726 shall be abolished upon submission of its recommendations.

727 (2)(a) The Governor shall appoint members of the task
728 force from the following categories and shall appoint the chair
729 of the task force from its membership:

730 1. Two representatives of public school districts, who may
731 be principals, district school board members, or school
732 superintendents, at least one of whom works in or with a school
733 with a school grade of "F."

734 2. One high school teacher who teaches in a high school
735 with a school grade of "F."

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

739 4. One high school student.

740 5. One teacher or administrator from a charter high
741 school.

742 6. Two private school teachers or administrators from any
743 registered Florida private school with students in grades 9-12
744 regardless of whether the school is nonsectarian, sectarian, not
745 for profit, or for profit.

746 7. One representative of the business community.

747 (b) The Speaker of the House of Representatives shall
748 appoint one member of the House of Representatives to serve on
749 the task force and the President of the Senate shall appoint one
750 member of the Senate to serve on the task force.

751 (3) Not later than January 1, 2006, the task force shall
752 vote to recommend to the Speaker of the House of
753 Representatives, the President of the Senate, and the Governor a
754 long-term plan for revisions to statutes, rules, and policies
755 that will improve Florida's grade 9 retention rate, graduation
756 rate, dropout rate, and college remediation rate and align high
757 school requirements with the needs of Florida's employers and
758 postsecondary educational institution requirements. The plan
759 must be programmatically and fiscally responsible, feasible, and
760 implementable. The plan must address, but is not limited to
761 addressing: graduation requirements; effective use of
762 accelerated high school graduation options pursuant to s.

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763 1003.429; course redesign; remediation strategies; credit
764 recovery; use of alternative programs, including programs that
765 emphasize applied integrated curricula, small learning
766 communities, support services, or increased discipline; use of
767 technology; adjustments to the school grading system to reflect
768 learning gains by high school students; middle school systemic
769 alignment; transition from middle school to high school;
770 alignment with postsecondary and workforce education
771 requirements; and alignment with employer expectations.

772 Section 17. Section 1003.415, Florida Statutes, is amended
773 to read:

774 1003.415 The Middle Grades Reform Act.--

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

777 (2) PURPOSE AND INTENT.--

778 (a) The purpose of this section is to provide added focus
779 and rigor to academics in the middle grades. Using reading as
780 the foundation, all middle grade students should receive
781 rigorous academic instruction through challenging curricula
782 delivered by highly qualified teachers in schools with
783 outstanding leadership, which schools are supported by engaged
784 and informed parents.

785 (b) It is the intent of the Legislature that students
786 promoted from the eighth grade will have the necessary reading
787 and mathematics skills to be ready for success in high school.
788 The mission of middle grades is to prepare students to graduate
789 from high school.

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

792 (4) CURRICULA AND COURSES.--The Department of Education
793 shall review course offerings, teacher qualifications,
794 instructional materials, and teaching practices used in reading
795 and language arts programs in the middle grades. The department
796 must consult with the Florida Center for Reading Research at
797 Florida State University, the Just Read, Florida! Office,
798 reading researchers, reading specialists, and district
799 supervisors of curriculum in the development of findings and
800 recommendations. The Commissioner of Education shall make
801 recommendations to the State Board of Education regarding
802 changes to reading and language arts curricula in the middle
803 grades based on research-based proven effective programs. The
804 State Board of Education shall adopt rules based upon the
805 commissioner's recommendations no later than March 1, 2005.
806 Implementation of new or revised reading and language arts
807 courses in all middle grades shall be phased in beginning no
808 later than the 2005-2006 school year with completion no later
809 than the 2008-2009 school year.

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

811 ~~(a) Beginning with the 2004-2005 school year, each public~~
812 ~~school serving middle grade students, including charter schools,~~
813 ~~with fewer than 75 percent of its students reading at or above~~
814 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~
815 ~~student scoring at Level 3 or above on the FCAT during the prior~~
816 ~~school year, must incorporate by October 1 a rigorous reading~~

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817 ~~requirement for reading and language arts programs as the~~
818 ~~primary component of its school improvement plan. The department~~
819 ~~shall annually provide to each district school board by June 30~~
820 ~~a list of its schools that are required to incorporate a~~
821 ~~rigorous reading requirement as the primary component of the~~
822 ~~school's improvement plan. The department shall provide~~
823 ~~technical assistance to school districts and school~~
824 ~~administrators required to implement the rigorous reading~~
825 ~~requirement.~~

826 ~~(b) The purpose of the rigorous reading requirement is to~~
827 ~~assist each student who is not reading at or above grade level~~
828 ~~to do so before entering high school. The rigorous reading~~
829 ~~requirement must include for a middle school's low-performing~~
830 ~~student population specific areas that address phonemic~~
831 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~
832 ~~desired levels of performance in those areas; and the~~
833 ~~instructional and support services to be provided to meet the~~
834 ~~desired levels of performance. The school shall use research-~~
835 ~~based reading activities that have been shown to be successful~~
836 ~~in teaching reading to low-performing students.~~

837 ~~(c) Schools required to implement the rigorous reading~~
838 ~~requirement must provide quarterly reports to the district~~
839 ~~school superintendent on the progress of students toward~~
840 ~~increased reading achievement.~~

841 ~~(d) The results of implementation of a school's rigorous~~
842 ~~reading requirement shall be used as part of the annual~~

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843 ~~evaluation of the school's instructional personnel and school~~
844 ~~administrators as required in s. 1012.34.~~

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

847 ~~(a) The department shall conduct a study on how the~~
848 ~~overall academic performance of middle grade students and~~
849 ~~schools can be improved. The department must consult with the~~
850 ~~Florida Center for Reading Research at Florida State University,~~
851 ~~the Just Read, Florida! Office, and key education stakeholders,~~
852 ~~including district school board members, district school~~
853 ~~superintendents, principals, parents, teachers, district~~
854 ~~supervisors of curriculum, and students across the state, in the~~
855 ~~development of its findings and recommendations. The department~~
856 ~~shall review, at a minimum, each of the following elements:~~

857 ~~1. Academic expectations, which include, but are not~~
858 ~~limited to:~~

859 ~~a. Alignment of middle school expectations with elementary~~
860 ~~and high school graduation requirements.~~

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

864 ~~c. Strategies that focus on improving academic success for~~
865 ~~low-performing students.~~

866 ~~d. Rigor of curricula and courses.~~

867 ~~e. Instructional materials.~~

868 ~~f. Course enrollment by middle school students.~~

869 ~~g. Student support services.~~

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- 870 ~~h. Measurement and reporting of student achievement.~~
871 ~~2. Attendance policies and student mobility issues.~~
872 ~~3. Teacher quality, which includes, but is not limited to:~~
873 ~~a. Preparedness of teachers to teach rigorous courses to~~
874 ~~middle school students.~~
875 ~~b. Teacher evaluations.~~
876 ~~e. Substitute teachers.~~
877 ~~d. Certification and recertification requirements.~~
878 ~~e. Staff development requirements.~~
879 ~~f. Availability of effective staff development training.~~
880 ~~g. Teacher recruitment and vacancy issues.~~
881 ~~h. Federal requirements for highly qualified teachers~~
882 ~~pursuant to the No Child Left Behind Act of 2001.~~
883 ~~4. Identification and availability of diagnostic testing.~~
884 ~~5. Availability of personnel and scheduling issues.~~
885 ~~6. Middle school leadership and performance.~~
886 ~~7. Parental and community involvement.~~
887 ~~(b) By December 1, 2004, the Commissioner of Education~~
888 ~~shall submit to the President of the Senate, the Speaker of the~~
889 ~~House of Representatives, the chairs of the education committees~~
890 ~~in the Senate and the House of Representatives, and the State~~
891 ~~Board of Education recommendations to increase the academic~~
892 ~~performance of middle grade students and schools.~~
893 ~~(5)(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--~~
894 ~~(a) Beginning with the 2004-2005 school year, Each~~
895 ~~principal of a school with a middle grade shall designate~~
896 ~~certified staff members at the school to develop and administer~~

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897 a personalized middle school success plan for each entering
898 sixth grade student who scored below Level 3 in reading on the
899 most recently administered FCAT. The purpose of the success plan
900 is to assist the student in meeting state and school district
901 expectations in academic proficiency and to prepare the student
902 for a rigorous high school curriculum. The success plan shall be
903 developed in collaboration with the student and his or her
904 parent and must be implemented until the student completes the
905 eighth grade or achieves a score at Level 3 or above in reading
906 on the FCAT, whichever occurs first. The success plan must
907 minimize paperwork and may be incorporated into a parent/teacher
908 conference, included as part of a progress report or report
909 card, included as part of a general orientation at the beginning
910 of the school year, or provided by electronic mail or other
911 written correspondence.

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

913 1. Identify educational goals and intermediate benchmarks
914 for the student in the core curriculum areas which will prepare
915 the student for high school.

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

918 3. Include academic intervention strategies with frequent
919 progress monitoring.

920 4. Provide innovative methods to promote the student's
921 advancement which may include, but not be limited to, flexible
922 scheduling, tutoring, focus on core curricula, online
923 instruction, an alternative learning environment, or other

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924 interventions that have been shown to accelerate the learning
925 process.

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

931 (d) The Department of Education shall provide technical
932 assistance for districts, school administrators, and
933 instructional personnel regarding the development of
934 personalized middle school success plans. The assistance shall
935 include strategies and techniques designed to maximize
936 interaction between students, parents, teachers, and other
937 instructional and administrative staff while minimizing
938 paperwork.

939 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

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

943 (b) The State Board of Education shall have authority
944 pursuant to s. 1008.32 to enforce the provisions of this
945 section.

946 Section 18. Section 1003.4155, Florida Statutes, is
947 created to read:

948 1003.4155 Middle school grading system.--The grading
949 system and interpretation of letter grades used in grades 6
950 through 8 shall be as follows:

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

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

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

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

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

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

968 Section 19. Section 1003.4156, Florida Statutes, is
969 created to read:

970 1003.4156 General requirements for middle school
971 promotion.--

972 (1) Beginning with students entering grade 6 in the 2005-
973 2006 school year, promotion from a middle school with grades 6
974 through 8 requires that:

975 (a) A student must successfully complete 12 academic
976 credits as follows:

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977 1. Three middle school or higher credits in
978 English/language arts.

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

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

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

982 5. Two middle school or higher credits in elective
983 courses.

984 (b) For each year in which a student scores at Level 1 or
985 Level 2 on FCAT Reading, the student must the following year be
986 enrolled in and complete a full-year intensive reading course
987 for which the student may earn up to one elective credit per
988 year. Students scoring at Level 3 or Level 4 on FCAT Reading may
989 be enrolled, with parental permission, in a full-year intensive
990 reading course for which the student may earn up to two elective
991 credits during middle school. Reading courses shall be designed
992 and offered pursuant to the reading instruction plan required by
993 s. 1011.62(8).

994 (2) One full credit means a minimum of 135 hours of
995 instruction in a designated course of study that contains
996 student performance standards. For schools authorized by the
997 district school board to implement block scheduling, one full
998 credit means a minimum of 120 hours of instruction in a
999 designated course of study that contains student performance
1000 standards.

1001 (3) District school boards shall establish policies to
1002 implement the requirements of this section. The policies may
1003 allow alternative methods for students to earn the credits

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1004 required by this section. School districts shall emphasize
1005 alternative programs for students scoring at Level 1 on FCAT
1006 Reading who have been retained in elementary school. The
1007 alternatives may include, but are not limited to, opportunities
1008 for students to:

1009 (a) Recover credits.

1010 (b) Be promoted on time to high school.

1011 (c) Be placed in programs that emphasize applied
1012 integrated curricula, small learning communities, support
1013 services, increased discipline, or other strategies documented
1014 to improve student achievement.

1015
1016 The school district's policy shall be submitted to the State
1017 Board of Education for approval. The school district's policy
1018 shall be automatically approved unless specifically rejected by
1019 the State Board of Education within 60 days after receipt.

1020 (4) The State Board of Education shall adopt rules
1021 pursuant to ss. 120.536(1) and 120.54 to provide for alternative
1022 middle school promotion standards for students in grade 6, grade
1023 7, or grade 8, including students who are not enrolled in
1024 schools with a grade 6 through 8 middle school configuration.

1025 Section 20. Subsection (2) of section 1003.42, Florida
1026 Statutes, is amended to read:

1027 1003.42 Required instruction.--

1028 (2) All members of the instructional staff of the public
1029 schools, subject to the rules of the State Board of Education
1030 and the district school board, shall teach efficiently and

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1031 faithfully, using the books and materials required that meet the
1032 highest standards for professionalism and historic accuracy,
1033 following the prescribed courses of study, and employing
1034 approved methods of instruction, the following:

1035 (a) The history and content of the Declaration of
1036 Independence as written, including national sovereignty, natural
1037 law, self-evident truth, equality of all persons, limited
1038 government, popular sovereignty, and God-given, inalienable
1039 rights of life, liberty, and property, and how they form ~~it~~
1040 forms the philosophical foundation of our government.

1041 (b) The history, meaning, significance, and effect of the
1042 provisions of the Constitution of the United States and
1043 amendments thereto with emphasis on each of the 10 amendments
1044 that make up the Bill of Rights and how the Constitution
1045 provides the structure of our government.

1046 (c) The history of the state and the State Constitution.

1047 (d)~~(b)~~ The most important arguments in support of adopting
1048 our republican form of government, as they are embodied in the
1049 most important of the Federalist Papers.

1050 ~~(e) The essentials of the United States Constitution and~~
1051 ~~how it provides the structure of our government.~~

1052 (e)~~(d)~~ Flag education, including proper flag display and
1053 flag salute.

1054 (f)~~(e)~~ The elements of United States civil government,
1055 including the primary functions of and interrelationships
1056 between the Federal Government, the state, and its counties,
1057 municipalities, school districts, and special districts.

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1058 (g) The history of the United States, including the period
1059 of discovery, early colonies, the War for Independence, the
1060 Civil War, Reconstruction, the expansion of the United States to
1061 its present boundaries, the world wars, and the Civil Rights
1062 Movement to the present. The history of the United States shall
1063 be taught as genuine history and shall not follow the
1064 revisionist or postmodernist viewpoints of relative truth.
1065 American history shall be viewed as factual, not as constructed,
1066 shall be viewed as knowable, teachable, and testable, and shall
1067 be defined as the creation of a new nation based largely on the
1068 universal principles stated in the Declaration of Independence.

1069 (h)~~(f)~~ The history of the Holocaust (1933-1945), the
1070 systematic, planned annihilation of European Jews and other
1071 groups by Nazi Germany, a watershed event in the history of
1072 humanity, to be taught in a manner that leads to an
1073 investigation of human behavior, an understanding of the
1074 ramifications of prejudice, racism, and stereotyping, and an
1075 examination of what it means to be a responsible and respectful
1076 person, for the purposes of encouraging tolerance of diversity
1077 in a pluralistic society and for nurturing and protecting
1078 democratic values and institutions.

1079 (i)~~(g)~~ The history of African Americans, including the
1080 history of African peoples before the political conflicts that
1081 led to the development of slavery, the passage to America, the
1082 enslavement experience, abolition, and the contributions of
1083 African Americans to society.

1084 (j)~~(h)~~ The elementary principles of agriculture.

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1085 ~~(k)(i)~~ The true effects of all alcoholic and intoxicating
1086 liquors and beverages and narcotics upon the human body and
1087 mind.

1088 ~~(l)(j)~~ Kindness to animals.

1089 ~~(k)~~ ~~The history of the state.~~

1090 ~~(m)(l)~~ The conservation of natural resources.

1091 ~~(n)(m)~~ Comprehensive health education that addresses
1092 concepts of community health; consumer health; environmental
1093 health; family life, including an awareness of the benefits of
1094 sexual abstinence as the expected standard and the consequences
1095 of teenage pregnancy; ~~mental and emotional health;~~ injury
1096 prevention and safety; nutrition; personal health; prevention
1097 and control of disease; and substance use and abuse.

1098 ~~(o)(n)~~ Such additional materials, subjects, courses, or
1099 fields in such grades as are prescribed by law or by rules of
1100 the State Board of Education and the district school board in
1101 fulfilling the requirements of law.

1102 ~~(p)(o)~~ The study of Hispanic contributions to the United
1103 States.

1104 ~~(q)(p)~~ The study of women's contributions to the United
1105 States.

1106 (r) The nature and importance of free enterprise to the
1107 United States economy.

1108 ~~(s)(q)~~ A character-development program in the elementary
1109 schools, similar to Character First or Character Counts, which
1110 is secular in nature ~~and stresses such character qualities as~~
1111 ~~attentiveness, patience, and initiative.~~ Beginning in school

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1112 year 2004-2005, the character-development program shall be
1113 required in kindergarten through grade 12. Each district school
1114 board shall develop or adopt a curriculum for the character-
1115 development program that shall be submitted to the department
1116 for approval. The character-development curriculum shall stress
1117 the qualities of patriotism; responsibility; citizenship; the
1118 Golden Rule; kindness; respect for authority, human life,
1119 liberty, and personal property; honesty; charity; self-
1120 control; racial, ethnic, and religious tolerance; and
1121 cooperation.

1122 ~~(t)~~ In order to encourage patriotism, the sacrifices
1123 that veterans have made in serving our country and protecting
1124 democratic values worldwide. Such instruction must occur on or
1125 before Veterans' Day and Memorial Day. Members of the
1126 instructional staff are encouraged to use the assistance of
1127 local veterans when practicable.

1128 Section 21. Paragraph (g) of subsection (1) of section
1129 1003.43, Florida Statutes, is amended to read:

1130 1003.43 General requirements for high school graduation.--

1131 (1) Graduation requires successful completion of either a
1132 minimum of 24 academic credits in grades 9 through 12 or an
1133 International Baccalaureate curriculum. The 24 credits shall be
1134 distributed as follows:

1135 (g) One-half credit in American government, including
1136 study of the Declaration of Independence and the Constitution of
1137 the United States. For students entering the 9th grade in the
1138 1997-1998 school year and thereafter, the study of Florida

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1139 government, including study of the State Constitution, the three
1140 branches of state government, and municipal and county
1141 government, shall be included as part of the required study of
1142 American government.

1143
1144 District school boards may award a maximum of one-half credit in
1145 social studies and one-half elective credit for student
1146 completion of nonpaid voluntary community or school service
1147 work. Students choosing this option must complete a minimum of
1148 75 hours of service in order to earn the one-half credit in
1149 either category of instruction. Credit may not be earned for
1150 service provided as a result of court action. District school
1151 boards that approve the award of credit for student volunteer
1152 service shall develop guidelines regarding the award of the
1153 credit, and school principals are responsible for approving
1154 specific volunteer activities. A course designated in the Course
1155 Code Directory as grade 9 through grade 12 that is taken below
1156 the 9th grade may be used to satisfy high school graduation
1157 requirements or Florida Academic Scholars award requirements as
1158 specified in a district school board's student progression plan.
1159 A student shall be granted credit toward meeting the
1160 requirements of this subsection for equivalent courses, as
1161 identified pursuant to s. 1007.271(6), taken through dual
1162 enrollment.

1163 Section 22. Section 1003.57, Florida Statutes, is amended
1164 to read:

1165 1003.57 Exceptional students instruction.--

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1166 (1) Each district school board shall provide for an
1167 appropriate program of special instruction, facilities, and
1168 services for exceptional students as prescribed by the State
1169 Board of Education as acceptable, including provisions that:

1170 ~~(a)(1)~~ The district school board provide the necessary
1171 professional services for diagnosis and evaluation of
1172 exceptional students.

1173 ~~(b)(2)~~ The district school board provide the special
1174 instruction, classes, and services, either within the district
1175 school system, in cooperation with other district school
1176 systems, or through contractual arrangements with approved
1177 private schools or community facilities that meet standards
1178 established by the commissioner.

1179 ~~(c)(3)~~ The district school board annually provide
1180 information describing the Florida School for the Deaf and the
1181 Blind and all other programs and methods of instruction
1182 available to the parent of a sensory-impaired student.

1183 ~~(d)(4)~~ The district school board, once every 3 years,
1184 submit to the department its proposed procedures for the
1185 provision of special instruction and services for exceptional
1186 students.

1187 ~~(e)(5)~~ No student be given special instruction or services
1188 as an exceptional student until after he or she has been
1189 properly evaluated, classified, and placed in the manner
1190 prescribed by rules of the State Board of Education. The parent
1191 of an exceptional student evaluated and placed or denied
1192 placement in a program of special education shall be notified of

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1193 each such evaluation and placement or denial. Such notice shall
1194 contain a statement informing the parent that he or she is
1195 entitled to a due process hearing on the identification,
1196 evaluation, and placement, or lack thereof. Such hearings shall
1197 be exempt from the provisions of ss. 120.569, 120.57, and
1198 286.011, except to the extent that the State Board of Education
1199 adopts rules establishing other procedures and any records
1200 created as a result of such hearings shall be confidential and
1201 exempt from the provisions of s. 119.07(1). The hearing must be
1202 conducted by an administrative law judge from the Division of
1203 Administrative Hearings of the Department of Management
1204 Services. The decision of the administrative law judge shall be
1205 final, except that any party aggrieved by the finding and
1206 decision rendered by the administrative law judge shall have the
1207 right to bring a civil action in the circuit court. In such an
1208 action, the court shall receive the records of the
1209 administrative hearing and shall hear additional evidence at the
1210 request of either party. In the alternative, any party aggrieved
1211 by the finding and decision rendered by the administrative law
1212 judge shall have the right to request an impartial review of the
1213 administrative law judge's order by the district court of appeal
1214 as provided by s. 120.68. Notwithstanding any law to the
1215 contrary, during the pendency of any proceeding conducted
1216 pursuant to this section, unless the district school board and
1217 the parents otherwise agree, the student shall remain in his or
1218 her then-current educational assignment or, if applying for
1219 initial admission to a public school, shall be assigned, with

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1220 the consent of the parents, in the public school program until
1221 all such proceedings have been completed.

1222 ~~(f)(6)~~ In providing for the education of exceptional
1223 students, the district school superintendent, principals, and
1224 teachers shall utilize the regular school facilities and adapt
1225 them to the needs of exceptional students to the maximum extent
1226 appropriate. Segregation of exceptional students shall occur
1227 only if the nature or severity of the exceptionality is such
1228 that education in regular classes with the use of supplementary
1229 aids and services cannot be achieved satisfactorily.

1230 ~~(g)(7)~~ In addition to the services agreed to in a
1231 student's individual education plan, the district school
1232 superintendent shall fully inform the parent of a student having
1233 a physical or developmental disability of all available services
1234 that are appropriate for the student's disability. The
1235 superintendent shall provide the student's parent with a summary
1236 of the student's rights.

1237 (2)(a) An exceptional student with a disability who
1238 resides in a residential facility and receives special
1239 instruction or services is considered a resident of the state in
1240 which the parent is a resident. The cost of such instruction,
1241 facilities, and services for a nonresident exceptional student
1242 with a disability shall be provided by the placing authority,
1243 such as a public school entity, other placing authority, or
1244 parent, in the parent's state of residence. A nonresident
1245 exceptional student with a disability who resides in a

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1246 residential facility may not be reported by any school district
1247 for FTE funding in the Florida Education Finance Program.

1248 (b) The Department of Education shall provide to each
1249 school district a statement of the specific limitations of the
1250 district's financial obligation for exceptional students with
1251 disabilities under federal and state law. The department shall
1252 also provide to each school district technical assistance as
1253 necessary for developing a local plan to impose on a parent's
1254 state of residence the fiscal responsibility for educating a
1255 nonresident exceptional student with a disability.

1256 (c) The Department of Education shall develop a process by
1257 which a school district must, before providing services to an
1258 exceptional student with a disability who resides in a
1259 residential facility in this state, review the residency of the
1260 student. The residential facility, not the district, is
1261 responsible for billing and collecting from the parent's state
1262 of residence for the nonresident student's educational and
1263 related services.

1264 (d) This subsection applies to any nonresident exceptional
1265 student with a disability who resides in a residential facility
1266 and who receives instruction as an exceptional student with a
1267 disability in any type of residential facility in this state,
1268 including, but not limited to, a private school, a group home
1269 facility as defined in s. 393.063, an intensive residential
1270 treatment program for children and adolescents as defined in s.
1271 395.002, a facility as defined in s. 394.455, an intermediate
1272 care facility for the developmentally disabled or ICF/DD as

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1273 defined in s. 393.063 or s. 400.960, or a community residential
1274 home as defined in s. 419.001.

1275 (3) Notwithstanding s. 1000.21(5), for purposes of this
1276 section, the term "parent" is defined as either or both parents
1277 of a student or any guardian of a student.

1278 (4) The State Board of Education may adopt rules pursuant
1279 to ss. 120.536(1) and 120.54 to implement the provisions of this
1280 section relating to determination of the residency of an
1281 exceptional student with a disability.

1282 Section 23. Section 1003.575, Florida Statutes, is created
1283 to read:

1284 1003.575 Individual education plans for exceptional
1285 students.--The Department of Education shall coordinate the
1286 development of an individual education plan (IEP) form for use
1287 in developing and implementing individual education plans for
1288 exceptional students. The IEP form shall have a streamlined
1289 format and shall be compatible with federal standards. The
1290 department shall make the IEP form available to each school
1291 district in the state to facilitate the use of an existing IEP
1292 when a student transfers from one school district to another.

1293 Section 24. Subsection (3) of section 1003.58, Florida
1294 Statutes, is amended to read:

1295 1003.58 Students in residential care facilities.--Each
1296 district school board shall provide educational programs
1297 according to rules of the State Board of Education to students
1298 who reside in residential care facilities operated by the
1299 Department of Children and Family Services.

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1300 (3) The district school board shall have full and complete
1301 authority in the matter of the assignment and placement of such
1302 students in educational programs. The parent of an exceptional
1303 student shall have the same due process rights as are provided
1304 under s. 1003.57(1)(e)~~(5)~~.

1305
1306 Notwithstanding the provisions herein, the educational program
1307 at the Marianna Sunland Center in Jackson County shall be
1308 operated by the Department of Education, either directly or
1309 through grants or contractual agreements with other public or
1310 duly accredited educational agencies approved by the Department
1311 of Education.

1312 Section 25. Paragraph (a) of subsection (1) and paragraph
1313 (a) of subsection (2) of section 1003.62, Florida Statutes, are
1314 amended to read:

1315 1003.62 Academic performance-based charter school
1316 districts.--The State Board of Education may enter into a
1317 performance contract with district school boards as authorized
1318 in this section for the purpose of establishing them as academic
1319 performance-based charter school districts. The purpose of this
1320 section is to examine a new relationship between the State Board
1321 of Education and district school boards that will produce
1322 significant improvements in student achievement, while complying
1323 with constitutional and statutory requirements assigned to each
1324 entity.

1325 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

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1326 (a) A school district shall be eligible for designation as
1327 an academic performance-based charter school district if it is a
1328 high-performing school district in which a minimum of 50 percent
1329 of the schools earn a ~~performance~~ grade of category "A" or "B"
1330 and in which no school earns a ~~performance~~ grade of category "D"
1331 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools
1332 that receive a ~~performance~~ grade of category "I" or "N" shall
1333 not be included in this calculation. The performance contract
1334 for a school district that earns a charter based on school
1335 ~~performance~~ grades shall be predicated on maintenance of at
1336 least 50 percent of the schools in the school district earning a
1337 ~~performance~~ grade of category "A" or "B" with no school in the
1338 school district earning a ~~performance~~ grade of category "D" or
1339 "F" for 2 consecutive years. A school district in which the
1340 number of schools that earn a ~~performance~~ grade of "A" or "B" is
1341 less than 50 percent may have its charter renewed for 1 year;
1342 however, if the percentage of "A" or "B" schools is less than 50
1343 percent for 2 consecutive years, the charter shall not be
1344 renewed.

1345 (2) EXEMPTION FROM STATUTES AND RULES.--

1346 (a) An academic performance-based charter school district
1347 shall operate in accordance with its charter and shall be exempt
1348 from certain State Board of Education rules and statutes if the
1349 State Board of Education determines such an exemption will
1350 assist the district in maintaining or improving its high-
1351 performing status pursuant to paragraph (1)(a). However, the
1352 State Board of Education may not exempt an academic performance-

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1353 based charter school district from any of the following
1354 statutes:

1355 1. Those statutes pertaining to the provision of services
1356 to students with disabilities.

1357 2. Those statutes pertaining to civil rights, including s.
1358 1000.05, relating to discrimination.

1359 3. Those statutes pertaining to student health, safety,
1360 and welfare.

1361 4. Those statutes governing the election or compensation
1362 of district school board members.

1363 5. Those statutes pertaining to the student assessment
1364 program and the school grading system, including chapter 1008.

1365 6. Those statutes pertaining to financial matters,
1366 including chapter 1010.

1367 7. Those statutes pertaining to planning and budgeting,
1368 including chapter 1011, except that ss. 1011.64 and 1011.69
1369 shall be eligible for exemption.

1370 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),
1371 relating to performance-pay and differentiated-pay policies for
1372 school administrators and instructional personnel. Professional
1373 service contracts shall be subject to the provisions of ss.
1374 1012.33 and 1012.34.

1375 9. Those statutes pertaining to educational facilities,
1376 including chapter 1013, except as specified under contract with
1377 the State Board of Education. However, no contractual provision
1378 that could have the effect of requiring the appropriation of

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1379 additional capital outlay funds to the academic performance-
1380 based charter school district shall be valid.

1381 Section 26. Paragraph (e) of subsection (2) of section
1382 1005.22, Florida Statutes, is amended to read:

1383 1005.22 Powers and duties of commission.--

1384 (2) The commission may:

1385 (e) Advise the Governor, the Legislature, the State Board
1386 of Education, ~~the Council for Education Policy Research and~~
1387 ~~Improvement~~, and the Commissioner of Education on issues
1388 relating to private postsecondary education.

1389 Section 27. Subsection (3) of section 1007.33, Florida
1390 Statutes, is amended to read:

1391 1007.33 Site-determined baccalaureate degree access.--

1392 (3) A community college may develop a proposal to deliver
1393 specified baccalaureate degree programs in its district to meet
1394 local workforce needs. The proposal must be submitted to the
1395 State Board of Education for approval. The community college's
1396 proposal must include the following information:

1397 (a) Demand for the baccalaureate degree program is
1398 identified by the workforce development board, local businesses
1399 and industry, local chambers of commerce, and potential
1400 students.

1401 (b) Unmet need for graduates of the proposed degree
1402 program is substantiated.

1403 (c) The community college has the facilities and academic
1404 resources to deliver the program.

1405

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1406 | ~~The proposal must be submitted to the Council for Education~~
1407 | ~~Policy Research and Improvement for review and comment.~~ Upon
1408 | approval of the State Board of Education for the specific degree
1409 | program or programs, the community college shall pursue regional
1410 | accreditation by the Commission on Colleges of the Southern
1411 | Association of Colleges and Schools. Any additional
1412 | baccalaureate degree programs the community college wishes to
1413 | offer must be approved by the State Board of Education.

1414 | Section 28. Paragraph (f) of subsection (1), paragraphs
1415 | (c) and (e) of subsection (3), and subsection (9) of section
1416 | 1008.22, Florida Statutes, are amended, subsection (10) is
1417 | renumbered as subsection (11), and a new subsection (10) is
1418 | added to said section, to read:

1419 | 1008.22 Student assessment program for public schools.--

1420 | (1) PURPOSE.--The primary purposes of the student
1421 | assessment program are to provide information needed to improve
1422 | the public schools by enhancing the learning gains of all
1423 | students and to inform parents of the educational progress of
1424 | their public school children. The program must be designed to:

1425 | (f) Provide information on the performance of Florida
1426 | students compared with other students ~~others~~ across the United
1427 | States.

1428 | (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
1429 | design and implement a statewide program of educational
1430 | assessment that provides information for the improvement of the
1431 | operation and management of the public schools, including
1432 | schools operating for the purpose of providing educational

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1433 services to youth in Department of Juvenile Justice programs.
1434 The commissioner may enter into contracts for the continued
1435 administration of the assessment, testing, and evaluation
1436 programs authorized and funded by the Legislature. Contracts may
1437 be initiated in 1 fiscal year and continue into the next and may
1438 be paid from the appropriations of either or both fiscal years.
1439 The commissioner is authorized to negotiate for the sale or
1440 lease of tests, scoring protocols, test scoring services, and
1441 related materials developed pursuant to law. Pursuant to the
1442 statewide assessment program, the commissioner shall:

1443 (c) Develop and implement a student achievement testing
1444 program known as the Florida Comprehensive Assessment Test
1445 (FCAT) as part of the statewide assessment program, ~~to be~~
1446 ~~administered annually in grades 3 through 10~~ to measure reading,
1447 writing, science, and mathematics. Other content areas may be
1448 included as directed by the commissioner. The assessment of
1449 reading and mathematics shall be administered annually in grades
1450 3 through 10. The assessment of writing and science shall be
1451 administered at least once at the elementary, middle, and high
1452 school levels. The testing program must be designed so that:

1453 1. The tests measure student skills and competencies
1454 adopted by the State Board of Education as specified in
1455 paragraph (a). The tests must measure and report student
1456 proficiency levels in reading, writing, mathematics, and
1457 science. The commissioner shall provide for the tests to be
1458 developed or obtained, as appropriate, through contracts and
1459 project agreements with private vendors, public vendors, public

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1460 agencies, postsecondary educational institutions, or school
1461 districts. The commissioner shall obtain input with respect to
1462 the design and implementation of the testing program from state
1463 educators and the public.

1464 2. The testing program will include a combination of norm-
1465 referenced and criterion-referenced tests and include, to the
1466 extent determined by the commissioner, questions that require
1467 the student to produce information or perform tasks in such a
1468 way that the skills and competencies he or she uses can be
1469 measured.

1470 3. Each testing program, whether at the elementary,
1471 middle, or high school level, includes a test of writing in
1472 which students are required to produce writings that are then
1473 scored by appropriate methods.

1474 4. A score is designated for each subject area tested,
1475 below which score a student's performance is deemed inadequate.
1476 The school districts shall provide appropriate remedial
1477 instruction to students who score below these levels.

1478 5. Except as provided in s. 1003.43(11)(b), students must
1479 earn a passing score on the grade 10 assessment test described
1480 in this paragraph or on an alternate assessment as described in
1481 subsection (9) in reading, writing, and mathematics to qualify
1482 for a regular high school diploma. The State Board of Education
1483 shall designate a passing score for each part of the grade 10
1484 assessment test. In establishing passing scores, the state board
1485 shall consider any possible negative impact of the test on
1486 minority students. ~~All students who took the grade 10 FCAT~~

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1487 ~~during the 2000-2001 school year shall be required to earn the~~
1488 ~~passing scores in reading and mathematics established by the~~
1489 ~~State Board of Education for the March 2001 test administration.~~
1490 ~~Such students who did not earn the established passing scores~~
1491 ~~and must repeat the grade 10 FCAT are required to earn the~~
1492 ~~passing scores established for the March 2001 test~~
1493 ~~administration. All students who take the grade 10 FCAT for the~~
1494 ~~first time in March 2002 shall be required to earn the passing~~
1495 ~~scores in reading and mathematics established by the State Board~~
1496 ~~of Education for the March 2002 test administration. The State~~
1497 ~~Board of Education shall adopt rules which specify the passing~~
1498 ~~scores for the grade 10 FCAT. Any such rules, which have the~~
1499 ~~effect of raising the required passing scores, shall only apply~~
1500 ~~to students taking the grade 10 FCAT for the first time after~~
1501 ~~such rules are adopted by the State Board of Education.~~

1502 6. Participation in the testing program is mandatory for
1503 all students attending public school, including students served
1504 in Department of Juvenile Justice programs, except as otherwise
1505 prescribed by the commissioner. If a student does not
1506 participate in the statewide assessment, the district must
1507 notify the student's parent and provide the parent with
1508 information regarding the implications of such nonparticipation.
1509 If modifications are made in the student's instruction to
1510 provide accommodations that would not be permitted on the
1511 statewide assessment tests, the district must notify the
1512 student's parent of the implications of such instructional
1513 modifications. A parent must provide signed consent for a

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1514 student to receive instructional modifications that would not be
1515 permitted on the statewide assessments and must acknowledge in
1516 writing that he or she understands the implications of such
1517 accommodations. The State Board of Education shall adopt rules,
1518 based upon recommendations of the commissioner, for the
1519 provision of test accommodations and modifications of procedures
1520 as necessary for students in exceptional education programs and
1521 for students who have limited English proficiency.

1522 Accommodations that negate the validity of a statewide
1523 assessment are not allowable.

1524 7. A student seeking an adult high school diploma must
1525 meet the same testing requirements that a regular high school
1526 student must meet.

1527 8. District school boards must provide instruction to
1528 prepare students to demonstrate proficiency in the skills and
1529 competencies necessary for successful grade-to-grade progression
1530 and high school graduation. If a student is provided with
1531 accommodations or modifications that are not allowable in the
1532 statewide assessment program, as described in the test manuals,
1533 the district must inform the parent in writing and must provide
1534 the parent with information regarding the impact on the
1535 student's ability to meet expected proficiency levels in
1536 reading, writing, and math. The commissioner shall conduct
1537 studies as necessary to verify that the required skills and
1538 competencies are part of the district instructional programs.

1539 9. The Department of Education must develop, or select,
1540 and implement a common battery of assessment tools that will be

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1541 used in all juvenile justice programs in the state. These tools
1542 must accurately measure the skills and competencies established
1543 in the Florida Sunshine State Standards.

1544
1545 The commissioner may design and implement student testing
1546 programs, for any grade level and subject area, necessary to
1547 effectively monitor educational achievement in the state.

1548 (e) Conduct ongoing research and analysis of student
1549 achievement data, including, without limitation, monitoring
1550 trends in student achievement by grade level and overall student
1551 achievement, identifying school programs that are successful,
1552 and analyzing correlates of school achievement.

1553 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

1554 (a) The State Board of Education shall conduct concordance
1555 studies, as necessary, to determine scores on the SAT and the
1556 ACT equivalent to those required on the FCAT for high school
1557 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

1558 (b)(a) The Commissioner of Education shall approve the use
1559 of the SAT and ACT tests as alternative assessments to the grade
1560 10 FCAT ~~for the 2003-2004 school year~~. Students who attain
1561 scores on the SAT or ACT which equate to the passing scores on
1562 the grade 10 FCAT for purposes of high school graduation shall
1563 satisfy the assessment requirement for a standard high school
1564 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~
1565 ~~the 2003-2004 school year~~ if the students meet the requirement
1566 in paragraph (c)(b).

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1567 ~~(c)(b)~~ A student shall be required to take each subject
1568 area of the grade 10 FCAT a total of three times without earning
1569 a passing score in order to use the corresponding subject area
1570 scores on an alternative assessment pursuant to paragraph
1571 ~~(b)(a)~~. This requirement shall not apply to a new student who
1572 enters is a new student to the Florida public school system in
1573 grade 12, who may either take the FCAT or use approved score
1574 equivalencies to fulfill the graduation requirement.

1575 (10) REPORTS.--The Department of Education shall annually
1576 provide a report to the Governor, the President of the Senate,
1577 and the Speaker of the House of Representatives on the
1578 following:

1579 (a) Longitudinal performance of students in mathematics
1580 and reading.

1581 (b) Longitudinal performance of students by grade level in
1582 mathematics and reading.

1583 (c) Longitudinal performance regarding efforts to close
1584 the achievement gap.

1585 (d) Longitudinal performance of students on the norm-
1586 referenced component of the FCAT.

1587 (e) Other student performance data based on national norm-
1588 referenced and criterion-referenced tests, when available.

1589 Section 29. Paragraph (b) of subsection (4) and paragraph
1590 (b) of subsection (8) of section 1008.25, Florida Statutes, are
1591 amended, and paragraph (c) is added to subsection (8) of said
1592 section, to read:

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Amendment No. (for drafter's use only)

1593 1008.25 Public school student progression; remedial
1594 instruction; reporting requirements.--
1595 (4) ASSESSMENT AND REMEDIATION.--
1596 (b) The school in which the student is enrolled must
1597 develop, in consultation with the student's parent, and must
1598 implement an academic improvement plan designed to assist the
1599 student in meeting state and district expectations for
1600 proficiency. For a student for whom a personalized middle school
1601 success plan is required pursuant to s. 1003.415, the middle
1602 school success plan must be incorporated in the student's
1603 academic improvement plan. Beginning with the 2002-2003 school
1604 year, if the student has been identified as having a deficiency
1605 in reading, the academic improvement plan shall identify the
1606 student's specific areas of deficiency in phonemic awareness,
1607 phonics, fluency, comprehension, and vocabulary; the desired
1608 levels of performance in these areas; and the instructional and
1609 support services to be provided to meet the desired levels of
1610 performance. Schools shall also provide for the frequent
1611 monitoring of the student's progress in meeting the desired
1612 levels of performance. District school boards may require low-
1613 performing students to attend remediation programs held before
1614 or after regular school hours, upon the request of the school
1615 principal, and shall assist schools and teachers to implement
1616 research-based reading activities that have been shown to be
1617 successful in teaching reading to low-performing students.
1618 Remedial instruction provided during high school may not be in
1619 lieu of English and mathematics credits required for graduation.

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- 1620 (8) ANNUAL REPORT.--
- 1621 (b) ~~Beginning with the 2001-2002 school year,~~ Each
- 1622 district school board must annually publish in the local
- 1623 newspaper, and report in writing to the State Board of Education
- 1624 by September 1 of each year, the following information on the
- 1625 prior school year:
- 1626 1. The provisions of this section relating to public
- 1627 school student progression and the district school board's
- 1628 policies and procedures on student retention and promotion.
- 1629 2. By grade, the number and percentage of all students in
- 1630 grades 3 through 10 performing at Levels 1 and 2 on the reading
- 1631 portion of the FCAT.
- 1632 3. By grade, the number and percentage of all students
- 1633 retained in grades 3 through 10.
- 1634 4. Information on the total number of students who were
- 1635 promoted for good cause, by each category of good cause as
- 1636 specified in paragraph (6)(b).
- 1637 5. Any revisions to the district school board's policy on
- 1638 student retention and promotion from the prior year.
- 1639 (c) The Department of Education shall establish a uniform
- 1640 format for school districts to report the information required
- 1641 in paragraph (b). The format shall be developed with input from
- 1642 school districts and shall be provided not later than 60 days
- 1643 prior to the annual due date. The department shall annually
- 1644 compile the information required in subparagraphs (b)2., 3., and
- 1645 4., along with state-level summary information, and report such

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1646 information to the Governor, the President of the Senate, and
1647 the Speaker of the House of Representatives.

1648 Section 30. Section 1008.301, Florida Statutes, is
1649 repealed.

1650 Section 31. Section 1008.31, Florida Statutes, is amended
1651 to read:

1652 1008.31 Florida's K-20 education performance
1653 accountability system; legislative intent; public accountability
1654 and reporting ~~performance-based funding~~; mission, goals, and
1655 systemwide measures.--

1656 (1) LEGISLATIVE INTENT.--It is the intent of the
1657 Legislature that:

1658 (a) The performance accountability system implemented to
1659 assess the effectiveness of Florida's seamless K-20 education
1660 delivery system provide answers to the following questions in
1661 relation to its mission and goals:

1662 1. What is the public receiving in return for funds it
1663 invests in education?

1664 2. How effectively is Florida's K-20 education system
1665 educating its students?

1666 3. How effectively are the major delivery sectors
1667 promoting student achievement?

1668 4. How are individual schools and postsecondary education
1669 institutions performing their responsibility to educate their
1670 students as measured by how students are performing and how much
1671 they are learning?

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1672 (b) The K-20 education performance accountability system
1673 be established as a single, unified accountability system with
1674 multiple components, including, but not limited to, measures of
1675 adequate yearly progress, individual student learning gains in
1676 public schools, school grades, and return on investment.

1677 (c) The K-20 education performance accountability system
1678 comply with the accountability requirements of the "No Child
1679 Left Behind Act of 2001," Pub. L. No. 107-110.

1680 (d) The State Board of Education recommend to the
1681 Legislature systemwide performance standards; the Legislature
1682 establish systemwide performance measures and standards; and the
1683 systemwide measures and standards provide Floridians with
1684 information on what the public is receiving in return for the
1685 funds it invests in education and how well the K-20 system
1686 educates its students.

1687 (e) The State Board of Education establish performance
1688 measures and set performance standards for individual components
1689 of the public education system, including individual schools and
1690 postsecondary educational institutions, with measures and
1691 standards based primarily on student achievement.

1692 ~~(2) PERFORMANCE-BASED FUNDING.~~

1693 ~~(a) The State Board of Education shall cooperate with each~~
1694 ~~delivery system to develop proposals for performance-based~~
1695 ~~funding, using performance measures adopted pursuant to this~~
1696 ~~section.~~

1697 ~~(b) The State Board of Education proposals must provide~~
1698 ~~that at least 10 percent of the state funds appropriated for the~~

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1699 ~~K-20 education system are conditional upon meeting or exceeding~~
1700 ~~established performance standards.~~

1701 ~~(c) The State Board of Education shall adopt guidelines~~
1702 ~~required to implement performance-based funding that allow 1~~
1703 ~~year to demonstrate achievement of specified performance~~
1704 ~~standards prior to a reduction in appropriations pursuant to~~
1705 ~~this section.~~

1706 ~~(d) By December 1, 2003, the State Board of Education~~
1707 ~~shall adopt common definitions, measures, standards, and~~
1708 ~~performance improvement targets required to:~~

1709 ~~1. Use the state core measures and the sector-specific~~
1710 ~~measures to evaluate the progress of each sector of the~~
1711 ~~educational delivery system toward meeting the systemwide goals~~
1712 ~~for public education.~~

1713 ~~2. Notify the sectors of their progress in achieving the~~
1714 ~~specified measures so that they may develop improvement plans~~
1715 ~~that directly influence decisions about policy, program~~
1716 ~~development, and management.~~

1717 ~~3. Implement the performance-based budgeting system~~
1718 ~~described in this section.~~

1719 ~~(e) During the 2003-2004 fiscal year, the Department of~~
1720 ~~Education shall collect data required to establish progress,~~
1721 ~~rewards, and sanctions.~~

1722 ~~(f) By December 1, 2004, the Department of Education shall~~
1723 ~~recommend to the Legislature a formula for performance-based~~
1724 ~~funding that applies accountability standards for the individual~~
1725 ~~components of the public education system at every level,~~

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1726 ~~kindergarten through graduate school. Effective for the 2004-~~
1727 ~~2005 fiscal year and thereafter, subject to annual legislative~~
1728 ~~approval in the General Appropriations Act, performance-based~~
1729 ~~funds shall be allocated based on the progress, rewards, and~~
1730 ~~sanctions established pursuant to this section.~~

1731 (2)~~(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1732 (a) The mission of Florida's K-20 education system shall
1733 be to increase the proficiency of all students within one
1734 seamless, efficient system, by allowing them the opportunity to
1735 expand their knowledge and skills through learning opportunities
1736 and research valued by students, parents, and communities.

1737 (b) The process ~~State Board of Education shall adopt~~
1738 ~~guiding principles~~ for establishing state and sector-specific
1739 standards and measures must be:

- 1740 1. Focused on student success.
1741 2. Addressable through policy and program changes.
1742 3. Efficient and of high quality.
1743 4. Measurable over time.
1744 5. Simple to explain and display to the public.
1745 6. Aligned with other measures and other sectors to
1746 support a coordinated K-20 education system.

1747 (c) The Department ~~State Board~~ of Education shall maintain
1748 an accountability system that measures student progress toward
1749 the following goals:

- 1750 1. Highest student achievement, as indicated by evidence
1751 of student learning gains at all levels ~~measured by: student~~
1752 ~~FCAT performance and annual learning gains; the number and~~

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1753 ~~percentage of schools that improve at least one school~~
1754 ~~performance grade designation or maintain a school performance~~
1755 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
1756 ~~completion rates at all learning levels; and other measures~~
1757 ~~identified in law or rule.~~

1758 2. Seamless articulation and maximum access, as measured
1759 by evidence of progression, readiness, and access by targeted
1760 groups of students identified by the Commissioner of Education;
1761 ~~the percentage of students who demonstrate readiness for the~~
1762 ~~educational level they are entering, from kindergarten through~~
1763 ~~postsecondary education and into the workforce; the number and~~
1764 ~~percentage of students needing remediation; the percentage of~~
1765 ~~Floridians who complete associate, baccalaureate, graduate,~~
1766 ~~professional, and postgraduate degrees; the number and~~
1767 ~~percentage of credits that articulate; the extent to which each~~
1768 ~~set of exit-point requirements matches the next set of entrance-~~
1769 ~~point requirements; the degree to which underserved populations~~
1770 ~~access educational opportunity; the extent to which access is~~
1771 ~~provided through innovative educational delivery strategies; and~~
1772 ~~other measures identified in law or rule.~~

1773 3. Skilled workforce and economic development, as measured
1774 by evidence of employment and earnings; ~~the number and~~
1775 ~~percentage of graduates employed in their areas of preparation;~~
1776 ~~the percentage of Floridians with high school diplomas and~~
1777 ~~postsecondary education credentials; the percentage of business~~
1778 ~~and community members who find that Florida's graduates possess~~

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1779 ~~the skills they need; national rankings; and other measures~~
1780 ~~identified in law or rule.~~

1781 4. Quality efficient services, as measured by evidence of
1782 return on investment; cost per completer or graduate; average
1783 cost per noncompleter at each educational level; cost disparity
1784 across institutions offering the same degrees; the percentage of
1785 education customers at each educational level who are satisfied
1786 with the education provided; and other measures identified in
1787 law or rule.

1788 5. Other goals as identified by law or rule.

1789 ~~(3)(4)~~ K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE
1790 DATA COLLECTION.--To provide data required to implement
1791 education performance accountability measures in state and
1792 federal law, the Commissioner of Education shall initiate and
1793 maintain strategies to improve data quality and timeliness.

1794 (a) School districts and public postsecondary educational
1795 institutions shall maintain information systems that will
1796 provide the State Board of Education, the Board of Governors,
1797 and the Legislature with information and reports necessary to
1798 address the specifications of the accountability system. The
1799 State Board of Education shall determine the standards for the
1800 required data. The level of comprehensiveness and quality shall
1801 be no less than that which was available as of June 30, 2001.

1802 (b) The Commissioner of Education shall determine the
1803 standards for the required data, monitor data quality, and
1804 measure improvements. The commissioner shall report annually to
1805 the State Board of Education, the Board of Governors, the

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1806 President of the Senate, and the Speaker of the House of
1807 Representatives data quality indicators and ratings for all
1808 school districts and public postsecondary educational
1809 institutions.

1810 (4) REPORTING OR DATA COLLECTION.--The department shall
1811 coordinate with school districts in developing any reporting or
1812 data collection requirements to address the specifications of
1813 the accountability system. Before establishing any new reporting
1814 or data collection requirements, the department shall utilize
1815 any existing data being collected to reduce duplication and
1816 minimize paperwork.

1817 (5) RULES.--The State Board of Education shall adopt rules
1818 pursuant to ss. 120.536(1) and 120.54 to implement the
1819 provisions of this section.

1820 Section 32. Subsections (1), (2), and (4) of section
1821 1008.33, Florida Statutes, are amended to read:

1822 1008.33 Authority to enforce public school
1823 improvement.--It is the intent of the Legislature that all
1824 public schools be held accountable for students performing at
1825 acceptable levels. A system of school improvement and
1826 accountability that assesses student performance by school,
1827 identifies schools in which students are not making adequate
1828 progress toward state standards, institutes appropriate measures
1829 for enforcing improvement, and provides rewards and sanctions
1830 based on performance shall be the responsibility of the State
1831 Board of Education.

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1832 (1) Pursuant to Art. IX of the State Constitution
1833 prescribing the duty of the State Board of Education to
1834 supervise Florida's public school system and notwithstanding any
1835 other statutory provisions to the contrary, the State Board of
1836 Education shall intervene in the operation of a district school
1837 system when one or more schools in the school district have
1838 failed to make adequate progress for 2 school years in a 4-year
1839 period. For purposes of determining when a school is eligible
1840 for state board action and opportunity scholarships for its
1841 students, the terms "2 years in any 4-year period" and "2 years
1842 in a 4-year period" mean that in any year that a school has a
1843 grade of "F," the school is eligible for state board action and
1844 opportunity scholarships for its students if it also has had a
1845 grade of "F" in any of the previous 3 school years. The State
1846 Board of Education may determine that the school district or
1847 school has not taken steps sufficient for students in the school
1848 to be academically well served. Considering recommendations of
1849 the Commissioner of Education, the State Board of Education
1850 shall recommend action to a district school board intended to
1851 improve educational services to students in each school that is
1852 designated with a as performance grade of category "F."
1853 Recommendations for actions to be taken in the school district
1854 shall be made only after thorough consideration of the unique
1855 characteristics of a school, which shall include student
1856 mobility rates, the number and type of exceptional students
1857 enrolled in the school, and the availability of options for
1858 improved educational services. The state board shall adopt by

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1859 rule steps to follow in this process. Such steps shall provide
1860 school districts sufficient time to improve student performance
1861 in schools and the opportunity to present evidence of assistance
1862 and interventions that the district school board has
1863 implemented.

1864 (2) The State Board of Education may recommend one or more
1865 of the following actions to district school boards to enable
1866 students in schools designated with a as performance grade of
1867 ~~category~~ "F" to be academically well served by the public school
1868 system:

1869 (a) Provide additional resources, change certain
1870 practices, and provide additional assistance if the state board
1871 determines the causes of inadequate progress to be related to
1872 school district policy or practice;

1873 (b) Implement a plan that satisfactorily resolves the
1874 education equity problems in the school;

1875 (c) Contract for the educational services of the school,
1876 or reorganize the school at the end of the school year under a
1877 new school principal who is authorized to hire new staff and
1878 implement a plan that addresses the causes of inadequate
1879 progress;

1880 (d) Transfer high-quality teachers, faculty, and staff as
1881 needed to ensure adequate educational opportunities designed to
1882 improve the performance of students in a low-performing school;

1883 (e)-(d) Allow parents of students in the school to send
1884 their children to another district school of their choice; or

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1885 (f)~~(e)~~ Other action appropriate to improve the school's
1886 performance.

1887 (4) The State Board of Education may require the
1888 Department of Education or Chief Financial Officer to withhold
1889 any transfer of state funds to the school district if, within
1890 the timeframe specified in state board action, the school
1891 district has failed to comply with the action ordered to improve
1892 the district's low-performing schools. Withholding the transfer
1893 of funds shall occur only after all other recommended actions
1894 for school improvement have failed to improve performance. The
1895 State Board of Education may impose the same penalty on any
1896 district school board that fails to develop and implement a plan
1897 for assistance and intervention for low-performing schools as
1898 specified in s. 1001.42(16) (d)~~(e)~~.

1899 Section 33. Section 1008.34, Florida Statutes, is amended
1900 to read:

1901 1008.34 School grading system; school report cards;
1902 district ~~performance~~ grade.--

1903 (1) ANNUAL REPORTS.--The Commissioner of Education shall
1904 prepare annual reports of the results of the statewide
1905 assessment program which describe student achievement in the
1906 state, each district, and each school. The commissioner shall
1907 prescribe the design and content of these reports, which must
1908 include, without limitation, descriptions of the performance of
1909 all schools participating in the assessment program and all of
1910 their major student populations as determined by the
1911 Commissioner of Education, and must also include the median

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1912 scores of all eligible students who scored at or in the lowest
1913 25th percentile of the state in the previous school year;
1914 provided, however, that the provisions of s. 1002.22 pertaining
1915 to student records apply to this section.

1916 (2) SCHOOL GRADES PERFORMANCE GRADE CATEGORIES.--The
1917 annual report shall identify schools as having one of the
1918 following grades being in one of the following grade categories
1919 defined according to rules of the State Board of Education:

- 1920 (a) "A," schools making excellent progress.
1921 (b) "B," schools making above average progress.
1922 (c) "C," schools making satisfactory progress.
1923 (d) "D," schools making less than satisfactory progress.
1924 (e) "F," schools failing to make adequate progress.

1925
1926 Each school designated with a in-performance grade of category
1927 "A," making excellent progress, or having improved at least two
1928 performance grade levels categories, shall have greater
1929 authority over the allocation of the school's total budget
1930 generated from the FEFP, state categoricals, lottery funds,
1931 grants, and local funds, as specified in state board rule. The
1932 rule must provide that the increased budget authority shall
1933 remain in effect until the school's performance grade declines.

1934 (3) DESIGNATION OF SCHOOL GRADES PERFORMANCE GRADE
1935 CATEGORIES.--All schools shall receive a school grade except
1936 those alternative schools that receive a school improvement
1937 rating pursuant to s. 1008.341. Alternative schools may choose
1938 to receive a school grade pursuant to the provisions of this

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1939 | section in lieu of a school improvement rating described in s.
1940 | 1008.341. School grades performance grade category designations
1941 | itemized in subsection (2) shall be based on the following:

1942 | (a) Criteria Timeframes.--A school's grade shall be based
1943 | on a combination of:

1944 | 1. Student achievement scores ~~School performance grade~~
1945 | ~~category designations shall be based on the school's current~~
1946 | ~~year performance and the school's annual learning gains.~~

1947 | 2. ~~A school's performance grade category designation shall~~
1948 | ~~be based on a combination of student achievement scores, Student~~
1949 | ~~learning gains as measured by annual FCAT assessments in grades~~
1950 | ~~3 through 10., and~~

1951 | 3. Improvement of the lowest 25th percentile of students
1952 | in the school in reading, math, or writing on the FCAT Reading,
1953 | unless these students are exhibiting performing above
1954 | satisfactory performance.

1955 | (b) Student assessment data.--Student assessment data used
1956 | in determining school grades performance grade categories shall
1957 | include:

1958 | 1. The aggregate scores of all eligible students enrolled
1959 | in the school who have been assessed on the FCAT.

1960 | 2. The aggregate scores of all eligible students enrolled
1961 | in the school who have been assessed on the FCAT, including
1962 | Florida Writes, and who have scored at or in the lowest 25th
1963 | percentile of students in the school in reading, math, or
1964 | writing, unless these students are exhibiting performing above
1965 | satisfactory performance.

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1966 3. The achievement scores and learning gains of eligible
1967 students attending alternative schools that provide dropout
1968 prevention and academic intervention services pursuant to s.
1969 1003.53. The term "eligible students" in this subparagraph does
1970 not include students attending an alternative school who are
1971 subject to district school board policies for expulsion for
1972 repeated or serious offenses, who are in dropout retrieval
1973 programs serving students who have officially been designated as
1974 dropouts, or who are in Department of Juvenile Justice operated
1975 and contracted programs. The student performance data for
1976 eligible students identified in this subparagraph shall be
1977 included in the calculation of the home school's grade. For
1978 purposes of this section and s. 1008.341, "home school" means
1979 the school the student was attending when assigned to an
1980 alternative school or the school to which the student would be
1981 assigned if the student left the alternative school. If an
1982 alternative school chooses to be graded pursuant to this
1983 section, student performance data for eligible students
1984 identified in this subparagraph shall not be included in the
1985 home school's grade but shall only be included in calculation of
1986 the alternative school's improvement rating. School districts
1987 must ensure collaboration between the home school and the
1988 alternative school to promote student success.

1989
1990 ~~The Department of Education shall study the effects of mobility~~
1991 ~~on the performance of highly mobile students and recommend~~
1992 ~~programs to improve the performance of such students.~~ The State

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

1993 Board of Education shall adopt appropriate criteria for each
1994 school ~~performance grade category~~. The criteria must also give
1995 added weight to student achievement in reading. Schools
1996 designated with a ~~as performance grade of category~~ "C," making
1997 satisfactory progress, shall be required to demonstrate that
1998 adequate progress has been made by students in the school who
1999 are in the lowest 25th percentile in reading, math, or writing
2000 on the FCAT, including Florida Writes, unless these students are
2001 ~~exhibiting performing~~ above satisfactory performance.

2002 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
2003 identify each school's performance as having improved, remained
2004 the same, or declined. This school improvement rating shall be
2005 based on a comparison of the current year's and previous year's
2006 student and school performance data. Schools that improve at
2007 least one ~~performance grade category~~ are eligible for school
2008 recognition awards pursuant to s. 1008.36.

2009 (5) SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND
2010 IMPROVEMENT RATING REPORTS.--The Department of Education shall
2011 annually develop, in collaboration with the school districts, a
2012 school report card to be delivered to parents throughout each
2013 school district. The report card shall include the school's
2014 grade, information regarding school improvement, an explanation
2015 of school performance as evaluated by the federal No Child Left
2016 Behind Act of 2001, and indicators of return on investment.
2017 ~~School performance grade category designations and improvement~~
2018 ~~ratings shall apply to each school's performance for the year in~~
2019 ~~which performance is measured.~~ Each school's report card

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2020 ~~designation and rating~~ shall be published annually by the
2021 department on its website, ~~of Education~~ and the school district
2022 shall provide the school report card to each parent. ~~Parents~~
2023 ~~shall be entitled to an easy-to-read report card about the~~
2024 ~~designation and rating of the school in which their child is~~
2025 ~~enrolled.~~

2026 (6)(7) PERFORMANCE-BASED FUNDING.--The Legislature may
2027 factor in the performance of schools in calculating any
2028 performance-based funding policy that is provided for annually
2029 in the General Appropriations Act.

2030 (7)(8) DISTRICT PERFORMANCE GRADE.--The annual report
2031 required by subsection (1) shall include district ~~performance~~
2032 grades, which shall consist of weighted district average grades,
2033 by level, for all elementary schools, middle schools, and high
2034 schools in the district. A district's weighted average grade
2035 shall be calculated by weighting individual school grades
2036 determined pursuant to subsection (2) by school enrollment.

2037 (8)(6) RULES.--The State Board of Education shall adopt
2038 rules pursuant to ss. 120.536(1) and 120.54 to implement the
2039 provisions of this section.

2040 Section 34. Section 1008.341, Florida Statutes, is created
2041 to read:

2042 1008.341 School improvement rating for alternative
2043 schools.--

2044 (1) ANNUAL REPORTS.--The Commissioner of Education shall
2045 prepare an annual report on the performance of each school
2046 receiving a school improvement rating pursuant to this section

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2047 provided that the provisions of s. 1002.22 pertaining to student
2048 records shall apply.

2049 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
2050 provide dropout prevention and academic intervention services
2051 pursuant to s. 1003.53 shall receive a school improvement rating
2052 pursuant to this section. The school improvement rating shall
2053 identify schools as having one of the following ratings defined
2054 according to rules of the State Board of Education:

2055 (a) "Improving," schools with students making more
2056 academic progress than when the students were served in their
2057 home schools.

2058 (b) "Maintaining," schools with students making progress
2059 equivalent to the progress made when the students were served in
2060 their home schools.

2061 (c) "Declining," schools with students making less
2062 academic progress than when the students were served in their
2063 home schools.

2064
2065 The school improvement rating shall be based on a comparison of
2066 the current year and previous year student performance data.
2067 Schools that improve at least one level or maintain an
2068 "improving" rating pursuant to this section are eligible for
2069 school recognition awards pursuant to s. 1008.36.

2070 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
2071 assessment data used in determining an alternative school's
2072 school improvement rating shall include:

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2073 (a) The aggregate scores of all eligible students who were
2074 assigned to and enrolled in the school during the October or
2075 February FTE count, who have been assessed on the FCAT, and who
2076 have FCAT or comparable scores for the preceding school year.

2077 (b) The aggregate scores of all eligible students who were
2078 assigned to and enrolled in the school during the October or
2079 February FTE count, who have been assessed on the FCAT,
2080 including Florida Writes, and who have scored in the lowest 25th
2081 percentile of students in the state on FCAT Reading.

2082
2083 The scores of students who are subject to district school board
2084 policies for expulsion for repeated or serious offenses, who are
2085 in dropout retrieval programs serving students who have
2086 officially been designated as dropouts, or who are in Department
2087 of Juvenile Justice operated and contracted programs shall not
2088 be included in an alternative school's school improvement
2089 rating.

2090 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
2091 alternative school receiving a school improvement rating, the
2092 Department of Education shall annually identify the percentage
2093 of students making learning gains as compared to the percentage
2094 of the same students making learning gains in their home schools
2095 in the year prior to being assigned to the alternative school.

2096 (5) SCHOOL REPORT CARD.--The Department of Education shall
2097 annually develop, in collaboration with the school districts, a
2098 school report card for alternative schools to be delivered to
2099 parents throughout each school district. The report card shall

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2100 include the school improvement rating, identification of student
2101 learning gains, information regarding school improvement, an
2102 explanation of school performance as evaluated by the federal No
2103 Child Left Behind Act of 2001, and indicators of return on
2104 investment.

2105 (6) RULES.--The State Board of Education shall adopt rules
2106 pursuant to ss. 120.536(1) and 120.54 to implement the
2107 provisions of this section.

2108 Section 35. Subsection (5), paragraphs (b) and (d) of
2109 subsection (6), and subsection (7) of section 1008.345, Florida
2110 Statutes, are amended to read:

2111 1008.345 Implementation of state system of school
2112 improvement and education accountability.--

2113 (5) The commissioner shall report to the Legislature and
2114 recommend changes in state policy necessary to foster school
2115 improvement and education accountability. Included in the report
2116 shall be a list of the schools, including schools operating for
2117 the purpose of providing educational services to youth in
2118 Department of Juvenile Justice programs, for which district
2119 school boards have developed assistance and intervention plans
2120 and an analysis of the various strategies used by the school
2121 boards. School reports shall be distributed pursuant to this
2122 subsection and s. 1001.42(16)(f)(e) and according to rules
2123 adopted by the State Board of Education.

2124 (6)

2125 (b) Upon request, the department shall provide technical
2126 assistance and training to any school, including any school

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2127 operating for the purpose of providing educational services to
2128 youth in Department of Juvenile Justice programs, school
2129 advisory council, district, or district school board for
2130 conducting needs assessments, developing and implementing school
2131 improvement plans, developing and implementing assistance and
2132 intervention plans, or implementing other components of school
2133 improvement and accountability. Priority for these services
2134 shall be given to schools designated with a ~~as~~ performance grade
2135 of category "D" or "F" and school districts in rural and
2136 sparsely populated areas of the state.

2137 (d) The department shall assign a community assessment
2138 team to each school district with a school designated with a ~~as~~
2139 ~~performance~~ grade of category "D" or "F" to review the school
2140 performance data and determine causes for the low performance.
2141 The team shall make recommendations to the school board, to the
2142 department, and to the State Board of Education for implementing
2143 an assistance and intervention plan that will address the causes
2144 of the school's low performance. The assessment team shall
2145 include, but not be limited to, a department representative,
2146 parents, business representatives, educators, and community
2147 activists, and shall represent the demographics of the community
2148 from which they are appointed.

2149 (7)(a) Schools designated with a ~~in~~ performance grade of
2150 ~~category~~ "A," making excellent progress, shall, if requested by
2151 the school, be given deregulated status as specified in s.
2152 1003.63(5), (7), (8), (9), and (10).

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2153 (b) Schools that have improved at least two grades
2154 ~~performance grade categories~~ and that meet the criteria of the
2155 Florida School Recognition Program pursuant to s. 1008.36 may be
2156 given deregulated status as specified in s. 1003.63(5), (7),
2157 (8), (9), and (10).

2158 Section 36. Subsections (3), (4), and (5) of section
2159 1008.36, Florida Statutes, are amended to read:

2160 1008.36 Florida School Recognition Program.--

2161 (3) All public schools, including charter schools, that
2162 receive a school grade pursuant to s. 1008.34 or a school
2163 improvement rating pursuant to s. 1008.341 are eligible to
2164 participate in the program. For the purpose of this section, a
2165 school or schools serving any combination of kindergarten
2166 through grade 3 students that do not receive a school grade
2167 under s. 1008.34 shall be assigned the school grade of the
2168 feeder pattern school designated by the Department of Education
2169 and verified by the school district and shall be eligible to
2170 participate in the program based on that feeder. A "feeder
2171 school pattern" is defined as a pattern in which at least 60
2172 percent of the students in the school not receiving a school
2173 grade are assigned to the graded school.

2174 (4) All selected schools shall receive financial awards
2175 depending on the availability of funds appropriated and the
2176 number and size of schools selected to receive an award. Funds
2177 must be distributed to the school's fiscal agent and placed in
2178 the school's account and must be used for purposes listed in
2179 subsection (5) as determined by the school advisory council

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2180 pursuant to s. 1001.452 in the annual school improvement plan
2181 required pursuant to s. 1001.42(16)(a). If such a determination
2182 is not included in the school improvement plan, the school shall
2183 not be eligible to receive a financial award jointly by the
2184 school's staff and school advisory council. If school staff and
2185 the school advisory council cannot reach agreement by November
2186 1, the awards must be equally distributed to all classroom
2187 teachers currently teaching in the school.

2188 (5) School recognition awards must be used for the
2189 following:

2190 (a) Nonrecurring bonuses to the faculty and staff who
2191 currently teach at the school or who taught at the school during
2192 the year of improved performance;

2193 (b) Nonrecurring expenditures for educational equipment,
2194 ~~or~~ materials, or student incentives to assist in maintaining and
2195 improving student performance; or

2196 (c) Temporary personnel for the school to assist in
2197 maintaining and improving student performance.

2198
2199 Notwithstanding statutory provisions to the contrary, incentive
2200 awards are not subject to collective bargaining.

2201 Section 37. Paragraph (h) of subsection (1) of section
2202 1008.45, Florida Statutes, is amended to read:

2203 1008.45 Community college accountability process.--

2204 (1) It is the intent of the Legislature that a management
2205 and accountability process be implemented which provides for the
2206 systematic, ongoing improvement and assessment of the

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2207 improvement of the quality and efficiency of the Florida
2208 community colleges. Accordingly, the State Board of Education
2209 and the community college boards of trustees shall develop and
2210 implement an accountability plan to improve and evaluate the
2211 instructional and administrative efficiency and effectiveness of
2212 the Florida Community College System. This plan shall be
2213 designed in consultation with staff of the Governor and the
2214 Legislature and must address the following issues:

2215 ~~(h) Other measures as identified by the Council for~~
2216 ~~Education Policy Research and Improvement and approved by the~~
2217 ~~State Board of Education.~~

2218 Section 38. Section 1008.51, Florida Statutes, is
2219 repealed.

2220 Section 39. Paragraphs (f), ((h), (l), (m), and (n) of
2221 subsection (1) and paragraphs (a) and (b) of subsection (4) of
2222 section 1011.62, Florida Statutes, are amended, subsections (8)
2223 and (9) are renumbered as subsections (9) and (10),
2224 respectively, and amended, and a new subsection (8) is added to
2225 said section, to read:

2226 1011.62 Funds for operation of schools.--If the annual
2227 allocation from the Florida Education Finance Program to each
2228 district for operation of schools is not determined in the
2229 annual appropriations act or the substantive bill implementing
2230 the annual appropriations act, it shall be determined as
2231 follows:

2232 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2233 OPERATION.--The following procedure shall be followed in

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2234 determining the annual allocation to each district for
2235 operation:

2236 (f) Supplemental academic instruction; categorical fund.--

2237 1. There is created a categorical fund to provide
2238 supplemental academic instruction to students in kindergarten
2239 through grade 12. This paragraph may be cited as the
2240 "Supplemental Academic Instruction Categorical Fund."

2241 2. Categorical funds for supplemental academic instruction
2242 shall be allocated annually to each school district in the
2243 amount provided in the General Appropriations Act. These funds
2244 shall be in addition to the funds appropriated on the basis of
2245 FTE student membership in the Florida Education Finance Program
2246 and shall be included in the total potential funds of each
2247 district. These funds shall be used to provide supplemental
2248 academic instruction to students enrolled in the K-12 program.
2249 Supplemental instruction strategies may include, but are not
2250 limited to: modified curriculum, reading instruction, after-
2251 school instruction, tutoring, mentoring, class size reduction,
2252 extended school year, intensive skills development in summer
2253 school, and other methods for improving student achievement.
2254 Supplemental instruction may be provided to a student in any
2255 manner and at any time during or beyond the regular 180-day term
2256 identified by the school as being the most effective and
2257 efficient way to best help that student progress from grade to
2258 grade and to graduate.

2259 3. Effective with the 1999-2000 fiscal year, funding on
2260 the basis of FTE membership beyond the 180-day regular term

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2261 shall be provided in the FEFP only for students enrolled in
2262 juvenile justice education programs or in an education program
2263 for juveniles under s. 985.223. Funding for instruction beyond
2264 the regular 180-day school year for all other K-12 students
2265 shall be provided through the supplemental academic instruction
2266 categorical fund and other state, federal, and local fund
2267 sources with ample flexibility for schools to provide
2268 supplemental instruction to assist students in progressing from
2269 grade to grade and graduating.

2270 4. The Florida State University School, as a lab school,
2271 is authorized to expend from its FEFP or Lottery Enhancement
2272 Trust Fund allocation the cost to the student of remediation in
2273 reading, writing, or mathematics for any graduate who requires
2274 remediation at a postsecondary educational institution.

2275 5. Beginning in the 1999-2000 school year, dropout
2276 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
2277 (b), and (c), and 1003.54 shall be included in group 1 programs
2278 under subparagraph (d)3.

2279 6. Beginning in the 2005-2006 school year, parents of the
2280 following students shall be offered the opportunity to choose
2281 supplemental educational services from the school district or
2282 from a list of providers approved by the Department of
2283 Education:

2284 a. Third grade students scoring at Level 1 on FCAT Reading
2285 who are not eligible for supplemental educational services
2286 through the requirements of Pub. L. No. 107-110.

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2287 b. High school students failing grade 10 FCAT Reading or
2288 grade 10 FCAT Mathematics on their second attempt who are not
2289 eligible for supplemental educational services through the
2290 requirements of Pub. L. No. 107-110.

2291
2292 Funds per student shall be determined annually in the General
2293 Appropriations Act.

2294 (h) Small, isolated high schools.--Districts which levy
2295 the maximum nonvoted discretionary millage, exclusive of millage
2296 for capital outlay purposes levied pursuant to s. 1011.71(2),
2297 may calculate full-time equivalent students for small, isolated
2298 high schools by multiplying the number of unweighted full-time
2299 equivalent students times 2.75; provided the school has attained
2300 a state accountability ~~performance~~ grade ~~category~~ of "C" or
2301 better, pursuant to s. 1008.34, for the previous school year.
2302 For the purpose of this section, the term "small, isolated high
2303 school" means any high school which is located no less than 28
2304 miles by the shortest route from another high school; which has
2305 been serving students primarily in basic studies provided by
2306 sub-subparagraphs (c)1.b. and c. and may include subparagraph
2307 (c)4.; and which has a membership of no more than 100 students,
2308 but no fewer than 28 students, in grades 9 through 12.

2309 (l) Calculation of additional full-time equivalent
2310 membership based on international baccalaureate examination
2311 scores of students.--A value of 0.24 full-time equivalent
2312 student membership shall be calculated for each student enrolled
2313 in an international baccalaureate course who receives a score of

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2314 4 or higher on a subject examination. A value of 0.3 full-time
2315 equivalent student membership shall be calculated for each
2316 student who receives an international baccalaureate diploma.
2317 Such value shall be added to the total full-time equivalent
2318 student membership in basic programs for grades 9 through 12 in
2319 the subsequent fiscal year. The school district shall distribute
2320 to each classroom teacher who provided international
2321 baccalaureate instruction:

2322 1. A bonus in the amount of \$50 for each student taught by
2323 the International Baccalaureate teacher in each international
2324 baccalaureate course who receives a score of 4 or higher on the
2325 international baccalaureate examination.

2326 2. An additional bonus of \$500 to each International
2327 Baccalaureate teacher in a school designated with a performance
2328 grade of category "D" or "F" who has at least one student
2329 scoring 4 or higher on the international baccalaureate
2330 examination, regardless of the number of classes taught or of
2331 the number of students scoring a 4 or higher on the
2332 international baccalaureate examination.

2333
2334 Bonuses awarded to a teacher according to this paragraph shall
2335 not exceed \$2,000 in any given school year and shall be in
2336 addition to any regular wage or other bonus the teacher received
2337 or is scheduled to receive.

2338 (m) Calculation of additional full-time equivalent
2339 membership based on Advanced International Certificate of
2340 Education examination scores of students.--A value of 0.24 full-

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2341 time equivalent student membership shall be calculated for each
2342 student enrolled in a full-credit Advanced International
2343 Certificate of Education course who receives a score of 2 or
2344 higher on a subject examination. A value of 0.12 full-time
2345 equivalent student membership shall be calculated for each
2346 student enrolled in a half-credit Advanced International
2347 Certificate of Education course who receives a score of 1 or
2348 higher on a subject examination. A value of 0.3 full-time
2349 equivalent student membership shall be calculated for each
2350 student who received an Advanced International Certificate of
2351 Education diploma. Such value shall be added to the total full-
2352 time equivalent student membership in basic programs for grades
2353 9 through 12 in the subsequent fiscal year. The school district
2354 shall distribute to each classroom teacher who provided Advanced
2355 International Certificate of Education instruction:

2356 1. A bonus in the amount of \$50 for each student taught by
2357 the Advanced International Certificate of Education teacher in
2358 each full-credit Advanced International Certificate of Education
2359 course who receives a score of 2 or higher on the Advanced
2360 International Certificate of Education examination. A bonus in
2361 the amount of \$25 for each student taught by the Advanced
2362 International Certificate of Education teacher in each half-
2363 credit Advanced International Certificate of Education course
2364 who receives a score of 1 or higher on the Advanced
2365 International Certificate of Education examination.

2366 2. An additional bonus of \$500 to each Advanced
2367 International Certificate of Education teacher in a school

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2368 designated with a performance grade of category "D" or "F" who
2369 has at least one student scoring 2 or higher on the full-credit
2370 Advanced International Certificate of Education examination,
2371 regardless of the number of classes taught or of the number of
2372 students scoring a 2 or higher on the full-credit Advanced
2373 International Certificate of Education examination.

2374 3. Additional bonuses of \$250 each to teachers of half-
2375 credit Advanced International Certificate of Education classes
2376 in a school designated with a performance grade of category "D"
2377 or "F" which has at least one student scoring a 1 or higher on
2378 the half-credit Advanced International Certificate of Education
2379 examination in that class. The maximum additional bonus for a
2380 teacher awarded in accordance with this subparagraph shall not
2381 exceed \$500 in any given school year. Teachers receiving an
2382 award under subparagraph 2. are not eligible for a bonus under
2383 this subparagraph.

2384
2385 Bonuses awarded to a teacher according to this paragraph shall
2386 not exceed \$2,000 in any given school year and shall be in
2387 addition to any regular wage or other bonus the teacher received
2388 or is scheduled to receive.

2389 (n) Calculation of additional full-time equivalent
2390 membership based on college board advanced placement scores of
2391 students.--A value of 0.24 full-time equivalent student
2392 membership shall be calculated for each student in each advanced
2393 placement course who receives a score of 3 or higher on the
2394 College Board Advanced Placement Examination for the prior year

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2395 and added to the total full-time equivalent student membership
2396 in basic programs for grades 9 through 12 in the subsequent
2397 fiscal year. Each district must allocate at least 80 percent of
2398 the funds provided to the district for advanced placement
2399 instruction, in accordance with this paragraph, to the high
2400 school that generates the funds. The school district shall
2401 distribute to each classroom teacher who provided advanced
2402 placement instruction:

2403 1. A bonus in the amount of \$50 for each student taught by
2404 the Advanced Placement teacher in each advanced placement course
2405 who receives a score of 3 or higher on the College Board
2406 Advanced Placement Examination.

2407 2. An additional bonus of \$500 to each Advanced Placement
2408 teacher in a school designated with a performance grade of
2409 ~~category~~ "D" or "F" who has at least one student scoring 3 or
2410 higher on the College Board Advanced Placement Examination,
2411 regardless of the number of classes taught or of the number of
2412 students scoring a 3 or higher on the College Board Advanced
2413 Placement Examination.

2414
2415 Bonuses awarded to a teacher according to this paragraph shall
2416 not exceed \$2,000 in any given school year and shall be in
2417 addition to any regular wage or other bonus the teacher received
2418 or is scheduled to receive.

2419 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
2420 Legislature shall prescribe the aggregate required local effort
2421 for all school districts collectively as an item in the General

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2422 Appropriations Act for each fiscal year. The amount that each
2423 district shall provide annually toward the cost of the Florida
2424 Education Finance Program for kindergarten through grade 12
2425 programs shall be calculated as follows:

2426 (a) Estimated taxable value calculations.--

2427 1.a. Not later than 2 working days prior to July 19, the
2428 Department of Revenue shall certify to the Commissioner of
2429 Education its most recent estimate of the taxable value for
2430 school purposes in each school district and the total for all
2431 school districts in the state for the current calendar year
2432 based on the latest available data obtained from the local
2433 property appraisers. Not later than July 19, the Commissioner of
2434 Education shall compute a millage rate, rounded to the next
2435 highest one one-thousandth of a mill, which, when applied to 95
2436 percent of the estimated state total taxable value for school
2437 purposes, would generate the prescribed aggregate required local
2438 effort for that year for all districts. The Commissioner of
2439 Education shall certify to each district school board the
2440 millage rate, computed as prescribed in this subparagraph, as
2441 the minimum millage rate necessary to provide the district
2442 required local effort for that year.

2443 b. The General Appropriations Act shall direct the
2444 computation of the statewide adjusted aggregate amount for
2445 required local effort for all school districts collectively from
2446 ad valorem taxes to ensure that no school district's revenue
2447 from required local effort millage will produce more than 90
2448 percent of the district's total Florida Education Finance

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2449 Program calculation, and the adjustment of the required local
2450 effort millage rate of each district that produces more than 90
2451 percent of its total Florida Education Finance Program
2452 entitlement to a level that will produce only 90 percent of its
2453 total Florida Education Finance Program entitlement in the July
2454 calculation.

2455 2. As revised data are received from property appraisers,
2456 the Department of Revenue shall amend the certification of the
2457 estimate of the taxable value for school purposes. The
2458 Commissioner of Education, in administering the provisions of
2459 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable
2460 value for the appropriate year.

2461 (b) Final calculation.--

2462 1. The Department of Revenue shall, upon receipt of the
2463 official final assessed value of property from each of the
2464 property appraisers, certify to the Commissioner of Education
2465 the taxable value total for school purposes in each school
2466 district, subject to the provisions of paragraph (d). The
2467 commissioner shall use the official final taxable value for
2468 school purposes for each school district in the final
2469 calculation of the annual Florida Education Finance Program
2470 allocations.

2471 2. For the purposes of this paragraph, the official final
2472 taxable value for school purposes shall be the taxable value for
2473 school purposes on which the tax bills are computed and mailed
2474 to the taxpayers, adjusted to reflect final administrative
2475 actions of value adjustment boards and judicial decisions

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2476 pursuant to part I of chapter 194. By September 1 of each year,
2477 the Department of Revenue shall certify to the commissioner the
2478 official prior year final taxable value for school purposes. For
2479 each county that has not submitted a revised tax roll reflecting
2480 final value adjustment board actions and final judicial
2481 decisions, the Department of Revenue shall certify the most
2482 recent revision of the official taxable value for school
2483 purposes. The certified value shall be the final taxable value
2484 for school purposes, and no further adjustments shall be made,
2485 except those made pursuant to subparagraph (10)(9)(a)2.

2486 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

2487 (a) The research-based reading instruction allocation is
2488 created to provide comprehensive reading instruction to students
2489 in kindergarten through grade 12.

2490 (b) Funds for comprehensive, research-based reading
2491 instruction shall be allocated annually to each school district
2492 in the amount provided in the General Appropriations Act. Each
2493 eligible school district shall receive the same minimum amount
2494 as specified in the General Appropriations Act, and any
2495 remaining funds shall be distributed to eligible school
2496 districts based on each school district's proportionate share of
2497 K-12 base funding.

2498 (c) Funds must be used to provide a system of
2499 comprehensive reading instruction to students enrolled in the K-
2500 12 programs, which may include the following:

2501 1. The provision of highly qualified reading coaches.

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2502 2. Professional development for school district teachers
2503 in scientifically based reading instruction.

2504 3. The provision of summer reading camps for students who
2505 score at Level 1 on FCAT Reading.

2506 4. The provision of supplemental instructional materials
2507 that are grounded in scientifically based reading research, and
2508 comprehensive training in their use, for which teachers shall
2509 receive inservice credit. Each school district, in partnership
2510 with the publisher of the material, shall provide the training
2511 and the school district shall certify that the teacher has
2512 achieved mastery in using the material correctly. Data on this
2513 training shall be collected by the Department of Education.

2514 5. The provision of intensive interventions for middle and
2515 high school students reading below grade level.

2516 (d) Annually, by a date determined by the Department of
2517 Education but before May 1, school districts shall submit a plan
2518 for the specific use of the research-based reading instruction
2519 allocation in the format prescribed by the department for review
2520 and approval by the Just Read, Florida! Office created pursuant
2521 to s. 1001.215. The plan annually submitted by school districts
2522 shall be deemed approved unless the department rejects the plan
2523 on or before June 1. If a school district and the Just Read,
2524 Florida! Office cannot reach agreement on the contents of the
2525 plan, the school district may appeal to the State Board of
2526 Education. The plan format shall be developed with input from
2527 school district personnel, including teachers and principals,
2528 and shall allow courses in core, career, and alternative

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2529 programs that deliver intensive reading remediation through
2530 integrated curricula. No later than July 1 annually, the
2531 department shall release the school district's allocation of
2532 appropriated funds to those districts with approved plans. A
2533 school district that spends 100 percent of this allocation on
2534 its approved plan shall be deemed to have been in compliance
2535 with the plan. The department may withhold funds upon a
2536 determination that reading instruction allocation funds are not
2537 being used to implement the approved plan.

2538 (9)(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
2539 annually in the General Appropriations Act determine a
2540 percentage increase in funds per K-12 unweighted FTE as a
2541 minimum guarantee to each school district. The guarantee shall
2542 be calculated from prior year base funding per unweighted FTE
2543 student which shall include the adjusted FTE dollars as provided
2544 in subsection (10)(9), quality guarantee funds, and actual
2545 nonvoted discretionary local effort from taxes. From the base
2546 funding per unweighted FTE, the increase shall be calculated for
2547 the current year. The current year funds from which the
2548 guarantee shall be determined shall include the adjusted FTE
2549 dollars as provided in subsection (10)(9) and potential nonvoted
2550 discretionary local effort from taxes. A comparison of current
2551 year funds per unweighted FTE to prior year funds per unweighted
2552 FTE shall be computed. For those school districts which have
2553 less than the legislatively assigned percentage increase, funds
2554 shall be provided to guarantee the assigned percentage increase
2555 in funds per unweighted FTE student. Should appropriated funds

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2556 | be less than the sum of this calculated amount for all
2557 | districts, the commissioner shall prorate each district's
2558 | allocation. This provision shall be implemented to the extent
2559 | specifically funded.

2560 | ~~(10)(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
2561 | FOR CURRENT OPERATION.--The total annual state allocation to
2562 | each district for current operation for the FEFP shall be
2563 | distributed periodically in the manner prescribed in the General
2564 | Appropriations Act.

2565 | (a) The basic amount for current operation for the FEFP as
2566 | determined in subsection (1), multiplied by the district cost
2567 | differential factor as determined in subsection (2), plus the
2568 | amounts provided for categorical components within the FEFP,
2569 | plus the amount for the sparsity supplement as determined in
2570 | subsection (6), the decline in full-time equivalent students as
2571 | determined in subsection (7), the research-based reading
2572 | instruction allocation as determined in subsection (8), and the
2573 | quality assurance guarantee as determined in subsection ~~(9)(8)~~,
2574 | less the required local effort as determined in subsection (4).
2575 | If the funds appropriated for the purpose of funding the total
2576 | amount for current operation as provided in this paragraph are
2577 | not sufficient to pay the state requirement in full, the
2578 | department shall prorate the available state funds to each
2579 | district in the following manner:

2580 | 1. Determine the percentage of proration by dividing the
2581 | sum of the total amount for current operation, as provided in
2582 | this paragraph for all districts collectively, and the total

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2583 district required local effort into the sum of the state funds
2584 available for current operation and the total district required
2585 local effort.

2586 2. Multiply the percentage so determined by the sum of the
2587 total amount for current operation as provided in this paragraph
2588 and the required local effort for each individual district.

2589 3. From the product of such multiplication, subtract the
2590 required local effort of each district; and the remainder shall
2591 be the amount of state funds allocated to the district for
2592 current operation.

2593 (b) The amount thus obtained shall be the net annual
2594 allocation to each school district. However, if it is determined
2595 that any school district received an underallocation or
2596 overallocation for any prior year because of an arithmetical
2597 error, assessment roll change, full-time equivalent student
2598 membership error, or any allocation error revealed in an audit
2599 report, the allocation to that district shall be appropriately
2600 adjusted. Beginning with audits for the 2001-2002 fiscal year,
2601 if the adjustment is the result of an audit finding in which
2602 group 2 FTE are reclassified to the basic program and the
2603 district weighted FTE are over the weighted enrollment ceiling
2604 for group 2 programs, the adjustment shall not result in a gain
2605 of state funds to the district. If the Department of Education
2606 audit adjustment recommendation is based upon controverted
2607 findings of fact, the Commissioner of Education is authorized to
2608 establish the amount of the adjustment based on the best
2609 interests of the state.

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2610 (c) The amount thus obtained shall represent the net
2611 annual state allocation to each district; however,
2612 notwithstanding any of the provisions herein, each district
2613 shall be guaranteed a minimum level of funding in the amount and
2614 manner prescribed in the General Appropriations Act.

2615 Section 40. Paragraph (a) of subsection (2) of section
2616 1011.64, Florida Statutes, is amended to read:

2617 1011.64 School district minimum classroom expenditure
2618 requirements.--

2619 (2) For the purpose of implementing the provisions of this
2620 section, the Legislature shall prescribe minimum academic
2621 performance standards and minimum classroom expenditure
2622 requirements for districts not meeting such minimum academic
2623 performance standards in the General Appropriations Act.

2624 (a) Minimum academic performance standards may be based
2625 on, but are not limited to, district ~~performance~~ grades
2626 determined pursuant to s. 1008.34(7)(~~8~~).

2627 Section 41. Paragraph (b) of subsection (2) of section
2628 1011.685, Florida Statutes, is amended to read:

2629 1011.685 Class size reduction; operating categorical
2630 fund.--

2631 (2) Class size reduction operating categorical funds shall
2632 be used by school districts for the following:

2633 (b) For any lawful operating expenditure, if the district
2634 has met the constitutional maximums identified in s. 1003.03(1)
2635 or the reduction of two students per year required by s.
2636 1003.03(2); however, priority shall be given to increase

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Bill No. HCB 6007

Amendment No. (for drafter's use only)

2637 salaries of classroom teachers as defined in s. 1012.01(2)(a)
2638 and to implement the differentiated-pay provisions detailed in
2639 s. 1012.2312 salary career ladder defined in s. 1012.231.

2640 Section 42. Section 1011.6855, Florida Statutes, is
2641 created to read:

2642 1011.6855 Minimum pay for instructional personnel;
2643 operating categorical fund.--An operating categorical fund is
2644 created through which funds shall be used to:

2645 (1) Provide minimum pay of \$35,000 or higher as specified
2646 in the General Appropriations Act for all full-time certified
2647 instructional personnel identified in s. 1012.01(2)(a)-(d).

2648 (2) Provide elevation funds of at least \$2,000 or higher
2649 as specified in the General Appropriations Act to increase the
2650 salary of all full-time certified instructional personnel
2651 identified in s. 1012.01(2)(a)-(d) who are earning \$33,000 or
2652 higher.

2653
2654 Operating categorical funds remaining after the obligations in
2655 subsections (1) and (2) have been met must be used to reduce the
2656 district average class size until the district average class
2657 size meets the requirements specified in the State Constitution.
2658 The school district may expend the funds for any lawful
2659 operating expenditure if the constitutional requirements in this
2660 section and s. 1011.685 have been met.

2661 Section 43. Subsection (1) of section 1011.71, Florida
2662 Statutes, is amended to read:

2663 1011.71 District school tax.--

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2664 (1) If the district school tax is not provided in the
2665 General Appropriations Act or the substantive bill implementing
2666 the General Appropriations Act, each district school board
2667 desiring to participate in the state allocation of funds for
2668 current operation as prescribed by s. 1011.62(10)~~(9)~~ shall levy
2669 on the taxable value for school purposes of the district,
2670 exclusive of millage voted under the provisions of s. 9(b) or s.
2671 12, Art. VII of the State Constitution, a millage rate not to
2672 exceed the amount certified by the commissioner as the minimum
2673 millage rate necessary to provide the district required local
2674 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
2675 addition to the required local effort millage levy, each
2676 district school board may levy a nonvoted current operating
2677 discretionary millage. The Legislature shall prescribe annually
2678 in the appropriations act the maximum amount of millage a
2679 district may levy. The millage rate prescribed shall exceed zero
2680 mills but shall not exceed the lesser of 1.6 mills or 25 percent
2681 of the millage which is required pursuant to s. 1011.62(4),
2682 exclusive of millage levied pursuant to subsection (2).

2683 Section 44. Subsection (6) is added to section 1012.21,
2684 Florida Statutes, to read:

2685 1012.21 Department of Education duties; K-12 personnel.--

2686 (6) REPORTING.--The Department of Education shall annually
2687 post online the collective bargaining contracts of each school
2688 district received pursuant to s. 1012.22. The department shall
2689 prescribe the computer format for district school boards to
2690 provide the information.

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2691 Section 45. Paragraph (c) of subsection (1) of section
2692 1012.22, Florida Statutes, is amended, and subsection (3) is
2693 added to said section, to read:

2694 1012.22 Public school personnel; powers and duties of the
2695 district school board.--The district school board shall:

2696 (1) Designate positions to be filled, prescribe
2697 qualifications for those positions, and provide for the
2698 appointment, compensation, promotion, suspension, and dismissal
2699 of employees as follows, subject to the requirements of this
2700 chapter:

2701 (c) Compensation and salary schedules.--

2702 1. The district school board shall adopt a salary schedule
2703 or salary schedules designed to furnish incentives for
2704 improvement in training and for continued efficient service to
2705 be used as a basis for paying all school employees and fix and
2706 authorize the compensation of school employees on the basis
2707 thereof.

2708 2. A district school board, in determining the salary
2709 schedule for instructional personnel, must base a portion of
2710 each employee's compensation on performance demonstrated under
2711 s. 1012.34, must consider the prior teaching experience of a
2712 person who has been designated state teacher of the year by any
2713 state in the United States, and must consider prior professional
2714 experience in the field of education gained in positions in
2715 addition to district level instructional and administrative
2716 positions.

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2717 3. In developing the salary schedule, the district school
2718 board shall seek input from parents, teachers, and
2719 representatives of the business community.

2720 ~~4. Beginning with the 2002-2003 fiscal year, each district~~
2721 ~~school board must adopt a performance-pay policy for school~~
2722 ~~administrators and instructional personnel. The district's~~
2723 ~~performance-pay policy is subject to negotiation as provided in~~
2724 ~~chapter 447; however, the adopted salary schedule must allow~~
2725 ~~school administrators and instructional personnel who~~
2726 ~~demonstrate outstanding performance, as measured under s.~~
2727 ~~1012.34, to earn a 5-percent supplement in addition to their~~
2728 ~~individual, negotiated salary. The supplements shall be funded~~
2729 ~~from the performance-pay reserve funds adopted in the salary~~
2730 ~~schedule. Beginning with the 2004-2005 academic year, the~~
2731 ~~district's 5-percent performance-pay policy must provide for the~~
2732 ~~evaluation of classroom teachers within each level of the salary~~
2733 ~~career ladder provided in s. 1012.231. The Commissioner of~~
2734 ~~Education shall determine whether the district school board's~~
2735 ~~adopted salary schedule complies with the requirement for~~
2736 ~~performance-based pay. If the district school board fails to~~
2737 ~~comply with this section, the commissioner shall withhold~~
2738 ~~disbursements from the Educational Enhancement Trust Fund to the~~
2739 ~~district until compliance is verified.~~

2740 (3) Annually provide to the Department of Education the
2741 negotiated collective bargaining contract for the school
2742 district. The district school board shall report in the computer
2743 format prescribed by the department pursuant to s. 1012.21.

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Amendment No. (for drafter's use only)

2744 Section 46. Section 1012.2305, Florida Statutes, is
2745 created to read:

2746 1012.2305 Minimum pay for instructional personnel.--

2747 (1) LEGISLATIVE INTENT.--The Legislature recognizes that
2748 higher pay does not guarantee quality performance in education.
2749 The Legislature also recognizes that competitive pay,
2750 differentiated pay, and performance incentives are necessary to
2751 attract and retain the highest quality teachers and that the
2752 prospect of higher pay and career opportunities are important to
2753 attract talented individuals to the field of teaching.

2754 (2) MINIMUM PAY.--The minimum pay for full-time certified
2755 instructional personnel identified in s. 1012.01(2)(a)-(d) shall
2756 be \$35,000 and shall be established by the Legislature to remain
2757 above the national average beginning pay for public school
2758 teachers.

2759 Section 47. Section 1012.231, Florida Statutes, is
2760 repealed.

2761 Section 48. Section 1012.2312, Florida Statutes, is
2762 created to read:

2763 1012.2312 Differentiated pay for instructional
2764 personnel.--

2765 (1) Beginning with the 2005-2006 fiscal year, each
2766 district school board shall have a differentiated-pay policy for
2767 instructional personnel and incorporate it into the school
2768 district's salary schedule.

2769 (2) The differentiated-pay policy may be subject to
2770 negotiation as provided in chapter 447; however, the adopted

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2771 salary schedule must allow instructional personnel to receive
2772 differentiated pay based upon school district determined
2773 factors, including, but not limited to, each of the following:

2774 (a) The subject areas taught, with classroom teachers who
2775 teach in critical shortage areas receiving higher pay.

2776 (b) The economic demographics of the school, with
2777 instructional personnel in schools that have a majority of
2778 students who qualify for free or reduced-price lunches receiving
2779 higher pay.

2780 (c) Additional responsibilities of instructional
2781 personnel, including, but not limited to, lead and mentoring
2782 responsibilities.

2783 (d) A performance-pay policy that rewards high-performing
2784 instructional personnel with at least a 5-percent performance-
2785 pay incentive.

2786
2787 The differentiated pay provided in the salary schedule for each
2788 of the factors specified in paragraphs (a)-(d) shall provide an
2789 incentive and not be nominal.

2790 (3) The Commissioner of Education shall determine whether
2791 the district school board's adopted salary schedule complies
2792 with the requirements in subsection (2). If the salary schedule
2793 does not comply, the commissioner shall recommend to the State
2794 Board of Education and the state board is authorized to withhold
2795 disbursements from the Educational Enhancement Trust Fund to the
2796 school district until the district's salary schedule is in
2797 compliance.

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2798 Section 49. Section 1012.2313, Florida Statutes, is
2799 created to read:

2800 1012.2313 Differentiated pay for school administrators.--

2801 (1) Beginning with the 2005-2006 fiscal year, each
2802 district school board shall have a differentiated-pay policy for
2803 school administrators and incorporate it into the school
2804 district's salary schedule.

2805 (2) The adopted salary schedule must allow school
2806 administrators to receive differentiated pay based upon school
2807 district determined factors, including, but not limited to, each
2808 of the following:

2809 (a) The economic demographics of the school, with school
2810 administrators in schools that have a majority of students who
2811 qualify for free or reduced-price lunches receiving higher pay.

2812 (b) A performance-pay policy that rewards high-performing
2813 school administrators with at least a 5-percent performance-pay
2814 incentive.

2815
2816 The differentiated pay provided in the salary schedule for each
2817 of the factors specified in paragraphs (a) and (b) shall provide
2818 an incentive and not be nominal.

2819 (3) The Commissioner of Education shall determine whether
2820 the district school board's adopted salary schedule complies
2821 with the requirements in subsection (2). If the salary schedule
2822 does not comply, the commissioner shall recommend to the State
2823 Board of Education and the state board is authorized to withhold
2824 disbursements from the Educational Enhancement Trust Fund to the

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2825 school district until the district's salary schedule is in
2826 compliance.

2827 Section 50. Section 1012.2315, Florida Statutes, is
2828 created to read:

2829 1012.2315 Assignment of teachers.--

2830 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
2831 finds disparity between teachers assigned to teach in a majority
2832 of "A" schools compared to teachers assigned to teach in a
2833 majority of "F" schools. The disparity can be found in the
2834 average years of experience, median salary, and the performance
2835 of the teachers on teacher certification examinations. It is the
2836 intent of the Legislature that district school boards have
2837 flexibility through the collective bargaining process to assign
2838 teachers more equitably across the schools in the district.

2839 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts
2840 may not assign a higher percentage than the school district
2841 average of first-time teachers, temporarily certified teachers,
2842 teachers in need of improvement, or out-of-field teachers to
2843 schools with above the school district average of minority and
2844 economically disadvantaged students or schools that are graded
2845 "D" or "F." Each school district shall annually certify to the
2846 Commissioner of Education that this requirement has been met. If
2847 the commissioner determines that a school district is not in
2848 compliance with this subsection, the State Board of Education
2849 shall be notified and shall take action pursuant to s. 1008.32
2850 in the next regularly scheduled meeting to require compliance.

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2851 (3) SALARY INCENTIVES.--District school boards are
2852 authorized to provide salary incentives to meet the requirement
2853 of subsection (2). No district school board shall sign a
2854 collective bargaining agreement that precludes the school
2855 district from providing sufficient incentives to meet this
2856 requirement.

2857 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of
2858 chapter 447 relating to district school board collective
2859 bargaining, collective bargaining provisions may not preclude a
2860 school district from providing incentives to high-quality
2861 teachers and assigning such teachers to low-performing schools.

2862 Section 51. Subsection (2) of section 1012.27, Florida
2863 Statutes, is amended to read:

2864 1012.27 Public school personnel; powers and duties of
2865 district school superintendent.--The district school
2866 superintendent is responsible for directing the work of the
2867 personnel, subject to the requirements of this chapter, and in
2868 addition the district school superintendent shall perform the
2869 following:

2870 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
2871 recommend to the district school board for adoption a salary
2872 schedule or salary schedules. The district school superintendent
2873 must recommend a salary schedule for instructional personnel
2874 which bases a portion of each employee's compensation on
2875 performance demonstrated under s. 1012.34. In developing the
2876 recommended salary schedule, the district school superintendent
2877 shall include input from parents, teachers, and representatives

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Bill No. HCB 6007

Amendment No. (for drafter's use only)

2878 of the business community. Beginning with the 2005-2006 ~~2004-~~
2879 ~~2005~~ academic year, the recommended salary schedule for
2880 classroom teachers shall be consistent with the district's
2881 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312
2882 ~~1012.231~~.

2883 Section 52. Paragraph (a) of subsection (3) of section
2884 1012.34, Florida Statutes, is amended to read:

2885 1012.34 Assessment procedures and criteria.--

2886 (3) The assessment procedure for instructional personnel
2887 and school administrators must be primarily based on the
2888 performance of students assigned to their classrooms or schools,
2889 as appropriate. Pursuant to this section, a school district's
2890 performance assessment is not limited to basing unsatisfactory
2891 performance of instructional personnel and school administrators
2892 upon student performance, but may include other criteria
2893 approved to assess instructional personnel and school
2894 administrators' performance, or any combination of student
2895 performance and other approved criteria. The procedures must
2896 comply with, but are not limited to, the following requirements:

2897 (a) An assessment must be conducted for each employee at
2898 least once a year. The assessment must be based upon sound
2899 educational principles and contemporary research in effective
2900 educational practices. The assessment must primarily use data
2901 and indicators of improvement in student performance assessed
2902 annually as specified in s. 1008.22 and may consider results of
2903 peer reviews in evaluating the employee's performance. Student
2904 performance must be measured by state assessments required under

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2905 s. 1008.22 and by local assessments for subjects and grade
2906 levels not measured by the state assessment program. The
2907 assessment criteria must include, but are not limited to,
2908 indicators that relate to the following:

2909 1. Performance of students.

2910 2. Ability to maintain appropriate discipline.

2911 3. Knowledge of subject matter. The district school board
2912 shall make special provisions for evaluating teachers who are
2913 assigned to teach out-of-field.

2914 4. Ability to plan and deliver instruction, ~~including~~
2915 ~~implementation of the rigorous reading requirement pursuant to~~
2916 ~~s. 1003.415, when applicable,~~ and the use of technology in the
2917 classroom.

2918 5. Ability to evaluate instructional needs.

2919 6. Ability to establish and maintain a positive
2920 collaborative relationship with students' families to increase
2921 student achievement.

2922 7. Other professional competencies, responsibilities, and
2923 requirements as established by rules of the State Board of
2924 Education and policies of the district school board.

2925 Section 53. Section 1012.986, Florida Statutes, is created
2926 to read:

2927 1012.986 A+ Professional Development Program for School
2928 Leaders.--

2929 (1) ESTABLISHMENT.--There is established the A+
2930 Professional Development Program for School Leaders, a high-
2931 quality, competency-based, customized, comprehensive, and

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2932 coordinated statewide professional development program that is
2933 aligned with the leadership standards for school leaders adopted
2934 by the State Board of Education. The program shall be
2935 administered by the Department of Education and shall provide
2936 leadership training opportunities for school leaders to enable
2937 them to be more effective instructional leaders, especially in
2938 the area of reading. The program shall provide school leaders
2939 with the opportunity to attain a school leadership designation
2940 pursuant to subsection (3).

2941 (2) DEFINITION.--As used in this section, the term "school
2942 leader" means a school principal or assistant principal holding
2943 a valid Florida certificate in educational leadership.

2944 (3) DESIGNATIONS.--The Department of Education shall
2945 develop criteria for designating high-performing school leaders
2946 as A+ Emerging School Leaders, A+ High-Performing School
2947 Leaders, or A+ Sterling School Leaders. The criteria must
2948 emphasize student learning gains, especially in high schools.

2949 (4) PROGRAM REQUIREMENTS.--

2950 (a) The program shall be based upon the leadership
2951 standards adopted by the State Board of Education, the standards
2952 of the National Staff Development Council, and the federal
2953 requirements for high-quality professional development under the
2954 No Child Left Behind Act of 2001.

2955 (b) The program shall provide a competency-based approach
2956 that utilizes prediagnostic and postdiagnostic evaluations that
2957 shall be used to create an individualized professional
2958 development plan approved by the district school superintendent.

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2959 The plan shall be structured to support the school leader's
2960 attainment of the leadership standards adopted by the State
2961 Board of Education.

2962 (c) The program shall incorporate instructional leadership
2963 training and effective business practices for efficient school
2964 operations in school leadership training.

2965 (5) DELIVERY SYSTEM.--The Department of Education shall
2966 deliver the program through multiple delivery systems,
2967 including:

2968 (a) Approved school district training programs.

2969 (b) Interactive technology-based instruction.

2970 (c) State, regional, or local leadership academies.

2971 (6) RULES.--The State Board of Education shall adopt rules
2972 pursuant to ss. 120.536(1) and 120.54 to implement the
2973 provisions of this section.

2974 Section 54. Section 1012.987, Florida Statutes, is
2975 repealed.

2976 Section 55. Section 1013.381, Florida Statutes, is created
2977 to read:

2978 1013.381 Indoor environmental quality.--

2979 (1) Each district school board shall adopt and implement
2980 an indoor environmental quality policy which shall provide
2981 procedures for periodic surveys of indoor environmental quality
2982 issues. The policy may:

2983 (a) Be developed and implemented in accordance with the
2984 United States Environmental Protection Agency's Indoor Air
2985 Quality Tools for Schools Program through which training and

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2986 materials shall be provided by the United States Environmental
2987 Protection Agency at no cost to a school or school district.

2988 (b) Require that the school district provide, monitor, and
2989 maintain indoor environmental condition performance in
2990 accordance with American Society of Heating, Refrigerating and
2991 Air-Conditioning Engineers (ASHRAE) Standard 62.

2992 (c) Require that educational facilities be certified
2993 semiannually by a professional engineer as meeting ASHRAE
2994 Standard 62. Upon certification, the school district shall be
2995 indemnified for the life of the certificate from liability
2996 related to indoor environmental quality. A school district shall
2997 provide a copy of the engineer's certification to the
2998 Commissioner of Education.

2999 (2) Each school participating in the Indoor Air Quality
3000 Tools for Schools Program training must display its certificate
3001 of completion in a conspicuous manner.

3002 (3) The State Board of Education shall adopt rules to
3003 implement the provisions of this section.

3004 Section 56. Subsection (6) of section 1013.512, Florida
3005 Statutes, is amended to read:

3006 1013.512 Land Acquisition and Facilities Advisory Board.--

3007 (6) Upon certification by the advisory board that
3008 corrective action has been taken, the Legislative Budget
3009 Commission shall release all funds remaining in reserve. Upon
3010 such release, each Land Acquisition and Facilities Advisory
3011 Board shall be disbanded.

3012 Section 57. Charter School Task Force.--

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Amendment No. (for drafter's use only)

3013 (1) The Charter School Task Force is established to study
3014 and make recommendations regarding charter schools in the state.

3015 (2) The task force shall, at a minimum:

3016 (a) Review current application and sponsorship procedures
3017 used throughout the state for the approval of charter schools.

3018 (b) Examine the sponsorship and organizational structure
3019 of charter schools in other states.

3020 (c) Investigate alternative means available in the state
3021 to implement changes in the sponsorship of charter schools.

3022 (d) Review capital outlay funding for charter schools.

3023 (e) Determine the necessity and most effective methods for
3024 the State Board of Education to sanction school districts and
3025 charter schools for violation of charter school procedural
3026 requirements.

3027 (f) Conduct meetings throughout the state to receive
3028 public input and consider policy recommendations on issues
3029 related to charter schools.

3030 (g) Issue a final report and recommendations by December
3031 31, 2005, to the Governor, the President of the Senate, and the
3032 Speaker of the House of Representatives.

3033 (3) The task force shall consist of:

3034 (a) Up to four members of the House of Representatives
3035 appointed by the Speaker of the House of Representatives.

3036 (b) Up to four members of the Senate appointed by the
3037 President of the Senate.

3038 (c) Five charter school stakeholders appointed by the
3039 Governor. The members shall include a representative of a

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3040 charter school, a representative of a school district, a
3041 representative of a statewide association, and a representative
3042 with experience in charter school law and may include the
3043 Commissioner of Education or his or her designee.

3044 (4) The Governor shall appoint the chair of the task force
3045 from among the appointed members.

3046 (5) Task force members shall serve without compensation
3047 but are entitled to reimbursement, pursuant to s. 112.061,
3048 Florida Statutes, for per diem and travel expenses incurred in
3049 the performance of their official duties.

3050 (6) The Department of Education shall provide staff
3051 support for the task force.

3052 Section 58. If any provision of this act or the
3053 application thereof to any person or circumstance is held
3054 invalid, the invalidity shall not affect other provisions or
3055 applications of the act which can be given effect without the
3056 invalid provision or application and, to this end, the
3057 provisions of this act are declared severable.

3058 Section 59. This act shall take effect upon becoming a
3059 law, except that ss. 1003.035, 1011.6855 and 1012.2305, Florida
3060 Statutes, as created by this act, shall take effect on the
3061 effective date of an amendment to s.1, Art. IX of the State
3062 Constitution approved by the electors that requires district
3063 average maximum class sizes and minimum pay for teachers.

3065 ===== T I T L E A M E N D M E N T =====

3066 Remove lines 1-271 and insert:

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Amendment No. (for drafter's use only)

3067 A bill to be entitled

3068 An act relating to education; amending s. 20.15, F.S.;
3069 establishing the Division of Accountability, Research, and
3070 Measurement in the Department of Education; amending s.
3071 1000.01, F.S.; conforming provisions relating to the
3072 repeal of the Council for Education Policy Research and
3073 Improvement; amending s. 1001.03, F.S.; requiring the
3074 State Board of Education to review the Sunshine State
3075 Standards and provide a report evaluating the extent to
3076 which the standards are being taught; amending s. 1001.11,
3077 F.S.; conforming provisions relating to the repeal of the
3078 Council for Education Policy Research and Improvement;
3079 providing duties of the department relating to education
3080 goals; creating s. 1001.215, F.S.; creating the Just Read,
3081 Florida! Office in the Department of Education; providing
3082 duties; amending s. 1001.41, F.S.; requiring district
3083 school boards to adopt policies to provide each student a
3084 complete education program; amending s. 1001.42, F.S.;
3085 providing requirements for each district school board's
3086 system of school improvement and student progression;
3087 providing components to increase student achievement;
3088 conforming provisions relating to deletion of a rigorous
3089 reading requirement and the designation of school grades;
3090 amending s. 1002.20, F.S.; conforming a cross reference
3091 and provisions relating to educational choice; amending s.
3092 1002.38, F.S.; conforming provisions relating to the
3093 designation of school grades and revising the date for

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

3094 request of an Opportunity Scholarship; creating s.
3095 1002.421, F.S., relating to rights and obligations of
3096 private schools participating in state school choice
3097 scholarship programs; providing requirements for
3098 participation in a scholarship program, including
3099 compliance with specified state, local, and federal laws
3100 and demonstration of fiscal soundness; requiring
3101 restrictive endorsement of checks and prohibiting a school
3102 from acting as attorney in fact; requiring employment of
3103 qualified teachers and background screening of individuals
3104 with direct student contact; requiring adoption of rules;
3105 amending s. 1003.01, F.S.; revising definition of the term
3106 "special education services"; amending s. 1003.03, F.S.;
3107 modifying implementation provisions relating to
3108 constitutional class size requirements; creating s.
3109 1003.035, F.S.; providing class size requirements based on
3110 district average contingent upon constitutional amendment;
3111 providing implementation and calculation requirements;
3112 specifying options to meet class size requirements;
3113 authorizing transfer of funds for class size reduction;
3114 requiring certain actions by school districts not in
3115 compliance; requiring constitutional compliance plans in
3116 certain instances; amending s. 1003.05, F.S.; deleting the
3117 requirement that certain children receive preference for
3118 admission to special academic programs even if maximum
3119 enrollment has been reached; removing charter schools from
3120 the definition of special academic programs; creating s.

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Amendment No. (for drafter's use only)

3121 1003.413, F.S.; requiring each school district to
3122 establish policies to assist high school students to
3123 remain in school, graduate on time, and be prepared for
3124 postsecondary education and the workplace; directing the
3125 Commissioner of Education to create and implement the
3126 Challenge High School Recognition Program; creating the
3127 High School Reform Task Force and providing for
3128 appointment of members; requiring recommendation of a
3129 long-term plan relating to high school reform and
3130 specifying items to be addressed; providing for
3131 termination of the task force; amending s. 1003.415, F.S.;
3132 providing the mission of middle grades; deleting the
3133 rigorous reading requirement for middle grade students;
3134 deleting obsolete language relating to a department study;
3135 creating s. 1003.4155, F.S.; specifying the grading scale
3136 for grades 6 through 8; creating s. 1003.4156, F.S.;
3137 specifying general requirements for middle school
3138 promotion; requiring an intensive reading course under
3139 certain circumstances; defining an academic credit;
3140 requiring school district policies and authorizing
3141 alternative methods for progression; requiring adoption of
3142 rules for alternative promotion standards; amending s.
3143 1003.42, F.S.; revising provisions relating to required
3144 instruction and courses of study in the public schools;
3145 including study of the history of the United States and
3146 free enterprise; amending s. 1003.43, F.S., relating to
3147 general requirements for high school graduation; including

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Amendment No. (for drafter's use only)

3148 study of the Declaration of Independence in the credit
3149 requirement for American government; amending s. 1003.57,
3150 F.S.; providing guidelines for determining the residency
3151 of an exceptional student with a disability who resides in
3152 a residential facility and receives special instruction or
3153 services; requiring the placing authority in a parent's
3154 state of residence to pay the cost of such instruction,
3155 facilities, and services for a nonresident exceptional
3156 student with a disability; providing requirements of the
3157 department and school districts with respect to financial
3158 obligations; providing responsibilities of residential
3159 facilities that educate exceptional students with
3160 disabilities; providing applicability; defining the term
3161 "parent" for purposes of the section; authorizing adoption
3162 of rules; creating s. 1003.575, F.S.; requiring the
3163 department to coordinate the development of an individual
3164 education plan form for use in developing and implementing
3165 individual education plans for exceptional students;
3166 requiring the form to be available to school districts to
3167 facilitate the use of an individual education plan when a
3168 student transfers; amending s. 1003.58, F.S.; correcting a
3169 cross reference; amending s. 1003.62, F.S.; conforming
3170 provisions relating to the designation of school grades
3171 and differentiated-pay policies; amending ss. 1005.22 and
3172 1007.33, F.S.; conforming provisions relating to the
3173 repeal of the Council for Education Policy Research and
3174 Improvement; amending s. 1008.22, F.S.; specifying grade

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

3175 level and subject area testing requirements; requiring the
3176 State Board of Education to conduct concordance studies to
3177 determine FCAT equivalencies for high school graduation;
3178 deleting a limitation on and specifying requirements for
3179 the use of alternative assessments to the grade 10 FCAT;
3180 requiring an annual report on student performance;
3181 amending s. 1008.25, F.S.; authorizing district school
3182 boards to require low-performing students to attend
3183 remediation programs outside of regular school hours;
3184 requiring the department to establish a uniform format for
3185 reporting information relating to student progression;
3186 requiring an annual report; repealing s. 1008.301, F.S.,
3187 relating to a concordance study of FCAT equivalencies for
3188 high school graduation; amending s. 1008.31, F.S.;
3189 deleting provisions relating to performance-based funding;
3190 revising goals and measures of the K-20 performance
3191 accountability system and requiring data quality
3192 improvement; providing for development of reporting and
3193 data collection requirements; requiring adoption of rules;
3194 amending s. 1008.33, F.S.; conforming provisions relating
3195 to the designation of school grades and a cross reference;
3196 authorizing district school boards to transfer teachers,
3197 faculty, and staff as needed; amending s. 1008.34, F.S.;
3198 revising terminology and provisions relating to
3199 designation and determination of school grades; specifying
3200 use of assessment data with respect to alternative
3201 schools; defining the term "home school"; requiring an

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

3202 annual school report card to be published by the
3203 department and distributed by school districts; creating
3204 s. 1008.341, F.S.; requiring improvement ratings for
3205 certain alternative schools; providing the basis for such
3206 ratings and requiring annual performance reports;
3207 providing for determination of school improvement ratings,
3208 identification of learning gains, and eligibility for
3209 school recognition awards; requiring an annual report card
3210 to be developed by the department and distributed by
3211 school districts; requiring adoption of rules; amending s.
3212 1008.345, F.S.; conforming provisions relating to the
3213 designation of school grades and a cross reference;
3214 amending s. 1008.36, F.S.; providing for assignment of
3215 school grades to certain feeder pattern schools that do
3216 not receive such a grade for purposes of participation in
3217 the Florida School Recognition Program; defining feeder
3218 school pattern; modifying procedures for determination and
3219 use of school recognition awards; amending s. 1008.45,
3220 F.S.; conforming provisions relating to the repeal of the
3221 Council for Education Policy Research and Improvement;
3222 repealing s. 1008.51, F.S., relating to the Council for
3223 Education Policy Research and Improvement; amending s.
3224 1011.62, F.S.; providing FTE funding for juveniles
3225 enrolled in a specified education program; providing
3226 funding for supplemental educational services for certain
3227 students; conforming cross references and provisions
3228 relating to the designation of school grades; establishing

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

3229 a research-based reading instruction allocation to provide
3230 funds for a comprehensive reading instruction system;
3231 requiring school district plans for use of the allocation
3232 and approval thereof; including the allocation in the
3233 total amount allocated to each school district for current
3234 operation; amending s. 1011.64, F.S.; conforming
3235 terminology and cross references; amending s. 1011.685,
3236 F.S.; conforming provisions relating to the repeal of the
3237 BEST Florida Teaching salary career ladder program and
3238 implementation of a differentiated-pay policy; creating s.
3239 1011.6855, F.S.; creating an operating categorical fund to
3240 fund minimum pay requirements for certain instructional
3241 personnel contingent upon constitutional amendment;
3242 amending s. 1011.71, F.S.; correcting a cross reference;
3243 amending s. 1012.21, F.S.; requiring the department to
3244 annually post online school district collective bargaining
3245 contracts; amending s. 1012.22, F.S.; deleting a
3246 requirement that each district school board adopt a
3247 performance-pay policy; requiring each district school
3248 board to annually provide its negotiated collective
3249 bargaining contract to the department; creating s.
3250 1012.2305, F.S.; establishing minimum pay for certain
3251 instructional personnel contingent upon constitutional
3252 amendment; repealing s. 1012.231, F.S., relating to the
3253 BEST Florida Teaching salary career ladder program;
3254 creating s. 1012.2312, F.S.; requiring each district
3255 school board to adopt a differentiated-pay policy for

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HOUSE AMENDMENT

Bill No. HCB 6007

Amendment No. (for drafter's use only)

3256 instructional personnel; providing factors on which
3257 differentiated pay shall be based; authorizing funds to be
3258 withheld from school districts under certain
3259 circumstances; creating s. 1012.2313, F.S.; requiring each
3260 district school board to have a differentiated-pay policy
3261 for school administrators; providing factors on which
3262 differentiated pay shall be based; authorizing funds to be
3263 withheld from school districts under certain
3264 circumstances; creating s. 1012.2315, F.S.; providing
3265 school district requirements for the assignment of
3266 teachers and authorizing incentives; providing procedures
3267 for noncompliance; providing requirements relating to
3268 collective bargaining; amending s. 1012.27, F.S.;
3269 conforming provisions relating to the repeal of the BEST
3270 Florida Teaching salary career ladder program and
3271 implementation of a differentiated-pay policy; amending s.
3272 1012.34, F.S.; conforming provisions relating to deletion
3273 of a rigorous reading requirement; creating s. 1012.986,
3274 F.S.; establishing the A+ Professional Development Program
3275 for School Leaders; defining the term "school leader";
3276 establishing school leadership designations; providing
3277 program requirements and delivery systems; requiring
3278 adoption of rules; repealing s. 1012.987, F.S., relating
3279 to rules for a leadership designation; creating s.
3280 1013.381, F.S.; requiring each district school board to
3281 adopt and implement an indoor environmental quality policy
3282 which provides for periodic surveys; providing that the

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3283 policy may include certain requirements; providing for
3284 indemnification under certain circumstances; requiring
3285 display of indoor environmental quality training
3286 completion; requiring adoption of rules; amending s.
3287 1013.512, F.S.; requiring the release of funds remaining
3288 in reserve relating to school district land acquisition
3289 and facilities operations; specifying when a Land
3290 Acquisition and Facilities Advisory Board shall be
3291 disbanded; establishing the Charter School Task Force and
3292 specifying composition and duties; requiring the
3293 department to provide staff support to the task force;
3294 providing severability; providing effective dates.

3295

3296 WHEREAS, students will have the best opportunity to obtain
3297 a high-quality education in the public education system of this
3298 state, and that system can best be enhanced, when resources are
3299 allocated efficiently and are concentrated to enhance a safe,
3300 secure, and disciplined classroom learning environment, when
3301 teachers and principals are supported, when high-quality
3302 education is reinforced through shared high academic
3303 expectations, and when successes are rewarded, failures are
3304 identified, and the public is apprised of both successes and
3305 failures, NOW, THEREFORE,

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