

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
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619

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

(2) IMPLEMENTATION.--

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

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

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

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

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

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

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 should
2127 be taught in a factual manner based on genuine history. The
2128 curriculum should include instruction on the universal
2129 principles stated in the United States Constitution and the
2130 Declaration of Independence.

2131 ~~(h)(f)~~ The history of the Holocaust (1933-1945), the
2132 systematic, planned annihilation of European Jews and other
2133 groups by Nazi Germany, a watershed event in the history of
2134 humanity, to be taught in a manner that leads to an
2135 investigation of human behavior, an understanding of the
2136 ramifications of prejudice, racism, and stereotyping, and an
2137 examination of what it means to be a responsible and respectful
2138 person, for the purposes of encouraging tolerance of diversity
2139 in a pluralistic society and for nurturing and protecting
2140 democratic values and institutions.

2141 ~~(i)(g)~~ The history of African Americans, including the
2142 history of African peoples before the political conflicts that
2143 led to the development of slavery, the passage to America, the
2144 enslavement experience, abolition, and the contributions of
2145 African Americans to society.

2146 (j)~~(h)~~ The elementary principles of agriculture.

2147 (k)~~(i)~~ The true effects of all alcoholic and intoxicating

2148 liquors and beverages and narcotics upon the human body and

2149 mind.

2150 (l)~~(j)~~ Kindness to animals.

2151 ~~(k) The history of the state.~~

2152 (m)~~(l)~~ The conservation of natural resources.

2153 (n)~~(m)~~ Comprehensive health education that addresses

2154 concepts of community health; consumer health; environmental

2155 health; family life, including an awareness of the benefits of

2156 sexual abstinence as the expected standard and the consequences

2157 of teenage pregnancy; ~~mental and emotional health;~~ injury

2158 prevention and safety; nutrition; personal health; prevention

2159 and control of disease; and substance use and abuse.

2160 (o)~~(n)~~ Such additional materials, subjects, courses, or

2161 fields in such grades as are prescribed by law or by rules of

2162 the State Board of Education and the district school board in

2163 fulfilling the requirements of law.

2164 (p)~~(o)~~ The study of Hispanic contributions to the United

2165 States.

2166 (q)~~(p)~~ The study of women's contributions to the United

2167 States.

2168 (r) The nature and importance of free enterprise to the

2169 United States economy.

2170 (s)~~(q)~~ A character-development program in the elementary

2171 schools, similar to Character First or Character Counts, which

2172 is secular in nature and ~~stresses such character qualities as~~

2173 ~~attentiveness, patience, and initiative.~~ Beginning in school

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

2184 (t)~~(r)~~ In order to encourage patriotism, the sacrifices
 2185 that veterans have made in serving our country and protecting
 2186 democratic values worldwide. Such instruction must occur on or
 2187 before Veterans' Day and Memorial Day. Members of the
 2188 instructional staff are encouraged to use the assistance of
 2189 local veterans when practicable.

2190 Section 24. Paragraph (g) of subsection (1) of section
 2191 1003.43, Florida Statutes, is amended to read:

2192 1003.43 General requirements for high school graduation.--

2193 (1) Graduation requires successful completion of either a
 2194 minimum of 24 academic credits in grades 9 through 12 or an
 2195 International Baccalaureate curriculum. The 24 credits shall be
 2196 distributed as follows:

2197 (g) One-half credit in American government, including
 2198 study of the Declaration of Independence and the Constitution of
 2199 the United States. For students entering the 9th grade in the
 2200 1997-1998 school year and thereafter, the study of Florida
 2201 government, including study of the State Constitution, the three

2202 | branches of state government, and municipal and county
 2203 | government, shall be included as part of the required study of
 2204 | American government.

2205 |
 2206 | District school boards may award a maximum of one-half credit in
 2207 | social studies and one-half elective credit for student
 2208 | completion of nonpaid voluntary community or school service
 2209 | work. Students choosing this option must complete a minimum of
 2210 | 75 hours of service in order to earn the one-half credit in
 2211 | either category of instruction. Credit may not be earned for
 2212 | service provided as a result of court action. District school
 2213 | boards that approve the award of credit for student volunteer
 2214 | service shall develop guidelines regarding the award of the
 2215 | credit, and school principals are responsible for approving
 2216 | specific volunteer activities. A course designated in the Course
 2217 | Code Directory as grade 9 through grade 12 that is taken below
 2218 | the 9th grade may be used to satisfy high school graduation
 2219 | requirements or Florida Academic Scholars award requirements as
 2220 | specified in a district school board's student progression plan.
 2221 | A student shall be granted credit toward meeting the
 2222 | requirements of this subsection for equivalent courses, as
 2223 | identified pursuant to s. 1007.271(6), taken through dual
 2224 | enrollment.

2225 | Section 25. Section 1003.57, Florida Statutes, is amended
 2226 | to read:

2227 | 1003.57 Exceptional students instruction.--

2228 | (1) Each district school board shall provide for an
 2229 | appropriate program of special instruction, facilities, and

2230 services for exceptional students as prescribed by the State
 2231 Board of Education as acceptable, including provisions that:

2232 (a)~~(1)~~ The district school board provide the necessary
 2233 professional services for diagnosis and evaluation of
 2234 exceptional students.

2235 (b)~~(2)~~ The district school board provide the special
 2236 instruction, classes, and services, either within the district
 2237 school system, in cooperation with other district school
 2238 systems, or through contractual arrangements with approved
 2239 private schools or community facilities that meet standards
 2240 established by the commissioner.

2241 (c)~~(3)~~ The district school board annually provide
 2242 information describing the Florida School for the Deaf and the
 2243 Blind and all other programs and methods of instruction
 2244 available to the parent of a sensory-impaired student.

2245 (d)~~(4)~~ The district school board, once every 3 years,
 2246 submit to the department its proposed procedures for the
 2247 provision of special instruction and services for exceptional
 2248 students.

2249 (e)~~(5)~~ No student be given special instruction or services
 2250 as an exceptional student until after he or she has been
 2251 properly evaluated, classified, and placed in the manner
 2252 prescribed by rules of the State Board of Education. The parent
 2253 of an exceptional student evaluated and placed or denied
 2254 placement in a program of special education shall be notified of
 2255 each such evaluation and placement or denial. Such notice shall
 2256 contain a statement informing the parent that he or she is
 2257 entitled to a due process hearing on the identification,

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

2284 (f) ~~(6)~~ In providing for the education of exceptional
 2285 students, the district school superintendent, principals, and

2286 teachers shall utilize the regular school facilities and adapt
 2287 them to the needs of exceptional students to the maximum extent
 2288 appropriate. Segregation of exceptional students shall occur
 2289 only if the nature or severity of the exceptionality is such
 2290 that education in regular classes with the use of supplementary
 2291 aids and services cannot be achieved satisfactorily.

2292 (g)~~(7)~~ In addition to the services agreed to in a
 2293 student's individual education plan, the district school
 2294 superintendent shall fully inform the parent of a student having
 2295 a physical or developmental disability of all available services
 2296 that are appropriate for the student's disability. The
 2297 superintendent shall provide the student's parent with a summary
 2298 of the student's rights.

2299 (2) (a) An exceptional student with a disability who
 2300 resides in a residential facility and receives special
 2301 instruction or services is considered a resident of the state in
 2302 which the parent is a resident. The cost of such instruction,
 2303 facilities, and services for a nonresident exceptional student
 2304 with a disability shall be provided by the placing authority,
 2305 such as a public school entity, other placing authority, or
 2306 parent, in the parent's state of residence. A nonresident
 2307 exceptional student with a disability who resides in a
 2308 residential facility may not be reported by any school district
 2309 for FTE funding in the Florida Education Finance Program.

2310 (b) The Department of Education shall provide to each
 2311 school district a statement of the specific limitations of the
 2312 district's financial obligation for exceptional students with
 2313 disabilities under federal and state law. The department shall

2314 also provide to each school district technical assistance as
 2315 necessary for developing a local plan to impose on a parent's
 2316 state of residence the fiscal responsibility for educating a
 2317 nonresident exceptional student with a disability.

2318 (c) The Department of Education shall develop a process by
 2319 which a school district must, before providing services to an
 2320 exceptional student with a disability who resides in a
 2321 residential facility in this state, review the residency of the
 2322 student. The residential facility, not the district, is
 2323 responsible for billing and collecting from the parent's state
 2324 of residence for the nonresident student's educational and
 2325 related services.

2326 (d) This subsection applies to any nonresident exceptional
 2327 student with a disability who resides in a residential facility
 2328 and who receives instruction as an exceptional student with a
 2329 disability in any type of residential facility in this state,
 2330 including, but not limited to, a private school, a group home
 2331 facility as defined in s. 393.063, an intensive residential
 2332 treatment program for children and adolescents as defined in s.
 2333 395.002, a facility as defined in s. 394.455, an intermediate
 2334 care facility for the developmentally disabled or ICF/DD as
 2335 defined in s. 393.063 or s. 400.960, or a community residential
 2336 home as defined in s. 419.001.

2337 (3) Notwithstanding s. 1000.21(5), for purposes of this
 2338 section, the term "parent" is defined as either or both parents
 2339 of a student or any guardian of a student.

2340 (4) The State Board of Education may adopt rules pursuant
 2341 to ss. 120.536(1) and 120.54 to implement the provisions of this

2342 section relating to determination of the residency of an
 2343 exceptional student with a disability.

2344 Section 26. Section 1003.575, Florida Statutes, is created
 2345 to read:

2346 1003.575 Individual education plans for exceptional
 2347 students.--The Department of Education shall coordinate the
 2348 development of an individual education plan (IEP) form for use
 2349 in developing and implementing individual education plans for
 2350 exceptional students. The IEP form shall have a streamlined
 2351 format and shall be compatible with federal standards. The
 2352 department shall make the IEP form available to each school
 2353 district in the state to facilitate the use of an existing IEP
 2354 when a student transfers from one school district to another.

2355 Section 27. Subsection (3) of section 1003.58, Florida
 2356 Statutes, is amended to read:

2357 1003.58 Students in residential care facilities.--Each
 2358 district school board shall provide educational programs
 2359 according to rules of the State Board of Education to students
 2360 who reside in residential care facilities operated by the
 2361 Department of Children and Family Services.

2362 (3) The district school board shall have full and complete
 2363 authority in the matter of the assignment and placement of such
 2364 students in educational programs. The parent of an exceptional
 2365 student shall have the same due process rights as are provided
 2366 under s. 1003.57(1)(e) ~~(5)~~.

2367
 2368 Notwithstanding the provisions herein, the educational program
 2369 at the Marianna Sunland Center in Jackson County shall be

2370 operated by the Department of Education, either directly or
 2371 through grants or contractual agreements with other public or
 2372 duly accredited educational agencies approved by the Department
 2373 of Education.

2374 Section 28. Paragraph (a) of subsection (1) and paragraph
 2375 (a) of subsection (2) of section 1003.62, Florida Statutes, are
 2376 amended to read:

2377 1003.62 Academic performance-based charter school
 2378 districts.--The State Board of Education may enter into a
 2379 performance contract with district school boards as authorized
 2380 in this section for the purpose of establishing them as academic
 2381 performance-based charter school districts. The purpose of this
 2382 section is to examine a new relationship between the State Board
 2383 of Education and district school boards that will produce
 2384 significant improvements in student achievement, while complying
 2385 with constitutional and statutory requirements assigned to each
 2386 entity.

2387 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

2388 (a) A school district shall be eligible for designation as
 2389 an academic performance-based charter school district if it is a
 2390 high-performing school district in which a minimum of 50 percent
 2391 of the schools earn a ~~performance~~ grade of category "A" or "B"
 2392 and in which no school earns a ~~performance~~ grade of category "D"
 2393 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools
 2394 that receive a ~~performance~~ grade of category "I" or "N" shall
 2395 not be included in this calculation. The performance contract
 2396 for a school district that earns a charter based on school
 2397 ~~performance~~ grades shall be predicated on maintenance of at

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

2407 | (2) EXEMPTION FROM STATUTES AND RULES.--

2408 | (a) An academic performance-based charter school district
 2409 | shall operate in accordance with its charter and shall be exempt
 2410 | from certain State Board of Education rules and statutes if the
 2411 | State Board of Education determines such an exemption will
 2412 | assist the district in maintaining or improving its high-
 2413 | performing status pursuant to paragraph (1)(a). However, the
 2414 | State Board of Education may not exempt an academic performance-
 2415 | based charter school district from any of the following
 2416 | statutes:

- 2417 | 1. Those statutes pertaining to the provision of services
 2418 | to students with disabilities.
- 2419 | 2. Those statutes pertaining to civil rights, including s.
 2420 | 1000.05, relating to discrimination.
- 2421 | 3. Those statutes pertaining to student health, safety,
 2422 | and welfare.
- 2423 | 4. Those statutes governing the election or compensation
 2424 | of district school board members.

2425 5. Those statutes pertaining to the student assessment
2426 program and the school grading system, including chapter 1008.

2427 6. Those statutes pertaining to financial matters,
2428 including chapter 1010.

2429 7. Those statutes pertaining to planning and budgeting,
2430 including chapter 1011, except that ss. 1011.64 and 1011.69
2431 shall be eligible for exemption.

2432 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),
2433 relating to performance-pay and differentiated-pay policies for
2434 school administrators and instructional personnel. Professional
2435 service contracts shall be subject to the provisions of ss.
2436 1012.33 and 1012.34.

2437 9. Those statutes pertaining to educational facilities,
2438 including chapter 1013, except as specified under contract with
2439 the State Board of Education. However, no contractual provision
2440 that could have the effect of requiring the appropriation of
2441 additional capital outlay funds to the academic performance-
2442 based charter school district shall be valid.

2443 Section 29. Paragraph (e) of subsection (2) of section
2444 1005.22, Florida Statutes, is amended to read:

2445 1005.22 Powers and duties of commission.--

2446 (2) The commission may:

2447 (e) Advise the Governor, the Legislature, the State Board
2448 of Education, ~~the Council for Education Policy Research and~~
2449 ~~Improvement~~, and the Commissioner of Education on issues
2450 relating to private postsecondary education.

2451 Section 30. Subsection (3) of section 1007.33, Florida
2452 Statutes, is amended to read:

2453 1007.33 Site-determined baccalaureate degree access.--

2454 (3) A community college may develop a proposal to deliver
 2455 specified baccalaureate degree programs in its district to meet
 2456 local workforce needs. The proposal must be submitted to the
 2457 State Board of Education for approval. The community college's
 2458 proposal must include the following information:

2459 (a) Demand for the baccalaureate degree program is
 2460 identified by the workforce development board, local businesses
 2461 and industry, local chambers of commerce, and potential
 2462 students.

2463 (b) Unmet need for graduates of the proposed degree
 2464 program is substantiated.

2465 (c) The community college has the facilities and academic
 2466 resources to deliver the program.

2467
 2468 ~~The proposal must be submitted to the Council for Education~~
 2469 ~~Policy Research and Improvement for review and comment.~~ Upon
 2470 approval of the State Board of Education for the specific degree
 2471 program or programs, the community college shall pursue regional
 2472 accreditation by the Commission on Colleges of the Southern
 2473 Association of Colleges and Schools. Any additional
 2474 baccalaureate degree programs the community college wishes to
 2475 offer must be approved by the State Board of Education.

2476 Section 31. Paragraph (f) of subsection (1), paragraphs
 2477 (c) and (e) of subsection (3), and subsection (9) of section
 2478 1008.22, Florida Statutes, are amended, subsection (10) is
 2479 renumbered as subsection (11), and a new subsection (10) is
 2480 added to said section, to read:

2481 1008.22 Student assessment program for public schools.--

2482 (1) PURPOSE.--The primary purposes of the student
 2483 assessment program are to provide information needed to improve
 2484 the public schools by enhancing the learning gains of all
 2485 students and to inform parents of the educational progress of
 2486 their public school children. The program must be designed to:

2487 (f) Provide information on the performance of Florida
 2488 students compared with other students ~~others~~ across the United
 2489 States.

2490 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 2491 design and implement a statewide program of educational
 2492 assessment that provides information for the improvement of the
 2493 operation and management of the public schools, including
 2494 schools operating for the purpose of providing educational
 2495 services to youth in Department of Juvenile Justice programs.
 2496 The commissioner may enter into contracts for the continued
 2497 administration of the assessment, testing, and evaluation
 2498 programs authorized and funded by the Legislature. Contracts may
 2499 be initiated in 1 fiscal year and continue into the next and may
 2500 be paid from the appropriations of either or both fiscal years.
 2501 The commissioner is authorized to negotiate for the sale or
 2502 lease of tests, scoring protocols, test scoring services, and
 2503 related materials developed pursuant to law. Pursuant to the
 2504 statewide assessment program, the commissioner shall:

2505 (c) Develop and implement a student achievement testing
 2506 program known as the Florida Comprehensive Assessment Test
 2507 (FCAT) as part of the statewide assessment program, ~~to be~~
 2508 ~~administered annually in grades 3 through 10~~ to measure reading,

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

2515 1. The tests measure student skills and competencies
 2516 adopted by the State Board of Education as specified in
 2517 paragraph (a). The tests must measure and report student
 2518 proficiency levels in reading, writing, mathematics, and
 2519 science. The commissioner shall provide for the tests to be
 2520 developed or obtained, as appropriate, through contracts and
 2521 project agreements with private vendors, public vendors, public
 2522 agencies, postsecondary educational institutions, or school
 2523 districts. The commissioner shall obtain input with respect to
 2524 the design and implementation of the testing program from state
 2525 educators and the public.

2526 2. The testing program will include a combination of norm-
 2527 referenced and criterion-referenced tests and include, to the
 2528 extent determined by the commissioner, questions that require
 2529 the student to produce information or perform tasks in such a
 2530 way that the skills and competencies he or she uses can be
 2531 measured.

2532 3. Each testing program, whether at the elementary,
 2533 middle, or high school level, includes a test of writing in
 2534 which students are required to produce writings that are then
 2535 scored by appropriate methods.

2536 4. A score is designated for each subject area tested,
2537 below which score a student's performance is deemed inadequate.
2538 The school districts shall provide appropriate remedial
2539 instruction to students who score below these levels.

2540 5. Except as provided in s. 1003.43(11)(b), students must
2541 earn a passing score on the grade 10 assessment test described
2542 in this paragraph or on an alternate assessment as described in
2543 subsection (9) in reading, writing, and mathematics to qualify
2544 for a regular high school diploma. The State Board of Education
2545 shall designate a passing score for each part of the grade 10
2546 assessment test. In establishing passing scores, the state board
2547 shall consider any possible negative impact of the test on
2548 minority students. ~~All students who took the grade 10 FCAT~~
2549 ~~during the 2000-2001 school year shall be required to earn the~~
2550 ~~passing scores in reading and mathematics established by the~~
2551 ~~State Board of Education for the March 2001 test administration.~~
2552 ~~Such students who did not earn the established passing scores~~
2553 ~~and must repeat the grade 10 FCAT are required to earn the~~
2554 ~~passing scores established for the March 2001 test~~
2555 ~~administration. All students who take the grade 10 FCAT for the~~
2556 ~~first time in March 2002 shall be required to earn the passing~~
2557 ~~scores in reading and mathematics established by the State Board~~
2558 ~~of Education for the March 2002 test administration.~~ The State
2559 Board of Education shall adopt rules which specify the passing
2560 scores for the grade 10 FCAT. Any such rules, which have the
2561 effect of raising the required passing scores, shall only apply
2562 to students taking the grade 10 FCAT for the first time after
2563 such rules are adopted by the State Board of Education.

2564 6. Participation in the testing program is mandatory for
2565 all students attending public school, including students served
2566 in Department of Juvenile Justice programs, except as otherwise
2567 prescribed by the commissioner. If a student does not
2568 participate in the statewide assessment, the district must
2569 notify the student's parent and provide the parent with
2570 information regarding the implications of such nonparticipation.
2571 If modifications are made in the student's instruction to
2572 provide accommodations that would not be permitted on the
2573 statewide assessment tests, the district must notify the
2574 student's parent of the implications of such instructional
2575 modifications. A parent must provide signed consent for a
2576 student to receive instructional modifications that would not be
2577 permitted on the statewide assessments and must acknowledge in
2578 writing that he or she understands the implications of such
2579 accommodations. The State Board of Education shall adopt rules,
2580 based upon recommendations of the commissioner, for the
2581 provision of test accommodations and modifications of procedures
2582 as necessary for students in exceptional education programs and
2583 for students who have limited English proficiency.
2584 Accommodations that negate the validity of a statewide
2585 assessment are not allowable.

2586 7. A student seeking an adult high school diploma must
2587 meet the same testing requirements that a regular high school
2588 student must meet.

2589 8. District school boards must provide instruction to
2590 prepare students to demonstrate proficiency in the skills and
2591 competencies necessary for successful grade-to-grade progression

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

2601 9. The Department of Education must develop, or select,
 2602 and implement a common battery of assessment tools that will be
 2603 used in all juvenile justice programs in the state. These tools
 2604 must accurately measure the skills and competencies established
 2605 in the Florida Sunshine State Standards.

2606
 2607 The commissioner may design and implement student testing
 2608 programs, for any grade level and subject area, necessary to
 2609 effectively monitor educational achievement in the state.

2610 (e) Conduct ongoing research and analysis of student
 2611 achievement data, including, without limitation, monitoring
 2612 trends in student achievement by grade level and overall student
 2613 achievement, identifying school programs that are successful,
 2614 and analyzing correlates of school achievement.

2615 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

2616 (a) The State Board of Education shall conduct concordance
 2617 studies, as necessary, to determine scores on the SAT and the
 2618 ACT equivalent to those required on the FCAT for high school
 2619 graduation pursuant to s. 1003.429(6) (a) or s. 1003.43(5) (a).

2620 (b)~~(a)~~ The Commissioner of Education shall approve the use
2621 of the SAT and ACT tests as alternative assessments to the grade
2622 10 FCAT ~~for the 2003-2004 school year~~. Students who attain
2623 scores on the SAT or ACT which equate to the passing scores on
2624 the grade 10 FCAT for purposes of high school graduation shall
2625 satisfy the assessment requirement for a standard high school
2626 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~
2627 ~~the 2003-2004 school year~~ if the students meet the requirement
2628 in paragraph (c)~~(b)~~.

2629 (c)~~(b)~~ A student shall be required to take each subject
2630 area of the grade 10 FCAT a total of three times without earning
2631 a passing score in order to use the corresponding subject area
2632 scores on an alternative assessment pursuant to paragraph
2633 (b)~~(a)~~. This requirement shall not apply to a new student who
2634 enters is a new student to the Florida public school system in
2635 grade 12, who may either take the FCAT or use approved score
2636 equivalencies to fulfill the graduation requirement.

2637 (10) REPORTS.--The Department of Education shall annually
2638 provide a report to the Governor, the President of the Senate,
2639 and the Speaker of the House of Representatives on the
2640 following:

2641 (a) Longitudinal performance of students in mathematics
2642 and reading.

2643 (b) Longitudinal performance of students by grade level in
2644 mathematics and reading.

2645 (c) Longitudinal performance regarding efforts to close
2646 the achievement gap.

2647 (d) Longitudinal performance of students on the norm-
 2648 referenced component of the FCAT.

2649 (e) Other student performance data based on national norm-
 2650 referenced and criterion-referenced tests, when available, and
 2651 numbers of students who after 8th grade enroll in adult
 2652 education rather than other secondary education.

2653 Section 32. Paragraph (b) of subsection (4) and paragraph
 2654 (b) of subsection (8) of section 1008.25, Florida Statutes, are
 2655 amended, and paragraph (c) is added to subsection (8) of said
 2656 section, to read:

2657 1008.25 Public school student progression; remedial
 2658 instruction; reporting requirements.--

2659 (4) ASSESSMENT AND REMEDIATION.--

2660 (b) The school in which the student is enrolled must
 2661 develop, in consultation with the student's parent, and must
 2662 implement an academic improvement plan designed to assist the
 2663 student in meeting state and district expectations for
 2664 proficiency. For a student for whom a personalized middle school
 2665 success plan is required pursuant to s. 1003.415, the middle
 2666 school success plan must be incorporated in the student's
 2667 academic improvement plan. Beginning with the 2002-2003 school
 2668 year, if the student has been identified as having a deficiency
 2669 in reading, the academic improvement plan shall identify the
 2670 student's specific areas of deficiency in phonemic awareness,
 2671 phonics, fluency, comprehension, and vocabulary; the desired
 2672 levels of performance in these areas; and the instructional and
 2673 support services to be provided to meet the desired levels of
 2674 performance. Schools shall also provide for the frequent

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

2684 (8) ANNUAL REPORT.--

2685 (b) ~~Beginning with the 2001-2002 school year,~~ Each
 2686 district school board must annually publish in the local
 2687 newspaper, and report in writing to the State Board of Education
 2688 by September 1 of each year, the following information on the
 2689 prior school year:

2690 1. The provisions of this section relating to public
 2691 school student progression and the district school board's
 2692 policies and procedures on student retention and promotion.

2693 2. By grade, the number and percentage of all students in
 2694 grades 3 through 10 performing at Levels 1 and 2 on the reading
 2695 portion of the FCAT.

2696 3. By grade, the number and percentage of all students
 2697 retained in grades 3 through 10.

2698 4. Information on the total number of students who were
 2699 promoted for good cause, by each category of good cause as
 2700 specified in paragraph (6) (b) .

2701 5. Any revisions to the district school board's policy on
 2702 student retention and promotion from the prior year.

2703 (c) The Department of Education shall establish a uniform
 2704 format for school districts to report the information required
 2705 in paragraph (b). The format shall be developed with input from
 2706 school districts and shall be provided not later than 60 days
 2707 prior to the annual due date. The department shall annually
 2708 compile the information required in subparagraphs (b)2., 3., and
 2709 4., along with state-level summary information, and report such
 2710 information to the Governor, the President of the Senate, and
 2711 the Speaker of the House of Representatives.

2712 Section 33. Section 1008.301, Florida Statutes, is
 2713 repealed.

2714 Section 34. Section 1008.31, Florida Statutes, is amended
 2715 to read:

2716 1008.31 Florida's K-20 education performance
 2717 accountability system; legislative intent; public accountability
 2718 and reporting performance based funding; mission, goals, and
 2719 systemwide measures.--

2720 (1) LEGISLATIVE INTENT.--It is the intent of the
 2721 Legislature that:

2722 (a) The performance accountability system implemented to
 2723 assess the effectiveness of Florida's seamless K-20 education
 2724 delivery system provide answers to the following questions in
 2725 relation to its mission and goals:

2726 1. What is the public receiving in return for funds it
 2727 invests in education?

2728 2. How effectively is Florida's K-20 education system
 2729 educating its students?

2730 3. How effectively are the major delivery sectors
 2731 promoting student achievement?

2732 4. How are individual schools and postsecondary education
 2733 institutions performing their responsibility to educate their
 2734 students as measured by how students are performing and how much
 2735 they are learning?

2736 (b) The K-20 education performance accountability system
 2737 be established as a single, unified accountability system with
 2738 multiple components, including, but not limited to, measures of
 2739 adequate yearly progress, individual student learning gains in
 2740 public schools, school grades, and return on investment.

2741 (c) The K-20 education performance accountability system
 2742 comply with the accountability requirements of the "No Child
 2743 Left Behind Act of 2001," Pub. L. No. 107-110.

2744 (d) The State Board of Education recommend to the
 2745 Legislature systemwide performance standards; the Legislature
 2746 establish systemwide performance measures and standards; and the
 2747 systemwide measures and standards provide Floridians with
 2748 information on what the public is receiving in return for the
 2749 funds it invests in education and how well the K-20 system
 2750 educates its students.

2751 (e) The State Board of Education establish performance
 2752 measures and set performance standards for individual components
 2753 of the public education system, including individual schools and
 2754 postsecondary educational institutions, with measures and
 2755 standards based primarily on student achievement.

2756 ~~(2) PERFORMANCE BASED FUNDING.~~

2757 ~~(a) The State Board of Education shall cooperate with each~~
 2758 ~~delivery system to develop proposals for performance-based~~
 2759 ~~funding, using performance measures adopted pursuant to this~~
 2760 ~~section.~~

2761 ~~(b) The State Board of Education proposals must provide~~
 2762 ~~that at least 10 percent of the state funds appropriated for the~~
 2763 ~~K-20 education system are conditional upon meeting or exceeding~~
 2764 ~~established performance standards.~~

2765 ~~(c) The State Board of Education shall adopt guidelines~~
 2766 ~~required to implement performance-based funding that allow 1~~
 2767 ~~year to demonstrate achievement of specified performance~~
 2768 ~~standards prior to a reduction in appropriations pursuant to~~
 2769 ~~this section.~~

2770 ~~(d) By December 1, 2003, the State Board of Education~~
 2771 ~~shall adopt common definitions, measures, standards, and~~
 2772 ~~performance improvement targets required to:~~

2773 ~~1. Use the state core measures and the sector specific~~
 2774 ~~measures to evaluate the progress of each sector of the~~
 2775 ~~educational delivery system toward meeting the systemwide goals~~
 2776 ~~for public education.~~

2777 ~~2. Notify the sectors of their progress in achieving the~~
 2778 ~~specified measures so that they may develop improvement plans~~
 2779 ~~that directly influence decisions about policy, program~~
 2780 ~~development, and management.~~

2781 ~~3. Implement the performance based budgeting system~~
 2782 ~~described in this section.~~

2783 ~~(c) During the 2003-2004 fiscal year, the Department of~~
2784 ~~Education shall collect data required to establish progress,~~
2785 ~~rewards, and sanctions.~~

2786 ~~(f) By December 1, 2004, the Department of Education shall~~
2787 ~~recommend to the Legislature a formula for performance-based~~
2788 ~~funding that applies accountability standards for the individual~~
2789 ~~components of the public education system at every level,~~
2790 ~~kindergarten through graduate school. Effective for the 2004-~~
2791 ~~2005 fiscal year and thereafter, subject to annual legislative~~
2792 ~~approval in the General Appropriations Act, performance-based~~
2793 ~~funds shall be allocated based on the progress, rewards, and~~
2794 ~~sanctions established pursuant to this section.~~

2795 ~~(2)(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--~~

2796 (a) The mission of Florida's K-20 education system shall
2797 be to increase the proficiency of all students within one
2798 seamless, efficient system, by allowing them the opportunity to
2799 expand their knowledge and skills through learning opportunities
2800 and research valued by students, parents, and communities.

2801 (b) The process ~~State Board of Education shall adopt~~
2802 ~~guiding principles~~ for establishing state and sector-specific
2803 standards and measures must be:

- 2804 1. Focused on student success.
- 2805 2. Addressable through policy and program changes.
- 2806 3. Efficient and of high quality.
- 2807 4. Measurable over time.
- 2808 5. Simple to explain and display to the public.
- 2809 6. Aligned with other measures and other sectors to
2810 support a coordinated K-20 education system.

2811 (c) The Department ~~State Board~~ of Education shall maintain
 2812 an accountability system that measures student progress toward
 2813 the following goals:

2814 1. Highest student achievement, as indicated by evidence
 2815 of student learning gains at all levels ~~measured by: student~~
 2816 ~~FCAT performance and annual learning gains; the number and~~
 2817 ~~percentage of schools that improve at least one school~~
 2818 ~~performance grade designation or maintain a school performance~~
 2819 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
 2820 ~~completion rates at all learning levels; and other measures~~
 2821 ~~identified in law or rule.~~

2822 2. Seamless articulation and maximum access, as measured
 2823 by evidence of progression, readiness, and access by targeted
 2824 groups of students identified by the Commissioner of Education~~+~~
 2825 ~~the percentage of students who demonstrate readiness for the~~
 2826 ~~educational level they are entering, from kindergarten through~~
 2827 ~~postsecondary education and into the workforce; the number and~~
 2828 ~~percentage of students needing remediation; the percentage of~~
 2829 ~~Floridians who complete associate, baccalaureate, graduate,~~
 2830 ~~professional, and postgraduate degrees; the number and~~
 2831 ~~percentage of credits that articulate; the extent to which each~~
 2832 ~~set of exit point requirements matches the next set of entrance~~
 2833 ~~point requirements; the degree to which underserved populations~~
 2834 ~~access educational opportunity; the extent to which access is~~
 2835 ~~provided through innovative educational delivery strategies; and~~
 2836 ~~other measures identified in law or rule.~~

2837 3. Skilled workforce and economic development, as measured
 2838 by evidence of employment and earnings: ~~the number and~~

2839 ~~percentage of graduates employed in their areas of preparation;~~
 2840 ~~the percentage of Floridians with high school diplomas and~~
 2841 ~~postsecondary education credentials; the percentage of business~~
 2842 ~~and community members who find that Florida's graduates possess~~
 2843 ~~the skills they need; national rankings; and other measures~~
 2844 ~~identified in law or rule.~~

2845 4. Quality efficient services, as measured by evidence of
 2846 return on investment: cost per completer or graduate; average
 2847 cost per noncompleter at each educational level; cost disparity
 2848 across institutions offering the same degrees; the percentage of
 2849 education customers at each educational level who are satisfied
 2850 with the education provided; and other measures identified in
 2851 law or rule.

2852 5. Other goals as identified by law or rule.

2853 ~~(3)-(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE~~
 2854 ~~DATA COLLECTION.--~~To provide data required to implement
 2855 education performance accountability measures in state and
 2856 federal law, the Commissioner of Education shall initiate and
 2857 maintain strategies to improve data quality and timeliness.

2858 (a) School districts and public postsecondary educational
 2859 institutions shall maintain information systems that will
 2860 provide the State Board of Education, the Board of Governors,
 2861 and the Legislature with information and reports necessary to
 2862 address the specifications of the accountability system. ~~The~~
 2863 ~~State Board of Education shall determine the standards for the~~
 2864 ~~required data.~~ The level of comprehensiveness and quality shall
 2865 be no less than that which was available as of June 30, 2001.

2866 (b) The Commissioner of Education shall determine the
2867 standards for the required data, monitor data quality, and
2868 measure improvements. The commissioner shall report annually to
2869 the State Board of Education, the Board of Governors, the
2870 President of the Senate, and the Speaker of the House of
2871 Representatives data quality indicators and ratings for all
2872 school districts and public postsecondary educational
2873 institutions.

2874 (4) REPORTING OR DATA COLLECTION.--The department shall
2875 coordinate with school districts in developing any reporting or
2876 data collection requirements to address the specifications of
2877 the accountability system. Before establishing any new reporting
2878 or data collection requirements, the department shall utilize
2879 any existing data being collected to reduce duplication and
2880 minimize paperwork.

2881 (5) RULES.--The State Board of Education shall adopt rules
2882 pursuant to ss. 120.536(1) and 120.54 to implement the
2883 provisions of this section.

2884 Section 35. Subsections (1), (2), and (4) of section
2885 1008.33, Florida Statutes, are amended to read:

2886 1008.33 Authority to enforce public school
2887 improvement.--It is the intent of the Legislature that all
2888 public schools be held accountable for students performing at
2889 acceptable levels. A system of school improvement and
2890 accountability that assesses student performance by school,
2891 identifies schools in which students are not making adequate
2892 progress toward state standards, institutes appropriate measures
2893 for enforcing improvement, and provides rewards and sanctions

2894 based on performance shall be the responsibility of the State
 2895 Board of Education.

2896 (1) Pursuant to Art. IX of the State Constitution
 2897 prescribing the duty of the State Board of Education to
 2898 supervise Florida's public school system and notwithstanding any
 2899 other statutory provisions to the contrary, the State Board of
 2900 Education shall intervene in the operation of a district school
 2901 system when one or more schools in the school district have
 2902 failed to make adequate progress for 2 school years in a 4-year
 2903 period. For purposes of determining when a school is eligible
 2904 for state board action and opportunity scholarships for its
 2905 students, the terms "2 years in any 4-year period" and "2 years
 2906 in a 4-year period" mean that in any year that a school has a
 2907 grade of "F," the school is eligible for state board action and
 2908 opportunity scholarships for its students if it also has had a
 2909 grade of "F" in any of the previous 3 school years. The State
 2910 Board of Education may determine that the school district or
 2911 school has not taken steps sufficient for students in the school
 2912 to be academically well served. Considering recommendations of
 2913 the Commissioner of Education, the State Board of Education
 2914 shall recommend action to a district school board intended to
 2915 improve educational services to students in each school that is
 2916 designated with a ~~as~~ performance grade of ~~category~~ "F."
 2917 Recommendations for actions to be taken in the school district
 2918 shall be made only after thorough consideration of the unique
 2919 characteristics of a school, which shall include student
 2920 mobility rates, the number and type of exceptional students
 2921 enrolled in the school, and the availability of options for

2922 improved educational services. The state board shall adopt by
 2923 rule steps to follow in this process. Such steps shall provide
 2924 school districts sufficient time to improve student performance
 2925 in schools and the opportunity to present evidence of assistance
 2926 and interventions that the district school board has
 2927 implemented.

2928 (2) The State Board of Education may recommend one or more
 2929 of the following actions to district school boards to enable
 2930 students in schools designated with a ~~as~~ performance grade of
 2931 ~~category~~ "F" to be academically well served by the public school
 2932 system:

2933 (a) Provide additional resources, change certain
 2934 practices, and provide additional assistance if the state board
 2935 determines the causes of inadequate progress to be related to
 2936 school district policy or practice;

2937 (b) Implement a plan that satisfactorily resolves the
 2938 education equity problems in the school;

2939 (c) Contract for the educational services of the school,
 2940 or reorganize the school at the end of the school year under a
 2941 new school principal who is authorized to hire new staff and
 2942 implement a plan that addresses the causes of inadequate
 2943 progress;

2944 (d) Transfer high-quality teachers, faculty, and staff as
 2945 needed to ensure adequate educational opportunities designed to
 2946 improve the performance of students in a low-performing school;

2947 (e) ~~(d)~~ Allow parents of students in the school to send
 2948 their children to another district school of their choice; or

2949 (f)~~(e)~~ Other action appropriate to improve the school's
 2950 performance.

2951 (4) The State Board of Education may require the
 2952 Department of Education or Chief Financial Officer to withhold
 2953 any transfer of state funds to the school district if, within
 2954 the timeframe specified in state board action, the school
 2955 district has failed to comply with the action ordered to improve
 2956 the district's low-performing schools. Withholding the transfer
 2957 of funds shall occur only after all other recommended actions
 2958 for school improvement have failed to improve performance. The
 2959 State Board of Education may impose the same penalty on any
 2960 district school board that fails to develop and implement a plan
 2961 for assistance and intervention for low-performing schools as
 2962 specified in s. 1001.42(16) (d)~~(e)~~.

2963 Section 36. Section 1008.34, Florida Statutes, is amended
 2964 to read:

2965 1008.34 School grading system; school report cards;
 2966 district ~~performance~~ grade.--

2967 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 2968 prepare annual reports of the results of the statewide
 2969 assessment program which describe student achievement in the
 2970 state, each district, and each school. The commissioner shall
 2971 prescribe the design and content of these reports, which must
 2972 include, without limitation, descriptions of the performance of
 2973 all schools participating in the assessment program and all of
 2974 their major student populations as determined by the
 2975 Commissioner of Education, and must also include the median
 2976 scores of all eligible students who scored at or in the lowest

2977 25th percentile of the state in the previous school year;
 2978 provided, however, that the provisions of s. 1002.22 pertaining
 2979 to student records apply to this section.

2980 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The
 2981 annual report shall identify schools as having one of the
 2982 following grades being in one of the following grade categories
 2983 defined according to rules of the State Board of Education:

- 2984 (a) "A," schools making excellent progress.
- 2985 (b) "B," schools making above average progress.
- 2986 (c) "C," schools making satisfactory progress.
- 2987 (d) "D," schools making less than satisfactory progress.
- 2988 (e) "F," schools failing to make adequate progress.

2989
 2990 Each school designated with a in ~~performance~~ grade of ~~category~~
 2991 "A," making excellent progress, or having improved at least two
 2992 ~~performance~~ grade levels ~~categories~~, shall have greater
 2993 authority over the allocation of the school's total budget
 2994 generated from the FEFP, state categoricals, lottery funds,
 2995 grants, and local funds, as specified in state board rule. The
 2996 rule must provide that the increased budget authority shall
 2997 remain in effect until the school's ~~performance~~ grade declines.

2998 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
 2999 ~~CATEGORIES~~.--All schools shall receive a school grade except
 3000 those alternative schools that receive a school improvement
 3001 rating pursuant to s. 1008.341. Alternative schools may choose
 3002 to receive a school grade pursuant to the provisions of this
 3003 section in lieu of a school improvement rating described in s.

3004 1008.341. School grades ~~performance grade category designations~~
 3005 itemized in subsection (2) shall be based on the following:

3006 (a) Criteria Timeframes. -- A school's grade shall be based
 3007 on a combination of:

3008 1. Student achievement scores ~~School performance grade~~
 3009 ~~category designations shall be based on the school's current~~
 3010 ~~year performance and the school's annual learning gains.~~

3011 2. ~~A school's performance grade category designation shall~~
 3012 ~~be based on a combination of student achievement scores, Student~~
 3013 ~~learning gains as measured by annual FCAT assessments in grades~~
 3014 ~~3 through 10., and~~

3015 3. Improvement of the lowest 25th percentile of students
 3016 ~~in the school in reading, math, or writing on the FCAT~~ Reading,
 3017 ~~unless these students are exhibiting performing above~~
 3018 ~~satisfactory performance.~~

3019 (b) Student assessment data. -- Student assessment data used
 3020 ~~in determining school grades performance grade categories shall~~
 3021 ~~include:~~

3022 1. The aggregate scores of all eligible students enrolled
 3023 ~~in the school who have been assessed on the FCAT.~~

3024 2. The aggregate scores of all eligible students enrolled
 3025 ~~in the school who have been assessed on the FCAT, including~~
 3026 ~~Florida Writes, and who have scored at or in the lowest 25th~~
 3027 ~~percentile of students in the school in reading, math, or~~
 3028 ~~writing, unless these students are exhibiting performing above~~
 3029 ~~satisfactory performance.~~

3030 3. The achievement scores and learning gains of eligible
 3031 students attending alternative schools that provide dropout

3032 prevention and academic intervention services pursuant to s.
3033 1003.53. The term "eligible students" in this subparagraph does
3034 not include students attending an alternative school who are
3035 subject to district school board policies for expulsion for
3036 repeated or serious offenses, who are in dropout retrieval
3037 programs serving students who have officially been designated as
3038 dropouts, or who are in Department of Juvenile Justice operated
3039 and contracted programs. The student performance data for
3040 eligible students identified in this subparagraph shall be
3041 included in the calculation of the home school's grade. For
3042 purposes of this section and s. 1008.341, "home school" means
3043 the school the student was attending when assigned to an
3044 alternative school or the school to which the student would be
3045 assigned if the student left the alternative school. If an
3046 alternative school chooses to be graded pursuant to this
3047 section, student performance data for eligible students
3048 identified in this subparagraph shall not be included in the
3049 home school's grade but shall only be included in calculation of
3050 the alternative school's improvement rating. School districts
3051 must ensure collaboration between the home school and the
3052 alternative school to promote student success.

3053
3054 ~~The Department of Education shall study the effects of mobility~~
3055 ~~on the performance of highly mobile students and recommend~~
3056 ~~programs to improve the performance of such students. The State~~
3057 ~~Board of Education shall adopt appropriate criteria for each~~
3058 ~~school performance grade category. The criteria must also give~~
3059 ~~added weight to student achievement in reading. Schools~~

3060 designated with a ~~as~~ performance grade of ~~category~~ "C," making
 3061 satisfactory progress, shall be required to demonstrate that
 3062 adequate progress has been made by students in the school who
 3063 are in the lowest 25th percentile in reading, math, or writing
 3064 on the FCAT, including Florida Writes, unless these students are
 3065 exhibiting ~~performing~~ above satisfactory performance.

3066 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
 3067 identify each school's performance as having improved, remained
 3068 the same, or declined. This school improvement rating shall be
 3069 based on a comparison of the current year's and previous year's
 3070 student and school performance data. Schools that improve at
 3071 least one ~~performance grade category~~ are eligible for school
 3072 recognition awards pursuant to s. 1008.36.

3073 (5) SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND
 3074 IMPROVEMENT RATING REPORTS.--The Department of Education shall
 3075 annually develop, in collaboration with the school districts, a
 3076 school report card to be delivered to parents throughout each
 3077 school district. The report card shall include the school's
 3078 grade, information regarding school improvement, an explanation
 3079 of school performance as evaluated by the federal No Child Left
 3080 Behind Act of 2001, and indicators of return on investment.
 3081 ~~School performance grade category designations and improvement~~
 3082 ~~ratings shall apply to each school's performance for the year in~~
 3083 ~~which performance is measured. Each school's~~ report card
 3084 ~~designation and rating~~ shall be published annually by the
 3085 department on its website, of Education and the school district
 3086 shall provide the school report card to each parent. Parents
 3087 ~~shall be entitled to an easy to read report card about the~~

3088 ~~designation and rating of the school in which their child is~~
 3089 ~~enrolled.~~

3090 (6)~~(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may
 3091 factor in the performance of schools in calculating any
 3092 performance-based funding policy that is provided for annually
 3093 in the General Appropriations Act.

3094 (7)~~(8)~~ DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report
 3095 required by subsection (1) shall include district ~~performance~~
 3096 grades, which shall consist of weighted district average grades,
 3097 by level, for all elementary schools, middle schools, and high
 3098 schools in the district. A district's weighted average grade
 3099 shall be calculated by weighting individual school grades
 3100 determined pursuant to subsection (2) by school enrollment.

3101 (8)~~(6)~~ RULES.--The State Board of Education shall adopt
 3102 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 3103 provisions of this section.

3104 Section 37. Section 1008.341, Florida Statutes, is created
 3105 to read:

3106 1008.341 School improvement rating for alternative
 3107 schools.--

3108 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 3109 prepare an annual report on the performance of each school
 3110 receiving a school improvement rating pursuant to this section
 3111 provided that the provisions of s. 1002.22 pertaining to student
 3112 records shall apply.

3113 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
 3114 provide dropout prevention and academic intervention services
 3115 pursuant to s. 1003.53 shall receive a school improvement rating

3116 pursuant to this section. The school improvement rating shall
 3117 identify schools as having one of the following ratings defined
 3118 according to rules of the State Board of Education:

3119 (a) "Improving," schools with students making more
 3120 academic progress than when the students were served in their
 3121 home schools.

3122 (b) "Maintaining," schools with students making progress
 3123 equivalent to the progress made when the students were served in
 3124 their home schools.

3125 (c) "Declining," schools with students making less
 3126 academic progress than when the students were served in their
 3127 home schools.

3128
 3129 The school improvement rating shall be based on a comparison of
 3130 the current year and previous year student performance data.
 3131 Schools that improve at least one level or maintain an
 3132 "improving" rating pursuant to this section are eligible for
 3133 school recognition awards pursuant to s. 1008.36.

3134 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
 3135 assessment data used in determining an alternative school's
 3136 school improvement rating shall include:

3137 (a) The aggregate scores of all eligible students who were
 3138 assigned to and enrolled in the school during the October or
 3139 February FTE count, who have been assessed on the FCAT, and who
 3140 have FCAT or comparable scores for the preceding school year.

3141 (b) The aggregate scores of all eligible students who were
 3142 assigned to and enrolled in the school during the October or
 3143 February FTE count, who have been assessed on the FCAT,

3144 including Florida Writes, and who have scored in the lowest 25th
 3145 percentile of students in the state on FCAT Reading.

3146
 3147 The scores of students who are subject to district school board
 3148 policies for expulsion for repeated or serious offenses, who are
 3149 in dropout retrieval programs serving students who have
 3150 officially been designated as dropouts, or who are in Department
 3151 of Juvenile Justice operated and contracted programs shall not
 3152 be included in an alternative school's school improvement
 3153 rating.

3154 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
 3155 alternative school receiving a school improvement rating, the
 3156 Department of Education shall annually identify the percentage
 3157 of students making learning gains as compared to the percentage
 3158 of the same students making learning gains in their home schools
 3159 in the year prior to being assigned to the alternative school.

3160 (5) SCHOOL REPORT CARD.--The Department of Education shall
 3161 annually develop, in collaboration with the school districts, a
 3162 school report card for alternative schools to be delivered to
 3163 parents throughout each school district. The report card shall
 3164 include the school improvement rating, identification of student
 3165 learning gains, information regarding school improvement, an
 3166 explanation of school performance as evaluated by the federal No
 3167 Child Left Behind Act of 2001, and indicators of return on
 3168 investment.

3169 (6) RULES.--The State Board of Education shall adopt rules
 3170 pursuant to ss. 120.536(1) and 120.54 to implement the
 3171 provisions of this section.

3172 Section 38. Subsection (5), paragraphs (b) and (d) of
 3173 subsection (6), and subsection (7) of section 1008.345, Florida
 3174 Statutes, are amended to read:

3175 1008.345 Implementation of state system of school
 3176 improvement and education accountability.--

3177 (5) The commissioner shall report to the Legislature and
 3178 recommend changes in state policy necessary to foster school
 3179 improvement and education accountability. Included in the report
 3180 shall be a list of the schools, including schools operating for
 3181 the purpose of providing educational services to youth in
 3182 Department of Juvenile Justice programs, for which district
 3183 school boards have developed assistance and intervention plans
 3184 and an analysis of the various strategies used by the school
 3185 boards. School reports shall be distributed pursuant to this
 3186 subsection and s. 1001.42(16) (f) ~~(e)~~ and according to rules
 3187 adopted by the State Board of Education.

3188 (6)

3189 (b) Upon request, the department shall provide technical
 3190 assistance and training to any school, including any school
 3191 operating for the purpose of providing educational services to
 3192 youth in Department of Juvenile Justice programs, school
 3193 advisory council, district, or district school board for
 3194 conducting needs assessments, developing and implementing school
 3195 improvement plans, developing and implementing assistance and
 3196 intervention plans, or implementing other components of school
 3197 improvement and accountability. Priority for these services
 3198 shall be given to schools designated with a ~~as a~~ performance grade

3199 of category "D" or "F" and school districts in rural and
 3200 sparsely populated areas of the state.

3201 (d) The department shall assign a community assessment
 3202 team to each school district with a school designated with a ~~as~~
 3203 ~~performance~~ grade of category "D" or "F" to review the school
 3204 performance data and determine causes for the low performance.
 3205 The team shall make recommendations to the school board, to the
 3206 department, and to the State Board of Education for implementing
 3207 an assistance and intervention plan that will address the causes
 3208 of the school's low performance. The assessment team shall
 3209 include, but not be limited to, a department representative,
 3210 parents, business representatives, educators, and community
 3211 activists, and shall represent the demographics of the community
 3212 from which they are appointed.

3213 (7) (a) Schools designated with a ~~in~~ ~~performance~~ grade of
 3214 ~~category~~ "A," making excellent progress, shall, if requested by
 3215 the school, be given deregulated status as specified in s.
 3216 1003.63(5), (7), (8), (9), and (10).

3217 (b) Schools that have improved at least two grades
 3218 ~~performance grade categories~~ and that meet the criteria of the
 3219 Florida School Recognition Program pursuant to s. 1008.36 may be
 3220 given deregulated status as specified in s. 1003.63(5), (7),
 3221 (8), (9), and (10).

3222 Section 39. Subsections (3), (4), and (5) of section
 3223 1008.36, Florida Statutes, are amended to read:

3224 1008.36 Florida School Recognition Program.--

3225 (3) All public schools, including charter schools, that
 3226 receive a school grade pursuant to s. 1008.34 or a school

3227 improvement rating pursuant to s. 1008.341 are eligible to
 3228 participate in the program. For the purpose of this section, a
 3229 school or schools serving any combination of kindergarten
 3230 through grade 3 students that do not receive a school grade
 3231 under s. 1008.34 shall be assigned the school grade of the
 3232 feeder pattern school designated by the Department of Education
 3233 and verified by the school district and shall be eligible to
 3234 participate in the program based on that feeder. A "feeder
 3235 school pattern" is defined as a pattern in which at least 60
 3236 percent of the students in the school not receiving a school
 3237 grade are assigned to the graded school. A feeder pattern school
 3238 shall be subject to the Opportunity Scholarship Program as
 3239 defined in s. 1002.38.

3240 (4) All selected schools shall receive financial awards
 3241 depending on the availability of funds appropriated and the
 3242 number and size of schools selected to receive an award. Funds
 3243 must be distributed to the school's fiscal agent and placed in
 3244 the school's account and must be used for purposes listed in
 3245 subsection (5) as determined by the school advisory council
 3246 pursuant to s. 1001.452 in the annual school improvement plan
 3247 required pursuant to s. 1001.42(16)(a). If such a determination
 3248 is not included in the school improvement plan, the school shall
 3249 not be eligible to receive a financial award jointly by the
 3250 school's staff and school advisory council. If school staff and
 3251 the school advisory council cannot reach agreement by November
 3252 1, the awards must be equally distributed to all classroom
 3253 teachers currently teaching in the school.

3254 (5) School recognition awards must be used for the
 3255 following:

3256 (a) Nonrecurring bonuses to the faculty and staff who
 3257 taught at the school during the year of improved performance;

3258 (b) Nonrecurring expenditures for educational equipment,
 3259 ~~or~~ materials, or student incentives to assist in maintaining and
 3260 improving student performance; or

3261 (c) Temporary personnel for the school to assist in
 3262 maintaining and improving student performance.

3263
 3264 Notwithstanding statutory provisions to the contrary, incentive
 3265 awards are not subject to collective bargaining.

3266 Section 40. Paragraph (h) of subsection (1) of section
 3267 1008.45, Florida Statutes, is amended to read:

3268 1008.45 Community college accountability process.--

3269 (1) It is the intent of the Legislature that a management
 3270 and accountability process be implemented which provides for the
 3271 systematic, ongoing improvement and assessment of the
 3272 improvement of the quality and efficiency of the Florida
 3273 community colleges. Accordingly, the State Board of Education
 3274 and the community college boards of trustees shall develop and
 3275 implement an accountability plan to improve and evaluate the
 3276 instructional and administrative efficiency and effectiveness of
 3277 the Florida Community College System. This plan shall be
 3278 designed in consultation with staff of the Governor and the
 3279 Legislature and must address the following issues:

3280 ~~(h) Other measures as identified by the Council for~~
 3281 ~~Education Policy Research and Improvement and approved by the~~
 3282 ~~State Board of Education.~~

3283 Section 41. Section 1008.51, Florida Statutes, is
 3284 repealed.

3285 Section 42. Paragraphs (f), ((h), (l), (m), and (n) of
 3286 subsection (1) and paragraphs (a) and (b) of subsection (4) of
 3287 section 1011.62, Florida Statutes, are amended, subsections (8)
 3288 and (9) are renumbered as subsections (9) and (10),
 3289 respectively, and amended, and a new subsection (8) is added to
 3290 said section, to read:

3291 1011.62 Funds for operation of schools.--If the annual
 3292 allocation from the Florida Education Finance Program to each
 3293 district for operation of schools is not determined in the
 3294 annual appropriations act or the substantive bill implementing
 3295 the annual appropriations act, it shall be determined as
 3296 follows:

3297 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 3298 OPERATION.--The following procedure shall be followed in
 3299 determining the annual allocation to each district for
 3300 operation:

3301 (f) Supplemental academic instruction; categorical fund.--

3302 1. There is created a categorical fund to provide
 3303 supplemental academic instruction to students in kindergarten
 3304 through grade 12. This paragraph may be cited as the
 3305 "Supplemental Academic Instruction Categorical Fund."

3306 2. Categorical funds for supplemental academic instruction
 3307 shall be allocated annually to each school district in the

3308 amount provided in the General Appropriations Act. These funds
 3309 shall be in addition to the funds appropriated on the basis of
 3310 FTE student membership in the Florida Education Finance Program
 3311 and shall be included in the total potential funds of each
 3312 district. These funds shall be used to provide supplemental
 3313 academic instruction to students enrolled in the K-12 program.
 3314 Supplemental instruction strategies may include, but are not
 3315 limited to: modified curriculum, reading instruction, after-
 3316 school instruction, tutoring, mentoring, class size reduction,
 3317 extended school year, intensive skills development in summer
 3318 school, and other methods for improving student achievement.
 3319 Supplemental instruction may be provided to a student in any
 3320 manner and at any time during or beyond the regular 180-day term
 3321 identified by the school as being the most effective and
 3322 efficient way to best help that student progress from grade to
 3323 grade and to graduate.

3324 3. Effective with the 1999-2000 fiscal year, funding on
 3325 the basis of FTE membership beyond the 180-day regular term
 3326 shall be provided in the FEFP only for students enrolled in
 3327 juvenile justice education programs or in an education program
 3328 for juveniles under s. 985.223. Funding for instruction beyond
 3329 the regular 180-day school year for all other K-12 students
 3330 shall be provided through the supplemental academic instruction
 3331 categorical fund and other state, federal, and local fund
 3332 sources with ample flexibility for schools to provide
 3333 supplemental instruction to assist students in progressing from
 3334 grade to grade and graduating.

3335 4. The Florida State University School, as a lab school,
 3336 is authorized to expend from its FEFP or Lottery Enhancement
 3337 Trust Fund allocation the cost to the student of remediation in
 3338 reading, writing, or mathematics for any graduate who requires
 3339 remediation at a postsecondary educational institution.

3340 5. Beginning in the 1999-2000 school year, dropout
 3341 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 3342 (b), and (c), and 1003.54 shall be included in group 1 programs
 3343 under subparagraph (d)3.

3344 6. Beginning in the 2005-2006 school year, parents of the
 3345 following students shall be offered the opportunity to choose
 3346 supplemental educational services from the school district or
 3347 from a list of providers approved by the Department of
 3348 Education:

3349 a. Third grade students scoring at Level 1 on FCAT Reading
 3350 who are not eligible for supplemental educational services
 3351 through the requirements of Pub. L. No. 107-110.

3352 b. High school students failing grade 10 FCAT Reading or
 3353 grade 10 FCAT Mathematics on their second attempt who are not
 3354 eligible for supplemental educational services through the
 3355 requirements of Pub. L. No. 107-110.

3356
 3357 Funds per student shall be determined annually in the General
 3358 Appropriations Act.

3359 (h) Small, isolated high schools.--Districts which levy
 3360 the maximum nonvoted discretionary millage, exclusive of millage
 3361 for capital outlay purposes levied pursuant to s. 1011.71(2),
 3362 may calculate full-time equivalent students for small, isolated

3363 high schools by multiplying the number of unweighted full-time
3364 equivalent students times 2.75; provided the school has attained
3365 a state accountability ~~performance~~ grade ~~category~~ of "C" or
3366 better, pursuant to s. 1008.34, for the previous school year.
3367 For the purpose of this section, the term "small, isolated high
3368 school" means any high school which is located no less than 28
3369 miles by the shortest route from another high school; which has
3370 been serving students primarily in basic studies provided by
3371 sub-subparagraphs (c)1.b. and c. and may include subparagraph
3372 (c)4.; and which has a membership of no more than 100 students,
3373 but no fewer than 28 students, in grades 9 through 12.

3374 (1) Calculation of additional full-time equivalent
3375 membership based on international baccalaureate examination
3376 scores of students.--A value of 0.24 full-time equivalent
3377 student membership shall be calculated for each student enrolled
3378 in an international baccalaureate course who receives a score of
3379 4 or higher on a subject examination. A value of 0.3 full-time
3380 equivalent student membership shall be calculated for each
3381 student who receives an international baccalaureate diploma.
3382 Such value shall be added to the total full-time equivalent
3383 student membership in basic programs for grades 9 through 12 in
3384 the subsequent fiscal year. The school district shall distribute
3385 to each classroom teacher who provided international
3386 baccalaureate instruction:

3387 1. A bonus in the amount of \$50 for each student taught by
3388 the International Baccalaureate teacher in each international
3389 baccalaureate course who receives a score of 4 or higher on the
3390 international baccalaureate examination.

3391 2. An additional bonus of \$500 to each International
 3392 Baccalaureate teacher in a school designated with a performance
 3393 grade of category "D" or "F" who has at least one student
 3394 scoring 4 or higher on the international baccalaureate
 3395 examination, regardless of the number of classes taught or of
 3396 the number of students scoring a 4 or higher on the
 3397 international baccalaureate examination.

3398
 3399 Bonuses awarded to a teacher according to this paragraph shall
 3400 not exceed \$2,000 in any given school year and shall be in
 3401 addition to any regular wage or other bonus the teacher received
 3402 or is scheduled to receive.

3403 (m) Calculation of additional full-time equivalent
 3404 membership based on Advanced International Certificate of
 3405 Education examination scores of students.--A value of 0.24 full-
 3406 time equivalent student membership shall be calculated for each
 3407 student enrolled in a full-credit Advanced International
 3408 Certificate of Education course who receives a score of 2 or
 3409 higher on a subject examination. A value of 0.12 full-time
 3410 equivalent student membership shall be calculated for each
 3411 student enrolled in a half-credit Advanced International
 3412 Certificate of Education course who receives a score of 1 or
 3413 higher on a subject examination. A value of 0.3 full-time
 3414 equivalent student membership shall be calculated for each
 3415 student who received an Advanced International Certificate of
 3416 Education diploma. Such value shall be added to the total full-
 3417 time equivalent student membership in basic programs for grades
 3418 9 through 12 in the subsequent fiscal year. The school district

3419 shall distribute to each classroom teacher who provided Advanced
 3420 International Certificate of Education instruction:

3421 1. A bonus in the amount of \$50 for each student taught by
 3422 the Advanced International Certificate of Education teacher in
 3423 each full-credit Advanced International Certificate of Education
 3424 course who receives a score of 2 or higher on the Advanced
 3425 International Certificate of Education examination. A bonus in
 3426 the amount of \$25 for each student taught by the Advanced
 3427 International Certificate of Education teacher in each half-
 3428 credit Advanced International Certificate of Education course
 3429 who receives a score of 1 or higher on the Advanced
 3430 International Certificate of Education examination.

3431 2. An additional bonus of \$500 to each Advanced
 3432 International Certificate of Education teacher in a school
 3433 designated with a performance grade of category "D" or "F" who
 3434 has at least one student scoring 2 or higher on the full-credit
 3435 Advanced International Certificate of Education examination,
 3436 regardless of the number of classes taught or of the number of
 3437 students scoring a 2 or higher on the full-credit Advanced
 3438 International Certificate of Education examination.

3439 3. Additional bonuses of \$250 each to teachers of half-
 3440 credit Advanced International Certificate of Education classes
 3441 in a school designated with a performance grade of category "D"
 3442 or "F" which has at least one student scoring a 1 or higher on
 3443 the half-credit Advanced International Certificate of Education
 3444 examination in that class. The maximum additional bonus for a
 3445 teacher awarded in accordance with this subparagraph shall not
 3446 exceed \$500 in any given school year. Teachers receiving an

3447 | award under subparagraph 2. are not eligible for a bonus under
3448 | this subparagraph.

3449 |
3450 | Bonuses awarded to a teacher according to this paragraph shall
3451 | not exceed \$2,000 in any given school year and shall be in
3452 | addition to any regular wage or other bonus the teacher received
3453 | or is scheduled to receive.

3454 | (n) Calculation of additional full-time equivalent
3455 | membership based on college board advanced placement scores of
3456 | students.--A value of 0.24 full-time equivalent student
3457 | membership shall be calculated for each student in each advanced
3458 | placement course who receives a score of 3 or higher on the
3459 | College Board Advanced Placement Examination for the prior year
3460 | and added to the total full-time equivalent student membership
3461 | in basic programs for grades 9 through 12 in the subsequent
3462 | fiscal year. Each district must allocate at least 80 percent of
3463 | the funds provided to the district for advanced placement
3464 | instruction, in accordance with this paragraph, to the high
3465 | school that generates the funds. The school district shall
3466 | distribute to each classroom teacher who provided advanced
3467 | placement instruction:

3468 | 1. A bonus in the amount of \$50 for each student taught by
3469 | the Advanced Placement teacher in each advanced placement course
3470 | who receives a score of 3 or higher on the College Board
3471 | Advanced Placement Examination.

3472 | 2. An additional bonus of \$500 to each Advanced Placement
3473 | teacher in a school designated with a performance grade of
3474 | ~~category~~ "D" or "F" who has at least one student scoring 3 or

3475 higher on the College Board Advanced Placement Examination,
 3476 regardless of the number of classes taught or of the number of
 3477 students scoring a 3 or higher on the College Board Advanced
 3478 Placement Examination.

3479
 3480 Bonuses awarded to a teacher according to this paragraph shall
 3481 not exceed \$2,000 in any given school year and shall be in
 3482 addition to any regular wage or other bonus the teacher received
 3483 or is scheduled to receive.

3484 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
 3485 Legislature shall prescribe the aggregate required local effort
 3486 for all school districts collectively as an item in the General
 3487 Appropriations Act for each fiscal year. The amount that each
 3488 district shall provide annually toward the cost of the Florida
 3489 Education Finance Program for kindergarten through grade 12
 3490 programs shall be calculated as follows:

3491 (a) Estimated taxable value calculations.--

3492 1.a. Not later than 2 working days prior to July 19, the
 3493 Department of Revenue shall certify to the Commissioner of
 3494 Education its most recent estimate of the taxable value for
 3495 school purposes in each school district and the total for all
 3496 school districts in the state for the current calendar year
 3497 based on the latest available data obtained from the local
 3498 property appraisers. Not later than July 19, the Commissioner of
 3499 Education shall compute a millage rate, rounded to the next
 3500 highest one one-thousandth of a mill, which, when applied to 95
 3501 percent of the estimated state total taxable value for school
 3502 purposes, would generate the prescribed aggregate required local

3503 effort for that year for all districts. The Commissioner of
 3504 Education shall certify to each district school board the
 3505 millage rate, computed as prescribed in this subparagraph, as
 3506 the minimum millage rate necessary to provide the district
 3507 required local effort for that year.

3508 b. The General Appropriations Act shall direct the
 3509 computation of the statewide adjusted aggregate amount for
 3510 required local effort for all school districts collectively from
 3511 ad valorem taxes to ensure that no school district's revenue
 3512 from required local effort millage will produce more than 90
 3513 percent of the district's total Florida Education Finance
 3514 Program calculation, and the adjustment of the required local
 3515 effort millage rate of each district that produces more than 90
 3516 percent of its total Florida Education Finance Program
 3517 entitlement to a level that will produce only 90 percent of its
 3518 total Florida Education Finance Program entitlement in the July
 3519 calculation.

3520 2. As revised data are received from property appraisers,
 3521 the Department of Revenue shall amend the certification of the
 3522 estimate of the taxable value for school purposes. The
 3523 Commissioner of Education, in administering the provisions of
 3524 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable
 3525 value for the appropriate year.

3526 (b) Final calculation.--

3527 1. The Department of Revenue shall, upon receipt of the
 3528 official final assessed value of property from each of the
 3529 property appraisers, certify to the Commissioner of Education
 3530 the taxable value total for school purposes in each school

3531 district, subject to the provisions of paragraph (d). The
 3532 commissioner shall use the official final taxable value for
 3533 school purposes for each school district in the final
 3534 calculation of the annual Florida Education Finance Program
 3535 allocations.

3536 2. For the purposes of this paragraph, the official final
 3537 taxable value for school purposes shall be the taxable value for
 3538 school purposes on which the tax bills are computed and mailed
 3539 to the taxpayers, adjusted to reflect final administrative
 3540 actions of value adjustment boards and judicial decisions
 3541 pursuant to part I of chapter 194. By September 1 of each year,
 3542 the Department of Revenue shall certify to the commissioner the
 3543 official prior year final taxable value for school purposes. For
 3544 each county that has not submitted a revised tax roll reflecting
 3545 final value adjustment board actions and final judicial
 3546 decisions, the Department of Revenue shall certify the most
 3547 recent revision of the official taxable value for school
 3548 purposes. The certified value shall be the final taxable value
 3549 for school purposes, and no further adjustments shall be made,
 3550 except those made pursuant to subparagraph (10)~~(9)~~(a)2.

3551 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

3552 (a) The research-based reading instruction allocation is
 3553 created to provide comprehensive reading instruction to students
 3554 in kindergarten through grade 12.

3555 (b) Funds for comprehensive, research-based reading
 3556 instruction shall be allocated annually to each school district
 3557 in the amount provided in the General Appropriations Act. Each
 3558 eligible school district shall receive the same minimum amount

3559 as specified in the General Appropriations Act, and any
3560 remaining funds shall be distributed to eligible school
3561 districts based on each school district's proportionate share of
3562 K-12 base funding.

3563 (c) Funds must be used to provide a system of
3564 comprehensive reading instruction to students enrolled in the K-
3565 12 programs, which may include the following:

3566 1. The provision of highly qualified reading coaches.

3567 2. Professional development for school district teachers
3568 in scientifically based reading instruction.

3569 3. The provision of summer reading camps for students who
3570 score at Level 1 on FCAT Reading.

3571 4. The provision of supplemental instructional materials
3572 that are grounded in scientifically based reading research, and
3573 comprehensive training in their use, for which teachers shall
3574 receive inservice credit. Each school district, in partnership
3575 with the publisher of the material, shall provide the training
3576 and the school district shall certify that the teacher has
3577 achieved mastery in using the material correctly. Data on this
3578 training shall be collected by the Department of Education.

3579 5. The provision of intensive interventions for middle and
3580 high school students reading below grade level.

3581 (d) Annually, by a date determined by the Department of
3582 Education but before May 1, school districts shall submit a plan
3583 for the specific use of the research-based reading instruction
3584 allocation in the format prescribed by the department for review
3585 and approval by the Just Read, Florida! Office created pursuant
3586 to s. 1001.215. The plan annually submitted by school districts

3587 shall be deemed approved unless the department rejects the plan
 3588 on or before June 1. If a school district and the Just Read,
 3589 Florida! Office cannot reach agreement on the contents of the
 3590 plan, the school district may appeal to the State Board of
 3591 Education. The plan format shall be developed with input from
 3592 school district personnel, including teachers and principals,
 3593 and shall allow courses in core, career, and alternative
 3594 programs that deliver intensive reading remediation through
 3595 integrated curricula. No later than July 1 annually, the
 3596 department shall release the school district's allocation of
 3597 appropriated funds to those districts with approved plans. A
 3598 school district that spends 100 percent of this allocation on
 3599 its approved plan shall be deemed to have been in compliance
 3600 with the plan. The department may withhold funds upon a
 3601 determination that reading instruction allocation funds are not
 3602 being used to implement the approved plan.

3603 (9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may
 3604 annually in the General Appropriations Act determine a
 3605 percentage increase in funds per K-12 unweighted FTE as a
 3606 minimum guarantee to each school district. The guarantee shall
 3607 be calculated from prior year base funding per unweighted FTE
 3608 student which shall include the adjusted FTE dollars as provided
 3609 in subsection (10)~~(9)~~, quality guarantee funds, and actual
 3610 nonvoted discretionary local effort from taxes. From the base
 3611 funding per unweighted FTE, the increase shall be calculated for
 3612 the current year. The current year funds from which the
 3613 guarantee shall be determined shall include the adjusted FTE
 3614 dollars as provided in subsection (10)~~(9)~~ and potential nonvoted

3615 discretionary local effort from taxes. A comparison of current
 3616 year funds per unweighted FTE to prior year funds per unweighted
 3617 FTE shall be computed. For those school districts which have
 3618 less than the legislatively assigned percentage increase, funds
 3619 shall be provided to guarantee the assigned percentage increase
 3620 in funds per unweighted FTE student. Should appropriated funds
 3621 be less than the sum of this calculated amount for all
 3622 districts, the commissioner shall prorate each district's
 3623 allocation. This provision shall be implemented to the extent
 3624 specifically funded.

3625 (10)~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 3626 FOR CURRENT OPERATION.--The total annual state allocation to
 3627 each district for current operation for the FEFP shall be
 3628 distributed periodically in the manner prescribed in the General
 3629 Appropriations Act.

3630 (a) The basic amount for current operation for the FEFP as
 3631 determined in subsection (1), multiplied by the district cost
 3632 differential factor as determined in subsection (2), plus the
 3633 amounts provided for categorical components within the FEFP,
 3634 plus the amount for the sparsity supplement as determined in
 3635 subsection (6), the decline in full-time equivalent students as
 3636 determined in subsection (7), the research-based reading
 3637 instruction allocation as determined in subsection (8), and the
 3638 quality assurance guarantee as determined in subsection (9)~~(8)~~,
 3639 less the required local effort as determined in subsection (4).
 3640 If the funds appropriated for the purpose of funding the total
 3641 amount for current operation as provided in this paragraph are
 3642 not sufficient to pay the state requirement in full, the

3643 department shall prorate the available state funds to each
3644 district in the following manner:

3645 1. Determine the percentage of proration by dividing the
3646 sum of the total amount for current operation, as provided in
3647 this paragraph for all districts collectively, and the total
3648 district required local effort into the sum of the state funds
3649 available for current operation and the total district required
3650 local effort.

3651 2. Multiply the percentage so determined by the sum of the
3652 total amount for current operation as provided in this paragraph
3653 and the required local effort for each individual district.

3654 3. From the product of such multiplication, subtract the
3655 required local effort of each district; and the remainder shall
3656 be the amount of state funds allocated to the district for
3657 current operation.

3658 (b) The amount thus obtained shall be the net annual
3659 allocation to each school district. However, if it is determined
3660 that any school district received an underallocation or
3661 overallocation for any prior year because of an arithmetical
3662 error, assessment roll change, full-time equivalent student
3663 membership error, or any allocation error revealed in an audit
3664 report, the allocation to that district shall be appropriately
3665 adjusted. Beginning with audits for the 2001-2002 fiscal year,
3666 if the adjustment is the result of an audit finding in which
3667 group 2 FTE are reclassified to the basic program and the
3668 district weighted FTE are over the weighted enrollment ceiling
3669 for group 2 programs, the adjustment shall not result in a gain
3670 of state funds to the district. If the Department of Education

3671 audit adjustment recommendation is based upon controverted
 3672 findings of fact, the Commissioner of Education is authorized to
 3673 establish the amount of the adjustment based on the best
 3674 interests of the state.

3675 (c) The amount thus obtained shall represent the net
 3676 annual state allocation to each district; however,
 3677 notwithstanding any of the provisions herein, each district
 3678 shall be guaranteed a minimum level of funding in the amount and
 3679 manner prescribed in the General Appropriations Act.

3680 Section 43. Paragraph (a) of subsection (2) of section
 3681 1011.64, Florida Statutes, is amended to read:

3682 1011.64 School district minimum classroom expenditure
 3683 requirements.--

3684 (2) For the purpose of implementing the provisions of this
 3685 section, the Legislature shall prescribe minimum academic
 3686 performance standards and minimum classroom expenditure
 3687 requirements for districts not meeting such minimum academic
 3688 performance standards in the General Appropriations Act.

3689 (a) Minimum academic performance standards may be based
 3690 on, but are not limited to, district ~~performance~~ grades
 3691 determined pursuant to s. 1008.34 (7) ~~(8)~~.

3692 Section 44. Paragraph (b) of subsection (2) of section
 3693 1011.685, Florida Statutes, is amended to read:

3694 1011.685 Class size reduction; operating categorical
 3695 fund.--

3696 (2) Class size reduction operating categorical funds shall
 3697 be used by school districts for the following:

3698 (b) For any lawful operating expenditure, if the district
 3699 has met the constitutional maximums identified in s. 1003.03(1)
 3700 or the reduction of two students per year required by s.
 3701 1003.03(2); however, priority shall be given to increase
 3702 salaries of classroom teachers as defined in s. 1012.01(2)(a)
 3703 and to implement the differentiated-pay provisions detailed in
 3704 s. 1012.2312 salary career ladder defined in s. 1012.231.

3705 Section 45. Section 1011.6855, Florida Statutes, is
 3706 created to read:

3707 1011.6855 Minimum pay for instructional personnel;
 3708 operating categorical fund.--An operating categorical fund is
 3709 created through which funds shall be used to:

3710 (1) Provide minimum pay of \$35,000 or higher as specified
 3711 in the General Appropriations Act for all full-time certified
 3712 instructional personnel identified in s. 1012.01(2)(a)-(d).

3713 (2) Provide elevation funds of at least \$2,000 or higher
 3714 as specified in the General Appropriations Act to increase the
 3715 salary of all full-time certified instructional personnel
 3716 identified in s. 1012.01(2)(a)-(d) who are earning \$33,000 or
 3717 higher.

3718 (3) Provide funds as specified in the General
 3719 Appropriations Act for full-time certified instructional
 3720 personnel identified in s. 1012.01(2)(a)-(d) in order to
 3721 alleviate the impact of any compression of salaries resulting
 3722 from the implementation of subsection (1).

3723
 3724 Operating categorical funds remaining after the obligations in
 3725 subsections (1), (2), and (3) have been met must be used to

3726 reduce the district average class size until the district
 3727 average class size meets the requirements specified in the State
 3728 Constitution. The school district may expend the funds for any
 3729 lawful operating expenditure if the constitutional requirements
 3730 in this section and s. 1011.685 have been met.

3731 Section 46. Subsection (1) of section 1011.71, Florida
 3732 Statutes, is amended to read:

3733 1011.71 District school tax.--

3734 (1) If the district school tax is not provided in the
 3735 General Appropriations Act or the substantive bill implementing
 3736 the General Appropriations Act, each district school board
 3737 desiring to participate in the state allocation of funds for
 3738 current operation as prescribed by s. 1011.62~~(10)~~~~(9)~~ shall levy
 3739 on the taxable value for school purposes of the district,
 3740 exclusive of millage voted under the provisions of s. 9(b) or s.
 3741 12, Art. VII of the State Constitution, a millage rate not to
 3742 exceed the amount certified by the commissioner as the minimum
 3743 millage rate necessary to provide the district required local
 3744 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
 3745 addition to the required local effort millage levy, each
 3746 district school board may levy a nonvoted current operating
 3747 discretionary millage. The Legislature shall prescribe annually
 3748 in the appropriations act the maximum amount of millage a
 3749 district may levy. The millage rate prescribed shall exceed zero
 3750 mills but shall not exceed the lesser of 1.6 mills or 25 percent
 3751 of the millage which is required pursuant to s. 1011.62(4),
 3752 exclusive of millage levied pursuant to subsection (2).

3753 Section 47. Subsection (6) is added to section 1012.21,
 3754 Florida Statutes, to read:

3755 1012.21 Department of Education duties; K-12 personnel.--

3756 (6) REPORTING.--The Department of Education shall annually
 3757 post online the collective bargaining contracts of each school
 3758 district received pursuant to s. 1012.22. The department shall
 3759 prescribe the computer format for district school boards to
 3760 provide the information.

3761 Section 48. Paragraph (c) of subsection (1) of section
 3762 1012.22, Florida Statutes, is amended, and subsection (3) is
 3763 added to said section, to read:

3764 1012.22 Public school personnel; powers and duties of the
 3765 district school board.--The district school board shall:

3766 (1) Designate positions to be filled, prescribe
 3767 qualifications for those positions, and provide for the
 3768 appointment, compensation, promotion, suspension, and dismissal
 3769 of employees as follows, subject to the requirements of this
 3770 chapter:

3771 (c) Compensation and salary schedules.--

3772 1. The district school board shall adopt a salary schedule
 3773 or salary schedules designed to furnish incentives for
 3774 improvement in training and for continued efficient service to
 3775 be used as a basis for paying all school employees and fix and
 3776 authorize the compensation of school employees on the basis
 3777 thereof.

3778 2. A district school board, in determining the salary
 3779 schedule for instructional personnel, must base a portion of
 3780 each employee's compensation on performance demonstrated under

3781 s. 1012.34, must consider the prior teaching experience of a
 3782 person who has been designated state teacher of the year by any
 3783 state in the United States, and must consider prior professional
 3784 experience in the field of education gained in positions in
 3785 addition to district level instructional and administrative
 3786 positions.

3787 3. In developing the salary schedule, the district school
 3788 board shall seek input from parents, teachers, and
 3789 representatives of the business community.

3790 ~~4. Beginning with the 2002-2003 fiscal year, each district~~
 3791 ~~school board must adopt a performance pay policy for school~~
 3792 ~~administrators and instructional personnel. The district's~~
 3793 ~~performance pay policy is subject to negotiation as provided in~~
 3794 ~~chapter 447; however, the adopted salary schedule must allow~~
 3795 ~~school administrators and instructional personnel who~~
 3796 ~~demonstrate outstanding performance, as measured under s.~~
 3797 ~~1012.34, to earn a 5 percent supplement in addition to their~~
 3798 ~~individual, negotiated salary. The supplements shall be funded~~
 3799 ~~from the performance pay reserve funds adopted in the salary~~
 3800 ~~schedule. Beginning with the 2004-2005 academic year, the~~
 3801 ~~district's 5-percent performance pay policy must provide for the~~
 3802 ~~evaluation of classroom teachers within each level of the salary~~
 3803 ~~career ladder provided in s. 1012.231. The Commissioner of~~
 3804 ~~Education shall determine whether the district school board's~~
 3805 ~~adopted salary schedule complies with the requirement for~~
 3806 ~~performance-based pay. If the district school board fails to~~
 3807 ~~comply with this section, the commissioner shall withhold~~

3808 ~~disbursements from the Educational Enhancement Trust Fund to the~~
 3809 ~~district until compliance is verified.~~

3810 (3) Annually provide to the Department of Education the
 3811 negotiated collective bargaining contract for the school
 3812 district. The district school board shall report in the computer
 3813 format prescribed by the department pursuant to s. 1012.21.

3814 Section 49. Section 1012.2305, Florida Statutes, is
 3815 created to read:

3816 1012.2305 Minimum pay for instructional personnel.--

3817 (1) LEGISLATIVE INTENT.--The Legislature recognizes that
 3818 higher pay does not guarantee quality performance in education.
 3819 The Legislature also recognizes that competitive pay,
 3820 differentiated pay, and performance incentives are necessary to
 3821 attract and retain the highest quality teachers and that the
 3822 prospect of higher pay and career opportunities are important to
 3823 attract talented individuals to the field of teaching. It is the
 3824 intent of the Legislature that the average salary of public
 3825 school instructional personnel in this state shall be equal to
 3826 or greater than the national average salary of public school
 3827 instructional personnel by July 1, 2010.

3828 (2) MINIMUM PAY.--The minimum pay for full-time certified
 3829 instructional personnel identified in s. 1012.01(2)(a)-(d) shall
 3830 be \$35,000 and shall be established by the Legislature to remain
 3831 above the national average beginning pay for public school
 3832 teachers.

3833 Section 50. Section 1012.231, Florida Statutes, is
 3834 repealed.

3835 Section 51. Section 1012.2312, Florida Statutes, is
3836 created to read:

3837 1012.2312 Differentiated pay for instructional
3838 personnel.--

3839 (1) Beginning with the 2005-2006 fiscal year, each
3840 district school board shall have a differentiated-pay policy for
3841 instructional personnel and incorporate it into the school
3842 district's salary schedule.

3843 (2) The differentiated-pay policy may be subject to
3844 negotiation as provided in chapter 447; however, the adopted
3845 salary schedule must allow instructional personnel to receive
3846 differentiated pay based upon school district determined
3847 factors, including, but not limited to, each of the following:

3848 (a) The subject areas taught, with classroom teachers who
3849 teach in critical shortage areas receiving higher pay.

3850 (b) The economic demographics of the school, with
3851 instructional personnel in schools that have a majority of
3852 students who qualify for free or reduced-price lunches receiving
3853 higher pay.

3854 (c) Additional responsibilities of instructional
3855 personnel, including, but not limited to, lead and mentoring
3856 responsibilities.

3857 (d) A performance-pay policy that rewards high-performing
3858 instructional personnel with at least a 5-percent performance-
3859 pay incentive.

3860

3861 The differentiated pay provided in the salary schedule for each
3862 of the factors specified in paragraphs (a)-(d) shall provide an

3863 incentive and not be nominal.

3864 (3) The Commissioner of Education shall determine whether
3865 the district school board's adopted salary schedule complies
3866 with the requirements in subsection (2). If the salary schedule
3867 does not comply, the commissioner shall recommend to the State
3868 Board of Education and the state board is authorized to withhold
3869 disbursements from the Educational Enhancement Trust Fund to the
3870 school district until the district's salary schedule is in
3871 compliance.

3872 Section 52. Section 1012.2313, Florida Statutes, is
3873 created to read:

3874 1012.2313 Differentiated pay for school administrators.--

3875 (1) Beginning with the 2005-2006 fiscal year, each
3876 district school board shall have a differentiated-pay policy for
3877 school administrators and incorporate it into the school
3878 district's salary schedule.

3879 (2) The adopted salary schedule must allow school
3880 administrators to receive differentiated pay based upon school
3881 district determined factors, including, but not limited to, each
3882 of the following:

3883 (a) The economic demographics of the school, with school
3884 administrators in schools that have a majority of students who
3885 qualify for free or reduced-price lunches receiving higher pay.

3886 (b) A performance-pay policy that rewards high-performing
3887 school administrators with at least a 5-percent performance-pay
3888 incentive.

3889
3890 The differentiated pay provided in the salary schedule for each

3891 of the factors specified in paragraphs (a) and (b) shall provide
 3892 an incentive and not be nominal.

3893 (3) The Commissioner of Education shall determine whether
 3894 the district school board's adopted salary schedule complies
 3895 with the requirements in subsection (2). If the salary schedule
 3896 does not comply, the commissioner shall recommend to the State
 3897 Board of Education and the state board is authorized to withhold
 3898 disbursements from the Educational Enhancement Trust Fund to the
 3899 school district until the district's salary schedule is in
 3900 compliance.

3901 Section 53. Section 1012.2315, Florida Statutes, is
 3902 created to read:

3903 1012.2315 Assignment of teachers.--

3904 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 3905 finds disparity between teachers assigned to teach in a majority
 3906 of "A" schools compared to teachers assigned to teach in a
 3907 majority of "F" schools. The disparity can be found in the
 3908 average years of experience, median salary, and the performance
 3909 of the teachers on teacher certification examinations. It is the
 3910 intent of the Legislature that district school boards have
 3911 flexibility through the collective bargaining process to assign
 3912 teachers more equitably across the schools in the district.

3913 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts
 3914 may not assign a higher percentage than the school district
 3915 average of first-time teachers, temporarily certified teachers,
 3916 teachers in need of improvement, or out-of-field teachers to
 3917 schools with above the school district average of minority and
 3918 economically disadvantaged students or schools that are graded

3919 "D" or "F." Each school district shall annually certify to the
 3920 Commissioner of Education that this requirement has been met. If
 3921 the commissioner determines that a school district is not in
 3922 compliance with this subsection, the State Board of Education
 3923 shall be notified and shall take action pursuant to s. 1008.32
 3924 in the next regularly scheduled meeting to require compliance.

3925 (3) SALARY INCENTIVES.--District school boards are
 3926 authorized to provide salary incentives to meet the requirement
 3927 of subsection (2). No district school board shall sign a
 3928 collective bargaining agreement that precludes the school
 3929 district from providing sufficient incentives to meet this
 3930 requirement.

3931 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of
 3932 chapter 447 relating to district school board collective
 3933 bargaining, collective bargaining provisions may not preclude a
 3934 school district from providing incentives to high-quality
 3935 teachers and assigning such teachers to low-performing schools.

3936 Section 54. Subsection (2) of section 1012.27, Florida
 3937 Statutes, is amended to read:

3938 1012.27 Public school personnel; powers and duties of
 3939 district school superintendent.--The district school
 3940 superintendent is responsible for directing the work of the
 3941 personnel, subject to the requirements of this chapter, and in
 3942 addition the district school superintendent shall perform the
 3943 following:

3944 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
 3945 recommend to the district school board for adoption a salary
 3946 schedule or salary schedules. The district school superintendent

3947 must recommend a salary schedule for instructional personnel
 3948 which bases a portion of each employee's compensation on
 3949 performance demonstrated under s. 1012.34. In developing the
 3950 recommended salary schedule, the district school superintendent
 3951 shall include input from parents, teachers, and representatives
 3952 of the business community. Beginning with the 2005-2006 ~~2004-~~
 3953 ~~2005~~ academic year, the recommended salary schedule for
 3954 classroom teachers shall be consistent with the district's
 3955 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312
 3956 ~~1012.231~~.

3957 Section 55. Paragraph (a) of subsection (3) of section
 3958 1012.34, Florida Statutes, is amended to read:

3959 1012.34 Assessment procedures and criteria.--

3960 (3) The assessment procedure for instructional personnel
 3961 and school administrators must be primarily based on the
 3962 performance of students assigned to their classrooms or schools,
 3963 as appropriate. Pursuant to this section, a school district's
 3964 performance assessment is not limited to basing unsatisfactory
 3965 performance of instructional personnel and school administrators
 3966 upon student performance, but may include other criteria
 3967 approved to assess instructional personnel and school
 3968 administrators' performance, or any combination of student
 3969 performance and other approved criteria. The procedures must
 3970 comply with, but are not limited to, the following requirements:

3971 (a) An assessment must be conducted for each employee at
 3972 least once a year. The assessment must be based upon sound
 3973 educational principles and contemporary research in effective
 3974 educational practices. The assessment must primarily use data

3975 and indicators of improvement in student performance assessed
 3976 annually as specified in s. 1008.22 and may consider results of
 3977 peer reviews in evaluating the employee's performance. Student
 3978 performance must be measured by state assessments required under
 3979 s. 1008.22 and by local assessments for subjects and grade
 3980 levels not measured by the state assessment program. The
 3981 assessment criteria must include, but are not limited to,
 3982 indicators that relate to the following:

- 3983 1. Performance of students.
- 3984 2. Ability to maintain appropriate discipline.
- 3985 3. Knowledge of subject matter. The district school board
 3986 shall make special provisions for evaluating teachers who are
 3987 assigned to teach out-of-field.
- 3988 4. Ability to plan and deliver instruction, ~~including~~
 3989 ~~implementation of the rigorous reading requirement pursuant to~~
 3990 ~~s. 1003.415, when applicable,~~ and the use of technology in the
 3991 classroom.
- 3992 5. Ability to evaluate instructional needs.
- 3993 6. Ability to establish and maintain a positive
 3994 collaborative relationship with students' families to increase
 3995 student achievement.
- 3996 7. Other professional competencies, responsibilities, and
 3997 requirements as established by rules of the State Board of
 3998 Education and policies of the district school board.

3999 Section 56. Section 1012.986, Florida Statutes, is created
 4000 to read:

4001 1012.986 A+ Professional Development Program for School
 4002 Leaders.--

4003 (1) ESTABLISHMENT.--There is established the A+
4004 Professional Development Program for School Leaders, a high-
4005 quality, competency-based, customized, comprehensive, and
4006 coordinated statewide professional development program that is
4007 aligned with the leadership standards for school leaders adopted
4008 by the State Board of Education. The program shall be
4009 administered by the Department of Education and shall provide
4010 leadership training opportunities for school leaders to enable
4011 them to be more effective instructional leaders, especially in
4012 the area of reading. The program shall provide school leaders
4013 with the opportunity to attain a school leadership designation
4014 pursuant to subsection (3).

4015 (2) DEFINITION.--As used in this section, the term "school
4016 leader" means a school principal or assistant principal holding
4017 a valid Florida certificate in educational leadership.

4018 (3) DESIGNATIONS.--The Department of Education shall
4019 develop criteria for designating high-performing school leaders
4020 as A+ Emerging School Leaders, A+ High-Performing School
4021 Leaders, or A+ Sterling School Leaders. The criteria must
4022 emphasize student learning gains, especially in high schools.

4023 (4) PROGRAM REQUIREMENTS.--

4024 (a) The program shall be based upon the leadership
4025 standards adopted by the State Board of Education, the standards
4026 of the National Staff Development Council, and the federal
4027 requirements for high-quality professional development under the
4028 No Child Left Behind Act of 2001.

4029 (b) The program shall provide a competency-based approach
4030 that utilizes prediagnostic and postdiagnostic evaluations that

4031 shall be used to create an individualized professional
 4032 development plan approved by the district school superintendent.
 4033 The plan shall be structured to support the school leader's
 4034 attainment of the leadership standards adopted by the State
 4035 Board of Education.

4036 (c) The program shall incorporate instructional leadership
 4037 training and effective business practices for efficient school
 4038 operations in school leadership training.

4039 (5) DELIVERY SYSTEM.--The Department of Education shall
 4040 deliver the program through multiple delivery systems,
 4041 including:

4042 (a) Approved school district training programs.

4043 (b) Interactive technology-based instruction.

4044 (c) State, regional, or local leadership academies.

4045 (6) RULES.--The State Board of Education shall adopt rules
 4046 pursuant to ss. 120.536(1) and 120.54 to implement the
 4047 provisions of this section.

4048 Section 57. Section 1012.987, Florida Statutes, is
 4049 repealed.

4050 Section 58. Section 1013.381, Florida Statutes, is created
 4051 to read:

4052 1013.381 Indoor environmental quality.--

4053 (1) Each district school board shall adopt and implement
 4054 an indoor environmental quality policy which shall provide
 4055 procedures for periodic surveys of indoor environmental quality
 4056 issues. The policy may:

4057 (a) Be developed and implemented in accordance with the
 4058 United States Environmental Protection Agency's Indoor Air

4059 Quality Tools for Schools Program through which training and
4060 materials shall be provided by the United States Environmental
4061 Protection Agency at no cost to a school or school district.

4062 (b) Require that the school district provide, monitor, and
4063 maintain indoor environmental condition performance in
4064 accordance with American Society of Heating, Refrigerating and
4065 Air-Conditioning Engineers (ASHRAE) Standard 62.

4066 (c) Require that educational facilities be certified
4067 semiannually by a professional engineer as meeting ASHRAE
4068 Standard 62. Upon certification, the school district shall be
4069 indemnified for the life of the certificate from liability
4070 related to indoor environmental quality. A school district shall
4071 provide a copy of the engineer's certification to the
4072 Commissioner of Education.

4073 (2) Each school participating in the Indoor Air Quality
4074 Tools for Schools Program training must display its certificate
4075 of completion in a conspicuous manner.

4076 (3) The State Board of Education shall adopt rules to
4077 implement the provisions of this section.

4078 Section 59. Subsection (6) of section 1013.512, Florida
4079 Statutes, is amended to read:

4080 1013.512 Land Acquisition and Facilities Advisory Board.--

4081 (6) Upon certification by the advisory board that
4082 corrective action has been taken, the Legislative Budget
4083 Commission shall release all funds remaining in reserve. Upon
4084 such release, each Land Acquisition and Facilities Advisory
4085 Board shall be disbanded.

4086 Section 60. Charter School Task Force.--

4087 (1) The Charter School Task Force is established to study
4088 and make recommendations regarding charter schools in the state.

4089 (2) The task force shall, at a minimum:

4090 (a) Review current application and sponsorship procedures
4091 used throughout the state for the approval of charter schools.

4092 (b) Examine the sponsorship and organizational structure
4093 of charter schools in other states.

4094 (c) Investigate alternative means available in the state
4095 to implement changes in the sponsorship of charter schools.

4096 (d) Review capital outlay funding for charter schools.

4097 (e) Determine the necessity and most effective methods for
4098 the State Board of Education to sanction school districts and
4099 charter schools for violation of charter school procedural
4100 requirements.

4101 (f) Conduct meetings throughout the state to receive
4102 public input and consider policy recommendations on issues
4103 related to charter schools.

4104 (g) Issue a final report and recommendations by December
4105 31, 2005, to the Governor, the President of the Senate, and the
4106 Speaker of the House of Representatives.

4107 (3) The task force shall consist of:

4108 (a) Up to four members of the House of Representatives
4109 appointed by the Speaker of the House of Representatives.

4110 (b) Up to four members of the Senate appointed by the
4111 President of the Senate.

4112 (c) Five charter school stakeholders appointed by the
4113 Governor. The members shall include a representative of a
4114 charter school, a representative of a school district, a

4115 representative of a statewide association, and a representative
4116 with experience in charter school law and may include the
4117 Commissioner of Education or his or her designee.

4118 (4) The Governor shall appoint the chair of the task force
4119 from among the appointed members.

4120 (5) Task force members shall serve without compensation
4121 but are entitled to reimbursement, pursuant to s. 112.061,
4122 Florida Statutes, for per diem and travel expenses incurred in
4123 the performance of their official duties.

4124 (6) The Department of Education shall provide staff
4125 support for the task force.

4126 Section 61. If any provision of this act or the
4127 application thereof to any person or circumstance is held
4128 invalid, the invalidity shall not affect other provisions or
4129 applications of the act which can be given effect without the
4130 invalid provision or application and, to this end, the
4131 provisions of this act are declared severable.

4132 Section 62. This act shall take effect upon becoming a
4133 law, except that ss. 1003.035, 1011.6855 and 1012.2305, Florida
4134 Statutes, as created by this act, shall take effect on the
4135 effective date of an amendment to s.1, Art. IX of the State
4136 Constitution approved by the electors that requires district
4137 average maximum class sizes and minimum pay for teachers.