

HCB 6007 (for HBs 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)

1 A bill to be entitled
2 An act relating to education; amending s. 20.15, F.S.;
3 establishing the Division of Accountability, Research, and
4 Measurement in the Department of Education; amending s.
5 1000.01, F.S.; conforming provisions relating to the
6 repeal of the Council for Education Policy Research and
7 Improvement; amending s. 1001.03, F.S.; requiring the
8 State Board of Education to review the Sunshine State
9 Standards and provide a report evaluating the extent to
10 which the standards are being taught; amending s. 1001.11,
11 F.S.; conforming provisions relating to the repeal of the
12 Council for Education Policy Research and Improvement;
13 providing duties of the department relating to education
14 goals; creating s. 1001.215, F.S.; creating the Just Read,
15 Florida! Office in the Department of Education; providing
16 duties; amending s. 1001.41, F.S.; requiring district
17 school boards to adopt policies to provide each student a
18 complete education program; amending s. 1001.42, F.S.;
19 providing requirements for each district school board's
20 system of school improvement and student progression;
21 providing components to increase student achievement;
22 conforming provisions relating to deletion of a rigorous
23 reading requirement and the designation of school grades;
24 amending s. 1002.20, F.S.; conforming a cross reference
25 and provisions relating to educational choice; amending s.
26 1002.38, F.S.; conforming provisions relating to the
27 designation of school grades and revising the date for
28 request of an Opportunity Scholarship; creating s.

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29 | 1002.385, F.S.; establishing the Reading Compact
 30 | Scholarship Program to provide students with reading
 31 | deficiencies the option to attend a public or private
 32 | school of choice; providing eligibility requirements for
 33 | receipt of a Reading Compact Scholarship to attend a
 34 | private school and restricting use of such scholarship;
 35 | providing for the term of a scholarship; providing school
 36 | district obligation to notify parents of available
 37 | options; providing Department of Education obligations,
 38 | including establishment of a process for notification of
 39 | violations, subsequent investigation, and certification of
 40 | compliance by private schools and selection of a research
 41 | organization to analyze student performance data;
 42 | providing Commissioner of Education authority and
 43 | obligations, including the denial, suspension, or
 44 | revocation of a private school's participation in the
 45 | scholarship program and procedures and timelines therefor;
 46 | providing private school eligibility requirements and
 47 | obligations, including compliance with specified laws and
 48 | academic accountability to the parent; providing parent
 49 | and student responsibilities for scholarship program
 50 | participation, including compliance with the private
 51 | school's published policies, participation in student
 52 | academic assessment, and restrictive endorsement of
 53 | scholarship warrants; prohibiting power of attorney for
 54 | endorsing a scholarship warrant; providing funding and
 55 | payment requirements, including calculation of scholarship
 56 | amount, payment process, and Department of Financial

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57 Services review; providing for immunity; providing scope
 58 of authority; requiring adoption of rules; creating s.
 59 1002.421, F.S., relating to rights and obligations of
 60 private schools participating in state school choice
 61 scholarship programs; providing requirements for
 62 participation in a scholarship program, including
 63 compliance with specified state, local, and federal laws
 64 and demonstration of fiscal soundness; requiring
 65 restrictive endorsement of checks and prohibiting a school
 66 from acting as attorney in fact; requiring employment of
 67 qualified teachers and background screening of individuals
 68 with direct student contact; requiring adoption of rules;
 69 amending s. 1003.01, F.S.; revising definition of the term
 70 "special education services"; amending s. 1003.03, F.S.;
 71 modifying implementation provisions relating to
 72 constitutional class size requirements; creating s.
 73 1003.035, F.S.; providing class size requirements based on
 74 district average contingent upon constitutional amendment;
 75 providing implementation and calculation requirements;
 76 specifying options to meet class size requirements;
 77 authorizing transfer of funds for class size reduction;
 78 requiring certain actions by school districts not in
 79 compliance; requiring constitutional compliance plans in
 80 certain instances; amending s. 1003.05, F.S.; deleting the
 81 requirement that certain children receive preference for
 82 admission to special academic programs even if maximum
 83 enrollment has been reached; removing charter schools from
 84 the definition of special academic programs; creating s.

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85 | 1003.413, F.S.; requiring each school district to
 86 | establish policies to assist high school students to
 87 | remain in school, graduate on time, and be prepared for
 88 | postsecondary education and the workplace; directing the
 89 | Commissioner of Education to create and implement the
 90 | Challenge High School Recognition Program; creating the
 91 | High School Reform Task Force and providing for
 92 | appointment of members; requiring recommendation of a
 93 | long-term plan relating to high school reform and
 94 | specifying items to be addressed; providing for
 95 | termination of the task force; amending s. 1003.415, F.S.;
 96 | providing the mission of middle grades; deleting the
 97 | rigorous reading requirement for middle grade students;
 98 | deleting obsolete language relating to a department study;
 99 | creating s. 1003.4155, F.S.; specifying the grading scale
 100 | for grades 6 through 8; creating s. 1003.4156, F.S.;
 101 | specifying general requirements for middle school
 102 | promotion; requiring an intensive reading course under
 103 | certain circumstances; defining an academic credit;
 104 | requiring school district policies and authorizing
 105 | alternative methods for progression; requiring adoption of
 106 | rules for alternative promotion standards; amending s.
 107 | 1003.42, F.S.; revising provisions relating to required
 108 | instruction and courses of study in the public schools;
 109 | including study of the history of the United States and
 110 | free enterprise; amending s. 1003.43, F.S., relating to
 111 | general requirements for high school graduation; including
 112 | study of the Declaration of Independence in the credit

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113 requirement for American government; amending s. 1003.57,
 114 F.S.; providing guidelines for determining the residency
 115 of an exceptional student with a disability who resides in
 116 a residential facility and receives special instruction or
 117 services; requiring the placing authority in a parent's
 118 state of residence to pay the cost of such instruction,
 119 facilities, and services for a nonresident exceptional
 120 student with a disability; providing requirements of the
 121 department and school districts with respect to financial
 122 obligations; providing responsibilities of residential
 123 facilities that educate exceptional students with
 124 disabilities; providing applicability; defining the term
 125 "parent" for purposes of the section; authorizing adoption
 126 of rules; creating s. 1003.575, F.S.; requiring the
 127 department to coordinate the development of an individual
 128 education plan form for use in developing and implementing
 129 individual education plans for exceptional students;
 130 requiring the form to be available to school districts to
 131 facilitate the use of an individual education plan when a
 132 student transfers; amending s. 1003.58, F.S.; correcting a
 133 cross reference; amending s. 1003.62, F.S.; conforming
 134 provisions relating to the designation of school grades
 135 and differentiated-pay policies; amending ss. 1005.22 and
 136 1007.33, F.S.; conforming provisions relating to the
 137 repeal of the Council for Education Policy Research and
 138 Improvement; amending s. 1008.22, F.S.; specifying grade
 139 level and subject area testing requirements; requiring the
 140 State Board of Education to conduct concordance studies to

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141 determine FCAT equivalencies for high school graduation;
 142 deleting a limitation on and specifying requirements for
 143 the use of alternative assessments to the grade 10 FCAT;
 144 requiring an annual report on student performance;
 145 amending s. 1008.25, F.S.; authorizing district school
 146 boards to require low-performing students to attend
 147 remediation programs outside of regular school hours;
 148 requiring the department to establish a uniform format for
 149 reporting information relating to student progression;
 150 requiring an annual report; repealing s. 1008.301, F.S.,
 151 relating to a concordance study of FCAT equivalencies for
 152 high school graduation; amending s. 1008.31, F.S.;
 153 deleting provisions relating to performance-based funding;
 154 revising goals and measures of the K-20 performance
 155 accountability system and requiring data quality
 156 improvement; providing for development of reporting and
 157 data collection requirements; requiring adoption of rules;
 158 amending s. 1008.33, F.S.; conforming provisions relating
 159 to the designation of school grades and a cross reference;
 160 authorizing district school boards to transfer teachers,
 161 faculty, and staff as needed; amending s. 1008.34, F.S.;
 162 revising terminology and provisions relating to
 163 designation and determination of school grades; specifying
 164 use of assessment data with respect to alternative
 165 schools; defining the term "home school"; requiring an
 166 annual school report card to be published by the
 167 department and distributed by school districts; creating
 168 s. 1008.341, F.S.; requiring improvement ratings for

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169 certain alternative schools; providing the basis for such
 170 ratings and requiring annual performance reports;
 171 providing for determination of school improvement ratings,
 172 identification of learning gains, and eligibility for
 173 school recognition awards; requiring an annual report card
 174 to be developed by the department and distributed by
 175 school districts; requiring adoption of rules; amending s.
 176 1008.345, F.S.; conforming provisions relating to the
 177 designation of school grades and a cross reference;
 178 amending s. 1008.36, F.S.; providing for assignment of
 179 school grades to certain feeder pattern schools that do
 180 not receive such a grade for purposes of participation in
 181 the Florida School Recognition Program; defining feeder
 182 school pattern; providing that a feeder pattern school
 183 shall be subject to the Opportunity Scholarship Program;
 184 modifying procedures for determination and use of school
 185 recognition awards; amending s. 1008.45, F.S.; conforming
 186 provisions relating to the repeal of the Council for
 187 Education Policy Research and Improvement; repealing s.
 188 1008.51, F.S., relating to the Council for Education
 189 Policy Research and Improvement; amending s. 1011.62,
 190 F.S.; providing FTE funding for juveniles enrolled in a
 191 specified education program; providing funding for
 192 supplemental educational services for certain students;
 193 conforming cross references and provisions relating to the
 194 designation of school grades; establishing a research-
 195 based reading instruction allocation to provide funds for
 196 a comprehensive reading instruction system; requiring

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197 school district plans for use of the allocation and
 198 approval thereof; including the allocation in the total
 199 amount allocated to each school district for current
 200 operation; amending s. 1011.64, F.S.; conforming
 201 terminology and cross references; amending s. 1011.685,
 202 F.S.; conforming provisions relating to the repeal of the
 203 BEST Florida Teaching salary career ladder program and
 204 implementation of a differentiated-pay policy; creating s.
 205 1011.6855, F.S.; creating an operating categorical fund to
 206 fund minimum pay requirements for certain instructional
 207 personnel contingent upon constitutional amendment;
 208 amending s. 1011.71, F.S.; correcting a cross reference;
 209 amending s. 1012.21, F.S.; requiring the department to
 210 annually post online school district collective bargaining
 211 contracts; amending s. 1012.22, F.S.; deleting a
 212 requirement that each district school board adopt a
 213 performance-pay policy; requiring each district school
 214 board to annually provide its negotiated collective
 215 bargaining contract to the department; creating s.
 216 1012.2305, F.S.; establishing minimum pay for certain
 217 instructional personnel contingent upon constitutional
 218 amendment; repealing s. 1012.231, F.S., relating to the
 219 BEST Florida Teaching salary career ladder program;
 220 creating s. 1012.2312, F.S.; requiring each district
 221 school board to adopt a differentiated-pay policy for
 222 instructional personnel; providing factors on which
 223 differentiated pay shall be based; authorizing funds to be
 224 withheld from school districts under certain

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225 | circumstances; creating s. 1012.2313, F.S.; requiring each
 226 | district school board to have a differentiated-pay policy
 227 | for school administrators; providing factors on which
 228 | differentiated pay shall be based; authorizing funds to be
 229 | withheld from school districts under certain
 230 | circumstances; creating s. 1012.2315, F.S.; providing
 231 | school district requirements for the assignment of
 232 | teachers and authorizing incentives; providing procedures
 233 | for noncompliance; providing requirements relating to
 234 | collective bargaining; amending s. 1012.27, F.S.;
 235 | conforming provisions relating to the repeal of the BEST
 236 | Florida Teaching salary career ladder program and
 237 | implementation of a differentiated-pay policy; amending s.
 238 | 1012.34, F.S.; conforming provisions relating to deletion
 239 | of a rigorous reading requirement; creating s. 1012.986,
 240 | F.S.; establishing the A+ Professional Development Program
 241 | for School Leaders; defining the term "school leader";
 242 | establishing school leadership designations; providing
 243 | program requirements and delivery systems; requiring
 244 | adoption of rules; repealing s. 1012.987, F.S., relating
 245 | to rules for a leadership designation; creating s.
 246 | 1013.381, F.S.; requiring each district school board to
 247 | adopt and implement an indoor environmental quality policy
 248 | which provides for periodic surveys; providing that the
 249 | policy may include certain requirements; providing for
 250 | indemnification under certain circumstances; requiring
 251 | display of indoor environmental quality training
 252 | completion; requiring adoption of rules; amending s.

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253 | 1013.512, F.S.; requiring the release of funds remaining
 254 | in reserve relating to school district land acquisition
 255 | and facilities operations; specifying when a Land
 256 | Acquisition and Facilities Advisory Board shall be
 257 | disbanded; establishing the Charter School Task Force and
 258 | specifying composition and duties; requiring the
 259 | department to provide staff support to the task force;
 260 | providing severability; providing effective dates.

261 |
 262 | WHEREAS, students will have the best opportunity to obtain
 263 | a high-quality education in the public education system of this
 264 | state, and that system can best be enhanced, when resources are
 265 | allocated efficiently and are concentrated to enhance a safe,
 266 | secure, and disciplined classroom learning environment, when
 267 | teachers and principals are supported, when high-quality
 268 | education is reinforced through shared high academic
 269 | expectations, and when successes are rewarded, failures are
 270 | identified, and the public is apprised of both successes and
 271 | failures, NOW, THEREFORE,

272 |
 273 | Be It Enacted by the Legislature of the State of Florida:

274 |
 275 | Section 1. Paragraph (f) is added to subsection (3) of
 276 | section 20.15, Florida Statutes, to read:

277 | 20.15 Department of Education.--There is created a
 278 | Department of Education.

279 | (3) DIVISIONS.--The following divisions of the Department
 280 | of Education are established:

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

282 Section 2. Paragraph (a) of subsection (5) of section
283 1000.01, Florida Statutes, is amended to read:

284 1000.01 The Florida K-20 education system; technical
285 provisions.--

286 (5) EDUCATION GOVERNANCE TRANSFERS.--

287 (a) Effective July 1, 2001:

288 1. The Board of Regents is abolished.

289 2. All of the powers, duties, functions, records,
290 personnel, and property; unexpended balances of appropriations,
291 allocations, and other funds; administrative authority;
292 administrative rules; pending issues; and existing contracts of
293 the Board of Regents are transferred by a type two transfer,
294 pursuant to s. 20.06(2), to the State Board of Education.

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

296 4. All of the powers, duties, functions, records,
297 personnel, and property; unexpended balances of appropriations,
298 allocations, and other funds; administrative authority;
299 administrative rules; pending issues; and existing contracts of
300 the State Board of Community Colleges are transferred by a type
301 two transfer, pursuant to s. 20.06(2), from the Department of
302 Education to the State Board of Education.

303 5. The Postsecondary Education Planning Commission is
304 abolished.

305 ~~6. The Council for Education Policy Research and~~
306 ~~Improvement is created as an independent office under the Office~~
307 ~~of Legislative Services.~~

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308 ~~7. All personnel, unexpended balances of appropriations,~~
 309 ~~and allocations of the Postsecondary Education Planning~~
 310 ~~Commission are transferred to the Council for Education Policy~~
 311 ~~Research and Improvement.~~

312 6.8. The Articulation Coordinating Committee and the
 313 Education Standards Commission are transferred by a type two
 314 transfer, pursuant to s. 20.06(2), from the Department of
 315 Education to the State Board of Education.

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

318 1001.03 Specific powers of State Board of Education.--

319 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State
 320 Board of Education shall approve the student performance
 321 standards known as the Sunshine State Standards in key academic
 322 subject areas and grade levels. The state board shall
 323 periodically review the standards to ensure adequate rigor,
 324 logical student progression, and articulation from grade to
 325 grade and evaluate the extent to which the standards are being
 326 taught at each grade level. The evaluation shall be provided to
 327 the Governor, the Speaker of the House of Representatives, and
 328 the President of the Senate and shall include a determination of
 329 each district school board's provision of a complete education
 330 program pursuant to s. 1001.41(3).

331 Section 4. Paragraph (a) of subsection (2) of section
 332 1001.11, Florida Statutes, is amended to read:

333 1001.11 Commissioner of Education; other duties.--

334 (2)(a) The Commissioner of Education shall recommend to
 335 the State Board of Education performance goals addressing the

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336 educational needs of the state for the K-20 education system.
 337 The Department of ~~Council for~~ Education Policy Research and
 338 ~~Improvement, as an independent entity,~~ shall develop a report
 339 card assigning grades to indicate Florida's progress toward
 340 meeting those goals. The annual report card shall contain
 341 information showing Florida's performance relative to other
 342 states on selected measures, as well as Florida's ability to
 343 meet the need for postsecondary degrees and programs and how
 344 well the Legislature has provided resources to meet this need.
 345 The information shall include the results of the National
 346 Assessment of Educational Progress or a similar national
 347 assessment program administered to students in Florida. By
 348 January 1 of each year, the department ~~Council for Education~~
 349 ~~Policy Research and Improvement~~ shall submit the report card to
 350 the Legislature, the Governor, and the public.

351 Section 5. Section 1001.215, Florida Statutes, is created
 352 to read:

353 1001.215 Just Read, Florida! Office.--There is created in
 354 the Department of Education the Just Read, Florida! Office. The
 355 office shall:

356 (1) Train professionally certified teachers to become
 357 certified reading coaches.

358 (2) Create multiple designations of effective reading
 359 instruction, with accompanying credentials, that encourage all
 360 teachers to integrate reading instruction into their content
 361 areas.

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

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364 (4) Provide technical assistance to school districts in
 365 the development and implementation of district plans for use of
 366 the research-based reading instruction allocation provided in s.
 367 1011.62(8) and annually review and approve such plans.

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

370 (6) Periodically review the Sunshine State Standards for
 371 reading at all grade levels.

372 (7) Periodically review teacher certification examinations
 373 to ensure that the examinations measure necessary skills in
 374 research-based reading instructional strategies.

375 (8) Work with teacher preparation programs approved
 376 pursuant to s. 1004.04 to ensure integration of research-based
 377 reading instructional strategies into teacher preparation
 378 programs.

379 (9) Administer grants and perform other functions
 380 necessary to assist with meeting the goal that all students read
 381 at grade level.

382 Section 6. Subsection (3) of section 1001.41, Florida
 383 Statutes, is amended to read:

384 1001.41 General powers of district school board.--The
 385 district school board, after considering recommendations
 386 submitted by the district school superintendent, shall exercise
 387 the following general powers:

388 (3) Prescribe and adopt standards and policies to provide
 389 each student the opportunity to receive a complete education
 390 program, including language arts, mathematics, science, social
 391 studies, health, physical education, foreign languages, and the

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392 arts as defined by the Sunshine State Standards pursuant to s.
 393 1001.03(1) ~~as are considered desirable by it for improving the~~
 394 ~~district school system.~~

395 Section 7. Subsection (16), paragraph (d) of subsection
 396 (17), and subsection (18) of section 1001.42, Florida Statutes,
 397 are amended to read:

398 1001.42 Powers and duties of district school board.--The
 399 district school board, acting as a board, shall exercise all
 400 powers and perform all duties listed below:

401 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 402 ACCOUNTABILITY.--Maintain a system of school improvement and
 403 education accountability as provided by statute and State Board
 404 of Education rule. This system of school improvement and
 405 education accountability shall be consistent with, and
 406 implemented through, the district's continuing system of
 407 planning and budgeting required by this section and ss.
 408 1008.385, 1010.01, and 1011.01. This system of school
 409 improvement and education accountability shall include, but is
 410 not limited to, the following:

411 (a) School improvement plans.--Annually approve and
 412 require implementation of a new, amended, or continuation school
 413 improvement plan for each school in the district, except that a
 414 district school board may establish a district school
 415 improvement plan that includes all schools in the district
 416 operating for the purpose of providing educational services to
 417 youth in Department of Juvenile Justice programs. Such plan
 418 shall be designed to achieve the state education priorities
 419 pursuant to s. 1000.03(5) and student performance standards. ~~In~~

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420 ~~addition, any school required to implement a rigorous reading~~
 421 ~~requirement pursuant to s. 1003.415 must include such component~~
 422 ~~in its school improvement plan.~~ Each plan shall also address
 423 issues relative to budget, training, instructional materials,
 424 technology, staffing, student support services, specific school
 425 safety and discipline strategies, student health and fitness,
 426 including physical fitness, parental information on student
 427 health and fitness, and indoor environmental air quality, and
 428 other matters of resource allocation, as determined by district
 429 school board policy, and shall be based on an analysis of
 430 student achievement and other school performance data.

431 (b) School improvement plan requirements.--Each district
 432 school board's system of school improvement and student
 433 progression must be designed to provide frequent and accurate
 434 information to the teacher and student regarding each student's
 435 progress toward mastering the Sunshine State Standards. The
 436 system must demonstrate the alignment of the Sunshine State
 437 Standards, instructional strategies, assessment, and
 438 professional development. Each school improvement plan must
 439 identify the strategies for monitoring the progress of each
 440 student. The process used by each school to monitor student
 441 progression must, at a minimum, contain the following components
 442 that are aimed at increasing student achievement:

443 1. Disaggregated student achievement data related to
 444 student performance which is used to identify each individual
 445 student's strengths and weaknesses and to determine the
 446 effectiveness of the teaching and learning strategies that are
 447 being used in the classroom.

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448 2. The Sunshine State Standards instructional calendar and
 449 timeline, using disaggregated student performance data to focus
 450 instruction on the Sunshine State Standards, manage
 451 instructional time, and allocate resources.

452 3. Prioritized instructional focus to facilitate explicit
 453 and systematic instruction using research-based effective
 454 practices in the classroom.

455 4. Mini-assessments of targeted Sunshine State Standards
 456 benchmarks to monitor student progress and generate data to
 457 redesign instruction, if needed.

458 5. Alternative in-school, tutorial, remediation, or
 459 enrichment strategies for students which are based on each
 460 student's individual academic needs as defined by the mini-
 461 assessments.

462 6. Systematic monitoring of each teacher's implementation
 463 of the comprehensive program for student progression as
 464 described in subparagraphs 1.-5.

465 (c)(b) Approval process.--Develop a process for approval
 466 of a school improvement plan presented by an individual school
 467 and its advisory council. In the event a district school board
 468 does not approve a school improvement plan after exhausting this
 469 process, the Department of Education shall be notified of the
 470 need for assistance.

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

472 1. Develop a 2-year plan of increasing individualized
 473 assistance and intervention for each school in danger of not
 474 meeting state standards or making adequate progress, as defined
 475 pursuant to statute and State Board of Education rule, toward

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476 meeting the goals and standards of its approved school
 477 improvement plan.

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

481 3. Develop a plan to encourage teachers with demonstrated
 482 mastery in improving student performance to remain at or
 483 transfer to a school designated with a ~~as performance grade of~~
 484 ~~category~~ "D" or "F" or to an alternative school that serves
 485 disruptive or violent youths. If a classroom teacher, as defined
 486 by s. 1012.01(2)(a), who meets the definition of teaching
 487 mastery developed according to the provisions of this paragraph,
 488 requests assignment to a school designated with a ~~as performance~~
 489 ~~grade of category~~ "D" or "F" or to an alternative school that
 490 serves disruptive or violent youths, the district school board
 491 shall make every practical effort to grant the request.

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

497 (e)~~(d)~~ After 2 years.--Notify the Commissioner of
 498 Education and the State Board of Education in the event any
 499 school does not make adequate progress toward meeting the goals
 500 and standards of a school improvement plan by the end of 2 years
 501 of failing to make adequate progress and proceed according to
 502 guidelines developed pursuant to statute and State Board of
 503 Education rule. School districts shall provide intervention and

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504 assistance to schools in danger of being designated with a ~~as~~
 505 ~~performance~~ grade of ~~category~~ "F," failing to make adequate
 506 progress.

507 ~~(f)(e)~~ Public disclosure.--Provide information regarding
 508 performance of students and educational programs as required
 509 pursuant to ss. 1008.22 and 1008.385 and implement a system of
 510 school reports as required by statute and State Board of
 511 Education rule that shall include schools operating for the
 512 purpose of providing educational services to youth in Department
 513 of Juvenile Justice programs, and for those schools, report on
 514 the elements specified in s. 1003.52(19). Annual public
 515 disclosure reports shall be in an easy-to-read report card
 516 format and shall include the school's student and school
 517 ~~performance grade category designation~~ and performance data as
 518 specified in state board rule.

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

523 (17) LOCAL-LEVEL DECISIONMAKING.--

524 (d) Adopt policies that assist in giving greater autonomy,
 525 including authority over the allocation of the school's budget,
 526 to schools designated with a ~~as performance~~ grade of ~~category~~
 527 "A," making excellent progress, and schools rated as having
 528 improved at least two grades ~~performance grade categories~~.

529 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing
 530 students attending schools that have been designated with a ~~as~~
 531 ~~performance~~ grade of ~~category~~ "F," failing to make adequate

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532 progress, for 2 school years in a 4-year period to attend a
 533 higher performing school in the district or an adjoining
 534 district or be granted a state opportunity scholarship to a
 535 private school, in conformance with s. 1002.38 and State Board
 536 of Education rule.

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

540 1002.20 K-12 student and parent rights.--Parents of public
 541 school students must receive accurate and timely information
 542 regarding their child's academic progress and must be informed
 543 of ways they can help their child to succeed in school. K-12
 544 students and their parents are afforded numerous statutory
 545 rights including, but not limited to, the following:

546 (3) HEALTH ISSUES.--

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

552 (6) EDUCATIONAL CHOICE.--

553 (a) Public school choices.--Parents of public school
 554 students may seek whatever public school choice options that are
 555 applicable to their students and are available to students in
 556 their school districts. These options may include controlled
 557 open enrollment, lab schools, charter schools, charter technical
 558 career centers, magnet schools, alternative schools, special
 559 programs, advanced placement, dual enrollment, International

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560 Baccalaureate, early admissions, credit by examination or
 561 demonstration of competency, the New World School of the Arts,
 562 the Florida School for the Deaf and the Blind, and the Florida
 563 Virtual School. These options may also include the public school
 564 choice options of the Opportunity Scholarship Program, ~~and~~ the
 565 McKay Scholarships for Students with Disabilities Program, and
 566 the Reading Compact Scholarship Program.

567 (b) Private school choices.--Parents of public school
 568 students may seek private school choice options under certain
 569 programs.

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

574 2. Under the McKay Scholarships for Students with
 575 Disabilities Program, the parent of a public school student with
 576 a disability who is dissatisfied with the student's progress may
 577 request and receive a McKay Scholarship for the student to
 578 attend a private school in accordance with the provisions of s.
 579 1002.39.

580 3. Under the corporate income tax credit scholarship
 581 program, the parent of a student who qualifies for free or
 582 reduced-price school lunch may seek a scholarship from an
 583 eligible nonprofit scholarship-funding organization in
 584 accordance with the provisions of s. 220.187.

585 4. Under the Reading Compact Scholarship Program, the
 586 parent of a student with reading deficiencies may request and
 587 receive a Reading Compact Scholarship for the student to attend

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588 a private school in accordance with the provisions of s.
 589 1002.385.

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

593 1002.38 Opportunity Scholarship Program.--

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

599 (a)1. By assigned school attendance area or by special
 600 assignment, the student has spent the prior school year in
 601 attendance at a public school that has been designated pursuant
 602 to s. 1008.34 with a ~~as performance grade of category~~ "F,"
 603 failing to make adequate progress, and that has had 2 school
 604 years in a 4-year period of such low performance, and the
 605 student's attendance occurred during a school year in which such
 606 designation was in effect;

607 2. The student has been in attendance elsewhere in the
 608 public school system and has been assigned to such school for
 609 the next school year; or

610 3. The student is entering kindergarten or first grade and
 611 has been notified that the student has been assigned to such
 612 school for the next school year.

613 (b) The parent has obtained acceptance for admission of
 614 the student to a private school eligible for the program
 615 pursuant to subsection (4), and has notified the Department of

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616 Education and the school district of the request for an
 617 opportunity scholarship no later than August ~~July~~ 1 of the first
 618 year in which the student intends to use the scholarship.

619
 620 The provisions of this section shall not apply to a student who
 621 is enrolled in a school operating for the purpose of providing
 622 educational services to youth in Department of Juvenile Justice
 623 commitment programs. For purposes of continuity of educational
 624 choice, the opportunity scholarship shall remain in force until
 625 the student returns to a public school or, if the student
 626 chooses to attend a private school the highest grade of which is
 627 grade 8, until the student matriculates to high school and the
 628 public high school to which the student is assigned is an
 629 accredited school with a ~~performance grade category designation~~
 630 of "C" or better. However, at any time upon reasonable notice to
 631 the Department of Education and the school district, the
 632 student's parent may remove the student from the private school
 633 and place the student in a public school, as provided in
 634 subparagraph (3)(a)2.

635 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

640 1. Timely notify the parent of the student as soon as such
 641 designation is made of all options available pursuant to this
 642 section.

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643 2. Offer that student's parent an opportunity to enroll
 644 the student in the public school within the district that has
 645 been designated by the state pursuant to s. 1008.34 as a school
 646 performing higher than that in which the student is currently
 647 enrolled or to which the student has been assigned, but not less
 648 than ~~performance~~ grade ~~category~~ "C." The parent is not required
 649 to accept this offer in lieu of requesting a state opportunity
 650 scholarship to a private school. The opportunity to continue
 651 attending the higher performing public school shall remain in
 652 force until the student graduates from high school.

653 (b) The parent of a student enrolled in or assigned to a
 654 school that has been designated with a ~~performance~~ grade of
 655 ~~category~~ "F" for 2 school years in a 4-year period may choose as
 656 an alternative to enroll the student in and transport the
 657 student to a higher-performing public school that has available
 658 space in an adjacent school district, and that school district
 659 shall accept the student and report the student for purposes of
 660 the district's funding pursuant to the Florida Education Finance
 661 Program.

662 Section 10. Section 1002.385, Florida Statutes, is created
 663 to read:

664 1002.385 Reading Compact Scholarship Program.--

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

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671 2 of the previous 3 years the option to attend a public or
 672 private school of choice.

673 (2) READING COMPACT SCHOLARSHIP ELIGIBILITY.--The parent
 674 of a public school student may request and receive from the
 675 state a Reading Compact Scholarship for the student to enroll in
 676 and attend a private school in accordance with the provisions of
 677 this section if:

678 (a) The student scored at Level 1 on FCAT Reading for 2 of
 679 the previous 3 years. However, a student who scored at Level 1
 680 on grade 10 FCAT Reading is not eligible for a Reading Compact
 681 Scholarship.

682 (b) The parent has obtained acceptance for admission of
 683 the student to a private school eligible to participate in the
 684 scholarship program pursuant to subsection (8) and has requested
 685 from the Department of Education a Reading Compact Scholarship
 686 no later than 60 days prior to the date of the first scholarship
 687 payment. The parental request must be through a communication
 688 directly to the department in a manner that creates a written or
 689 electronic record of the request and the date of receipt of the
 690 request.

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

693 (a) Enrolled in a school operating for the purpose of
 694 providing educational services to youth in Department of
 695 Juvenile Justice commitment programs.

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

698 (c) Already receiving an educational scholarship pursuant

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699 to this chapter.

700 (d) Participating in a home education program as defined
 701 in s. 1002.01(1).

702 (e) Participating in a private tutoring program pursuant
 703 to s. 1002.43.

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

707 (g) Enrolled in the Florida School for the Deaf and the
 708 Blind.

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

710 (a) For purposes of continuity of educational choice, a
 711 Reading Compact Scholarship shall remain in force until the
 712 student returns to a public school or graduates from high
 713 school.

714 (b) Upon reasonable notice to the department and the
 715 school district, the student's parent may remove the student
 716 from the private school and place the student in a public
 717 school, as provided in paragraph (5)(a).

718 (c) Upon reasonable notice to the department, the
 719 student's parent may move the student from one participating
 720 private school to another participating private school.

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

722 (a)1. A school district shall timely notify the parent of
 723 each eligible student of all options available pursuant to this
 724 section and offer that student's parent an opportunity to enroll
 725 the student in another public school within the school district.

726 2. The parent is not required to accept the offer of

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727 enrolling the student in another public school in lieu of
 728 requesting a Reading Compact Scholarship to a private school.
 729 However, if the parent chooses the public school option, the
 730 student may continue attending a public school chosen by the
 731 parent until the student graduates from high school.

732 3. If the parent chooses a public school consistent with
 733 the district school board's choice plan under s. 1002.31, the
 734 school district shall provide transportation to the public
 735 school selected by the parent. The parent is responsible for
 736 providing transportation to a public school chosen that is not
 737 consistent with the district school board's choice plan under s.
 738 1002.31.

739 (b) If the parent chooses the private school option and
 740 the student is accepted by the private school pending the
 741 availability of a space for the student, the parent of the
 742 student must notify the department no later than 60 days prior
 743 to the first scholarship payment and before entering the private
 744 school in order to be eligible for the scholarship when a space
 745 becomes available for the student in the private school.

746 (c) The parent of a student may choose, as an alternative,
 747 to enroll the student in and transport the student to a public
 748 school in an adjacent school district that has available space,
 749 and that school district shall accept the student and report the
 750 student for purposes of the school district's funding under the
 751 Florida Education Finance Program.

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

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755 1008.22, the school district shall provide locations and times
 756 to take all statewide assessments.

757 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department
 758 shall:

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

762 (b) Establish a process by which individuals may notify
 763 the department of any violation by a parent, private school, or
 764 school district of state laws relating to program participation.
 765 The department shall conduct an investigation of any written
 766 complaint of a violation of this section, or make a referral to
 767 the appropriate agency for an investigation, if the complaint is
 768 signed by the complainant and is legally sufficient. A complaint
 769 is legally sufficient if it contains ultimate facts that show
 770 that a violation of this section or any rule adopted by the
 771 State Board of Education has occurred. In order to determine
 772 legal sufficiency, the department may require supporting
 773 information or documentation from the complainant.

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

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

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

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783 (f) Select an independent private research organization to
 784 which participating private schools must report the scores of
 785 participating students on the nationally norm-referenced tests
 786 administered by the private school. The independent private
 787 research organization must annually report to the department on
 788 the year-to-year improvements of participating students. The
 789 independent private research organization must analyze and
 790 report student performance data in a manner that protects the
 791 rights of students and parents as mandated in 20 U.S.C. s.
 792 1232g, the Family Educational Rights and Privacy Act, and must
 793 not disaggregate data to a level that will disclose the academic
 794 level of individuals or of individual schools. To the extent
 795 possible, the independent private research organization must
 796 accumulate historical performance data on students from the
 797 department and private schools to describe baseline performance
 798 and to conduct longitudinal studies. To minimize costs and
 799 reduce time required for third-party analysis and evaluation,
 800 the department shall conduct analyses of matched students from
 801 public school assessment data and calculate control group
 802 learning gains using an agreed-upon methodology outlined in the
 803 contract with the third-party evaluator. The sharing of student
 804 data must be in accordance with the requirements of 20 U.S.C. s.
 805 1232g, the Family Educational Rights and Privacy Act, and shall
 806 be for the sole purpose of conducting the evaluation. All
 807 parties must preserve the confidentiality of such information as
 808 otherwise required by state and federal law.

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

810 (a) The Commissioner of Education shall deny, suspend, or

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811 revoke a private school's participation in the scholarship
 812 program if it is determined that the private school has failed
 813 to comply with the provisions of this section. However, in
 814 instances in which the noncompliance is correctable within a
 815 reasonable amount of time and in which the health, safety, and
 816 welfare of the students are not threatened, the commissioner may
 817 issue a notice of noncompliance which shall provide the private
 818 school with a timeframe within which to provide evidence of
 819 compliance prior to taking action to suspend or revoke the
 820 private school's participation in the scholarship program.

821 (b) The commissioner's determination is subject to the
 822 following:

823 1. If the commissioner intends to deny, suspend, or revoke
 824 a private school's participation in the scholarship program, the
 825 department shall notify the private school of such proposed
 826 action in writing by certified mail and regular mail to the
 827 private school's address of record with the department. The
 828 notification shall include the reasons for the proposed action
 829 and notice of the timelines and procedures set forth in this
 830 paragraph.

831 2. The private school that is adversely affected by the
 832 proposed action shall have 15 days from the receipt of the
 833 notice of proposed action to file with the department's agency
 834 clerk a request for a proceeding pursuant to ss. 120.569 and
 835 120.57. If the private school is entitled to a hearing under s.
 836 120.57(1), the department shall forward the request to the
 837 Division of Administrative Hearings.

838 3. Upon receipt of a request referred pursuant to this

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839 paragraph, the director of the Division of Administrative
 840 Hearings shall expedite the hearing and assign an administrative
 841 law judge who shall commence a hearing within 30 days after the
 842 receipt of the formal written request by the division and enter
 843 a recommended order within 30 days after the hearing or within
 844 30 days after receipt of the hearing transcript, whichever is
 845 later. Each party shall be allowed 10 days in which to submit
 846 written exceptions to the recommended order. A final order shall
 847 be entered by the agency within 30 days after the entry of a
 848 recommended order. The provisions of this subparagraph may be
 849 waived upon stipulation by all parties.

850 (c) The commissioner may immediately suspend payment if it
 851 is determined that there is probable cause to believe that there
 852 is:

- 853 1. An imminent threat to the health, safety, and welfare
 854 of the students; or
 855 2. Fraudulent activity on the part of the private school.
 856

857 The commissioner's order suspending payment pursuant to this
 858 paragraph may be appealed pursuant to the same procedures and
 859 timelines as the notice of proposed action set forth in
 860 paragraph (b).

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

865 (a) Comply with all applicable requirements for private
 866 schools participating in state school choice programs pursuant

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867 to s. 1002.421.

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

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

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

876 2. Annually administering or making provision for students
 877 participating in the scholarship program to take one of the
 878 nationally norm-referenced tests identified by the department.
 879 Students with disabilities for whom standardized testing is not
 880 appropriate are exempt from this requirement. A participating
 881 private school must report a student's scores to the parent and
 882 to the independent private research organization selected by the
 883 department pursuant to paragraph (6)(f).

884 3. Cooperating with the scholarship student whose parent
 885 chooses to participate in the statewide assessments pursuant to
 886 s. 1008.22.

887
 888 The inability of a private school to meet the requirements of
 889 this subsection shall constitute a basis for the ineligibility
 890 of the private school to participate in the scholarship program
 891 as determined by the department.

892 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 893 PARTICIPATION.--A parent who applies for a Reading Compact
 894 Scholarship is exercising his or her parental option to place

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895 his or her child in a private school.

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

898 (b) The parent must have requested the scholarship at
 899 least 60 days prior to the date of the first scholarship
 900 payment.

901 (c) Any student participating in the Reading Compact
 902 Scholarship Program must remain in attendance throughout the
 903 school year, unless excused by the school for illness or other
 904 good cause.

905 (d) Each parent and each student has an obligation to the
 906 private school to comply with the private school's published
 907 policies.

908 (e) The parent shall ensure that the student participating
 909 in the scholarship program takes the norm-referenced assessment
 910 offered by the private school. The parent may also choose to
 911 have the student participate in the statewide assessments
 912 pursuant to s. 1008.22. If the parent requests that the student
 913 participating in the scholarship program take statewide
 914 assessments pursuant to s. 1008.22, the parent is responsible
 915 for transporting the student to the assessment site designated
 916 by the school district.

917 (f) Upon receipt of a scholarship warrant, the parent to
 918 whom the warrant is made must restrictively endorse the warrant
 919 to the private school for deposit into the account of the
 920 private school. The parent may not designate any entity or
 921 individual associated with the participating private school as
 922 the parent's attorney in fact to sign a scholarship warrant. A

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923 participant who fails to comply with this paragraph forfeits the
 924 scholarship.

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

926 (a) The maximum Reading Compact Scholarship granted for an
 927 eligible student shall be a calculated amount equivalent to the
 928 base student allocation in the Florida Education Finance Program
 929 multiplied by the appropriate cost factor for the educational
 930 program that would have been provided for the student in the
 931 district school to which he or she was assigned, multiplied by
 932 the district cost differential. In addition, the calculated
 933 amount shall include the per-student share of instructional
 934 materials funds, technology funds, and other categorical funds
 935 as provided for this purpose in the General Appropriations Act.
 936 For a student who attended the Florida School for the Deaf and
 937 the Blind, the Reading Compact Scholarship shall be calculated
 938 based on the school district in which the student's parent
 939 resides at the time of the scholarship request.

940 (b) The amount of the Reading Compact Scholarship shall be
 941 the calculated amount or the amount of the private school's
 942 tuition and fees, whichever is less. Fees eligible shall include
 943 textbook fees, lab fees, and other fees related to instruction,
 944 including transportation.

945 (c) The school district shall report all students who are
 946 attending a private school under this scholarship program. The
 947 students attending private schools on Reading Compact
 948 Scholarships shall be reported separately from those students
 949 reported for purposes of the Florida Education Finance Program.

950 (d) A public or private school that provides services to

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951 students with disabilities shall receive the weighted funding
 952 for such services at the appropriate funding level consistent
 953 with the provisions of s. 1011.62(1)(e).

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

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

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

963 (f) Following notification on July 1, September 1,
 964 December 1, or February 1 of the number of scholarship program
 965 participants, the department shall transfer, from General
 966 Revenue funds only, the calculated amount from the Florida
 967 Education Finance Program and authorized categorical accounts to
 968 a separate account for the Reading Compact Scholarship Program
 969 for quarterly disbursement to the parents of participating
 970 students. When a student enters the scholarship program, the
 971 department must receive all documentation required for the
 972 student's participation, including the private school's and
 973 student's fee schedules, at least 30 days before the first
 974 quarterly scholarship payment is made for the student.

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

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979 force. The initial payment shall be made after department
 980 verification of admission acceptance, and subsequent payments
 981 shall be made upon verification of continued enrollment and
 982 attendance at the private school. Payment must be by individual
 983 warrant made payable to the student's parent and mailed by the
 984 department to the private school of the parent's choice, and the
 985 parent shall restrictively endorse the warrant to the private
 986 school.

987 (h) Subsequent to each scholarship payment, the Department
 988 of Financial Services shall randomly review endorsed warrants to
 989 confirm compliance with endorsement requirements. The Department
 990 of Financial Services shall immediately report inconsistencies
 991 or irregularities to the department.

992 (11) LIABILITY.--No liability shall arise on the part of
 993 the state based on the award or use of a Reading Compact
 994 Scholarship.

995 (12) SCOPE OF AUTHORITY.--The inclusion of eligible
 996 private schools within options available to Florida public
 997 school students does not expand the regulatory authority of the
 998 state, its officers, or any school district to impose any
 999 additional regulation of private schools beyond those reasonably
 1000 necessary to enforce requirements expressly set forth in this
 1001 section.

1002 (13) RULES.--The State Board of Education shall adopt
 1003 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 1004 section. Rules shall include penalties for noncompliance with
 1005 subsections (8) and (9).

1006 Section 11. Section 1002.421, Florida Statutes, is created

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1007 to read:

1008 1002.421 Rights and obligations of private schools

1009 participating in state school choice scholarship

1010 programs.--Requirements of this section are in addition to

1011 private school requirements outlined in s. 1002.42, specific

1012 requirements identified within respective scholarship program

1013 laws, and other provisions of Florida law that apply to private

1014 schools.

1015 (1) A Florida private school participating in the

1016 corporate income tax credit scholarship program established

1017 pursuant to s. 220.187 or an educational scholarship program

1018 established pursuant to this chapter must comply with all

1019 requirements of this section.

1020 (2) A private school participating in a scholarship

1021 program must be a Florida private school as defined in s.

1022 1002.01(2) and must:

1023 (a) Be a registered Florida private school in accordance

1024 with s. 1002.42.

1025 (b) Comply with antidiscrimination provisions of 42 U.S.C.

1026 s. 2000d.

1027 (c) Notify the department of its intent to participate in

1028 a scholarship program.

1029 (d) Notify the department of any change in the school's

1030 name, school director, mailing address, or physical location

1031 within 15 days after the change.

1032 (e) Complete student enrollment and attendance

1033 verification requirements, including use of an online attendance

1034 verification form, prior to scholarship payment.

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1035 (f) Annually complete and submit to the department a
 1036 notarized scholarship compliance statement certifying compliance
 1037 with state laws relating to private school participation in the
 1038 scholarship program.

1039 (g) Demonstrate fiscal soundness and accountability by:
 1040 1. Being in operation for at least 3 school years or
 1041 obtaining a surety bond or letter of credit for the amount equal
 1042 to the scholarship funds for any quarter and filing the surety
 1043 bond or letter of credit with the department.

1044 2. Requiring the parent of each scholarship student to
 1045 personally restrictively endorse the scholarship warrant to the
 1046 school. The school may not act as attorney in fact for the
 1047 parent of a scholarship student under the authority of a power
 1048 of attorney executed by such parent, or under any other
 1049 authority, to endorse scholarship warrants on behalf of such
 1050 parent.

1051 (h) Meet applicable state and local health, safety, and
 1052 welfare laws, codes, and rules, including:

- 1053 1. Fire safety.
- 1054 2. Building safety.

1055 (i) Employ or contract with teachers who hold
 1056 baccalaureate or higher degrees, have at least 3 years of
 1057 teaching experience in public or private schools, or have
 1058 special skills, knowledge, or expertise that qualifies them to
 1059 provide instruction in subjects taught.

1060 (j) Require each individual with direct student contact
 1061 with a scholarship student to be of good moral character, to be
 1062 subject to the level 1 background screening as provided under

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1063 chapter 435, to be denied employment or terminated if required
 1064 under s. 435.06, and not to be ineligible to teach in a public
 1065 school because his or her educator certificate is suspended or
 1066 revoked. For purposes of this paragraph:

1067 1. An "individual with direct student contact" means any
 1068 individual who has unsupervised access to a scholarship student
 1069 for whom the private school is responsible.

1070 2. The costs of fingerprinting and the background check
 1071 shall not be borne by the state.

1072 3. Continued employment of an individual after
 1073 notification that the individual has failed the level 1
 1074 background screening shall cause a private school to be
 1075 ineligible for participation in a scholarship program.

1076 4. An individual holding a valid Florida teaching
 1077 certificate who has been fingerprinted pursuant to s. 1012.32
 1078 shall not be required to comply with the provisions of this
 1079 paragraph.

1080 (3) The inability of a private school to meet the
 1081 requirements of this section shall constitute a basis for the
 1082 ineligibility of the private school to participate in a
 1083 scholarship program as determined by the department.

1084 (4)(a) The State Board of Education shall adopt rules
 1085 pursuant to ss. 120.536(1) and 120.54 to administer this
 1086 section.

1087 (b) The inclusion of eligible private schools within
 1088 options available to Florida public school students does not
 1089 expand the regulatory authority of the state, its officers, or
 1090 any school district to impose any additional regulation of

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1091 private schools beyond those reasonably necessary to enforce
 1092 requirements expressly set forth in this section.

1093 Section 12. Paragraph (b) of subsection (3) of section
 1094 1003.01, Florida Statutes, is amended to read:

1095 1003.01 Definitions.--As used in this chapter, the term:
 1096 (3)

1097 (b) "Special education services" means specially designed
 1098 instruction and such related services as are necessary for an
 1099 exceptional student to benefit from education. Such services may
 1100 include: transportation; diagnostic and evaluation services;
 1101 social services; physical and occupational therapy; speech and
 1102 language pathology services; job placement; orientation and
 1103 mobility training; braillists, typists, and readers for the
 1104 blind; interpreters and auditory amplification; rehabilitation
 1105 counseling; transition services; mental health services;
 1106 guidance and career counseling; specified materials, assistive
 1107 technology devices, and other specialized equipment; and other
 1108 such services as approved by rules of the state board.

1109 Section 13. Paragraph (b) of subsection (2) of section
 1110 1003.03, Florida Statutes, is amended to read:

1111 1003.03 Maximum class size.--

1112 (2) IMPLEMENTATION.--

1113 (b) Determination of the number of students per classroom
 1114 in paragraph (a) shall be calculated as follows:

1115 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,
 1116 the calculation for compliance for each of the 3 grade groupings
 1117 shall be the average at the district level.

1118 2. For fiscal year ~~years 2006-2007 through~~ 2007-2008, the

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1119 calculation for compliance for each of the 3 grade groupings
 1120 shall be the average at the school level.

1121 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
 1122 the calculation for compliance shall be at the individual
 1123 classroom level.

1124 Section 14. Section 1003.035, Florida Statutes, is created
 1125 to read:

1126 1003.035 District average class size requirements.--

1127 (1) CONSTITUTIONAL CLASS SIZE REQUIREMENTS.--Pursuant to
 1128 s. 1, Art. IX of the State Constitution, beginning in the 2007-
 1129 2008 school year:

1130 (a) The district average number of students assigned to
 1131 each teacher who is teaching core-curricula courses in public
 1132 school classrooms for prekindergarten through grade 3 may not
 1133 exceed 18 students.

1134 (b) The district average number of students assigned to
 1135 each teacher who is teaching core-curricula courses in public
 1136 school classrooms for grades 4 through 8 may not exceed 22
 1137 students.

1138 (c) The district average number of students assigned to
 1139 each teacher who is teaching core-curricula courses in public
 1140 school classrooms for grades 9 through 12 may not exceed 25
 1141 students.

1142
 1143 However, in no event shall any such classroom exceed five
 1144 students over the district average allowable maximum.

1145 (2) IMPLEMENTATION.--

1146 (a) Beginning with the 2006-2007 fiscal year, each school

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1147 district that is not in compliance with the requirements in
 1148 subsection (1) shall reduce the district average class size in
 1149 each of the following grade groupings: prekindergarten through
 1150 grade 3, grade 4 through grade 8, and grade 9 through grade 12,
 1151 by at least two students each year until the district average
 1152 class size does not exceed the requirements in subsection (1).

1153 (b) The Department of Education shall annually calculate
 1154 each school district's average class size for each of the grade
 1155 groupings specified in paragraph (a) based upon the October
 1156 student membership survey.

1157 (3) IMPLEMENTATION OPTIONS.--District school boards must
 1158 consider, but are not limited to, implementing the following
 1159 items in order to meet the constitutional district average class
 1160 size requirements described in subsection (1) and the two-
 1161 student-per-year reduction required in subsection (2):

1162 (a) Adopt policies to encourage qualified students to take
 1163 dual enrollment courses.

1164 (b) Adopt policies to encourage students to take courses
 1165 from the Florida Virtual School.

1166 (c)1. Repeal district school board policies that require
 1167 students to have more than 24 credits to graduate from high
 1168 school.

1169 2. Adopt policies to allow students to graduate from high
 1170 school as soon as they pass the grade 10 FCAT and complete the
 1171 courses required for high school graduation.

1172 (d) Use methods to maximize use of instructional staff,
 1173 such as changing required teaching loads and scheduling of
 1174 planning periods, deploying district employees that have

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1175 professional certification to the classroom, using adjunct
 1176 educators, or any other method not prohibited by law.

1177 (e) Use innovative methods to reduce the cost of school
 1178 construction by using prototype school designs, using SMART
 1179 Schools designs, participating in the School Infrastructure
 1180 Thrift Program, or any other method not prohibited by law.

1181 (f) Use joint-use facilities through partnerships with
 1182 community colleges, state universities, and private colleges and
 1183 universities. Joint-use facilities available for use as K-12
 1184 classrooms that do not meet the K-12 State Regulations for
 1185 Educational Facilities in the Florida Building Code may be used
 1186 at the discretion of the district school board provided that
 1187 such facilities meet all other health, life, safety, and fire
 1188 codes.

1189 (g) Adopt alternative methods of class scheduling, such as
 1190 block scheduling.

1191 (h) Redraw school attendance zones to maximize use of
 1192 facilities while minimizing the additional use of
 1193 transportation.

1194 (i) Operate schools beyond the normal operating hours to
 1195 provide classes in the evening or operate more than one session
 1196 of school during the day.

1197 (j) Use year-round schools and other nontraditional
 1198 calendars that do not adversely impact annual assessment of
 1199 student achievement.

1200 (k) Review and consider amending any collective bargaining
 1201 contracts that hinder the implementation of class size
 1202 reduction.

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1203 (1) Use any other approach not prohibited by law.
 1204 (4) ACCOUNTABILITY.--
 1205 (a) If the department determines for any year that a
 1206 school district has not reduced average class size as required
 1207 in subsection (2) at the time of the third FEFP calculation, the
 1208 department shall calculate an amount from the class size
 1209 reduction operating categorical which is proportionate to the
 1210 amount of class size reduction not accomplished. Upon
 1211 verification of the department's calculation by the Florida
 1212 Education Finance Program Appropriation Allocation Conference,
 1213 the Executive Office of the Governor shall transfer
 1214 undistributed funds equivalent to the calculated amount from the
 1215 district's class size reduction operating categorical to an
 1216 approved fixed capital outlay appropriation for class size
 1217 reduction in the affected district pursuant to s. 216.292(13).
 1218 The amount of funds transferred shall be the lesser of the
 1219 amount verified by the Florida Education Finance Program
 1220 Appropriation Allocation Conference or the undistributed balance
 1221 of the district's class size reduction operating categorical.
 1222 However, based upon a recommendation by the Commissioner of
 1223 Education that the State Board of Education has reviewed
 1224 evidence indicating that a district has been unable to meet
 1225 class size reduction requirements despite appropriate effort to
 1226 do so, the Legislative Budget Commission may approve an
 1227 alternative amount of funds to be transferred from the
 1228 district's class size reduction operating categorical to its
 1229 approved fixed capital outlay account for class size reduction.
 1230 (b) Beginning in the 2007-2008 school year, the department

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1231 shall determine by January 15 of each year which districts do
 1232 not meet the requirements of subsection (1) based upon the
 1233 district's October student membership survey for the current
 1234 school year. The department shall report such districts to the
 1235 Legislature. Each district that has not met the requirements of
 1236 subsection (1) shall be required to implement one of the
 1237 following policies in the subsequent school year unless the
 1238 department finds that the district comes into compliance based
 1239 upon the February student membership survey:

- 1240 1. Year-round schools;
- 1241 2. Double sessions;
- 1242 3. Rezoning; or
- 1243 4. Maximizing use of instructional staff by changing
 1244 required teacher loads and scheduling of planning periods,
 1245 deploying school district employees who have professional
 1246 certification to the classroom, using adjunct educators,
 1247 operating schools beyond the normal operating hours to provide
 1248 classes in the evening, or operating more than one session
 1249 during the day.

1250
 1251 A school district that is required to implement one of the
 1252 policies outlined in subparagraphs 1. through 4. shall correct
 1253 in the year of implementation any past deficiencies and bring
 1254 the district into compliance with the requirements of subsection
 1255 (1). A school district may choose to implement more than one of
 1256 these policies. The district school superintendent shall report
 1257 to the Commissioner of Education the extent to which the
 1258 district implemented any of the policies outlined in

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1259 subparagraphs 1. through 4. in a format to be specified by the
 1260 Commissioner of Education. The Department of Education shall use
 1261 the enforcement authority provided in s. 1008.32 to ensure that
 1262 districts comply with the provisions of this paragraph.

1263 (c) Beginning in the 2008-2009 school year, the department
 1264 shall annually determine which districts do not meet the
 1265 requirements described in subsection (1) based upon the October
 1266 student membership survey. In addition to enforcement authority
 1267 provided in s. 1008.32, the Department of Education shall
 1268 develop a constitutional compliance plan for each such district
 1269 which includes, but is not limited to, redrawing school
 1270 attendance zones to maximize use of facilities while minimizing
 1271 the additional use of transportation and the other
 1272 accountability policies listed in paragraph (b). Each district
 1273 school board shall implement the constitutional compliance plan
 1274 developed by the state board in the subsequent school year until
 1275 the district complies with the constitutional district average
 1276 class size requirements.

1277 Section 15. Subsection (3) of section 1003.05, Florida
 1278 Statutes, is amended to read:

1279 1003.05 Assistance to transitioning students from military
 1280 families.--

1281 (3) Dependent children of active duty military personnel
 1282 who otherwise meet the eligibility criteria for special academic
 1283 programs offered through public schools shall be given first
 1284 preference for admission to such programs even if the program is
 1285 being offered through a public school other than the school to
 1286 which the student would generally be assigned ~~and the school at~~

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1287 ~~which the program is being offered has reached its maximum~~
 1288 enrollment. If such a program is offered through a public school
 1289 other than the school to which the student would generally be
 1290 assigned, the parent or guardian of the student must assume
 1291 responsibility for transporting the student to that school. For
 1292 purposes of this subsection, special academic programs include
 1293 ~~charter schools,~~ magnet schools, advanced studies programs,
 1294 advanced placement, dual enrollment, and International
 1295 Baccalaureate.

1296 Section 16. Section 1003.413, Florida Statutes, is created
 1297 to read:

1298 1003.413 High school reform.--

1299 (1) Beginning with the 2005-2006 school year, each school
 1300 district shall establish policies to assist high school students
 1301 to remain in school, graduate on time, and be prepared for
 1302 postsecondary education and the workforce. Such policies must
 1303 address:

1304 (a) Intensive reading remediation for students in grades 9
 1305 through 12 scoring below Level 3 on FCAT Reading, pursuant to
 1306 the reading instruction plan required by s. 1011.62(8).

1307 (b) Credit recovery options and course scheduling designed
 1308 to allow high school students to earn credit for failed courses
 1309 so that they are able to graduate on time.

1310 (c) Immediate and frequent notification to parents of
 1311 students who are in danger of not graduating from high school.

1312 (d) Placement in alternative programs, such as programs
 1313 that emphasize applied integrated curricula, small learning
 1314 communities, support services, increased discipline, or other

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1315 strategies documented to improve student achievement.

1316 (e) Summer reading institutes for rising ninth graders
 1317 scoring below Level 3 on FCAT Reading, pursuant to the reading
 1318 instruction plan required by s. 1011.62(8).

1319
 1320 A student's participation in an instructional or remediation
 1321 program prior to or immediately following entering grade 9 for
 1322 the first time shall not affect that student's classification as
 1323 a first-time ninth grader for reporting purposes, including
 1324 calculation of graduation and dropout rates.

1325 (2) The Commissioner of Education shall create and
 1326 implement the Challenge High School Recognition Program to
 1327 reward public high schools that demonstrate continuous academic
 1328 improvement and show the greatest gains in student academic
 1329 achievement in reading and mathematics.

1330 Section 17. High School Reform Task Force.--

1331 (1) There is created the High School Reform Task Force.
 1332 The task force shall work in conjunction with the Southern
 1333 Regional Education Board and the International Center for
 1334 Leadership in Education and shall be administratively supported
 1335 by the office of the Chancellor for K-12 Public Schools in the
 1336 Department of Education and the Just Read, Florida! Office.
 1337 Appointments to the task force shall be coordinated to ensure
 1338 that the membership reflects the geographic and cultural
 1339 diversity of Florida's school age population. The task force
 1340 shall be abolished upon submission of its recommendations.

1341 (2)(a) The Governor shall appoint members of the task
 1342 force from the following categories and shall appoint the chair

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1343 of the task force from its membership:

1344 1. Two representatives of public school districts, who may
 1345 be principals, district school board members, or school
 1346 superintendents, at least one of whom works in or with a school
 1347 with a school grade of "F."

1348 2. One high school teacher who teaches in a high school
 1349 with a school grade of "F."

1350 3. Two parents of high school students scoring at Level 1
 1351 on FCAT Reading, at least one whom has a child enrolled in a
 1352 school with a school grade of "F."

1353 4. One high school student.

1354 5. One teacher or administrator from a charter high
 1355 school.

1356 6. Two private school teachers or administrators from any
 1357 registered Florida private school with students in grades 9-12
 1358 regardless of whether the school is nonsectarian, sectarian, not
 1359 for profit, or for profit.

1360 7. One representative of the business community.

1361 (b) The Speaker of the House of Representatives shall
 1362 appoint one member of the House of Representatives to serve on
 1363 the task force and the President of the Senate shall appoint one
 1364 member of the Senate to serve on the task force.

1365 (3) Not later than January 1, 2006, the task force shall
 1366 vote to recommend to the Speaker of the House of
 1367 Representatives, the President of the Senate, and the Governor a
 1368 long-term plan for revisions to statutes, rules, and policies
 1369 that will improve Florida's grade 9 retention rate, graduation
 1370 rate, dropout rate, and college remediation rate and align high

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1371 school requirements with the needs of Florida's employers and
 1372 postsecondary educational institution requirements. The plan
 1373 must be programmatically and fiscally responsible, feasible, and
 1374 implementable. The plan must address, but is not limited to
 1375 addressing: graduation requirements; effective use of
 1376 accelerated high school graduation options pursuant to s.
 1377 1003.429; course redesign; remediation strategies; credit
 1378 recovery; use of alternative programs, including programs that
 1379 emphasize applied integrated curricula, small learning
 1380 communities, support services, or increased discipline; use of
 1381 technology; adjustments to the school grading system to reflect
 1382 learning gains by high school students; middle school systemic
 1383 alignment; transition from middle school to high school;
 1384 alignment with postsecondary and workforce education
 1385 requirements; and alignment with employer expectations.

1386 Section 18. Section 1003.415, Florida Statutes, is amended
 1387 to read:

1388 1003.415 The Middle Grades Reform Act.--

1389 (1) POPULAR NAME.--This section shall be known by the
 1390 popular name the "Middle Grades Reform Act."

1391 (2) PURPOSE AND INTENT.--

1392 (a) The purpose of this section is to provide added focus
 1393 and rigor to academics in the middle grades. Using reading as
 1394 the foundation, all middle grade students should receive
 1395 rigorous academic instruction through challenging curricula
 1396 delivered by highly qualified teachers in schools with
 1397 outstanding leadership, which schools are supported by engaged
 1398 and informed parents.

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1399 (b) It is the intent of the Legislature that students
 1400 promoted from the eighth grade will have the necessary reading
 1401 and mathematics skills to be ready for success in high school.
 1402 The mission of middle grades is to prepare students to graduate
 1403 from high school.

1404 (3) DEFINITION.--As used in this section, the term "middle
 1405 grades" means grades 6, 7, and 8.

1406 (4) CURRICULA AND COURSES.--The Department of Education
 1407 shall review course offerings, teacher qualifications,
 1408 instructional materials, and teaching practices used in reading
 1409 and language arts programs in the middle grades. The department
 1410 must consult with the Florida Center for Reading Research at
 1411 Florida State University, the Just Read, Florida! Office,
 1412 reading researchers, reading specialists, and district
 1413 supervisors of curriculum in the development of findings and
 1414 recommendations. The Commissioner of Education shall make
 1415 recommendations to the State Board of Education regarding
 1416 changes to reading and language arts curricula in the middle
 1417 grades based on research-based proven effective programs. The
 1418 State Board of Education shall adopt rules based upon the
 1419 commissioner's recommendations no later than March 1, 2005.
 1420 Implementation of new or revised reading and language arts
 1421 courses in all middle grades shall be phased in beginning no
 1422 later than the 2005-2006 school year with completion no later
 1423 than the 2008-2009 school year.

1424 ~~(5) RIGOROUS READING REQUIREMENT.--~~

1425 ~~(a) Beginning with the 2004-2005 school year, each public~~
 1426 ~~school serving middle grade students, including charter schools,~~

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1427 ~~with fewer than 75 percent of its students reading at or above~~
 1428 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~
 1429 ~~student scoring at Level 3 or above on the FCAT during the prior~~
 1430 ~~school year, must incorporate by October 1 a rigorous reading~~
 1431 ~~requirement for reading and language arts programs as the~~
 1432 ~~primary component of its school improvement plan. The department~~
 1433 ~~shall annually provide to each district school board by June 30~~
 1434 ~~a list of its schools that are required to incorporate a~~
 1435 ~~rigorous reading requirement as the primary component of the~~
 1436 ~~school's improvement plan. The department shall provide~~
 1437 ~~technical assistance to school districts and school~~
 1438 ~~administrators required to implement the rigorous reading~~
 1439 ~~requirement.~~

1440 ~~(b) The purpose of the rigorous reading requirement is to~~
 1441 ~~assist each student who is not reading at or above grade level~~
 1442 ~~to do so before entering high school. The rigorous reading~~
 1443 ~~requirement must include for a middle school's low-performing~~
 1444 ~~student population specific areas that address phonemic~~
 1445 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~
 1446 ~~desired levels of performance in those areas; and the~~
 1447 ~~instructional and support services to be provided to meet the~~
 1448 ~~desired levels of performance. The school shall use research-~~
 1449 ~~based reading activities that have been shown to be successful~~
 1450 ~~in teaching reading to low-performing students.~~

1451 ~~(c) Schools required to implement the rigorous reading~~
 1452 ~~requirement must provide quarterly reports to the district~~
 1453 ~~school superintendent on the progress of students toward~~
 1454 ~~increased reading achievement.~~

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1455 ~~(d) The results of implementation of a school's rigorous~~
 1456 ~~reading requirement shall be used as part of the annual~~
 1457 ~~evaluation of the school's instructional personnel and school~~
 1458 ~~administrators as required in s. 1012.34.~~

1459 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE~~
 1460 ~~OF STUDENTS AND SCHOOLS.--~~

1461 ~~(a) The department shall conduct a study on how the~~
 1462 ~~overall academic performance of middle grade students and~~
 1463 ~~schools can be improved. The department must consult with the~~
 1464 ~~Florida Center for Reading Research at Florida State University,~~
 1465 ~~the Just Read, Florida! Office, and key education stakeholders,~~
 1466 ~~including district school board members, district school~~
 1467 ~~superintendents, principals, parents, teachers, district~~
 1468 ~~supervisors of curriculum, and students across the state, in the~~
 1469 ~~development of its findings and recommendations. The department~~
 1470 ~~shall review, at a minimum, each of the following elements:~~

1471 ~~1. Academic expectations, which include, but are not~~
 1472 ~~limited to:~~

1473 ~~a. Alignment of middle school expectations with elementary~~
 1474 ~~and high school graduation requirements.~~

1475 ~~b. Best practices to improve reading and language arts~~
 1476 ~~courses based on research-based programs for middle school~~
 1477 ~~students in alignment with the Sunshine State Standards.~~

1478 ~~c. Strategies that focus on improving academic success for~~
 1479 ~~low-performing students.~~

1480 ~~d. Rigor of curricula and courses.~~

1481 ~~e. Instructional materials.~~

1482 ~~f. Course enrollment by middle school students.~~

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1483 ~~g. Student support services.~~
 1484 ~~h. Measurement and reporting of student achievement.~~
 1485 ~~2. Attendance policies and student mobility issues.~~
 1486 ~~3. Teacher quality, which includes, but is not limited to:~~
 1487 ~~a. Preparedness of teachers to teach rigorous courses to~~
 1488 ~~middle school students.~~
 1489 ~~b. Teacher evaluations.~~
 1490 ~~e. Substitute teachers.~~
 1491 ~~d. Certification and recertification requirements.~~
 1492 ~~e. Staff development requirements.~~
 1493 ~~f. Availability of effective staff development training.~~
 1494 ~~g. Teacher recruitment and vacancy issues.~~
 1495 ~~h. Federal requirements for highly qualified teachers~~
 1496 ~~pursuant to the No Child Left Behind Act of 2001.~~
 1497 ~~4. Identification and availability of diagnostic testing.~~
 1498 ~~5. Availability of personnel and scheduling issues.~~
 1499 ~~6. Middle school leadership and performance.~~
 1500 ~~7. Parental and community involvement.~~
 1501 ~~(b) By December 1, 2004, the Commissioner of Education~~
 1502 ~~shall submit to the President of the Senate, the Speaker of the~~
 1503 ~~House of Representatives, the chairs of the education committees~~
 1504 ~~in the Senate and the House of Representatives, and the State~~
 1505 ~~Board of Education recommendations to increase the academic~~
 1506 ~~performance of middle grade students and schools.~~
 1507 (5)~~(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--
 1508 (a) ~~Beginning with the 2004-2005 school year,~~ Each
 1509 principal of a school with a middle grade shall designate
 1510 certified staff members at the school to develop and administer

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1511 a personalized middle school success plan for each entering
 1512 sixth grade student who scored below Level 3 in reading on the
 1513 most recently administered FCAT. The purpose of the success plan
 1514 is to assist the student in meeting state and school district
 1515 expectations in academic proficiency and to prepare the student
 1516 for a rigorous high school curriculum. The success plan shall be
 1517 developed in collaboration with the student and his or her
 1518 parent and must be implemented until the student completes the
 1519 eighth grade or achieves a score at Level 3 or above in reading
 1520 on the FCAT, whichever occurs first. The success plan must
 1521 minimize paperwork and may be incorporated into a parent/teacher
 1522 conference, included as part of a progress report or report
 1523 card, included as part of a general orientation at the beginning
 1524 of the school year, or provided by electronic mail or other
 1525 written correspondence.

1526 (b) The personalized middle school success plan must:

1527 1. Identify educational goals and intermediate benchmarks
 1528 for the student in the core curriculum areas which will prepare
 1529 the student for high school.

1530 2. Be based upon academic performance data and an
 1531 identification of the student's strengths and weaknesses.

1532 3. Include academic intervention strategies with frequent
 1533 progress monitoring.

1534 4. Provide innovative methods to promote the student's
 1535 advancement which may include, but not be limited to, flexible
 1536 scheduling, tutoring, focus on core curricula, online
 1537 instruction, an alternative learning environment, or other

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1538 interventions that have been shown to accelerate the learning
 1539 process.

1540 (c) The personalized middle school success plan must be
 1541 incorporated into any individual student plan required by
 1542 federal or state law, including the academic improvement plan
 1543 required in s. 1008.25, an individual education plan (IEP) for a
 1544 student with disabilities, a federal 504 plan, or an ESOL plan.

1545 (d) The Department of Education shall provide technical
 1546 assistance for districts, school administrators, and
 1547 instructional personnel regarding the development of
 1548 personalized middle school success plans. The assistance shall
 1549 include strategies and techniques designed to maximize
 1550 interaction between students, parents, teachers, and other
 1551 instructional and administrative staff while minimizing
 1552 paperwork.

1553 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

1554 (a) The State Board of Education shall have authority to
 1555 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 1556 the provisions of this section.

1557 (b) The State Board of Education shall have authority
 1558 pursuant to s. 1008.32 to enforce the provisions of this
 1559 section.

1560 Section 19. Section 1003.4155, Florida Statutes, is
 1561 created to read:

1562 1003.4155 Middle school grading system.--The grading
 1563 system and interpretation of letter grades used in grades 6
 1564 through 8 shall be as follows:

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1565 (1) Grade "A" equals 90 percent through 100 percent, has a
 1566 grade point average value of 4, and is defined as "outstanding
 1567 progress."

1568 (2) Grade "B" equals 80 percent through 89 percent, has a
 1569 grade point average value of 3, and is defined as "above average
 1570 progress."

1571 (3) Grade "C" equals 70 percent through 79 percent, has a
 1572 grade point average value of 2, and is defined as "average
 1573 progress."

1574 (4) Grade "D" equals 60 percent through 69 percent, has a
 1575 grade point average value of 1, and is defined as "lowest
 1576 acceptable progress."

1577 (5) Grade "F" equals zero percent through 59 percent, has
 1578 a grade point average value of zero, and is defined as
 1579 "failure."

1580 (6) Grade "I" equals zero percent, has a grade point
 1581 average value of zero, and is defined as "incomplete."

1582 Section 20. Section 1003.4156, Florida Statutes, is
 1583 created to read:

1584 1003.4156 General requirements for middle school
 1585 promotion.--

1586 (1) Beginning with students entering grade 6 in the 2005-
 1587 2006 school year, promotion from a middle school with grades 6
 1588 through 8 requires that:

1589 (a) A student must successfully complete 12 academic
 1590 credits as follows:

1591 1. Three middle school or higher credits in
 1592 English/language arts.

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- 1593 2. Three middle school or higher credits in mathematics.
- 1594 3. Two middle school or higher credits in social studies.
- 1595 4. Two middle school or higher credits in science.
- 1596 5. Two middle school or higher credits in elective
- 1597 courses.

1598 (b) For each year in which a student scores at Level 1 or
 1599 Level 2 on FCAT Reading, the student must the following year be
 1600 enrolled in and complete a full-year intensive reading course
 1601 for which the student may earn up to one elective credit per
 1602 year. Students scoring at Level 3 or Level 4 on FCAT Reading may
 1603 be enrolled, with parental permission, in a full-year intensive
 1604 reading course for which the student may earn up to two elective
 1605 credits during middle school. Reading courses shall be designed
 1606 and offered pursuant to the reading instruction plan required by
 1607 s. 1011.62(8).

1608 (2) One full credit means a minimum of 135 hours of
 1609 instruction in a designated course of study that contains
 1610 student performance standards. For schools authorized by the
 1611 district school board to implement block scheduling, one full
 1612 credit means a minimum of 120 hours of instruction in a
 1613 designated course of study that contains student performance
 1614 standards.

1615 (3) District school boards shall establish policies to
 1616 implement the requirements of this section. The policies may
 1617 allow alternative methods for students to earn the credits
 1618 required by this section. School districts shall emphasize
 1619 alternative programs for students scoring at Level 1 on FCAT
 1620 Reading who have been retained in elementary school. The

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1621 alternatives may include, but are not limited to, opportunities
 1622 for students to:

- 1623 (a) Recover credits.
- 1624 (b) Be promoted on time to high school.
- 1625 (c) Be placed in programs that emphasize applied
 1626 integrated curricula, small learning communities, support
 1627 services, increased discipline, or other strategies documented
 1628 to improve student achievement.

1629
 1630 The school district's policy shall be submitted to the State
 1631 Board of Education for approval. The school district's policy
 1632 shall be automatically approved unless specifically rejected by
 1633 the State Board of Education within 60 days after receipt.

- 1634 (4) The State Board of Education shall adopt rules
 1635 pursuant to ss. 120.536(1) and 120.54 to provide for alternative
 1636 middle school promotion standards for students in grade 6, grade
 1637 7, or grade 8, including students who are not enrolled in
 1638 schools with a grade 6 through 8 middle school configuration.

1639 Section 21. Subsection (2) of section 1003.42, Florida
 1640 Statutes, is amended to read:

1641 1003.42 Required instruction.--

- 1642 (2) All members of the instructional staff of the public
 1643 schools, subject to the rules of the State Board of Education
 1644 and the district school board, shall teach efficiently and
 1645 faithfully, using the books and materials required that meet the
 1646 highest standards for professionalism and historic accuracy,
 1647 following the prescribed courses of study, and employing
 1648 approved methods of instruction, the following:

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1649 (a) The history and content of the Declaration of
 1650 Independence as written, including national sovereignty, natural
 1651 law, self-evident truth, equality of all persons, limited
 1652 government, popular sovereignty, and God-given, inalienable
 1653 rights of life, liberty, and property, and how they form it
 1654 ~~forms~~ the philosophical foundation of our government.

1655 (b) The history, meaning, significance, and effect of the
 1656 provisions of the Constitution of the United States and
 1657 amendments thereto with emphasis on each of the 10 amendments
 1658 that make up the Bill of Rights and how the Constitution
 1659 provides the structure of our government.

1660 (c) The history of the state and the State Constitution.

1661 ~~(d)(b)~~ (d) The most important arguments in support of adopting
 1662 our republican form of government, as they are embodied in the
 1663 most important of the Federalist Papers.

1664 ~~(e) The essentials of the United States Constitution and~~
 1665 ~~how it provides the structure of our government.~~

1666 ~~(e)(d)~~ (e) Flag education, including proper flag display and
 1667 flag salute.

1668 ~~(f)(e)~~ (f) The elements of United States civil government,
 1669 including the primary functions of and interrelationships
 1670 between the Federal Government, the state, and its counties,
 1671 municipalities, school districts, and special districts.

1672 (g) The history of the United States, including the period
 1673 of discovery, early colonies, the War for Independence, the
 1674 Civil War, Reconstruction, the expansion of the United States to
 1675 its present boundaries, the world wars, and the Civil Rights
 1676 Movement to the present. The history of the United States shall

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1677 be taught as genuine history and shall not follow the
 1678 revisionist or postmodernist viewpoints of relative truth.
 1679 American history shall be viewed as factual, not as constructed,
 1680 shall be viewed as knowable, teachable, and testable, and shall
 1681 be defined as the creation of a new nation based largely on the
 1682 universal principles stated in the Declaration of Independence.

1683 (h)(f) The history of the Holocaust (1933-1945), the
 1684 systematic, planned annihilation of European Jews and other
 1685 groups by Nazi Germany, a watershed event in the history of
 1686 humanity, to be taught in a manner that leads to an
 1687 investigation of human behavior, an understanding of the
 1688 ramifications of prejudice, racism, and stereotyping, and an
 1689 examination of what it means to be a responsible and respectful
 1690 person, for the purposes of encouraging tolerance of diversity
 1691 in a pluralistic society and for nurturing and protecting
 1692 democratic values and institutions.

1693 (i)(g) The history of African Americans, including the
 1694 history of African peoples before the political conflicts that
 1695 led to the development of slavery, the passage to America, the
 1696 enslavement experience, abolition, and the contributions of
 1697 African Americans to society.

1698 (j)(h) The elementary principles of agriculture.

1699 (k)(i) The true effects of all alcoholic and intoxicating
 1700 liquors and beverages and narcotics upon the human body and
 1701 mind.

1702 (l)(j) Kindness to animals.

1703 ~~(k) The history of the state.~~

1704 (m)(l) The conservation of natural resources.

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1705 (n)~~(m)~~ Comprehensive health education that addresses
 1706 concepts of community health; consumer health; environmental
 1707 health; family life, including an awareness of the benefits of
 1708 sexual abstinence as the expected standard and the consequences
 1709 of teenage pregnancy; ~~mental and emotional health;~~ injury
 1710 prevention and safety; nutrition; personal health; prevention
 1711 and control of disease; and substance use and abuse.

1712 (o)~~(n)~~ Such additional materials, subjects, courses, or
 1713 fields in such grades as are prescribed by law or by rules of
 1714 the State Board of Education and the district school board in
 1715 fulfilling the requirements of law.

1716 (p)~~(e)~~ The study of Hispanic contributions to the United
 1717 States.

1718 (q)~~(p)~~ The study of women's contributions to the United
 1719 States.

1720 (r) The nature and importance of free enterprise to the
 1721 United States economy.

1722 (s)~~(q)~~ A character-development program in the elementary
 1723 schools, similar to Character First or Character Counts, which
 1724 is secular in nature ~~and stresses such character qualities as~~
 1725 ~~attentiveness, patience, and initiative.~~ Beginning in school
 1726 year 2004-2005, the character-development program shall be
 1727 required in kindergarten through grade 12. Each district school
 1728 board shall develop or adopt a curriculum for the character-
 1729 development program that shall be submitted to the department
 1730 for approval. The character-development curriculum shall stress
 1731 the qualities of patriotism; responsibility; citizenship; the
 1732 Golden Rule; kindness; respect for authority, human life,

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1733 liberty, and personal property; ~~honesty; charity;~~ self-
 1734 control; racial, ethnic, and religious tolerance; and
 1735 cooperation.

1736 ~~(t)(#)~~ In order to encourage patriotism, the sacrifices
 1737 that veterans have made in serving our country and protecting
 1738 democratic values worldwide. Such instruction must occur on or
 1739 before Veterans' Day and Memorial Day. Members of the
 1740 instructional staff are encouraged to use the assistance of
 1741 local veterans when practicable.

1742 Section 22. Paragraph (g) of subsection (1) of section
 1743 1003.43, Florida Statutes, is amended to read:

1744 1003.43 General requirements for high school graduation.--

1745 (1) Graduation requires successful completion of either a
 1746 minimum of 24 academic credits in grades 9 through 12 or an
 1747 International Baccalaureate curriculum. The 24 credits shall be
 1748 distributed as follows:

1749 (g) One-half credit in American government, including
 1750 study of the Declaration of Independence and the Constitution of
 1751 the United States. For students entering the 9th grade in the
 1752 1997-1998 school year and thereafter, the study of Florida
 1753 government, including study of the State Constitution, the three
 1754 branches of state government, and municipal and county
 1755 government, shall be included as part of the required study of
 1756 American government.

1757
 1758 District school boards may award a maximum of one-half credit in
 1759 social studies and one-half elective credit for student
 1760 completion of nonpaid voluntary community or school service

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1761 work. Students choosing this option must complete a minimum of
 1762 75 hours of service in order to earn the one-half credit in
 1763 either category of instruction. Credit may not be earned for
 1764 service provided as a result of court action. District school
 1765 boards that approve the award of credit for student volunteer
 1766 service shall develop guidelines regarding the award of the
 1767 credit, and school principals are responsible for approving
 1768 specific volunteer activities. A course designated in the Course
 1769 Code Directory as grade 9 through grade 12 that is taken below
 1770 the 9th grade may be used to satisfy high school graduation
 1771 requirements or Florida Academic Scholars award requirements as
 1772 specified in a district school board's student progression plan.
 1773 A student shall be granted credit toward meeting the
 1774 requirements of this subsection for equivalent courses, as
 1775 identified pursuant to s. 1007.271(6), taken through dual
 1776 enrollment.

1777 Section 23. Section 1003.57, Florida Statutes, is amended
 1778 to read:

1779 1003.57 Exceptional students instruction.--

1780 (1) Each district school board shall provide for an
 1781 appropriate program of special instruction, facilities, and
 1782 services for exceptional students as prescribed by the State
 1783 Board of Education as acceptable, including provisions that:

1784 (a)~~(1)~~ The district school board provide the necessary
 1785 professional services for diagnosis and evaluation of
 1786 exceptional students.

1787 (b)~~(2)~~ The district school board provide the special
 1788 instruction, classes, and services, either within the district

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1789 | school system, in cooperation with other district school
 1790 | systems, or through contractual arrangements with approved
 1791 | private schools or community facilities that meet standards
 1792 | established by the commissioner.

1793 | (c)~~(3)~~ The district school board annually provide
 1794 | information describing the Florida School for the Deaf and the
 1795 | Blind and all other programs and methods of instruction
 1796 | available to the parent of a sensory-impaired student.

1797 | (d)~~(4)~~ The district school board, once every 3 years,
 1798 | submit to the department its proposed procedures for the
 1799 | provision of special instruction and services for exceptional
 1800 | students.

1801 | (e)~~(5)~~ No student be given special instruction or services
 1802 | as an exceptional student until after he or she has been
 1803 | properly evaluated, classified, and placed in the manner
 1804 | prescribed by rules of the State Board of Education. The parent
 1805 | of an exceptional student evaluated and placed or denied
 1806 | placement in a program of special education shall be notified of
 1807 | each such evaluation and placement or denial. Such notice shall
 1808 | contain a statement informing the parent that he or she is
 1809 | entitled to a due process hearing on the identification,
 1810 | evaluation, and placement, or lack thereof. Such hearings shall
 1811 | be exempt from the provisions of ss. 120.569, 120.57, and
 1812 | 286.011, except to the extent that the State Board of Education
 1813 | adopts rules establishing other procedures and any records
 1814 | created as a result of such hearings shall be confidential and
 1815 | exempt from the provisions of s. 119.07(1). The hearing must be
 1816 | conducted by an administrative law judge from the Division of

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1817 Administrative Hearings of the Department of Management
 1818 Services. The decision of the administrative law judge shall be
 1819 final, except that any party aggrieved by the finding and
 1820 decision rendered by the administrative law judge shall have the
 1821 right to bring a civil action in the circuit court. In such an
 1822 action, the court shall receive the records of the
 1823 administrative hearing and shall hear additional evidence at the
 1824 request of either party. In the alternative, any party aggrieved
 1825 by the finding and decision rendered by the administrative law
 1826 judge shall have the right to request an impartial review of the
 1827 administrative law judge's order by the district court of appeal
 1828 as provided by s. 120.68. Notwithstanding any law to the
 1829 contrary, during the pendency of any proceeding conducted
 1830 pursuant to this section, unless the district school board and
 1831 the parents otherwise agree, the student shall remain in his or
 1832 her then-current educational assignment or, if applying for
 1833 initial admission to a public school, shall be assigned, with
 1834 the consent of the parents, in the public school program until
 1835 all such proceedings have been completed.

1836 (f)~~(6)~~ In providing for the education of exceptional
 1837 students, the district school superintendent, principals, and
 1838 teachers shall utilize the regular school facilities and adapt
 1839 them to the needs of exceptional students to the maximum extent
 1840 appropriate. Segregation of exceptional students shall occur
 1841 only if the nature or severity of the exceptionality is such
 1842 that education in regular classes with the use of supplementary
 1843 aids and services cannot be achieved satisfactorily.

1844 (g)~~(7)~~ In addition to the services agreed to in a

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1845 student's individual education plan, the district school
 1846 superintendent shall fully inform the parent of a student having
 1847 a physical or developmental disability of all available services
 1848 that are appropriate for the student's disability. The
 1849 superintendent shall provide the student's parent with a summary
 1850 of the student's rights.

1851 (2)(a) An exceptional student with a disability who
 1852 resides in a residential facility and receives special
 1853 instruction or services is considered a resident of the state in
 1854 which the parent is a resident. The cost of such instruction,
 1855 facilities, and services for a nonresident exceptional student
 1856 with a disability shall be provided by the placing authority,
 1857 such as a public school entity, other placing authority, or
 1858 parent, in the parent's state of residence. A nonresident
 1859 exceptional student with a disability who resides in a
 1860 residential facility may not be reported by any school district
 1861 for FTE funding in the Florida Education Finance Program.

1862 (b) The Department of Education shall provide to each
 1863 school district a statement of the specific limitations of the
 1864 district's financial obligation for exceptional students with
 1865 disabilities under federal and state law. The department shall
 1866 also provide to each school district technical assistance as
 1867 necessary for developing a local plan to impose on a parent's
 1868 state of residence the fiscal responsibility for educating a
 1869 nonresident exceptional student with a disability.

1870 (c) The Department of Education shall develop a process by
 1871 which a school district must, before providing services to an
 1872 exceptional student with a disability who resides in a

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1873 residential facility in this state, review the residency of the
 1874 student. The residential facility, not the district, is
 1875 responsible for billing and collecting from the parent's state
 1876 of residence for the nonresident student's educational and
 1877 related services.

1878 (d) This subsection applies to any nonresident exceptional
 1879 student with a disability who resides in a residential facility
 1880 and who receives instruction as an exceptional student with a
 1881 disability in any type of residential facility in this state,
 1882 including, but not limited to, a private school, a group home
 1883 facility as defined in s. 393.063, an intensive residential
 1884 treatment program for children and adolescents as defined in s.
 1885 395.002, a facility as defined in s. 394.455, an intermediate
 1886 care facility for the developmentally disabled or ICF/DD as
 1887 defined in s. 393.063 or s. 400.960, or a community residential
 1888 home as defined in s. 419.001.

1889 (3) Notwithstanding s. 1000.21(5), for purposes of this
 1890 section, the term "parent" is defined as either or both parents
 1891 of a student or any guardian of a student.

1892 (4) The State Board of Education may adopt rules pursuant
 1893 to ss. 120.536(1) and 120.54 to implement the provisions of this
 1894 section relating to determination of the residency of an
 1895 exceptional student with a disability.

1896 Section 24. Section 1003.575, Florida Statutes, is created
 1897 to read:

1898 1003.575 Individual education plans for exceptional
 1899 students.--The Department of Education shall coordinate the
 1900 development of an individual education plan (IEP) form for use

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1901 in developing and implementing individual education plans for
 1902 exceptional students. The IEP form shall have a streamlined
 1903 format and shall be compatible with federal standards. The
 1904 department shall make the IEP form available to each school
 1905 district in the state to facilitate the use of an existing IEP
 1906 when a student transfers from one school district to another.

1907 Section 25. Subsection (3) of section 1003.58, Florida
 1908 Statutes, is amended to read:

1909 1003.58 Students in residential care facilities.--Each
 1910 district school board shall provide educational programs
 1911 according to rules of the State Board of Education to students
 1912 who reside in residential care facilities operated by the
 1913 Department of Children and Family Services.

1914 (3) The district school board shall have full and complete
 1915 authority in the matter of the assignment and placement of such
 1916 students in educational programs. The parent of an exceptional
 1917 student shall have the same due process rights as are provided
 1918 under s. 1003.57(1)(e)~~(5)~~.

1919
 1920 Notwithstanding the provisions herein, the educational program
 1921 at the Marianna Sunland Center in Jackson County shall be
 1922 operated by the Department of Education, either directly or
 1923 through grants or contractual agreements with other public or
 1924 duly accredited educational agencies approved by the Department
 1925 of Education.

1926 Section 26. Paragraph (a) of subsection (1) and paragraph
 1927 (a) of subsection (2) of section 1003.62, Florida Statutes, are
 1928 amended to read:

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1929 1003.62 Academic performance-based charter school
 1930 districts.--The State Board of Education may enter into a
 1931 performance contract with district school boards as authorized
 1932 in this section for the purpose of establishing them as academic
 1933 performance-based charter school districts. The purpose of this
 1934 section is to examine a new relationship between the State Board
 1935 of Education and district school boards that will produce
 1936 significant improvements in student achievement, while complying
 1937 with constitutional and statutory requirements assigned to each
 1938 entity.

1939 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1940 (a) A school district shall be eligible for designation as
 1941 an academic performance-based charter school district if it is a
 1942 high-performing school district in which a minimum of 50 percent
 1943 of the schools earn a ~~performance~~ grade of ~~category~~ "A" or "B"
 1944 and in which no school earns a ~~performance~~ grade of ~~category~~ "D"
 1945 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools
 1946 that receive a ~~performance~~ grade of ~~category~~ "I" or "N" shall
 1947 not be included in this calculation. The performance contract
 1948 for a school district that earns a charter based on school
 1949 ~~performance~~ grades shall be predicated on maintenance of at
 1950 least 50 percent of the schools in the school district earning a
 1951 ~~performance~~ grade of ~~category~~ "A" or "B" with no school in the
 1952 school district earning a ~~performance~~ grade of ~~category~~ "D" or
 1953 "F" for 2 consecutive years. A school district in which the
 1954 number of schools that earn a ~~performance~~ grade of "A" or "B" is
 1955 less than 50 percent may have its charter renewed for 1 year;
 1956 however, if the percentage of "A" or "B" schools is less than 50

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1957 | percent for 2 consecutive years, the charter shall not be
 1958 | renewed.

1959 | (2) EXEMPTION FROM STATUTES AND RULES.--

1960 | (a) An academic performance-based charter school district
 1961 | shall operate in accordance with its charter and shall be exempt
 1962 | from certain State Board of Education rules and statutes if the
 1963 | State Board of Education determines such an exemption will
 1964 | assist the district in maintaining or improving its high-
 1965 | performing status pursuant to paragraph (1)(a). However, the
 1966 | State Board of Education may not exempt an academic performance-
 1967 | based charter school district from any of the following
 1968 | statutes:

1969 | 1. Those statutes pertaining to the provision of services
 1970 | to students with disabilities.

1971 | 2. Those statutes pertaining to civil rights, including s.
 1972 | 1000.05, relating to discrimination.

1973 | 3. Those statutes pertaining to student health, safety,
 1974 | and welfare.

1975 | 4. Those statutes governing the election or compensation
 1976 | of district school board members.

1977 | 5. Those statutes pertaining to the student assessment
 1978 | program and the school grading system, including chapter 1008.

1979 | 6. Those statutes pertaining to financial matters,
 1980 | including chapter 1010.

1981 | 7. Those statutes pertaining to planning and budgeting,
 1982 | including chapter 1011, except that ss. 1011.64 and 1011.69
 1983 | shall be eligible for exemption.

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1984 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),
 1985 relating to performance-pay and differentiated-pay policies for
 1986 school administrators and instructional personnel. Professional
 1987 service contracts shall be subject to the provisions of ss.
 1988 1012.33 and 1012.34.

1989 9. Those statutes pertaining to educational facilities,
 1990 including chapter 1013, except as specified under contract with
 1991 the State Board of Education. However, no contractual provision
 1992 that could have the effect of requiring the appropriation of
 1993 additional capital outlay funds to the academic performance-
 1994 based charter school district shall be valid.

1995 Section 27. Paragraph (e) of subsection (2) of section
 1996 1005.22, Florida Statutes, is amended to read:

1997 1005.22 Powers and duties of commission.--

1998 (2) The commission may:

1999 (e) Advise the Governor, the Legislature, the State Board
 2000 of Education, ~~the Council for Education Policy Research and~~
 2001 ~~Improvement~~, and the Commissioner of Education on issues
 2002 relating to private postsecondary education.

2003 Section 28. Subsection (3) of section 1007.33, Florida
 2004 Statutes, is amended to read:

2005 1007.33 Site-determined baccalaureate degree access.--

2006 (3) A community college may develop a proposal to deliver
 2007 specified baccalaureate degree programs in its district to meet
 2008 local workforce needs. The proposal must be submitted to the
 2009 State Board of Education for approval. The community college's
 2010 proposal must include the following information:

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2011 (a) Demand for the baccalaureate degree program is
 2012 identified by the workforce development board, local businesses
 2013 and industry, local chambers of commerce, and potential
 2014 students.

2015 (b) Unmet need for graduates of the proposed degree
 2016 program is substantiated.

2017 (c) The community college has the facilities and academic
 2018 resources to deliver the program.

2019
 2020 ~~The proposal must be submitted to the Council for Education~~
 2021 ~~Policy Research and Improvement for review and comment.~~ Upon
 2022 approval of the State Board of Education for the specific degree
 2023 program or programs, the community college shall pursue regional
 2024 accreditation by the Commission on Colleges of the Southern
 2025 Association of Colleges and Schools. Any additional
 2026 baccalaureate degree programs the community college wishes to
 2027 offer must be approved by the State Board of Education.

2028 Section 29. Paragraph (f) of subsection (1), paragraphs
 2029 (c) and (e) of subsection (3), and subsection (9) of section
 2030 1008.22, Florida Statutes, are amended, subsection (10) is
 2031 renumbered as subsection (11), and a new subsection (10) is
 2032 added to said section, to read:

2033 1008.22 Student assessment program for public schools.--

2034 (1) PURPOSE.--The primary purposes of the student
 2035 assessment program are to provide information needed to improve
 2036 the public schools by enhancing the learning gains of all
 2037 students and to inform parents of the educational progress of
 2038 their public school children. The program must be designed to:

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2039 (f) Provide information on the performance of Florida
 2040 students compared with other students ~~others~~ across the United
 2041 States.

2042 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 2043 design and implement a statewide program of educational
 2044 assessment that provides information for the improvement of the
 2045 operation and management of the public schools, including
 2046 schools operating for the purpose of providing educational
 2047 services to youth in Department of Juvenile Justice programs.
 2048 The commissioner may enter into contracts for the continued
 2049 administration of the assessment, testing, and evaluation
 2050 programs authorized and funded by the Legislature. Contracts may
 2051 be initiated in 1 fiscal year and continue into the next and may
 2052 be paid from the appropriations of either or both fiscal years.
 2053 The commissioner is authorized to negotiate for the sale or
 2054 lease of tests, scoring protocols, test scoring services, and
 2055 related materials developed pursuant to law. Pursuant to the
 2056 statewide assessment program, the commissioner shall:

2057 (c) Develop and implement a student achievement testing
 2058 program known as the Florida Comprehensive Assessment Test
 2059 (FCAT) as part of the statewide assessment program, ~~to be~~
 2060 ~~administered annually in grades 3 through 10~~ to measure reading,
 2061 writing, science, and mathematics. Other content areas may be
 2062 included as directed by the commissioner. The assessment of
 2063 reading and mathematics shall be administered annually in grades
 2064 3 through 10. The assessment of writing and science shall be
 2065 administered at least once at the elementary, middle, and high
 2066 school levels. The testing program must be designed so that:

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2067 1. The tests measure student skills and competencies
 2068 adopted by the State Board of Education as specified in
 2069 paragraph (a). The tests must measure and report student
 2070 proficiency levels in reading, writing, mathematics, and
 2071 science. The commissioner shall provide for the tests to be
 2072 developed or obtained, as appropriate, through contracts and
 2073 project agreements with private vendors, public vendors, public
 2074 agencies, postsecondary educational institutions, or school
 2075 districts. The commissioner shall obtain input with respect to
 2076 the design and implementation of the testing program from state
 2077 educators and the public.

2078 2. The testing program will include a combination of norm-
 2079 referenced and criterion-referenced tests and include, to the
 2080 extent determined by the commissioner, questions that require
 2081 the student to produce information or perform tasks in such a
 2082 way that the skills and competencies he or she uses can be
 2083 measured.

2084 3. Each testing program, whether at the elementary,
 2085 middle, or high school level, includes a test of writing in
 2086 which students are required to produce writings that are then
 2087 scored by appropriate methods.

2088 4. A score is designated for each subject area tested,
 2089 below which score a student's performance is deemed inadequate.
 2090 The school districts shall provide appropriate remedial
 2091 instruction to students who score below these levels.

2092 5. Except as provided in s. 1003.43(11)(b), students must
 2093 earn a passing score on the grade 10 assessment test described
 2094 in this paragraph or on an alternate assessment as described in

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2095 subsection (9) in reading, writing, and mathematics to qualify
 2096 for a regular high school diploma. The State Board of Education
 2097 shall designate a passing score for each part of the grade 10
 2098 assessment test. In establishing passing scores, the state board
 2099 shall consider any possible negative impact of the test on
 2100 minority students. ~~All students who took the grade 10 FCAT~~
 2101 ~~during the 2000-2001 school year shall be required to earn the~~
 2102 ~~passing scores in reading and mathematics established by the~~
 2103 ~~State Board of Education for the March 2001 test administration.~~
 2104 ~~Such students who did not earn the established passing scores~~
 2105 ~~and must repeat the grade 10 FCAT are required to earn the~~
 2106 ~~passing scores established for the March 2001 test~~
 2107 ~~administration. All students who take the grade 10 FCAT for the~~
 2108 ~~first time in March 2002 shall be required to earn the passing~~
 2109 ~~scores in reading and mathematics established by the State Board~~
 2110 ~~of Education for the March 2002 test administration.~~ The State
 2111 Board of Education shall adopt rules which specify the passing
 2112 scores for the grade 10 FCAT. Any such rules, which have the
 2113 effect of raising the required passing scores, shall only apply
 2114 to students taking the grade 10 FCAT for the first time after
 2115 such rules are adopted by the State Board of Education.

2116 6. Participation in the testing program is mandatory for
 2117 all students attending public school, including students served
 2118 in Department of Juvenile Justice programs, except as otherwise
 2119 prescribed by the commissioner. If a student does not
 2120 participate in the statewide assessment, the district must
 2121 notify the student's parent and provide the parent with
 2122 information regarding the implications of such nonparticipation.

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2123 If modifications are made in the student's instruction to
 2124 provide accommodations that would not be permitted on the
 2125 statewide assessment tests, the district must notify the
 2126 student's parent of the implications of such instructional
 2127 modifications. A parent must provide signed consent for a
 2128 student to receive instructional modifications that would not be
 2129 permitted on the statewide assessments and must acknowledge in
 2130 writing that he or she understands the implications of such
 2131 accommodations. The State Board of Education shall adopt rules,
 2132 based upon recommendations of the commissioner, for the
 2133 provision of test accommodations and modifications of procedures
 2134 as necessary for students in exceptional education programs and
 2135 for students who have limited English proficiency.
 2136 Accommodations that negate the validity of a statewide
 2137 assessment are not allowable.

2138 7. A student seeking an adult high school diploma must
 2139 meet the same testing requirements that a regular high school
 2140 student must meet.

2141 8. District school boards must provide instruction to
 2142 prepare students to demonstrate proficiency in the skills and
 2143 competencies necessary for successful grade-to-grade progression
 2144 and high school graduation. If a student is provided with
 2145 accommodations or modifications that are not allowable in the
 2146 statewide assessment program, as described in the test manuals,
 2147 the district must inform the parent in writing and must provide
 2148 the parent with information regarding the impact on the
 2149 student's ability to meet expected proficiency levels in
 2150 reading, writing, and math. The commissioner shall conduct

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2151 studies as necessary to verify that the required skills and
 2152 competencies are part of the district instructional programs.

2153 9. The Department of Education must develop, or select,
 2154 and implement a common battery of assessment tools that will be
 2155 used in all juvenile justice programs in the state. These tools
 2156 must accurately measure the skills and competencies established
 2157 in the Florida Sunshine State Standards.

2158
 2159 The commissioner may design and implement student testing
 2160 programs, for any grade level and subject area, necessary to
 2161 effectively monitor educational achievement in the state.

2162 (e) Conduct ongoing research and analysis of student
 2163 achievement data, including, without limitation, monitoring
 2164 trends in student achievement by grade level and overall student
 2165 achievement, identifying school programs that are successful,
 2166 and analyzing correlates of school achievement.

2167 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

2168 (a) The State Board of Education shall conduct concordance
 2169 studies, as necessary, to determine scores on the SAT and the
 2170 ACT equivalent to those required on the FCAT for high school
 2171 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

2172 (b)~~(a)~~ The Commissioner of Education shall approve the use
 2173 of the SAT and ACT tests as alternative assessments to the grade
 2174 10 FCAT ~~for the 2003-2004 school year~~. Students who attain
 2175 scores on the SAT or ACT which equate to the passing scores on
 2176 the grade 10 FCAT for purposes of high school graduation shall
 2177 satisfy the assessment requirement for a standard high school
 2178 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~

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2179 ~~the 2003-2004 school year~~ if the students meet the requirement
 2180 in paragraph ~~(c)(b)~~.

2181 (c)(b) A student shall be required to take each subject
 2182 area of the grade 10 FCAT a total of three times without earning
 2183 a passing score in order to use the corresponding subject area
 2184 scores on an alternative assessment pursuant to paragraph
 2185 ~~(b)(a)~~. This requirement shall not apply to a new student who
 2186 enters is a new student to the Florida public school system in
 2187 grade 12, who may either take the FCAT or use approved score
 2188 equivalencies to fulfill the graduation requirement.

2189 (10) REPORTS.--The Department of Education shall annually
 2190 provide a report to the Governor, the President of the Senate,
 2191 and the Speaker of the House of Representatives on the
 2192 following:

2193 (a) Longitudinal performance of students in mathematics
 2194 and reading.

2195 (b) Longitudinal performance of students by grade level in
 2196 mathematics and reading.

2197 (c) Longitudinal performance regarding efforts to close
 2198 the achievement gap.

2199 (d) Longitudinal performance of students on the norm-
 2200 referenced component of the FCAT.

2201 (e) Other student performance data based on national norm-
 2202 referenced and criterion-referenced tests, when available.

2203 Section 30. Paragraph (b) of subsection (4) and paragraph
 2204 (b) of subsection (8) of section 1008.25, Florida Statutes, are
 2205 amended, and paragraph (c) is added to subsection (8) of said
 2206 section, to read:

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2207 1008.25 Public school student progression; remedial
 2208 instruction; reporting requirements.--
 2209 (4) ASSESSMENT AND REMEDIATION.--
 2210 (b) The school in which the student is enrolled must
 2211 develop, in consultation with the student's parent, and must
 2212 implement an academic improvement plan designed to assist the
 2213 student in meeting state and district expectations for
 2214 proficiency. For a student for whom a personalized middle school
 2215 success plan is required pursuant to s. 1003.415, the middle
 2216 school success plan must be incorporated in the student's
 2217 academic improvement plan. Beginning with the 2002-2003 school
 2218 year, if the student has been identified as having a deficiency
 2219 in reading, the academic improvement plan shall identify the
 2220 student's specific areas of deficiency in phonemic awareness,
 2221 phonics, fluency, comprehension, and vocabulary; the desired
 2222 levels of performance in these areas; and the instructional and
 2223 support services to be provided to meet the desired levels of
 2224 performance. Schools shall also provide for the frequent
 2225 monitoring of the student's progress in meeting the desired
 2226 levels of performance. District school boards may require low-
 2227 performing students to attend remediation programs held before
 2228 or after regular school hours, upon the request of the school
 2229 principal, and shall assist schools and teachers to implement
 2230 research-based reading activities that have been shown to be
 2231 successful in teaching reading to low-performing students.
 2232 Remedial instruction provided during high school may not be in
 2233 lieu of English and mathematics credits required for graduation.
 2234 (8) ANNUAL REPORT.--

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2235 (b) ~~Beginning with the 2001-2002 school year,~~ Each
 2236 district school board must annually publish in the local
 2237 newspaper, and report in writing to the State Board of Education
 2238 by September 1 of each year, the following information on the
 2239 prior school year:

2240 1. The provisions of this section relating to public
 2241 school student progression and the district school board's
 2242 policies and procedures on student retention and promotion.

2243 2. By grade, the number and percentage of all students in
 2244 grades 3 through 10 performing at Levels 1 and 2 on the reading
 2245 portion of the FCAT.

2246 3. By grade, the number and percentage of all students
 2247 retained in grades 3 through 10.

2248 4. Information on the total number of students who were
 2249 promoted for good cause, by each category of good cause as
 2250 specified in paragraph (6)(b).

2251 5. Any revisions to the district school board's policy on
 2252 student retention and promotion from the prior year.

2253 (c) The Department of Education shall establish a uniform
 2254 format for school districts to report the information required
 2255 in paragraph (b). The format shall be developed with input from
 2256 school districts and shall be provided not later than 60 days
 2257 prior to the annual due date. The department shall annually
 2258 compile the information required in subparagraphs (b)2., 3., and
 2259 4., along with state-level summary information, and report such
 2260 information to the Governor, the President of the Senate, and
 2261 the Speaker of the House of Representatives.

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2262 Section 31. Section 1008.301, Florida Statutes, is
 2263 repealed.

2264 Section 32. Section 1008.31, Florida Statutes, is amended
 2265 to read:

2266 1008.31 Florida's K-20 education performance
 2267 accountability system; legislative intent; public accountability
 2268 and reporting performance-based funding; mission, goals, and
 2269 systemwide measures.--

2270 (1) LEGISLATIVE INTENT.--It is the intent of the
 2271 Legislature that:

2272 (a) The performance accountability system implemented to
 2273 assess the effectiveness of Florida's seamless K-20 education
 2274 delivery system provide answers to the following questions in
 2275 relation to its mission and goals:

2276 1. What is the public receiving in return for funds it
 2277 invests in education?

2278 2. How effectively is Florida's K-20 education system
 2279 educating its students?

2280 3. How effectively are the major delivery sectors
 2281 promoting student achievement?

2282 4. How are individual schools and postsecondary education
 2283 institutions performing their responsibility to educate their
 2284 students as measured by how students are performing and how much
 2285 they are learning?

2286 (b) The K-20 education performance accountability system
 2287 be established as a single, unified accountability system with
 2288 multiple components, including, but not limited to, measures of

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2289 adequate yearly progress, individual student learning gains in
 2290 public schools, school grades, and return on investment.

2291 (c) The K-20 education performance accountability system
 2292 comply with the accountability requirements of the "No Child
 2293 Left Behind Act of 2001," Pub. L. No. 107-110.

2294 (d) The State Board of Education recommend to the
 2295 Legislature systemwide performance standards; the Legislature
 2296 establish systemwide performance measures and standards; and the
 2297 systemwide measures and standards provide Floridians with
 2298 information on what the public is receiving in return for the
 2299 funds it invests in education and how well the K-20 system
 2300 educates its students.

2301 (e) The State Board of Education establish performance
 2302 measures and set performance standards for individual components
 2303 of the public education system, including individual schools and
 2304 postsecondary educational institutions, with measures and
 2305 standards based primarily on student achievement.

2306 ~~(2) PERFORMANCE-BASED FUNDING.~~

2307 ~~(a) The State Board of Education shall cooperate with each~~
 2308 ~~delivery system to develop proposals for performance-based~~
 2309 ~~funding, using performance measures adopted pursuant to this~~
 2310 ~~section.~~

2311 ~~(b) The State Board of Education proposals must provide~~
 2312 ~~that at least 10 percent of the state funds appropriated for the~~
 2313 ~~K-20 education system are conditional upon meeting or exceeding~~
 2314 ~~established performance standards.~~

2315 ~~(c) The State Board of Education shall adopt guidelines~~
 2316 ~~required to implement performance-based funding that allow 1~~

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2317 ~~year to demonstrate achievement of specified performance~~
 2318 ~~standards prior to a reduction in appropriations pursuant to~~
 2319 ~~this section.~~

2320 ~~(d) By December 1, 2003, the State Board of Education~~
 2321 ~~shall adopt common definitions, measures, standards, and~~
 2322 ~~performance improvement targets required to:~~

2323 ~~1. Use the state core measures and the sector-specific~~
 2324 ~~measures to evaluate the progress of each sector of the~~
 2325 ~~educational delivery system toward meeting the systemwide goals~~
 2326 ~~for public education.~~

2327 ~~2. Notify the sectors of their progress in achieving the~~
 2328 ~~specified measures so that they may develop improvement plans~~
 2329 ~~that directly influence decisions about policy, program~~
 2330 ~~development, and management.~~

2331 ~~3. Implement the performance-based budgeting system~~
 2332 ~~described in this section.~~

2333 ~~(e) During the 2003-2004 fiscal year, the Department of~~
 2334 ~~Education shall collect data required to establish progress,~~
 2335 ~~rewards, and sanctions.~~

2336 ~~(f) By December 1, 2004, the Department of Education shall~~
 2337 ~~recommend to the Legislature a formula for performance-based~~
 2338 ~~funding that applies accountability standards for the individual~~
 2339 ~~components of the public education system at every level,~~
 2340 ~~kindergarten through graduate school. Effective for the 2004-~~
 2341 ~~2005 fiscal year and thereafter, subject to annual legislative~~
 2342 ~~approval in the General Appropriations Act, performance-based~~
 2343 ~~funds shall be allocated based on the progress, rewards, and~~
 2344 ~~sanctions established pursuant to this section.~~

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2345 ~~(2)~~⁽³⁾ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

2346 (a) The mission of Florida's K-20 education system shall
 2347 be to increase the proficiency of all students within one
 2348 seamless, efficient system, by allowing them the opportunity to
 2349 expand their knowledge and skills through learning opportunities
 2350 and research valued by students, parents, and communities.

2351 (b) The process ~~State Board of Education shall adopt~~
 2352 ~~guiding principles~~ for establishing state and sector-specific
 2353 standards and measures must be:

- 2354 1. Focused on student success.
- 2355 2. Addressable through policy and program changes.
- 2356 3. Efficient and of high quality.
- 2357 4. Measurable over time.
- 2358 5. Simple to explain and display to the public.
- 2359 6. Aligned with other measures and other sectors to
 2360 support a coordinated K-20 education system.

2361 (c) The Department ~~State Board~~ of Education shall maintain
 2362 an accountability system that measures student progress toward
 2363 the following goals:

- 2364 1. Highest student achievement, as indicated by evidence
 2365 of student learning gains at all levels ~~measured by: student~~
 2366 ~~FCAT performance and annual learning gains; the number and~~
 2367 ~~percentage of schools that improve at least one school~~
 2368 ~~performance grade designation or maintain a school performance~~
 2369 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
 2370 ~~completion rates at all learning levels; and other measures~~
 2371 ~~identified in law or rule.~~

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2372 2. Seamless articulation and maximum access, as measured
 2373 by evidence of progression, readiness, and access by targeted
 2374 groups of students identified by the Commissioner of Education;
 2375 ~~the percentage of students who demonstrate readiness for the~~
 2376 ~~educational level they are entering, from kindergarten through~~
 2377 ~~postsecondary education and into the workforce; the number and~~
 2378 ~~percentage of students needing remediation; the percentage of~~
 2379 ~~Floridians who complete associate, baccalaureate, graduate,~~
 2380 ~~professional, and postgraduate degrees; the number and~~
 2381 ~~percentage of credits that articulate; the extent to which each~~
 2382 ~~set of exit-point requirements matches the next set of entrance-~~
 2383 ~~point requirements; the degree to which underserved populations~~
 2384 ~~access educational opportunity; the extent to which access is~~
 2385 ~~provided through innovative educational delivery strategies; and~~
 2386 ~~other measures identified in law or rule.~~

2387 3. Skilled workforce and economic development, as measured
 2388 by evidence of employment and earnings; ~~the number and~~
 2389 ~~percentage of graduates employed in their areas of preparation;~~
 2390 ~~the percentage of Floridians with high school diplomas and~~
 2391 ~~postsecondary education credentials; the percentage of business~~
 2392 ~~and community members who find that Florida's graduates possess~~
 2393 ~~the skills they need; national rankings; and other measures~~
 2394 ~~identified in law or rule.~~

2395 4. Quality efficient services, as measured by evidence of
 2396 return on investment; ~~cost per completer or graduate; average~~
 2397 ~~cost per noncompleter at each educational level; cost disparity~~
 2398 ~~across institutions offering the same degrees; the percentage of~~
 2399 ~~education customers at each educational level who are satisfied~~

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2400 ~~with the education provided; and other measures identified in~~
 2401 ~~law or rule.~~

2402 5. Other goals as identified by law or rule.

2403 (3)(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE
 2404 DATA COLLECTION.--To provide data required to implement
 2405 education performance accountability measures in state and
 2406 federal law, the Commissioner of Education shall initiate and
 2407 maintain strategies to improve data quality and timeliness.

2408 (a) School districts and public postsecondary educational
 2409 institutions shall maintain information systems that will
 2410 provide the State Board of Education, the Board of Governors,
 2411 and the Legislature with information and reports necessary to
 2412 address the specifications of the accountability system. The
 2413 State Board of Education shall determine the standards for the
 2414 required data. The level of comprehensiveness and quality shall
 2415 be no less than that which was available as of June 30, 2001.

2416 (b) The Commissioner of Education shall determine the
 2417 standards for the required data, monitor data quality, and
 2418 measure improvements. The commissioner shall report annually to
 2419 the State Board of Education, the Board of Governors, the
 2420 President of the Senate, and the Speaker of the House of
 2421 Representatives data quality indicators and ratings for all
 2422 school districts and public postsecondary educational
 2423 institutions.

2424 (4) REPORTING OR DATA COLLECTION.--The department shall
 2425 coordinate with school districts in developing any reporting or
 2426 data collection requirements to address the specifications of
 2427 the accountability system. Before establishing any new reporting

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2428 or data collection requirements, the department shall utilize
 2429 any existing data being collected to reduce duplication and
 2430 minimize paperwork.

2431 (5) RULES.--The State Board of Education shall adopt rules
 2432 pursuant to ss. 120.536(1) and 120.54 to implement the
 2433 provisions of this section.

2434 Section 33. Subsections (1), (2), and (4) of section
 2435 1008.33, Florida Statutes, are amended to read:

2436 1008.33 Authority to enforce public school
 2437 improvement.--It is the intent of the Legislature that all
 2438 public schools be held accountable for students performing at
 2439 acceptable levels. A system of school improvement and
 2440 accountability that assesses student performance by school,
 2441 identifies schools in which students are not making adequate
 2442 progress toward state standards, institutes appropriate measures
 2443 for enforcing improvement, and provides rewards and sanctions
 2444 based on performance shall be the responsibility of the State
 2445 Board of Education.

2446 (1) Pursuant to Art. IX of the State Constitution
 2447 prescribing the duty of the State Board of Education to
 2448 supervise Florida's public school system and notwithstanding any
 2449 other statutory provisions to the contrary, the State Board of
 2450 Education shall intervene in the operation of a district school
 2451 system when one or more schools in the school district have
 2452 failed to make adequate progress for 2 school years in a 4-year
 2453 period. For purposes of determining when a school is eligible
 2454 for state board action and opportunity scholarships for its
 2455 students, the terms "2 years in any 4-year period" and "2 years

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2456 in a 4-year period" mean that in any year that a school has a
 2457 grade of "F," the school is eligible for state board action and
 2458 opportunity scholarships for its students if it also has had a
 2459 grade of "F" in any of the previous 3 school years. The State
 2460 Board of Education may determine that the school district or
 2461 school has not taken steps sufficient for students in the school
 2462 to be academically well served. Considering recommendations of
 2463 the Commissioner of Education, the State Board of Education
 2464 shall recommend action to a district school board intended to
 2465 improve educational services to students in each school that is
 2466 designated with a ~~as performance~~ grade of ~~category~~ "F."
 2467 Recommendations for actions to be taken in the school district
 2468 shall be made only after thorough consideration of the unique
 2469 characteristics of a school, which shall include student
 2470 mobility rates, the number and type of exceptional students
 2471 enrolled in the school, and the availability of options for
 2472 improved educational services. The state board shall adopt by
 2473 rule steps to follow in this process. Such steps shall provide
 2474 school districts sufficient time to improve student performance
 2475 in schools and the opportunity to present evidence of assistance
 2476 and interventions that the district school board has
 2477 implemented.

2478 (2) The State Board of Education may recommend one or more
 2479 of the following actions to district school boards to enable
 2480 students in schools designated with a ~~as performance~~ grade of
 2481 ~~category~~ "F" to be academically well served by the public school
 2482 system:

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2483 (a) Provide additional resources, change certain
 2484 practices, and provide additional assistance if the state board
 2485 determines the causes of inadequate progress to be related to
 2486 school district policy or practice;

2487 (b) Implement a plan that satisfactorily resolves the
 2488 education equity problems in the school;

2489 (c) Contract for the educational services of the school,
 2490 or reorganize the school at the end of the school year under a
 2491 new school principal who is authorized to hire new staff and
 2492 implement a plan that addresses the causes of inadequate
 2493 progress;

2494 (d) Transfer high-quality teachers, faculty, and staff as
 2495 needed to ensure adequate educational opportunities designed to
 2496 improve the performance of students in a low-performing school;

2497 (e)~~(d)~~ Allow parents of students in the school to send
 2498 their children to another district school of their choice; or

2499 (f)~~(e)~~ Other action appropriate to improve the school's
 2500 performance.

2501 (4) The State Board of Education may require the
 2502 Department of Education or Chief Financial Officer to withhold
 2503 any transfer of state funds to the school district if, within
 2504 the timeframe specified in state board action, the school
 2505 district has failed to comply with the action ordered to improve
 2506 the district's low-performing schools. Withholding the transfer
 2507 of funds shall occur only after all other recommended actions
 2508 for school improvement have failed to improve performance. The
 2509 State Board of Education may impose the same penalty on any
 2510 district school board that fails to develop and implement a plan

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2511 for assistance and intervention for low-performing schools as
 2512 specified in s. 1001.42(16) (d) ~~(e)~~.

2513 Section 34. Section 1008.34, Florida Statutes, is amended
 2514 to read:

2515 1008.34 School grading system; school report cards;
 2516 district ~~performance~~ grade.--

2517 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 2518 prepare annual reports of the results of the statewide
 2519 assessment program which describe student achievement in the
 2520 state, each district, and each school. The commissioner shall
 2521 prescribe the design and content of these reports, which must
 2522 include, without limitation, descriptions of the performance of
 2523 all schools participating in the assessment program and all of
 2524 their major student populations as determined by the
 2525 Commissioner of Education, and must also include the median
 2526 scores of all eligible students who scored at or in the lowest
 2527 25th percentile of the state in the previous school year;
 2528 provided, however, that the provisions of s. 1002.22 pertaining
 2529 to student records apply to this section.

2530 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The
 2531 annual report shall identify schools as having one of the
 2532 following grades ~~being in one of the following grade categories~~
 2533 defined according to rules of the State Board of Education:

- 2534 (a) "A," schools making excellent progress.
- 2535 (b) "B," schools making above average progress.
- 2536 (c) "C," schools making satisfactory progress.
- 2537 (d) "D," schools making less than satisfactory progress.
- 2538 (e) "F," schools failing to make adequate progress.

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2539
 2540 Each school designated with a in performance grade of category
 2541 "A," making excellent progress, or having improved at least two
 2542 ~~performance grade levels~~ categories, shall have greater
 2543 authority over the allocation of the school's total budget
 2544 generated from the FEFP, state categoricals, lottery funds,
 2545 grants, and local funds, as specified in state board rule. The
 2546 rule must provide that the increased budget authority shall
 2547 remain in effect until the school's ~~performance~~ grade declines.

2548 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
 2549 ~~CATEGORIES~~.--All schools shall receive a school grade except
 2550 those alternative schools that receive a school improvement
 2551 rating pursuant to s. 1008.341. Alternative schools may choose
 2552 to receive a school grade pursuant to the provisions of this
 2553 section in lieu of a school improvement rating described in s.
 2554 1008.341. School grades ~~performance grade category~~ designations
 2555 itemized in subsection (2) shall be based on the following:

2556 (a) Criteria Timeframes.--A school's grade shall be based
 2557 on a combination of:

2558 1. Student achievement scores ~~School performance grade~~
 2559 ~~category designations shall be based on the school's current~~
 2560 ~~year performance and the school's annual learning gains.~~

2561 2. ~~A school's performance grade category designation shall~~
 2562 ~~be based on a combination of student achievement scores, Student~~
 2563 ~~learning gains as measured by annual FCAT assessments in grades~~
 2564 ~~3 through 10, and~~

2565 3. Improvement of the lowest 25th percentile of students
 2566 in the school ~~in reading, math, or writing~~ on the FCAT Reading,

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2567 unless these students are exhibiting ~~performing~~ above
 2568 satisfactory performance.

2569 (b) Student assessment data.--Student assessment data used
 2570 in determining school grades ~~performance~~ ~~grade~~ ~~categories~~ shall
 2571 include:

2572 1. The aggregate scores of all eligible students enrolled
 2573 in the school who have been assessed on the FCAT.

2574 2. The aggregate scores of all eligible students enrolled
 2575 in the school who have been assessed on the FCAT, including
 2576 Florida Writes, and who have scored at or in the lowest 25th
 2577 percentile of students in the school in reading, math, or
 2578 writing, unless these students are exhibiting ~~performing~~ above
 2579 satisfactory performance.

2580 3. The achievement scores and learning gains of eligible
 2581 students attending alternative schools that provide dropout
 2582 prevention and academic intervention services pursuant to s.
 2583 1003.53. The term "eligible students" in this subparagraph does
 2584 not include students attending an alternative school who are
 2585 subject to district school board policies for expulsion for
 2586 repeated or serious offenses, who are in dropout retrieval
 2587 programs serving students who have officially been designated as
 2588 dropouts, or who are in Department of Juvenile Justice operated
 2589 and contracted programs. The student performance data for
 2590 eligible students identified in this subparagraph shall be
 2591 included in the calculation of the home school's grade. For
 2592 purposes of this section and s. 1008.341, "home school" means
 2593 the school the student was attending when assigned to an
 2594 alternative school or the school to which the student would be

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2595 assigned if the student left the alternative school. If an
 2596 alternative school chooses to be graded pursuant to this
 2597 section, student performance data for eligible students
 2598 identified in this subparagraph shall not be included in the
 2599 home school's grade but shall only be included in calculation of
 2600 the alternative school's improvement rating. School districts
 2601 must ensure collaboration between the home school and the
 2602 alternative school to promote student success.

2603
 2604 ~~The Department of Education shall study the effects of mobility~~
 2605 ~~on the performance of highly mobile students and recommend~~
 2606 ~~programs to improve the performance of such students.~~ The State
 2607 Board of Education shall adopt appropriate criteria for each
 2608 school ~~performance grade category~~. The criteria must also give
 2609 added weight to student achievement in reading. Schools
 2610 designated with a ~~as performance grade of category~~ "C," making
 2611 satisfactory progress, shall be required to demonstrate that
 2612 adequate progress has been made by students in the school who
 2613 are in the lowest 25th percentile in reading, math, or writing
 2614 on the FCAT, including Florida Writes, unless these students are
 2615 exhibiting ~~performing~~ above satisfactory performance.

2616 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
 2617 identify each school's performance as having improved, remained
 2618 the same, or declined. This school improvement rating shall be
 2619 based on a comparison of the current year's and previous year's
 2620 student and school performance data. Schools that improve at
 2621 least one ~~performance grade category~~ are eligible for school
 2622 recognition awards pursuant to s. 1008.36.

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2623 (5) ~~SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND~~
 2624 ~~IMPROVEMENT RATING REPORTS.~~--The Department of Education shall
 2625 annually develop, in collaboration with the school districts, a
 2626 school report card to be delivered to parents throughout each
 2627 school district. The report card shall include the school's
 2628 grade, information regarding school improvement, an explanation
 2629 of school performance as evaluated by the federal No Child Left
 2630 Behind Act of 2001, and indicators of return on investment.
 2631 ~~School performance grade category designations and improvement~~
 2632 ~~ratings shall apply to each school's performance for the year in~~
 2633 ~~which performance is measured.~~ Each school's report card
 2634 ~~designation and rating shall be published annually by the~~
 2635 ~~department on its website, of Education and the school district~~
 2636 shall provide the school report card to each parent. Parents
 2637 ~~shall be entitled to an easy-to-read report card about the~~
 2638 ~~designation and rating of the school in which their child is~~
 2639 ~~enrolled.~~

2640 (6)~~(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may
 2641 factor in the performance of schools in calculating any
 2642 performance-based funding policy that is provided for annually
 2643 in the General Appropriations Act.

2644 (7)~~(8)~~ DISTRICT PERFORMANCE GRADE.--The annual report
 2645 required by subsection (1) shall include district ~~performance~~
 2646 grades, which shall consist of weighted district average grades,
 2647 by level, for all elementary schools, middle schools, and high
 2648 schools in the district. A district's weighted average grade
 2649 shall be calculated by weighting individual school grades
 2650 determined pursuant to subsection (2) by school enrollment.

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2651 ~~(8)(6)~~ RULES.--The State Board of Education shall adopt
 2652 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 2653 provisions of this section.

2654 Section 35. Section 1008.341, Florida Statutes, is created
 2655 to read:

2656 1008.341 School improvement rating for alternative
 2657 schools.--

2658 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 2659 prepare an annual report on the performance of each school
 2660 receiving a school improvement rating pursuant to this section
 2661 provided that the provisions of s. 1002.22 pertaining to student
 2662 records shall apply.

2663 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
 2664 provide dropout prevention and academic intervention services
 2665 pursuant to s. 1003.53 shall receive a school improvement rating
 2666 pursuant to this section. The school improvement rating shall
 2667 identify schools as having one of the following ratings defined
 2668 according to rules of the State Board of Education:

2669 (a) "Improving," schools with students making more
 2670 academic progress than when the students were served in their
 2671 home schools.

2672 (b) "Maintaining," schools with students making progress
 2673 equivalent to the progress made when the students were served in
 2674 their home schools.

2675 (c) "Declining," schools with students making less
 2676 academic progress than when the students were served in their
 2677 home schools.

2678

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2679 The school improvement rating shall be based on a comparison of
 2680 the current year and previous year student performance data.
 2681 Schools that improve at least one level or maintain an
 2682 "improving" rating pursuant to this section are eligible for
 2683 school recognition awards pursuant to s. 1008.36.

2684 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
 2685 assessment data used in determining an alternative school's
 2686 school improvement rating shall include:

2687 (a) The aggregate scores of all eligible students who were
 2688 assigned to and enrolled in the school during the October or
 2689 February FTE count, who have been assessed on the FCAT, and who
 2690 have FCAT or comparable scores for the preceding school year.

2691 (b) The aggregate scores of all eligible students who were
 2692 assigned to and enrolled in the school during the October or
 2693 February FTE count, who have been assessed on the FCAT,
 2694 including Florida Writes, and who have scored in the lowest 25th
 2695 percentile of students in the state on FCAT Reading.

2696
 2697 The scores of students who are subject to district school board
 2698 policies for expulsion for repeated or serious offenses, who are
 2699 in dropout retrieval programs serving students who have
 2700 officially been designated as dropouts, or who are in Department
 2701 of Juvenile Justice operated and contracted programs shall not
 2702 be included in an alternative school's school improvement
 2703 rating.

2704 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
 2705 alternative school receiving a school improvement rating, the
 2706 Department of Education shall annually identify the percentage

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2707 of students making learning gains as compared to the percentage
 2708 of the same students making learning gains in their home schools
 2709 in the year prior to being assigned to the alternative school.

2710 (5) SCHOOL REPORT CARD.--The Department of Education shall
 2711 annually develop, in collaboration with the school districts, a
 2712 school report card for alternative schools to be delivered to
 2713 parents throughout each school district. The report card shall
 2714 include the school improvement rating, identification of student
 2715 learning gains, information regarding school improvement, an
 2716 explanation of school performance as evaluated by the federal No
 2717 Child Left Behind Act of 2001, and indicators of return on
 2718 investment.

2719 (6) RULES.--The State Board of Education shall adopt rules
 2720 pursuant to ss. 120.536(1) and 120.54 to implement the
 2721 provisions of this section.

2722 Section 36. Subsection (5), paragraphs (b) and (d) of
 2723 subsection (6), and subsection (7) of section 1008.345, Florida
 2724 Statutes, are amended to read:

2725 1008.345 Implementation of state system of school
 2726 improvement and education accountability.--

2727 (5) The commissioner shall report to the Legislature and
 2728 recommend changes in state policy necessary to foster school
 2729 improvement and education accountability. Included in the report
 2730 shall be a list of the schools, including schools operating for
 2731 the purpose of providing educational services to youth in
 2732 Department of Juvenile Justice programs, for which district
 2733 school boards have developed assistance and intervention plans
 2734 and an analysis of the various strategies used by the school

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2735 boards. School reports shall be distributed pursuant to this
 2736 subsection and s. 1001.42(16)(f)(~~e~~) and according to rules
 2737 adopted by the State Board of Education.

2738 (6)

2739 (b) Upon request, the department shall provide technical
 2740 assistance and training to any school, including any school
 2741 operating for the purpose of providing educational services to
 2742 youth in Department of Juvenile Justice programs, school
 2743 advisory council, district, or district school board for
 2744 conducting needs assessments, developing and implementing school
 2745 improvement plans, developing and implementing assistance and
 2746 intervention plans, or implementing other components of school
 2747 improvement and accountability. Priority for these services
 2748 shall be given to schools designated with a ~~as~~ performance grade
 2749 of category "D" or "F" and school districts in rural and
 2750 sparsely populated areas of the state.

2751 (d) The department shall assign a community assessment
 2752 team to each school district with a school designated with a ~~as~~
 2753 performance grade of category "D" or "F" to review the school
 2754 performance data and determine causes for the low performance.
 2755 The team shall make recommendations to the school board, to the
 2756 department, and to the State Board of Education for implementing
 2757 an assistance and intervention plan that will address the causes
 2758 of the school's low performance. The assessment team shall
 2759 include, but not be limited to, a department representative,
 2760 parents, business representatives, educators, and community
 2761 activists, and shall represent the demographics of the community
 2762 from which they are appointed.

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2763 (7)(a) Schools designated with a ~~in-performance~~ grade of
 2764 ~~category~~ "A," making excellent progress, shall, if requested by
 2765 the school, be given deregulated status as specified in s.
 2766 1003.63(5), (7), (8), (9), and (10).

2767 (b) Schools that have improved at least two grades
 2768 ~~performance-grade categories~~ and that meet the criteria of the
 2769 Florida School Recognition Program pursuant to s. 1008.36 may be
 2770 given deregulated status as specified in s. 1003.63(5), (7),
 2771 (8), (9), and (10).

2772 Section 37. Subsections (3), (4), and (5) of section
 2773 1008.36, Florida Statutes, are amended to read:

2774 1008.36 Florida School Recognition Program.--

2775 (3) All public schools, including charter schools, that
 2776 receive a school grade pursuant to s. 1008.34 or a school
 2777 improvement rating pursuant to s. 1008.341 are eligible to
 2778 participate in the program. For the purpose of this section, a
 2779 school or schools serving any combination of kindergarten
 2780 through grade 3 students that do not receive a school grade
 2781 under s. 1008.34 shall be assigned the school grade of the
 2782 feeder pattern school designated by the Department of Education
 2783 and verified by the school district and shall be eligible to
 2784 participate in the program based on that feeder. A "feeder
 2785 school pattern" is defined as a pattern in which at least 60
 2786 percent of the students in the school not receiving a school
 2787 grade are assigned to the graded school. A feeder pattern school
 2788 shall be subject to the Opportunity Scholarship Program as
 2789 defined in s. 1002.38.

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2790 (4) All selected schools shall receive financial awards
 2791 depending on the availability of funds appropriated and the
 2792 number and size of schools selected to receive an award. Funds
 2793 must be distributed to the school's fiscal agent and placed in
 2794 the school's account and must be used for purposes listed in
 2795 subsection (5) as determined by the school advisory council
 2796 pursuant to s. 1001.452 in the annual school improvement plan
 2797 required pursuant to s. 1001.42(16)(a). If such a determination
 2798 is not included in the school improvement plan, the school shall
 2799 not be eligible to receive a financial award jointly by the
 2800 school's staff and school advisory council. If school staff and
 2801 the school advisory council cannot reach agreement by November
 2802 1, the awards must be equally distributed to all classroom
 2803 teachers currently teaching in the school.

2804 (5) School recognition awards must be used for the
 2805 following:

2806 (a) Nonrecurring bonuses to the faculty and staff who
 2807 currently teach at the school or who taught at the school during
 2808 the year of improved performance;

2809 (b) Nonrecurring expenditures for educational equipment,
 2810 ~~or~~ materials, or student incentives to assist in maintaining and
 2811 improving student performance; or

2812 (c) Temporary personnel for the school to assist in
 2813 maintaining and improving student performance.

2814
 2815 Notwithstanding statutory provisions to the contrary, incentive
 2816 awards are not subject to collective bargaining.

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2817 Section 38. Paragraph (h) of subsection (1) of section
 2818 1008.45, Florida Statutes, is amended to read:

2819 1008.45 Community college accountability process.--

2820 (1) It is the intent of the Legislature that a management
 2821 and accountability process be implemented which provides for the
 2822 systematic, ongoing improvement and assessment of the
 2823 improvement of the quality and efficiency of the Florida
 2824 community colleges. Accordingly, the State Board of Education
 2825 and the community college boards of trustees shall develop and
 2826 implement an accountability plan to improve and evaluate the
 2827 instructional and administrative efficiency and effectiveness of
 2828 the Florida Community College System. This plan shall be
 2829 designed in consultation with staff of the Governor and the
 2830 Legislature and must address the following issues:

2831 ~~(h) Other measures as identified by the Council for~~
 2832 ~~Education Policy Research and Improvement and approved by the~~
 2833 ~~State Board of Education.~~

2834 Section 39. Section 1008.51, Florida Statutes, is
 2835 repealed.

2836 Section 40. Paragraphs (f), ((h), (l), (m), and (n) of
 2837 subsection (1) and paragraphs (a) and (b) of subsection (4) of
 2838 section 1011.62, Florida Statutes, are amended, subsections (8)
 2839 and (9) are renumbered as subsections (9) and (10),
 2840 respectively, and amended, and a new subsection (8) is added to
 2841 said section, to read:

2842 1011.62 Funds for operation of schools.--If the annual
 2843 allocation from the Florida Education Finance Program to each
 2844 district for operation of schools is not determined in the

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2845 | annual appropriations act or the substantive bill implementing
 2846 | the annual appropriations act, it shall be determined as
 2847 | follows:

2848 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 2849 | OPERATION.--The following procedure shall be followed in
 2850 | determining the annual allocation to each district for
 2851 | operation:

2852 | (f) Supplemental academic instruction; categorical fund.--

2853 | 1. There is created a categorical fund to provide
 2854 | supplemental academic instruction to students in kindergarten
 2855 | through grade 12. This paragraph may be cited as the
 2856 | "Supplemental Academic Instruction Categorical Fund."

2857 | 2. Categorical funds for supplemental academic instruction
 2858 | shall be allocated annually to each school district in the
 2859 | amount provided in the General Appropriations Act. These funds
 2860 | shall be in addition to the funds appropriated on the basis of
 2861 | FTE student membership in the Florida Education Finance Program
 2862 | and shall be included in the total potential funds of each
 2863 | district. These funds shall be used to provide supplemental
 2864 | academic instruction to students enrolled in the K-12 program.
 2865 | Supplemental instruction strategies may include, but are not
 2866 | limited to: modified curriculum, reading instruction, after-
 2867 | school instruction, tutoring, mentoring, class size reduction,
 2868 | extended school year, intensive skills development in summer
 2869 | school, and other methods for improving student achievement.
 2870 | Supplemental instruction may be provided to a student in any
 2871 | manner and at any time during or beyond the regular 180-day term
 2872 | identified by the school as being the most effective and

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2873 efficient way to best help that student progress from grade to
 2874 grade and to graduate.

2875 3. Effective with the 1999-2000 fiscal year, funding on
 2876 the basis of FTE membership beyond the 180-day regular term
 2877 shall be provided in the FEFP only for students enrolled in
 2878 juvenile justice education programs or in an education program
 2879 for juveniles under s. 985.223. Funding for instruction beyond
 2880 the regular 180-day school year for all other K-12 students
 2881 shall be provided through the supplemental academic instruction
 2882 categorical fund and other state, federal, and local fund
 2883 sources with ample flexibility for schools to provide
 2884 supplemental instruction to assist students in progressing from
 2885 grade to grade and graduating.

2886 4. The Florida State University School, as a lab school,
 2887 is authorized to expend from its FEFP or Lottery Enhancement
 2888 Trust Fund allocation the cost to the student of remediation in
 2889 reading, writing, or mathematics for any graduate who requires
 2890 remediation at a postsecondary educational institution.

2891 5. Beginning in the 1999-2000 school year, dropout
 2892 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 2893 (b), and (c), and 1003.54 shall be included in group 1 programs
 2894 under subparagraph (d)3.

2895 6. Beginning in the 2005-2006 school year, parents of the
 2896 following students shall be offered the opportunity to choose
 2897 supplemental educational services from the school district or
 2898 from a list of providers approved by the Department of
 2899 Education:

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2900 a. Third grade students scoring at Level 1 on FCAT Reading
 2901 who are not eligible for supplemental educational services
 2902 through the requirements of Pub. L. No. 107-110.

2903 b. High school students failing grade 10 FCAT Reading or
 2904 grade 10 FCAT Mathematics on their second attempt who are not
 2905 eligible for supplemental educational services through the
 2906 requirements of Pub. L. No. 107-110.

2907
 2908 Funds per student shall be determined annually in the General
 2909 Appropriations Act.

2910 (h) Small, isolated high schools.--Districts which levy
 2911 the maximum nonvoted discretionary millage, exclusive of millage
 2912 for capital outlay purposes levied pursuant to s. 1011.71(2),
 2913 may calculate full-time equivalent students for small, isolated
 2914 high schools by multiplying the number of unweighted full-time
 2915 equivalent students times 2.75; provided the school has attained
 2916 a state accountability ~~performance~~ grade ~~category~~ of "C" or
 2917 better, pursuant to s. 1008.34, for the previous school year.
 2918 For the purpose of this section, the term "small, isolated high
 2919 school" means any high school which is located no less than 28
 2920 miles by the shortest route from another high school; which has
 2921 been serving students primarily in basic studies provided by
 2922 sub-subparagraphs (c)1.b. and c. and may include subparagraph
 2923 (c)4.; and which has a membership of no more than 100 students,
 2924 but no fewer than 28 students, in grades 9 through 12.

2925 (1) Calculation of additional full-time equivalent
 2926 membership based on international baccalaureate examination
 2927 scores of students.--A value of 0.24 full-time equivalent

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2928 student membership shall be calculated for each student enrolled
 2929 in an international baccalaureate course who receives a score of
 2930 4 or higher on a subject examination. A value of 0.3 full-time
 2931 equivalent student membership shall be calculated for each
 2932 student who receives an international baccalaureate diploma.
 2933 Such value shall be added to the total full-time equivalent
 2934 student membership in basic programs for grades 9 through 12 in
 2935 the subsequent fiscal year. The school district shall distribute
 2936 to each classroom teacher who provided international
 2937 baccalaureate instruction:

2938 1. A bonus in the amount of \$50 for each student taught by
 2939 the International Baccalaureate teacher in each international
 2940 baccalaureate course who receives a score of 4 or higher on the
 2941 international baccalaureate examination.

2942 2. An additional bonus of \$500 to each International
 2943 Baccalaureate teacher in a school designated with a performance
 2944 grade of category "D" or "F" who has at least one student
 2945 scoring 4 or higher on the international baccalaureate
 2946 examination, regardless of the number of classes taught or of
 2947 the number of students scoring a 4 or higher on the
 2948 international baccalaureate examination.

2949
 2950 Bonuses awarded to a teacher according to this paragraph shall
 2951 not exceed \$2,000 in any given school year and shall be in
 2952 addition to any regular wage or other bonus the teacher received
 2953 or is scheduled to receive.

2954 (m) Calculation of additional full-time equivalent
 2955 membership based on Advanced International Certificate of

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2956 Education examination scores of students.--A value of 0.24 full-
 2957 time equivalent student membership shall be calculated for each
 2958 student enrolled in a full-credit Advanced International
 2959 Certificate of Education course who receives a score of 2 or
 2960 higher on a subject examination. A value of 0.12 full-time
 2961 equivalent student membership shall be calculated for each
 2962 student enrolled in a half-credit Advanced International
 2963 Certificate of Education course who receives a score of 1 or
 2964 higher on a subject examination. A value of 0.3 full-time
 2965 equivalent student membership shall be calculated for each
 2966 student who received an Advanced International Certificate of
 2967 Education diploma. Such value shall be added to the total full-
 2968 time equivalent student membership in basic programs for grades
 2969 9 through 12 in the subsequent fiscal year. The school district
 2970 shall distribute to each classroom teacher who provided Advanced
 2971 International Certificate of Education instruction:

2972 1. A bonus in the amount of \$50 for each student taught by
 2973 the Advanced International Certificate of Education teacher in
 2974 each full-credit Advanced International Certificate of Education
 2975 course who receives a score of 2 or higher on the Advanced
 2976 International Certificate of Education examination. A bonus in
 2977 the amount of \$25 for each student taught by the Advanced
 2978 International Certificate of Education teacher in each half-
 2979 credit Advanced International Certificate of Education course
 2980 who receives a score of 1 or higher on the Advanced
 2981 International Certificate of Education examination.

2982 2. An additional bonus of \$500 to each Advanced
 2983 International Certificate of Education teacher in a school

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2984 designated with a performance grade of category "D" or "F" who
 2985 has at least one student scoring 2 or higher on the full-credit
 2986 Advanced International Certificate of Education examination,
 2987 regardless of the number of classes taught or of the number of
 2988 students scoring a 2 or higher on the full-credit Advanced
 2989 International Certificate of Education examination.

2990 3. Additional bonuses of \$250 each to teachers of half-
 2991 credit Advanced International Certificate of Education classes
 2992 in a school designated with a performance grade of category "D"
 2993 or "F" which has at least one student scoring a 1 or higher on
 2994 the half-credit Advanced International Certificate of Education
 2995 examination in that class. The maximum additional bonus for a
 2996 teacher awarded in accordance with this subparagraph shall not
 2997 exceed \$500 in any given school year. Teachers receiving an
 2998 award under subparagraph 2. are not eligible for a bonus under
 2999 this subparagraph.

3000
 3001 Bonuses awarded to a teacher according to this paragraph shall
 3002 not exceed \$2,000 in any given school year and shall be in
 3003 addition to any regular wage or other bonus the teacher received
 3004 or is scheduled to receive.

3005 (n) Calculation of additional full-time equivalent
 3006 membership based on college board advanced placement scores of
 3007 students.--A value of 0.24 full-time equivalent student
 3008 membership shall be calculated for each student in each advanced
 3009 placement course who receives a score of 3 or higher on the
 3010 College Board Advanced Placement Examination for the prior year
 3011 and added to the total full-time equivalent student membership

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3012 in basic programs for grades 9 through 12 in the subsequent
 3013 fiscal year. Each district must allocate at least 80 percent of
 3014 the funds provided to the district for advanced placement
 3015 instruction, in accordance with this paragraph, to the high
 3016 school that generates the funds. The school district shall
 3017 distribute to each classroom teacher who provided advanced
 3018 placement instruction:

3019 1. A bonus in the amount of \$50 for each student taught by
 3020 the Advanced Placement teacher in each advanced placement course
 3021 who receives a score of 3 or higher on the College Board
 3022 Advanced Placement Examination.

3023 2. An additional bonus of \$500 to each Advanced Placement
 3024 teacher in a school designated with a performance grade of
 3025 ~~category~~ "D" or "F" who has at least one student scoring 3 or
 3026 higher on the College Board Advanced Placement Examination,
 3027 regardless of the number of classes taught or of the number of
 3028 students scoring a 3 or higher on the College Board Advanced
 3029 Placement Examination.

3030
 3031 Bonuses awarded to a teacher according to this paragraph shall
 3032 not exceed \$2,000 in any given school year and shall be in
 3033 addition to any regular wage or other bonus the teacher received
 3034 or is scheduled to receive.

3035 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
 3036 Legislature shall prescribe the aggregate required local effort
 3037 for all school districts collectively as an item in the General
 3038 Appropriations Act for each fiscal year. The amount that each
 3039 district shall provide annually toward the cost of the Florida

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3040 Education Finance Program for kindergarten through grade 12
 3041 programs shall be calculated as follows:

3042 (a) Estimated taxable value calculations.--

3043 1.a. Not later than 2 working days prior to July 19, the
 3044 Department of Revenue shall certify to the Commissioner of
 3045 Education its most recent estimate of the taxable value for
 3046 school purposes in each school district and the total for all
 3047 school districts in the state for the current calendar year
 3048 based on the latest available data obtained from the local
 3049 property appraisers. Not later than July 19, the Commissioner of
 3050 Education shall compute a millage rate, rounded to the next
 3051 highest one one-thousandth of a mill, which, when applied to 95
 3052 percent of the estimated state total taxable value for school
 3053 purposes, would generate the prescribed aggregate required local
 3054 effort for that year for all districts. The Commissioner of
 3055 Education shall certify to each district school board the
 3056 millage rate, computed as prescribed in this subparagraph, as
 3057 the minimum millage rate necessary to provide the district
 3058 required local effort for that year.

3059 b. The General Appropriations Act shall direct the
 3060 computation of the statewide adjusted aggregate amount for
 3061 required local effort for all school districts collectively from
 3062 ad valorem taxes to ensure that no school district's revenue
 3063 from required local effort millage will produce more than 90
 3064 percent of the district's total Florida Education Finance
 3065 Program calculation, and the adjustment of the required local
 3066 effort millage rate of each district that produces more than 90
 3067 percent of its total Florida Education Finance Program

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3068 entitlement to a level that will produce only 90 percent of its
 3069 total Florida Education Finance Program entitlement in the July
 3070 calculation.

3071 2. As revised data are received from property appraisers,
 3072 the Department of Revenue shall amend the certification of the
 3073 estimate of the taxable value for school purposes. The
 3074 Commissioner of Education, in administering the provisions of
 3075 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable
 3076 value for the appropriate year.

3077 (b) Final calculation.--

3078 1. The Department of Revenue shall, upon receipt of the
 3079 official final assessed value of property from each of the
 3080 property appraisers, certify to the Commissioner of Education
 3081 the taxable value total for school purposes in each school
 3082 district, subject to the provisions of paragraph (d). The
 3083 commissioner shall use the official final taxable value for
 3084 school purposes for each school district in the final
 3085 calculation of the annual Florida Education Finance Program
 3086 allocations.

3087 2. For the purposes of this paragraph, the official final
 3088 taxable value for school purposes shall be the taxable value for
 3089 school purposes on which the tax bills are computed and mailed
 3090 to the taxpayers, adjusted to reflect final administrative
 3091 actions of value adjustment boards and judicial decisions
 3092 pursuant to part I of chapter 194. By September 1 of each year,
 3093 the Department of Revenue shall certify to the commissioner the
 3094 official prior year final taxable value for school purposes. For
 3095 each county that has not submitted a revised tax roll reflecting

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3096 final value adjustment board actions and final judicial
 3097 decisions, the Department of Revenue shall certify the most
 3098 recent revision of the official taxable value for school
 3099 purposes. The certified value shall be the final taxable value
 3100 for school purposes, and no further adjustments shall be made,
 3101 except those made pursuant to subparagraph ~~(10)(9)~~(a)2.

3102 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

3103 (a) The research-based reading instruction allocation is
 3104 created to provide comprehensive reading instruction to students
 3105 in kindergarten through grade 12.

3106 (b) Funds for comprehensive, research-based reading
 3107 instruction shall be allocated annually to each school district
 3108 in the amount provided in the General Appropriations Act. Each
 3109 eligible school district shall receive the same minimum amount
 3110 as specified in the General Appropriations Act, and any
 3111 remaining funds shall be distributed to eligible school
 3112 districts based on each school district's proportionate share of
 3113 K-12 base funding.

3114 (c) Funds must be used to provide a system of
 3115 comprehensive reading instruction to students enrolled in the K-
 3116 12 programs, which may include the following:

3117 1. The provision of highly qualified reading coaches.

3118 2. Professional development for school district teachers
 3119 in scientifically based reading instruction.

3120 3. The provision of summer reading camps for students who
 3121 score at Level 1 on FCAT Reading.

3122 4. The provision of supplemental instructional materials
 3123 that are grounded in scientifically based reading research, and

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3124 comprehensive training in their use, for which teachers shall
 3125 receive inservice credit. Each school district, in partnership
 3126 with the publisher of the material, shall provide the training
 3127 and the school district shall certify that the teacher has
 3128 achieved mastery in using the material correctly. Data on this
 3129 training shall be collected by the Department of Education.

3130 5. The provision of intensive interventions for middle and
 3131 high school students reading below grade level.

3132 (d) Annually, by a date determined by the Department of
 3133 Education but before May 1, school districts shall submit a plan
 3134 for the specific use of the research-based reading instruction
 3135 allocation in the format prescribed by the department for review
 3136 and approval by the Just Read, Florida! Office created pursuant
 3137 to s. 1001.215. The plan annually submitted by school districts
 3138 shall be deemed approved unless the department rejects the plan
 3139 on or before June 1. If a school district and the Just Read,
 3140 Florida! Office cannot reach agreement on the contents of the
 3141 plan, the school district may appeal to the State Board of
 3142 Education. The plan format shall be developed with input from
 3143 school district personnel, including teachers and principals,
 3144 and shall allow courses in core, career, and alternative
 3145 programs that deliver intensive reading remediation through
 3146 integrated curricula. No later than July 1 annually, the
 3147 department shall release the school district's allocation of
 3148 appropriated funds to those districts with approved plans. A
 3149 school district that spends 100 percent of this allocation on
 3150 its approved plan shall be deemed to have been in compliance
 3151 with the plan. The department may withhold funds upon a

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3152 determination that reading instruction allocation funds are not
 3153 being used to implement the approved plan.

3154 (9)(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
 3155 annually in the General Appropriations Act determine a
 3156 percentage increase in funds per K-12 unweighted FTE as a
 3157 minimum guarantee to each school district. The guarantee shall
 3158 be calculated from prior year base funding per unweighted FTE
 3159 student which shall include the adjusted FTE dollars as provided
 3160 in subsection (10)(9), quality guarantee funds, and actual
 3161 nonvoted discretionary local effort from taxes. From the base
 3162 funding per unweighted FTE, the increase shall be calculated for
 3163 the current year. The current year funds from which the
 3164 guarantee shall be determined shall include the adjusted FTE
 3165 dollars as provided in subsection (10)(9) and potential nonvoted
 3166 discretionary local effort from taxes. A comparison of current
 3167 year funds per unweighted FTE to prior year funds per unweighted
 3168 FTE shall be computed. For those school districts which have
 3169 less than the legislatively assigned percentage increase, funds
 3170 shall be provided to guarantee the assigned percentage increase
 3171 in funds per unweighted FTE student. Should appropriated funds
 3172 be less than the sum of this calculated amount for all
 3173 districts, the commissioner shall prorate each district's
 3174 allocation. This provision shall be implemented to the extent
 3175 specifically funded.

3176 (10)(9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 3177 FOR CURRENT OPERATION.--The total annual state allocation to
 3178 each district for current operation for the FEFP shall be
 3179 distributed periodically in the manner prescribed in the General

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3180 Appropriations Act.

3181 (a) The basic amount for current operation for the FEFP as
 3182 determined in subsection (1), multiplied by the district cost
 3183 differential factor as determined in subsection (2), plus the
 3184 amounts provided for categorical components within the FEFP,
 3185 plus the amount for the sparsity supplement as determined in
 3186 subsection (6), the decline in full-time equivalent students as
 3187 determined in subsection (7), the research-based reading
 3188 instruction allocation as determined in subsection (8), and the
 3189 quality assurance guarantee as determined in subsection (9)~~(8)~~,
 3190 less the required local effort as determined in subsection (4).
 3191 If the funds appropriated for the purpose of funding the total
 3192 amount for current operation as provided in this paragraph are
 3193 not sufficient to pay the state requirement in full, the
 3194 department shall prorate the available state funds to each
 3195 district in the following manner:

3196 1. Determine the percentage of proration by dividing the
 3197 sum of the total amount for current operation, as provided in
 3198 this paragraph for all districts collectively, and the total
 3199 district required local effort into the sum of the state funds
 3200 available for current operation and the total district required
 3201 local effort.

3202 2. Multiply the percentage so determined by the sum of the
 3203 total amount for current operation as provided in this paragraph
 3204 and the required local effort for each individual district.

3205 3. From the product of such multiplication, subtract the
 3206 required local effort of each district; and the remainder shall

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3207 | be the amount of state funds allocated to the district for
 3208 | current operation.

3209 | (b) The amount thus obtained shall be the net annual
 3210 | allocation to each school district. However, if it is determined
 3211 | that any school district received an underallocation or
 3212 | overallocation for any prior year because of an arithmetical
 3213 | error, assessment roll change, full-time equivalent student
 3214 | membership error, or any allocation error revealed in an audit
 3215 | report, the allocation to that district shall be appropriately
 3216 | adjusted. Beginning with audits for the 2001-2002 fiscal year,
 3217 | if the adjustment is the result of an audit finding in which
 3218 | group 2 FTE are reclassified to the basic program and the
 3219 | district weighted FTE are over the weighted enrollment ceiling
 3220 | for group 2 programs, the adjustment shall not result in a gain
 3221 | of state funds to the district. If the Department of Education
 3222 | audit adjustment recommendation is based upon controverted
 3223 | findings of fact, the Commissioner of Education is authorized to
 3224 | establish the amount of the adjustment based on the best
 3225 | interests of the state.

3226 | (c) The amount thus obtained shall represent the net
 3227 | annual state allocation to each district; however,
 3228 | notwithstanding any of the provisions herein, each district
 3229 | shall be guaranteed a minimum level of funding in the amount and
 3230 | manner prescribed in the General Appropriations Act.

3231 | Section 41. Paragraph (a) of subsection (2) of section
 3232 | 1011.64, Florida Statutes, is amended to read:

3233 | 1011.64 School district minimum classroom expenditure
 3234 | requirements.--

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3235 (2) For the purpose of implementing the provisions of this
 3236 section, the Legislature shall prescribe minimum academic
 3237 performance standards and minimum classroom expenditure
 3238 requirements for districts not meeting such minimum academic
 3239 performance standards in the General Appropriations Act.

3240 (a) Minimum academic performance standards may be based
 3241 on, but are not limited to, district ~~performance~~ grades
 3242 determined pursuant to s. 1008.34(7)~~(8)~~.

3243 Section 42. Paragraph (b) of subsection (2) of section
 3244 1011.685, Florida Statutes, is amended to read:

3245 1011.685 Class size reduction; operating categorical
 3246 fund.--

3247 (2) Class size reduction operating categorical funds shall
 3248 be used by school districts for the following:

3249 (b) For any lawful operating expenditure, if the district
 3250 has met the constitutional maximums identified in s. 1003.03(1)
 3251 or the reduction of two students per year required by s.
 3252 1003.03(2); however, priority shall be given to increase
 3253 salaries of classroom teachers as defined in s. 1012.01(2)(a)
 3254 and to implement the differentiated-pay provisions detailed in
 3255 s. 1012.2312 ~~salary career ladder defined in s. 1012.231.~~

3256 Section 43. Section 1011.6855, Florida Statutes, is
 3257 created to read:

3258 1011.6855 Minimum pay for instructional personnel;
 3259 operating categorical fund.--An operating categorical fund is
 3260 created through which funds shall be used to:

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3261 (1) Provide minimum pay of \$35,000 or higher as specified
 3262 in the General Appropriations Act for all full-time certified
 3263 instructional personnel identified in s. 1012.01(2)(a)-(d).

3264 (2) Provide elevation funds of at least \$2,000 or higher
 3265 as specified in the General Appropriations Act to increase the
 3266 salary of all full-time certified instructional personnel
 3267 identified in s. 1012.01(2)(a)-(d) who are earning \$33,000 or
 3268 higher.

3269
 3270 Operating categorical funds remaining after the obligations in
 3271 subsections (1) and (2) have been met must be used to reduce the
 3272 district average class size until the district average class
 3273 size meets the requirements specified in the State Constitution.
 3274 The school district may expend the funds for any lawful
 3275 operating expenditure if the constitutional requirements in this
 3276 section and s. 1011.685 have been met.

3277 Section 44. Subsection (1) of section 1011.71, Florida
 3278 Statutes, is amended to read:

3279 1011.71 District school tax.--

3280 (1) If the district school tax is not provided in the
 3281 General Appropriations Act or the substantive bill implementing
 3282 the General Appropriations Act, each district school board
 3283 desiring to participate in the state allocation of funds for
 3284 current operation as prescribed by s. 1011.62~~(10)~~~~(9)~~ shall levy
 3285 on the taxable value for school purposes of the district,
 3286 exclusive of millage voted under the provisions of s. 9(b) or s.
 3287 12, Art. VII of the State Constitution, a millage rate not to
 3288 exceed the amount certified by the commissioner as the minimum

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3289 millage rate necessary to provide the district required local
 3290 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
 3291 addition to the required local effort millage levy, each
 3292 district school board may levy a nonvoted current operating
 3293 discretionary millage. The Legislature shall prescribe annually
 3294 in the appropriations act the maximum amount of millage a
 3295 district may levy. The millage rate prescribed shall exceed zero
 3296 mills but shall not exceed the lesser of 1.6 mills or 25 percent
 3297 of the millage which is required pursuant to s. 1011.62(4),
 3298 exclusive of millage levied pursuant to subsection (2).

3299 Section 45. Subsection (6) is added to section 1012.21,
 3300 Florida Statutes, to read:

3301 1012.21 Department of Education duties; K-12 personnel.--

3302 (6) REPORTING.--The Department of Education shall annually
 3303 post online the collective bargaining contracts of each school
 3304 district received pursuant to s. 1012.22. The department shall
 3305 prescribe the computer format for district school boards to
 3306 provide the information.

3307 Section 46. Paragraph (c) of subsection (1) of section
 3308 1012.22, Florida Statutes, is amended, and subsection (3) is
 3309 added to said section, to read:

3310 1012.22 Public school personnel; powers and duties of the
 3311 district school board.--The district school board shall:

3312 (1) Designate positions to be filled, prescribe
 3313 qualifications for those positions, and provide for the
 3314 appointment, compensation, promotion, suspension, and dismissal
 3315 of employees as follows, subject to the requirements of this
 3316 chapter:

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3317 (c) Compensation and salary schedules.--

3318 1. The district school board shall adopt a salary schedule
 3319 or salary schedules designed to furnish incentives for
 3320 improvement in training and for continued efficient service to
 3321 be used as a basis for paying all school employees and fix and
 3322 authorize the compensation of school employees on the basis
 3323 thereof.

3324 2. A district school board, in determining the salary
 3325 schedule for instructional personnel, must base a portion of
 3326 each employee's compensation on performance demonstrated under
 3327 s. 1012.34, must consider the prior teaching experience of a
 3328 person who has been designated state teacher of the year by any
 3329 state in the United States, and must consider prior professional
 3330 experience in the field of education gained in positions in
 3331 addition to district level instructional and administrative
 3332 positions.

3333 3. In developing the salary schedule, the district school
 3334 board shall seek input from parents, teachers, and
 3335 representatives of the business community.

3336 ~~4. Beginning with the 2002-2003 fiscal year, each district~~
 3337 ~~school board must adopt a performance pay policy for school~~
 3338 ~~administrators and instructional personnel. The district's~~
 3339 ~~performance pay policy is subject to negotiation as provided in~~
 3340 ~~chapter 447; however, the adopted salary schedule must allow~~
 3341 ~~school administrators and instructional personnel who~~
 3342 ~~demonstrate outstanding performance, as measured under s.~~
 3343 ~~1012.34, to earn a 5 percent supplement in addition to their~~
 3344 ~~individual, negotiated salary. The supplements shall be funded~~

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3345 ~~from the performance pay reserve funds adopted in the salary~~
 3346 ~~schedule. Beginning with the 2004-2005 academic year, the~~
 3347 ~~district's 5-percent performance pay policy must provide for the~~
 3348 ~~evaluation of classroom teachers within each level of the salary~~
 3349 ~~career ladder provided in s. 1012.231. The Commissioner of~~
 3350 ~~Education shall determine whether the district school board's~~
 3351 ~~adopted salary schedule complies with the requirement for~~
 3352 ~~performance-based pay. If the district school board fails to~~
 3353 ~~comply with this section, the commissioner shall withhold~~
 3354 ~~disbursements from the Educational Enhancement Trust Fund to the~~
 3355 ~~district until compliance is verified.~~

3356 (3) Annually provide to the Department of Education the
 3357 negotiated collective bargaining contract for the school
 3358 district. The district school board shall report in the computer
 3359 format prescribed by the department pursuant to s. 1012.21.

3360 Section 47. Section 1012.2305, Florida Statutes, is
 3361 created to read:

3362 1012.2305 Minimum pay for instructional personnel.--

3363 (1) LEGISLATIVE INTENT.--The Legislature recognizes that
 3364 higher pay does not guarantee quality performance in education.
 3365 The Legislature also recognizes that competitive pay,
 3366 differentiated pay, and performance incentives are necessary to
 3367 attract and retain the highest quality teachers and that the
 3368 prospect of higher pay and career opportunities are important to
 3369 attract talented individuals to the field of teaching.

3370 (2) MINIMUM PAY.--The minimum pay for full-time certified
 3371 instructional personnel identified in s. 1012.01(2)(a)-(d) shall
 3372 be \$35,000 and shall be established by the Legislature to remain

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3373 above the national average beginning pay for public school
 3374 teachers.

3375 Section 48. Section 1012.231, Florida Statutes, is
 3376 repealed.

3377 Section 49. Section 1012.2312, Florida Statutes, is
 3378 created to read:

3379 1012.2312 Differentiated pay for instructional
 3380 personnel.--

3381 (1) Beginning with the 2005-2006 fiscal year, each
 3382 district school board shall have a differentiated-pay policy for
 3383 instructional personnel and incorporate it into the school
 3384 district's salary schedule.

3385 (2) The differentiated-pay policy may be subject to
 3386 negotiation as provided in chapter 447; however, the adopted
 3387 salary schedule must allow instructional personnel to receive
 3388 differentiated pay based upon school district determined
 3389 factors, including, but not limited to, each of the following:

3390 (a) The subject areas taught, with classroom teachers who
 3391 teach in critical shortage areas receiving higher pay.

3392 (b) The economic demographics of the school, with
 3393 instructional personnel in schools that have a majority of
 3394 students who qualify for free or reduced-price lunches receiving
 3395 higher pay.

3396 (c) Additional responsibilities of instructional
 3397 personnel, including, but not limited to, lead and mentoring
 3398 responsibilities.

3399 (d) A performance-pay policy that rewards high-performing
 3400 instructional personnel with at least a 5-percent performance-

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3401 pay incentive.

3402
 3403 The differentiated pay provided in the salary schedule for each
 3404 of the factors specified in paragraphs (a)-(d) shall provide an
 3405 incentive and not be nominal.

3406 (3) The Commissioner of Education shall determine whether
 3407 the district school board's adopted salary schedule complies
 3408 with the requirements in subsection (2). If the salary schedule
 3409 does not comply, the commissioner shall recommend to the State
 3410 Board of Education and the state board is authorized to withhold
 3411 disbursements from the Educational Enhancement Trust Fund to the
 3412 school district until the district's salary schedule is in
 3413 compliance.

3414 Section 50. Section 1012.2313, Florida Statutes, is
 3415 created to read:

3416 1012.2313 Differentiated pay for school administrators.--

3417 (1) Beginning with the 2005-2006 fiscal year, each
 3418 district school board shall have a differentiated-pay policy for
 3419 school administrators and incorporate it into the school
 3420 district's salary schedule.

3421 (2) The adopted salary schedule must allow school
 3422 administrators to receive differentiated pay based upon school
 3423 district determined factors, including, but not limited to, each
 3424 of the following:

3425 (a) The economic demographics of the school, with school
 3426 administrators in schools that have a majority of students who
 3427 qualify for free or reduced-price lunches receiving higher pay.

3428 (b) A performance-pay policy that rewards high-performing

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3429 school administrators with at least a 5-percent performance-pay
 3430 incentive.

3431
 3432 The differentiated pay provided in the salary schedule for each
 3433 of the factors specified in paragraphs (a) and (b) shall provide
 3434 an incentive and not be nominal.

3435 (3) The Commissioner of Education shall determine whether
 3436 the district school board's adopted salary schedule complies
 3437 with the requirements in subsection (2). If the salary schedule
 3438 does not comply, the commissioner shall recommend to the State
 3439 Board of Education and the state board is authorized to withhold
 3440 disbursements from the Educational Enhancement Trust Fund to the
 3441 school district until the district's salary schedule is in
 3442 compliance.

3443 Section 51. Section 1012.2315, Florida Statutes, is
 3444 created to read:

3445 1012.2315 Assignment of teachers.--

3446 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 3447 finds disparity between teachers assigned to teach in a majority
 3448 of "A" schools compared to teachers assigned to teach in a
 3449 majority of "F" schools. The disparity can be found in the
 3450 average years of experience, median salary, and the performance
 3451 of the teachers on teacher certification examinations. It is the
 3452 intent of the Legislature that district school boards have
 3453 flexibility through the collective bargaining process to assign
 3454 teachers more equitably across the schools in the district.

3455 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts
 3456 may not assign a higher percentage than the school district

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3457 average of first-time teachers, temporarily certified teachers,
 3458 teachers in need of improvement, or out-of-field teachers to
 3459 schools with above the school district average of minority and
 3460 economically disadvantaged students or schools that are graded
 3461 "D" or "F." Each school district shall annually certify to the
 3462 Commissioner of Education that this requirement has been met. If
 3463 the commissioner determines that a school district is not in
 3464 compliance with this subsection, the State Board of Education
 3465 shall be notified and shall take action pursuant to s. 1008.32
 3466 in the next regularly scheduled meeting to require compliance.

3467 (3) SALARY INCENTIVES.--District school boards are
 3468 authorized to provide salary incentives to meet the requirement
 3469 of subsection (2). No district school board shall sign a
 3470 collective bargaining agreement that precludes the school
 3471 district from providing sufficient incentives to meet this
 3472 requirement.

3473 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of
 3474 chapter 447 relating to district school board collective
 3475 bargaining, collective bargaining provisions may not preclude a
 3476 school district from providing incentives to high-quality
 3477 teachers and assigning such teachers to low-performing schools.

3478 Section 52. Subsection (2) of section 1012.27, Florida
 3479 Statutes, is amended to read:

3480 1012.27 Public school personnel; powers and duties of
 3481 district school superintendent.--The district school
 3482 superintendent is responsible for directing the work of the
 3483 personnel, subject to the requirements of this chapter, and in

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3484 addition the district school superintendent shall perform the
 3485 following:

3486 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
 3487 recommend to the district school board for adoption a salary
 3488 schedule or salary schedules. The district school superintendent
 3489 must recommend a salary schedule for instructional personnel
 3490 which bases a portion of each employee's compensation on
 3491 performance demonstrated under s. 1012.34. In developing the
 3492 recommended salary schedule, the district school superintendent
 3493 shall include input from parents, teachers, and representatives
 3494 of the business community. Beginning with the 2005-2006 ~~2004-~~
 3495 ~~2005~~ academic year, the recommended salary schedule for
 3496 classroom teachers shall be consistent with the district's
 3497 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312
 3498 ~~1012.231~~.

3499 Section 53. Paragraph (a) of subsection (3) of section
 3500 1012.34, Florida Statutes, is amended to read:

3501 1012.34 Assessment procedures and criteria.--

3502 (3) The assessment procedure for instructional personnel
 3503 and school administrators must be primarily based on the
 3504 performance of students assigned to their classrooms or schools,
 3505 as appropriate. Pursuant to this section, a school district's
 3506 performance assessment is not limited to basing unsatisfactory
 3507 performance of instructional personnel and school administrators
 3508 upon student performance, but may include other criteria
 3509 approved to assess instructional personnel and school
 3510 administrators' performance, or any combination of student

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3511 performance and other approved criteria. The procedures must
 3512 comply with, but are not limited to, the following requirements:

3513 (a) An assessment must be conducted for each employee at
 3514 least once a year. The assessment must be based upon sound
 3515 educational principles and contemporary research in effective
 3516 educational practices. The assessment must primarily use data
 3517 and indicators of improvement in student performance assessed
 3518 annually as specified in s. 1008.22 and may consider results of
 3519 peer reviews in evaluating the employee's performance. Student
 3520 performance must be measured by state assessments required under
 3521 s. 1008.22 and by local assessments for subjects and grade
 3522 levels not measured by the state assessment program. The
 3523 assessment criteria must include, but are not limited to,
 3524 indicators that relate to the following:

- 3525 1. Performance of students.
- 3526 2. Ability to maintain appropriate discipline.
- 3527 3. Knowledge of subject matter. The district school board
 3528 shall make special provisions for evaluating teachers who are
 3529 assigned to teach out-of-field.
- 3530 4. Ability to plan and deliver instruction, ~~including~~
 3531 ~~implementation of the rigorous reading requirement pursuant to~~
 3532 ~~s. 1003.415, when applicable,~~ and the use of technology in the
 3533 classroom.
- 3534 5. Ability to evaluate instructional needs.
- 3535 6. Ability to establish and maintain a positive
 3536 collaborative relationship with students' families to increase
 3537 student achievement.

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3538 7. Other professional competencies, responsibilities, and
 3539 requirements as established by rules of the State Board of
 3540 Education and policies of the district school board.

3541 Section 54. Section 1012.986, Florida Statutes, is created
 3542 to read:

3543 1012.986 A+ Professional Development Program for School
 3544 Leaders.--

3545 (1) ESTABLISHMENT.--There is established the A+
 3546 Professional Development Program for School Leaders, a high-
 3547 quality, competency-based, customized, comprehensive, and
 3548 coordinated statewide professional development program that is
 3549 aligned with the leadership standards for school leaders adopted
 3550 by the State Board of Education. The program shall be
 3551 administered by the Department of Education and shall provide
 3552 leadership training opportunities for school leaders to enable
 3553 them to be more effective instructional leaders, especially in
 3554 the area of reading. The program shall provide school leaders
 3555 with the opportunity to attain a school leadership designation
 3556 pursuant to subsection (3).

3557 (2) DEFINITION.--As used in this section, the term "school
 3558 leader" means a school principal or assistant principal holding
 3559 a valid Florida certificate in educational leadership.

3560 (3) DESIGNATIONS.--The Department of Education shall
 3561 develop criteria for designating high-performing school leaders
 3562 as A+ Emerging School Leaders, A+ High-Performing School
 3563 Leaders, or A+ Sterling School Leaders. The criteria must
 3564 emphasize student learning gains, especially in high schools.

3565 (4) PROGRAM REQUIREMENTS.--

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3566 (a) The program shall be based upon the leadership
 3567 standards adopted by the State Board of Education, the standards
 3568 of the National Staff Development Council, and the federal
 3569 requirements for high-quality professional development under the
 3570 No Child Left Behind Act of 2001.

3571 (b) The program shall provide a competency-based approach
 3572 that utilizes prediagnostic and postdiagnostic evaluations that
 3573 shall be used to create an individualized professional
 3574 development plan approved by the district school superintendent.
 3575 The plan shall be structured to support the school leader's
 3576 attainment of the leadership standards adopted by the State
 3577 Board of Education.

3578 (c) The program shall incorporate instructional leadership
 3579 training and effective business practices for efficient school
 3580 operations in school leadership training.

3581 (5) DELIVERY SYSTEM.--The Department of Education shall
 3582 deliver the program through multiple delivery systems,
 3583 including:

3584 (a) Approved school district training programs.

3585 (b) Interactive technology-based instruction.

3586 (c) State, regional, or local leadership academies.

3587 (6) RULES.--The State Board of Education shall adopt rules
 3588 pursuant to ss. 120.536(1) and 120.54 to implement the
 3589 provisions of this section.

3590 Section 55. Section 1012.987, Florida Statutes, is
 3591 repealed.

3592 Section 56. Section 1013.381, Florida Statutes, is created
 3593 to read:

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1013.381 Indoor environmental quality.--

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

(a) Be developed and implemented in accordance with the United States Environmental Protection Agency's Indoor Air Quality Tools for Schools Program through which training and materials shall be provided by the United States Environmental Protection Agency at no cost to a school or school district.

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

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

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

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

Section 57. Subsection (6) of section 1013.512, Florida Statutes, is amended to read:

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3622 | 1013.512 Land Acquisition and Facilities Advisory Board.--

3623 | (6) Upon certification by the advisory board that
 3624 | corrective action has been taken, the Legislative Budget
 3625 | Commission shall release all funds remaining in reserve. Upon
 3626 | such release, each Land Acquisition and Facilities Advisory
 3627 | Board shall be disbanded.

3628 | Section 58. Charter School Task Force.--

3629 | (1) The Charter School Task Force is established to study
 3630 | and make recommendations regarding charter schools in the state.

3631 | (2) The task force shall, at a minimum:

3632 | (a) Review current application and sponsorship procedures
 3633 | used throughout the state for the approval of charter schools.

3634 | (b) Examine the sponsorship and organizational structure
 3635 | of charter schools in other states.

3636 | (c) Investigate alternative means available in the state
 3637 | to implement changes in the sponsorship of charter schools.

3638 | (d) Review capital outlay funding for charter schools.

3639 | (e) Determine the necessity and most effective methods for
 3640 | the State Board of Education to sanction school districts and
 3641 | charter schools for violation of charter school procedural
 3642 | requirements.

3643 | (f) Conduct meetings throughout the state to receive
 3644 | public input and consider policy recommendations on issues
 3645 | related to charter schools.

3646 | (g) Issue a final report and recommendations by December
 3647 | 31, 2005, to the Governor, the President of the Senate, and the
 3648 | Speaker of the House of Representatives.

3649 | (3) The task force shall consist of:

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3650 (a) Up to four members of the House of Representatives
 3651 appointed by the Speaker of the House of Representatives.

3652 (b) Up to four members of the Senate appointed by the
 3653 President of the Senate.

3654 (c) Five charter school stakeholders appointed by the
 3655 Governor. The members shall include a representative of a
 3656 charter school, a representative of a school district, a
 3657 representative of a statewide association, and a representative
 3658 with experience in charter school law and may include the
 3659 Commissioner of Education or his or her designee.

3660 (4) The Governor shall appoint the chair of the task force
 3661 from among the appointed members.

3662 (5) Task force members shall serve without compensation
 3663 but are entitled to reimbursement, pursuant to s. 112.061,
 3664 Florida Statutes, for per diem and travel expenses incurred in
 3665 the performance of their official duties.

3666 (6) The Department of Education shall provide staff
 3667 support for the task force.

3668 Section 59. If any provision of this act or the
 3669 application thereof to any person or circumstance is held
 3670 invalid, the invalidity shall not affect other provisions or
 3671 applications of the act which can be given effect without the
 3672 invalid provision or application and, to this end, the
 3673 provisions of this act are declared severable.

3674 Section 60. This act shall take effect upon becoming a
 3675 law, except that ss. 1003.035, 1011.6855 and 1012.2305, Florida
 3676 Statutes, as created by this act, shall take effect on the
 3677 effective date of an amendment to s.1, Art. IX of the State

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3678 | Constitution approved by the electors that requires district
3679 | average maximum class sizes and minimum pay for teachers.