

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.

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

57 Services review; providing for immunity; providing scope  
58 of authority; requiring adoption of rules; creating s. s.  
59 1002.395, F.S.; establishing the K-12 GI Bill Program to  
60 provide educational options for dependents of an active-  
61 duty member of the Florida National Guard who is serving  
62 in Operation Enduring Freedom or Operation Iraqi Freedom;  
63 providing that a student may attend a public school in the  
64 school district other than the one to which assigned;  
65 providing that a student may receive a K-12 GI Bill to  
66 attend a public school in an adjacent school district or  
67 to attend a private school; amending s. 1002.20, F.S.,  
68 relating to student and parent rights to educational  
69 choice, to conform; creating s. 1002.421, F.S., relating  
70 to rights and obligations of private schools participating  
71 in state school choice scholarship programs; providing  
72 requirements for participation in a scholarship program,  
73 including compliance with specified state, local, and  
74 federal laws and demonstration of fiscal soundness;  
75 requiring restrictive endorsement of checks and  
76 prohibiting a school from acting as attorney in fact;  
77 requiring employment of qualified teachers and background  
78 screening of individuals with direct student contact;  
79 requiring adoption of rules; amending s. 1003.01, F.S.;  
80 revising definition of the term "special education  
81 services"; amending s. 1003.03, F.S.; modifying  
82 implementation provisions relating to constitutional class  
83 size requirements; creating s. 1003.035, F.S.; providing  
84 class size requirements based on district average

85 contingent upon constitutional amendment; providing  
86 implementation and calculation requirements; specifying  
87 options to meet class size requirements; authorizing  
88 transfer of funds for class size reduction; requiring  
89 certain actions by school districts not in compliance;  
90 requiring constitutional compliance plans in certain  
91 instances; amending s. 1003.05, F.S.; deleting the  
92 requirement that certain children receive preference for  
93 admission to special academic programs even if maximum  
94 enrollment has been reached; removing charter schools from  
95 the definition of special academic programs; creating s.  
96 1003.413, F.S.; requiring each school district to  
97 establish policies to assist high school students to  
98 remain in school, graduate on time, and be prepared for  
99 postsecondary education and the workplace; directing the  
100 Commissioner of Education to create and implement the  
101 Challenge High School Recognition Program; creating the  
102 High School Reform Task Force and providing for  
103 appointment of members; requiring recommendation of a  
104 long-term plan relating to high school reform and  
105 specifying items to be addressed; providing for  
106 termination of the task force; amending s. 1003.415, F.S.;  
107 providing the mission of middle grades; deleting the  
108 rigorous reading requirement for middle grade students;  
109 deleting obsolete language relating to a department study;  
110 creating s. 1003.4155, F.S.; specifying the grading scale  
111 for grades 6 through 8; creating s. 1003.4156, F.S.;  
112 specifying general requirements for middle school

113 promotion; requiring an intensive reading course under  
114 certain circumstances; defining an academic credit;  
115 requiring school district policies and authorizing  
116 alternative methods for progression; requiring adoption of  
117 rules for alternative promotion standards; amending s.  
118 1003.42, F.S.; revising provisions relating to required  
119 instruction and courses of study in the public schools;  
120 including study of the history of the United States and  
121 free enterprise; amending s. 1003.43, F.S., relating to  
122 general requirements for high school graduation; including  
123 study of the Declaration of Independence in the credit  
124 requirement for American government; amending s. 1003.57,  
125 F.S.; providing guidelines for determining the residency  
126 of an exceptional student with a disability who resides in  
127 a residential facility and receives special instruction or  
128 services; requiring the placing authority in a parent's  
129 state of residence to pay the cost of such instruction,  
130 facilities, and services for a nonresident exceptional  
131 student with a disability; providing requirements of the  
132 department and school districts with respect to financial  
133 obligations; providing responsibilities of residential  
134 facilities that educate exceptional students with  
135 disabilities; providing applicability; defining the term  
136 "parent" for purposes of the section; authorizing adoption  
137 of rules; creating s. 1003.575, F.S.; requiring the  
138 department to coordinate the development of an individual  
139 education plan form for use in developing and implementing  
140 individual education plans for exceptional students;

141 requiring the form to be available to school districts to  
142 facilitate the use of an individual education plan when a  
143 student transfers; amending s. 1003.58, F.S.; correcting a  
144 cross reference; amending s. 1003.62, F.S.; conforming  
145 provisions relating to the designation of school grades  
146 and differentiated-pay policies; amending ss. 1005.22 and  
147 1007.33, F.S.; conforming provisions relating to the  
148 repeal of the Council for Education Policy Research and  
149 Improvement; amending s. 1008.22, F.S.; specifying grade  
150 level and subject area testing requirements; requiring the  
151 State Board of Education to conduct concordance studies to  
152 determine FCAT equivalencies for high school graduation;  
153 deleting a limitation on and specifying requirements for  
154 the use of alternative assessments to the grade 10 FCAT;  
155 requiring an annual report on student performance;  
156 amending s. 1008.25, F.S.; authorizing district school  
157 boards to require low-performing students to attend  
158 remediation programs outside of regular school hours;  
159 requiring the department to establish a uniform format for  
160 reporting information relating to student progression;  
161 requiring an annual report; repealing s. 1008.301, F.S.,  
162 relating to a concordance study of FCAT equivalencies for  
163 high school graduation; amending s. 1008.31, F.S.;  
164 deleting provisions relating to performance-based funding;  
165 revising goals and measures of the K-20 performance  
166 accountability system and requiring data quality  
167 improvement; providing for development of reporting and  
168 data collection requirements; requiring adoption of rules;

169 amending s. 1008.33, F.S.; conforming provisions relating  
170 to the designation of school grades and a cross reference;  
171 authorizing district school boards to transfer teachers,  
172 faculty, and staff as needed; amending s. 1008.34, F.S.;  
173 revising terminology and provisions relating to  
174 designation and determination of school grades; specifying  
175 use of assessment data with respect to alternative  
176 schools; defining the term "home school"; requiring an  
177 annual school report card to be published by the  
178 department and distributed by school districts; creating  
179 s. 1008.341, F.S.; requiring improvement ratings for  
180 certain alternative schools; providing the basis for such  
181 ratings and requiring annual performance reports;  
182 providing for determination of school improvement ratings,  
183 identification of learning gains, and eligibility for  
184 school recognition awards; requiring an annual report card  
185 to be developed by the department and distributed by  
186 school districts; requiring adoption of rules; amending s.  
187 1008.345, F.S.; conforming provisions relating to the  
188 designation of school grades and a cross reference;  
189 amending s. 1008.36, F.S.; providing for assignment of  
190 school grades to certain feeder pattern schools that do  
191 not receive such a grade for purposes of participation in  
192 the Florida School Recognition Program; defining feeder  
193 school pattern; providing that a feeder pattern school  
194 shall be subject to the Opportunity Scholarship Program;  
195 modifying procedures for determination and use of school  
196 recognition awards; amending s. 1008.45, F.S.; conforming

197 provisions relating to the repeal of the Council for  
 198 Education Policy Research and Improvement; repealing s.  
 199 1008.51, F.S., relating to the Council for Education  
 200 Policy Research and Improvement; amending s. 1011.62,  
 201 F.S.; providing FTE funding for juveniles enrolled in a  
 202 specified education program; providing funding for  
 203 supplemental educational services for certain students;  
 204 conforming cross references and provisions relating to the  
 205 designation of school grades; establishing a research-  
 206 based reading instruction allocation to provide funds for  
 207 a comprehensive reading instruction system; requiring  
 208 school district plans for use of the allocation and  
 209 approval thereof; including the allocation in the total  
 210 amount allocated to each school district for current  
 211 operation; amending s. 1011.64, F.S.; conforming  
 212 terminology and cross references; amending s. 1011.685,  
 213 F.S.; conforming provisions relating to the repeal of the  
 214 BEST Florida Teaching salary career ladder program and  
 215 implementation of a differentiated-pay policy; creating s.  
 216 1011.6855, F.S.; creating an operating categorical fund to  
 217 fund minimum pay requirements for certain instructional  
 218 personnel contingent upon constitutional amendment;  
 219 amending s. 1011.71, F.S.; correcting a cross reference;  
 220 amending s. 1012.21, F.S.; requiring the department to  
 221 annually post online school district collective bargaining  
 222 contracts; amending s. 1012.22, F.S.; deleting a  
 223 requirement that each district school board adopt a  
 224 performance-pay policy; requiring each district school



225 board to annually provide its negotiated collective  
 226 bargaining contract to the department; creating s.  
 227 1012.2305, F.S.; establishing minimum pay for certain  
 228 instructional personnel contingent upon constitutional  
 229 amendment; repealing s. 1012.231, F.S., relating to the  
 230 BEST Florida Teaching salary career ladder program;  
 231 creating s. 1012.2312, F.S.; requiring each district  
 232 school board to adopt a differentiated-pay policy for  
 233 instructional personnel; providing factors on which  
 234 differentiated pay shall be based; authorizing funds to be  
 235 withheld from school districts under certain  
 236 circumstances; creating s. 1012.2313, F.S.; requiring each  
 237 district school board to have a differentiated-pay policy  
 238 for school administrators; providing factors on which  
 239 differentiated pay shall be based; authorizing funds to be  
 240 withheld from school districts under certain  
 241 circumstances; creating s. 1012.2315, F.S.; providing  
 242 school district requirements for the assignment of  
 243 teachers and authorizing incentives; providing procedures  
 244 for noncompliance; providing requirements relating to  
 245 collective bargaining; amending s. 1012.27, F.S.;  
 246 conforming provisions relating to the repeal of the BEST  
 247 Florida Teaching salary career ladder program and  
 248 implementation of a differentiated-pay policy; amending s.  
 249 1012.34, F.S.; conforming provisions relating to deletion  
 250 of a rigorous reading requirement; creating s. 1012.986,  
 251 F.S.; establishing the A+ Professional Development Program  
 252 for School Leaders; defining the term "school leader";

253 |       establishing school leadership designations; providing  
 254 |       program requirements and delivery systems; requiring  
 255 |       adoption of rules; repealing s. 1012.987, F.S., relating  
 256 |       to rules for a leadership designation; creating s.  
 257 |       1013.381, F.S.; requiring each district school board to  
 258 |       adopt and implement an indoor environmental quality policy  
 259 |       which provides for periodic surveys; providing that the  
 260 |       policy may include certain requirements; providing for  
 261 |       indemnification under certain circumstances; requiring  
 262 |       display of indoor environmental quality training  
 263 |       completion; requiring adoption of rules; amending s.  
 264 |       1013.512, F.S.; requiring the release of funds remaining  
 265 |       in reserve relating to school district land acquisition  
 266 |       and facilities operations; specifying when a Land  
 267 |       Acquisition and Facilities Advisory Board shall be  
 268 |       disbanded; establishing the Charter School Task Force and  
 269 |       specifying composition and duties; requiring the  
 270 |       department to provide staff support to the task force;  
 271 |       providing severability; providing effective dates.

272 |  
 273 |       WHEREAS, students will have the best opportunity to obtain  
 274 |       a high-quality education in the public education system of this  
 275 |       state, and that system can best be enhanced, when resources are  
 276 |       allocated efficiently and are concentrated to enhance a safe,  
 277 |       secure, and disciplined classroom learning environment, when  
 278 |       teachers and principals are supported, when high-quality  
 279 |       education is reinforced through shared high academic  
 280 |       expectations, and when successes are rewarded, failures are

281 identified, and the public is apprised of both successes and  
 282 failures, NOW, THEREFORE,

283

284 Be It Enacted by the Legislature of the State of Florida:

285

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

288 20.15 Department of Education.--There is created a  
 289 Department of Education.

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

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

293 Section 2. Paragraph (a) of subsection (5) of section  
 294 1000.01, Florida Statutes, is amended to read:

295 1000.01 The Florida K-20 education system; technical  
 296 provisions.--

297 (5) EDUCATION GOVERNANCE TRANSFERS.--

298 (a) Effective July 1, 2001:

299 1. The Board of Regents is abolished.

300 2. All of the powers, duties, functions, records,  
 301 personnel, and property; unexpended balances of appropriations,  
 302 allocations, and other funds; administrative authority;  
 303 administrative rules; pending issues; and existing contracts of  
 304 the Board of Regents are transferred by a type two transfer,  
 305 pursuant to s. 20.06(2), to the State Board of Education.

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

307 4. All of the powers, duties, functions, records,  
 308 personnel, and property; unexpended balances of appropriations,

309 allocations, and other funds; administrative authority;  
 310 administrative rules; pending issues; and existing contracts of  
 311 the State Board of Community Colleges are transferred by a type  
 312 two transfer, pursuant to s. 20.06(2), from the Department of  
 313 Education to the State Board of Education.

314 5. The Postsecondary Education Planning Commission is  
 315 abolished.

316 ~~6. The Council for Education Policy Research and~~  
 317 ~~Improvement is created as an independent office under the Office~~  
 318 ~~of Legislative Services.~~

319 ~~7. All personnel, unexpended balances of appropriations,~~  
 320 ~~and allocations of the Postsecondary Education Planning~~  
 321 ~~Commission are transferred to the Council for Education Policy~~  
 322 ~~Research and Improvement.~~

323 ~~6.8.~~ The Articulation Coordinating Committee and the  
 324 Education Standards Commission are transferred by a type two  
 325 transfer, pursuant to s. 20.06(2), from the Department of  
 326 Education to the State Board of Education.

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

329 1001.03 Specific powers of State Board of Education.--

330 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State  
 331 Board of Education shall approve the student performance  
 332 standards known as the Sunshine State Standards in key academic  
 333 subject areas and grade levels. The state board shall  
 334 periodically review the standards to ensure adequate rigor,  
 335 logical student progression, and articulation from grade to  
 336 grade and evaluate the extent to which the standards are being

337 taught at each grade level. The evaluation shall be provided to  
338 the Governor, the Speaker of the House of Representatives, and  
339 the President of the Senate and shall include a determination of  
340 each district school board's provision of a complete education  
341 program pursuant to s. 1001.41(3).

342 Section 4. Paragraph (a) of subsection (2) of section  
343 1001.11, Florida Statutes, is amended to read:

344 1001.11 Commissioner of Education; other duties.--

345 (2) (a) The Commissioner of Education shall recommend to  
346 the State Board of Education performance goals addressing the  
347 educational needs of the state for the K-20 education system.  
348 The Department of ~~Council for~~ Education ~~Policy Research and~~  
349 ~~Improvement, as an independent entity,~~ shall develop a report  
350 card assigning grades to indicate Florida's progress toward  
351 meeting those goals. The annual report card shall contain  
352 information showing Florida's performance relative to other  
353 states on selected measures, as well as Florida's ability to  
354 meet the need for postsecondary degrees and programs and how  
355 well the Legislature has provided resources to meet this need.  
356 The information shall include the results of the National  
357 Assessment of Educational Progress or a similar national  
358 assessment program administered to students in Florida. By  
359 January 1 of each year, the department ~~Council for Education~~  
360 ~~Policy Research and Improvement~~ shall submit the report card to  
361 the Legislature, the Governor, and the public.

362 Section 5. Section 1001.215, Florida Statutes, is created  
363 to read:

364       1001.215 Just Read, Florida! Office.--There is created in  
 365 the Department of Education the Just Read, Florida! Office. The  
 366 office shall:

367       (1) Train professionally certified teachers to become  
 368 certified reading coaches.

369       (2) Create multiple designations of effective reading  
 370 instruction, with accompanying credentials, that encourage all  
 371 teachers to integrate reading instruction into their content  
 372 areas.

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

375       (4) Provide technical assistance to school districts in  
 376 the development and implementation of district plans for use of  
 377 the research-based reading instruction allocation provided in s.  
 378 1011.62(8) and annually review and approve such plans.

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

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

383       (7) Periodically review teacher certification examinations  
 384 to ensure that the examinations measure necessary skills in  
 385 research-based reading instructional strategies.

386       (8) Work with teacher preparation programs approved  
 387 pursuant to s. 1004.04 to ensure integration of research-based  
 388 reading instructional strategies into teacher preparation  
 389 programs.

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

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

395           1001.41 General powers of district school board.--The  
 396 district school board, after considering recommendations  
 397 submitted by the district school superintendent, shall exercise  
 398 the following general powers:

399           (3) Prescribe and adopt standards and policies to provide  
 400 each student the opportunity to receive a complete education  
 401 program, including language arts, mathematics, science, social  
 402 studies, health, physical education, foreign languages, and the  
 403 arts as defined by the Sunshine State Standards pursuant to s.  
 404 1001.03(1) as are considered desirable by it for improving the  
 405 district school system.

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

409           1001.42 Powers and duties of district school board.--The  
 410 district school board, acting as a board, shall exercise all  
 411 powers and perform all duties listed below:

412           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
 413 ACCOUNTABILITY.--Maintain a system of school improvement and  
 414 education accountability as provided by statute and State Board  
 415 of Education rule. This system of school improvement and  
 416 education accountability shall be consistent with, and  
 417 implemented through, the district's continuing system of

418 | planning and budgeting required by this section and ss.  
 419 | 1008.385, 1010.01, and 1011.01. This system of school  
 420 | improvement and education accountability shall include, but is  
 421 | not limited to, the following:

422 |       (a) School improvement plans.--Annually approve and  
 423 | require implementation of a new, amended, or continuation school  
 424 | improvement plan for each school in the district, except that a  
 425 | district school board may establish a district school  
 426 | improvement plan that includes all schools in the district  
 427 | operating for the purpose of providing educational services to  
 428 | youth in Department of Juvenile Justice programs. Such plan  
 429 | shall be designed to achieve the state education priorities  
 430 | pursuant to s. 1000.03(5) and student performance standards. ~~In~~  
 431 | ~~addition, any school required to implement a rigorous reading~~  
 432 | ~~requirement pursuant to s. 1003.415 must include such component~~  
 433 | ~~in its school improvement plan.~~ Each plan shall also address  
 434 | issues relative to budget, training, instructional materials,  
 435 | technology, staffing, student support services, specific school  
 436 | safety and discipline strategies, student health and fitness,  
 437 | including physical fitness, parental information on student  
 438 | health and fitness, and indoor environmental air quality, and  
 439 | other matters of resource allocation, as determined by district  
 440 | school board policy, and shall be based on an analysis of  
 441 | student achievement and other school performance data.

442 |       **(b) School improvement plan requirements.--Each district**  
 443 | **school board's system of school improvement and student**  
 444 | **progression must be designed to provide frequent and accurate**  
 445 | **information to the teacher and student regarding each student's**



446 progress toward mastering the Sunshine State Standards. The  
447 system must demonstrate the alignment of the Sunshine State  
448 Standards, instructional strategies, assessment, and  
449 professional development. Each school improvement plan must  
450 identify the strategies for monitoring the progress of each  
451 student. The process used by each school to monitor student  
452 progression must, at a minimum, contain the following components  
453 that are aimed at increasing student achievement:

454 1. Disaggregated student achievement data related to  
455 student performance which is used to identify each individual  
456 student's strengths and weaknesses and to determine the  
457 effectiveness of the teaching and learning strategies that are  
458 being used in the classroom.

459 2. The Sunshine State Standards instructional calendar and  
460 timeline, using disaggregated student performance data to focus  
461 instruction on the Sunshine State Standards, manage  
462 instructional time, and allocate resources.

463 3. Prioritized instructional focus to facilitate explicit  
464 and systematic instruction using research-based effective  
465 practices in the classroom.

466 4. Mini-assessments of targeted Sunshine State Standards  
467 benchmarks to monitor student progress and generate data to  
468 redesign instruction, if needed.

469 5. Alternative in-school, tutorial, remediation, or  
470 enrichment strategies for students which are based on each  
471 student's individual academic needs as defined by the mini-  
472 assessments.

473 6. Systematic monitoring of each teacher's implementation

474 of the comprehensive program for student progression as  
475 described in subparagraphs 1.-5.

476 (c)~~(b)~~ Approval process.--Develop a process for approval  
477 of a school improvement plan presented by an individual school  
478 and its advisory council. In the event a district school board  
479 does not approve a school improvement plan after exhausting this  
480 process, the Department of Education shall be notified of the  
481 need for assistance.

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

483 1. Develop a 2-year plan of increasing individualized  
484 assistance and intervention for each school in danger of not  
485 meeting state standards or making adequate progress, as defined  
486 pursuant to statute and State Board of Education rule, toward  
487 meeting the goals and standards of its approved school  
488 improvement plan.

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

492 3. Develop a plan to encourage teachers with demonstrated  
493 mastery in improving student performance to remain at or  
494 transfer to a school designated with a ~~as performance~~ grade of  
495 ~~category~~ "D" or "F" or to an alternative school that serves  
496 disruptive or violent youths. If a classroom teacher, as defined  
497 by s. 1012.01(2)(a), who meets the definition of teaching  
498 mastery developed according to the provisions of this paragraph,  
499 requests assignment to a school designated with a ~~as performance~~  
500 grade of ~~category~~ "D" or "F" or to an alternative school that

501 serves disruptive or violent youths, the district school board  
 502 shall make every practical effort to grant the request.

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

508 (e) ~~(d)~~ After 2 years.--Notify the Commissioner of  
 509 Education and the State Board of Education in the event any  
 510 school does not make adequate progress toward meeting the goals  
 511 and standards of a school improvement plan by the end of 2 years  
 512 of failing to make adequate progress and proceed according to  
 513 guidelines developed pursuant to statute and State Board of  
 514 Education rule. School districts shall provide intervention and  
 515 assistance to schools in danger of being designated with a ~~as~~  
 516 ~~performance grade of category~~ "F," failing to make adequate  
 517 progress.

518 (f) ~~(e)~~ Public disclosure.--Provide information regarding  
 519 performance of students and educational programs as required  
 520 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
 521 school reports as required by statute and State Board of  
 522 Education rule that shall include schools operating for the  
 523 purpose of providing educational services to youth in Department  
 524 of Juvenile Justice programs, and for those schools, report on  
 525 the elements specified in s. 1003.52(19). Annual public  
 526 disclosure reports shall be in an easy-to-read report card  
 527 format and shall include the school's student and school

528 ~~performance grade category designation~~ and performance data as  
 529 specified in state board rule.

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

534 (17) LOCAL-LEVEL DECISIONMAKING.--

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

540 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing  
 541 students attending schools that have been designated with a ~~as~~  
 542 performance grade of ~~category~~ "F," failing to make adequate  
 543 progress, for 2 school years in a 4-year period to attend a  
 544 higher performing school in the district or an adjoining  
 545 district or be granted a state opportunity scholarship to a  
 546 private school, in conformance with s. 1002.38 and State Board  
 547 of Education rule.

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

551 1002.20 K-12 student and parent rights.--Parents of public  
 552 school students must receive accurate and timely information  
 553 regarding their child's academic progress and must be informed  
 554 of ways they can help their child to succeed in school. K-12  
 555 students and their parents are afforded numerous statutory

556 rights including, but not limited to, the following:

557 (3) HEALTH ISSUES.--

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

563 (6) EDUCATIONAL CHOICE.--

564 (a) Public school choices.--Parents of public school  
 565 students may seek whatever public school choice options that are  
 566 applicable to their students and are available to students in  
 567 their school districts. These options may include controlled  
 568 open enrollment, lab schools, charter schools, charter technical  
 569 career centers, magnet schools, alternative schools, special  
 570 programs, advanced placement, dual enrollment, International  
 571 Baccalaureate, early admissions, credit by examination or  
 572 demonstration of competency, the New World School of the Arts,  
 573 the Florida School for the Deaf and the Blind, and the Florida  
 574 Virtual School. These options may also include the public school  
 575 choice options of the Opportunity Scholarship Program, ~~and~~ the  
 576 McKay Scholarships for Students with Disabilities Program, and  
 577 the Reading Compact Scholarship Program.

578 (b) Private school choices.--Parents of public school  
 579 students may seek private school choice options under certain  
 580 programs.

581 1. Under the Opportunity Scholarship Program, the parent  
 582 of a student in a failing public school may request and receive  
 583 an opportunity scholarship for the student to attend a private

584 school in accordance with the provisions of s. 1002.38.

585       2. Under the McKay Scholarships for Students with  
586 Disabilities Program, the parent of a public school student with  
587 a disability who is dissatisfied with the student's progress may  
588 request and receive a McKay Scholarship for the student to  
589 attend a private school in accordance with the provisions of s.  
590 1002.39.

591       3. Under the corporate income tax credit scholarship  
592 program, the parent of a student who qualifies for free or  
593 reduced-price school lunch may seek a scholarship from an  
594 eligible nonprofit scholarship-funding organization in  
595 accordance with the provisions of s. 220.187.

596       4. Under the Reading Compact Scholarship Program, the  
597 parent of a student with reading deficiencies may request and  
598 receive a Reading Compact Scholarship for the student to attend  
599 a private school in accordance with the provisions of s.  
600 1002.385.

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

604       1002.38 Opportunity Scholarship Program.--

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

610       (a)1. By assigned school attendance area or by special  
611 assignment, the student has spent the prior school year in

612 attendance at a public school that has been designated pursuant  
 613 to s. 1008.34 with a ~~as~~ ~~performance~~ grade of ~~category~~ "F,"  
 614 failing to make adequate progress, and that has had 2 school  
 615 years in a 4-year period of such low performance, and the  
 616 student's attendance occurred during a school year in which such  
 617 designation was in effect;

618 2. The student has been in attendance elsewhere in the  
 619 public school system and has been assigned to such school for  
 620 the next school year; or

621 3. The student is entering kindergarten or first grade and  
 622 has been notified that the student has been assigned to such  
 623 school for the next school year.

624 (b) The parent has obtained acceptance for admission of  
 625 the student to a private school eligible for the program  
 626 pursuant to subsection (4), and has notified the Department of  
 627 Education and the school district of the request for an  
 628 opportunity scholarship no later than August ~~July~~ 1 of the first  
 629 year in which the student intends to use the scholarship.

630  
 631 The provisions of this section shall not apply to a student who  
 632 is enrolled in a school operating for the purpose of providing  
 633 educational services to youth in Department of Juvenile Justice  
 634 commitment programs. For purposes of continuity of educational  
 635 choice, the opportunity scholarship shall remain in force until  
 636 the student returns to a public school or, if the student  
 637 chooses to attend a private school the highest grade of which is  
 638 grade 8, until the student matriculates to high school and the  
 639 public high school to which the student is assigned is an

640 accredited school with a ~~performance grade category designation~~  
641 of "C" or better. However, at any time upon reasonable notice to  
642 the Department of Education and the school district, the  
643 student's parent may remove the student from the private school  
644 and place the student in a public school, as provided in  
645 subparagraph (3)(a)2.

646 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

651 1. Timely notify the parent of the student as soon as such  
652 designation is made of all options available pursuant to this  
653 section.

654 2. Offer that student's parent an opportunity to enroll  
655 the student in the public school within the district that has  
656 been designated by the state pursuant to s. 1008.34 as a school  
657 performing higher than that in which the student is currently  
658 enrolled or to which the student has been assigned, but not less  
659 than ~~performance grade category~~ "C." The parent is not required  
660 to accept this offer in lieu of requesting a state opportunity  
661 scholarship to a private school. The opportunity to continue  
662 attending the higher performing public school shall remain in  
663 force until the student graduates from high school.

664 (b) The parent of a student enrolled in or assigned to a  
665 school that has been designated with a performance grade of  
666 ~~category~~ "F" for 2 school years in a 4-year period may choose as  
667 an alternative to enroll the student in and transport the



668 student to a higher-performing public school that has available  
669 space in an adjacent school district, and that school district  
670 shall accept the student and report the student for purposes of  
671 the district's funding pursuant to the Florida Education Finance  
672 Program.

673 Section 10. Section 1002.385, Florida Statutes, is created  
674 to read:

675 1002.385 Reading Compact Scholarship Program.--

676 (1) READING COMPACT SCHOLARSHIP PROGRAM.--The Reading  
677 Compact Scholarship Program is established to offer the parent  
678 of a student who has not attained reading proficiency above  
679 Level 1 on FCAT Reading an educational choice to further the  
680 student's progress in reading. The scholarship program shall  
681 provide students who have scored at Level 1 on FCAT Reading for  
682 2 of the previous 3 years the option to attend a public or  
683 private school of choice.

684 (2) READING COMPACT SCHOLARSHIP ELIGIBILITY.--The parent  
685 of a public school student may request and receive from the  
686 state a Reading Compact Scholarship for the student to enroll in  
687 and attend a private school in accordance with the provisions of  
688 this section if:

689 (a) The student scored at Level 1 on FCAT Reading for 2 of  
690 the previous 3 years. However, a student who scored at Level 1  
691 on grade 10 FCAT Reading is not eligible for a Reading Compact  
692 Scholarship.

693 (b) The parent has obtained acceptance for admission of  
694 the student to a private school eligible to participate in the  
695 scholarship program pursuant to subsection (8) and has requested

696 from the Department of Education a Reading Compact Scholarship  
697 no later than 60 days prior to the date of the first scholarship  
698 payment. The parental request must be through a communication  
699 directly to the department in a manner that creates a written or  
700 electronic record of the request and the date of receipt of the  
701 request.

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

704 (a) Enrolled in a school operating for the purpose of  
705 providing educational services to youth in Department of  
706 Juvenile Justice commitment programs.

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

709 (c) Already receiving an educational scholarship pursuant  
710 to this chapter.

711 (d) Participating in a home education program as defined  
712 in s. 1002.01(1).

713 (e) Participating in a private tutoring program pursuant  
714 to s. 1002.43.

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

718 (g) Enrolled in the Florida School for the Deaf and the  
719 Blind.

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

721 (a) For purposes of continuity of educational choice, a  
722 Reading Compact Scholarship shall remain in force until the  
723 student returns to a public school or graduates from high

724 school.

725 (b) Upon reasonable notice to the department and the  
726 school district, the student's parent may remove the student  
727 from the private school and place the student in a public  
728 school, as provided in paragraph (5) (a).

729 (c) Upon reasonable notice to the department, the  
730 student's parent may move the student from one participating  
731 private school to another participating private school.

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

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

737 2. The parent is not required to accept the offer of  
738 enrolling the student in another public school in lieu of  
739 requesting a Reading Compact Scholarship to a private school.  
740 However, if the parent chooses the public school option, the  
741 student may continue attending a public school chosen by the  
742 parent until the student graduates from high school.

743 3. If the parent chooses a public school consistent with  
744 the district school board's choice plan under s. 1002.31, the  
745 school district shall provide transportation to the public  
746 school selected by the parent. The parent is responsible for  
747 providing transportation to a public school chosen that is not  
748 consistent with the district school board's choice plan under s.  
749 1002.31.

750 (b) If the parent chooses the private school option and  
751 the student is accepted by the private school pending the

752 availability of a space for the student, the parent of the  
753 student must notify the department no later than 60 days prior  
754 to the first scholarship payment and before entering the private  
755 school in order to be eligible for the scholarship when a space  
756 becomes available for the student in the private school.

757 (c) The parent of a student may choose, as an alternative,  
758 to enroll the student in and transport the student to a public  
759 school in an adjacent school district that has available space,  
760 and that school district shall accept the student and report the  
761 student for purposes of the school district's funding under the  
762 Florida Education Finance Program.

763 (d) For a student in the school district who participates  
764 in the Reading Compact Scholarship Program whose parent requests  
765 that the student take the statewide assessments under s.  
766 1008.22, the school district shall provide locations and times  
767 to take all statewide assessments.

768 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department  
769 shall:

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

773 (b) Establish a process by which individuals may notify  
774 the department of any violation by a parent, private school, or  
775 school district of state laws relating to program participation.  
776 The department shall conduct an investigation of any written  
777 complaint of a violation of this section, or make a referral to  
778 the appropriate agency for an investigation, if the complaint is  
779 signed by the complainant and is legally sufficient. A complaint

780 is legally sufficient if it contains ultimate facts that show  
781 that a violation of this section or any rule adopted by the  
782 State Board of Education has occurred. In order to determine  
783 legal sufficiency, the department may require supporting  
784 information or documentation from the complainant.

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

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

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

794 (f) Select an independent private research organization to  
795 which participating private schools must report the scores of  
796 participating students on the nationally norm-referenced tests  
797 administered by the private school. The independent private  
798 research organization must annually report to the department on  
799 the year-to-year improvements of participating students. The  
800 independent private research organization must analyze and  
801 report student performance data in a manner that protects the  
802 rights of students and parents as mandated in 20 U.S.C. s.  
803 1232g, the Family Educational Rights and Privacy Act, and must  
804 not disaggregate data to a level that will disclose the academic  
805 level of individuals or of individual schools. To the extent  
806 possible, the independent private research organization must  
807 accumulate historical performance data on students from the

808 department and private schools to describe baseline performance  
809 and to conduct longitudinal studies. To minimize costs and  
810 reduce time required for third-party analysis and evaluation,  
811 the department shall conduct analyses of matched students from  
812 public school assessment data and calculate control group  
813 learning gains using an agreed-upon methodology outlined in the  
814 contract with the third-party evaluator. The sharing of student  
815 data must be in accordance with the requirements of 20 U.S.C. s.  
816 1232g, the Family Educational Rights and Privacy Act, and shall  
817 be for the sole purpose of conducting the evaluation. All  
818 parties must preserve the confidentiality of such information as  
819 otherwise required by state and federal law.

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

821 (a) The Commissioner of Education shall deny, suspend, or  
822 revoke a private school's participation in the scholarship  
823 program if it is determined that the private school has failed  
824 to comply with the provisions of this section. However, in  
825 instances in which the noncompliance is correctable within a  
826 reasonable amount of time and in which the health, safety, and  
827 welfare of the students are not threatened, the commissioner may  
828 issue a notice of noncompliance which shall provide the private  
829 school with a timeframe within which to provide evidence of  
830 compliance prior to taking action to suspend or revoke the  
831 private school's participation in the scholarship program.

832 (b) The commissioner's determination is subject to the  
833 following:

834 1. If the commissioner intends to deny, suspend, or revoke  
835 a private school's participation in the scholarship program, the

836 department shall notify the private school of such proposed  
837 action in writing by certified mail and regular mail to the  
838 private school's address of record with the department. The  
839 notification shall include the reasons for the proposed action  
840 and notice of the timelines and procedures set forth in this  
841 paragraph.

842 2. The private school that is adversely affected by the  
843 proposed action shall have 15 days from the receipt of the  
844 notice of proposed action to file with the department's agency  
845 clerk a request for a proceeding pursuant to ss. 120.569 and  
846 120.57. If the private school is entitled to a hearing under s.  
847 120.57(1), the department shall forward the request to the  
848 Division of Administrative Hearings.

849 3. Upon receipt of a request referred pursuant to this  
850 paragraph, the director of the Division of Administrative  
851 Hearings shall expedite the hearing and assign an administrative  
852 law judge who shall commence a hearing within 30 days after the  
853 receipt of the formal written request by the division and enter  
854 a recommended order within 30 days after the hearing or within  
855 30 days after receipt of the hearing transcript, whichever is  
856 later. Each party shall be allowed 10 days in which to submit  
857 written exceptions to the recommended order. A final order shall  
858 be entered by the agency within 30 days after the entry of a  
859 recommended order. The provisions of this subparagraph may be  
860 waived upon stipulation by all parties.

861 (c) The commissioner may immediately suspend payment if it  
862 is determined that there is probable cause to believe that there  
863 is:

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

866 2. Fraudulent activity on the part of the private school.  
867

868 The commissioner's order suspending payment pursuant to this  
869 paragraph may be appealed pursuant to the same procedures and  
870 timelines as the notice of proposed action set forth in  
871 paragraph (b).

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

876 (a) Comply with all applicable requirements for private  
877 schools participating in state school choice programs pursuant  
878 to s. 1002.421.

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

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

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

887 2. Annually administering or making provision for students  
888 participating in the scholarship program to take one of the  
889 nationally norm-referenced tests identified by the department.  
890 Students with disabilities for whom standardized testing is not  
891 appropriate are exempt from this requirement. A participating



892 private school must report a student's scores to the parent and  
 893 to the independent private research organization selected by the  
 894 department pursuant to paragraph (6) (f).

895 3. Cooperating with the scholarship student whose parent  
 896 chooses to participate in the statewide assessments pursuant to  
 897 s. 1008.22.

898  
 899 The inability of a private school to meet the requirements of  
 900 this subsection shall constitute a basis for the ineligibility  
 901 of the private school to participate in the scholarship program  
 902 as determined by the department.

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

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

909 (b) The parent must have requested the scholarship at  
 910 least 60 days prior to the date of the first scholarship  
 911 payment.

912 (c) Any student participating in the Reading Compact  
 913 Scholarship Program must remain in attendance throughout the  
 914 school year, unless excused by the school for illness or other  
 915 good cause.

916 (d) Each parent and each student has an obligation to the  
 917 private school to comply with the private school's published  
 918 policies.

919 (e) The parent shall ensure that the student participating

920 in the scholarship program takes the norm-referenced assessment  
921 offered by the private school. The parent may also choose to  
922 have the student participate in the statewide assessments  
923 pursuant to s. 1008.22. If the parent requests that the student  
924 participating in the scholarship program take statewide  
925 assessments pursuant to s. 1008.22, the parent is responsible  
926 for transporting the student to the assessment site designated  
927 by the school district.

928 (f) Upon receipt of a scholarship warrant, the parent to  
929 whom the warrant is made must restrictively endorse the warrant  
930 to the private school for deposit into the account of the  
931 private school. The parent may not designate any entity or  
932 individual associated with the participating private school as  
933 the parent's attorney in fact to sign a scholarship warrant. A  
934 participant who fails to comply with this paragraph forfeits the  
935 scholarship.

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

937 (a) The maximum Reading Compact Scholarship granted for an  
938 eligible student shall be a calculated amount equivalent to the  
939 base student allocation in the Florida Education Finance Program  
940 multiplied by the appropriate cost factor for the educational  
941 program that would have been provided for the student in the  
942 district school to which he or she was assigned, multiplied by  
943 the district cost differential. In addition, the calculated  
944 amount shall include the per-student share of instructional  
945 materials funds, technology funds, and other categorical funds  
946 as provided for this purpose in the General Appropriations Act.  
947 For a student who attended the Florida School for the Deaf and

948 the Blind, the Reading Compact Scholarship shall be calculated  
949 based on the school district in which the student's parent  
950 resides at the time of the scholarship request.

951 (b) The amount of the Reading Compact Scholarship shall be  
952 the calculated amount or the amount of the private school's  
953 tuition and fees, whichever is less. Fees eligible shall include  
954 textbook fees, lab fees, and other fees related to instruction,  
955 including transportation.

956 (c) The school district shall report all students who are  
957 attending a private school under this scholarship program. The  
958 students attending private schools on Reading Compact  
959 Scholarships shall be reported separately from those students  
960 reported for purposes of the Florida Education Finance Program.

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

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

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

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

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

976 participants, the department shall transfer, from General  
977 Revenue funds only, the calculated amount from the Florida  
978 Education Finance Program and authorized categorical accounts to  
979 a separate account for the Reading Compact Scholarship Program  
980 for quarterly disbursement to the parents of participating  
981 students. When a student enters the scholarship program, the  
982 department must receive all documentation required for the  
983 student's participation, including the private school's and  
984 student's fee schedules, at least 30 days before the first  
985 quarterly scholarship payment is made for the student.

986 (g) The Chief Financial Officer shall make Reading Compact  
987 Scholarship payments in four equal amounts no later than  
988 September 1, November 1, February 1, and April 1 of each  
989 academic year in which the Reading Compact Scholarship is in  
990 force. The initial payment shall be made after department  
991 verification of admission acceptance, and subsequent payments  
992 shall be made upon verification of continued enrollment and  
993 attendance at the private school. Payment must be by individual  
994 warrant made payable to the student's parent and mailed by the  
995 department to the private school of the parent's choice, and the  
996 parent shall restrictively endorse the warrant to the private  
997 school.

998 (h) Subsequent to each scholarship payment, the Department  
999 of Financial Services shall randomly review endorsed warrants to  
1000 confirm compliance with endorsement requirements. The Department  
1001 of Financial Services shall immediately report inconsistencies  
1002 or irregularities to the department.

1003 (11) LIABILITY.--No liability shall arise on the part of

1004 the state based on the award or use of a Reading Compact  
 1005 Scholarship.

1006 (12) SCOPE OF AUTHORITY.--The inclusion of eligible  
 1007 private schools within options available to Florida public  
 1008 school students does not expand the regulatory authority of the  
 1009 state, its officers, or any school district to impose any  
 1010 additional regulation of private schools beyond those reasonably  
 1011 necessary to enforce requirements expressly set forth in this  
 1012 section.

1013 (13) RULES.--The State Board of Education shall adopt  
 1014 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
 1015 section. Rules shall include penalties for noncompliance with  
 1016 subsections (8) and (9).

1017 Section 11. Section 1002.395, Florida Statutes, is created  
 1018 to read:

1019 1002.395 K-12 GI Bill Program.--

1020 (1) DEFINITIONS.--For purposes of this section:

1021 (a) The term "active-duty member" means an active-duty  
 1022 member of the Florida National Guard who is serving in Operation  
 1023 Enduring Freedom or Operation Iraqi Freedom.

1024 (b) The term "dependent" means a dependent of an active-  
 1025 duty member of the Florida National Guard who is serving in  
 1026 Operation Enduring Freedom or Operation Iraqi Freedom.

1027 (2) PURPOSE.--The purpose of this section is to:

1028 (a) Recognize, honor, and reward the courage and  
 1029 sacrifices made by an active-duty member of the Florida National  
 1030 Guard who is serving in Operation Enduring Freedom or Operation  
 1031 Iraqi Freedom, and his or her family.

1032 (b) Expand educational opportunities for children who are  
 1033 dependents of an active-duty member.

1034 (c) Provide a new benefit to an active-duty member by  
 1035 giving such an individual the option to choose his or her  
 1036 children's education.

1037 (3) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill Program is  
 1038 established as a benefit to an active-duty member which provides  
 1039 the option for his or her dependents to attend a public school  
 1040 in the school district other than the one to which assigned, to  
 1041 receive a K-12 GI Bill to attend a public school in an adjacent  
 1042 school district, or to receive a K-12 GI Bill to attend an  
 1043 eligible private school of his or her choice.

1044 (4) K-12 GI BILL ELIGIBILITY.--The parent of a student who  
 1045 is a dependent of an active-duty member may request and receive  
 1046 from the state a K-12 GI Bill for the child to enroll in and  
 1047 attend an eligible private school if the parent has notified the  
 1048 school district that the student is a dependent of an active-  
 1049 duty member; has obtained acceptance for admission of the  
 1050 student to a private school that is eligible for the program  
 1051 under subsection (7); and has notified the school district of  
 1052 the request for a K-12 GI Bill at least 60 days before the date  
 1053 of the first K-12 GI Bill payment. The parental notification  
 1054 must be through a communication directly to the district or  
 1055 through the Department of Education to the district in a manner  
 1056 that creates a written or electronic record of the notification  
 1057 and the date of receipt of the notification. A dependent child  
 1058 of an active-duty member is not required to have been enrolled  
 1059 and reported by a school district for funding during the

1060 preceding October and February Florida Education Finance Program  
 1061 surveys in kindergarten through grade 12, in order to be  
 1062 eligible to receive a scholarship. This section does not apply  
 1063 to a student who is enrolled in a school operating for the  
 1064 purpose of providing educational services to youth in a  
 1065 commitment program of the Department of Juvenile Justice. For  
 1066 purposes of continuity of educational choice, the K-12 GI Bill  
 1067 shall remain in force until the student returns to a public  
 1068 school or graduates from high school. However, at any time, the  
 1069 student's parent may remove the student from the private school  
 1070 and place the student in another private school that is eligible  
 1071 to provide educational opportunities for students whose families  
 1072 choose to use a K-12 GI Bill under subsection (7) or may place  
 1073 the student in a public school as provided in subsection (6).

1074 (5) K-12 GI BILL PROHIBITIONS.--A student is not eligible  
 1075 for a K-12 GI Bill if he or she is:

1076 (a) Enrolled in a school operating for the purpose of  
 1077 providing educational services to youth in Department of  
 1078 Juvenile Justice commitment programs.

1079 (b) Receiving a scholarship from an eligible nonprofit  
 1080 scholarship-funding organization under s. 220.187.

1081 (c) Receiving an educational scholarship pursuant to this  
 1082 chapter.

1083 (d) Participating in a home education program as defined  
 1084 in s. 1002.01(1).

1085 (e) Participating in a private tutoring program pursuant  
 1086 to s. 1002.43.

1087 (f) Participating in a virtual school, correspondence

1088 school, or distance learning program that receives state funding  
 1089 pursuant to the student's participation.

1090 (6) SCHOOL DISTRICT OBLIGATIONS.--

1091 (a) A school district shall timely notify the parent of  
 1092 each student who the school district has knowledge is a  
 1093 dependent of an active-duty member of all options available  
 1094 under this section and shall offer that student's parent an  
 1095 opportunity to enroll the student in another public school  
 1096 within the district. The parent is not required to accept this  
 1097 offer in lieu of requesting a K-12 GI Bill for the student to  
 1098 attend a public school in an adjacent school district or to  
 1099 attend a private school. However, if the parent chooses to  
 1100 enroll the student in another public school within the district,  
 1101 the student may continue attending the public school chosen by  
 1102 the parent until the student graduates from high school. The  
 1103 option set forth in this paragraph may be exercised only on a  
 1104 space-available basis. However, a student who is the dependent  
 1105 of a parent on active-duty shall be given first priority, except  
 1106 that this option is not available if exercising the option would  
 1107 result in a violation of the constitutional class-size  
 1108 requirements. If the parent chooses a public school consistent  
 1109 with the district school board's choice plan under s. 1002.31,  
 1110 the school district shall provide transportation to the public  
 1111 school selected by the parent. The parent is responsible to  
 1112 provide transportation to a chosen public school that is not  
 1113 consistent with the district school board's plan under s.  
 1114 1002.31.

1115 (b) The parent of a student may choose, as an alternative,



1116 to enroll the student in and transport the student to a public  
 1117 school in an adjacent school district which has available space,  
 1118 and that school district shall accept the student and report the  
 1119 student for purposes of the district's funding under the Florida  
 1120 Education Finance Program.

1121 (c) For a student in the school district who participates  
 1122 in the K-12 GI Bill Program whose parent requests that the  
 1123 student take the statewide assessments under s. 1008.22, the  
 1124 district shall provide locations and times to take all statewide  
 1125 assessments.

1126 (d) A school district must notify the Department of  
 1127 Education within 10 days after it receives notification of a  
 1128 parent's intent to apply for a student to receive a K-12 GI  
 1129 Bill.

1130 (7) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to provide  
 1131 educational opportunities for students whose families choose to  
 1132 use a K-12 GI Bill, a private school must be a Florida private  
 1133 school, may be sectarian or nonsectarian, and must:

1134 (a) Demonstrate fiscal soundness by being in operation for  
 1135 at least 2 school years or file with the Department of Education  
 1136 a surety bond or letter of credit for the amount equal to the K-  
 1137 12 GI Bill funds for each quarter.

1138 (b) Notify the Department of Education of its intent to  
 1139 provide educational opportunities for students whose families  
 1140 choose to use a K-12 GI Bill. The notice must specify the grade  
 1141 levels and services that the private school has available for  
 1142 students attending on a K-12 GI Bill.

1143 (c) Comply with the antidiscrimination provisions of 42

1144 U.S.C. s. 2000d.  
 1145 (d) Meet state and local health and safety laws and codes.  
 1146 (e) Be academically accountable to the parent for meeting  
 1147 the educational needs of the student.  
 1148 (f) Employ or contract with teachers who hold  
 1149 baccalaureate or higher degrees, have at least 3 years of  
 1150 teaching experience in public or private schools, or have  
 1151 special skills, knowledge, or expertise that qualifies them to  
 1152 provide instruction in subjects taught.  
 1153 (g) Comply with all state laws relating to general  
 1154 regulation of private schools.  
 1155 (h) Adhere to the tenets of its published disciplinary  
 1156 procedures before expelling a student who is attending the  
 1157 school on a K-12 GI Bill.  
 1158 (i) Require each individual with direct student contact  
 1159 with a scholarship student to be of good moral character, to be  
 1160 subject to the level 1 background screening as provided under  
 1161 chapter 435, to be denied employment or terminated if required  
 1162 under s. 435.06, and not to be ineligible to teach in a public  
 1163 school because his or her educator certificate is suspended or  
 1164 revoked. For purposes of this paragraph:  
 1165 1. An "individual with direct student contact" means any  
 1166 individual who has unsupervised access to a scholarship student  
 1167 for whom the private school is responsible.  
 1168 2. The costs of fingerprinting and the background check  
 1169 shall not be borne by the state.  
 1170 3. Continued employment of an individual after  
 1171 notification that the individual has failed the level 1

1172 background screening shall cause a private school to be  
1173 ineligible for participation in the scholarship program.

1174 4. An individual holding a valid Florida teaching  
1175 certificate who has been fingerprinted pursuant to s. 1012.32  
1176 shall not be required to comply with the provisions of this  
1177 paragraph.

1178 (j) Annually administer or make provision for students  
1179 participating in the program to take one of the nationally norm-  
1180 referenced tests identified by the department. Students with  
1181 disabilities for whom standardized testing is not appropriate  
1182 are exempt from this requirement. A participating private school  
1183 must report a student's scores to the parent and to the  
1184 independent private research organization selected by the  
1185 department.

1186 (8) OBLIGATION OF FAMILIES CHOOSING TO USE A K-12 GI  
1187 BILL.--

1188 (a) A parent who applies for a K-12 GI Bill to enable his  
1189 or her child to attend a private school is exercising his or her  
1190 parental option to place his or her child in a private school.  
1191 The parent must select the private school and apply for the  
1192 admission of his or her child.

1193 (b) If the parent chooses the private-school option and  
1194 the student is accepted by the private school pending the  
1195 availability of a space for the student, the parent of the  
1196 student must notify the school district at least 60 days before  
1197 the date of the first K-12 GI Bill payment and before the  
1198 student enters the private school in order to be eligible for  
1199 the K-12 GI Bill when a space becomes available for the student

1200 in the private school.

1201 (c) Any student attending a private school on a K-12 GI  
 1202 Bill must remain in attendance throughout the school year,  
 1203 unless excused by the school for illness or other good cause,  
 1204 and must comply fully with the school's code of conduct.

1205 (d) The parent of each student attending a private school  
 1206 on a K-12 GI Bill must comply fully with the private school's  
 1207 parental-involvement requirements unless excused by the school  
 1208 for illness or other good cause.

1209 (e) If the parent requests that the student attending a  
 1210 private school on a K-12 GI Bill take all statewide assessments  
 1211 required pursuant to s. 1008.22, the parent is responsible for  
 1212 transporting the student to the assessment site designated by  
 1213 the school district.

1214 (f) The parent shall ensure that the student participating  
 1215 in the program takes the norm-referenced assessment offered by  
 1216 the private school. The parent may also choose to have the  
 1217 student participate in the statewide assessments pursuant to s.  
 1218 1008.22. If the parent requests that the student take statewide  
 1219 assessments pursuant to s. 1008.22, the parent is responsible  
 1220 for transporting the student to the assessment site designated  
 1221 by the school district.

1222 (g) Upon receipt of a K-12 GI Bill warrant, the parent to  
 1223 whom the warrant is made must restrictively endorse the warrant  
 1224 to the private school for deposit into the account of the  
 1225 private school.

1226 (h) Any failure to comply with this subsection results in  
 1227 forfeiture of the K-12 GI Bill.

1228       (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department  
 1229 shall:

1230       (a) Annually verify the eligibility of private schools  
 1231 that meet the requirements of subsection (7).

1232       (b) Establish a toll-free hotline that provides parents  
 1233 and private schools with information on participation in the K-  
 1234 12 GI Bill Program.

1235       (c) Establish a process by which individuals may notify  
 1236 the department of any violation by a parent, private school, or  
 1237 school district of state laws relating to program participation.  
 1238 The department shall conduct an investigation of any written  
 1239 complaint of a violation of this section, or make a referral to  
 1240 the appropriate agency for investigation, if the complaint is  
 1241 signed by the complainant and is legally sufficient. A complaint  
 1242 is legally sufficient if it contains ultimate facts that show  
 1243 that a violation of this section or any rule adopted by the  
 1244 State Board of Education has occurred. In order to determine  
 1245 legal sufficiency, the department may require supporting  
 1246 information or documentation from the complainant.

1247       (d) Require an annual, notarized, sworn compliance  
 1248 statement by participating private schools certifying compliance  
 1249 with state laws and shall retain such records.

1250       (e) Cross-check the list of participating students with  
 1251 the public school enrollment lists prior to the first payment to  
 1252 avoid duplication.

1253       (f) Identify all nationally norm-referenced tests that are  
 1254 comparable to the norm-referenced test portions of the Florida  
 1255 Comprehensive Assessment Test (FCAT).

1256       (g) Select an independent private research organization to  
 1257 which participating private schools must report the scores of  
 1258 participating students on the nationally norm-referenced tests  
 1259 administered by the private school. The independent private  
 1260 research organization must annually report to the department on  
 1261 the year-to-year improvements of the participating students. The  
 1262 independent private research organization must analyze and  
 1263 report student performance data in a manner that protects the  
 1264 rights of students and parents as mandated in 20 U.S.C. s.  
 1265 1232g, the Family Educational Rights and Privacy Act, and must  
 1266 not disaggregate data to a level that will disclose the academic  
 1267 level of individual students or of individual schools. To the  
 1268 extent possible, the independent private research organization  
 1269 must accumulate historical performance data on students from the  
 1270 department and private schools to describe baseline performance  
 1271 and to conduct longitudinal studies. To minimize costs and  
 1272 reduce time required for third-party analysis and evaluation,  
 1273 the department shall conduct analyses of matched students from  
 1274 public school assessment data and calculate control group  
 1275 learning gains using an agreed-upon methodology outlined in the  
 1276 contract with the third-party evaluator. The sharing of student  
 1277 data must be in accordance with requirements of 20 U.S.C. s.  
 1278 1232g, the Family Educational Rights and Privacy Act, and shall  
 1279 be for the sole purpose of conducting the evaluation. All  
 1280 parties must preserve the confidentiality of such information as  
 1281 required by law.

1282       (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS. -  
 1283       (a) The Commissioner of Education shall deny, suspend, or

1284 revoke a private school's participation in the program if it is  
1285 determined that the private school has failed to comply with the  
1286 provisions of this section. However, if the noncompliance is  
1287 correctable within a reasonable amount of time and if the  
1288 health, safety, and welfare of the students are not threatened,  
1289 the commissioner may issue a notice of noncompliance which shall  
1290 provide the private school with a timeframe within which to  
1291 provide evidence of compliance prior to taking action to suspend  
1292 or revoke the private school's participation in the program.

1293 (b) The commissioner's determination is subject to the  
1294 following:

1295 1. If the commissioner intends to deny, suspend, or revoke  
1296 a private school's participation in the program, the department  
1297 shall notify the private school of such proposed action in  
1298 writing by certified mail and regular mail to the private  
1299 school's address of record with the department. The notification  
1300 shall include the reasons for the proposed action and notice of  
1301 the timelines and procedures set forth in this paragraph.

1302 2. The private school that is adversely affected by the  
1303 proposed action shall have 15 days after receipt of the notice  
1304 of proposed action to file with the department's agency clerk a  
1305 request for a proceeding pursuant to ss.120.569 and 120.57. If  
1306 the private school is entitled to a hearing under s. 120.57(1),  
1307 the department shall forward the request to the Division of  
1308 Administrative Hearings.

1309 3. Upon receipt of a request referred pursuant to this  
1310 paragraph, the director of the Division of Administrative  
1311 Hearings shall expedite the hearing and assign an administrative

1312 law judge who shall commence a hearing within 30 days after the  
 1313 receipt of the formal written request by the division and enter  
 1314 a recommended order within 30 days after the hearing or within  
 1315 30 days after receipt of the hearing transcript, whichever is  
 1316 later. Each party shall be allowed 10 days in which to submit  
 1317 written exceptions to the recommended order. A final order shall  
 1318 be entered by the agency within 30 days after the entry of a  
 1319 recommended order. The provisions of this subparagraph may be  
 1320 waived upon stipulation by all parties.

1321 (c) The commissioner may immediately suspend payment if it  
 1322 is determined that there is probable cause to believe that there  
 1323 is:

- 1324 1. An imminent threat to the health, safety, and welfare  
 1325 of the students; or
- 1326 2. Fraudulent activity on the part of the private school.

1327  
 1328 The commissioner's order suspending payment pursuant to this  
 1329 paragraph may be appealed pursuant to the same procedures and  
 1330 timelines as the notice of proposed action set forth in  
 1331 paragraph (b).

1332 (11) K-12 GI BILL FUNDING AND PAYMENT.--

1333 (a) The amount of a K-12 GI Bill provided to any child for  
 1334 any single school year may not exceed the following annual  
 1335 limits:

- 1336 1. Three thousand six hundred dollars or the amount of  
 1337 tuition and fees, whichever is less, for a K-12 GI Bill awarded  
 1338 to a student enrolled in an eligible private school.
- 1339 2. Five hundred dollars, or the amount of transportation



1340 expenses, whichever is less, for a K-12 GI Bill awarded to a  
 1341 student enrolled in a Florida public school that is located  
 1342 outside the school district in which the student resides.

1343 (b) If a participating private school requires partial  
 1344 payment of tuition before the start of the academic year to  
 1345 reserve space for students admitted to the school, that partial  
 1346 payment may be paid by the Department of Education before the  
 1347 first quarterly payment of the year in which the K-12 GI Bill is  
 1348 awarded, up to a maximum of \$1,000, and deducted from subsequent  
 1349 K-12 GI Bill payments. If a student decides not to attend the  
 1350 participating private school, the participating private school  
 1351 must return the partial reservation payment to the Department of  
 1352 Education. There is a limit of one reservation payment per  
 1353 student per year.

1354 (c) The school district shall report all students who are  
 1355 attending a private school on a K-12 GI Bill. The students  
 1356 attending private schools on K-12 GI Bills shall be reported  
 1357 separately from other students reported for purposes of the  
 1358 Florida Education Finance Program.

1359 (d) Following notification on July 1, September 1,  
 1360 December 1, or February 1 of the number of students attending  
 1361 private schools on K-12 GI Bills, the Department of Education  
 1362 shall transfer, from general revenue funds only, the amount of  
 1363 the K-12 GI Bills from the school district's total funding  
 1364 entitlement under the Florida Education Finance Program to a  
 1365 separate account for the K-12 GI Bills for quarterly  
 1366 disbursement to the parents of K-12 GI Bill students. For  
 1367 purposes of this paragraph, the term school district means the

1368 school district in which the parent resides at the time of the  
 1369 scholarship request. When a student enters a private school on a  
 1370 K-12 GI Bill, the Department of Education must receive all  
 1371 documentation required for the student's K-12 GI Bill, including  
 1372 the private school's and student's fee schedules, at least 30  
 1373 days before the first quarterly K-12 GI Bill payment is made for  
 1374 the student. The Department of Education may not make any  
 1375 retroactive payments.

1376 (e) Upon proper documentation reviewed and approved by the  
 1377 Department of Education, the Chief Financial Officer shall make  
 1378 K-12 GI Bill payments in four equal amounts no later than  
 1379 September 1, November 1, February 1, and April 15 of each  
 1380 academic year in which the K-12 GI Bill is in force. The initial  
 1381 payment for attendance at a private school shall be made after  
 1382 Department of Education verification of admission acceptance,  
 1383 and subsequent payments shall be made upon verification of  
 1384 continued enrollment and attendance at the private school.  
 1385 Payment must be by individual warrant made payable to the  
 1386 student's parent and mailed by the Department of Education to  
 1387 the private school of the parent's choice, and the parent shall  
 1388 restrictively endorse the warrant to the private school for  
 1389 deposit into the account of the private school.

1390 (f) Subsequent to each payment, the Department of  
 1391 Financial Services shall randomly review endorsed warrants to  
 1392 confirm compliance with endorsement requirements. The Department  
 1393 of Financial Services shall immediately report inconsistencies  
 1394 or irregularities to the department.

1395 (12) LIABILITY.--The state is not liable for any loss

1396 based on the award or use of a K-12 GI Bill.

1397 (13) WAIVER OF DEADLINES.--In the event of an act of God,  
 1398 which means an act occasioned exclusively by violence of nature  
 1399 without the interference of any human agency, the State Board of  
 1400 Education is authorized to waive any deadlines to effectuate the  
 1401 purposes of the K-12 GI Bill.

1402 (14) RULES.--The State Board of Education may adopt rules  
 1403 under ss. 120.536(1) and 120.54 to administer this section.  
 1404 However, the inclusion of eligible private schools within  
 1405 options available to Florida public school students does not  
 1406 expand the regulatory authority of the state, its officers, or  
 1407 any school district to impose any additional regulation of  
 1408 private schools beyond those reasonably necessary to enforce  
 1409 requirements expressly set forth in this section.

1410 Section 12. Paragraphs (a) and (b) of subsection (6) of  
 1411 section 1002.20, Florida Statutes, are amended to read:

1412 1002.20 K-12 student and parent rights.--Parents of public  
 1413 school students must receive accurate and timely information  
 1414 regarding their child's academic progress and must be informed  
 1415 of ways they can help their child to succeed in school. K-12  
 1416 students and their parents are afforded numerous statutory  
 1417 rights including, but not limited to, the following:

1418 (6) EDUCATIONAL CHOICE.--

1419 (a) Public school choices.--Parents of public school  
 1420 students may seek whatever public school choice options that are  
 1421 applicable to their students and are available to students in  
 1422 their school districts. These options may include controlled  
 1423 open enrollment, lab schools, charter schools, charter technical

1424 career centers, magnet schools, alternative schools, special  
1425 programs, advanced placement, dual enrollment, International  
1426 Baccalaureate, early admissions, credit by examination or  
1427 demonstration of competency, the New World School of the Arts,  
1428 the Florida School for the Deaf and the Blind, and the Florida  
1429 Virtual School. These options may also include the public school  
1430 choice options of the Opportunity Scholarship Program, ~~and~~ the  
1431 McKay Scholarships for Students with Disabilities Program, and  
1432 the K-12 GI Bill Program.

1433 (b) Private school choices.--Parents of public school  
1434 students may seek private school choice options under certain  
1435 programs.

1436 1. Under the Opportunity Scholarship Program, the parent  
1437 of a student in a failing public school may request and receive  
1438 an opportunity scholarship for the student to attend a private  
1439 school in accordance with the provisions of s. 1002.38.

1440 2. Under the McKay Scholarships for Students with  
1441 Disabilities Program, the parent of a public school student with  
1442 a disability who is dissatisfied with the student's progress may  
1443 request and receive a McKay Scholarship for the student to  
1444 attend a private school in accordance with the provisions of s.  
1445 1002.39.

1446 3. Under the K-12 GI Bill Program, the parent of a public  
1447 school student who is a dependent of an active-duty member as  
1448 defined in s. 1002.395(1) may request and receive a K-12 GI Bill  
1449 for the student to attend a private school in accordance with s.  
1450 1002.395.

1451 ~~4.3.~~ Under the corporate income tax credit scholarship

1452 program, the parent of a student who qualifies for free or  
 1453 reduced-price school lunch may seek a scholarship from an  
 1454 eligible nonprofit scholarship-funding organization in  
 1455 accordance with the provisions of s. 220.187.

1456 Section 13. Section 1002.421, Florida Statutes, is created  
 1457 to read:

1458 1002.421 Rights and obligations of private schools  
 1459 participating in state school choice scholarship  
 1460 programs.--Requirements of this section are in addition to  
 1461 private school requirements outlined in s. 1002.42, specific  
 1462 requirements identified within respective scholarship program  
 1463 laws, and other provisions of Florida law that apply to private  
 1464 schools.

1465 (1) A Florida private school participating in the  
 1466 corporate income tax credit scholarship program established  
 1467 pursuant to s. 220.187 or an educational scholarship program  
 1468 established pursuant to this chapter must comply with all  
 1469 requirements of this section.

1470 (2) A private school participating in a scholarship  
 1471 program must be a Florida private school as defined in s.  
 1472 1002.01(2) and must:

1473 (a) Be a registered Florida private school in accordance  
 1474 with s. 1002.42.

1475 (b) Comply with antidiscrimination provisions of 42 U.S.C.  
 1476 s. 2000d.

1477 (c) Notify the department of its intent to participate in  
 1478 a scholarship program.

1479 (d) Notify the department of any change in the school's

1480 name, school director, mailing address, or physical location  
 1481 within 15 days after the change.

1482 (e) Complete student enrollment and attendance  
 1483 verification requirements, including use of an online attendance  
 1484 verification form, prior to scholarship payment.

1485 (f) Annually complete and submit to the department a  
 1486 notarized scholarship compliance statement certifying compliance  
 1487 with state laws relating to private school participation in the  
 1488 scholarship program.

1489 (g) Demonstrate fiscal soundness and accountability by:  
 1490 1. Being in operation for at least 3 school years or  
 1491 obtaining a surety bond or letter of credit for the amount equal  
 1492 to the scholarship funds for any quarter and filing the surety  
 1493 bond or letter of credit with the department.

1494 2. Requiring the parent of each scholarship student to  
 1495 personally restrictively endorse the scholarship warrant to the  
 1496 school. The school may not act as attorney in fact for the  
 1497 parent of a scholarship student under the authority of a power  
 1498 of attorney executed by such parent, or under any other  
 1499 authority, to endorse scholarship warrants on behalf of such  
 1500 parent.

1501 (h) Meet applicable state and local health, safety, and  
 1502 welfare laws, codes, and rules, including:

- 1503 1. Fire safety.
- 1504 2. Building safety.

1505 (i) Employ or contract with teachers who hold  
 1506 baccalaureate or higher degrees, have at least 3 years of  
 1507 teaching experience in public or private schools, or have

1508 special skills, knowledge, or expertise that qualifies them to  
1509 provide instruction in subjects taught.

1510 (j) Require each individual with direct student contact  
1511 with a scholarship student to be of good moral character, to be  
1512 subject to the level 1 background screening as provided under  
1513 chapter 435, to be denied employment or terminated if required  
1514 under s. 435.06, and not to be ineligible to teach in a public  
1515 school because his or her educator certificate is suspended or  
1516 revoked. For purposes of this paragraph:

1517 1. An "individual with direct student contact" means any  
1518 individual who has unsupervised access to a scholarship student  
1519 for whom the private school is responsible.

1520 2. The costs of fingerprinting and the background check  
1521 shall not be borne by the state.

1522 3. Continued employment of an individual after  
1523 notification that the individual has failed the level 1  
1524 background screening shall cause a private school to be  
1525 ineligible for participation in a scholarship program.

1526 4. An individual holding a valid Florida teaching  
1527 certificate who has been fingerprinted pursuant to s. 1012.32  
1528 shall not be required to comply with the provisions of this  
1529 paragraph.

1530 (3) The inability of a private school to meet the  
1531 requirements of this section shall constitute a basis for the  
1532 ineligibility of the private school to participate in a  
1533 scholarship program as determined by the department.

1534 (4) (a) The State Board of Education shall adopt rules  
1535 pursuant to ss. 120.536(1) and 120.54 to administer this

1536 section.

1537 (b) The inclusion of eligible private schools within  
 1538 options available to Florida public school students does not  
 1539 expand the regulatory authority of the state, its officers, or  
 1540 any school district to impose any additional regulation of  
 1541 private schools beyond those reasonably necessary to enforce  
 1542 requirements expressly set forth in this section.

1543 Section 14. Paragraph (b) of subsection (3) of section  
 1544 1003.01, Florida Statutes, is amended to read:

1545 1003.01 Definitions.--As used in this chapter, the term:

1546 (3)

1547 (b) "Special education services" means specially designed  
 1548 instruction and such related services as are necessary for an  
 1549 exceptional student to benefit from education. Such services may  
 1550 include: transportation; diagnostic and evaluation services;  
 1551 social services; physical and occupational therapy; speech and  
 1552 language pathology services; job placement; orientation and  
 1553 mobility training; braillists, typists, and readers for the  
 1554 blind; interpreters and auditory amplification; rehabilitation  
 1555 counseling; transition services; mental health services;  
 1556 guidance and career counseling; specified materials, assistive  
 1557 technology devices, and other specialized equipment; and other  
 1558 such services as approved by rules of the state board.

1559 Section 15. Paragraph (b) of subsection (2) of section  
 1560 1003.03, Florida Statutes, is amended to read:

1561 1003.03 Maximum class size.--

1562 (2) IMPLEMENTATION.--

1563 (b) Determination of the number of students per classroom



1564 in paragraph (a) shall be calculated as follows:

1565 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,  
 1566 the calculation for compliance for each of the 3 grade groupings  
 1567 shall be the average at the district level.

1568 2. For fiscal year ~~years 2006-2007~~ through 2007-2008, the  
 1569 calculation for compliance for each of the 3 grade groupings  
 1570 shall be the average at the school level.

1571 3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
 1572 the calculation for compliance shall be at the individual  
 1573 classroom level.

1574 Section 16. Section 1003.035, Florida Statutes, is created  
 1575 to read:

1576 1003.035 District average class size requirements.--

1577 (1) CONSTITUTIONAL CLASS SIZE REQUIREMENTS.--Pursuant to  
 1578 s. 1, Art. IX of the State Constitution, beginning in the 2007-  
 1579 2008 school year:

1580 (a) The district average number of students assigned to  
 1581 each teacher who is teaching core-curricula courses in public  
 1582 school classrooms for prekindergarten through grade 3 may not  
 1583 exceed 18 students.

1584 (b) The district average number of students assigned to  
 1585 each teacher who is teaching core-curricula courses in public  
 1586 school classrooms for grades 4 through 8 may not exceed 22  
 1587 students.

1588 (c) The district average number of students assigned to  
 1589 each teacher who is teaching core-curricula courses in public  
 1590 school classrooms for grades 9 through 12 may not exceed 25  
 1591 students.

1592  
1593 However, in no event shall any such classroom exceed five  
1594 students over the district average allowable maximum.

1595 (2) IMPLEMENTATION.--

1596 (a) Beginning with the 2006-2007 fiscal year, each school  
1597 district that is not in compliance with the requirements in  
1598 subsection (1) shall reduce the district average class size in  
1599 each of the following grade groupings: prekindergarten through  
1600 grade 3, grade 4 through grade 8, and grade 9 through grade 12,  
1601 by at least two students each year until the district average  
1602 class size does not exceed the requirements in subsection (1).

1603 (b) The Department of Education shall annually calculate  
1604 each school district's average class size for each of the grade  
1605 groupings specified in paragraph (a) based upon the October  
1606 student membership survey.

1607 (3) IMPLEMENTATION OPTIONS.--District school boards must  
1608 consider, but are not limited to, implementing the following  
1609 items in order to meet the constitutional district average class  
1610 size requirements described in subsection (1) and the two-  
1611 student-per-year reduction required in subsection (2):

1612 (a) Adopt policies to encourage qualified students to take  
1613 dual enrollment courses.

1614 (b) Adopt policies to encourage students to take courses  
1615 from the Florida Virtual School.

1616 (c)1. Repeal district school board policies that require  
1617 students to have more than 24 credits to graduate from high  
1618 school.

1619 2. Adopt policies to allow students to graduate from high

1620 school as soon as they pass the grade 10 FCAT and complete the  
 1621 courses required for high school graduation.

1622 (d) Use methods to maximize use of instructional staff,  
 1623 such as changing required teaching loads and scheduling of  
 1624 planning periods, deploying district employees that have  
 1625 professional certification to the classroom, using adjunct  
 1626 educators, or any other method not prohibited by law.

1627 (e) Use innovative methods to reduce the cost of school  
 1628 construction by using prototype school designs, using SMART  
 1629 Schools designs, participating in the School Infrastructure  
 1630 Thrift Program, or any other method not prohibited by law.

1631 (f) Use joint-use facilities through partnerships with  
 1632 community colleges, state universities, and private colleges and  
 1633 universities. Joint-use facilities available for use as K-12  
 1634 classrooms that do not meet the K-12 State Regulations for  
 1635 Educational Facilities in the Florida Building Code may be used  
 1636 at the discretion of the district school board provided that  
 1637 such facilities meet all other health, life, safety, and fire  
 1638 codes.

1639 (g) Adopt alternative methods of class scheduling, such as  
 1640 block scheduling.

1641 (h) Redraw school attendance zones to maximize use of  
 1642 facilities while minimizing the additional use of  
 1643 transportation.

1644 (i) Operate schools beyond the normal operating hours to  
 1645 provide classes in the evening or operate more than one session  
 1646 of school during the day.

1647 (j) Use year-round schools and other nontraditional

1648 calendars that do not adversely impact annual assessment of  
 1649 student achievement.

1650 (k) Review and consider amending any collective bargaining  
 1651 contracts that hinder the implementation of class size  
 1652 reduction.

1653 (l) Use any other approach not prohibited by law.

1654 (4) ACCOUNTABILITY.--

1655 (a) If the department determines for any year that a  
 1656 school district has not reduced average class size as required  
 1657 in subsection (2) at the time of the third FEFP calculation, the  
 1658 department shall calculate an amount from the class size  
 1659 reduction operating categorical which is proportionate to the  
 1660 amount of class size reduction not accomplished. Upon  
 1661 verification of the department's calculation by the Florida  
 1662 Education Finance Program Appropriation Allocation Conference,  
 1663 the Executive Office of the Governor shall transfer  
 1664 undistributed funds equivalent to the calculated amount from the  
 1665 district's class size reduction operating categorical to an  
 1666 approved fixed capital outlay appropriation for class size  
 1667 reduction in the affected district pursuant to s. 216.292(13).  
 1668 The amount of funds transferred shall be the lesser of the  
 1669 amount verified by the Florida Education Finance Program  
 1670 Appropriation Allocation Conference or the undistributed balance  
 1671 of the district's class size reduction operating categorical.  
 1672 However, based upon a recommendation by the Commissioner of  
 1673 Education that the State Board of Education has reviewed  
 1674 evidence indicating that a district has been unable to meet  
 1675 class size reduction requirements despite appropriate effort to

1676 do so, the Legislative Budget Commission may approve an  
 1677 alternative amount of funds to be transferred from the  
 1678 district's class size reduction operating categorical to its  
 1679 approved fixed capital outlay account for class size reduction.

1680 (b) Beginning in the 2007-2008 school year, the department  
 1681 shall determine by January 15 of each year which districts do  
 1682 not meet the requirements of subsection (1) based upon the  
 1683 district's October student membership survey for the current  
 1684 school year. The department shall report such districts to the  
 1685 Legislature. Each district that has not met the requirements of  
 1686 subsection (1) shall be required to implement one of the  
 1687 following policies in the subsequent school year unless the  
 1688 department finds that the district comes into compliance based  
 1689 upon the February student membership survey:

- 1690 1. Year-round schools;
- 1691 2. Double sessions;
- 1692 3. Rezoning; or
- 1693 4. Maximizing use of instructional staff by changing  
 1694 required teacher loads and scheduling of planning periods,  
 1695 deploying school district employees who have professional  
 1696 certification to the classroom, using adjunct educators,  
 1697 operating schools beyond the normal operating hours to provide  
 1698 classes in the evening, or operating more than one session  
 1699 during the day.

1700  
 1701 A school district that is required to implement one of the  
 1702 policies outlined in subparagraphs 1. through 4. shall correct  
 1703 in the year of implementation any past deficiencies and bring

1704 the district into compliance with the requirements of subsection  
1705 (1). A school district may choose to implement more than one of  
1706 these policies. The district school superintendent shall report  
1707 to the Commissioner of Education the extent to which the  
1708 district implemented any of the policies outlined in  
1709 subparagraphs 1. through 4. in a format to be specified by the  
1710 Commissioner of Education. The Department of Education shall use  
1711 the enforcement authority provided in s. 1008.32 to ensure that  
1712 districts comply with the provisions of this paragraph.

1713 (c) Beginning in the 2008-2009 school year, the department  
1714 shall annually determine which districts do not meet the  
1715 requirements described in subsection (1) based upon the October  
1716 student membership survey. In addition to enforcement authority  
1717 provided in s. 1008.32, the Department of Education shall  
1718 develop a constitutional compliance plan for each such district  
1719 which includes, but is not limited to, redrawing school  
1720 attendance zones to maximize use of facilities while minimizing  
1721 the additional use of transportation and the other  
1722 accountability policies listed in paragraph (b). Each district  
1723 school board shall implement the constitutional compliance plan  
1724 developed by the state board in the subsequent school year until  
1725 the district complies with the constitutional district average  
1726 class size requirements.

1727 Section 17. Subsection (3) of section 1003.05, Florida  
1728 Statutes, is amended to read:

1729 1003.05 Assistance to transitioning students from military  
1730 families.--

1731 (3) Dependent children of active duty military personnel  
 1732 who otherwise meet the eligibility criteria for special academic  
 1733 programs offered through public schools shall be given first  
 1734 preference for admission to such programs even if the program is  
 1735 being offered through a public school other than the school to  
 1736 which the student would generally be assigned ~~and the school at~~  
 1737 ~~which the program is being offered has reached its maximum~~  
 1738 ~~enrollment~~. If such a program is offered through a public school  
 1739 other than the school to which the student would generally be  
 1740 assigned, the parent or guardian of the student must assume  
 1741 responsibility for transporting the student to that school. For  
 1742 purposes of this subsection, special academic programs include  
 1743 ~~charter schools~~, magnet schools, advanced studies programs,  
 1744 advanced placement, dual enrollment, and International  
 1745 Baccalaureate.

1746 Section 18. Section 1003.413, Florida Statutes, is created  
 1747 to read:

1748 1003.413 High school reform.--

1749 (1) Beginning with the 2005-2006 school year, each school  
 1750 district shall establish policies to assist high school students  
 1751 to remain in school, graduate on time, and be prepared for  
 1752 postsecondary education and the workforce. Such policies must  
 1753 address:

1754 (a) Intensive reading remediation for students in grades 9  
 1755 through 12 scoring below Level 3 on FCAT Reading, pursuant to  
 1756 the reading instruction plan required by s. 1011.62(8).

1757 (b) Credit recovery options and course scheduling designed  
 1758 to allow high school students to earn credit for failed courses

1759 so that they are able to graduate on time.

1760 (c) Immediate and frequent notification to parents of

1761 students who are in danger of not graduating from high school.

1762 (d) Placement in alternative programs, such as programs

1763 that emphasize applied integrated curricula, small learning

1764 communities, support services, increased discipline, or other

1765 strategies documented to improve student achievement.

1766 (e) Summer reading institutes for rising ninth graders

1767 scoring below Level 3 on FCAT Reading, pursuant to the reading

1768 instruction plan required by s. 1011.62(8).

1769

1770 A student's participation in an instructional or remediation

1771 program prior to or immediately following entering grade 9 for

1772 the first time shall not affect that student's classification as

1773 a first-time ninth grader for reporting purposes, including

1774 calculation of graduation and dropout rates.

1775 (2) The Commissioner of Education shall create and

1776 implement the Challenge High School Recognition Program to

1777 reward public high schools that demonstrate continuous academic

1778 improvement and show the greatest gains in student academic

1779 achievement in reading and mathematics.

1780 Section 19. High School Reform Task Force.--

1781 (1) There is created the High School Reform Task Force.

1782 The task force shall work in conjunction with the Southern

1783 Regional Education Board and the International Center for

1784 Leadership in Education and shall be administratively supported

1785 by the office of the Chancellor for K-12 Public Schools in the

1786 Department of Education and the Just Read, Florida! Office.



1787 Appointments to the task force shall be coordinated to ensure  
 1788 that the membership reflects the geographic and cultural  
 1789 diversity of Florida's school age population. The task force  
 1790 shall be abolished upon submission of its recommendations.

1791 (2) (a) The Governor shall appoint members of the task  
 1792 force from the following categories and shall appoint the chair  
 1793 of the task force from its membership:

1794 1. Two representatives of public school districts, who may  
 1795 be principals, district school board members, or school  
 1796 superintendents, at least one of whom works in or with a school  
 1797 with a school grade of "F."

1798 2. One high school teacher who teaches in a high school  
 1799 with a school grade of "F."

1800 3. Two parents of high school students scoring at Level 1  
 1801 on FCAT Reading, at least one whom has a child enrolled in a  
 1802 school with a school grade of "F."

1803 4. One high school student.

1804 5. One teacher or administrator from a charter high  
 1805 school.

1806 6. Two private school teachers or administrators from any  
 1807 registered Florida private school with students in grades 9-12  
 1808 regardless of whether the school is nonsectarian, sectarian, not  
 1809 for profit, or for profit.

1810 7. One representative of the business community.

1811 (b) The Speaker of the House of Representatives shall  
 1812 appoint one member of the House of Representatives to serve on  
 1813 the task force and the President of the Senate shall appoint one  
 1814 member of the Senate to serve on the task force.

1815       (3) Not later than January 1, 2006, the task force shall  
1816 vote to recommend to the Speaker of the House of  
1817 Representatives, the President of the Senate, and the Governor a  
1818 long-term plan for revisions to statutes, rules, and policies  
1819 that will improve Florida's grade 9 retention rate, graduation  
1820 rate, dropout rate, and college remediation rate and align high  
1821 school requirements with the needs of Florida's employers and  
1822 postsecondary educational institution requirements. The plan  
1823 must be programmatically and fiscally responsible, feasible, and  
1824 implementable. The plan must address, but is not limited to  
1825 addressing: graduation requirements; effective use of  
1826 accelerated high school graduation options pursuant to s.  
1827 1003.429; course redesign; remediation strategies; credit  
1828 recovery; use of alternative programs, including programs that  
1829 emphasize applied integrated curricula, small learning  
1830 communities, support services, or increased discipline; use of  
1831 technology; adjustments to the school grading system to reflect  
1832 learning gains by high school students; middle school systemic  
1833 alignment; transition from middle school to high school;  
1834 alignment with postsecondary and workforce education  
1835 requirements; and alignment with employer expectations.

1836       Section 20. Section 1003.415, Florida Statutes, is amended  
1837 to read:

1838       1003.415 The Middle Grades Reform Act.--

1839       (1) POPULAR NAME.--This section shall be known by the  
1840 popular name the "Middle Grades Reform Act."

1841       (2) PURPOSE AND INTENT.--

1842        (a) The purpose of this section is to provide added focus  
1843 and rigor to academics in the middle grades. Using reading as  
1844 the foundation, all middle grade students should receive  
1845 rigorous academic instruction through challenging curricula  
1846 delivered by highly qualified teachers in schools with  
1847 outstanding leadership, which schools are supported by engaged  
1848 and informed parents.

1849        (b) It is the intent of the Legislature that students  
1850 promoted from the eighth grade will have the necessary reading  
1851 and mathematics skills to be ready for success in high school.  
1852 The mission of middle grades is to prepare students to graduate  
1853 from high school.

1854        (3) DEFINITION.--As used in this section, the term "middle  
1855 grades" means grades 6, 7, and 8.

1856        (4) CURRICULA AND COURSES.--The Department of Education  
1857 shall review course offerings, teacher qualifications,  
1858 instructional materials, and teaching practices used in reading  
1859 and language arts programs in the middle grades. The department  
1860 must consult with the Florida Center for Reading Research at  
1861 Florida State University, the Just Read, Florida! Office,  
1862 reading researchers, reading specialists, and district  
1863 supervisors of curriculum in the development of findings and  
1864 recommendations. The Commissioner of Education shall make  
1865 recommendations to the State Board of Education regarding  
1866 changes to reading and language arts curricula in the middle  
1867 grades based on research-based proven effective programs. The  
1868 State Board of Education shall adopt rules based upon the  
1869 commissioner's recommendations no later than March 1, 2005.

1870 Implementation of new or revised reading and language arts  
 1871 courses in all middle grades shall be phased in beginning no  
 1872 later than the 2005-2006 school year with completion no later  
 1873 than the 2008-2009 school year.

1874 ~~(5) RIGOROUS READING REQUIREMENT.—~~

1875 ~~(a) Beginning with the 2004 2005 school year, each public~~  
 1876 ~~school serving middle grade students, including charter schools,~~  
 1877 ~~with fewer than 75 percent of its students reading at or above~~  
 1878 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~  
 1879 ~~student scoring at Level 3 or above on the FCAT during the prior~~  
 1880 ~~school year, must incorporate by October 1 a rigorous reading~~  
 1881 ~~requirement for reading and language arts programs as the~~  
 1882 ~~primary component of its school improvement plan. The department~~  
 1883 ~~shall annually provide to each district school board by June 30~~  
 1884 ~~a list of its schools that are required to incorporate a~~  
 1885 ~~rigorous reading requirement as the primary component of the~~  
 1886 ~~school's improvement plan. The department shall provide~~  
 1887 ~~technical assistance to school districts and school~~  
 1888 ~~administrators required to implement the rigorous reading~~  
 1889 ~~requirement.~~

1890 ~~(b) The purpose of the rigorous reading requirement is to~~  
 1891 ~~assist each student who is not reading at or above grade level~~  
 1892 ~~to do so before entering high school. The rigorous reading~~  
 1893 ~~requirement must include for a middle school's low performing~~  
 1894 ~~student population specific areas that address phonemic~~  
 1895 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~  
 1896 ~~desired levels of performance in those areas; and the~~  
 1897 ~~instructional and support services to be provided to meet the~~

1898 ~~desired levels of performance. The school shall use research-~~  
 1899 ~~based reading activities that have been shown to be successful~~  
 1900 ~~in teaching reading to low performing students.~~

1901 ~~(c) Schools required to implement the rigorous reading~~  
 1902 ~~requirement must provide quarterly reports to the district~~  
 1903 ~~school superintendent on the progress of students toward~~  
 1904 ~~increased reading achievement.~~

1905 ~~(d) The results of implementation of a school's rigorous~~  
 1906 ~~reading requirement shall be used as part of the annual~~  
 1907 ~~evaluation of the school's instructional personnel and school~~  
 1908 ~~administrators as required in s. 1012.34.~~

1909 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE~~  
 1910 ~~OF STUDENTS AND SCHOOLS.~~

1911 ~~(a) The department shall conduct a study on how the~~  
 1912 ~~overall academic performance of middle grade students and~~  
 1913 ~~schools can be improved. The department must consult with the~~  
 1914 ~~Florida Center for Reading Research at Florida State University,~~  
 1915 ~~the Just Read, Florida! Office, and key education stakeholders,~~  
 1916 ~~including district school board members, district school~~  
 1917 ~~superintendents, principals, parents, teachers, district~~  
 1918 ~~supervisors of curriculum, and students across the state, in the~~  
 1919 ~~development of its findings and recommendations. The department~~  
 1920 ~~shall review, at a minimum, each of the following elements:~~

1921 ~~1. Academic expectations, which include, but are not~~  
 1922 ~~limited to:~~

1923 ~~a. Alignment of middle school expectations with elementary~~  
 1924 ~~and high school graduation requirements.~~

1925 ~~b. Best practices to improve reading and language arts~~  
 1926 ~~courses based on research-based programs for middle school~~  
 1927 ~~students in alignment with the Sunshine State Standards.~~  
 1928 ~~e. Strategies that focus on improving academic success for~~  
 1929 ~~low-performing students.~~  
 1930 ~~d. Rigor of curricula and courses.~~  
 1931 ~~e. Instructional materials.~~  
 1932 ~~f. Course enrollment by middle school students.~~  
 1933 ~~g. Student support services.~~  
 1934 ~~h. Measurement and reporting of student achievement.~~  
 1935 ~~2. Attendance policies and student mobility issues.~~  
 1936 ~~3. Teacher quality, which includes, but is not limited to:~~  
 1937 ~~a. Preparedness of teachers to teach rigorous courses to~~  
 1938 ~~middle school students.~~  
 1939 ~~b. Teacher evaluations.~~  
 1940 ~~e. Substitute teachers.~~  
 1941 ~~d. Certification and recertification requirements.~~  
 1942 ~~e. Staff development requirements.~~  
 1943 ~~f. Availability of effective staff development training.~~  
 1944 ~~g. Teacher recruitment and vacancy issues.~~  
 1945 ~~h. Federal requirements for highly qualified teachers~~  
 1946 ~~pursuant to the No Child Left Behind Act of 2001.~~  
 1947 ~~4. Identification and availability of diagnostic testing.~~  
 1948 ~~5. Availability of personnel and scheduling issues.~~  
 1949 ~~6. Middle school leadership and performance.~~  
 1950 ~~7. Parental and community involvement.~~  
 1951 ~~(b) By December 1, 2004, the Commissioner of Education~~  
 1952 ~~shall submit to the President of the Senate, the Speaker of the~~

1953 ~~House of Representatives, the chairs of the education committees~~  
 1954 ~~in the Senate and the House of Representatives, and the State~~  
 1955 ~~Board of Education recommendations to increase the academic~~  
 1956 ~~performance of middle grade students and schools.~~

1957 (5) ~~(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

1958 (a) ~~Beginning with the 2004 2005 school year,~~ Each  
 1959 principal of a school with a middle grade shall designate  
 1960 certified staff members at the school to develop and administer  
 1961 a personalized middle school success plan for each entering  
 1962 sixth grade student who scored below Level 3 in reading on the  
 1963 most recently administered FCAT. The purpose of the success plan  
 1964 is to assist the student in meeting state and school district  
 1965 expectations in academic proficiency and to prepare the student  
 1966 for a rigorous high school curriculum. The success plan shall be  
 1967 developed in collaboration with the student and his or her  
 1968 parent and must be implemented until the student completes the  
 1969 eighth grade or achieves a score at Level 3 or above in reading  
 1970 on the FCAT, whichever occurs first. The success plan must  
 1971 minimize paperwork and may be incorporated into a parent/teacher  
 1972 conference, included as part of a progress report or report  
 1973 card, included as part of a general orientation at the beginning  
 1974 of the school year, or provided by electronic mail or other  
 1975 written correspondence.

1976 (b) The personalized middle school success plan must:

1977 1. Identify educational goals and intermediate benchmarks  
 1978 for the student in the core curriculum areas which will prepare  
 1979 the student for high school.

1980 2. Be based upon academic performance data and an  
 1981 identification of the student's strengths and weaknesses.

1982 3. Include academic intervention strategies with frequent  
 1983 progress monitoring.

1984 4. Provide innovative methods to promote the student's  
 1985 advancement which may include, but not be limited to, flexible  
 1986 scheduling, tutoring, focus on core curricula, online  
 1987 instruction, an alternative learning environment, or other  
 1988 interventions that have been shown to accelerate the learning  
 1989 process.

1990 (c) The personalized middle school success plan must be  
 1991 incorporated into any individual student plan required by  
 1992 federal or state law, including the academic improvement plan  
 1993 required in s. 1008.25, an individual education plan (IEP) for a  
 1994 student with disabilities, a federal 504 plan, or an ESOL plan.

1995 (d) The Department of Education shall provide technical  
 1996 assistance for districts, school administrators, and  
 1997 instructional personnel regarding the development of  
 1998 personalized middle school success plans. The assistance shall  
 1999 include strategies and techniques designed to maximize  
 2000 interaction between students, parents, teachers, and other  
 2001 instructional and administrative staff while minimizing  
 2002 paperwork.

2003 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

2004 (a) The State Board of Education shall have authority to  
 2005 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 2006 the provisions of this section.



2007 (b) The State Board of Education shall have authority  
 2008 pursuant to s. 1008.32 to enforce the provisions of this  
 2009 section.

2010 Section 21. Section 1003.4155, Florida Statutes, is  
 2011 created to read:

2012 1003.4155 Middle school grading system.--The grading  
 2013 system and interpretation of letter grades used in grades 6  
 2014 through 8 shall be as follows:

2015 (1) Grade "A" equals 90 percent through 100 percent, has a  
 2016 grade point average value of 4, and is defined as "outstanding  
 2017 progress."

2018 (2) Grade "B" equals 80 percent through 89 percent, has a  
 2019 grade point average value of 3, and is defined as "above average  
 2020 progress."

2021 (3) Grade "C" equals 70 percent through 79 percent, has a  
 2022 grade point average value of 2, and is defined as "average  
 2023 progress."

2024 (4) Grade "D" equals 60 percent through 69 percent, has a  
 2025 grade point average value of 1, and is defined as "lowest  
 2026 acceptable progress."

2027 (5) Grade "F" equals zero percent through 59 percent, has  
 2028 a grade point average value of zero, and is defined as  
 2029 "failure."

2030 (6) Grade "I" equals zero percent, has a grade point  
 2031 average value of zero, and is defined as "incomplete."

2032 Section 22. Section 1003.4156, Florida Statutes, is  
 2033 created to read:

2034           1003.4156 General requirements for middle school  
 2035 promotion.--

2036           (1) Beginning with students entering grade 6 in the 2005-  
 2037 2006 school year, promotion from a middle school with grades 6  
 2038 through 8 requires that:

2039           (a) A student must successfully complete 12 academic  
 2040 credits as follows:

2041           1. Three middle school or higher credits in  
 2042 English/language arts.

2043           2. Three middle school or higher credits in mathematics.  
 2044           3. Two middle school or higher credits in social studies.  
 2045           4. Two middle school or higher credits in science.  
 2046           5. Two middle school or higher credits in elective  
 2047 courses.

2048           (b) For each year in which a student scores at Level 1 or  
 2049 Level 2 on FCAT Reading, the student must the following year be  
 2050 enrolled in and complete a full-year intensive reading course  
 2051 for which the student may earn up to one elective credit per  
 2052 year. Students scoring at Level 3 or Level 4 on FCAT Reading may  
 2053 be enrolled, with parental permission, in a full-year intensive  
 2054 reading course for which the student may earn up to two elective  
 2055 credits during middle school. Reading courses shall be designed  
 2056 and offered pursuant to the reading instruction plan required by  
 2057 s. 1011.62(8).

2058           (2) One full credit means a minimum of 135 hours of  
 2059 instruction in a designated course of study that contains  
 2060 student performance standards. For schools authorized by the  
 2061 district school board to implement block scheduling, one full

2062 credit means a minimum of 120 hours of instruction in a  
 2063 designated course of study that contains student performance  
 2064 standards.

2065 (3) District school boards shall establish policies to  
 2066 implement the requirements of this section. The policies may  
 2067 allow alternative methods for students to earn the credits  
 2068 required by this section. School districts shall emphasize  
 2069 alternative programs for students scoring at Level 1 on FCAT  
 2070 Reading who have been retained in elementary school. The  
 2071 alternatives may include, but are not limited to, opportunities  
 2072 for students to:

2073 (a) Recover credits.

2074 (b) Be promoted on time to high school.

2075 (c) Be placed in programs that emphasize applied  
 2076 integrated curricula, small learning communities, support  
 2077 services, increased discipline, or other strategies documented  
 2078 to improve student achievement.

2079  
 2080 The school district's policy shall be submitted to the State  
 2081 Board of Education for approval. The school district's policy  
 2082 shall be automatically approved unless specifically rejected by  
 2083 the State Board of Education within 60 days after receipt.

2084 (4) The State Board of Education shall adopt rules  
 2085 pursuant to ss. 120.536(1) and 120.54 to provide for alternative  
 2086 middle school promotion standards for students in grade 6, grade  
 2087 7, or grade 8, including students who are not enrolled in  
 2088 schools with a grade 6 through 8 middle school configuration.

2089 Section 23. Subsection (2) of section 1003.42, Florida

2090 Statutes, is amended to read:

2091 1003.42 Required instruction.--

2092 (2) All members of the instructional staff of the public  
 2093 schools, subject to the rules of the State Board of Education  
 2094 and the district school board, shall teach efficiently and  
 2095 faithfully, using the books and materials required that meet the  
 2096 highest standards for professionalism and historic accuracy,  
 2097 following the prescribed courses of study, and employing  
 2098 approved methods of instruction, the following:

2099 (a) The history and content of the Declaration of  
 2100 Independence as written, including national sovereignty, natural  
 2101 law, self-evident truth, equality of all persons, limited  
 2102 government, popular sovereignty, and God-given, inalienable  
 2103 rights of life, liberty, and property, and how they form it  
 2104 ~~forms~~ the philosophical foundation of our government.

2105 (b) The history, meaning, significance, and effect of the  
 2106 provisions of the Constitution of the United States and  
 2107 amendments thereto with emphasis on each of the 10 amendments  
 2108 that make up the Bill of Rights and how the Constitution  
 2109 provides the structure of our government.

2110 (c) The history of the state and the State Constitution.

2111 (d)~~(b)~~ The most important arguments in support of adopting  
 2112 our republican form of government, as they are embodied in the  
 2113 most important of the Federalist Papers.

2114 ~~(e) The essentials of the United States Constitution and~~  
 2115 ~~how it provides the structure of our government.~~

2116 (e)~~(d)~~ Flag education, including proper flag display and  
 2117 flag salute.

2118            ~~(f)~~(e) The elements of United States civil government,  
 2119 including the primary functions of and interrelationships  
 2120 between the Federal Government, the state, and its counties,  
 2121 municipalities, school districts, and special districts.

2122            (g) The history of the United States, including the period  
 2123 of discovery, early colonies, the War for Independence, the  
 2124 Civil War, Reconstruction, the expansion of the United States to  
 2125 its present boundaries, the world wars, and the Civil Rights  
 2126 Movement to the present. The history of the United States shall  
 2127 be taught as genuine history and shall not follow the  
 2128 revisionist or postmodernist viewpoints of relative truth.  
 2129 American history shall be viewed as factual, not as constructed,  
 2130 shall be viewed as knowable, teachable, and testable, and shall  
 2131 be defined as the creation of a new nation based largely on the  
 2132 universal principles stated in the Declaration of Independence.

2133            ~~(h)~~(f) The history of the Holocaust (1933-1945), the  
 2134 systematic, planned annihilation of European Jews and other  
 2135 groups by Nazi Germany, a watershed event in the history of  
 2136 humanity, to be taught in a manner that leads to an  
 2137 investigation of human behavior, an understanding of the  
 2138 ramifications of prejudice, racism, and stereotyping, and an  
 2139 examination of what it means to be a responsible and respectful  
 2140 person, for the purposes of encouraging tolerance of diversity  
 2141 in a pluralistic society and for nurturing and protecting  
 2142 democratic values and institutions.

2143            ~~(i)~~(g) The history of African Americans, including the  
 2144 history of African peoples before the political conflicts that  
 2145 led to the development of slavery, the passage to America, the

2146 enslavement experience, abolition, and the contributions of  
 2147 African Americans to society.

2148 (j)~~(h)~~ The elementary principles of agriculture.

2149 (k)~~(i)~~ The true effects of all alcoholic and intoxicating  
 2150 liquors and beverages and narcotics upon the human body and  
 2151 mind.

2152 (l)~~(j)~~ Kindness to animals.

2153 ~~(k) The history of the state.~~

2154 (m)~~(l)~~ The conservation of natural resources.

2155 (n)~~(m)~~ Comprehensive health education that addresses  
 2156 concepts of community health; consumer health; environmental  
 2157 health; family life, including an awareness of the benefits of  
 2158 sexual abstinence as the expected standard and the consequences  
 2159 of teenage pregnancy; ~~mental and emotional health;~~ injury  
 2160 prevention and safety; nutrition; personal health; prevention  
 2161 and control of disease; and substance use and abuse.

2162 (o)~~(n)~~ Such additional materials, subjects, courses, or  
 2163 fields in such grades as are prescribed by law or by rules of  
 2164 the State Board of Education and the district school board in  
 2165 fulfilling the requirements of law.

2166 (p)~~(o)~~ The study of Hispanic contributions to the United  
 2167 States.

2168 (q)~~(p)~~ The study of women's contributions to the United  
 2169 States.

2170 (r) The nature and importance of free enterprise to the  
 2171 United States economy.

2172 (s)~~(q)~~ A character-development program in the elementary  
 2173 schools, similar to Character First or Character Counts, which

2174 is secular in nature ~~and stresses such character qualities as~~  
 2175 ~~attentiveness, patience, and initiative~~. Beginning in school  
 2176 year 2004-2005, the character-development program shall be  
 2177 required in kindergarten through grade 12. Each district school  
 2178 board shall develop or adopt a curriculum for the character-  
 2179 development program that shall be submitted to the department  
 2180 for approval. The character-development curriculum shall stress  
 2181 the qualities of patriotism; responsibility; citizenship; the  
 2182 Golden Rule; kindness; respect for authority, human life,  
 2183 liberty, and personal property; honesty; charity; self-  
 2184 control; racial, ethnic, and religious tolerance; and  
 2185 cooperation.

2186 ~~(t)~~ In order to encourage patriotism, the sacrifices  
 2187 that veterans have made in serving our country and protecting  
 2188 democratic values worldwide. Such instruction must occur on or  
 2189 before Veterans' Day and Memorial Day. Members of the  
 2190 instructional staff are encouraged to use the assistance of  
 2191 local veterans when practicable.

2192 Section 24. Paragraph (g) of subsection (1) of section  
 2193 1003.43, Florida Statutes, is amended to read:

2194 1003.43 General requirements for high school graduation.--

2195 (1) Graduation requires successful completion of either a  
 2196 minimum of 24 academic credits in grades 9 through 12 or an  
 2197 International Baccalaureate curriculum. The 24 credits shall be  
 2198 distributed as follows:

2199 (g) One-half credit in American government, including  
 2200 study of the Declaration of Independence and the Constitution of  
 2201 the United States. For students entering the 9th grade in the

2202 1997-1998 school year and thereafter, the study of Florida  
 2203 government, including study of the State Constitution, the three  
 2204 branches of state government, and municipal and county  
 2205 government, shall be included as part of the required study of  
 2206 American government.

2207  
 2208 District school boards may award a maximum of one-half credit in  
 2209 social studies and one-half elective credit for student  
 2210 completion of nonpaid voluntary community or school service  
 2211 work. Students choosing this option must complete a minimum of  
 2212 75 hours of service in order to earn the one-half credit in  
 2213 either category of instruction. Credit may not be earned for  
 2214 service provided as a result of court action. District school  
 2215 boards that approve the award of credit for student volunteer  
 2216 service shall develop guidelines regarding the award of the  
 2217 credit, and school principals are responsible for approving  
 2218 specific volunteer activities. A course designated in the Course  
 2219 Code Directory as grade 9 through grade 12 that is taken below  
 2220 the 9th grade may be used to satisfy high school graduation  
 2221 requirements or Florida Academic Scholars award requirements as  
 2222 specified in a district school board's student progression plan.  
 2223 A student shall be granted credit toward meeting the  
 2224 requirements of this subsection for equivalent courses, as  
 2225 identified pursuant to s. 1007.271(6), taken through dual  
 2226 enrollment.

2227 Section 25. Section 1003.57, Florida Statutes, is amended  
 2228 to read:

2229 1003.57 Exceptional students instruction.--



2230        (1) Each district school board shall provide for an  
2231 appropriate program of special instruction, facilities, and  
2232 services for exceptional students as prescribed by the State  
2233 Board of Education as acceptable, including provisions that:

2234        (a) ~~(1)~~ The district school board provide the necessary  
2235 professional services for diagnosis and evaluation of  
2236 exceptional students.

2237        (b) ~~(2)~~ The district school board provide the special  
2238 instruction, classes, and services, either within the district  
2239 school system, in cooperation with other district school  
2240 systems, or through contractual arrangements with approved  
2241 private schools or community facilities that meet standards  
2242 established by the commissioner.

2243        (c) ~~(3)~~ The district school board annually provide  
2244 information describing the Florida School for the Deaf and the  
2245 Blind and all other programs and methods of instruction  
2246 available to the parent of a sensory-impaired student.

2247        (d) ~~(4)~~ The district school board, once every 3 years,  
2248 submit to the department its proposed procedures for the  
2249 provision of special instruction and services for exceptional  
2250 students.

2251        (e) ~~(5)~~ No student be given special instruction or services  
2252 as an exceptional student until after he or she has been  
2253 properly evaluated, classified, and placed in the manner  
2254 prescribed by rules of the State Board of Education. The parent  
2255 of an exceptional student evaluated and placed or denied  
2256 placement in a program of special education shall be notified of  
2257 each such evaluation and placement or denial. Such notice shall

2258 contain a statement informing the parent that he or she is  
2259 entitled to a due process hearing on the identification,  
2260 evaluation, and placement, or lack thereof. Such hearings shall  
2261 be exempt from the provisions of ss. 120.569, 120.57, and  
2262 286.011, except to the extent that the State Board of Education  
2263 adopts rules establishing other procedures and any records  
2264 created as a result of such hearings shall be confidential and  
2265 exempt from the provisions of s. 119.07(1). The hearing must be  
2266 conducted by an administrative law judge from the Division of  
2267 Administrative Hearings of the Department of Management  
2268 Services. The decision of the administrative law judge shall be  
2269 final, except that any party aggrieved by the finding and  
2270 decision rendered by the administrative law judge shall have the  
2271 right to bring a civil action in the circuit court. In such an  
2272 action, the court shall receive the records of the  
2273 administrative hearing and shall hear additional evidence at the  
2274 request of either party. In the alternative, any party aggrieved  
2275 by the finding and decision rendered by the administrative law  
2276 judge shall have the right to request an impartial review of the  
2277 administrative law judge's order by the district court of appeal  
2278 as provided by s. 120.68. Notwithstanding any law to the  
2279 contrary, during the pendency of any proceeding conducted  
2280 pursuant to this section, unless the district school board and  
2281 the parents otherwise agree, the student shall remain in his or  
2282 her then-current educational assignment or, if applying for  
2283 initial admission to a public school, shall be assigned, with  
2284 the consent of the parents, in the public school program until  
2285 all such proceedings have been completed.

2286           ~~(f)(6)~~ In providing for the education of exceptional  
 2287 students, the district school superintendent, principals, and  
 2288 teachers shall utilize the regular school facilities and adapt  
 2289 them to the needs of exceptional students to the maximum extent  
 2290 appropriate. Segregation of exceptional students shall occur  
 2291 only if the nature or severity of the exceptionality is such  
 2292 that education in regular classes with the use of supplementary  
 2293 aids and services cannot be achieved satisfactorily.

2294           ~~(g)(7)~~ In addition to the services agreed to in a  
 2295 student's individual education plan, the district school  
 2296 superintendent shall fully inform the parent of a student having  
 2297 a physical or developmental disability of all available services  
 2298 that are appropriate for the student's disability. The  
 2299 superintendent shall provide the student's parent with a summary  
 2300 of the student's rights.

2301           (2)(a) An exceptional student with a disability who  
 2302 resides in a residential facility and receives special  
 2303 instruction or services is considered a resident of the state in  
 2304 which the parent is a resident. The cost of such instruction,  
 2305 facilities, and services for a nonresident exceptional student  
 2306 with a disability shall be provided by the placing authority,  
 2307 such as a public school entity, other placing authority, or  
 2308 parent, in the parent's state of residence. A nonresident  
 2309 exceptional student with a disability who resides in a  
 2310 residential facility may not be reported by any school district  
 2311 for FTE funding in the Florida Education Finance Program.

2312           (b) The Department of Education shall provide to each  
 2313 school district a statement of the specific limitations of the

2314 district's financial obligation for exceptional students with  
2315 disabilities under federal and state law. The department shall  
2316 also provide to each school district technical assistance as  
2317 necessary for developing a local plan to impose on a parent's  
2318 state of residence the fiscal responsibility for educating a  
2319 nonresident exceptional student with a disability.

2320 (c) The Department of Education shall develop a process by  
2321 which a school district must, before providing services to an  
2322 exceptional student with a disability who resides in a  
2323 residential facility in this state, review the residency of the  
2324 student. The residential facility, not the district, is  
2325 responsible for billing and collecting from the parent's state  
2326 of residence for the nonresident student's educational and  
2327 related services.

2328 (d) This subsection applies to any nonresident exceptional  
2329 student with a disability who resides in a residential facility  
2330 and who receives instruction as an exceptional student with a  
2331 disability in any type of residential facility in this state,  
2332 including, but not limited to, a private school, a group home  
2333 facility as defined in s. 393.063, an intensive residential  
2334 treatment program for children and adolescents as defined in s.  
2335 395.002, a facility as defined in s. 394.455, an intermediate  
2336 care facility for the developmentally disabled or ICF/DD as  
2337 defined in s. 393.063 or s. 400.960, or a community residential  
2338 home as defined in s. 419.001.

2339 (3) Notwithstanding s. 1000.21(5), for purposes of this  
2340 section, the term "parent" is defined as either or both parents  
2341 of a student or any guardian of a student.

2342           (4) The State Board of Education may adopt rules pursuant  
 2343 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 2344 section relating to determination of the residency of an  
 2345 exceptional student with a disability.

2346           Section 26. Section 1003.575, Florida Statutes, is created  
 2347 to read:

2348           1003.575 Individual education plans for exceptional  
 2349 students.--The Department of Education shall coordinate the  
 2350 development of an individual education plan (IEP) form for use  
 2351 in developing and implementing individual education plans for  
 2352 exceptional students. The IEP form shall have a streamlined  
 2353 format and shall be compatible with federal standards. The  
 2354 department shall make the IEP form available to each school  
 2355 district in the state to facilitate the use of an existing IEP  
 2356 when a student transfers from one school district to another.

2357           Section 27. Subsection (3) of section 1003.58, Florida  
 2358 Statutes, is amended to read:

2359           1003.58 Students in residential care facilities.--Each  
 2360 district school board shall provide educational programs  
 2361 according to rules of the State Board of Education to students  
 2362 who reside in residential care facilities operated by the  
 2363 Department of Children and Family Services.

2364           (3) The district school board shall have full and complete  
 2365 authority in the matter of the assignment and placement of such  
 2366 students in educational programs. The parent of an exceptional  
 2367 student shall have the same due process rights as are provided  
 2368 under s. 1003.57 (1) (e) ~~(5)~~.

2369

2370 Notwithstanding the provisions herein, the educational program  
 2371 at the Marianna Sunland Center in Jackson County shall be  
 2372 operated by the Department of Education, either directly or  
 2373 through grants or contractual agreements with other public or  
 2374 duly accredited educational agencies approved by the Department  
 2375 of Education.

2376 Section 28. Paragraph (a) of subsection (1) and paragraph  
 2377 (a) of subsection (2) of section 1003.62, Florida Statutes, are  
 2378 amended to read:

2379 1003.62 Academic performance-based charter school  
 2380 districts.--The State Board of Education may enter into a  
 2381 performance contract with district school boards as authorized  
 2382 in this section for the purpose of establishing them as academic  
 2383 performance-based charter school districts. The purpose of this  
 2384 section is to examine a new relationship between the State Board  
 2385 of Education and district school boards that will produce  
 2386 significant improvements in student achievement, while complying  
 2387 with constitutional and statutory requirements assigned to each  
 2388 entity.

2389 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

2390 (a) A school district shall be eligible for designation as  
 2391 an academic performance-based charter school district if it is a  
 2392 high-performing school district in which a minimum of 50 percent  
 2393 of the schools earn a ~~performance grade of~~ category "A" or "B"  
 2394 and in which no school earns a ~~performance grade of~~ category "D"  
 2395 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools  
 2396 that receive a ~~performance grade of~~ category "I" or "N" shall  
 2397 not be included in this calculation. The performance contract

2398 for a school district that earns a charter based on school  
 2399 ~~performance~~ grades shall be predicated on maintenance of at  
 2400 least 50 percent of the schools in the school district earning a  
 2401 ~~performance~~ grade of category "A" or "B" with no school in the  
 2402 school district earning a ~~performance~~ grade of category "D" or  
 2403 "F" for 2 consecutive years. A school district in which the  
 2404 number of schools that earn a ~~performance~~ grade of "A" or "B" is  
 2405 less than 50 percent may have its charter renewed for 1 year;  
 2406 however, if the percentage of "A" or "B" schools is less than 50  
 2407 percent for 2 consecutive years, the charter shall not be  
 2408 renewed.

2409 (2) EXEMPTION FROM STATUTES AND RULES.--

2410 (a) An academic performance-based charter school district  
 2411 shall operate in accordance with its charter and shall be exempt  
 2412 from certain State Board of Education rules and statutes if the  
 2413 State Board of Education determines such an exemption will  
 2414 assist the district in maintaining or improving its high-  
 2415 performing status pursuant to paragraph (1)(a). However, the  
 2416 State Board of Education may not exempt an academic performance-  
 2417 based charter school district from any of the following  
 2418 statutes:

2419 1. Those statutes pertaining to the provision of services  
 2420 to students with disabilities.

2421 2. Those statutes pertaining to civil rights, including s.  
 2422 1000.05, relating to discrimination.

2423 3. Those statutes pertaining to student health, safety,  
 2424 and welfare.

2425 4. Those statutes governing the election or compensation  
2426 of district school board members.

2427 5. Those statutes pertaining to the student assessment  
2428 program and the school grading system, including chapter 1008.

2429 6. Those statutes pertaining to financial matters,  
2430 including chapter 1010.

2431 7. Those statutes pertaining to planning and budgeting,  
2432 including chapter 1011, except that ss. 1011.64 and 1011.69  
2433 shall be eligible for exemption.

2434 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),  
2435 relating to performance-pay and differentiated-pay policies for  
2436 school administrators and instructional personnel. Professional  
2437 service contracts shall be subject to the provisions of ss.  
2438 1012.33 and 1012.34.

2439 9. Those statutes pertaining to educational facilities,  
2440 including chapter 1013, except as specified under contract with  
2441 the State Board of Education. However, no contractual provision  
2442 that could have the effect of requiring the appropriation of  
2443 additional capital outlay funds to the academic performance-  
2444 based charter school district shall be valid.

2445 Section 29. Paragraph (e) of subsection (2) of section  
2446 1005.22, Florida Statutes, is amended to read:

2447 1005.22 Powers and duties of commission.--

2448 (2) The commission may:

2449 (e) Advise the Governor, the Legislature, the State Board  
2450 of Education, ~~the Council for Education Policy Research and~~  
2451 ~~Improvement~~, and the Commissioner of Education on issues  
2452 relating to private postsecondary education.



2453 Section 30. Subsection (3) of section 1007.33, Florida  
 2454 Statutes, is amended to read:

2455 1007.33 Site-determined baccalaureate degree access.--

2456 (3) A community college may develop a proposal to deliver  
 2457 specified baccalaureate degree programs in its district to meet  
 2458 local workforce needs. The proposal must be submitted to the  
 2459 State Board of Education for approval. The community college's  
 2460 proposal must include the following information:

2461 (a) Demand for the baccalaureate degree program is  
 2462 identified by the workforce development board, local businesses  
 2463 and industry, local chambers of commerce, and potential  
 2464 students.

2465 (b) Unmet need for graduates of the proposed degree  
 2466 program is substantiated.

2467 (c) The community college has the facilities and academic  
 2468 resources to deliver the program.

2469  
 2470 ~~The proposal must be submitted to the Council for Education~~  
 2471 ~~Policy Research and Improvement for review and comment.~~ Upon  
 2472 approval of the State Board of Education for the specific degree  
 2473 program or programs, the community college shall pursue regional  
 2474 accreditation by the Commission on Colleges of the Southern  
 2475 Association of Colleges and Schools. Any additional  
 2476 baccalaureate degree programs the community college wishes to  
 2477 offer must be approved by the State Board of Education.

2478 Section 31. Paragraph (f) of subsection (1), paragraphs  
 2479 (c) and (e) of subsection (3), and subsection (9) of section  
 2480 1008.22, Florida Statutes, are amended, subsection (10) is

2481 | renumbered as subsection (11), and a new subsection (10) is  
 2482 | added to said section, to read:

2483 |       1008.22 Student assessment program for public schools.--

2484 |       (1) PURPOSE.--The primary purposes of the student  
 2485 | assessment program are to provide information needed to improve  
 2486 | the public schools by enhancing the learning gains of all  
 2487 | students and to inform parents of the educational progress of  
 2488 | their public school children. The program must be designed to:

2489 |       (f) Provide information on the performance of Florida  
 2490 | students compared with other students ~~others~~ across the United  
 2491 | States.

2492 |       (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 2493 | design and implement a statewide program of educational  
 2494 | assessment that provides information for the improvement of the  
 2495 | operation and management of the public schools, including  
 2496 | schools operating for the purpose of providing educational  
 2497 | services to youth in Department of Juvenile Justice programs.  
 2498 | The commissioner may enter into contracts for the continued  
 2499 | administration of the assessment, testing, and evaluation  
 2500 | programs authorized and funded by the Legislature. Contracts may  
 2501 | be initiated in 1 fiscal year and continue into the next and may  
 2502 | be paid from the appropriations of either or both fiscal years.  
 2503 | The commissioner is authorized to negotiate for the sale or  
 2504 | lease of tests, scoring protocols, test scoring services, and  
 2505 | related materials developed pursuant to law. Pursuant to the  
 2506 | statewide assessment program, the commissioner shall:

2507 |       (c) Develop and implement a student achievement testing  
 2508 | program known as the Florida Comprehensive Assessment Test

2509 (FCAT) as part of the statewide assessment program, ~~to be~~  
 2510 ~~administered annually in grades 3 through 10~~ to measure reading,  
 2511 writing, science, and mathematics. Other content areas may be  
 2512 included as directed by the commissioner. The assessment of  
 2513 reading and mathematics shall be administered annually in grades  
 2514 3 through 10. The assessment of writing and science shall be  
 2515 administered at least once at the elementary, middle, and high  
 2516 school levels. The testing program must be designed so that:

2517 1. The tests measure student skills and competencies  
 2518 adopted by the State Board of Education as specified in  
 2519 paragraph (a). The tests must measure and report student  
 2520 proficiency levels in reading, writing, mathematics, and  
 2521 science. The commissioner shall provide for the tests to be  
 2522 developed or obtained, as appropriate, through contracts and  
 2523 project agreements with private vendors, public vendors, public  
 2524 agencies, postsecondary educational institutions, or school  
 2525 districts. The commissioner shall obtain input with respect to  
 2526 the design and implementation of the testing program from state  
 2527 educators and the public.

2528 2. The testing program will include a combination of norm-  
 2529 referenced and criterion-referenced tests and include, to the  
 2530 extent determined by the commissioner, questions that require  
 2531 the student to produce information or perform tasks in such a  
 2532 way that the skills and competencies he or she uses can be  
 2533 measured.

2534 3. Each testing program, whether at the elementary,  
 2535 middle, or high school level, includes a test of writing in

2536 which students are required to produce writings that are then  
2537 scored by appropriate methods.

2538 4. A score is designated for each subject area tested,  
2539 below which score a student's performance is deemed inadequate.  
2540 The school districts shall provide appropriate remedial  
2541 instruction to students who score below these levels.

2542 5. Except as provided in s. 1003.43(11)(b), students must  
2543 earn a passing score on the grade 10 assessment test described  
2544 in this paragraph or on an alternate assessment as described in  
2545 subsection (9) in reading, writing, and mathematics to qualify  
2546 for a regular high school diploma. The State Board of Education  
2547 shall designate a passing score for each part of the grade 10  
2548 assessment test. In establishing passing scores, the state board  
2549 shall consider any possible negative impact of the test on  
2550 minority students. ~~All students who took the grade 10 FCAT~~  
2551 ~~during the 2000-2001 school year shall be required to earn the~~  
2552 ~~passing scores in reading and mathematics established by the~~  
2553 ~~State Board of Education for the March 2001 test administration.~~  
2554 ~~Such students who did not earn the established passing scores~~  
2555 ~~and must repeat the grade 10 FCAT are required to earn the~~  
2556 ~~passing scores established for the March 2001 test~~  
2557 ~~administration. All students who take the grade 10 FCAT for the~~  
2558 ~~first time in March 2002 shall be required to earn the passing~~  
2559 ~~scores in reading and mathematics established by the State Board~~  
2560 ~~of Education for the March 2002 test administration.~~ The State  
2561 Board of Education shall adopt rules which specify the passing  
2562 scores for the grade 10 FCAT. Any such rules, which have the  
2563 effect of raising the required passing scores, shall only apply

2564 to students taking the grade 10 FCAT for the first time after  
2565 such rules are adopted by the State Board of Education.

2566         6. Participation in the testing program is mandatory for  
2567 all students attending public school, including students served  
2568 in Department of Juvenile Justice programs, except as otherwise  
2569 prescribed by the commissioner. If a student does not  
2570 participate in the statewide assessment, the district must  
2571 notify the student's parent and provide the parent with  
2572 information regarding the implications of such nonparticipation.  
2573 If modifications are made in the student's instruction to  
2574 provide accommodations that would not be permitted on the  
2575 statewide assessment tests, the district must notify the  
2576 student's parent of the implications of such instructional  
2577 modifications. A parent must provide signed consent for a  
2578 student to receive instructional modifications that would not be  
2579 permitted on the statewide assessments and must acknowledge in  
2580 writing that he or she understands the implications of such  
2581 accommodations. The State Board of Education shall adopt rules,  
2582 based upon recommendations of the commissioner, for the  
2583 provision of test accommodations and modifications of procedures  
2584 as necessary for students in exceptional education programs and  
2585 for students who have limited English proficiency.  
2586 Accommodations that negate the validity of a statewide  
2587 assessment are not allowable.

2588         7. A student seeking an adult high school diploma must  
2589 meet the same testing requirements that a regular high school  
2590 student must meet.

2591 8. District school boards must provide instruction to  
 2592 prepare students to demonstrate proficiency in the skills and  
 2593 competencies necessary for successful grade-to-grade progression  
 2594 and high school graduation. If a student is provided with  
 2595 accommodations or modifications that are not allowable in the  
 2596 statewide assessment program, as described in the test manuals,  
 2597 the district must inform the parent in writing and must provide  
 2598 the parent with information regarding the impact on the  
 2599 student's ability to meet expected proficiency levels in  
 2600 reading, writing, and math. The commissioner shall conduct  
 2601 studies as necessary to verify that the required skills and  
 2602 competencies are part of the district instructional programs.

2603 9. The Department of Education must develop, or select,  
 2604 and implement a common battery of assessment tools that will be  
 2605 used in all juvenile justice programs in the state. These tools  
 2606 must accurately measure the skills and competencies established  
 2607 in the Florida Sunshine State Standards.

2608  
 2609 The commissioner may design and implement student testing  
 2610 programs, for any grade level and subject area, necessary to  
 2611 effectively monitor educational achievement in the state.

2612 (e) Conduct ongoing research and analysis of student  
 2613 achievement data, including, without limitation, monitoring  
 2614 trends in student achievement by grade level and overall student  
 2615 achievement, identifying school programs that are successful,  
 2616 and analyzing correlates of school achievement.

2617 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

2618 (a) The State Board of Education shall conduct concordance

2619 studies, as necessary, to determine scores on the SAT and the  
 2620 ACT equivalent to those required on the FCAT for high school  
 2621 graduation pursuant to s. 1003.429(6) (a) or s. 1003.43(5) (a).

2622 (b)-(a) The Commissioner of Education shall approve the use  
 2623 of the SAT and ACT tests as alternative assessments to the grade  
 2624 10 FCAT ~~for the 2003-2004 school year~~. Students who attain  
 2625 scores on the SAT or ACT which equate to the passing scores on  
 2626 the grade 10 FCAT for purposes of high school graduation shall  
 2627 satisfy the assessment requirement for a standard high school  
 2628 diploma as provided in s. 1003.429(6) (a) or s. 1003.43(5) (a) ~~for~~  
 2629 ~~the 2003-2004 school year~~ if the students meet the requirement  
 2630 in paragraph (c)-(b).

2631 (c)-(b) A student shall be required to take each subject  
 2632 area of the grade 10 FCAT a total of three times without earning  
 2633 a passing score in order to use the corresponding subject area  
 2634 scores on an alternative assessment pursuant to paragraph  
 2635 (b)-(a). This requirement shall not apply to a new student who  
 2636 enters ~~is a new student to~~ the Florida public school system in  
 2637 grade 12, who may either take the FCAT or use approved score  
 2638 equivalencies to fulfill the graduation requirement.

2639 (10) REPORTS.--The Department of Education shall annually  
 2640 provide a report to the Governor, the President of the Senate,  
 2641 and the Speaker of the House of Representatives on the  
 2642 following:

2643 (a) Longitudinal performance of students in mathematics  
 2644 and reading.

2645 (b) Longitudinal performance of students by grade level in  
 2646 mathematics and reading.

2647           (c) Longitudinal performance regarding efforts to close  
 2648 the achievement gap.

2649           (d) Longitudinal performance of students on the norm-  
 2650 referenced component of the FCAT.

2651           (e) Other student performance data based on national norm-  
 2652 referenced and criterion-referenced tests, when available, and  
 2653 numbers of students who after 8th grade enroll in adult  
 2654 education rather than other secondary education.

2655           Section 32. Paragraph (b) of subsection (4) and paragraph  
 2656 (b) of subsection (8) of section 1008.25, Florida Statutes, are  
 2657 amended, and paragraph (c) is added to subsection (8) of said  
 2658 section, to read:

2659           1008.25 Public school student progression; remedial  
 2660 instruction; reporting requirements.--

2661           (4) ASSESSMENT AND REMEDIATION.--

2662           (b) The school in which the student is enrolled must  
 2663 develop, in consultation with the student's parent, and must  
 2664 implement an academic improvement plan designed to assist the  
 2665 student in meeting state and district expectations for  
 2666 proficiency. For a student for whom a personalized middle school  
 2667 success plan is required pursuant to s. 1003.415, the middle  
 2668 school success plan must be incorporated in the student's  
 2669 academic improvement plan. Beginning with the 2002-2003 school  
 2670 year, if the student has been identified as having a deficiency  
 2671 in reading, the academic improvement plan shall identify the  
 2672 student's specific areas of deficiency in phonemic awareness,  
 2673 phonics, fluency, comprehension, and vocabulary; the desired  
 2674 levels of performance in these areas; and the instructional and



2675 support services to be provided to meet the desired levels of  
 2676 performance. Schools shall also provide for the frequent  
 2677 monitoring of the student's progress in meeting the desired  
 2678 levels of performance. District school boards may require low-  
 2679 performing students to attend remediation programs held before  
 2680 or after regular school hours, upon the request of the school  
 2681 principal, and shall assist schools and teachers to implement  
 2682 research-based reading activities that have been shown to be  
 2683 successful in teaching reading to low-performing students.  
 2684 Remedial instruction provided during high school may not be in  
 2685 lieu of English and mathematics credits required for graduation.

2686 (8) ANNUAL REPORT.--

2687 (b) ~~Beginning with the 2001-2002 school year,~~ Each  
 2688 district school board must annually publish in the local  
 2689 newspaper, and report in writing to the State Board of Education  
 2690 by September 1 of each year, the following information on the  
 2691 prior school year:

2692 1. The provisions of this section relating to public  
 2693 school student progression and the district school board's  
 2694 policies and procedures on student retention and promotion.

2695 2. By grade, the number and percentage of all students in  
 2696 grades 3 through 10 performing at Levels 1 and 2 on the reading  
 2697 portion of the FCAT.

2698 3. By grade, the number and percentage of all students  
 2699 retained in grades 3 through 10.

2700 4. Information on the total number of students who were  
 2701 promoted for good cause, by each category of good cause as  
 2702 specified in paragraph (6)(b).

2703 5. Any revisions to the district school board's policy on  
 2704 student retention and promotion from the prior year.

2705 (c) The Department of Education shall establish a uniform  
 2706 format for school districts to report the information required  
 2707 in paragraph (b). The format shall be developed with input from  
 2708 school districts and shall be provided not later than 60 days  
 2709 prior to the annual due date. The department shall annually  
 2710 compile the information required in subparagraphs (b)2., 3., and  
 2711 4., along with state-level summary information, and report such  
 2712 information to the Governor, the President of the Senate, and  
 2713 the Speaker of the House of Representatives.

2714 Section 33. Section 1008.301, Florida Statutes, is  
 2715 repealed.

2716 Section 34. Section 1008.31, Florida Statutes, is amended  
 2717 to read:

2718 1008.31 Florida's K-20 education performance  
 2719 accountability system; legislative intent; public accountability  
 2720 and reporting ~~performance-based funding~~; mission, goals, and  
 2721 systemwide measures.--

2722 (1) LEGISLATIVE INTENT.--It is the intent of the  
 2723 Legislature that:

2724 (a) The performance accountability system implemented to  
 2725 assess the effectiveness of Florida's seamless K-20 education  
 2726 delivery system provide answers to the following questions in  
 2727 relation to its mission and goals:

2728 1. What is the public receiving in return for funds it  
 2729 invests in education?

2730           2. How effectively is Florida's K-20 education system  
2731 educating its students?

2732           3. How effectively are the major delivery sectors  
2733 promoting student achievement?

2734           4. How are individual schools and postsecondary education  
2735 institutions performing their responsibility to educate their  
2736 students as measured by how students are performing and how much  
2737 they are learning?

2738           (b) The K-20 education performance accountability system  
2739 be established as a single, unified accountability system with  
2740 multiple components, including, but not limited to, measures of  
2741 adequate yearly progress, individual student learning gains in  
2742 public schools, school grades, and return on investment.

2743           (c) The K-20 education performance accountability system  
2744 comply with the accountability requirements of the "No Child  
2745 Left Behind Act of 2001," Pub. L. No. 107-110.

2746           (d) The State Board of Education recommend to the  
2747 Legislature systemwide performance standards; the Legislature  
2748 establish systemwide performance measures and standards; and the  
2749 systemwide measures and standards provide Floridians with  
2750 information on what the public is receiving in return for the  
2751 funds it invests in education and how well the K-20 system  
2752 educates its students.

2753           (e) The State Board of Education establish performance  
2754 measures and set performance standards for individual components  
2755 of the public education system, including individual schools and  
2756 postsecondary educational institutions, with measures and  
2757 standards based primarily on student achievement.

2758           ~~(2) PERFORMANCE BASED FUNDING.~~

2759           ~~(a) The State Board of Education shall cooperate with each~~  
 2760 ~~delivery system to develop proposals for performance based~~  
 2761 ~~funding, using performance measures adopted pursuant to this~~  
 2762 ~~section.~~

2763           ~~(b) The State Board of Education proposals must provide~~  
 2764 ~~that at least 10 percent of the state funds appropriated for the~~  
 2765 ~~K-20 education system are conditional upon meeting or exceeding~~  
 2766 ~~established performance standards.~~

2767           ~~(c) The State Board of Education shall adopt guidelines~~  
 2768 ~~required to implement performance based funding that allow 1~~  
 2769 ~~year to demonstrate achievement of specified performance~~  
 2770 ~~standards prior to a reduction in appropriations pursuant to~~  
 2771 ~~this section.~~

2772           ~~(d) By December 1, 2003, the State Board of Education~~  
 2773 ~~shall adopt common definitions, measures, standards, and~~  
 2774 ~~performance improvement targets required to:~~

2775           ~~1. Use the state core measures and the sector specific~~  
 2776 ~~measures to evaluate the progress of each sector of the~~  
 2777 ~~educational delivery system toward meeting the systemwide goals~~  
 2778 ~~for public education.~~

2779           ~~2. Notify the sectors of their progress in achieving the~~  
 2780 ~~specified measures so that they may develop improvement plans~~  
 2781 ~~that directly influence decisions about policy, program~~  
 2782 ~~development, and management.~~

2783           ~~3. Implement the performance based budgeting system~~  
 2784 ~~described in this section.~~

2785 ~~(c) During the 2003-2004 fiscal year, the Department of~~  
 2786 ~~Education shall collect data required to establish progress,~~  
 2787 ~~rewards, and sanctions.~~

2788 ~~(f) By December 1, 2004, the Department of Education shall~~  
 2789 ~~recommend to the Legislature a formula for performance-based~~  
 2790 ~~funding that applies accountability standards for the individual~~  
 2791 ~~components of the public education system at every level,~~  
 2792 ~~kindergarten through graduate school. Effective for the 2004-~~  
 2793 ~~2005 fiscal year and thereafter, subject to annual legislative~~  
 2794 ~~approval in the General Appropriations Act, performance-based~~  
 2795 ~~funds shall be allocated based on the progress, rewards, and~~  
 2796 ~~sanctions established pursuant to this section.~~

2797 (2)~~(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

2798 (a) The mission of Florida's K-20 education system shall  
 2799 be to increase the proficiency of all students within one  
 2800 seamless, efficient system, by allowing them the opportunity to  
 2801 expand their knowledge and skills through learning opportunities  
 2802 and research valued by students, parents, and communities.

2803 (b) The process ~~State Board of Education shall adopt~~  
 2804 ~~guiding principles~~ for establishing state and sector-specific  
 2805 standards and measures must be:

- 2806 1. Focused on student success.
- 2807 2. Addressable through policy and program changes.
- 2808 3. Efficient and of high quality.
- 2809 4. Measurable over time.
- 2810 5. Simple to explain and display to the public.
- 2811 6. Aligned with other measures and other sectors to  
 2812 support a coordinated K-20 education system.

2813 (c) The Department ~~State Board~~ of Education shall maintain  
2814 an accountability system that measures student progress toward  
2815 the following goals:

2816 1. Highest student achievement, as indicated by evidence  
2817 of student learning gains at all levels ~~measured by: student~~  
2818 ~~FCAT performance and annual learning gains; the number and~~  
2819 ~~percentage of schools that improve at least one school~~  
2820 ~~performance grade designation or maintain a school performance~~  
2821 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
2822 ~~completion rates at all learning levels; and other measures~~  
2823 ~~identified in law or rule.~~

2824 2. Seamless articulation and maximum access, as measured  
2825 by evidence of progression, readiness, and access by targeted  
2826 groups of students identified by the Commissioner of Education~~+~~  
2827 ~~the percentage of students who demonstrate readiness for the~~  
2828 ~~educational level they are entering, from kindergarten through~~  
2829 ~~postsecondary education and into the workforce; the number and~~  
2830 ~~percentage of students needing remediation; the percentage of~~  
2831 ~~Floridians who complete associate, baccalaureate, graduate,~~  
2832 ~~professional, and postgraduate degrees; the number and~~  
2833 ~~percentage of credits that articulate; the extent to which each~~  
2834 ~~set of exit point requirements matches the next set of entrance~~  
2835 ~~point requirements; the degree to which underserved populations~~  
2836 ~~access educational opportunity; the extent to which access is~~  
2837 ~~provided through innovative educational delivery strategies; and~~  
2838 ~~other measures identified in law or rule.~~

2839 3. Skilled workforce and economic development, as measured  
2840 by evidence of employment and earnings: ~~the number and~~

2841 ~~percentage of graduates employed in their areas of preparation;~~  
 2842 ~~the percentage of Floridians with high school diplomas and~~  
 2843 ~~postsecondary education credentials; the percentage of business~~  
 2844 ~~and community members who find that Florida's graduates possess~~  
 2845 ~~the skills they need; national rankings; and other measures~~  
 2846 ~~identified in law or rule.~~

2847 4. Quality efficient services, as measured by evidence of  
 2848 return on investment: cost per completer or graduate; average  
 2849 cost per noncompleter at each educational level; cost disparity  
 2850 across institutions offering the same degrees; the percentage of  
 2851 education customers at each educational level who are satisfied  
 2852 with the education provided; and other measures identified in  
 2853 law or rule.

2854 5. Other goals as identified by law or rule.

2855 ~~(3)-(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE~~  
 2856 ~~DATA COLLECTION.--~~To provide data required to implement  
 2857 education performance accountability measures in state and  
 2858 federal law, the Commissioner of Education shall initiate and  
 2859 maintain strategies to improve data quality and timeliness.

2860 (a) School districts and public postsecondary educational  
 2861 institutions shall maintain information systems that will  
 2862 provide the State Board of Education, the Board of Governors,  
 2863 and the Legislature with information and reports necessary to  
 2864 address the specifications of the accountability system. ~~The~~  
 2865 ~~State Board of Education shall determine the standards for the~~  
 2866 ~~required data.~~ The level of comprehensiveness and quality shall  
 2867 be no less than that which was available as of June 30, 2001.

2868           (b) The Commissioner of Education shall determine the  
 2869 standards for the required data, monitor data quality, and  
 2870 measure improvements. The commissioner shall report annually to  
 2871 the State Board of Education, the Board of Governors, the  
 2872 President of the Senate, and the Speaker of the House of  
 2873 Representatives data quality indicators and ratings for all  
 2874 school districts and public postsecondary educational  
 2875 institutions.

2876           (4) REPORTING OR DATA COLLECTION.--The department shall  
 2877 coordinate with school districts in developing any reporting or  
 2878 data collection requirements to address the specifications of  
 2879 the accountability system. Before establishing any new reporting  
 2880 or data collection requirements, the department shall utilize  
 2881 any existing data being collected to reduce duplication and  
 2882 minimize paperwork.

2883           (5) RULES.--The State Board of Education shall adopt rules  
 2884 pursuant to ss. 120.536(1) and 120.54 to implement the  
 2885 provisions of this section.

2886           Section 35. Subsections (1), (2), and (4) of section  
 2887 1008.33, Florida Statutes, are amended to read:

2888           1008.33 Authority to enforce public school  
 2889 improvement.--It is the intent of the Legislature that all  
 2890 public schools be held accountable for students performing at  
 2891 acceptable levels. A system of school improvement and  
 2892 accountability that assesses student performance by school,  
 2893 identifies schools in which students are not making adequate  
 2894 progress toward state standards, institutes appropriate measures  
 2895 for enforcing improvement, and provides rewards and sanctions



2896 based on performance shall be the responsibility of the State  
 2897 Board of Education.

2898 (1) Pursuant to Art. IX of the State Constitution  
 2899 prescribing the duty of the State Board of Education to  
 2900 supervise Florida's public school system and notwithstanding any  
 2901 other statutory provisions to the contrary, the State Board of  
 2902 Education shall intervene in the operation of a district school  
 2903 system when one or more schools in the school district have  
 2904 failed to make adequate progress for 2 school years in a 4-year  
 2905 period. For purposes of determining when a school is eligible  
 2906 for state board action and opportunity scholarships for its  
 2907 students, the terms "2 years in any 4-year period" and "2 years  
 2908 in a 4-year period" mean that in any year that a school has a  
 2909 grade of "F," the school is eligible for state board action and  
 2910 opportunity scholarships for its students if it also has had a  
 2911 grade of "F" in any of the previous 3 school years. The State  
 2912 Board of Education may determine that the school district or  
 2913 school has not taken steps sufficient for students in the school  
 2914 to be academically well served. Considering recommendations of  
 2915 the Commissioner of Education, the State Board of Education  
 2916 shall recommend action to a district school board intended to  
 2917 improve educational services to students in each school that is  
 2918 designated with a ~~as~~ performance grade of ~~category~~ "F."  
 2919 Recommendations for actions to be taken in the school district  
 2920 shall be made only after thorough consideration of the unique  
 2921 characteristics of a school, which shall include student  
 2922 mobility rates, the number and type of exceptional students  
 2923 enrolled in the school, and the availability of options for

2924 improved educational services. The state board shall adopt by  
 2925 rule steps to follow in this process. Such steps shall provide  
 2926 school districts sufficient time to improve student performance  
 2927 in schools and the opportunity to present evidence of assistance  
 2928 and interventions that the district school board has  
 2929 implemented.

2930 (2) The State Board of Education may recommend one or more  
 2931 of the following actions to district school boards to enable  
 2932 students in schools designated with a ~~as~~ performance grade of  
 2933 ~~category~~ "F" to be academically well served by the public school  
 2934 system:

2935 (a) Provide additional resources, change certain  
 2936 practices, and provide additional assistance if the state board  
 2937 determines the causes of inadequate progress to be related to  
 2938 school district policy or practice;

2939 (b) Implement a plan that satisfactorily resolves the  
 2940 education equity problems in the school;

2941 (c) Contract for the educational services of the school,  
 2942 or reorganize the school at the end of the school year under a  
 2943 new school principal who is authorized to hire new staff and  
 2944 implement a plan that addresses the causes of inadequate  
 2945 progress;

2946 (d) Transfer high-quality teachers, faculty, and staff as  
 2947 needed to ensure adequate educational opportunities designed to  
 2948 improve the performance of students in a low-performing school;

2949 (e) ~~(d)~~ Allow parents of students in the school to send  
 2950 their children to another district school of their choice; or

2951            (f)~~(e)~~ Other action appropriate to improve the school's  
 2952 performance.

2953            (4) The State Board of Education may require the  
 2954 Department of Education or Chief Financial Officer to withhold  
 2955 any transfer of state funds to the school district if, within  
 2956 the timeframe specified in state board action, the school  
 2957 district has failed to comply with the action ordered to improve  
 2958 the district's low-performing schools. Withholding the transfer  
 2959 of funds shall occur only after all other recommended actions  
 2960 for school improvement have failed to improve performance. The  
 2961 State Board of Education may impose the same penalty on any  
 2962 district school board that fails to develop and implement a plan  
 2963 for assistance and intervention for low-performing schools as  
 2964 specified in s. 1001.42(16) (d)~~(e)~~.

2965            Section 36. Section 1008.34, Florida Statutes, is amended  
 2966 to read:

2967            1008.34 School grading system; school report cards;  
 2968 district ~~performance~~ grade.--

2969            (1) ANNUAL REPORTS.--The Commissioner of Education shall  
 2970 prepare annual reports of the results of the statewide  
 2971 assessment program which describe student achievement in the  
 2972 state, each district, and each school. The commissioner shall  
 2973 prescribe the design and content of these reports, which must  
 2974 include, without limitation, descriptions of the performance of  
 2975 all schools participating in the assessment program and all of  
 2976 their major student populations as determined by the  
 2977 Commissioner of Education, and must also include the median  
 2978 scores of all eligible students who scored at or in the lowest

2979 25th percentile of the state in the previous school year;  
 2980 provided, however, that the provisions of s. 1002.22 pertaining  
 2981 to student records apply to this section.

2982 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
 2983 annual report shall identify schools as having one of the  
 2984 following grades being in one of the following grade categories  
 2985 defined according to rules of the State Board of Education:

- 2986 (a) "A," schools making excellent progress.
- 2987 (b) "B," schools making above average progress.
- 2988 (c) "C," schools making satisfactory progress.
- 2989 (d) "D," schools making less than satisfactory progress.
- 2990 (e) "F," schools failing to make adequate progress.

2991  
 2992 Each school designated with a in ~~performance~~ grade of category  
 2993 "A," making excellent progress, or having improved at least two  
 2994 ~~performance~~ grade levels ~~categories~~, shall have greater  
 2995 authority over the allocation of the school's total budget  
 2996 generated from the FEFP, state categoricals, lottery funds,  
 2997 grants, and local funds, as specified in state board rule. The  
 2998 rule must provide that the increased budget authority shall  
 2999 remain in effect until the school's ~~performance~~ grade declines.

3000 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~  
 3001 ~~CATEGORIES~~.--All schools shall receive a school grade except  
 3002 those alternative schools that receive a school improvement  
 3003 rating pursuant to s. 1008.341. Alternative schools may choose  
 3004 to receive a school grade pursuant to the provisions of this  
 3005 section in lieu of a school improvement rating described in s.

3006 1008.341. School grades ~~performance grade category designations~~  
 3007 itemized in subsection (2) shall be based on the following:

3008 (a) Criteria Timeframes. -- A school's grade shall be based  
 3009 on a combination of:

3010 1. Student achievement scores ~~School performance grade~~  
 3011 ~~category designations shall be based on the school's current~~  
 3012 ~~year performance and the school's annual learning gains.~~

3013 2. ~~A school's performance grade category designation shall~~  
 3014 ~~be based on a combination of student achievement scores, Student~~  
 3015 ~~learning gains as measured by annual FCAT assessments in grades~~  
 3016 ~~3 through 10., and~~

3017 3. Improvement of the lowest 25th percentile of students  
 3018 ~~in the school in reading, math, or writing on the FCAT~~ Reading,  
 3019 ~~unless these students are exhibiting performing above~~  
 3020 ~~satisfactory performance.~~

3021 (b) Student assessment data. -- Student assessment data used  
 3022 ~~in determining school grades performance grade categories shall~~  
 3023 ~~include:~~

3024 1. The aggregate scores of all eligible students enrolled  
 3025 ~~in the school who have been assessed on the FCAT.~~

3026 2. The aggregate scores of all eligible students enrolled  
 3027 ~~in the school who have been assessed on the FCAT, including~~  
 3028 ~~Florida Writes, and who have scored at or in the lowest 25th~~  
 3029 ~~percentile of students in the school in reading, math, or~~  
 3030 ~~writing, unless these students are exhibiting performing above~~  
 3031 ~~satisfactory performance.~~

3032 3. The achievement scores and learning gains of eligible  
 3033 students attending alternative schools that provide dropout

3034 prevention and academic intervention services pursuant to s.  
 3035 1003.53. The term "eligible students" in this subparagraph does  
 3036 not include students attending an alternative school who are  
 3037 subject to district school board policies for expulsion for  
 3038 repeated or serious offenses, who are in dropout retrieval  
 3039 programs serving students who have officially been designated as  
 3040 dropouts, or who are in Department of Juvenile Justice operated  
 3041 and contracted programs. The student performance data for  
 3042 eligible students identified in this subparagraph shall be  
 3043 included in the calculation of the home school's grade. For  
 3044 purposes of this section and s. 1008.341, "home school" means  
 3045 the school the student was attending when assigned to an  
 3046 alternative school or the school to which the student would be  
 3047 assigned if the student left the alternative school. If an  
 3048 alternative school chooses to be graded pursuant to this  
 3049 section, student performance data for eligible students  
 3050 identified in this subparagraph shall not be included in the  
 3051 home school's grade but shall only be included in calculation of  
 3052 the alternative school's improvement rating. School districts  
 3053 must ensure collaboration between the home school and the  
 3054 alternative school to promote student success.

3055  
 3056 ~~The Department of Education shall study the effects of mobility~~  
 3057 ~~on the performance of highly mobile students and recommend~~  
 3058 ~~programs to improve the performance of such students. The State~~  
 3059 ~~Board of Education shall adopt appropriate criteria for each~~  
 3060 ~~school performance grade category. The criteria must also give~~  
 3061 ~~added weight to student achievement in reading. Schools~~

3062 designated with a ~~as~~ performance grade of ~~category~~ "C," making  
 3063 satisfactory progress, shall be required to demonstrate that  
 3064 adequate progress has been made by students in the school who  
 3065 are in the lowest 25th percentile in reading, math, or writing  
 3066 on the FCAT, including Florida Writes, unless these students are  
 3067 exhibiting ~~performing~~ above satisfactory performance.

3068 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall  
 3069 identify each school's performance as having improved, remained  
 3070 the same, or declined. This school improvement rating shall be  
 3071 based on a comparison of the current year's and previous year's  
 3072 student and school performance data. Schools that improve at  
 3073 least one ~~performance grade category~~ are eligible for school  
 3074 recognition awards pursuant to s. 1008.36.

3075 (5) SCHOOL REPORT CARD ~~PERFORMANCE GRADE CATEGORY AND~~  
 3076 ~~IMPROVEMENT RATING REPORTS~~.--The Department of Education shall  
 3077 annually develop, in collaboration with the school districts, a  
 3078 school report card to be delivered to parents throughout each  
 3079 school district. The report card shall include the school's  
 3080 grade, information regarding school improvement, an explanation  
 3081 of school performance as evaluated by the federal No Child Left  
 3082 Behind Act of 2001, and indicators of return on investment.  
 3083 ~~School performance grade category designations and improvement~~  
 3084 ~~ratings shall apply to each school's performance for the year in~~  
 3085 ~~which performance is measured.~~ Each school's report card  
 3086 ~~designation and rating~~ shall be published annually by the  
 3087 department on its website, ~~of Education~~ and the school district  
 3088 shall provide the school report card to each parent. ~~Parents~~  
 3089 ~~shall be entitled to an easy to read report card about the~~

3090 ~~designation and rating of the school in which their child is~~  
 3091 ~~enrolled.~~

3092 (6)~~(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may  
 3093 factor in the performance of schools in calculating any  
 3094 performance-based funding policy that is provided for annually  
 3095 in the General Appropriations Act.

3096 (7)~~(8)~~ DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report  
 3097 required by subsection (1) shall include district ~~performance~~  
 3098 grades, which shall consist of weighted district average grades,  
 3099 by level, for all elementary schools, middle schools, and high  
 3100 schools in the district. A district's weighted average grade  
 3101 shall be calculated by weighting individual school grades  
 3102 determined pursuant to subsection (2) by school enrollment.

3103 (8)~~(6)~~ RULES.--The State Board of Education shall adopt  
 3104 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 3105 provisions of this section.

3106 Section 37. Section 1008.341, Florida Statutes, is created  
 3107 to read:

3108 1008.341 School improvement rating for alternative  
 3109 schools.--

3110 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
 3111 prepare an annual report on the performance of each school  
 3112 receiving a school improvement rating pursuant to this section  
 3113 provided that the provisions of s. 1002.22 pertaining to student  
 3114 records shall apply.

3115 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
 3116 provide dropout prevention and academic intervention services  
 3117 pursuant to s. 1003.53 shall receive a school improvement rating



3118 pursuant to this section. The school improvement rating shall  
 3119 identify schools as having one of the following ratings defined  
 3120 according to rules of the State Board of Education:

3121 (a) "Improving," schools with students making more  
 3122 academic progress than when the students were served in their  
 3123 home schools.

3124 (b) "Maintaining," schools with students making progress  
 3125 equivalent to the progress made when the students were served in  
 3126 their home schools.

3127 (c) "Declining," schools with students making less  
 3128 academic progress than when the students were served in their  
 3129 home schools.

3130  
 3131 The school improvement rating shall be based on a comparison of  
 3132 the current year and previous year student performance data.  
 3133 Schools that improve at least one level or maintain an  
 3134 "improving" rating pursuant to this section are eligible for  
 3135 school recognition awards pursuant to s. 1008.36.

3136 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
 3137 assessment data used in determining an alternative school's  
 3138 school improvement rating shall include:

3139 (a) The aggregate scores of all eligible students who were  
 3140 assigned to and enrolled in the school during the October or  
 3141 February FTE count, who have been assessed on the FCAT, and who  
 3142 have FCAT or comparable scores for the preceding school year.

3143 (b) The aggregate scores of all eligible students who were  
 3144 assigned to and enrolled in the school during the October or  
 3145 February FTE count, who have been assessed on the FCAT,

3146 including Florida Writes, and who have scored in the lowest 25th  
 3147 percentile of students in the state on FCAT Reading.

3148  
 3149 The scores of students who are subject to district school board  
 3150 policies for expulsion for repeated or serious offenses, who are  
 3151 in dropout retrieval programs serving students who have  
 3152 officially been designated as dropouts, or who are in Department  
 3153 of Juvenile Justice operated and contracted programs shall not  
 3154 be included in an alternative school's school improvement  
 3155 rating.

3156 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each  
 3157 alternative school receiving a school improvement rating, the  
 3158 Department of Education shall annually identify the percentage  
 3159 of students making learning gains as compared to the percentage  
 3160 of the same students making learning gains in their home schools  
 3161 in the year prior to being assigned to the alternative school.

3162 (5) SCHOOL REPORT CARD.--The Department of Education shall  
 3163 annually develop, in collaboration with the school districts, a  
 3164 school report card for alternative schools to be delivered to  
 3165 parents throughout each school district. The report card shall  
 3166 include the school improvement rating, identification of student  
 3167 learning gains, information regarding school improvement, an  
 3168 explanation of school performance as evaluated by the federal No  
 3169 Child Left Behind Act of 2001, and indicators of return on  
 3170 investment.

3171 (6) RULES.--The State Board of Education shall adopt rules  
 3172 pursuant to ss. 120.536(1) and 120.54 to implement the  
 3173 provisions of this section.

3174 Section 38. Subsection (5), paragraphs (b) and (d) of  
 3175 subsection (6), and subsection (7) of section 1008.345, Florida  
 3176 Statutes, are amended to read:

3177 1008.345 Implementation of state system of school  
 3178 improvement and education accountability.--

3179 (5) The commissioner shall report to the Legislature and  
 3180 recommend changes in state policy necessary to foster school  
 3181 improvement and education accountability. Included in the report  
 3182 shall be a list of the schools, including schools operating for  
 3183 the purpose of providing educational services to youth in  
 3184 Department of Juvenile Justice programs, for which district  
 3185 school boards have developed assistance and intervention plans  
 3186 and an analysis of the various strategies used by the school  
 3187 boards. School reports shall be distributed pursuant to this  
 3188 subsection and s. 1001.42(16) (f) ~~(e)~~ and according to rules  
 3189 adopted by the State Board of Education.

3190 (6)

3191 (b) Upon request, the department shall provide technical  
 3192 assistance and training to any school, including any school  
 3193 operating for the purpose of providing educational services to  
 3194 youth in Department of Juvenile Justice programs, school  
 3195 advisory council, district, or district school board for  
 3196 conducting needs assessments, developing and implementing school  
 3197 improvement plans, developing and implementing assistance and  
 3198 intervention plans, or implementing other components of school  
 3199 improvement and accountability. Priority for these services  
 3200 shall be given to schools designated with a ~~as a~~ performance grade

3201 of category "D" or "F" and school districts in rural and  
 3202 sparsely populated areas of the state.

3203 (d) The department shall assign a community assessment  
 3204 team to each school district with a school designated with a ~~as~~  
 3205 ~~performance~~ grade of category "D" or "F" to review the school  
 3206 performance data and determine causes for the low performance.  
 3207 The team shall make recommendations to the school board, to the  
 3208 department, and to the State Board of Education for implementing  
 3209 an assistance and intervention plan that will address the causes  
 3210 of the school's low performance. The assessment team shall  
 3211 include, but not be limited to, a department representative,  
 3212 parents, business representatives, educators, and community  
 3213 activists, and shall represent the demographics of the community  
 3214 from which they are appointed.

3215 (7) (a) Schools designated with a ~~in~~ ~~performance~~ grade of  
 3216 ~~category~~ "A," making excellent progress, shall, if requested by  
 3217 the school, be given deregulated status as specified in s.  
 3218 1003.63(5), (7), (8), (9), and (10).

3219 (b) Schools that have improved at least two grades  
 3220 ~~performance grade categories~~ and that meet the criteria of the  
 3221 Florida School Recognition Program pursuant to s. 1008.36 may be  
 3222 given deregulated status as specified in s. 1003.63(5), (7),  
 3223 (8), (9), and (10).

3224 Section 39. Subsections (3), (4), and (5) of section  
 3225 1008.36, Florida Statutes, are amended to read:

3226 1008.36 Florida School Recognition Program.--

3227 (3) All public schools, including charter schools, that  
 3228 receive a school grade pursuant to s. 1008.34 or a school

3229 improvement rating pursuant to s. 1008.341 are eligible to  
 3230 participate in the program. For the purpose of this section, a  
 3231 school or schools serving any combination of kindergarten  
 3232 through grade 3 students that do not receive a school grade  
 3233 under s. 1008.34 shall be assigned the school grade of the  
 3234 feeder pattern school designated by the Department of Education  
 3235 and verified by the school district and shall be eligible to  
 3236 participate in the program based on that feeder. A "feeder  
 3237 school pattern" is defined as a pattern in which at least 60  
 3238 percent of the students in the school not receiving a school  
 3239 grade are assigned to the graded school. A feeder pattern school  
 3240 shall be subject to the Opportunity Scholarship Program as  
 3241 defined in s. 1002.38.

3242 (4) All selected schools shall receive financial awards  
 3243 depending on the availability of funds appropriated and the  
 3244 number and size of schools selected to receive an award. Funds  
 3245 must be distributed to the school's fiscal agent and placed in  
 3246 the school's account and must be used for purposes listed in  
 3247 subsection (5) as determined by the school advisory council  
 3248 pursuant to s. 1001.452 in the annual school improvement plan  
 3249 required pursuant to s. 1001.42(16)(a). If such a determination  
 3250 is not included in the school improvement plan, the school shall  
 3251 not be eligible to receive a financial award jointly by the  
 3252 school's staff and school advisory council. If school staff and  
 3253 the school advisory council cannot reach agreement by November  
 3254 1, the awards must be equally distributed to all classroom  
 3255 teachers currently teaching in the school.

3256 (5) School recognition awards must be used for the  
 3257 following:

3258 (a) Nonrecurring bonuses to the faculty and staff who  
 3259 taught at the school during the year of improved performance;

3260 (b) Nonrecurring expenditures for educational equipment,  
 3261 ~~or~~ materials, or student incentives to assist in maintaining and  
 3262 improving student performance; or

3263 (c) Temporary personnel for the school to assist in  
 3264 maintaining and improving student performance.

3265  
 3266 Notwithstanding statutory provisions to the contrary, incentive  
 3267 awards are not subject to collective bargaining.

3268 Section 40. Paragraph (h) of subsection (1) of section  
 3269 1008.45, Florida Statutes, is amended to read:

3270 1008.45 Community college accountability process.--

3271 (1) It is the intent of the Legislature that a management  
 3272 and accountability process be implemented which provides for the  
 3273 systematic, ongoing improvement and assessment of the  
 3274 improvement of the quality and efficiency of the Florida  
 3275 community colleges. Accordingly, the State Board of Education  
 3276 and the community college boards of trustees shall develop and  
 3277 implement an accountability plan to improve and evaluate the  
 3278 instructional and administrative efficiency and effectiveness of  
 3279 the Florida Community College System. This plan shall be  
 3280 designed in consultation with staff of the Governor and the  
 3281 Legislature and must address the following issues:

3282 ~~(h) Other measures as identified by the Council for~~  
 3283 ~~Education Policy Research and Improvement and approved by the~~  
 3284 ~~State Board of Education.~~

3285 Section 41. Section 1008.51, Florida Statutes, is  
 3286 repealed.

3287 Section 42. Paragraphs (f), ((h), (l), (m), and (n) of  
 3288 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
 3289 section 1011.62, Florida Statutes, are amended, subsections (8)  
 3290 and (9) are renumbered as subsections (9) and (10),  
 3291 respectively, and amended, and a new subsection (8) is added to  
 3292 said section, to read:

3293 1011.62 Funds for operation of schools.--If the annual  
 3294 allocation from the Florida Education Finance Program to each  
 3295 district for operation of schools is not determined in the  
 3296 annual appropriations act or the substantive bill implementing  
 3297 the annual appropriations act, it shall be determined as  
 3298 follows:

3299 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 3300 OPERATION.--The following procedure shall be followed in  
 3301 determining the annual allocation to each district for  
 3302 operation:

3303 (f) Supplemental academic instruction; categorical fund.--

3304 1. There is created a categorical fund to provide  
 3305 supplemental academic instruction to students in kindergarten  
 3306 through grade 12. This paragraph may be cited as the  
 3307 "Supplemental Academic Instruction Categorical Fund."

3308 2. Categorical funds for supplemental academic instruction  
 3309 shall be allocated annually to each school district in the

3310 amount provided in the General Appropriations Act. These funds  
3311 shall be in addition to the funds appropriated on the basis of  
3312 FTE student membership in the Florida Education Finance Program  
3313 and shall be included in the total potential funds of each  
3314 district. These funds shall be used to provide supplemental  
3315 academic instruction to students enrolled in the K-12 program.  
3316 Supplemental instruction strategies may include, but are not  
3317 limited to: modified curriculum, reading instruction, after-  
3318 school instruction, tutoring, mentoring, class size reduction,  
3319 extended school year, intensive skills development in summer  
3320 school, and other methods for improving student achievement.  
3321 Supplemental instruction may be provided to a student in any  
3322 manner and at any time during or beyond the regular 180-day term  
3323 identified by the school as being the most effective and  
3324 efficient way to best help that student progress from grade to  
3325 grade and to graduate.

3326 3. Effective with the 1999-2000 fiscal year, funding on  
3327 the basis of FTE membership beyond the 180-day regular term  
3328 shall be provided in the FEFP only for students enrolled in  
3329 juvenile justice education programs or in an education program  
3330 for juveniles under s. 985.223. Funding for instruction beyond  
3331 the regular 180-day school year for all other K-12 students  
3332 shall be provided through the supplemental academic instruction  
3333 categorical fund and other state, federal, and local fund  
3334 sources with ample flexibility for schools to provide  
3335 supplemental instruction to assist students in progressing from  
3336 grade to grade and graduating.



3337 4. The Florida State University School, as a lab school,  
3338 is authorized to expend from its FEFP or Lottery Enhancement  
3339 Trust Fund allocation the cost to the student of remediation in  
3340 reading, writing, or mathematics for any graduate who requires  
3341 remediation at a postsecondary educational institution.

3342 5. Beginning in the 1999-2000 school year, dropout  
3343 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
3344 (b), and (c), and 1003.54 shall be included in group 1 programs  
3345 under subparagraph (d)3.

3346 6. Beginning in the 2005-2006 school year, parents of the  
3347 following students shall be offered the opportunity to choose  
3348 supplemental educational services from the school district or  
3349 from a list of providers approved by the Department of  
3350 Education:

3351 a. Third grade students scoring at Level 1 on FCAT Reading  
3352 who are not eligible for supplemental educational services  
3353 through the requirements of Pub. L. No. 107-110.

3354 b. High school students failing grade 10 FCAT Reading or  
3355 grade 10 FCAT Mathematics on their second attempt who are not  
3356 eligible for supplemental educational services through the  
3357 requirements of Pub. L. No. 107-110.

3358  
3359 Funds per student shall be determined annually in the General  
3360 Appropriations Act.

3361 (h) Small, isolated high schools.--Districts which levy  
3362 the maximum nonvoted discretionary millage, exclusive of millage  
3363 for capital outlay purposes levied pursuant to s. 1011.71(2),  
3364 may calculate full-time equivalent students for small, isolated

3365 high schools by multiplying the number of unweighted full-time  
 3366 equivalent students times 2.75; provided the school has attained  
 3367 a state accountability ~~performance~~ grade ~~category~~ of "C" or  
 3368 better, pursuant to s. 1008.34, for the previous school year.  
 3369 For the purpose of this section, the term "small, isolated high  
 3370 school" means any high school which is located no less than 28  
 3371 miles by the shortest route from another high school; which has  
 3372 been serving students primarily in basic studies provided by  
 3373 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
 3374 (c)4.; and which has a membership of no more than 100 students,  
 3375 but no fewer than 28 students, in grades 9 through 12.

3376 (1) Calculation of additional full-time equivalent  
 3377 membership based on international baccalaureate examination  
 3378 scores of students.--A value of 0.24 full-time equivalent  
 3379 student membership shall be calculated for each student enrolled  
 3380 in an international baccalaureate course who receives a score of  
 3381 4 or higher on a subject examination. A value of 0.3 full-time  
 3382 equivalent student membership shall be calculated for each  
 3383 student who receives an international baccalaureate diploma.  
 3384 Such value shall be added to the total full-time equivalent  
 3385 student membership in basic programs for grades 9 through 12 in  
 3386 the subsequent fiscal year. The school district shall distribute  
 3387 to each classroom teacher who provided international  
 3388 baccalaureate instruction:

3389 1. A bonus in the amount of \$50 for each student taught by  
 3390 the International Baccalaureate teacher in each international  
 3391 baccalaureate course who receives a score of 4 or higher on the  
 3392 international baccalaureate examination.

3393           2. An additional bonus of \$500 to each International  
 3394 Baccalaureate teacher in a school designated with a performance  
 3395 grade of ~~category~~ "D" or "F" who has at least one student  
 3396 scoring 4 or higher on the international baccalaureate  
 3397 examination, regardless of the number of classes taught or of  
 3398 the number of students scoring a 4 or higher on the  
 3399 international baccalaureate examination.

3400  
 3401 Bonuses awarded to a teacher according to this paragraph shall  
 3402 not exceed \$2,000 in any given school year and shall be in  
 3403 addition to any regular wage or other bonus the teacher received  
 3404 or is scheduled to receive.

3405           (m) Calculation of additional full-time equivalent  
 3406 membership based on Advanced International Certificate of  
 3407 Education examination scores of students.--A value of 0.24 full-  
 3408 time equivalent student membership shall be calculated for each  
 3409 student enrolled in a full-credit Advanced International  
 3410 Certificate of Education course who receives a score of 2 or  
 3411 higher on a subject examination. A value of 0.12 full-time  
 3412 equivalent student membership shall be calculated for each  
 3413 student enrolled in a half-credit Advanced International  
 3414 Certificate of Education course who receives a score of 1 or  
 3415 higher on a subject examination. A value of 0.3 full-time  
 3416 equivalent student membership shall be calculated for each  
 3417 student who received an Advanced International Certificate of  
 3418 Education diploma. Such value shall be added to the total full-  
 3419 time equivalent student membership in basic programs for grades  
 3420 9 through 12 in the subsequent fiscal year. The school district

3421 shall distribute to each classroom teacher who provided Advanced  
 3422 International Certificate of Education instruction:

3423         1. A bonus in the amount of \$50 for each student taught by  
 3424 the Advanced International Certificate of Education teacher in  
 3425 each full-credit Advanced International Certificate of Education  
 3426 course who receives a score of 2 or higher on the Advanced  
 3427 International Certificate of Education examination. A bonus in  
 3428 the amount of \$25 for each student taught by the Advanced  
 3429 International Certificate of Education teacher in each half-  
 3430 credit Advanced International Certificate of Education course  
 3431 who receives a score of 1 or higher on the Advanced  
 3432 International Certificate of Education examination.

3433         2. An additional bonus of \$500 to each Advanced  
 3434 International Certificate of Education teacher in a school  
 3435 designated with a performance grade of category "D" or "F" who  
 3436 has at least one student scoring 2 or higher on the full-credit  
 3437 Advanced International Certificate of Education examination,  
 3438 regardless of the number of classes taught or of the number of  
 3439 students scoring a 2 or higher on the full-credit Advanced  
 3440 International Certificate of Education examination.

3441         3. Additional bonuses of \$250 each to teachers of half-  
 3442 credit Advanced International Certificate of Education classes  
 3443 in a school designated with a performance grade of category "D"  
 3444 or "F" which has at least one student scoring a 1 or higher on  
 3445 the half-credit Advanced International Certificate of Education  
 3446 examination in that class. The maximum additional bonus for a  
 3447 teacher awarded in accordance with this subparagraph shall not  
 3448 exceed \$500 in any given school year. Teachers receiving an

3449 | award under subparagraph 2. are not eligible for a bonus under  
 3450 | this subparagraph.

3451 |  
 3452 | Bonuses awarded to a teacher according to this paragraph shall  
 3453 | not exceed \$2,000 in any given school year and shall be in  
 3454 | addition to any regular wage or other bonus the teacher received  
 3455 | or is scheduled to receive.

3456 |         (n) Calculation of additional full-time equivalent  
 3457 | membership based on college board advanced placement scores of  
 3458 | students.--A value of 0.24 full-time equivalent student  
 3459 | membership shall be calculated for each student in each advanced  
 3460 | placement course who receives a score of 3 or higher on the  
 3461 | College Board Advanced Placement Examination for the prior year  
 3462 | and added to the total full-time equivalent student membership  
 3463 | in basic programs for grades 9 through 12 in the subsequent  
 3464 | fiscal year. Each district must allocate at least 80 percent of  
 3465 | the funds provided to the district for advanced placement  
 3466 | instruction, in accordance with this paragraph, to the high  
 3467 | school that generates the funds. The school district shall  
 3468 | distribute to each classroom teacher who provided advanced  
 3469 | placement instruction:

3470 |             1. A bonus in the amount of \$50 for each student taught by  
 3471 | the Advanced Placement teacher in each advanced placement course  
 3472 | who receives a score of 3 or higher on the College Board  
 3473 | Advanced Placement Examination.

3474 |             2. An additional bonus of \$500 to each Advanced Placement  
 3475 | teacher in a school designated with a performance grade of  
 3476 | ~~category~~ "D" or "F" who has at least one student scoring 3 or

3477 higher on the College Board Advanced Placement Examination,  
 3478 regardless of the number of classes taught or of the number of  
 3479 students scoring a 3 or higher on the College Board Advanced  
 3480 Placement Examination.

3481  
 3482 Bonuses awarded to a teacher according to this paragraph shall  
 3483 not exceed \$2,000 in any given school year and shall be in  
 3484 addition to any regular wage or other bonus the teacher received  
 3485 or is scheduled to receive.

3486 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
 3487 Legislature shall prescribe the aggregate required local effort  
 3488 for all school districts collectively as an item in the General  
 3489 Appropriations Act for each fiscal year. The amount that each  
 3490 district shall provide annually toward the cost of the Florida  
 3491 Education Finance Program for kindergarten through grade 12  
 3492 programs shall be calculated as follows:

3493 (a) Estimated taxable value calculations.--

3494 1.a. Not later than 2 working days prior to July 19, the  
 3495 Department of Revenue shall certify to the Commissioner of  
 3496 Education its most recent estimate of the taxable value for  
 3497 school purposes in each school district and the total for all  
 3498 school districts in the state for the current calendar year  
 3499 based on the latest available data obtained from the local  
 3500 property appraisers. Not later than July 19, the Commissioner of  
 3501 Education shall compute a millage rate, rounded to the next  
 3502 highest one one-thousandth of a mill, which, when applied to 95  
 3503 percent of the estimated state total taxable value for school  
 3504 purposes, would generate the prescribed aggregate required local

3505 effort for that year for all districts. The Commissioner of  
 3506 Education shall certify to each district school board the  
 3507 millage rate, computed as prescribed in this subparagraph, as  
 3508 the minimum millage rate necessary to provide the district  
 3509 required local effort for that year.

3510       b. The General Appropriations Act shall direct the  
 3511 computation of the statewide adjusted aggregate amount for  
 3512 required local effort for all school districts collectively from  
 3513 ad valorem taxes to ensure that no school district's revenue  
 3514 from required local effort millage will produce more than 90  
 3515 percent of the district's total Florida Education Finance  
 3516 Program calculation, and the adjustment of the required local  
 3517 effort millage rate of each district that produces more than 90  
 3518 percent of its total Florida Education Finance Program  
 3519 entitlement to a level that will produce only 90 percent of its  
 3520 total Florida Education Finance Program entitlement in the July  
 3521 calculation.

3522       2. As revised data are received from property appraisers,  
 3523 the Department of Revenue shall amend the certification of the  
 3524 estimate of the taxable value for school purposes. The  
 3525 Commissioner of Education, in administering the provisions of  
 3526 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable  
 3527 value for the appropriate year.

3528       (b) Final calculation.--

3529       1. The Department of Revenue shall, upon receipt of the  
 3530 official final assessed value of property from each of the  
 3531 property appraisers, certify to the Commissioner of Education  
 3532 the taxable value total for school purposes in each school

3533 district, subject to the provisions of paragraph (d). The  
 3534 commissioner shall use the official final taxable value for  
 3535 school purposes for each school district in the final  
 3536 calculation of the annual Florida Education Finance Program  
 3537 allocations.

3538 2. For the purposes of this paragraph, the official final  
 3539 taxable value for school purposes shall be the taxable value for  
 3540 school purposes on which the tax bills are computed and mailed  
 3541 to the taxpayers, adjusted to reflect final administrative  
 3542 actions of value adjustment boards and judicial decisions  
 3543 pursuant to part I of chapter 194. By September 1 of each year,  
 3544 the Department of Revenue shall certify to the commissioner the  
 3545 official prior year final taxable value for school purposes. For  
 3546 each county that has not submitted a revised tax roll reflecting  
 3547 final value adjustment board actions and final judicial  
 3548 decisions, the Department of Revenue shall certify the most  
 3549 recent revision of the official taxable value for school  
 3550 purposes. The certified value shall be the final taxable value  
 3551 for school purposes, and no further adjustments shall be made,  
 3552 except those made pursuant to subparagraph (10)~~(9)~~(a)2.

3553 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

3554 (a) The research-based reading instruction allocation is  
 3555 created to provide comprehensive reading instruction to students  
 3556 in kindergarten through grade 12.

3557 (b) Funds for comprehensive, research-based reading  
 3558 instruction shall be allocated annually to each school district  
 3559 in the amount provided in the General Appropriations Act. Each  
 3560 eligible school district shall receive the same minimum amount



3561 as specified in the General Appropriations Act, and any  
3562 remaining funds shall be distributed to eligible school  
3563 districts based on each school district's proportionate share of  
3564 K-12 base funding.

3565 (c) Funds must be used to provide a system of  
3566 comprehensive reading instruction to students enrolled in the K-  
3567 12 programs, which may include the following:

3568 1. The provision of highly qualified reading coaches.

3569 2. Professional development for school district teachers  
3570 in scientifically based reading instruction.

3571 3. The provision of summer reading camps for students who  
3572 score at Level 1 on FCAT Reading.

3573 4. The provision of supplemental instructional materials  
3574 that are grounded in scientifically based reading research, and  
3575 comprehensive training in their use, for which teachers shall  
3576 receive inservice credit. Each school district, in partnership  
3577 with the publisher of the material, shall provide the training  
3578 and the school district shall certify that the teacher has  
3579 achieved mastery in using the material correctly. Data on this  
3580 training shall be collected by the Department of Education.

3581 5. The provision of intensive interventions for middle and  
3582 high school students reading below grade level.

3583 (d) Annually, by a date determined by the Department of  
3584 Education but before May 1, school districts shall submit a plan  
3585 for the specific use of the research-based reading instruction  
3586 allocation in the format prescribed by the department for review  
3587 and approval by the Just Read, Florida! Office created pursuant  
3588 to s. 1001.215. The plan annually submitted by school districts

3589 shall be deemed approved unless the department rejects the plan  
 3590 on or before June 1. If a school district and the Just Read,  
 3591 Florida! Office cannot reach agreement on the contents of the  
 3592 plan, the school district may appeal to the State Board of  
 3593 Education. The plan format shall be developed with input from  
 3594 school district personnel, including teachers and principals,  
 3595 and shall allow courses in core, career, and alternative  
 3596 programs that deliver intensive reading remediation through  
 3597 integrated curricula. No later than July 1 annually, the  
 3598 department shall release the school district's allocation of  
 3599 appropriated funds to those districts with approved plans. A  
 3600 school district that spends 100 percent of this allocation on  
 3601 its approved plan shall be deemed to have been in compliance  
 3602 with the plan. The department may withhold funds upon a  
 3603 determination that reading instruction allocation funds are not  
 3604 being used to implement the approved plan.

3605 (9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may  
 3606 annually in the General Appropriations Act determine a  
 3607 percentage increase in funds per K-12 unweighted FTE as a  
 3608 minimum guarantee to each school district. The guarantee shall  
 3609 be calculated from prior year base funding per unweighted FTE  
 3610 student which shall include the adjusted FTE dollars as provided  
 3611 in subsection (10)~~(9)~~, quality guarantee funds, and actual  
 3612 nonvoted discretionary local effort from taxes. From the base  
 3613 funding per unweighted FTE, the increase shall be calculated for  
 3614 the current year. The current year funds from which the  
 3615 guarantee shall be determined shall include the adjusted FTE  
 3616 dollars as provided in subsection (10)~~(9)~~ and potential nonvoted

3617 discretionary local effort from taxes. A comparison of current  
 3618 year funds per unweighted FTE to prior year funds per unweighted  
 3619 FTE shall be computed. For those school districts which have  
 3620 less than the legislatively assigned percentage increase, funds  
 3621 shall be provided to guarantee the assigned percentage increase  
 3622 in funds per unweighted FTE student. Should appropriated funds  
 3623 be less than the sum of this calculated amount for all  
 3624 districts, the commissioner shall prorate each district's  
 3625 allocation. This provision shall be implemented to the extent  
 3626 specifically funded.

3627 (10)~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 3628 FOR CURRENT OPERATION.--The total annual state allocation to  
 3629 each district for current operation for the FEFP shall be  
 3630 distributed periodically in the manner prescribed in the General  
 3631 Appropriations Act.

3632 (a) The basic amount for current operation for the FEFP as  
 3633 determined in subsection (1), multiplied by the district cost  
 3634 differential factor as determined in subsection (2), plus the  
 3635 amounts provided for categorical components within the FEFP,  
 3636 plus the amount for the sparsity supplement as determined in  
 3637 subsection (6), the decline in full-time equivalent students as  
 3638 determined in subsection (7), the research-based reading  
 3639 instruction allocation as determined in subsection (8), and the  
 3640 quality assurance guarantee as determined in subsection (9)~~(8)~~,  
 3641 less the required local effort as determined in subsection (4).  
 3642 If the funds appropriated for the purpose of funding the total  
 3643 amount for current operation as provided in this paragraph are  
 3644 not sufficient to pay the state requirement in full, the

3645 department shall prorate the available state funds to each  
 3646 district in the following manner:

3647 1. Determine the percentage of proration by dividing the  
 3648 sum of the total amount for current operation, as provided in  
 3649 this paragraph for all districts collectively, and the total  
 3650 district required local effort into the sum of the state funds  
 3651 available for current operation and the total district required  
 3652 local effort.

3653 2. Multiply the percentage so determined by the sum of the  
 3654 total amount for current operation as provided in this paragraph  
 3655 and the required local effort for each individual district.

3656 3. From the product of such multiplication, subtract the  
 3657 required local effort of each district; and the remainder shall  
 3658 be the amount of state funds allocated to the district for  
 3659 current operation.

3660 (b) The amount thus obtained shall be the net annual  
 3661 allocation to each school district. However, if it is determined  
 3662 that any school district received an underallocation or  
 3663 overallocation for any prior year because of an arithmetical  
 3664 error, assessment roll change, full-time equivalent student  
 3665 membership error, or any allocation error revealed in an audit  
 3666 report, the allocation to that district shall be appropriately  
 3667 adjusted. Beginning with audits for the 2001-2002 fiscal year,  
 3668 if the adjustment is the result of an audit finding in which  
 3669 group 2 FTE are reclassified to the basic program and the  
 3670 district weighted FTE are over the weighted enrollment ceiling  
 3671 for group 2 programs, the adjustment shall not result in a gain  
 3672 of state funds to the district. If the Department of Education

3673 audit adjustment recommendation is based upon controverted  
 3674 findings of fact, the Commissioner of Education is authorized to  
 3675 establish the amount of the adjustment based on the best  
 3676 interests of the state.

3677 (c) The amount thus obtained shall represent the net  
 3678 annual state allocation to each district; however,  
 3679 notwithstanding any of the provisions herein, each district  
 3680 shall be guaranteed a minimum level of funding in the amount and  
 3681 manner prescribed in the General Appropriations Act.

3682 Section 43. Paragraph (a) of subsection (2) of section  
 3683 1011.64, Florida Statutes, is amended to read:

3684 1011.64 School district minimum classroom expenditure  
 3685 requirements.--

3686 (2) For the purpose of implementing the provisions of this  
 3687 section, the Legislature shall prescribe minimum academic  
 3688 performance standards and minimum classroom expenditure  
 3689 requirements for districts not meeting such minimum academic  
 3690 performance standards in the General Appropriations Act.

3691 (a) Minimum academic performance standards may be based  
 3692 on, but are not limited to, district ~~performance~~ grades  
 3693 determined pursuant to s. 1008.34 (7) ~~(8)~~.

3694 Section 44. Paragraph (b) of subsection (2) of section  
 3695 1011.685, Florida Statutes, is amended to read:

3696 1011.685 Class size reduction; operating categorical  
 3697 fund.--

3698 (2) Class size reduction operating categorical funds shall  
 3699 be used by school districts for the following:

3700 (b) For any lawful operating expenditure, if the district  
 3701 has met the constitutional maximums identified in s. 1003.03(1)  
 3702 or the reduction of two students per year required by s.  
 3703 1003.03(2); however, priority shall be given to increase  
 3704 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
 3705 and to implement the differentiated-pay provisions detailed in  
 3706 s. 1012.2312 salary career ladder defined in s. 1012.231.

3707 Section 45. Section 1011.6855, Florida Statutes, is  
 3708 created to read:

3709 1011.6855 Minimum pay for instructional personnel;  
 3710 operating categorical fund.--An operating categorical fund is  
 3711 created through which funds shall be used to:

3712 (1) Provide minimum pay of \$35,000 or higher as specified  
 3713 in the General Appropriations Act for all full-time certified  
 3714 instructional personnel identified in s. 1012.01(2)(a)-(d).

3715 (2) Provide elevation funds of at least \$2,000 or higher  
 3716 as specified in the General Appropriations Act to increase the  
 3717 salary of all full-time certified instructional personnel  
 3718 identified in s. 1012.01(2)(a)-(d) who are earning \$33,000 or  
 3719 higher.

3720 (3) Provide funds as specified in the General  
 3721 Appropriations Act for full-time certified instructional  
 3722 personnel identified in s. 1012.01(2)(a)-(d) in order to  
 3723 alleviate the impact of any compression of salaries resulting  
 3724 from the implementation of subsection (1).

3725  
 3726 Operating categorical funds remaining after the obligations in  
 3727 subsections (1), (2), and (3) have been met must be used to

3728 reduce the district average class size until the district  
 3729 average class size meets the requirements specified in the State  
 3730 Constitution. The school district may expend the funds for any  
 3731 lawful operating expenditure if the constitutional requirements  
 3732 in this section and s. 1011.685 have been met.

3733 Section 46. Subsection (1) of section 1011.71, Florida  
 3734 Statutes, is amended to read:

3735 1011.71 District school tax.--

3736 (1) If the district school tax is not provided in the  
 3737 General Appropriations Act or the substantive bill implementing  
 3738 the General Appropriations Act, each district school board  
 3739 desiring to participate in the state allocation of funds for  
 3740 current operation as prescribed by s. 1011.62(10)~~(9)~~ shall levy  
 3741 on the taxable value for school purposes of the district,  
 3742 exclusive of millage voted under the provisions of s. 9(b) or s.  
 3743 12, Art. VII of the State Constitution, a millage rate not to  
 3744 exceed the amount certified by the commissioner as the minimum  
 3745 millage rate necessary to provide the district required local  
 3746 effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
 3747 addition to the required local effort millage levy, each  
 3748 district school board may levy a nonvoted current operating  
 3749 discretionary millage. The Legislature shall prescribe annually  
 3750 in the appropriations act the maximum amount of millage a  
 3751 district may levy. The millage rate prescribed shall exceed zero  
 3752 mills but shall not exceed the lesser of 1.6 mills or 25 percent  
 3753 of the millage which is required pursuant to s. 1011.62(4),  
 3754 exclusive of millage levied pursuant to subsection (2).

3755 Section 47. Subsection (6) is added to section 1012.21,  
 3756 Florida Statutes, to read:

3757 1012.21 Department of Education duties; K-12 personnel.--

3758 (6) REPORTING.--The Department of Education shall annually  
 3759 post online the collective bargaining contracts of each school  
 3760 district received pursuant to s. 1012.22. The department shall  
 3761 prescribe the computer format for district school boards to  
 3762 provide the information.

3763 Section 48. Paragraph (c) of subsection (1) of section  
 3764 1012.22, Florida Statutes, is amended, and subsection (3) is  
 3765 added to said section, to read:

3766 1012.22 Public school personnel; powers and duties of the  
 3767 district school board.--The district school board shall:

3768 (1) Designate positions to be filled, prescribe  
 3769 qualifications for those positions, and provide for the  
 3770 appointment, compensation, promotion, suspension, and dismissal  
 3771 of employees as follows, subject to the requirements of this  
 3772 chapter:

3773 (c) Compensation and salary schedules.--

3774 1. The district school board shall adopt a salary schedule  
 3775 or salary schedules designed to furnish incentives for  
 3776 improvement in training and for continued efficient service to  
 3777 be used as a basis for paying all school employees and fix and  
 3778 authorize the compensation of school employees on the basis  
 3779 thereof.

3780 2. A district school board, in determining the salary  
 3781 schedule for instructional personnel, must base a portion of  
 3782 each employee's compensation on performance demonstrated under



3783 s. 1012.34, must consider the prior teaching experience of a  
 3784 person who has been designated state teacher of the year by any  
 3785 state in the United States, and must consider prior professional  
 3786 experience in the field of education gained in positions in  
 3787 addition to district level instructional and administrative  
 3788 positions.

3789 3. In developing the salary schedule, the district school  
 3790 board shall seek input from parents, teachers, and  
 3791 representatives of the business community.

3792 ~~4. Beginning with the 2002-2003 fiscal year, each district~~  
 3793 ~~school board must adopt a performance pay policy for school~~  
 3794 ~~administrators and instructional personnel. The district's~~  
 3795 ~~performance pay policy is subject to negotiation as provided in~~  
 3796 ~~chapter 447; however, the adopted salary schedule must allow~~  
 3797 ~~school administrators and instructional personnel who~~  
 3798 ~~demonstrate outstanding performance, as measured under s.~~  
 3799 ~~1012.34, to earn a 5 percent supplement in addition to their~~  
 3800 ~~individual, negotiated salary. The supplements shall be funded~~  
 3801 ~~from the performance pay reserve funds adopted in the salary~~  
 3802 ~~schedule. Beginning with the 2004-2005 academic year, the~~  
 3803 ~~district's 5-percent performance pay policy must provide for the~~  
 3804 ~~evaluation of classroom teachers within each level of the salary~~  
 3805 ~~career ladder provided in s. 1012.231. The Commissioner of~~  
 3806 ~~Education shall determine whether the district school board's~~  
 3807 ~~adopted salary schedule complies with the requirement for~~  
 3808 ~~performance-based pay. If the district school board fails to~~  
 3809 ~~comply with this section, the commissioner shall withhold~~

3810 ~~disbursements from the Educational Enhancement Trust Fund to the~~  
 3811 ~~district until compliance is verified.~~

3812 (3) Annually provide to the Department of Education the  
 3813 negotiated collective bargaining contract for the school  
 3814 district. The district school board shall report in the computer  
 3815 format prescribed by the department pursuant to s. 1012.21.

3816 Section 49. Section 1012.2305, Florida Statutes, is  
 3817 created to read:

3818 1012.2305 Minimum pay for instructional personnel.--

3819 (1) LEGISLATIVE INTENT.--The Legislature recognizes that  
 3820 higher pay does not guarantee quality performance in education.  
 3821 The Legislature also recognizes that competitive pay,  
 3822 differentiated pay, and performance incentives are necessary to  
 3823 attract and retain the highest quality teachers and that the  
 3824 prospect of higher pay and career opportunities are important to  
 3825 attract talented individuals to the field of teaching. It is the  
 3826 intent of the Legislature that the average salary of public  
 3827 school instructional personnel in this state shall be equal to  
 3828 or greater than the national average salary of public school  
 3829 instructional personnel by July 1, 2010.

3830 (2) MINIMUM PAY.--The minimum pay for full-time certified  
 3831 instructional personnel identified in s. 1012.01(2)(a)-(d) shall  
 3832 be \$35,000 and shall be established by the Legislature to remain  
 3833 above the national average beginning pay for public school  
 3834 teachers.

3835 Section 50. Section 1012.231, Florida Statutes, is  
 3836 repealed.

3837 Section 51. Section 1012.2312, Florida Statutes, is  
 3838 created to read:

3839 1012.2312 Differentiated pay for instructional  
 3840 personnel.--

3841 (1) Beginning with the 2005-2006 fiscal year, each  
 3842 district school board shall have a differentiated-pay policy for  
 3843 instructional personnel and incorporate it into the school  
 3844 district's salary schedule.

3845 (2) The differentiated-pay policy may be subject to  
 3846 negotiation as provided in chapter 447; however, the adopted  
 3847 salary schedule must allow instructional personnel to receive  
 3848 differentiated pay based upon school district determined  
 3849 factors, including, but not limited to, each of the following:

3850 (a) The subject areas taught, with classroom teachers who  
 3851 teach in critical shortage areas receiving higher pay.

3852 (b) The economic demographics of the school, with  
 3853 instructional personnel in schools that have a majority of  
 3854 students who qualify for free or reduced-price lunches receiving  
 3855 higher pay.

3856 (c) Additional responsibilities of instructional  
 3857 personnel, including, but not limited to, lead and mentoring  
 3858 responsibilities.

3859 (d) A performance-pay policy that rewards high-performing  
 3860 instructional personnel with at least a 5-percent performance-  
 3861 pay incentive.

3862  
 3863 The differentiated pay provided in the salary schedule for each  
 3864 of the factors specified in paragraphs (a)-(d) shall provide an

3865 incentive and not be nominal.

3866 (3) The Commissioner of Education shall determine whether  
 3867 the district school board's adopted salary schedule complies  
 3868 with the requirements in subsection (2). If the salary schedule  
 3869 does not comply, the commissioner shall recommend to the State  
 3870 Board of Education and the state board is authorized to withhold  
 3871 disbursements from the Educational Enhancement Trust Fund to the  
 3872 school district until the district's salary schedule is in  
 3873 compliance.

3874 Section 52. Section 1012.2313, Florida Statutes, is  
 3875 created to read:

3876 1012.2313 Differentiated pay for school administrators.--

3877 (1) Beginning with the 2005-2006 fiscal year, each  
 3878 district school board shall have a differentiated-pay policy for  
 3879 school administrators and incorporate it into the school  
 3880 district's salary schedule.

3881 (2) The adopted salary schedule must allow school  
 3882 administrators to receive differentiated pay based upon school  
 3883 district determined factors, including, but not limited to, each  
 3884 of the following:

3885 (a) The economic demographics of the school, with school  
 3886 administrators in schools that have a majority of students who  
 3887 qualify for free or reduced-price lunches receiving higher pay.

3888 (b) A performance-pay policy that rewards high-performing  
 3889 school administrators with at least a 5-percent performance-pay  
 3890 incentive.

3891  
 3892 The differentiated pay provided in the salary schedule for each

3893 of the factors specified in paragraphs (a) and (b) shall provide  
 3894 an incentive and not be nominal.

3895 (3) The Commissioner of Education shall determine whether  
 3896 the district school board's adopted salary schedule complies  
 3897 with the requirements in subsection (2). If the salary schedule  
 3898 does not comply, the commissioner shall recommend to the State  
 3899 Board of Education and the state board is authorized to withhold  
 3900 disbursements from the Educational Enhancement Trust Fund to the  
 3901 school district until the district's salary schedule is in  
 3902 compliance.

3903 Section 53. Section 1012.2315, Florida Statutes, is  
 3904 created to read:

3905 1012.2315 Assignment of teachers.--

3906 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
 3907 finds disparity between teachers assigned to teach in a majority  
 3908 of "A" schools compared to teachers assigned to teach in a  
 3909 majority of "F" schools. The disparity can be found in the  
 3910 average years of experience, median salary, and the performance  
 3911 of the teachers on teacher certification examinations. It is the  
 3912 intent of the Legislature that district school boards have  
 3913 flexibility through the collective bargaining process to assign  
 3914 teachers more equitably across the schools in the district.

3915 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts  
 3916 may not assign a higher percentage than the school district  
 3917 average of first-time teachers, temporarily certified teachers,  
 3918 teachers in need of improvement, or out-of-field teachers to  
 3919 schools with above the school district average of minority and  
 3920 economically disadvantaged students or schools that are graded

3921 "D" or "F." Each school district shall annually certify to the  
 3922 Commissioner of Education that this requirement has been met. If  
 3923 the commissioner determines that a school district is not in  
 3924 compliance with this subsection, the State Board of Education  
 3925 shall be notified and shall take action pursuant to s. 1008.32  
 3926 in the next regularly scheduled meeting to require compliance.

3927 (3) SALARY INCENTIVES.--District school boards are  
 3928 authorized to provide salary incentives to meet the requirement  
 3929 of subsection (2). No district school board shall sign a  
 3930 collective bargaining agreement that precludes the school  
 3931 district from providing sufficient incentives to meet this  
 3932 requirement.

3933 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of  
 3934 chapter 447 relating to district school board collective  
 3935 bargaining, collective bargaining provisions may not preclude a  
 3936 school district from providing incentives to high-quality  
 3937 teachers and assigning such teachers to low-performing schools.

3938 Section 54. Subsection (2) of section 1012.27, Florida  
 3939 Statutes, is amended to read:

3940 1012.27 Public school personnel; powers and duties of  
 3941 district school superintendent.--The district school  
 3942 superintendent is responsible for directing the work of the  
 3943 personnel, subject to the requirements of this chapter, and in  
 3944 addition the district school superintendent shall perform the  
 3945 following:

3946 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
 3947 recommend to the district school board for adoption a salary  
 3948 schedule or salary schedules. The district school superintendent

3949 must recommend a salary schedule for instructional personnel  
 3950 which bases a portion of each employee's compensation on  
 3951 performance demonstrated under s. 1012.34. In developing the  
 3952 recommended salary schedule, the district school superintendent  
 3953 shall include input from parents, teachers, and representatives  
 3954 of the business community. Beginning with the 2005-2006 ~~2004-~~  
 3955 ~~2005~~ academic year, the recommended salary schedule for  
 3956 classroom teachers shall be consistent with the district's  
 3957 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312  
 3958 ~~1012.231~~.

3959 Section 55. Paragraph (a) of subsection (3) of section  
 3960 1012.34, Florida Statutes, is amended to read:

3961 1012.34 Assessment procedures and criteria.--

3962 (3) The assessment procedure for instructional personnel  
 3963 and school administrators must be primarily based on the  
 3964 performance of students assigned to their classrooms or schools,  
 3965 as appropriate. Pursuant to this section, a school district's  
 3966 performance assessment is not limited to basing unsatisfactory  
 3967 performance of instructional personnel and school administrators  
 3968 upon student performance, but may include other criteria  
 3969 approved to assess instructional personnel and school  
 3970 administrators' performance, or any combination of student  
 3971 performance and other approved criteria. The procedures must  
 3972 comply with, but are not limited to, the following requirements:

3973 (a) An assessment must be conducted for each employee at  
 3974 least once a year. The assessment must be based upon sound  
 3975 educational principles and contemporary research in effective  
 3976 educational practices. The assessment must primarily use data

3977 and indicators of improvement in student performance assessed  
 3978 annually as specified in s. 1008.22 and may consider results of  
 3979 peer reviews in evaluating the employee's performance. Student  
 3980 performance must be measured by state assessments required under  
 3981 s. 1008.22 and by local assessments for subjects and grade  
 3982 levels not measured by the state assessment program. The  
 3983 assessment criteria must include, but are not limited to,  
 3984 indicators that relate to the following:

- 3985 1. Performance of students.
- 3986 2. Ability to maintain appropriate discipline.
- 3987 3. Knowledge of subject matter. The district school board  
 3988 shall make special provisions for evaluating teachers who are  
 3989 assigned to teach out-of-field.
- 3990 4. Ability to plan and deliver instruction, ~~including~~  
 3991 ~~implementation of the rigorous reading requirement pursuant to~~  
 3992 ~~s. 1003.415, when applicable,~~ and the use of technology in the  
 3993 classroom.
- 3994 5. Ability to evaluate instructional needs.
- 3995 6. Ability to establish and maintain a positive  
 3996 collaborative relationship with students' families to increase  
 3997 student achievement.
- 3998 7. Other professional competencies, responsibilities, and  
 3999 requirements as established by rules of the State Board of  
 4000 Education and policies of the district school board.

4001 Section 56. Section 1012.986, Florida Statutes, is created  
 4002 to read:

4003 1012.986 A+ Professional Development Program for School  
 4004 Leaders.--



4005       (1) ESTABLISHMENT.--There is established the A+  
 4006       Professional Development Program for School Leaders, a high-  
 4007       quality, competency-based, customized, comprehensive, and  
 4008       coordinated statewide professional development program that is  
 4009       aligned with the leadership standards for school leaders adopted  
 4010       by the State Board of Education. The program shall be  
 4011       administered by the Department of Education and shall provide  
 4012       leadership training opportunities for school leaders to enable  
 4013       them to be more effective instructional leaders, especially in  
 4014       the area of reading. The program shall provide school leaders  
 4015       with the opportunity to attain a school leadership designation  
 4016       pursuant to subsection (3).

4017       (2) DEFINITION.--As used in this section, the term "school  
 4018       leader" means a school principal or assistant principal holding  
 4019       a valid Florida certificate in educational leadership.

4020       (3) DESIGNATIONS.--The Department of Education shall  
 4021       develop criteria for designating high-performing school leaders  
 4022       as A+ Emerging School Leaders, A+ High-Performing School  
 4023       Leaders, or A+ Sterling School Leaders. The criteria must  
 4024       emphasize student learning gains, especially in high schools.

4025       (4) PROGRAM REQUIREMENTS.--

4026       (a) The program shall be based upon the leadership  
 4027       standards adopted by the State Board of Education, the standards  
 4028       of the National Staff Development Council, and the federal  
 4029       requirements for high-quality professional development under the  
 4030       No Child Left Behind Act of 2001.

4031       (b) The program shall provide a competency-based approach  
 4032       that utilizes prediagnostic and postdiagnostic evaluations that

4033 shall be used to create an individualized professional  
 4034 development plan approved by the district school superintendent.  
 4035 The plan shall be structured to support the school leader's  
 4036 attainment of the leadership standards adopted by the State  
 4037 Board of Education.

4038 (c) The program shall incorporate instructional leadership  
 4039 training and effective business practices for efficient school  
 4040 operations in school leadership training.

4041 (5) DELIVERY SYSTEM.--The Department of Education shall  
 4042 deliver the program through multiple delivery systems,  
 4043 including:

4044 (a) Approved school district training programs.

4045 (b) Interactive technology-based instruction.

4046 (c) State, regional, or local leadership academies.

4047 (6) RULES.--The State Board of Education shall adopt rules  
 4048 pursuant to ss. 120.536(1) and 120.54 to implement the  
 4049 provisions of this section.

4050 Section 57. Section 1012.987, Florida Statutes, is  
 4051 repealed.

4052 Section 58. Section 1013.381, Florida Statutes, is created  
 4053 to read:

4054 1013.381 Indoor environmental quality.--

4055 (1) Each district school board shall adopt and implement  
 4056 an indoor environmental quality policy which shall provide  
 4057 procedures for periodic surveys of indoor environmental quality  
 4058 issues. The policy may:

4059 (a) Be developed and implemented in accordance with the  
 4060 United States Environmental Protection Agency's Indoor Air

4061 Quality Tools for Schools Program through which training and  
4062 materials shall be provided by the United States Environmental  
4063 Protection Agency at no cost to a school or school district.

4064 (b) Require that the school district provide, monitor, and  
4065 maintain indoor environmental condition performance in  
4066 accordance with American Society of Heating, Refrigerating and  
4067 Air-Conditioning Engineers (ASHRAE) Standard 62.

4068 (c) Require that educational facilities be certified  
4069 semiannually by a professional engineer as meeting ASHRAE  
4070 Standard 62. Upon certification, the school district shall be  
4071 indemnified for the life of the certificate from liability  
4072 related to indoor environmental quality. A school district shall  
4073 provide a copy of the engineer's certification to the  
4074 Commissioner of Education.

4075 (2) Each school participating in the Indoor Air Quality  
4076 Tools for Schools Program training must display its certificate  
4077 of completion in a conspicuous manner.

4078 (3) The State Board of Education shall adopt rules to  
4079 implement the provisions of this section.

4080 Section 59. Subsection (6) of section 1013.512, Florida  
4081 Statutes, is amended to read:

4082 1013.512 Land Acquisition and Facilities Advisory Board.--

4083 (6) Upon certification by the advisory board that  
4084 corrective action has been taken, the Legislative Budget  
4085 Commission shall release all funds remaining in reserve. Upon  
4086 such release, each Land Acquisition and Facilities Advisory  
4087 Board shall be disbanded.

4088 Section 60. Charter School Task Force.--

4089           (1) The Charter School Task Force is established to study  
 4090 and make recommendations regarding charter schools in the state.

4091           (2) The task force shall, at a minimum:

4092           (a) Review current application and sponsorship procedures  
 4093 used throughout the state for the approval of charter schools.

4094           (b) Examine the sponsorship and organizational structure  
 4095 of charter schools in other states.

4096           (c) Investigate alternative means available in the state  
 4097 to implement changes in the sponsorship of charter schools.

4098           (d) Review capital outlay funding for charter schools.

4099           (e) Determine the necessity and most effective methods for  
 4100 the State Board of Education to sanction school districts and  
 4101 charter schools for violation of charter school procedural  
 4102 requirements.

4103           (f) Conduct meetings throughout the state to receive  
 4104 public input and consider policy recommendations on issues  
 4105 related to charter schools.

4106           (g) Issue a final report and recommendations by December  
 4107 31, 2005, to the Governor, the President of the Senate, and the  
 4108 Speaker of the House of Representatives.

4109           (3) The task force shall consist of:

4110           (a) Up to four members of the House of Representatives  
 4111 appointed by the Speaker of the House of Representatives.

4112           (b) Up to four members of the Senate appointed by the  
 4113 President of the Senate.

4114           (c) Five charter school stakeholders appointed by the  
 4115 Governor. The members shall include a representative of a  
 4116 charter school, a representative of a school district, a

4117 representative of a statewide association, and a representative  
4118 with experience in charter school law and may include the  
4119 Commissioner of Education or his or her designee.

4120 (4) The Governor shall appoint the chair of the task force  
4121 from among the appointed members.

4122 (5) Task force members shall serve without compensation  
4123 but are entitled to reimbursement, pursuant to s. 112.061,  
4124 Florida Statutes, for per diem and travel expenses incurred in  
4125 the performance of their official duties.

4126 (6) The Department of Education shall provide staff  
4127 support for the task force.

4128 Section 61. If any provision of this act or the  
4129 application thereof to any person or circumstance is held  
4130 invalid, the invalidity shall not affect other provisions or  
4131 applications of the act which can be given effect without the  
4132 invalid provision or application and, to this end, the  
4133 provisions of this act are declared severable.

4134 Section 62. This act shall take effect upon becoming a  
4135 law, except that ss. 1003.035, 1011.6855 and 1012.2305, Florida  
4136 Statutes, as created by this act, shall take effect on the  
4137 effective date of an amendment to s.1, Art. IX of the State  
4138 Constitution approved by the electors that requires district  
4139 average maximum class sizes and minimum pay for teachers.