

CHAMBER ACTION

1 The Education Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the public school grading system;
7 amending s. 1008.34, F.S.; adding certain feeder pattern
8 schools to list of schools receiving a school grade;
9 prescribing circumstances in which a feeder pattern
10 exists; amending s. 1002.38, F.S.; allowing students
11 served by certain feeder pattern schools to participate in
12 the Opportunity Scholarship Program; amending s. 1008.36,
13 F.S.; allowing certain feeder pattern schools to
14 participate in the Florida School Recognition Program;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (3) of section 1008.34, Florida
20 Statutes, is amended to read:

21 1008.34 School grading system; district performance
22 grade.--

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23 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.--A
 24 school that serves any combination of students in kindergarten
 25 through grade 3 that does not receive a school grade because its
 26 students are not tested and included in the school grading
 27 system shall receive the school grade designation of a feeder
 28 pattern school identified by the Department of Education and
 29 verified by the school district. A school feeder pattern exists
 30 if at least 60 percent of the students in the school serving a
 31 combination of students in kindergarten through grade 3 are
 32 scheduled to be assigned to the graded school. School
 33 performance grade category designations itemized in subsection
 34 (2) shall be based on the following:

35 (a) Timeframes.--

36 1. School performance grade category designations shall be
 37 based on the school's current year performance and the school's
 38 annual learning gains.

39 2. A school's performance grade category designation shall
 40 be based on a combination of student achievement scores, student
 41 learning gains as measured by annual FCAT assessments in grades
 42 3 through 10, and improvement of the lowest 25th percentile of
 43 students in the school in reading, math, or writing on the FCAT,
 44 unless these students are performing above satisfactory
 45 performance.

46 (b) Student assessment data.--Student assessment data used
 47 in determining school performance grade categories shall
 48 include:

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

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51 2. The aggregate scores of all eligible students enrolled
52 in the school who have been assessed on the FCAT, including
53 Florida Writes, and who have scored at or in the lowest 25th
54 percentile of students in the school in reading, math, or
55 writing, unless these students are performing above satisfactory
56 performance.

57
58 The Department of Education shall study the effects of mobility
59 on the performance of highly mobile students and recommend
60 programs to improve the performance of such students. The State
61 Board of Education shall adopt appropriate criteria for each
62 school performance grade category. The criteria must also give
63 added weight to student achievement in reading. Schools
64 designated as performance grade category "C," making
65 satisfactory progress, shall be required to demonstrate that
66 adequate progress has been made by students in the school who
67 are in the lowest 25th percentile in reading, math, or writing
68 on the FCAT, including Florida Writes, unless these students are
69 performing above satisfactory performance.

70 Section 2. Paragraph (a) of subsection (2) and paragraphs
71 (a) and (b) of subsection (3) of section 1002.38, Florida
72 Statutes, are amended to read:

73 1002.38 Opportunity Scholarship Program.--

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

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79 (a)1. By assigned school attendance area or by special
80 assignment, the student has spent the prior school year in
81 attendance at a public school, including a K-3 feeder pattern
82 school, that has been designated pursuant to s. 1008.34 as
83 performance grade category "F," failing to make adequate
84 progress, and that has had 2 school years in a 4-year period of
85 such low performance, and the student's attendance occurred
86 during a school year in which such designation was in effect;

87 2. The student has been in attendance elsewhere in the
88 public school system and has been assigned to such school for
89 the next school year; or

90 3. The student is entering kindergarten or first grade and
91 has been notified that the student has been assigned to such
92 school for the next school year.

93
94 The provisions of this section shall not apply to a student who
95 is enrolled in a school operating for the purpose of providing
96 educational services to youth in Department of Juvenile Justice
97 commitment programs. For purposes of continuity of educational
98 choice, the opportunity scholarship shall remain in force until
99 the student returns to a public school or, if the student
100 chooses to attend a private school the highest grade of which is
101 grade 8, until the student matriculates to high school and the
102 public high school to which the student is assigned is an
103 accredited school with a performance grade category designation
104 of "C" or better. However, at any time upon reasonable notice to
105 the Department of Education and the school district, the
106 student's parent may remove the student from the private school

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

109 (3) SCHOOL DISTRICT OBLIGATIONS.--

110 (a) A school district shall, for each student enrolled in
111 or assigned to a school, including a K-3 feeder pattern school,
112 that has been designated as performance grade category "F" for 2
113 school years in a 4-year period:

114 1. Timely notify the parent of the student as soon as such
115 designation is made of all options available pursuant to this
116 section.

117 2. Offer that student's parent an opportunity to enroll
118 the student in the public school within the district that has
119 been designated by the state pursuant to s. 1008.34 as a school
120 performing higher than that in which the student is currently
121 enrolled or to which the student has been assigned, but not less
122 than performance grade category "C." The parent is not required
123 to accept this offer in lieu of requesting a state opportunity
124 scholarship to a private school. The opportunity to continue
125 attending the higher performing public school shall remain in
126 force until the student graduates from high school.

127 (b) The parent of a student enrolled in or assigned to a
128 school, including a K-3 feeder pattern school, that has been
129 designated performance grade category "F" for 2 school years in
130 a 4-year period may choose as an alternative to enroll the
131 student in and transport the student to a higher-performing
132 public school that has available space in an adjacent school
133 district, and that school district shall accept the student and

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134 | report the student for purposes of the district's funding
135 | pursuant to the Florida Education Finance Program.

136 | Section 3. Subsection (3) of section 1008.36, Florida
137 | Statutes, is amended to read:

138 | 1008.36 Florida School Recognition Program.--

139 | (3) All public schools, including charter schools and K-3
140 | feeder pattern schools, that receive a school grade pursuant to
141 | s. 1008.34 are eligible to participate in the program.

142 |

143 | Notwithstanding statutory provisions to the contrary, incentive
144 | awards are not subject to collective bargaining.

145 | Section 4. This act shall take effect July 1, 2006.