

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

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Subsection (3) of section 1008.34, Florida  
 16           Statutes, is amended to read:

17           1008.34 School grading system; district performance  
 18           grade.--

19           (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.--A  
 20           school that serves any combination of students in kindergarten  
 21           through grade 3 that does not receive a school grade because its  
 22           students are not tested and included in the school grading  
 23           system shall receive the school grade designation of a feeder  
 24           pattern school identified by the Department of Education and  
 25           verified by the school district. A school feeder pattern exists  
 26           if at least 60 percent of the students in the school serving a  
 27           combination of students in kindergarten through grade 3 are

28 | scheduled to be assigned to the graded school. School  
29 | performance grade category designations itemized in subsection  
30 | (2) shall be based on the following:

31 | (a) Timeframes.--

32 | 1. School performance grade category designations shall be  
33 | based on the school's current year performance and the school's  
34 | annual learning gains.

35 | 2. A school's performance grade category designation shall  
36 | be based on a combination of student achievement scores, student  
37 | learning gains as measured by annual FCAT assessments in grades  
38 | 3 through 10, and improvement of the lowest 25th percentile of  
39 | students in the school in reading, math, or writing on the FCAT,  
40 | unless these students are performing above satisfactory  
41 | performance.

42 | (b) Student assessment data.--Student assessment data used  
43 | in determining school performance grade categories shall  
44 | include:

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

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

53 |

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

66 Section 2. Paragraph (a) of subsection (2) and paragraphs  
67 (a) and (b) of subsection (3) of section 1002.38, Florida  
68 Statutes, are amended to read:

69 1002.38 Opportunity Scholarship Program.--

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

75 (a)1. By assigned school attendance area or by special  
76 assignment, the student has spent the prior school year in  
77 attendance at a public school, including a K-3 feeder pattern  
78 school, that has been designated pursuant to s. 1008.34 as  
79 performance grade category "F," failing to make adequate  
80 progress, and that has had 2 school years in a 4-year period of

81 such low performance, and the student's attendance occurred  
82 during a school year in which such designation was in effect;

83 2. The student has been in attendance elsewhere in the  
84 public school system and has been assigned to such school for  
85 the next school year; or

86 3. The student is entering kindergarten or first grade and  
87 has been notified that the student has been assigned to such  
88 school for the next school year.

89  
90 The provisions of this section shall not apply to a student who  
91 is enrolled in a school operating for the purpose of providing  
92 educational services to youth in Department of Juvenile Justice  
93 commitment programs. For purposes of continuity of educational  
94 choice, the opportunity scholarship shall remain in force until  
95 the student returns to a public school or, if the student  
96 chooses to attend a private school the highest grade of which is  
97 grade 8, until the student matriculates to high school and the  
98 public high school to which the student is assigned is an  
99 accredited school with a performance grade category designation  
100 of "C" or better. However, at any time upon reasonable notice to  
101 the Department of Education and the school district, the  
102 student's parent may remove the student from the private school  
103 and place the student in a public school, as provided in  
104 subparagraph (3)(a)2.

105 (3) SCHOOL DISTRICT OBLIGATIONS.--

106 (a) A school district shall, for each student enrolled in  
107 or assigned to a school, including a K-3 feeder pattern school,

108 | that has been designated as performance grade category "F" for 2  
109 | school years in a 4-year period:

110 |       1. Timely notify the parent of the student as soon as such  
111 | designation is made of all options available pursuant to this  
112 | section.

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

123 |       (b) The parent of a student enrolled in or assigned to a  
124 | school, including a K-3 feeder pattern school, that has been  
125 | designated performance grade category "F" for 2 school years in  
126 | a 4-year period may choose as an alternative to enroll the  
127 | student in and transport the student to a higher-performing  
128 | public school that has available space in an adjacent school  
129 | district, and that school district shall accept the student and  
130 | report the student for purposes of the district's funding  
131 | pursuant to the Florida Education Finance Program.

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

134 |       1008.36 Florida School Recognition Program.--

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

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139 Notwithstanding statutory provisions to the contrary, incentive  
140 awards are not subject to collective bargaining.

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