

Bill No. HB 7087, 2nd Eng.

Barcode 820828

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Lynn moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

Section 2. Paragraph (b) of subsection (3) of section 411.227, Florida Statutes, is amended to read:

411.227 Components of the Learning Gateway.--The Learning Gateway system consists of the following components:

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.--

(b) Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with

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1 children who have learning problems and learning disabilities  
 2 within public and private early care and education programs  
 3 and K-3 public and private school settings. Strategies may  
 4 include training and technical assistance teams. Intervention  
 5 must be coordinated and must focus on providing effective  
 6 supports to children and their families within their regular  
 7 education and community environment. These strategies must  
 8 incorporate, as appropriate, school and district activities  
 9 related to the student's progress monitoring ~~academic~~  
 10 ~~improvement~~ plan and must provide parents with greater access  
 11 to community-based services that should be available beyond  
 12 the traditional school day. Academic expectations for public  
 13 school students in grades K-3 must be based upon the local  
 14 school board's adopted proficiency levels. When appropriate,  
 15 school personnel shall consult with the local Learning Gateway  
 16 to identify other community resources for supporting the child  
 17 and the family.

18 Section 3. Section 446.609, Florida Statutes, is  
 19 repealed.

20 Section 4. Subsection (4) of section 1000.03, Florida  
 21 Statutes, is amended to read:

22 1000.03 Function, mission, and goals of the Florida  
 23 K-20 education system.--

24 (4) The mission of Florida's K-20 education system is  
 25 to allow its students to increase their proficiency by  
 26 allowing them the opportunity to expand their knowledge and  
 27 skills through rigorous and relevant ~~adequate~~ learning  
 28 opportunities, in accordance with the mission statement and  
 29 accountability requirements of s. 1008.31.

30 Section 5. Section 1000.041, Florida Statutes, is  
 31 repealed.

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1 Section 6. Subsections (1), (3), and (14) of section  
2 1001.03, Florida Statutes, are amended to read:

3 1001.03 Specific powers of State Board of Education.--

4 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The  
5 State Board of Education shall approve the student performance  
6 standards known as the Sunshine State Standards in key  
7 academic subject areas and grade levels. The state board shall  
8 establish a schedule to facilitate the periodic review of the  
9 standards to ensure adequate rigor, relevance, logical student  
10 progression, and integration of reading, writing, and  
11 mathematics across all subject areas. The standards review by  
12 subject area must include participation of curriculum leaders  
13 in other content areas, including the arts, to ensure valid  
14 content area integration and to address the instructional  
15 requirements of different learning styles. The process for  
16 review and proposed revisions must include leadership and  
17 input from the state's classroom teachers, school  
18 administrators, and community colleges and universities, and  
19 from representatives from business and industry who are  
20 identified by local education foundations. A report including  
21 proposed revisions must be submitted to the Governor, the  
22 President of the Senate, and the Speaker of the House of  
23 Representatives annually to coincide with the established  
24 review schedule. The review schedule and an annual status  
25 report must be submitted to the Governor, the President of the  
26 Senate, and the Speaker of the House of Representatives  
27 annually not later than January 1.

28 (3) PROFESSIONAL CERTIFICATES.--The State Board of  
29 Education shall classify school services, designate the  
30 certification subject areas, establish competencies, including  
31 the use of technology to enhance student learning, and

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1 certification requirements for all school-based personnel, and  
 2 prescribe rules in accordance with which the professional,  
 3 temporary, and part-time certificates shall be issued by the  
 4 Department of Education to applicants who meet the standards  
 5 prescribed by such rules for their class of service, as  
 6 described in chapter 1012. The state board shall adopt rules  
 7 that give part-time and full-time nondegreed teachers of  
 8 career programs, pursuant to s. 1012.39(1)(c), the opportunity  
 9 to earn a reading credential equivalent to a  
 10 content-area-specific reading endorsement.

11 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT  
 12 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of  
 13 Education shall maintain ~~recommend to the Legislature by~~  
 14 ~~February 1, 2003,~~ a uniform classification system for school  
 15 district administrative and management personnel that will  
 16 facilitate the uniform coding of administrative and management  
 17 personnel to total district employees.

18 Section 7. Section 1001.10, Florida Statutes, is  
 19 amended to read:

20 1001.10 Commissioner of Education; general powers and  
 21 duties.--The Commissioner of Education is the chief  
 22 educational officer of the state and the sole custodian of the  
 23 K-20 data warehouse, and is responsible for giving full  
 24 assistance to the State Board of Education in enforcing  
 25 compliance with the mission and goals of the seamless K-20  
 26 education system. To facilitate innovative practices and to  
 27 allow local selection of educational methods, the State Board  
 28 of Education may authorize the commissioner to waive, upon the  
 29 request of a district school board, State Board of Education  
 30 rules that relate to district school instruction and school  
 31 operations, except those rules pertaining to civil rights, and

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1 student health, safety, and welfare. The Commissioner of  
 2 Education is not authorized to grant waivers for any  
 3 provisions in rule pertaining to the allocation and  
 4 appropriation of state and local funds for public education;  
 5 the election, compensation, and organization of school board  
 6 members and superintendents; graduation and state  
 7 accountability standards; financial reporting requirements;  
 8 reporting of out-of-field teaching assignments under s.  
 9 1012.42; public meetings; public records; or due process  
 10 hearings governed by chapter 120. No later than January 1 of  
 11 each year, the commissioner shall report to the Legislature  
 12 and the State Board of Education all approved waiver requests  
 13 in the preceding year. Additionally, the commissioner has the  
 14 following general powers and duties:

15           (1) To appoint staff necessary to carry out his or her  
 16 powers and duties.

17           (2) To advise and counsel with the State Board of  
 18 Education on all matters pertaining to education; to recommend  
 19 to the State Board of Education actions and policies as, in  
 20 the commissioner's opinion, should be acted upon or adopted;  
 21 and to execute or provide for the execution of all acts and  
 22 policies as are approved.

23           (3) To keep such records as are necessary to set forth  
 24 clearly all acts and proceedings of the State Board of  
 25 Education.

26           (4) To have a seal for his or her office with which,  
 27 in connection with his or her own signature, the commissioner  
 28 shall authenticate true copies of decisions, acts, or  
 29 documents.

30           (5) To recommend to the State Board of Education  
 31 policies and steps designed to protect and preserve the

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1 principal of the State School Fund; to provide an assured and  
2 stable income from the fund; to execute such policies and  
3 actions as are approved; and to administer the State School  
4 Fund.

5 (6) To take action on the release of mineral rights  
6 based upon the recommendations of the Board of Trustees of the  
7 Internal Improvement Trust Fund.

8 (7) To submit to the State Board of Education, on or  
9 before August 1 of each year, recommendations for a  
10 coordinated K-20 education budget that estimates the  
11 expenditures for the State Board of Education, including the  
12 Department of Education, the Commissioner of Education, and  
13 all of the boards, institutions, agencies, and services under  
14 the general supervision of the State Board of Education for  
15 the ensuing fiscal year. Any program recommended to the State  
16 Board of Education that will require increases in state  
17 funding for more than 1 year must be presented in a multiyear  
18 budget plan.

19 (8) To develop and implement a plan for cooperating  
20 with the Federal Government in carrying out any or all phases  
21 of the educational program and to recommend policies for  
22 administering funds that are appropriated by Congress and  
23 apportioned to the state for any or all educational purposes.  
24 The Commissioner of Education shall submit to the Legislature  
25 the proposed state plan for the reauthorization of the No  
26 Child Left Behind Act before the proposed plan is submitted to  
27 federal agencies. The President of the Senate and the Speaker  
28 of the House of Representatives shall appoint members of the  
29 appropriate education and appropriations committees to serve  
30 as a select committee to review the proposed plan.

31 (9) To develop and implement policies for cooperating

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1 with other public agencies in carrying out those phases of the  
 2 program in which such cooperation is required by law or is  
 3 deemed by the commissioner to be desirable and to cooperate  
 4 with public and nonpublic agencies in planning and bringing  
 5 about improvements in the educational program.

6 (10) To prepare forms and procedures as are necessary  
 7 to be used by district school boards and all other educational  
 8 agencies to assure uniformity, accuracy, and efficiency in the  
 9 keeping of records, the execution of contracts, the  
 10 preparation of budgets, or the submission of reports; and to  
 11 furnish at state expense, when deemed advisable by the  
 12 commissioner, those forms that can more economically and  
 13 efficiently be provided.

14 (11) To implement a program of school improvement and  
 15 education accountability designed to provide all students the  
 16 opportunity to make adequate learning gains in each year of  
 17 school as provided by statute and State Board of Education  
 18 rule based upon the achievement of the state education goals,  
 19 recognizing the following:

20 (a) The State Board of Education is the body corporate  
 21 responsible for the supervision of the system of public  
 22 education.

23 (b) The district school board is responsible for  
 24 school and student performance.

25 (c) The individual school is the unit for education  
 26 accountability.

27 (d) The community college board of trustees is  
 28 responsible for community college performance and student  
 29 performance.

30 (e) The university board of trustees is responsible  
 31 for university performance and student performance.

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1           (12) To establish a Citizen Information Center  
 2 responsible for the preparation, publication, and distribution  
 3 of materials relating to the state system of seamless K-20  
 4 public education.

5           (13) To prepare and publish annually reports giving  
 6 statistics and other useful information pertaining to the  
 7 Opportunity Scholarship Program.

8           (14) To have printed or electronic copies of school  
 9 laws, forms, instruments, instructions, and rules of the State  
 10 Board of Education and provide for their distribution.

11           (15) To develop criteria for use by state  
 12 instructional materials committees in evaluating materials  
 13 submitted for adoption consideration. The criteria shall, as  
 14 appropriate, be based on instructional expectations reflected  
 15 in curriculum frameworks and student performance standards.  
 16 The criteria for each subject or course shall be made  
 17 available to publishers of instructional materials pursuant to  
 18 the requirements of chapter 1006.

19           (16) To prescribe procedures for evaluating  
 20 instructional materials submitted by publishers and  
 21 manufacturers in each adoption.

22  
 23 The commissioner's office shall operate all statewide  
 24 functions necessary to support the State Board of Education  
 25 and the K-20 education system, including strategic planning  
 26 and budget development, general administration, and assessment  
 27 and accountability.

28           Section 8. Section 1001.215, Florida Statutes, is  
 29 created to read:

30           1001.215 Just Read, Florida! Office.--There is created  
 31 in the Department of Education the Just Read, Florida! office.



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1 The office shall be fully accountable to the Commissioner of  
2 Education and shall:

3       (1) Train highly effective reading coaches.

4       (2) Create multiple designations of effective reading  
5 instruction, with accompanying credentials, which encourage  
6 all teachers to integrate reading instruction into their  
7 content areas.

8       (3) Train K-12 teachers and school principals on  
9 effective content-area-specific reading strategies. For  
10 secondary teachers, emphasis shall be on technical text. These  
11 strategies must be developed for all content areas in the K-12  
12 curriculum.

13       (4) Provide parents with information and strategies  
14 for assisting their children in reading in the content area.

15       (5) Provide technical assistance to school districts  
16 in the development and implementation of district plans for  
17 use of the research-based reading instruction allocation  
18 provided in s. 1011.62(8) and annually review and approve such  
19 plans.

20       (6) Review, evaluate, and provide technical assistance  
21 to school districts' implementation of the K-12 comprehensive  
22 reading plan required in s. 1011.62(8).

23       (7) Work with the Florida Center for Reading Research  
24 to provide information on research-based reading programs and  
25 effective reading in the content area strategies.

26       (8) Periodically review the Sunshine State Standards  
27 for reading at all grade levels.

28       (9) Periodically review teacher certification  
29 examinations, including alternative certification exams, to  
30 ascertain whether the examinations measure the skills needed  
31 for research-based reading instruction and instructional

1 strategies for teaching reading in the content areas.

2 (10) Work with teacher preparation programs approved  
3 pursuant to s. 1004.04 to integrate research-based reading  
4 instructional strategies and reading in the content area  
5 instructional strategies into teacher preparation programs.

6 (11) Administer grants and perform other functions as  
7 necessary to meet the goal that all students read at grade  
8 level.

9 Section 9. Section 1001.33, Florida Statutes, is  
10 amended to read:

11 1001.33 Schools under control of district school board  
12 and district school superintendent.--

13 ~~(1) Except as otherwise provided by law, all public~~  
14 ~~schools conducted within the district shall be under the~~  
15 ~~direction and control of the district school board with the~~  
16 ~~district school superintendent as executive officer.~~

17 ~~(2) Each district school board, each district school~~  
18 ~~superintendent, and each district and school-based~~  
19 ~~administrator shall cooperate to apply the following guiding~~  
20 ~~principles of Better Educated Students and Teachers (BEST)~~  
21 ~~Florida Teaching:~~

22 ~~(a) Teachers lead, students learn.~~

23 ~~(b) Teachers maintain orderly, disciplined classrooms~~  
24 ~~conducive to student learning.~~

25 ~~(c) Teachers are trained, recruited, well compensated,~~  
26 ~~and retained for quality.~~

27 ~~(d) Teachers are well rewarded for their students'~~  
28 ~~high performance.~~

29 ~~(e) Teachers are most effective when served by~~  
30 ~~exemplary school administrators.~~

31 Section 10. Subsection (3) of section 1001.41, Florida

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1 Statutes, is amended to read:

2           1001.41 General powers of district school board.--The  
3 district school board, after considering recommendations  
4 submitted by the district school superintendent, shall  
5 exercise the following general powers:

6           (3) Prescribe and adopt standards and policies to  
7 provide each student the opportunity to receive a complete  
8 education program, including language arts, mathematics,  
9 science, social studies, health, physical education, foreign  
10 languages, and the arts, as defined by the Sunshine State  
11 Standards. The standards and policies must emphasize  
12 integration and reinforcement of reading, writing, and  
13 mathematics skills across all subjects, including career  
14 awareness, career exploration, and career and technical  
15 education ~~as are considered desirable by it for improving the~~  
16 ~~district school system.~~

17           Section 11. Paragraph (c) of subsection (5) of section  
18 1001.42, Florida Statutes, is repealed, paragraph (f) of  
19 subsection (4), subsection (16), paragraph (d) of subsection  
20 (17), and subsection (18) of that section are amended, present  
21 subsection (22) is redesignated as subsection (23), and a new  
22 subsection (22) is added to that section, to read:

23           1001.42 Powers and duties of district school  
24 board.--The district school board, acting as a board, shall  
25 exercise all powers and perform all duties listed below:

26           (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
27 SCHOOLS.--Adopt and provide for the execution of plans for the  
28 establishment, organization, and operation of the schools of  
29 the district, including, but not limited to, the following:

30           (f) Opening and closing of schools; fixing uniform  
31 date.--Adopt policies for the opening and closing of schools

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1 and fix uniform dates; however, beginning with the 2007-2008  
2 school year, the opening date for schools in the district may  
3 not be earlier than 14 days before Labor Day each year.

4 (5) PERSONNEL.--

5 ~~(c) Fully support and cooperate in the application of~~  
6 ~~the guiding principles of Better Educated Students and~~  
7 ~~Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

8 (16) IMPLEMENT SCHOOL IMPROVEMENT AND

9 ACCOUNTABILITY.--Maintain a system of school improvement and  
10 education accountability as provided by statute and State  
11 Board of Education rule. This system of school improvement and  
12 education accountability shall be consistent with, and  
13 implemented through, the district's continuing system of  
14 planning and budgeting required by this section and ss.  
15 1008.385, 1010.01, and 1011.01. This system of school  
16 improvement and education accountability shall include, but is  
17 not limited to, the following:

18 (a) School improvement plans.--Annually approve and  
19 require implementation of a new, amended, or continuation  
20 school improvement plan for each school in the district.7

21 ~~except that~~ A district school board may establish a district  
22 school improvement plan that includes all schools in the  
23 district operating for the purpose of providing educational  
24 services to youth in Department of Juvenile Justice programs.  
25 The school improvement ~~Such~~ plan shall be designed to achieve  
26 the state education priorities pursuant to s. 1000.03(5) and  
27 student proficiency on the Sunshine State Standards pursuant  
28 to s. 1003.41 ~~performance standards. In addition, any school~~  
29 ~~required to implement a rigorous reading requirement pursuant~~  
30 ~~to s. 1003.415 must include such component in its school~~  
31 ~~improvement plan. Each plan shall~~ address student achievement

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1 goals and strategies based on state and school district  
 2 proficiency standards. The plan may also address issues  
 3 relative to ~~other academic-related matters~~ ~~budget, training,~~  
 4 ~~instructional materials, technology, staffing, student support~~  
 5 ~~services, specific school safety and discipline strategies,~~  
 6 ~~student health and fitness, including physical fitness,~~  
 7 ~~parental information on student health and fitness, and indoor~~  
 8 ~~environmental air quality, and other matters of resource~~  
 9 ~~allocation, as determined by district school board policy, and~~  
 10 shall include ~~be based on~~ an accurate, data-based analysis of  
 11 student achievement and other school performance data.

12 Beginning with plans approved for implementaion in the  
 13 2007-2008 school year, each secondary school plan must include  
 14 a redesign component based on the principles established in s.  
 15 1003.413. For each school in the district that earns a school  
 16 grade of "C" or below, or is required to have a school  
 17 improvement plan under federal law, the school improvement  
 18 plan shall, at a minimum, also include:

19 1. Professional development that supports enhanced and  
 20 differentiated instructional strategies to improve teaching  
 21 and learning.

22 2. Continuous use of disaggregated student achievement  
 23 data to determine effectiveness of instructional strategies.

24 3. Ongoing informal and formal assessments to monitor  
 25 individual student progress, including progress toward mastery  
 26 of the Sunshine State Standards, and to redesign instruction  
 27 if needed.

28 4. Alternative instructional delivery methods to  
 29 support remediation, acceleration, and enrichment strategies.

30 (b) Approval process.--Develop a process for approval  
 31 of a school improvement plan presented by an individual school

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1 and its advisory council. In the event a district school board  
2 does not approve a school improvement plan after exhausting  
3 this process, the Department of Education shall be notified of  
4 the need for assistance.

5 (c) Assistance and intervention.--

6 1. Develop a 2-year plan of increasing individualized  
7 assistance and intervention for each school in danger of not  
8 meeting state standards or making adequate progress, as  
9 defined pursuant to statute and State Board of Education rule,  
10 toward meeting the goals and standards of its approved school  
11 improvement plan.

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

16 3. Develop a plan to encourage teachers with  
17 demonstrated mastery in improving student performance to  
18 remain at or transfer to a school with a ~~designated as~~  
19 ~~performance~~ grade of ~~category~~ "D" or "F" or to an alternative  
20 school that serves disruptive or violent youths. If a  
21 classroom teacher, as defined by s. 1012.01(2)(a), who meets  
22 the definition of teaching mastery developed according to the  
23 provisions of this paragraph, requests assignment to a school  
24 designated with a ~~as performance~~ grade of ~~category~~ "D" or "F"  
25 or to an alternative school that serves disruptive or violent  
26 youths, the district school board shall make every practical  
27 effort to grant the request.

28 4. Prioritize, to the extent possible, the  
29 expenditures of funds received from the supplemental academic  
30 instruction categorical fund under s. 1011.62(1)(f) to improve  
31 student performance in schools that receive a ~~performance~~

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1 grade ~~category designation~~ of "D" or "F."

2 (d) After 2 years.--Notify the Commissioner of  
3 Education and the State Board of Education in the event any  
4 school does not make adequate progress toward meeting the  
5 goals and standards of a school improvement plan by the end of  
6 2 years of failing to make adequate progress and proceed  
7 according to guidelines developed pursuant to statute and  
8 State Board of Education rule. School districts shall provide  
9 intervention and assistance to schools in danger of being  
10 designated with a ~~as performance grade of~~ category "F,"  
11 failing to make adequate progress.

12 (e) Public disclosure.--Provide information regarding  
13 performance of students and educational programs as required  
14 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
15 school reports as required by statute and State Board of  
16 Education rule that shall include schools operating for the  
17 purpose of providing educational services to youth in  
18 Department of Juvenile Justice programs, and for those  
19 schools, report on the elements specified in s. 1003.52(19).  
20 Annual public disclosure reports shall be in an easy-to-read  
21 report card format and shall include the school's ~~student and~~  
22 ~~school performance~~ grade, high school graduation rate  
23 calculated without GED tests, disaggregated by student  
24 ethnicity, ~~category designation~~ and performance data as  
25 specified in state board rule.

26 (f) School improvement funds.--Provide funds to  
27 schools for developing and implementing school improvement  
28 plans. Such funds shall include those funds appropriated for  
29 the purpose of school improvement pursuant to s. 24.121(5)(c).

30 (17) LOCAL-LEVEL DECISIONMAKING.--

31 (d) Adopt policies that assist in giving greater

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1 | autonomy, including authority over the allocation of the  
 2 | school's budget, to schools designated with a ~~as performance~~  
 3 | grade of ~~category~~ "A," making excellent progress, and schools  
 4 | rated as having improved at least two grades ~~performance grade~~  
 5 | ~~categories~~.

6 |       (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies  
 7 | allowing students attending schools that have been designated  
 8 | with a ~~as performance~~ grade of ~~category~~ "F," failing to make  
 9 | adequate progress, for 2 school years in a 4-year period to  
 10 | attend a higher performing school in the district or an  
 11 | adjoining district or be granted a state opportunity  
 12 | scholarship to a private school, in conformance with s.  
 13 | 1002.38 and State Board of Education rule.

14 |       (22) REDUCE PAPERWORK AND DATA COLLECTION AND  
 15 | REPORTING REQUIREMENTS.--Beginning with the 2006-2007 school  
 16 | year:

17 |       (a) Each district school board shall designate a  
 18 | classroom teacher to serve as the teacher representative to  
 19 | speak on behalf of the district's teachers regarding paperwork  
 20 | and data collection reduction.

21 |       (b) Each district school board must provide the school  
 22 | community with an efficient method for the school community to  
 23 | communicate with the classroom teacher designee regarding  
 24 | possible paperwork and data collection burdens and potential  
 25 | solutions.

26 |       (c) The teacher designee shall annually report his or  
 27 | her findings and potential solutions to the school board.

28 |       (d) Each district school board must submit its  
 29 | findings and potential solutions to the State Board of  
 30 | Education by September 1 of each year.

31 |       (e) The State Board of Education shall prepare a



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1 report of the statewide paperwork and data collection findings  
 2 and potential solutions and submit the report to the Governor,  
 3 the President of the Senate, and the Speaker of the House of  
 4 Representatives by October 1 of each year.

5 Section 12. Subsection (24) of section 1001.51,  
 6 Florida Statutes, is repealed.

7 Section 13. Paragraphs (c) and (d) of subsection (1)  
 8 and subsection (2) of section 1001.54, Florida Statutes, are  
 9 amended to read:

10 1001.54 Duties of school principals.--

11 (1)

12 ~~(c) The school principal shall encourage school~~  
 13 ~~personnel to implement the guiding principles for Better~~  
 14 ~~Educated Students and Teachers (BEST) Florida Teaching,~~  
 15 ~~pursuant to s. 1000.041.~~

16 ~~(c)(d)~~ The school principal shall fully support the  
 17 authority of each teacher and school bus driver to remove  
 18 disobedient, disrespectful, violent, abusive, uncontrollable,  
 19 or disruptive students from the classroom and the school bus  
 20 and, when appropriate and available, place such students in an  
 21 alternative educational setting.

22 (2) Each school principal shall provide instructional  
 23 leadership in the development, ~~or~~ revision, and implementation  
 24 of a school improvement plan, pursuant to s. 1001.42(16).

25 Section 14. Subsection (11) of section 1002.20,  
 26 Florida Statutes, is amended to read:

27 1002.20 K-12 student and parent rights.--Parents of  
 28 public school students must receive accurate and timely  
 29 information regarding their child's academic progress and must  
 30 be informed of ways they can help their child to succeed in  
 31 school. K-12 students and their parents are afforded numerous

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1 statutory rights including, but not limited to, the following:

2 (11) STUDENTS WITH READING DEFICIENCIES.--Each  
3 elementary school shall regularly assess the reading ability  
4 of each K-3 student. The parent of any K-3 student who  
5 exhibits a reading deficiency shall be immediately notified of  
6 the student's deficiency with a description and explanation,  
7 in terms understandable to the parent, of the exact nature of  
8 the student's difficulty in learning and lack of achievement  
9 in reading; shall be consulted in the development of a  
10 progress monitoring ~~detailed academic improvement~~ plan, as  
11 described in s. 1008.25(4)(b); and shall be informed that the  
12 student will be given intensive reading instruction until the  
13 deficiency is corrected. This subsection operates in addition  
14 to the remediation and notification provisions contained in s.  
15 1008.25 and in no way reduces the rights of a parent or the  
16 responsibilities of a school district under that section.

17 Section 15. Paragraph (b) of subsection (3) and  
18 subsection (4) of section 1003.01, Florida Statutes, are  
19 amended to read:

20 1003.01 Definitions.--As used in this chapter, the  
21 term:

22 (3)  
23 (b) "Special education services" means specially  
24 designed instruction and such related services as are  
25 necessary for an exceptional student to benefit from  
26 education. Such services may include: transportation;  
27 diagnostic and evaluation services; social services; physical  
28 and occupational therapy; speech and language pathology  
29 services; job placement; orientation and mobility training;  
30 braillists, typists, and readers for the blind; interpreters  
31 and auditory amplification; rehabilitation counseling;

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1 transition services; mental health services; guidance and  
 2 career counseling; specified materials, assistive technology  
 3 devices, and other specialized equipment; and other such  
 4 services as approved by rules of the state board.

5 (4) "Career education" means education that provides  
 6 instruction for the following purposes:

7 (a) At the elementary, middle, and high ~~secondary~~  
 8 school levels, exploratory courses designed to give students  
 9 initial exposure to a broad range of occupations to assist  
 10 them in preparing their academic and occupational plans, and  
 11 practical arts courses that provide generic skills that may  
 12 apply to many occupations but are not designed to prepare  
 13 students for entry into a specific occupation. Career  
 14 education provided before high school completion must be  
 15 designed to strengthen ~~enhance~~ both occupational awareness and  
 16 academic skills integrated throughout all ~~through integration~~  
 17 ~~with~~ academic instruction.

18 (b) At the secondary school level, job-preparatory  
 19 instruction in the competencies that prepare students for  
 20 effective entry into an occupation, including diversified  
 21 cooperative education, work experience, and job-entry programs  
 22 that coordinate directed study and on-the-job training.

23 (c) At the postsecondary education level, courses of  
 24 study that provide competencies needed for entry into specific  
 25 occupations or for advancement within an occupation.

26 Section 16. Paragraph (b) of subsection (2) of section  
 27 1003.03, Florida Statutes, is amended, and subsection (5) is  
 28 added to that section, to read:

29 1003.03 Maximum class size.--

30 (2) IMPLEMENTATION.--

31 (b) Determination of the number of students per

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1 classroom in paragraph (a) shall be calculated as follows:

2 1. For fiscal years 2003-2004 through 2005-2006, the  
3 calculation for compliance for each of the 3 grade groupings  
4 shall be the average at the district level.

5 2. For fiscal years 2006-2007 through 2007-2008, the  
6 calculation for compliance for each of the 3 grade groupings  
7 shall be the average at the school level.

8 3. For fiscal years 2008-2009, 2009-2010, and  
9 thereafter, the calculation for compliance shall be at the  
10 individual classroom level.

11 4. For fiscal years 2006-2007 through 2009-2010 and  
12 thereafter, each teacher assigned to any classroom shall be  
13 included in the calculation for compliance.

14 (5) TEAM-TEACHING STRATEGIES.--

15 (a) School districts may use teaching strategies that  
16 include the assignment of more than one teacher to a classroom  
17 of students and that were implemented before July 1, 2005.  
18 Effective July 1, 2005, school districts may implement  
19 additional teaching strategies that include the assignment of  
20 more than one teacher to a classroom of students for the  
21 following purposes only:

22 1. Pairing teachers for the purpose of staff  
23 development.

24 2. Pairing new teachers with veteran teachers.

25 3. Reducing turnover among new teachers.

26 4. Pairing teachers who are teaching out-of-field with  
27 teachers who are in-field.

28 5. Providing for more flexibility and innovation in  
29 the classroom.

30 6. Improving learning opportunities for students,  
31 including students who have disabilities.

1       (b) Teaching strategies implemented on or after July  
2 1, 2005, pursuant to paragraph (a) may be implemented subject  
3 to the following restrictions:

4           1. Reasonable limits shall be placed on the number of  
5 students in a classroom so that classrooms are not  
6 overcrowded. Teacher-to-student ratios within a curriculum  
7 area or grade level must not exceed constitutional limits.

8           2. At least one member of the team must have at least  
9 3 years of teaching experience.

10           3. At least one member of the team must be teaching  
11 in-field.

12           4. The teachers must be trained in team-teaching  
13 methods within 1 year after assignment.

14  
15 The use of strategies implemented as outlined in this  
16 subsection meets the letter and intent of the Florida  
17 Constitution and the Florida Statutes which relate to  
18 implementing class-size reduction and this subsection applies  
19 retroactively. A school district may not be penalized  
20 financially or otherwise as a result of the use of any legal  
21 strategy, including, but not limited to, those set forth in  
22 subsection (3) and this subsection.

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

25           1003.05 Assistance to transitioning students from  
26 military families.--

27           (3) Dependent children of active duty military  
28 personnel who otherwise meet the eligibility criteria for  
29 special academic programs offered through public schools shall  
30 be given first preference for admission to such programs even  
31 if the program is being offered through a public school other

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1 | than the school to which the student would generally be  
 2 | assigned ~~and the school at which the program is being offered~~  
 3 | ~~has reached its maximum enrollment~~. If such a program is  
 4 | offered through a public school other than the school to which  
 5 | the student would generally be assigned, the parent or  
 6 | guardian of the student must assume responsibility for  
 7 | transporting the student to that school. For purposes of this  
 8 | subsection, special academic programs include ~~charter schools,~~  
 9 | magnet schools, advanced studies programs, advanced placement,  
 10 | dual enrollment, Advanced International Certificate of  
 11 | Education, and International Baccalaureate.

12 |       Section 18. Paragraph (c) of subsection (1) of section  
 13 | 1003.21, Florida Statutes, is amended to read:

14 |       1003.21 School attendance.--

15 |       (1)

16 |       (c) A student who attains the age of 16 years during  
 17 | the school year is not subject to compulsory school attendance  
 18 | beyond the date upon which he or she attains that age if the  
 19 | student files a formal declaration of intent to terminate  
 20 | school enrollment with the district school board. The  
 21 | declaration must acknowledge that terminating school  
 22 | enrollment is likely to reduce the student's earning potential  
 23 | and must be signed by the student and the student's parent.  
 24 | The school district must notify the student's parent of  
 25 | receipt of the student's declaration of intent to terminate  
 26 | school enrollment. The student's guidance counselor or other  
 27 | school personnel must conduct an exit interview with the  
 28 | student to determine the reasons for the student's decision to  
 29 | terminate school enrollment and actions that could be taken to  
 30 | keep the student in school. The student must be informed of  
 31 | opportunities to continue his or her education in a different

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1 environment, including, but not limited to, adult education  
 2 and GED test preparation. Additionally, the student must  
 3 complete a survey in a format prescribed by the Department of  
 4 Education to provide data on student reasons for terminating  
 5 enrollment and actions taken by schools to keep students  
 6 enrolled.

7 Section 19. Section 1003.413, Florida Statutes, is  
 8 created to read:

9 1003.413 Florida Secondary School Redesign Act.--

10 (1) Secondary schools are schools that primarily serve  
 11 students in grades 6 through 12. It is the intent of the  
 12 Legislature to provide for secondary school redesign so that  
 13 students promoted from the 8th grade have the necessary  
 14 academic skills for success in high school and students  
 15 graduating from high school have the necessary skills for  
 16 success in the workplace and postsecondary education.

17 (2) The following guiding principles for secondary  
 18 school redesign shall be used in the annual preparation of  
 19 each secondary school's improvement plan required by s.  
 20 1001.42(16):

21 (a) Struggling students, especially those in failing  
 22 schools, need the highest quality teachers and dramatically  
 23 different, innovative approaches to teaching and learning.

24 (b) Every teacher must contribute to every student's  
 25 reading improvement.

26 (c) Quality professional development provides teachers  
 27 and principals with the tools they need to better serve  
 28 students.

29 (d) Small learning communities allow teachers to  
 30 personalize instruction to better address student learning  
 31 styles, strengths, and weaknesses.

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1       (e) Intensive intervention in reading and mathematics  
2 must occur early and through innovative delivery systems.

3       (f) Parents need access to tools they can use to  
4 monitor their child's progress in school, communicate with  
5 teachers, and act early on behalf of their child.

6       (g) Applied and integrated courses help students see  
7 the relationships between subjects and relevance to their  
8 futures.

9       (h) School is more relevant when students choose  
10 courses based on their goals, interests, and talents.

11       (i) Master schedules should not determine instruction  
12 and must be designed based on student needs, not adult or  
13 institutional needs.

14       (j) Academic and career planning engages students in  
15 developing a personally meaningful course of study so they can  
16 achieve goals they have set for themselves.

17       (3) Based on these guiding principles, district school  
18 boards shall establish policies to implement the requirements  
19 of ss. 1003.4156, 1003.428, and 1003.493. The policies must  
20 address:

21       (a) Procedures for placing and promoting students who  
22 enter a Florida public school at grade 6 through grade 12 from  
23 out of state or from a foreign country, including a review of  
24 the student's prior academic performance.

25       (b) Alternative methods for students to demonstrate  
26 competency in required courses and credits, with special  
27 support for students who have been retained.

28       (c) Applied, integrated, and combined courses that  
29 provide flexibility for students to enroll in courses that are  
30 creative and meet individual learning styles and student  
31 needs.



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1       (d) Credit recovery courses and intensive reading and  
 2 mathematics intervention courses based on student performance  
 3 on the FCAT. These courses should be competency based and  
 4 offered through innovative delivery systems, including  
 5 computer-assisted instruction. School districts should use  
 6 learning gains as well as other appropriate data and provide  
 7 incentives to identify and reward high-performing teachers who  
 8 teach credit recovery and intensive intervention courses.

9       (e) Grade forgiveness policies that replace a grade of  
 10 "D" or "F" with a grade of "C" or higher earned subsequently  
 11 in the same or a comparable course.

12       (f) Summer academies for students to receive intensive  
 13 reading and mathematics intervention courses or  
 14 competency-based credit recovery courses. A student's  
 15 participation in an instructional or remediation program prior  
 16 to or immediately following entering grade 9 for the first  
 17 time shall not affect that student's classification as a  
 18 first-time 9th grader for reporting purposes.

19       (g) Strategies to support teachers' pursuit of the  
 20 reading endorsement and emphasize reading instruction  
 21 professional development for content area teachers.

22       (h) Creative and flexible scheduling designed to meet  
 23 student needs.

24       (i) Procedures for high school students who have not  
 25 prepared an electronic personal education plan pursuant to s.  
 26 1003.4156 to prepare such plan.

27       (j) Tools for parents to regularly monitor student  
 28 progress and communicate with teachers.

29       (k) Additional course requirements for promotion and  
 30 graduation which may be determined by each school district in  
 31 the student progression plan and may include additional

1 academic, fine and performing arts, physical education, or  
2 career and technical education courses in order to provide a  
3 complete education program pursuant to s. 1001.41(3).

4 (4) In order to support the successful implementation  
5 of this section by district school boards, the Department of  
6 Education shall:

7 (a) By February 1, 2007, increase the number of  
8 approved applied, integrated, and combined courses available  
9 to school districts.

10 (b) By the beginning of the 2006-2007 school year,  
11 make available a professional development package designed to  
12 provide the information that content area teachers need to  
13 become proficient in applying scientifically based reading  
14 strategies through their content areas.

15 (c) Share best practices for providing a complete  
16 education program to students enrolled in course recovery,  
17 credit recovery, intensive reading intervention, or intensive  
18 mathematics intervention.

19 (d) Expedite assistance and decisions and coordinate  
20 policies throughout all divisions within the department to  
21 provide school districts with support to implement this  
22 section.

23 (e) Use data to provide the Legislature with an annual  
24 longitudinal analysis of the success of this reform effort,  
25 including the progress of 6th grade students and 9th grade  
26 students scoring at Level 1 on FCAT Reading or FCAT  
27 Mathematics.

28 (5) The Commissioner of Education shall create and  
29 implement the Secondary School Improvement Award Program to  
30 reward public secondary schools that demonstrate continuous  
31 student academic improvement and show the greatest gains in

1 student academic achievement in reading and mathematics.

2 Section 20. Section 1003.415, Florida Statutes, is  
3 repealed.

4 Section 21. Section 1003.4156, Florida Statutes, is  
5 created to read:

6 1003.4156 General requirements for middle grades  
7 promotion.--

8 (1) Beginning with students entering grade 6 in the  
9 2006-2007 school year, promotion from a school composed of  
10 middle grades 6, 7, and 8 requires that:

11 (a) The student must successfully complete academic  
12 courses as follows:

13 1. Three middle school or higher courses in English.  
14 These courses shall emphasize literature, composition, and  
15 technical text.

16 2. Three middle school or higher courses in  
17 mathematics. Each middle school must offer at least one  
18 high-school-level mathematics course for which students may  
19 earn high school credit.

20 3. Three middle school or higher courses in social  
21 studies, one semester of which must include the study of state  
22 and federal government and civics education.

23 4. Three middle school or higher courses in science.

24 5. One course in career and education planning to be  
25 completed in 7th or 8th grade. The course may be taught by any  
26 member of the instructional staff; must include career  
27 exploration using CHOICES for the 21st Century or a comparable  
28 cost-effective program; must include educational planning  
29 using the online student advising system known as Florida  
30 Academic Counseling and Tracking for Students at the Internet  
31 website FACTS.org; and shall result in the completion of a

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1 personalized academic and career plan. Each student's plan  
2 must be signed by the student, the student's guidance  
3 counselor or academic advisor, and the student's parent. By  
4 January 1, 2007, the Department of Education shall develop  
5 course frameworks and professional development materials for  
6 the career and education planning course to be implemented as  
7 a stand-alone course or integrated into another course or  
8 courses.

9  
10 Each school must hold a parent meeting either in the evening  
11 or on a weekend to inform parents about the course curriculum  
12 and activities. Each student shall complete an electronic  
13 personal education plan that must be signed by the student,  
14 the student's instructor or guidance counselor, and the  
15 student's parent. By January 1, 2007, the Department of  
16 Education shall develop course frameworks and professional  
17 development materials for the career exploration and education  
18 planning course. The course may be implemented as a  
19 stand-alone course or integrated into another course. The  
20 Commissioner of Education shall collect longitudinal high  
21 school course enrollment data by student ethnicity in order to  
22 analyze course-taking patterns.

23 (b) For each year in which a student scores at Level 1  
24 on FCAT Reading, the student must be enrolled in and complete  
25 an intensive reading course the following year. Placement of  
26 Level 2 readers in either an intensive reading course or a  
27 content area course in which reading strategies are delivered  
28 shall be determined by diagnosis of reading needs. The  
29 department shall provide guidance on appropriate strategies  
30 for diagnosing and meeting the varying instructional needs of  
31 students reading below grade level. Reading courses shall be

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1 designed and offered pursuant to the comprehensive reading  
2 plan required by s. 1011.62(8).

3 (c) For each year in which a student scores at Level 1  
4 or Level 2 on FCAT Mathematics, the student must receive  
5 remediation the following year, which may be integrated into  
6 the student's required mathematics course.

7 (2) Students in grade 6, grade 7, or grade 8 who are  
8 not enrolled in schools with a middle grades configuration are  
9 subject to the promotion requirements of this section.

10 (3) The State Board of Education may adopt rules  
11 pursuant to ss. 120.536(1) and 120.54 to implement the  
12 provisions of this section and may enforce the provisions of  
13 this section pursuant to s. 1008.32.

14 Section 22. Section 1003.42, Florida Statutes, is  
15 amended to read:

16 1003.42 Required instruction.--

17 (1) Each district school board shall provide all  
18 courses required for middle grades promotion, high school  
19 graduation, and appropriate instruction designed to ensure  
20 that students meet State Board of Education adopted standards  
21 in the following subject areas: reading and other language  
22 arts, mathematics, science, social studies, foreign languages,  
23 health and physical education, and the arts.

24 (2) Members of the instructional staff of the public  
25 schools, subject to the rules of the State Board of Education  
26 and the district school board, shall teach efficiently and  
27 faithfully, using the books and materials required that meet  
28 the highest standards for professionalism and historic  
29 accuracy, following the prescribed courses of study, and  
30 employing approved methods of instruction, the following:

31 (a) The history and content of the Declaration of

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1 Independence, including national sovereignty, natural law,  
 2 self-evident truth, equality of all persons, limited  
 3 government, popular sovereignty, and inalienable rights of  
 4 life, liberty, and property, and how they form it forms the  
 5 philosophical foundation of our government.

6 (b) The history, meaning, significance, and effect of  
 7 the provisions of the Constitution of the United States and  
 8 amendments thereto, with emphasis on each of the 10 amendments  
 9 that make up the Bill of Rights and how the constitution  
 10 provides the structure of our government.

11 (c)(b) The arguments in support of adopting our  
 12 republican form of government, as they are embodied in the  
 13 most important of the Federalist Papers.

14 ~~(c) The essentials of the United States Constitution~~  
 15 ~~and how it provides the structure of our government.~~

16 (d) Flag education, including proper flag display and  
 17 flag salute.

18 (e) The elements of civil government, including the  
 19 primary functions of and interrelationships between the  
 20 Federal Government, the state, and its counties,  
 21 municipalities, school districts, and special districts.

22 (f) The history of the United States, including the  
 23 period of discovery, early colonies, the War for Independence,  
 24 the Civil War, the expansion of the United States to its  
 25 present boundaries, the world wars, and the civil rights  
 26 movement to the present. American history shall be viewed as  
 27 factual, not as constructed, shall be viewed as knowable,  
 28 teachable, and testable, and shall be defined as the creation  
 29 of a new nation based largely on the universal principles  
 30 stated in the Declaration of Independence.

31 (g)(f) The history of the Holocaust (1933-1945), the

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1 systematic, planned annihilation of European Jews and other  
 2 groups by Nazi Germany, a watershed event in the history of  
 3 humanity, to be taught in a manner that leads to an  
 4 investigation of human behavior, an understanding of the  
 5 ramifications of prejudice, racism, and stereotyping, and an  
 6 examination of what it means to be a responsible and  
 7 respectful person, for the purposes of encouraging tolerance  
 8 of diversity in a pluralistic society and for nurturing and  
 9 protecting democratic values and institutions.

10        ~~(h)(g)~~ The history of African Americans, including the  
 11 history of African peoples before the political conflicts that  
 12 led to the development of slavery, the passage to America, the  
 13 enslavement experience, abolition, and the contributions of  
 14 African Americans to society.

15        ~~(i)(h)~~ The elementary principles of agriculture.

16        ~~(j)(i)~~ The true effects of all alcoholic and  
 17 intoxicating liquors and beverages and narcotics upon the  
 18 human body and mind.

19        ~~(k)(j)~~ Kindness to animals.

20        ~~(l)(k)~~ The history of the state.

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

22        ~~(n)(m)~~ Comprehensive health education that addresses  
 23 concepts of community health; consumer health; environmental  
 24 health; family life, including an awareness of the benefits of  
 25 sexual abstinence as the expected standard and the  
 26 consequences of teenage pregnancy; mental and emotional  
 27 health; injury prevention and safety; nutrition; personal  
 28 health; prevention and control of disease; and substance use  
 29 and abuse.

30        ~~(o)(n)~~ Such additional materials, subjects, courses,  
 31 or fields in such grades as are prescribed by law or by rules

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1 of the State Board of Education and the district school board  
2 in fulfilling the requirements of law.

3 ~~(p)(e)~~ The study of Hispanic contributions to the  
4 United States.

5 ~~(g)(e)~~ The study of women's contributions to the  
6 United States.

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

9 ~~(s)(a)~~ A character-development program in the  
10 elementary schools, similar to Character First or Character  
11 Counts, which is secular in nature ~~and stresses such character~~  
12 ~~qualities as attentiveness, patience, and initiative.~~

13 Beginning in school year 2004-2005, the character-development  
14 program shall be required in kindergarten through grade 12.  
15 Each district school board shall develop or adopt a curriculum  
16 for the character-development program that shall be submitted  
17 to the department for approval. The character-development  
18 curriculum shall stress the qualities of patriotism;  
19 responsibility;  
20 citizenship; kindness; respect for  
21 authority, life, liberty, and personal property; honesty;  
22 charity; self-control; racial, ethnic, and religious  
23 tolerance; and cooperation.

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

30 The State Board of Education is encouraged to adopt standards  
31 and pursue assessment of the requirements of this subsection.



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1           (3) Any student whose parent makes written request to  
2 the school principal shall be exempted from the teaching of  
3 reproductive health or any disease, including HIV/AIDS, its  
4 symptoms, development, and treatment. A student so exempted  
5 may not be penalized by reason of that exemption. Course  
6 descriptions for comprehensive health education shall not  
7 interfere with the local determination of appropriate  
8 curriculum which reflects local values and concerns.

9           Section 23. Section 1003.428, Florida Statutes, is  
10 created to read:

11           1003.428 General requirements for high school  
12 graduation; revised.--

13           (1) Except as otherwise authorized pursuant to s.  
14 1003.429, beginning with students entering their first year of  
15 high school in the 2007-2008 school year, graduation requires  
16 the successful completion of a minimum of 24 credits, an  
17 International Baccalaureate curriculum, or an Advanced  
18 International Certificate of Education curriculum. Students  
19 must be advised of eligibility requirements for state  
20 scholarship programs and postsecondary admissions.

21           (2) The 24 credits may be earned through applied,  
22 integrated, and combined courses approved by the Department of  
23 Education and shall be distributed as follows:

24           (a) Sixteen core curriculum credits:

25           1. Four credits in English, with major concentration  
26 in composition, reading for information, and literature.

27           2. Four credits in mathematics, one of which must be  
28 Algebra I, a series of courses equivalent to Algebra I, or a  
29 higher-level mathematics course. School districts are  
30 encouraged to set specific goals to increase enrollments in,  
31 and successful completion of, geometry and Algebra II.

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1           3. Three credits in science, two of which must have a  
2 laboratory component.

3           4. Three credits in social studies as follows: one  
4 credit in American history; one credit in world history;  
5 one-half credit in economics; and one-half credit in American  
6 government.

7           5. One credit in fine arts.

8           6. One credit in physical education to include  
9 integration of health.

10           (b) Eight credits in majors, minors, or electives:

11           1. Four credits in a major area of interest, such as  
12 sequential courses in a career and technical program, fine and  
13 performing arts, or academic content area, selected by the  
14 student as part of the education plan required by s.  
15 1003.4156. Students may revise major areas of interest each  
16 year as part of annual course registration processes and  
17 should update their education plan to reflect such revisions.  
18 Annually by October 1, the district school board shall approve  
19 major areas of interest and submit the list of majors to the  
20 Commissioner of Education for approval. Each major area of  
21 interest shall be deemed approved unless specifically rejected  
22 by the commissioner within 60 days. Upon approval, each  
23 district's major areas of interest shall be available for use  
24 by all school districts and shall be posted on the  
25 department's website.

26           2. Four credits in elective courses selected by the  
27 student as part of the education plan required by s.  
28 1003.4156. These credits may be combined to allow for a second  
29 major area of interest pursuant to subparagraph 1., a minor  
30 area of interest, elective courses, intensive reading or  
31 mathematics intervention courses, or credit recovery courses

1 as described in this subparagraph.

2 a. Minor areas of interest are composed of three  
3 credits selected by the student as part of the education plan  
4 required by s. 1003.4156 and approved by the district school  
5 board.

6 b. Elective courses are selected by the student in  
7 order to pursue a complete education program as described in  
8 s. 1001.41(3) and to meet eligibility requirements for  
9 scholarships.

10 c. For each year in which a student scores at Level 1  
11 on FCAT Reading, the student must be enrolled in and complete  
12 an intensive reading course the following year. Placement of  
13 Level 2 readers in either an intensive reading course or a  
14 content area course in which reading strategies are delivered  
15 shall be determined by diagnosis of reading needs. The  
16 department shall provide guidance on appropriate strategies  
17 for diagnosing and meeting the varying instructional needs of  
18 students reading below grade level. Reading courses shall be  
19 designed and offered pursuant to the comprehensive reading  
20 plan required by s. 1011.62(8).

21 d. For each year in which a student scores at Level 1  
22 or Level 2 on FCAT Mathematics, the student must receive  
23 remediation the following year. These courses may be taught  
24 through applied, integrated, or combined courses and are  
25 subject to approval by the department for inclusion in the  
26 Course Code Directory.

27 e. Credit recovery courses shall be offered so that  
28 students can simultaneously earn an elective credit and the  
29 recovered credit.

30 (3)(a) A district school board may require specific  
31 courses and programs of study within the minimum credit

1 requirements for high school graduation and shall modify basic  
2 courses, as necessary, to assure exceptional students the  
3 opportunity to meet the graduation requirements for a standard  
4 diploma, using one of the following strategies:

5 1. Assignment of the exceptional student to an  
6 exceptional education class for instruction in a basic course  
7 with the same student performance standards as those required  
8 of nonexceptional students in the district school board  
9 student progression plan; or

10 2. Assignment of the exceptional student to a basic  
11 education class for instruction that is modified to  
12 accommodate the student's exceptionality.

13 (b) The district school board shall determine which of  
14 these strategies to employ based upon an assessment of the  
15 student's needs and shall reflect this decision in the  
16 student's individual education plan.

17 (4) Each district school board shall establish  
18 standards for graduation from its schools, which must include:

19 (a) Successful completion of the academic credit or  
20 curriculum requirements of subsections (1) and (2).

21 (b) Earning passing scores on the FCAT, as defined in  
22 s. 1008.22(3)(c), or scores on a standardized test that are  
23 concordant with passing scores on the FCAT as defined in s.  
24 1008.22(9).

25 (c) Completion of all other applicable requirements  
26 prescribed by the district school board pursuant to s.  
27 1008.25.

28 (d) Achievement of a cumulative grade point average of  
29 2.0 on a 4.0 scale, or its equivalent, in the courses required  
30 by this section.

31 (5) The State Board of Education, after a public

1 hearing and consideration, shall adopt rules based upon the  
 2 recommendations of the commissioner for the provision of test  
 3 accommodations and modifications of procedures as necessary  
 4 for students with disabilities which will demonstrate the  
 5 student's abilities rather than reflect the student's impaired  
 6 sensory, manual, speaking, or psychological process skills.

7       (6) The public hearing and consideration required in  
 8 subsection (5) shall not be construed to amend or nullify the  
 9 requirements of security relating to the contents of  
 10 examinations or assessment instruments and related materials  
 11 or data as prescribed in s. 1008.23.

12       (7)(a) A student who meets all requirements prescribed  
 13 in subsections (1), (2), (3), and(4) shall be awarded a  
 14 standard diploma in a form prescribed by the State Board of  
 15 Education.

16       (b) A student who completes the minimum number of  
 17 credits and other requirements prescribed by subsections (1),  
 18 (2), and (3), but who is unable to meet the standards of  
 19 paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall  
 20 be awarded a certificate of completion in a form prescribed by  
 21 the State Board of Education. However, any student who is  
 22 otherwise entitled to a certificate of completion may elect to  
 23 remain in the secondary school either as a full-time student  
 24 or a part-time student for up to 1 additional year and receive  
 25 special instruction designed to remedy his or her identified  
 26 deficiencies.

27       (8)(a) Each district school board must provide  
 28 instruction to prepare students with disabilities to  
 29 demonstrate proficiency in the skills and competencies  
 30 necessary for successful grade-to-grade progression and high  
 31 school graduation.

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1       (b) A student with a disability, as defined in s.  
 2 1007.02(2), for whom the individual education plan (IEP)  
 3 committee determines that the FCAT cannot accurately measure  
 4 the student's abilities taking into consideration all  
 5 allowable accommodations, shall have the FCAT requirement of  
 6 paragraph (4)(b) waived for the purpose of receiving a  
 7 standard high school diploma, if the student:

8           1. Completes the minimum number of credits and other  
 9 requirements prescribed by subsections (1), (2), and (3).

10           2. Does not meet the requirements of paragraph (4)(b)  
 11 after one opportunity in 10th grade and one opportunity in  
 12 11th grade.

13           (9) The Commissioner of Education may award a standard  
 14 high school diploma to honorably discharged veterans who  
 15 started high school between 1937 and 1946 and were scheduled  
 16 to graduate between 1941 and 1950 but were inducted into the  
 17 United States Armed Forces between September 16, 1940, and  
 18 December 31, 1946, prior to completing the necessary high  
 19 school graduation requirements. Upon the recommendation of the  
 20 commissioner, the State Board of Education may develop  
 21 criteria and guidelines for awarding such diplomas.

22           (10) The Commissioner of Education may award a  
 23 standard high school diploma to honorably discharged veterans  
 24 who started high school between 1946 and 1950 and were  
 25 scheduled to graduate between 1950 and 1954, but were inducted  
 26 into the United States Armed Forces between June 27, 1950, and  
 27 January 31, 1955, and served during the Korean Conflict prior  
 28 to completing the necessary high school graduation  
 29 requirements. Upon the recommendation of the commissioner, the  
 30 State Board of Education may develop criteria and guidelines  
 31 for awarding such diplomas.

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1           (11) The State Board of Education may adopt rules  
 2 pursuant to ss. 120.536(1) and 120.54 to implement the  
 3 provisions of this section and may enforce the provisions of  
 4 this section pursuant to s. 1008.32.

5           Section 24. Section 1003.429, Florida Statutes, is  
 6 amended to read:

7           1003.429 Accelerated high school graduation options.--

8           (1) Students who enter grade 9 in the 2006-2007  
 9 ~~2004-2005~~ school year and thereafter may select, upon receipt  
 10 of each consent required by this section, one of the following  
 11 three high school graduation options:

12           (a) Completion of the general requirements for high  
 13 school graduation pursuant to s. 1003.43;

14           (b) Completion of a 3-year standard college  
 15 preparatory program requiring successful completion of a  
 16 minimum of 18 academic credits in grades 9 through 12. At  
 17 least 6 of the 18 credits required for completion of this  
 18 program must be received in classes that are offered pursuant  
 19 to the International Baccalaureate Program, the Advanced  
 20 Placement Program ~~honors, dual enrollment, advanced placement,~~  
 21 ~~International Baccalaureate,~~ Advanced International  
 22 Certificate of Education, or specifically listed or identified  
 23 by the Department of Education as rigorous pursuant to s.  
 24 ~~1009.531(3), or weighted by the district school board for~~  
 25 ~~class ranking purposes.~~ The 18 credits required for completion  
 26 of this program shall be primary requirements and shall be  
 27 distributed as follows:

28           1. Four credits in English, with major concentration  
 29 in composition and literature;

30           2. Three credits in mathematics at the Algebra I level  
 31 or higher from the list of courses that qualify for state

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1 university admission;

2           3. Three credits in natural science, two of which must  
3 have a laboratory component;

4           4. Three credits in social sciences, which must  
5 include one credit in American history, one credit in world  
6 history, one-half credit in American government, and one-half  
7 credit in economics;

8           5. Two credits in the same second language unless the  
9 student is a native speaker of or can otherwise demonstrate  
10 competency in a language other than English. If the student  
11 demonstrates competency in another language, the student may  
12 replace the language requirement with two credits in other  
13 academic courses; and

14           6. Three credits in electives; or

15           (c) Completion of a 3-year career preparatory program  
16 requiring successful completion of a minimum of 18 academic  
17 credits in grades 9 through 12. The 18 credits shall be  
18 primary requirements and shall be distributed as follows:

19           1. Four credits in English, with major concentration  
20 in composition and literature;

21           2. Three credits in mathematics, one of which must be  
22 Algebra I;

23           3. Three credits in natural science, two of which must  
24 have a laboratory component;

25           4. Three credits in social sciences, which must  
26 include one credit in American history, one credit in world  
27 history, one-half credit in American government, and one-half  
28 credit in economics;

29           5. Three credits in a single vocational or career  
30 education program, three credits in career and technical  
31 certificate dual enrollment courses, or five credits in



1 vocational or career education courses; and

2 6. Two credits in electives unless five credits are  
3 earned pursuant to subparagraph 5.

4  
5 Any student who selected an accelerated graduation program  
6 before July 1, 2004, may continue that program, and all  
7 statutory program requirements that were applicable when the  
8 student made the program choice shall remain applicable to the  
9 student as long as the student continues that program.

10 (2) Prior to selecting a program described in  
11 paragraph (1)(b) or paragraph (1)(c), a student and the  
12 student's parent must meet with designated school personnel to  
13 receive an explanation of the relative requirements,  
14 advantages, and disadvantages of each program option, and the  
15 student must also receive the written consent of the student's  
16 parent. ~~the following requirements must be met:~~

17 ~~(a) Designated school personnel shall meet with the~~  
18 ~~student and student's parent to give an explanation of the~~  
19 ~~relative requirements, advantages, and disadvantages of each~~  
20 ~~graduation option.~~

21 ~~(b) The student shall submit to the high school~~  
22 ~~principal and guidance counselor a signed parental consent to~~  
23 ~~enter the 3-year accelerated graduation program.~~

24 ~~(c) The student shall have achieved at least an FCAT~~  
25 ~~reading achievement level of 3, an FCAT mathematics~~  
26 ~~achievement level of 3, and an FCAT Writing score of 3 on the~~  
27 ~~most recent assessments taken by the student.~~

28 (3) Beginning with the 2006-2007 ~~2004-2005~~ school  
29 year, each district school board shall provide each student in  
30 grades 6 through 9 and their parents with information  
31 concerning the 3-year and 4-year high school graduation

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1 options listed in subsection (1), including the respective  
 2 curriculum requirements for those options, so that the  
 3 students and their parents may select the program  
 4 ~~postsecondary education or career plan~~ that best fits their  
 5 needs. The information must ~~shall~~ include a timeframe for  
 6 achieving each graduation option.

7 (4) Selection of one of the graduation options listed  
 8 in subsection (1) must be completed by the student prior to  
 9 the end of grade 9 and is exclusively up to the student and  
 10 parent, subject to the requirements in subsection (2). Each  
 11 district school board shall establish policies for extending  
 12 this deadline to the end of a student's first semester of  
 13 grade 10 for a student who entered a Florida public school  
 14 after grade 9 upon transfer from a private school or another  
 15 state or who was prevented from choosing a graduation option  
 16 due to illness during grade 9. If the student and parent fail  
 17 to select a graduation option, the student shall be considered  
 18 to have selected the general requirements for high school  
 19 graduation pursuant to paragraph (1)(a).

20 (5) District school boards may ~~shall~~ not establish  
 21 requirements for accelerated 3-year high school graduation  
 22 options in excess of the requirements in paragraphs (1)(b) and  
 23 (c).

24 (6) Students pursuing accelerated 3-year high school  
 25 graduation options pursuant to paragraph (1)(b) or paragraph  
 26 (1)(c) are required to:

27 (a) Earn passing scores on the FCAT as defined in s.  
 28 1008.22(3)(c) or scores on a standardized test that are  
 29 concordant with passing scores on the FCAT as defined in s.  
 30 1008.22(9).

31 (b)1. Achieve a cumulative weighted grade point

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1 average of 3.5 ~~3.0~~ on a 4.0 scale, or its equivalent, in the  
2 courses required for the college preparatory accelerated  
3 3-year high school graduation option pursuant to paragraph  
4 (1)(b); or

5           2. Achieve a cumulative weighted grade point average  
6 of 3.0 on a 4.0 scale, or its equivalent, in the courses  
7 required for the career preparatory accelerated 3-year high  
8 school graduation option pursuant to paragraph (1)(c).

9           (c) Receive a weighted or unweighted grade that earns  
10 at least 3.0 points, or its equivalent, to earn course credit  
11 toward the 18 credits required for the college preparatory  
12 accelerated 3-year high school graduation option pursuant to  
13 paragraph (1)(b).

14           (d) Receive a weighted or unweighted grade that earns  
15 at least 2.0 points, or its equivalent, to earn course credit  
16 toward the 18 credits required for the career preparatory  
17 accelerated 3-year high school graduation option pursuant to  
18 paragraph (1)(c).

19  
20 Weighted grades referred to in paragraphs (b), (c), and (d)  
21 shall be applied to those courses specifically listed or  
22 identified by the department as rigorous pursuant to s.  
23 1009.531(3) or weighted by the district school board for class  
24 ranking purposes.

25           (7) If, at the end of grade 10, a student is not on  
26 track to meet the credit, assessment, or grade-point-average  
27 requirements of the accelerated graduation option selected,  
28 the school shall notify the student and parent of the  
29 following:

30           (a) The requirements that the student is not currently  
31 meeting.

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1 (b) The specific performance necessary in grade 11 for  
2 the student to meet the accelerated graduation requirements.

3 (c) The right of the student to change to the 4-year  
4 program set forth in s. 1003.43.

5 (8) A student who selected one of the accelerated  
6 3-year graduation options shall automatically move to the  
7 4-year program set forth in s. 1003.43 if the student:

8 (a) Exercises his or her right to change to the 4-year  
9 program;

10 (b) Fails to earn 5 credits by the end of grade 9 or  
11 fails to earn 11 credits by the end of grade 10;

12 (c) Does not achieve a score of 3 or higher on the  
13 grade 10 FCAT Writing assessment; or

14 (d) By the end of grade 11 does not meet the  
15 requirements of subsections (1) and (6).

16 (9) A student who meets all requirements prescribed in  
17 subsections (1) and (6) shall be awarded a standard diploma in  
18 a form prescribed by the State Board of Education.

19 Section 25. Section 1003.437, Florida Statutes, is  
20 amended to read:

21 1003.437 Middle and high school grading system.--The  
22 grading system and interpretation of letter grades used for  
23 students in public ~~high~~ schools in grades 6-12 shall be as  
24 follows:

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

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

31 (3) Grade "C" equals 70 percent through 79 percent,

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1 has a grade point average value of 2, and is defined as  
2 "average progress."

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

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

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

11

12 For the purposes of class ranking, district school boards may  
13 exercise a weighted grading system pursuant to s. 1007.271.

14 Section 26. Section 1003.491, Florida Statutes, is  
15 amended to read:

16 1003.491 Career education.--

17 (1) School board, superintendent, and school  
18 accountability for career education within elementary and  
19 secondary schools includes, but is not limited to:

20 (a) Student exposure to a variety of careers and  
21 provision of instruction to explore specific careers in  
22 greater depth.

23 (b) Student awareness of available career programs and  
24 the corresponding occupations into which such programs lead.

25 (c) Student development of individual academic and  
26 career plans as specified in s. 1003.4156.

27 (d) Integration of academic and career skills in the  
28 secondary curriculum.

29 (e) Student preparation to enter the workforce and  
30 enroll in postsecondary education without being required to  
31 complete college preparatory or career preparatory

1 instruction.

2 (f) Student retention in school through high school  
3 graduation.

4 (g) Career education curriculum articulation with  
5 corresponding postsecondary programs in the career center or  
6 community college, or both.

7 (2) A ~~No~~ school board or public school may not ~~shall~~  
8 require a student to participate in any school-to-work or job  
9 training program. A district school board or school may ~~shall~~  
10 not require a student to meet occupational standards for grade  
11 level promotion or graduation unless the student is  
12 voluntarily enrolled in a job training program.

13 (3) Each district school board and superintendent  
14 shall implement all components required to obtain the career  
15 education certification on the high school diploma if the  
16 school district chooses to offer the certification.

17 Section 27. Section 1003.493, Florida Statutes, is  
18 created to read:

19 1003.493 Career and professional academies.--

20 (1) A career and professional academy is a  
21 research-based program that integrates a rigorous academic  
22 curriculum with an industry-driven career curriculum. Career  
23 and professional academies may be offered by public schools,  
24 school districts, or the Florida Virtual School. Students  
25 completing career and professional academy programs receive a  
26 standard high school diploma, the highest available industry  
27 certification, and postsecondary credit if the academy  
28 partners with a postsecondary institution.

29 (2) The goals of career and professional academies are  
30 to:

31 (a) Increase student academic achievement and

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1 graduation rates through integrated academic and career  
2 curricula.

3 (b) Focus on career preparation through rigorous  
4 academics and industry certification.

5 (c) Raise student aspiration and commitment to  
6 academic achievement and work ethics.

7 (d) Support the revised graduation requirements  
8 pursuant to s. 1003.428 by providing creative, applied majors.

9 (e) Promote acceleration mechanisms, such as dual  
10 enrollment, articulated credit, or occupational completion  
11 points, so that students may earn postsecondary credit while  
12 in high school.

13 (f) Support the state's economy by meeting industry  
14 needs for skilled employees in high-demand occupations.

15 (3) A career and professional academy may be offered  
16 as one of the following small learning communities:

17 (a) A school-within-a-school career academy, as part  
18 of an existing high school, that provides courses in one  
19 occupational cluster. Students in the high school are not  
20 required to be students in the academy.

21 (b) A total school configuration providing multiple  
22 academies each structured around an occupational cluster.  
23 Every student in the school is in an academy.

24 (4) Each career and professional academy must:

25 (a) Provide a rigorous standards-based academic  
26 curriculum integrated with a career curriculum. The curriculum  
27 must take into consideration multiple styles of student  
28 learning; promote learning by doing through application and  
29 adaptation; maximize relevance of the subject matter; enhance  
30 each student's capacity to excel; and include an emphasis on  
31 work habits and work ethics.

1       (b) Include one or more partnerships with  
 2 postsecondary institutions, businesses, industry, employers,  
 3 economic development organizations, or other appropriate  
 4 partners from the local community. Such partnerships must  
 5 provide opportunities for:

- 6           1. Instruction from highly skilled professionals.
- 7           2. Internships, externships, and on-the-job training.
- 8           3. A postsecondary degree, diploma, or certificate.
- 9           4. The highest available level of industry  
 10 certification. Where no national or state certification  
 11 exists, school districts may establish a local certification  
 12 in conjunction with the local workforce development board, the  
 13 chamber of commerce, or the Agency for Workforce Innovation.
- 14           5. Maximum articulation of credits pursuant to s.  
 15 1007.23 upon program completion.

16       (c) Provide creative and tailored student advisement,  
 17 including parent participation and coordination with middle  
 18 schools to provide career exploration and education planning  
 19 as required under s. 1003.4156. Coordination with middle  
 20 schools must provide information to middle school students  
 21 about secondary and postsecondary career education programs  
 22 and academies.

23       (d) Provide a career education certification on the  
 24 high school diploma pursuant to s. 1003.431.

25       (e) Provide instruction in careers designated as high  
 26 growth, high demand, and high pay by the local workforce  
 27 development board, the chamber of commerce, or the Agency for  
 28 Workforce Innovation.

29       (f) Deliver academic content through instruction  
 30 relevant to the career, including intensive reading and  
 31 mathematics intervention required by s. 1003.428, with an



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1 emphasis on strengthening reading for information skills.

2 (g) Provide instruction resulting in competency,  
3 certification, or credentials in workplace skills, including,  
4 but not limited to, communication skills, interpersonal  
5 skills, decisionmaking skills, the importance of attendance  
6 and timeliness in the work environment, and work ethics.

7 (h) Provide opportunities for students to obtain the  
8 Florida Ready to Work Certification pursuant to s. 1004.99.

9 (i) Include an evaluation plan developed jointly with  
10 the Department of Education. The evaluation plan must include  
11 a self-assessment tool based on standards, such as the Career  
12 Academy National Standards of Practice, and outcome measures  
13 including, but not limited to, graduation rates, enrollment in  
14 postsecondary education, business and industry satisfaction,  
15 employment and earnings, achievement of industry  
16 certification, awards of postsecondary credit, and FCAT  
17 achievement levels and learning gains.

18 Section 28. Paragraphs (g) and (n) of subsection (2)  
19 of section 1003.51, Florida Statutes, are amended to read:

20 1003.51 Other public educational services.--

21 (2) The State Board of Education shall adopt and  
22 maintain an administrative rule articulating expectations for  
23 effective education programs for youth in Department of  
24 Juvenile Justice programs, including, but not limited to,  
25 education programs in juvenile justice commitment and  
26 detention facilities. The rule shall articulate policies and  
27 standards for education programs for youth in Department of  
28 Juvenile Justice programs and shall include the following:

29 (g) Funding requirements, which shall include the  
30 requirement that at least 90 percent of the FEFP funds  
31 generated by students in Department of Juvenile Justice

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1 programs or in an education program for juveniles under s.  
 2 985.223 be spent on instructional costs for those students.  
 3 One hundred percent of the formula-based categorical funds  
 4 generated by students in Department of Juvenile Justice  
 5 programs must be spent on appropriate categoricals such as  
 6 instructional materials and public school technology for those  
 7 students.

8 (n) Performance expectations for providers and  
 9 district school boards, including the provision of a progress  
 10 monitoring ~~an academic improvement~~ plan as required in s.  
 11 1008.25.

12 Section 29. Subsection (7) of section 1003.52, Florida  
 13 Statutes, is amended to read:

14 1003.52 Educational services in Department of Juvenile  
 15 Justice programs.--

16 (7) A progress monitoring ~~An academic improvement~~ plan  
 17 shall be developed for students who score below the level  
 18 specified in district school board policy in reading, writing,  
 19 and mathematics or below the level specified by the  
 20 Commissioner of Education on statewide assessments as required  
 21 by s. 1008.25. These plans shall address academic, literacy,  
 22 and life skills and shall include provisions for intensive  
 23 remedial instruction in the areas of weakness.

24 Section 30. Section 1003.57, Florida Statutes, is  
 25 amended to read:

26 1003.57 Exceptional students instruction.--

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

31 (a)~~(1)~~ The district school board provide the necessary

1 professional services for diagnosis and evaluation of  
2 exceptional students.

3       ~~(b)(2)~~ The district school board provide the special  
4 instruction, classes, and services, either within the district  
5 school system, in cooperation with other district school  
6 systems, or through contractual arrangements with approved  
7 private schools or community facilities that meet standards  
8 established by the commissioner.

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

13       ~~(d)(4)~~ The district school board, once every 3 years,  
14 submit to the department its proposed procedures for the  
15 provision of special instruction and services for exceptional  
16 students.

17       ~~(e)(5)~~ A ~~No~~ student may not be given special  
18 instruction or services as an exceptional student until after  
19 he or she has been properly evaluated, classified, and placed  
20 in the manner prescribed by rules of the State Board of  
21 Education. The parent of an exceptional student evaluated and  
22 placed or denied placement in a program of special education  
23 shall be notified of each such evaluation and placement or  
24 denial. Such notice shall contain a statement informing the  
25 parent that he or she is entitled to a due process hearing on  
26 the identification, evaluation, and placement, or lack  
27 thereof. Such hearings shall be exempt from the provisions of  
28 ss. 120.569, 120.57, and 286.011, except to the extent that  
29 the State Board of Education adopts rules establishing other  
30 procedures and any records created as a result of such  
31 hearings shall be confidential and exempt from the provisions

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1 of s. 119.07(1). The hearing must be conducted by an  
 2 administrative law judge from the Division of Administrative  
 3 Hearings of the Department of Management Services. The  
 4 decision of the administrative law judge shall be final,  
 5 except that any party aggrieved by the finding and decision  
 6 rendered by the administrative law judge shall have the right  
 7 to bring a civil action in the circuit court. In such an  
 8 action, the court shall receive the records of the  
 9 administrative hearing and shall hear additional evidence at  
 10 the request of either party. In the alternative, any party  
 11 aggrieved by the finding and decision rendered by the  
 12 administrative law judge shall have the right to request an  
 13 impartial review of the administrative law judge's order by  
 14 the district court of appeal as provided by s. 120.68.  
 15 Notwithstanding any law to the contrary, during the pendency  
 16 of any proceeding conducted pursuant to this section, unless  
 17 the district school board and the parents otherwise agree, the  
 18 student shall remain in his or her then-current educational  
 19 assignment or, if applying for initial admission to a public  
 20 school, shall be assigned, with the consent of the parents, in  
 21 the public school program until all such proceedings have been  
 22 completed.

23 ~~(f)(6)~~ In providing for the education of exceptional  
 24 students, the district school superintendent, principals, and  
 25 teachers shall utilize the regular school facilities and adapt  
 26 them to the needs of exceptional students to the maximum  
 27 extent appropriate. Segregation of exceptional students shall  
 28 occur only if the nature or severity of the exceptionality is  
 29 such that education in regular classes with the use of  
 30 supplementary aids and services cannot be achieved  
 31 satisfactorily.

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1           ~~(g)(7)~~ In addition to the services agreed to in a  
 2 student's individual education plan, the district school  
 3 superintendent shall fully inform the parent of a student  
 4 having a physical or developmental disability of all available  
 5 services that are appropriate for the student's disability.  
 6 The superintendent shall provide the student's parent with a  
 7 summary of the student's rights.

8           (2)(a) An exceptional student with a disability who  
 9 resides in a residential facility and receives special  
 10 instruction or services is considered a resident of the state  
 11 in which the student's parent is a resident. The cost of such  
 12 instruction, facilities, and services for a nonresident  
 13 student with a disability shall be provided by the placing  
 14 authority in the student's state of residence, such as a  
 15 public school entity, other placing authority, or parent. A  
 16 nonresident student with a disability may not be reported by  
 17 any school district for FTE funding in the Florida Education  
 18 Finance Program.

19           (b) The Department of Education shall provide to each  
 20 school district a statement of the specific limitations of the  
 21 district's financial obligation for exceptional students with  
 22 disabilities under federal and state law. The department shall  
 23 also provide to each school district technical assistance as  
 24 necessary for developing a local plan to impose on a student's  
 25 home state the fiscal responsibility for educating a  
 26 nonresident exceptional student with a disability.

27           (c) The Department of Education shall develop a  
 28 process by which a school district must, before providing  
 29 services to an exceptional student with a disability who  
 30 resides in a residential facility in this state, review the  
 31 residency of the student. The residential facility, not the

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1 district, is responsible for billing and collecting from a  
2 nonresidential student's home state payment for the student's  
3 educational and related services.

4 (d) The Department of Education shall formulate an  
5 interagency agreement or other mechanism for billing and  
6 collecting from a nonresidential student's home state payment  
7 for the student's educational and related services.

8 (e) This subsection applies to any nonresident student  
9 with a disability who resides in a residential facility and  
10 who receives instruction as an exceptional student with a  
11 disability in any type of residential facility in this state,  
12 including, but not limited to, a public school, a private  
13 school, a group home facility as defined in s. 393.063, an  
14 intensive residential treatment program for children and  
15 adolescents as defined in s. 395.002, a facility as defined in  
16 s. 394.455, an intermediate care facility for the  
17 developmentally disabled or ICF/DD as defined in s. 393.063 or  
18 s. 400.960, or a community residential home as defined in s.  
19 419.001.

20 Section 31. Section 1003.576, Florida Statutes, is  
21 created to read:

22 1003.576 Individual education plans for exceptional  
23 students.--The Department of Education must develop and have  
24 an operating electronic IEP system in place for potential  
25 statewide use no later than July 1, 2007. The statewide  
26 system shall be developed collaboratively with school  
27 districts and must include input from school districts  
28 currently developing or operating electronic IEP systems.

29 Section 32. Subsection (3) of section 1003.58, Florida  
30 Statutes, is amended to read:

31 1003.58 Students in residential care facilities.--Each

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1 | district school board shall provide educational programs  
2 | according to rules of the State Board of Education to students  
3 | who reside in residential care facilities operated by the  
4 | Department of Children and Family Services.

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

10 |

11 | Notwithstanding the provisions herein, the educational program  
12 | at the Marianna Sunland Center in Jackson County shall be  
13 | operated by the Department of Education, either directly or  
14 | through grants or contractual agreements with other public or  
15 | duly accredited educational agencies approved by the  
16 | Department of Education.

17 |         Section 33. Paragraph (a) of subsection (1) and  
18 | paragraph (a) of subsection (2) of section 1003.62, Florida  
19 | Statutes, are amended to read:

20 |         1003.62 Academic performance-based charter school  
21 | districts.--The State Board of Education may enter into a  
22 | performance contract with district school boards as authorized  
23 | in this section for the purpose of establishing them as  
24 | academic performance-based charter school districts. The  
25 | purpose of this section is to examine a new relationship  
26 | between the State Board of Education and district school  
27 | boards that will produce significant improvements in student  
28 | achievement, while complying with constitutional and statutory  
29 | requirements assigned to each entity.

30 |         (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL  
31 | DISTRICT.--

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1           (a) A school district shall be eligible for  
2 designation as an academic performance-based charter school  
3 district if it is a high-performing school district in which a  
4 minimum of 50 percent of the schools earn a ~~performance~~ grade  
5 of category "A" or "B" and in which no school earns a  
6 ~~performance~~ grade of category "D" or "F" for 2 consecutive  
7 years pursuant to s. 1008.34. Schools that receive a  
8 ~~performance~~ grade of category "I" or "N" shall not be included  
9 in this calculation. The performance contract for a school  
10 district that earns a charter based on school ~~performance~~  
11 grades shall be predicated on maintenance of at least 50  
12 percent of the schools in the school district earning a  
13 ~~performance~~ grade of category "A" or "B" with no school in the  
14 school district earning a ~~performance~~ grade of category "D" or  
15 "F" for 2 consecutive years. A school district in which the  
16 number of schools that earn a ~~performance~~ grade of "A" or "B"  
17 is less than 50 percent may have its charter renewed for 1  
18 year; however, if the percentage of "A" or "B" schools is less  
19 than 50 percent for 2 consecutive years, the charter shall not  
20 be renewed.

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

22           (a) An academic performance-based charter school  
23 district shall operate in accordance with its charter and  
24 shall be exempt from certain State Board of Education rules  
25 and statutes if the State Board of Education determines such  
26 an exemption will assist the district in maintaining or  
27 improving its high-performing status pursuant to paragraph  
28 (1)(a). However, the State Board of Education may not exempt  
29 an academic performance-based charter school district from any  
30 of the following statutes:

31           1. Those statutes pertaining to the provision of



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1 services to students with disabilities.

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

4 3. Those statutes pertaining to student health,  
5 safety, and welfare.

6 4. Those statutes governing the election or  
7 compensation of district school board members.

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

10 6. Those statutes pertaining to financial matters,  
11 including chapter 1010.

12 7. Those statutes pertaining to planning and  
13 budgeting, including chapter 1011, except that ss. 1011.64 and  
14 1011.69 shall be eligible for exemption.

15 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
16 differentiated pay and performance-pay policies for school  
17 administrators and instructional personnel. Professional  
18 service contracts shall be subject to the provisions of ss.  
19 1012.33 and 1012.34.

20 9. Those statutes pertaining to educational  
21 facilities, including chapter 1013, except as specified under  
22 contract with the State Board of Education. However, no  
23 contractual provision that could have the effect of requiring  
24 the appropriation of additional capital outlay funds to the  
25 academic performance-based charter school district shall be  
26 valid.

27 Section 34. Section 1004.64, Florida Statutes, is  
28 created to read:

29 1004.64 Florida Center for Reading Research.--There is  
30 created at the Florida State University, the Florida Center  
31 for Reading Research (FCRR). The center shall include two

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1 outreach centers, one at a central Florida community college  
2 and one at a south Florida state university. The center and  
3 the outreach centers, under the center's leadership, shall:

4 (1) Provide technical assistance and support to all  
5 school districts and schools in this state in the  
6 implementation of evidence-based literacy instruction,  
7 assessments, programs, and professional development.

8 (2) Conduct applied research that will have an  
9 immediate impact on policy and practices related to literacy  
10 instruction and assessment in this state with an emphasis on  
11 struggling readers and reading in the content area strategies  
12 and methods for secondary teachers.

13 (3) Conduct basic research on reading, reading growth,  
14 reading assessment, and reading instruction which will  
15 contribute to scientific knowledge about reading.

16 (4) Collaborate with the Just Read! Florida Office and  
17 school districts in the development of frameworks for  
18 comprehensive reading intervention courses for possible use in  
19 middle schools and secondary schools.

20 (5) Collaborate with the Just Read! Florida Office and  
21 school districts in the development of frameworks for  
22 professional development activities, using multiple delivery  
23 methods for teaching reading in the content area.

24 (6) Disseminate information about research-based  
25 practices related to literacy instruction, assessment, and  
26 programs for students in preschool through grade 12.

27 (7) Collect, manage, and report on assessment  
28 information from screening, progress monitoring, and outcome  
29 assessments through the Florida Progress Monitoring and  
30 Reporting Network. The network is a statewide resource that is  
31 operated to provide valid and timely reading assessment data

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1 for parents, teachers, principals, and district-level and  
2 state-level staff in the management of instruction at the  
3 individual, classroom, and school levels.

4 Section 35. Section 1004.99, Florida Statutes, is  
5 created to read:

6 1004.99 Florida Ready to Work Certification Program.--

7 (1) There is created the Florida Ready to Work  
8 Certification Program to enhance the workplace skills of  
9 Florida's students to better prepare them for successful  
10 employment in specific occupations.

11 (2) The Florida Ready to Work Certification Program  
12 may be conducted in public middle and high schools, community  
13 colleges, technical centers, one-stop career centers,  
14 vocational rehabilitation centers, and Department of Juvenile  
15 Justice educational facilities. The program may be made  
16 available to other entities that provide job training. The  
17 Department of Education shall establish institutional  
18 readiness criteria for program implementation.

19 (3) The Florida Ready to Work Certification Program  
20 shall be composed of:

21 (a) A comprehensive identification of workplace skills  
22 for each occupation identified for inclusion in the program by  
23 the Agency for Workforce Innovation and the Department of  
24 Education.

25 (b) A preinstructional assessment that delineates the  
26 student's mastery level on the specific workplace skills  
27 identified for that occupation.

28 (c) A targeted instructional program limited to those  
29 identified workplace skills in which the student is not  
30 proficient as measured by the preinstructional assessment.

31 Instruction must utilize a web-based program and be customized

1 to meet identified specific needs of local employers.

2 (d) A certificate and portfolio awarded to students  
3 upon successful completion of the instruction. Each portfolio  
4 must delineate the skills demonstrated by the student as  
5 evidence of the student's preparation for employment.

6 (4) The State Board of Education, in consultation with  
7 the Agency for Workforce Innovation, may adopt rules pursuant  
8 to ss. 120.536(1) and 120.54 to implement the provisions of  
9 this section.

10 Section 36. Subsection (4) of section 1006.09, Florida  
11 Statutes, is amended to read:

12 1006.09 Duties of school principal relating to student  
13 discipline and school safety.--

14 (4) When a student has been the victim of a violent  
15 crime perpetrated by another student who attends the same  
16 school, the school principal shall make full and effective use  
17 of the provisions of subsection (2) and s. 1006.13(5). A  
18 school principal who fails to comply with this subsection  
19 shall be ineligible for any portion of the performance pay  
20 policy incentive or the differentiated pay under s. 1012.22 ~~s.~~  
21 ~~1012.22(1)(c)~~. However, if any party responsible for  
22 notification fails to properly notify the school, the school  
23 principal shall be eligible for the incentive or  
24 differentiated pay.

25 Section 37. Section 1007.21, Florida Statutes, is  
26 amended to read:

27 1007.21 Readiness for postsecondary education and the  
28 workplace.--

29 (1) It is the intent of the Legislature that students  
30 and parents develop academic ~~set early~~ achievement and career  
31 goals for the student's post-high-school ~~post-high-school~~

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1 ~~experience during the middle grades. This section sets forth a~~  
 2 ~~model which schools, through their school advisory councils,~~  
 3 ~~may choose to implement to ensure that students are ready for~~  
 4 ~~postsecondary education and the workplace. If such a program~~  
 5 ~~is adopted, students and their parents shall have the option~~  
 6 ~~of participating in this model to plan the student's secondary~~  
 7 ~~level course of study. Parents and students are to become~~  
 8 partners with school personnel in career exploration and  
 9 educational decisionmaking ~~choice~~. Clear academic course  
 10 expectations that emphasize rigorous and relevant coursework  
 11 shall be made available to all students by allowing both  
 12 student and parent choice.

13 (2)(a) Students entering the 9th grade and their  
 14 parents shall have developed during the middle grades a 4- to  
 15 5-year academic and career plan based on postsecondary and  
 16 career ~~be active participants in choosing an~~  
 17 ~~end-of-high-school student destination based upon both student~~  
 18 ~~and parent goals. Alternate career and academic~~ ~~Four or more~~  
 19 destinations should be considered ~~available~~ with bridges  
 20 between destinations to enable students to shift academic and  
 21 career priorities if ~~destinations should~~ they choose to change  
 22 goals. The destinations shall accommodate the needs of  
 23 students served in exceptional education programs to the  
 24 extent appropriate for individual students. Exceptional  
 25 education students may continue to follow the courses outlined  
 26 in the district school board student progression plan.

27 ~~Participating~~ Students and their parents shall choose among  
 28 destinations, which must include:

- 29 1. Four-year college or university, community college  
 30 plus university, or military academy degree.
- 31 2. Two-year postsecondary degree.

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- 1           3. Postsecondary career certificate.
- 2           4. Immediate employment or entry-level military.
- 3           5. A combination of the above.
- 4           (b) The student progression model toward a chosen
- 5 destination shall include:
- 6           1. A "path" of core courses leading to each of the
- 7 destinations provided in paragraph (a).
- 8           2. A recommended group of electives which shall help
- 9 define each path.
- 10           3. Provisions for a teacher, school administrator,
- 11 other school staff member, or community volunteer to be
- 12 assigned to a student as an "academic advocate" if parental
- 13 involvement is lacking.
- 14           (c) The common placement test authorized in ss.
- 15 1001.03(10) and 1008.30 or a similar test may be administered
- 16 to all high school second semester sophomores who have chosen
- 17 one of the four destinations. The results of the placement
- 18 test shall be used to target additional instructional needs in
- 19 reading, writing, and mathematics prior to graduation.
- 20           (d) Ample opportunity shall be provided for students
- 21 to move from one destination to another, and some latitude
- 22 shall exist within each destination, to meet the individual
- 23 needs of students.
- 24           (e) Destinations specified in subparagraphs (a)1., 2.,
- 25 and 3. shall support the goals of the Tech Prep program.
- 26 Students participating in Tech Prep shall be enrolled in
- 27 articulated, sequential programs of study that include a
- 28 technical component and at least a minimum of a postsecondary
- 29 certificate or 2-year degree.
- 30           (f) In order for these destinations to be attainable,
- 31 the business community shall be encouraged to support

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1 real-world internships and apprenticeships.

2 (g) All students shall be encouraged to take part in  
3 service learning opportunities.

4 (h) High school equivalency diploma preparation  
5 programs shall not be a choice for high school students  
6 leading to any of the four destinations provided in paragraph

7 (a) since the appropriate coursework, counseling component,  
8 and career preparation cannot be ensured.

9 (i) Schools shall ensure that students and parents are  
10 made aware of the destinations available and provide the  
11 necessary coursework to assist the student in reaching the  
12 chosen destination. Students and parents shall be made aware  
13 of the student's progress toward the chosen destination.

14 (j) The Department of Education shall offer technical  
15 assistance to school districts to ensure that the destinations  
16 offered also meet the academic standards adopted by the state.

17 (3)(a) Access to Level I courses for graduation credit  
18 and for pursuit of a declared destination shall be limited to  
19 only those students for whom assessment indicates a more  
20 rigorous course of study would be inappropriate.

21 (b) The school principal shall:

22 1. Designate a member of the existing instructional or  
23 administrative staff to serve as a specialist to help  
24 coordinate the use of student achievement strategies to help  
25 students succeed in their coursework. The specialist shall  
26 also assist teachers in integrating the academic and career  
27 curricula, utilizing technology, providing feedback regarding  
28 student achievement, and implementing the Blueprint for Career  
29 Preparation and Tech Prep programs.

30 2. Institute strategies to eliminate reading, writing,  
31 and mathematics deficiencies of secondary students.

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1 Section 38. Paragraph (c) of subsection (3) of section  
2 1007.2615, Florida Statutes, is amended to read:

3 1007.2615 American Sign Language; findings;  
4 foreign-language credits authorized; teacher licensing.--

5 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE  
6 BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE  
7 TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--

8 (c) An ASL teacher must be certified by the Department  
9 of Education by July 1, 2009 ~~January 1, 2008, and must obtain~~  
10 ~~current certification through the Florida American Sign~~  
11 ~~Language Teachers' Association (FASLTA) by January 1, 2006.~~  
12 ~~New FASLTA certification may be used by current ASL teachers~~  
13 ~~as an alternative certification track.~~

14 Section 39. Subsections (5) and (16) of section  
15 1007.271, Florida Statutes, are amended to read:

16 1007.271 Dual enrollment programs.--

17 (5) Each district school board shall inform all  
18 secondary students of dual enrollment as an educational option  
19 and mechanism for acceleration. Students shall be informed of  
20 eligibility criteria, the option for taking dual enrollment  
21 courses beyond the regular school year, and the minimum  
22 academic credits required for graduation. District school  
23 boards shall annually assess the demand for dual enrollment  
24 and other advanced courses, and the district school board  
25 shall consider strategies and programs to meet that demand and  
26 include access to dual enrollment on the high school campus  
27 whenever possible. Alternative grade calculation, weighting  
28 systems, or information regarding student education options  
29 which discriminates against dual enrollment courses are  
30 prohibited.

31 (16) Beginning with students entering grade 9 in the



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1 2006-2007 school year, school districts and community colleges  
 2 must weigh ~~college level~~ dual enrollment courses the same as  
 3 ~~honors courses and~~ advanced placement, International  
 4 Baccalaureate, and Advanced International Certificate of  
 5 Education courses when grade point averages are calculated.

6 Alternative grade calculation or weighting systems that  
 7 discriminate against dual enrollment courses are prohibited.

8 Section 40. Paragraphs (c) and (f) of subsection (1),  
 9 paragraphs (c), (e), and (f) of subsection (3), and subsection  
 10 (9) of section 1008.22, Florida Statutes, are amended,  
 11 paragraph (f) is added to subsection (3) of that section,  
 12 present subsection (10) of that section is redesignated as  
 13 subsection (11), and a new subsection (10) is added to that  
 14 section, to read:

15 1008.22 Student assessment program for public  
 16 schools.--

17 (1) PURPOSE.--The primary purposes of the student  
 18 assessment program are to provide information needed to  
 19 improve the public schools by enhancing the learning gains of  
 20 all students and to inform parents of the educational progress  
 21 of their public school children. The program must be designed  
 22 to:

23 (c) Identify the educational strengths and needs of  
 24 students and the readiness of students to be promoted to the  
 25 next grade level or to graduate from high school with a  
 26 standard or special high school diploma.

27 (f) Provide information on the performance of Florida  
 28 students compared with that of other students ~~others~~ across  
 29 the United States.

30 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
 31 shall design and implement a statewide program of educational

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1 assessment that provides information for the improvement of  
 2 the operation and management of the public schools, including  
 3 schools operating for the purpose of providing educational  
 4 services to youth in Department of Juvenile Justice programs.  
 5 The commissioner may enter into contracts for the continued  
 6 administration of the assessment, testing, and evaluation  
 7 programs authorized and funded by the Legislature. Contracts  
 8 may be initiated in 1 fiscal year and continue into the next  
 9 and may be paid from the appropriations of either or both  
 10 fiscal years. The commissioner is authorized to negotiate for  
 11 the sale or lease of tests, scoring protocols, test scoring  
 12 services, and related materials developed pursuant to law.  
 13 Pursuant to the statewide assessment program, the commissioner  
 14 shall:

15           (c) Develop and implement a student achievement  
 16 testing program known as the Florida Comprehensive Assessment  
 17 Test (FCAT) as part of the statewide assessment program, ~~to be~~  
 18 ~~administered annually in grades 3 through 10~~ to measure  
 19 reading, writing, science, and mathematics. Other content  
 20 areas may be included as directed by the commissioner. The  
 21 assessment of reading and mathematics shall be administered  
 22 annually in grades 3 through 10. The assessment of writing and  
 23 science shall be administered at least once at the elementary,  
 24 middle, and high school levels. The commissioner must document  
 25 the procedures used to ensure that the versions of the FCAT  
 26 which are taken by students retaking the grade 10 FCAT are  
 27 equally as challenging and difficult as the tests taken by  
 28 students in grade 10 which contain performance tasks. The  
 29 testing program must be designed so that:

30           1. The tests measure student skills and competencies  
 31 adopted by the State Board of Education as specified in

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1 paragraph (a). The tests must measure and report student  
 2 proficiency levels of all students assessed in reading,  
 3 writing, mathematics, and science. The commissioner shall  
 4 provide for the tests to be developed or obtained, as  
 5 appropriate, through contracts and project agreements with  
 6 private vendors, public vendors, public agencies,  
 7 postsecondary educational institutions, or school districts.  
 8 The commissioner shall obtain input with respect to the design  
 9 and implementation of the testing program from state  
 10 educators, assistive technology experts, and the public.

11           2. The testing program will include a combination of  
 12 norm-referenced and criterion-referenced tests and include, to  
 13 the extent determined by the commissioner, questions that  
 14 require the student to produce information or perform tasks in  
 15 such a way that the skills and competencies he or she uses can  
 16 be measured.

17           3. Each testing program, whether at the elementary,  
 18 middle, or high school level, includes a test of writing in  
 19 which students are required to produce writings that are then  
 20 scored by appropriate and timely methods.

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

25           5. Except as provided in s. 1003.428(8)(b) or s.  
 26 1003.43(11)(b), students must earn a passing score on the  
 27 grade 10 assessment test described in this paragraph or attain  
 28 concordant scores ~~on an alternate assessment~~ as described in  
 29 subsection (9) in reading, writing, and mathematics to qualify  
 30 for a standard ~~regular~~ high school diploma. The State Board of  
 31 Education shall designate a passing score for each part of the

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1 grade 10 assessment test. In establishing passing scores, the  
 2 state board shall consider any possible negative impact of the  
 3 test on minority students. ~~All students who took the grade 10~~  
 4 ~~FCAT during the 2000-2001 school year shall be required to~~  
 5 ~~earn the passing scores in reading and mathematics established~~  
 6 ~~by the State Board of Education for the March 2001 test~~  
 7 ~~administration. Such students who did not earn the established~~  
 8 ~~passing scores and must repeat the grade 10 FCAT are required~~  
 9 ~~to earn the passing scores established for the March 2001 test~~  
 10 ~~administration. All students who take the grade 10 FCAT for~~  
 11 ~~the first time in March 2002 shall be required to earn the~~  
 12 ~~passing scores in reading and mathematics established by the~~  
 13 ~~State Board of Education for the March 2002 test~~  
 14 ~~administration.~~ The State Board of Education shall adopt rules  
 15 which specify the passing scores for the grade 10 FCAT. Any  
 16 such rules, which have the effect of raising the required  
 17 passing scores, shall only apply to students taking the grade  
 18 10 FCAT for the first time after such rules are adopted by the  
 19 State Board of Education.

20           6. Participation in the testing program is mandatory  
 21 for all students attending public school, including students  
 22 served in Department of Juvenile Justice programs, except as  
 23 otherwise prescribed by the commissioner. If a student does  
 24 not participate in the statewide assessment, the district must  
 25 notify the student's parent and provide the parent with  
 26 information regarding the implications of such  
 27 nonparticipation. ~~If modifications are made in the student's~~  
 28 ~~instruction to provide accommodations that would not be~~  
 29 ~~permitted on the statewide assessment tests, the district must~~  
 30 ~~notify the student's parent of the implications of such~~  
 31 ~~instructional modifications.~~ A parent must provide signed

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1 consent for a student to receive classroom instructional  
2 accommodations ~~modifications~~ that would not be available or  
3 permitted on the statewide assessments and must acknowledge in  
4 writing that he or she understands the implications of such  
5 instructional accommodations. The State Board of Education  
6 shall adopt rules, based upon recommendations of the  
7 commissioner, for the provision of test accommodations ~~and~~  
8 ~~modifications of procedures as necessary~~ for students in  
9 exceptional education programs and for students who have  
10 limited English proficiency. Accommodations that negate the  
11 validity of a statewide assessment are not allowable in the  
12 administration of the FCAT. However, instructional  
13 accommodations are allowable in the classroom if included in a  
14 student's individual education plan. Students using  
15 instructional accommodations in the classroom that are not  
16 allowable as accommodations on the FCAT may have the FCAT  
17 requirement waived pursuant to the requirements of s.  
18 1003.428(8)(b) or s. 1003.43(11)(b).

19           7. A student seeking an adult high school diploma must  
20 meet the same testing requirements that a regular high school  
21 student must meet.

22           8. District school boards must provide instruction to  
23 prepare students to demonstrate proficiency in the skills and  
24 competencies necessary for successful grade-to-grade  
25 progression and high school graduation. If a student is  
26 provided with instructional accommodations in the classroom ~~or~~  
27 ~~modifications~~ that are not allowable as accommodations in the  
28 statewide assessment program, as described in the test  
29 manuals, the district must inform the parent in writing and  
30 must provide the parent with information regarding the impact  
31 on the student's ability to meet expected proficiency levels

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1 in reading, writing, and math. The commissioner shall conduct  
2 studies as necessary to verify that the required skills and  
3 competencies are part of the district instructional programs.

4 9. District school boards must provide opportunities  
5 for students to demonstrate an acceptable level of performance  
6 on an alternative standardized assessment approved by the  
7 State Board of Education following enrollment in summer  
8 academies.

9 ~~10.9.~~ The Department of Education must develop, or  
10 select, and implement a common battery of assessment tools  
11 that will be used in all juvenile justice programs in the  
12 state. These tools must accurately measure the skills and  
13 competencies established in the ~~Florida~~ Sunshine State  
14 Standards.

15 11. For students seeking a special diploma pursuant to  
16 s. 1003.438, the Department of Education must develop or  
17 select and implement an alternate assessment tool that  
18 accurately measures the skills and competencies established in  
19 the Sunshine State Standards for students with disabilities  
20 under s. 1003.438.

21  
22 The commissioner may, based on collaboration and input from  
23 school districts, design and implement student testing  
24 programs, for any grade level and subject area, necessary to  
25 effectively monitor educational achievement in the state,  
26 including the measurement of educational achievement of the  
27 Sunshine State Standards for students with disabilities.  
28 Development and refinement of assessments shall include  
29 universal design principles and accessibility standards that  
30 will prevent any unintended obstacles for students with  
31 disabilities while ensuring the validity and reliability of

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1 the test. These principles should be applicable to all  
 2 technology platforms and assistive devices available for the  
 3 assessments. The field testing process and psychometric  
 4 analyses for the statewide assessment program must include an  
 5 appropriate percentage of students with disabilities and an  
 6 evaluation or determination of the effect of test items on  
 7 such students.

8 (e) Conduct ongoing research and analysis of student  
 9 achievement data, including, without limitation, monitoring  
 10 trends in student achievement by grade level and overall  
 11 student achievement, identifying school programs that are  
 12 successful, and analyzing correlates of school achievement.

13 (f) Study the cost and student achievement impact of  
 14 secondary end-of-course assessments, including web-based and  
 15 performance formats, and report to the Legislature prior to  
 16 implementation.

17 (9) CONCORDANT SCORES FOR THE FCAT EQUIVALENCIES FOR  
 18 STANDARDIZED TESTS.--

19 (a) The State Board of Education shall analyze the  
 20 content and concordant data sets for widely used high school  
 21 achievement tests, including, but not limited to, the PSAT,  
 22 PLAN, SAT, ACT, and College Placement Test, to assess if  
 23 concordant scores for FCAT scores can be determined for high  
 24 school graduation, college placement, and scholarship awards.  
 25 In cases where content alignment and concordant scores can be  
 26 determined, the Commissioner of Education shall adopt those  
 27 scores as meeting the graduation requirement in lieu of  
 28 achieving the FCAT passing score and may adopt those scores as  
 29 being sufficient to achieve additional purposes as determined  
 30 by rule. Each time that test content or scoring procedures are  
 31 changed for the FCAT or one of the identified tests, new

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1 concordant scores must be determined. ~~The Commissioner of~~  
2 ~~Education shall approve the use of the SAT and ACT tests as~~  
3 ~~alternative assessments to the grade 10 FCAT for the 2003-2004~~  
4 ~~school year.~~

5 (b) In order to use a concordant subject area score  
6 pursuant to this subsection to ~~Students who attain scores on~~  
7 ~~the SAT or ACT which equate to the passing scores on the grade~~  
8 ~~10 FCAT for purposes of high school graduation shall satisfy~~  
9 ~~the assessment requirement for a standard high school diploma~~  
10 ~~as provided in s. 1003.429(6)(a), or s. 1003.43(5)(a), or s.~~  
11 ~~1003.428, for the 2003-2004 school year if the students meet~~  
12 ~~the requirement in paragraph (b).~~

13 ~~(b) a student must shall be required to take each~~  
14 ~~subject area of the grade 10 FCAT a total of three times~~  
15 ~~without earning a passing score in order to use the scores on~~  
16 ~~an alternative assessment pursuant to paragraph (a). The~~  
17 ~~requirements of this paragraph This requirement shall not~~  
18 ~~apply to a new student who enters the Florida is a new student~~  
19 ~~to the public school system in grade 12, who may either~~  
20 ~~achieve a passing score on the FCAT or use an approved subject~~  
21 ~~area concordant score to fulfill the graduation requirement.~~

22 (c) The State Board of Education may define by rule  
23 the allowable uses, other than to satisfy the high school  
24 graduation requirement, for concordant scores as described in  
25 this subsection. Such uses may include, but need not be  
26 limited to, achieving appropriate standardized test scores  
27 required for the awarding of Florida Bright Futures  
28 Scholarships and college placement.

29 (10) REPORTS.--The Department of Education shall  
30 annually provide a report to the Governor, the President of  
31 the Senate, and the Speaker of the House of Representatives on



1 the following:

2       (a) Longitudinal performance of students in  
3 mathematics and reading.

4       (b) Longitudinal performance of students by grade  
5 level in mathematics and reading.

6       (c) Longitudinal performance regarding efforts to  
7 close the achievement gap.

8       (d) Longitudinal performance of students on the  
9 norm-referenced component of the FCAT.

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

14       Section 41. Section 1008.221, Florida Statutes, is  
15 repealed.

16       Section 42. Paragraphs (a), (b), and (c) of subsection  
17 (4), paragraphs (b) and (c) of subsection (6), paragraph (b)  
18 of subsection (7), and paragraph (b) of subsection (8) of  
19 section 1008.25, Florida Statutes, are amended, and paragraph  
20 (c) is added to subsection (8) of that section, to read:

21       1008.25 Public school student progression; remedial  
22 instruction; reporting requirements.--

23       (4) ASSESSMENT AND REMEDIATION.--

24       (a) Each student must participate in the statewide  
25 assessment tests required by s. 1008.22. Each student who does  
26 not meet specific levels of performance as determined by the  
27 district school board in reading, writing, science, and  
28 mathematics for each grade level, or who scores below Level 3  
29 in reading or math ~~does not meet specific levels of~~  
30 ~~performance as determined by the commissioner on statewide~~  
31 ~~assessments at selected grade levels~~, must be provided with

1 additional diagnostic assessments to determine the nature of  
2 the student's difficulty, the and areas of academic need, and  
3 strategies for appropriate intervention and instruction as  
4 described in paragraph (b).

5 (b) The school in which the student is enrolled must  
6 develop, in consultation with the student's parent, and must  
7 implement a progress monitoring plan. A progress monitoring  
8 plan is intended to provide the school district and the school  
9 flexibility in meeting the academic needs of the student and  
10 to reduce paperwork. A student who is not meeting the school  
11 district or state requirements for proficiency in reading and  
12 math shall be covered by one of the following plans to target  
13 instruction and identify ways to improve his or her academic  
14 achievement:

15 1. A federally required student plan such as an  
16 individual education plan;

17 2. A schoolwide system of progress monitoring for all  
18 students; or

19 3. An individualized progress monitoring plan.

20  
21 ~~The plan chosen must be an academic improvement plan designed~~  
22 ~~to assist the student or the school in meeting state and~~  
23 ~~district expectations for proficiency. For a student for whom~~  
24 ~~a personalized middle school success plan is required pursuant~~  
25 ~~to s. 1003.415, the middle school success plan must be~~  
26 ~~incorporated in the student's academic improvement plan.~~  
27 ~~Beginning with the 2002-2003 school year, If the student has~~  
28 ~~been identified as having a deficiency in reading, the~~  
29 ~~academic improvement plan shall identify the student's~~  
30 ~~specific areas of deficiency in phonemic awareness, phonics,~~  
31 ~~fluency, comprehension, and vocabulary; the desired levels of~~

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1 ~~performance in these areas; and the K-12 comprehensive reading~~  
2 ~~plan required by s. 1011.62(8) shall include instructional and~~  
3 ~~support services to be provided to meet the desired levels of~~  
4 ~~performance. District school boards may require low-performing~~  
5 ~~students to attend remediation programs held before or after~~  
6 ~~regular school hours or during the summer if transportation is~~  
7 ~~provided. Schools shall also provide for the frequent~~  
8 ~~monitoring of the student's progress in meeting the desired~~  
9 ~~levels of performance. District school boards shall assist~~  
10 ~~schools and teachers to implement research-based reading~~  
11 ~~activities that have been shown to be successful in teaching~~  
12 ~~reading to low-performing students. Remedial instruction~~  
13 ~~provided during high school may not be in lieu of English and~~  
14 ~~mathematics credits required for graduation.~~

15 (c) Upon subsequent evaluation, if the documented  
16 deficiency has not been remediated ~~in accordance with the~~  
17 ~~academic improvement plan~~, the student may be retained. Each  
18 student who does not meet the minimum performance expectations  
19 defined by the Commissioner of Education for the statewide  
20 assessment tests in reading, writing, science, and mathematics  
21 must continue to be provided with remedial or supplemental  
22 instruction until the expectations are met or the student  
23 graduates from high school or is not subject to compulsory  
24 school attendance.

25 (6) ELIMINATION OF SOCIAL PROMOTION.--

26 (b) The district school board may only exempt students  
27 from mandatory retention, as provided in paragraph (5)(b), for  
28 good cause. Good cause exemptions shall be limited to the  
29 following:

- 30 1. Limited English proficient students who have had
- 31 less than 2 years of instruction in an English for Speakers of

1 Other Languages program.

2           2. Students with disabilities whose individual  
3 education plan indicates that participation in the statewide  
4 assessment program is not appropriate, consistent with the  
5 requirements of State Board of Education rule.

6           3. Students who demonstrate an acceptable level of  
7 performance on an alternative standardized reading assessment  
8 approved by the State Board of Education.

9           4. Students who demonstrate, through a student  
10 portfolio, that the student is reading on grade level as  
11 evidenced by demonstration of mastery of the Sunshine State  
12 Standards in reading equal to at least a Level 2 performance  
13 on the FCAT.

14           5. Students with disabilities who participate in the  
15 FCAT and who have an individual education plan or a Section  
16 504 plan that reflects that the student has received ~~the~~  
17 intensive remediation in reading, ~~as required by paragraph~~  
18 ~~(4)(b)~~, for more than 2 years but still demonstrates a  
19 deficiency in reading and was previously retained in  
20 kindergarten, grade 1, grade 2, or grade 3.

21           6. Students who have received ~~the~~ intensive  
22 remediation in reading ~~as required by paragraph (4)(b)~~ for 2  
23 or more years but still demonstrate a deficiency in reading  
24 and who were previously retained in kindergarten, grade 1,  
25 grade 2, or grade 3 for a total of 2 years. Intensive reading  
26 instruction for students so promoted must include an altered  
27 instructional day ~~based upon an academic improvement plan that~~  
28 includes specialized diagnostic information and specific  
29 reading strategies for each student. The district school board  
30 shall assist schools and teachers to implement reading  
31 strategies that research has shown to be successful in

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1 improving reading among low-performing readers.

2 (c) Requests for good cause exemptions for students  
3 from the mandatory retention requirement as described in  
4 subparagraphs (b)3. and 4. shall be made consistent with the  
5 following:

6 1. Documentation shall be submitted from the student's  
7 teacher to the school principal that indicates that the  
8 promotion of the student is appropriate and is based upon the  
9 student's academic record. In order to minimize paperwork  
10 requirements, such documentation shall consist only of the  
11 existing progress monitoring ~~academic improvement~~ plan,  
12 individual educational plan, if applicable, report card, or  
13 student portfolio.

14 2. The school principal shall review and discuss such  
15 recommendation with the teacher and make the determination as  
16 to whether the student should be promoted or retained. If the  
17 school principal determines that the student should be  
18 promoted, the school principal shall make such recommendation  
19 in writing to the district school superintendent. The district  
20 school superintendent shall accept or reject the school  
21 principal's recommendation in writing.

22 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

23 (b) Beginning with the 2004-2005 school year, each  
24 school district shall:

25 1. Conduct a review of student progress monitoring  
26 ~~academic improvement~~ plans for all students who did not score  
27 above Level 1 on the reading portion of the FCAT and did not  
28 meet the criteria for one of the good cause exemptions in  
29 paragraph (6)(b). The review shall address additional supports  
30 and services, as described in this subsection, needed to  
31 remediate the identified areas of reading deficiency. The

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1 school district shall require a student portfolio to be  
2 completed for each such student.

3           2. Provide students who are retained under the  
4 provisions of paragraph (5)(b) with intensive instructional  
5 services and supports to remediate the identified areas of  
6 reading deficiency, including a minimum of 90 minutes of  
7 daily, uninterrupted, scientifically research-based reading  
8 instruction and other strategies prescribed by the school  
9 district, which may include, but are not limited to:

- 10           a. Small group instruction.
- 11           b. Reduced teacher-student ratios.
- 12           c. More frequent progress monitoring.
- 13           d. Tutoring or mentoring.
- 14           e. Transition classes containing 3rd and 4th grade  
15 students.
- 16           f. Extended school day, week, or year.
- 17           g. Summer reading camps.

18           3. Provide written notification to the parent of any  
19 student who is retained under the provisions of paragraph  
20 (5)(b) that his or her child has not met the proficiency level  
21 required for promotion and the reasons the child is not  
22 eligible for a good cause exemption as provided in paragraph  
23 (6)(b). The notification must comply with the provisions of s.  
24 1002.20(14) and must include a description of proposed  
25 interventions and supports that will be provided to the child  
26 to remediate the identified areas of reading deficiency.

27           4. Implement a policy for the midyear promotion of any  
28 student retained under the provisions of paragraph (5)(b) who  
29 can demonstrate that he or she is a successful and independent  
30 reader, reading at or above grade level, and ready to be  
31 promoted to grade 4. Tools that school districts may use in

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1 reevaluating any student retained may include subsequent  
 2 assessments, alternative assessments, and portfolio reviews,  
 3 in accordance with rules of the State Board of Education.  
 4 Students promoted during the school year after November 1 must  
 5 demonstrate proficiency above that required to score at Level  
 6 2 on the grade 3 FCAT, as determined by the State Board of  
 7 Education. The State Board of Education shall adopt standards  
 8 that provide a reasonable expectation that the student's  
 9 progress is sufficient to master appropriate 4th grade level  
 10 reading skills.

11           5. Provide students who are retained under the  
 12 provisions of paragraph (5)(b) with a high-performing teacher  
 13 as determined by student performance data and  
 14 above-satisfactory performance appraisals.

15           6. In addition to required reading enhancement and  
 16 acceleration strategies, provide parents of students to be  
 17 retained with at least one of the following instructional  
 18 options:

19           a. Supplemental tutoring in scientifically  
 20 research-based reading services in addition to the regular  
 21 reading block, including tutoring before and/or after school.

22           b. A "Read at Home" plan outlined in a parental  
 23 contract, including participation in "Families Building Better  
 24 Readers Workshops" and regular parent-guided home reading.

25           c. A mentor or tutor with specialized reading  
 26 training.

27           7. Establish a Reading Enhancement and Acceleration  
 28 Development (READ) Initiative. The focus of the READ  
 29 Initiative shall be to prevent the retention of grade 3  
 30 students and to offer intensive accelerated reading  
 31 instruction to grade 3 students who failed to meet standards

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1 for promotion to grade 4 and to each K-3 student who is  
2 assessed as exhibiting a reading deficiency. The READ  
3 Initiative shall:

4 a. Be provided to all K-3 students at risk of  
5 retention as identified by the statewide assessment system  
6 used in Reading First schools. The assessment must measure  
7 phonemic awareness, phonics, fluency, vocabulary, and  
8 comprehension.

9 b. Be provided during regular school hours in addition  
10 to the regular reading instruction.

11 c. Provide a state-identified reading curriculum that  
12 has been reviewed by the Florida Center for Reading Research  
13 at Florida State University and meets, at a minimum, the  
14 following specifications:

15 (I) Assists students assessed as exhibiting a reading  
16 deficiency in developing the ability to read at grade level.

17 (II) Provides skill development in phonemic awareness,  
18 phonics, fluency, vocabulary, and comprehension.

19 (III) Provides scientifically based and reliable  
20 assessment.

21 (IV) Provides initial and ongoing analysis of each  
22 student's reading progress.

23 (V) Is implemented during regular school hours.

24 (VI) Provides a curriculum in core academic subjects  
25 to assist the student in maintaining or meeting proficiency  
26 levels for the appropriate grade in all academic subjects.

27 8. Establish at each school, where applicable, an  
28 Intensive Acceleration Class for retained grade 3 students who  
29 subsequently score at Level 1 on the reading portion of the  
30 FCAT. The focus of the Intensive Acceleration Class shall be  
31 to increase a child's reading level at least two grade levels



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1 in 1 school year. The Intensive Acceleration Class shall:

2 a. Be provided to any student in grade 3 who scores at  
3 Level 1 on the reading portion of the FCAT and who was  
4 retained in grade 3 the prior year because of scoring at Level  
5 1 on the reading portion of the FCAT.

6 b. Have a reduced teacher-student ratio.

7 c. Provide uninterrupted reading instruction for the  
8 majority of student contact time each day and incorporate  
9 opportunities to master the grade 4 Sunshine State Standards  
10 in other core subject areas.

11 d. Use a reading program that is scientifically  
12 research-based and has proven results in accelerating student  
13 reading achievement within the same school year.

14 e. Provide intensive language and vocabulary  
15 instruction using a scientifically research-based program,  
16 including use of a speech-language therapist.

17 f. Include weekly progress monitoring measures to  
18 ensure progress is being made.

19 g. Report to the Department of Education, in the  
20 manner described by the department, the progress of students  
21 in the class at the end of the first semester.

22 9. Report to the State Board of Education, as  
23 requested, on the specific intensive reading interventions and  
24 supports implemented at the school district level. The  
25 Commissioner of Education shall annually prescribe the  
26 required components of requested reports.

27 10. Provide a student who has been retained in grade 3  
28 and has received intensive instructional services but is still  
29 not ready for grade promotion, as determined by the school  
30 district, the option of being placed in a transitional  
31 instructional setting. Such setting shall specifically be

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1 | designed to produce learning gains sufficient to meet grade 4  
2 | performance standards while continuing to remediate the areas  
3 | of reading deficiency.

4 |         (8) ANNUAL REPORT.--

5 |         (b) ~~Beginning with the 2001-2002 school year,~~ Each  
6 | district school board must annually publish in the local  
7 | newspaper, and report in writing to the State Board of  
8 | Education by September 1 of each year, the following  
9 | information on the prior school year:

10 |           1. The provisions of this section relating to public  
11 | school student progression and the district school board's  
12 | policies and procedures on student retention and promotion.

13 |           2. By grade, the number and percentage of all students  
14 | in grades 3 through 10 performing at Levels 1 and 2 on the  
15 | reading portion of the FCAT.

16 |           3. By grade, the number and percentage of all students  
17 | retained in grades 3 through 10.

18 |           4. Information on the total number of students who  
19 | were promoted for good cause, by each category of good cause  
20 | as specified in paragraph (6)(b).

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

23 |         (c) The Department of Education shall establish a  
24 | uniform format for school districts to report the information  
25 | required in paragraph (b). The format shall be developed with  
26 | input from district school boards and shall be provided not  
27 | later than 90 days prior to the annual due date. The  
28 | department shall annually compile the information required in  
29 | subparagraphs (b)2., 3., and 4., along with state-level  
30 | summary information, and report such information to the  
31 | Governor, the President of the Senate, and the Speaker of the

1 House of Representatives.

2 Section 43. Section 1008.301, Florida Statutes, is  
3 repealed.

4 Section 44. Paragraphs (d) and (e) of subsection (1),  
5 paragraphs (b) and (c) of subsection (2), and subsection (3)  
6 of section 1008.31, Florida Statutes, are amended, and  
7 subsection (4) is added to that section, to read:

8 1008.31 Florida's K-20 education performance  
9 accountability system; legislative intent; ~~performance-based~~  
10 ~~funding~~; mission, goals, and systemwide measures; data quality  
11 improvements.--

12 (1) LEGISLATIVE INTENT.--It is the intent of the  
13 Legislature that:

14 (d) The State Board of Education and the Board of  
15 Governors of the State University System recommend to the  
16 Legislature systemwide performance standards; the Legislature  
17 establish systemwide performance measures and standards; and  
18 the systemwide measures and standards provide Floridians with  
19 information on what the public is receiving in return for the  
20 funds it invests in education and how well the K-20 system  
21 educates its students.

22 (e)1. The State Board of Education establish  
23 performance measures and set performance standards for  
24 individual ~~components of the public education system,~~  
25 ~~including individual~~ schools and community colleges  
26 ~~postsecondary educational institutions,~~ with measures and  
27 standards based primarily on student achievement.

28 2. The Board of Governors of the State University  
29 System establish performance measures and set performance  
30 standards for individual state universities, including actual  
31 completion rates.

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1 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

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

- 5 1. Focused on student success.
- 6 2. Addressable through policy and program changes.
- 7 3. Efficient and of high quality.
- 8 4. Measurable over time.
- 9 5. Simple to explain and display to the public.
- 10 6. Aligned with other measures and other sectors to

11 support a coordinated K-20 education system.

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

15 1. Highest student achievement, as indicated by  
16 evidence of student learning gains at all levels ~~measured by:~~  
17 ~~student FCAT performance and annual learning gains; the number~~  
18 ~~and percentage of schools that improve at least one school~~  
19 ~~performance grade designation or maintain a school performance~~  
20 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
21 ~~completion rates at all learning levels; and other measures~~  
22 ~~identified in law or rule.~~

23 2. Seamless articulation and maximum access, as  
24 measured by evidence of progression, readiness, and access by  
25 targeted groups of students identified by the Commissioner of  
26 Education: ~~the percentage of students who demonstrate~~  
27 ~~readiness for the educational level they are entering, from~~  
28 ~~kindergarten through postsecondary education and into the~~  
29 ~~workforce; the number and percentage of students needing~~  
30 ~~remediation; the percentage of Floridians who complete~~  
31 ~~associate, baccalaureate, graduate, professional, and~~

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1 ~~postgraduate degrees; the number and percentage of credits~~  
 2 ~~that articulate; the extent to which each set of exit-point~~  
 3 ~~requirements matches the next set of entrance point~~  
 4 ~~requirements; the degree to which underserved populations~~  
 5 ~~access educational opportunity; the extent to which access is~~  
 6 ~~provided through innovative educational delivery strategies;~~  
 7 ~~and other measures identified in law or rule.~~

8       3. Skilled workforce and economic development, as  
 9 measured by evidence of employment and earnings; ~~the number~~  
 10 ~~and percentage of graduates employed in their areas of~~  
 11 ~~preparation; the percentage of Floridians with high school~~  
 12 ~~diplomas and postsecondary education credentials; the~~  
 13 ~~percentage of business and community members who find that~~  
 14 ~~Florida's graduates possess the skills they need; national~~  
 15 ~~rankings; and other measures identified in law or rule.~~

16       4. Quality efficient services, as measured by evidence  
 17 of return on investment; ~~cost per completer or graduate;~~  
 18 ~~average cost per noncompleter at each educational level; cost~~  
 19 ~~disparity across institutions offering the same degrees; the~~  
 20 ~~percentage of education customers at each educational level~~  
 21 ~~who are satisfied with the education provided; and other~~  
 22 ~~measures identified in law or rule.~~

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

24       (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS  
 25 SYSTEMWIDE DATA COLLECTION.--To provide data required to  
 26 implement education performance accountability measures in  
 27 state and federal law, the Commissioner of Education shall  
 28 initiate and maintain strategies to improve data quality and  
 29 timeliness. All data collected from state universities shall,  
 30 as determined by the commissioner, be integrated into the K-20  
 31 data warehouse. The commissioner shall have unlimited access

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1 to such data solely for the purposes of conducting studies,  
2 reporting annual and longitudinal student outcomes, and  
3 improving college readiness and articulation. All public  
4 educational institutions shall provide data to the K-20 data  
5 warehouse in a format specified by the commissioner.

6       (a) School districts and public postsecondary  
7 educational institutions shall maintain information systems  
8 that will provide the State Board of Education, the Board of  
9 Governors of the State University System, and the Legislature  
10 with information and reports necessary to address the  
11 specifications of the accountability system. ~~The State Board~~  
12 ~~of Education shall determine the standards for the required~~  
13 ~~data.~~ The level of comprehensiveness and quality shall be no  
14 less than that which was available as of June 30, 2001.

15       (b) The Commissioner of Education shall determine the  
16 standards for the required data, monitor data quality, and  
17 measure improvements. The commissioner shall report annually  
18 to the State Board of Education, the Board of Governors of the  
19 State University System, the President of the Senate, and the  
20 Speaker of the House of Representatives data quality  
21 indicators and ratings for all school districts and public  
22 postsecondary educational institutions.

23       (c) Before establishing any new reporting or data  
24 collection requirements, the Commissioner of Education shall  
25 utilize existing data being collected to reduce duplication  
26 and minimize paperwork.

27       (4) RULES.--The State Board of Education shall adopt  
28 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
29 provisions of this section relating to the K-20 data  
30 warehouse.

31       Section 45. Section 1008.33, Florida Statutes, is

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1 amended to read:

2           1008.33 Authority to enforce public school  
3 improvement.--It is the intent of the Legislature that all  
4 public schools be held accountable for students performing at  
5 acceptable levels. A system of school improvement and  
6 accountability that assesses student performance by school,  
7 identifies schools in which students are not making adequate  
8 progress toward state standards, institutes appropriate  
9 measures for enforcing improvement, and provides rewards and  
10 sanctions based on performance shall be the responsibility of  
11 the State Board of Education.

12           (1) Pursuant to Art. IX of the State Constitution  
13 prescribing the duty of the State Board of Education to  
14 supervise Florida's public school system and notwithstanding  
15 any other statutory provisions to the contrary, the State  
16 Board of Education shall intervene in the operation of a  
17 district school system when one or more schools in the school  
18 district have failed to make adequate progress for 2 school  
19 years in a 4-year period. For purposes of determining when a  
20 school is eligible for state board action and opportunity  
21 scholarships for its students, the terms "2 years in any  
22 4-year period" and "2 years in a 4-year period" mean that in  
23 any year that a school has a grade of "F," the school is  
24 eligible for state board action and opportunity scholarships  
25 for its students if it also has had a grade of "F" in any of  
26 the previous 3 school years. The State Board of Education may  
27 determine that the school district or school has not taken  
28 steps sufficient for students in the school to be academically  
29 well served. Considering recommendations of the Commissioner  
30 of Education, the State Board of Education shall recommend  
31 action to a district school board intended to improve

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1 educational services to students in each school that is  
 2 designated with a ~~as performance~~ grade of ~~category~~ "F."  
 3 Recommendations for actions to be taken in the school district  
 4 shall be made only after thorough consideration of the unique  
 5 characteristics of a school, which shall include student  
 6 mobility rates, the number and type of exceptional students  
 7 enrolled in the school, and the availability of options for  
 8 improved educational services. The state board shall adopt by  
 9 rule steps to follow in this process. Such steps shall  
 10 provide school districts sufficient time to improve student  
 11 performance in schools and the opportunity to present evidence  
 12 of assistance and interventions that the district school board  
 13 has implemented.

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

19 (a) Provide additional resources, change certain  
 20 practices, and provide additional assistance if the state  
 21 board determines the causes of inadequate progress to be  
 22 related to school district policy or practice;

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

25 (c) Contract for the educational services of the  
 26 school, or reorganize the school at the end of the school year  
 27 under a new school principal who is authorized to hire new  
 28 staff and implement a plan that addresses the causes of  
 29 inadequate progress. A contract to administer an alternative  
 30 school may not be entered into with a private entity which  
 31 contract changes the character of the alternative school



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1 population as it existed when the alternative school was  
 2 administered by the public school system. The term "character  
 3 of the alternative school population" means the percentage of  
 4 students having learning disabilities, physical disabilities,  
 5 emotional disabilities, or developmental disabilities, as well  
 6 as the percentage of students having discipline problems;

7 (d) Allow parents of students in the school to send  
 8 their children to another district school of their choice; or

9 (e) Other action appropriate to improve the school's  
 10 performance, including, if the school is a high school,  
 11 requiring annual publication of the school's graduation rate  
 12 calculated without GED tests for the past 3 years,  
 13 disaggregated by student ethnicity.

14 (3) In recommending actions to district school boards,  
 15 the State Board of Education shall specify the length of time  
 16 available to implement the recommended action. The State  
 17 Board of Education may adopt rules to further specify how it  
 18 may respond in specific circumstances. No action taken by the  
 19 State Board of Education shall relieve a school from state  
 20 accountability requirements.

21 (4) The State Board of Education may require the  
 22 Department of Education or Chief Financial Officer to withhold  
 23 any transfer of state funds to the school district if, within  
 24 the timeframe specified in state board action, the school  
 25 district has failed to comply with the action ordered to  
 26 improve the district's low-performing schools. Withholding the  
 27 transfer of funds shall occur only after all other recommended  
 28 actions for school improvement have failed to improve  
 29 performance. The State Board of Education may impose the same  
 30 penalty on any district school board that fails to develop and  
 31 implement a plan for assistance and intervention for

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1 low-performing schools as specified in s. 1001.42(16)(d) ~~s.~~  
2 ~~1001.42(16)(c)~~.

3 Section 46. Section 1008.34, Florida Statutes, is  
4 amended to read:

5 1008.34 School grading system; school report cards;  
6 district ~~performance~~ grade.--

7 (1) ANNUAL REPORTS.--The Commissioner of Education  
8 shall prepare annual reports of the results of the statewide  
9 assessment program which describe student achievement in the  
10 state, each district, and each school. The commissioner shall  
11 prescribe the design and content of these reports, which must  
12 include, without limitation, descriptions of the performance  
13 of all schools participating in the assessment program and all  
14 of their major student populations as determined by the  
15 Commissioner of Education, and must also include the median  
16 scores of all eligible students who scored at or in the lowest  
17 25th percentile of the state in the previous school year;  
18 provided, however, that the provisions of s. 1002.22  
19 pertaining to student records apply to this section.

20 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
21 annual report shall identify schools as having one of the  
22 following grades, ~~being in one of the following grade~~  
23 ~~categories~~ defined according to rules of the State Board of  
24 Education:

- 25 (a) "A," schools making excellent progress.
- 26 (b) "B," schools making above average progress.
- 27 (c) "C," schools making satisfactory progress.
- 28 (d) "D," schools making less than satisfactory  
29 progress.
- 30 (e) "F," schools failing to make adequate progress.

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1 Each school designated with a ~~in performance grade of category~~  
 2 "A," making excellent progress, or having improved at least  
 3 two ~~performance grade levels categories~~, shall have greater  
 4 authority over the allocation of the school's total budget  
 5 generated from the FEFP, state categoricals, lottery funds,  
 6 grants, and local funds, as specified in state board rule. The  
 7 rule must provide that the increased budget authority shall  
 8 remain in effect until the school's ~~performance grade~~  
 9 declines.

10 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~  
 11 CATEGORIES.--Each school that has students who are tested and  
 12 included in the school grading system, except an alternative  
 13 school that receives a school-improvement rating pursuant to  
 14 s. 1008.341, shall receive a school grade; however, an  
 15 alternative school may choose to receive a school grade under  
 16 this section in lieu of a school-improvement rating.  
 17 Additionally, a school that serves any combination of students  
 18 in kindergarten through grade 3 which does not receive a  
 19 school grade because its students are not tested and included  
 20 in the school grading system shall receive the school grade  
 21 designation of a K-3 feeder pattern school identified by the  
 22 Department of Education and verified by the school district. A  
 23 school feeder pattern exists if at least 60 percent of the  
 24 students in the school serving a combination of students in  
 25 kindergarten through grade 3 are scheduled to be assigned to  
 26 the graded school. School grades ~~performance grade category~~  
 27 ~~designations~~ itemized in subsection (2) shall be based on the  
 28 following:

29 (a) Criteria ~~Timeframes~~.--A school's grade shall be  
 30 based on a combination of:

- 31 1. Student achievement scores, including achievement

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1 scores for students seeking a special diploma ~~School~~  
 2 ~~performance grade category designations shall be based on the~~  
 3 ~~school's current year performance and the school's annual~~  
 4 ~~learning gains.~~

5       2. ~~A school's performance grade category designation~~  
 6 ~~shall be based on a combination of student achievement scores,~~  
 7 Student learning gains as measured by annual FCAT assessments  
 8 in grades 3 through 10; learning gains for students seeking a  
 9 special diploma, as measured by an alternate assessment tool,  
 10 shall be included not later than the 2009-2010 school year.

11 ~~and~~

12       3. Improvement of the lowest 25th percentile of  
 13 students in the school in reading, math, or writing on the  
 14 FCAT, unless these students are exhibiting ~~performing above~~  
 15 satisfactory performance.

16       (b) Student assessment data.--Student assessment data  
 17 used in determining school grades ~~performance grade categories~~  
 18 shall include:

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

21       2. The aggregate scores of all eligible students  
 22 enrolled in the school who have been assessed on the FCAT,  
 23 including Florida Writes, and who have scored at or in the  
 24 lowest 25th percentile of students in the school in reading,  
 25 math, or writing, unless these students are exhibiting  
 26 ~~performing above~~ satisfactory performance.

27       3. Effective with the 2005-2006 school year, the  
 28 achievement scores and learning gains of eligible students  
 29 attending alternative schools that provide dropout-prevention  
 30 and academic-intervention services pursuant to s. 1003.53. The  
 31 term "eligible students" in this subparagraph does not include

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1 students attending an alternative school who are subject to  
 2 district school board policies for expulsion for repeated or  
 3 serious offenses, who are in dropout-retrieval programs  
 4 serving students who have officially been designated as  
 5 dropouts, or who are in programs operated or contracted by the  
 6 Department of Juvenile Justice. The student performance data  
 7 for eligible students identified in this subparagraph shall be  
 8 included in the calculation of the home school's grade. For  
 9 purposes of this section and s. 1008.341, "home school" means  
 10 the school the student was attending when assigned to an  
 11 alternative school. If an alternative school chooses to be  
 12 graded pursuant to this section, student performance data for  
 13 eligible students identified in this subparagraph shall not be  
 14 included in the home school's grade but shall be included only  
 15 in the calculation of the alternative school's grade. School  
 16 districts must require collaboration between the home school  
 17 and the alternative school in order to promote student  
 18 success.

19  
 20 ~~The Department of Education shall study the effects of~~  
 21 ~~mobility on the performance of highly mobile students and~~  
 22 ~~recommend programs to improve the performance of such~~  
 23 ~~students.~~ The State Board of Education shall adopt appropriate  
 24 criteria for each school ~~performance grade category~~. The  
 25 criteria must also give added weight to student achievement in  
 26 reading. Schools designated with a ~~as performance grade of~~  
 27 ~~category~~ "C," making satisfactory progress, shall be required  
 28 to demonstrate that adequate progress has been made by  
 29 students in the school who are in the lowest 25th percentile  
 30 in reading, math, or writing on the FCAT, including Florida  
 31 Writes, unless these students are exhibiting ~~performing above~~

1 satisfactory performance.

2 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report  
3 shall identify each school's performance as having improved,  
4 remained the same, or declined. This school improvement rating  
5 shall be based on a comparison of the current year's and  
6 previous year's student and school performance data. Schools  
7 that improve at least one performance grade level category are  
8 eligible for school recognition awards pursuant to s. 1008.36.

9 (5) SCHOOL REPORT CARD ~~PERFORMANCE GRADE CATEGORY AND~~  
10 ~~IMPROVEMENT RATING REPORTS.~~--The Department of Education shall  
11 annually develop, in collaboration with the school districts,  
12 a school report card to be delivered to parents throughout  
13 each school district. The report card shall include the  
14 school's grade, information regarding school improvement, an  
15 explanation of school performance as evaluated by the federal  
16 No Child Left Behind Act of 2001, and indicators of return on  
17 investment. School performance grade category designations and  
18 improvement ratings shall apply to each school's performance  
19 for the year in which performance is measured. Each school's  
20 report card designation and rating shall be published annually  
21 by the department on its website, of Education and the school  
22 district shall provide the school report card to each parent.  
23 ~~Parents shall be entitled to an easy to read report card about~~  
24 ~~the designation and rating of the school in which their child~~  
25 ~~is enrolled.~~

26 (6) ~~RULES.~~--~~The State Board of Education shall adopt~~  
27 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~  
28 ~~provisions of this section.~~

29 (6)(7) PERFORMANCE-BASED FUNDING.--The Legislature may  
30 factor in the performance of schools in calculating any  
31 performance-based funding policy that is provided for annually

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1 in the General Appropriations Act.

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

10 Section 47. Section 1008.341, Florida Statutes, is  
11 created to read:

12 1008.341 School-improvement rating for alternative  
13 schools.--

14 (1) ANNUAL REPORTS.--The Commissioner of Education  
15 shall prepare an annual report on the performance of each  
16 school receiving a school-improvement rating pursuant to this  
17 section if the provisions of s. 1002.22 pertaining to student  
18 records apply.

19 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools  
20 that provide dropout-prevention and academic-intervention  
21 services pursuant to s. 1003.53 shall receive a  
22 school-improvement rating pursuant to this section. The  
23 school-improvement rating shall identify schools as having one  
24 of the following ratings defined according to rules of the  
25 State Board of Education:

26 (a) "Improving" means schools with students making  
27 more academic progress than when the students were served in  
28 their home schools.

29 (b) "Maintaining" means schools with students making  
30 progress equivalent to the progress made when the students  
31 were served in their home schools.

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1       (c) "Declining" means schools with students making  
2 less academic progress than when the students were served in  
3 their home schools.

4  
5 The school-improvement rating shall be based on a comparison  
6 of student performance data for the current year and previous  
7 year. Schools that improve at least one level or maintain an  
8 "improving" rating pursuant to this section are eligible for  
9 school recognition awards pursuant to s. 1008.36.

10       (3) DESIGNATION OF SCHOOL-IMPROVEMENT RATING.--Student  
11 data used in determining an alternative school's  
12 school-improvement rating shall include:

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

18       (b) The aggregate scores of all eligible students who  
19 were assigned to and enrolled in the school during the October  
20 or February FTE count, who have been assessed on the FCAT,  
21 including Florida Writes, and who have scored in the lowest  
22 25th percentile of students in the state on FCAT Reading.

23  
24 The assessment scores of students who are subject to district  
25 school board policies for expulsion for repeated or serious  
26 offenses, who are in dropout-retrieval programs serving  
27 students who have officially been designated as dropouts, or  
28 who are in programs operated or contracted by the Department  
29 of Juvenile Justice may not be included in an alternative  
30 school's school improvement rating.

31       (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For



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1 each alternative school receiving a school-improvement rating,  
 2 the Department of Education shall annually identify the  
 3 percentage of students making learning gains as compared to  
 4 the percentage of the same students making learning gains in  
 5 their home schools in the year prior to being assigned to the  
 6 alternative school.

7       (5) SCHOOL REPORT CARD.--The Department of Education  
 8 shall annually develop, in collaboration with the school  
 9 districts, a school report card for alternative schools to be  
 10 delivered to parents throughout each school district. The  
 11 report card shall include the school-improvement rating,  
 12 identification of student learning gains, student attendance  
 13 data, information regarding school improvement, an explanation  
 14 of school performance as evaluated by the federal No Child  
 15 Left Behind Act of 2001, and indicators of return on  
 16 investment.

17       Section 48. Subsection (5), paragraphs (b) and (d) of  
 18 subsection (6), and subsection (7) of section 1008.345,  
 19 Florida Statutes, are amended to read:

20       1008.345 Implementation of state system of school  
 21 improvement and education accountability.--

22       (5) The commissioner shall report to the Legislature  
 23 and recommend changes in state policy necessary to foster  
 24 school improvement and education accountability. Included in  
 25 the report shall be a list of the schools, including schools  
 26 operating for the purpose of providing educational services to  
 27 youth in Department of Juvenile Justice programs, for which  
 28 district school boards have developed assistance and  
 29 intervention plans and an analysis of the various strategies  
 30 used by the school boards. School reports shall be distributed  
 31 pursuant to this subsection and s. 1001.42(16)(f) ~~s.~~

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1 ~~1001.42(16)(e)~~ and according to rules adopted by the State  
2 Board of Education.

3 (6)

4 (b) Upon request, the department shall provide  
5 technical assistance and training to any school, including any  
6 school operating for the purpose of providing educational  
7 services to youth in Department of Juvenile Justice programs,  
8 school advisory council, district, or district school board  
9 for conducting needs assessments, developing and implementing  
10 school improvement plans, developing and implementing  
11 assistance and intervention plans, or implementing other  
12 components of school improvement and accountability. Priority  
13 for these services shall be given to schools designated with a  
14 ~~as performance grade of~~ category "D" or "F" and school  
15 districts in rural and sparsely populated areas of the state.

16 (d) The commissioner ~~department~~ shall assign a  
17 community assessment team to each school district or governing  
18 board with a school graded ~~designated as performance grade~~  
19 ~~category "D" or "F"~~ to review the school performance data and  
20 determine causes for the low performance, including the role  
21 of school, area, and district administrative personnel. The  
22 community assessment team shall review a high school's  
23 graduation rate calculated without GED tests for the past 3  
24 years, disaggregated by student ethnicity. The team shall make  
25 recommendations to the school board or the governing board, to  
26 the department, and to the State Board of Education for  
27 implementing an assistance and intervention plan that will  
28 address the causes of the school's low performance. The  
29 assessment team shall include, but not be limited to, a  
30 department representative, parents, business representatives,  
31 educators, representatives of local governments, and community

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1 activists, and shall represent the demographics of the  
2 community from which they are appointed.

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

7 (b) Schools that have improved at least two grades  
8 ~~performance grade categories~~ and that meet the criteria of the  
9 Florida School Recognition Program pursuant to s. 1008.36 may  
10 be given deregulated status as specified in s. 1003.63(5),  
11 (7), (8), (9), and (10).

12 Section 49. Subsection (3) of section 1009.24, Florida  
13 Statutes, is amended to read:

14 1009.24 State university student fees.--

15 (3) Except as otherwise provided by law, undergraduate  
16 tuition shall be established annually in the General  
17 Appropriations Act. The Board of Governors, or the board's  
18 designee, may establish tuition for graduate and professional  
19 programs, and out-of-state fees for all programs. The sum of  
20 tuition and out-of-state fees assessed to nonresident students  
21 must be sufficient to offset the full instructional cost of  
22 servicing such students. However, adjustments to out-of-state  
23 fees or tuition for graduate and professional programs  
24 pursuant to this section may not exceed 10 percent in any  
25 year. Within proviso in the General Appropriations Act and  
26 law, each board of trustees shall set university tuition and  
27 fees. The sum of the activity and service, health, and  
28 athletic fees a student is required to pay to register for a  
29 course shall not exceed 40 percent of the tuition established  
30 in law or in the General Appropriations Act. No university  
31 shall be required to lower any fee in effect on the effective

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1 date of this act in order to comply with this subsection.  
2 Within the 40 percent cap, universities may not increase the  
3 aggregate sum of activity and service, health, and athletic  
4 fees more than 5 percent per year unless specifically  
5 authorized in law or in the General Appropriations Act. A  
6 university may increase its athletic fee to defray the costs  
7 associated with changing National Collegiate Athletic  
8 Association divisions. Any such increase in the athletic fee  
9 may exceed both the 40 percent cap and the 5 percent cap  
10 imposed by this subsection. Any such increase must be approved  
11 by the athletic fee committee in the process outlined in  
12 subsection (11) and cannot exceed \$2 per credit hour.  
13 Notwithstanding the provisions of ss. 1009.534, 1009.535, and  
14 1009.536, that portion of any increase in an athletic fee  
15 pursuant to this subsection that causes the sum of the  
16 activity and service, health, and athletic fees to exceed the  
17 40 percent cap or the annual increase in such fees to exceed  
18 the 5 percent cap shall not be included in calculating the  
19 amount a student receives for a Florida Academic Scholars  
20 award, a Florida Medallion Scholars award, or a Florida Gold  
21 Seal Vocational Scholars award. This subsection does not  
22 prohibit a university from increasing or assessing optional  
23 fees related to specific activities if payment of such fees is  
24 not required as a part of registration for courses.

25 Section 50. Paragraphs (f), (h), (l), (m), and (n) of  
26 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
27 section 1011.62, Florida Statutes, are amended, present  
28 subsections (8) and (9) of that section are redesignated as  
29 subsections (9) and (10), respectively, and amended, and a new  
30 subsection (8) is added to that section, to read:

31 1011.62 Funds for operation of schools.--If the annual

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1 allocation from the Florida Education Finance Program to each  
2 district for operation of schools is not determined in the  
3 annual appropriations act or the substantive bill implementing  
4 the annual appropriations act, it shall be determined as  
5 follows:

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

10 (f) Supplemental academic instruction; categorical  
11 fund.--

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

16 2. Categorical funds for supplemental academic  
17 instruction shall be allocated annually to each school  
18 district in the amount provided in the General Appropriations  
19 Act. These funds shall be in addition to the funds  
20 appropriated on the basis of FTE student membership in the  
21 Florida Education Finance Program and shall be included in the  
22 total potential funds of each district. These funds shall be  
23 used to provide supplemental academic instruction to students  
24 enrolled in the K-12 program. Supplemental instruction  
25 strategies may include, but are not limited to: modified  
26 curriculum, reading instruction, after-school instruction,  
27 tutoring, mentoring, class size reduction, extended school  
28 year, intensive skills development in summer school, and other  
29 methods for improving student achievement. Supplemental  
30 instruction may be provided to a student in any manner and at  
31 any time during or beyond the regular 180-day term identified

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1 | by the school as being the most effective and efficient way to  
2 | best help that student progress from grade to grade and to  
3 | graduate.

4 |         3. Effective with the 1999-2000 fiscal year, funding  
5 | on the basis of FTE membership beyond the 180-day regular term  
6 | shall be provided in the FEFP only for students enrolled in  
7 | juvenile justice education programs or in an education program  
8 | for juveniles under s. 985.223. Funding for instruction beyond  
9 | the regular 180-day school year for all other K-12 students  
10 | shall be provided through the supplemental academic  
11 | instruction categorical fund and other state, federal, and  
12 | local fund sources with ample flexibility for schools to  
13 | provide supplemental instruction to assist students in  
14 | progressing from grade to grade and graduating.

15 |         4. The Florida State University School, as a lab  
16 | school, is authorized to expend from its FEFP or Lottery  
17 | Enhancement Trust Fund allocation the cost to the student of  
18 | remediation in reading, writing, or mathematics for any  
19 | graduate who requires remediation at a postsecondary  
20 | educational institution.

21 |         5. Beginning in the 1999-2000 school year, dropout  
22 | prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
23 | (b), and (c), and 1003.54 shall be included in group 1  
24 | programs under subparagraph (d)3.

25 |         (h) Small, isolated high schools.--Districts which  
26 | levy the maximum nonvoted discretionary millage, exclusive of  
27 | millage for capital outlay purposes levied pursuant to s.  
28 | 1011.71(2), may calculate full-time equivalent students for  
29 | small, isolated high schools by multiplying the number of  
30 | unweighted full-time equivalent students times 2.75; provided  
31 | the school has attained a ~~state accountability performance~~

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1 grade ~~category~~ of "C" or better, pursuant to s. 1008.34, for  
 2 the previous school year. For the purpose of this section, the  
 3 term "small, isolated high school" means any high school which  
 4 is located no less than 28 miles by the shortest route from  
 5 another high school; which has been serving students primarily  
 6 in basic studies provided by sub-subparagraphs (c)1.b. and c.  
 7 and may include subparagraph (c)4.; and which has a membership  
 8 of no more than 100 students, but no fewer than 28 students,  
 9 in grades 9 through 12.

10 (1) Calculation of additional full-time equivalent  
 11 membership based on international baccalaureate examination  
 12 scores of students.--A value of 0.24 full-time equivalent  
 13 student membership shall be calculated for each student  
 14 enrolled in an international baccalaureate course who receives  
 15 a score of 4 or higher on a subject examination. A value of  
 16 0.3 full-time equivalent student membership shall be  
 17 calculated for each student who receives an international  
 18 baccalaureate diploma. Such value shall be added to the total  
 19 full-time equivalent student membership in basic programs for  
 20 grades 9 through 12 in the subsequent fiscal year. The school  
 21 district shall distribute to each classroom teacher who  
 22 provided international baccalaureate instruction:

23 1. A bonus in the amount of \$50 for each student  
 24 taught by the International Baccalaureate teacher in each  
 25 international baccalaureate course who receives a score of 4  
 26 or higher on the international baccalaureate examination.

27 2. An additional bonus of \$500 to each International  
 28 Baccalaureate teacher in a school designated with a  
 29 ~~performance~~ grade of ~~category~~ "D" or "F" who has at least one  
 30 student scoring 4 or higher on the international baccalaureate  
 31 examination, regardless of the number of classes taught or of

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1 the number of students scoring a 4 or higher on the  
2 international baccalaureate examination.

3  
4 Bonuses awarded to a teacher according to this paragraph shall  
5 not exceed \$2,000 in any given school year and shall be in  
6 addition to any regular wage or other bonus the teacher  
7 received or is scheduled to receive.

8 (m) Calculation of additional full-time equivalent  
9 membership based on Advanced International Certificate of  
10 Education examination scores of students.--A value of 0.24  
11 full-time equivalent student membership shall be calculated  
12 for each student enrolled in a full-credit Advanced  
13 International Certificate of Education course who receives a  
14 score of E or higher on a subject examination. A value of 0.12  
15 full-time equivalent student membership shall be calculated  
16 for each student enrolled in a half-credit Advanced  
17 International Certificate of Education course who receives a  
18 score of E or higher on a subject examination. A value of 0.3  
19 full-time equivalent student membership shall be calculated  
20 for each student who receives an Advanced International  
21 Certificate of Education diploma. Such value shall be added to  
22 the total full-time equivalent student membership in basic  
23 programs for grades 9 through 12 in the subsequent fiscal  
24 year. The school district shall distribute to each classroom  
25 teacher who provided Advanced International Certificate of  
26 Education instruction:

- 27 1. A bonus in the amount of \$50 for each student  
28 taught by the Advanced International Certificate of Education  
29 teacher in each full-credit Advanced International Certificate  
30 of Education course who receives a score of E or higher on the  
31 Advanced International Certificate of Education examination. A



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1 | bonus in the amount of \$25 for each student taught by the  
 2 | Advanced International Certificate of Education teacher in  
 3 | each half-credit Advanced International Certificate of  
 4 | Education course who receives a score of E or higher on the  
 5 | Advanced International Certificate of Education examination.

6 |         2. An additional bonus of \$500 to each Advanced  
 7 | International Certificate of Education teacher in a school  
 8 | designated with a performance grade of category "D" or "F" who  
 9 | has at least one student scoring E or higher on the  
 10 | full-credit Advanced International Certificate of Education  
 11 | examination, regardless of the number of classes taught or of  
 12 | the number of students scoring an E or higher on the  
 13 | full-credit Advanced International Certificate of Education  
 14 | examination.

15 |         3. Additional bonuses of \$250 each to teachers of  
 16 | half-credit Advanced International Certificate of Education  
 17 | classes in a school designated with a performance grade of  
 18 | ~~category~~ "D" or "F" which has at least one student scoring an  
 19 | E or higher on the half-credit Advanced International  
 20 | Certificate of Education examination in that class. The  
 21 | maximum additional bonus for a teacher awarded in accordance  
 22 | with this subparagraph shall not exceed \$500 in any given  
 23 | school year. Teachers receiving an award under subparagraph 2.  
 24 | are not eligible for a bonus under this subparagraph.

25 |  
 26 | Bonuses awarded to a teacher according to this paragraph shall  
 27 | not exceed \$2,000 in any given school year and shall be in  
 28 | addition to any regular wage or other bonus the teacher  
 29 | received or is scheduled to receive.

30 |         (n) Calculation of additional full-time equivalent  
 31 | membership based on college board advanced placement scores of

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1 students.--A value of 0.24 full-time equivalent student  
 2 membership shall be calculated for each student in each  
 3 advanced placement course who receives a score of 3 or higher  
 4 on the College Board Advanced Placement Examination for the  
 5 prior year and added to the total full-time equivalent student  
 6 membership in basic programs for grades 9 through 12 in the  
 7 subsequent fiscal year. Each district must allocate at least  
 8 80 percent of the funds provided to the district for advanced  
 9 placement instruction, in accordance with this paragraph, to  
 10 the high school that generates the funds. The school district  
 11 shall distribute to each classroom teacher who provided  
 12 advanced placement instruction:

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

17       2. An additional bonus of \$500 to each Advanced  
 18 Placement teacher in a school designated with a performance  
 19 grade of ~~category~~ "D" or "F" who has at least one student  
 20 scoring 3 or higher on the College Board Advanced Placement  
 21 Examination, regardless of the number of classes taught or of  
 22 the number of students scoring a 3 or higher on the College  
 23 Board Advanced Placement Examination.

24  
 25 Bonuses awarded to a teacher according to this paragraph shall  
 26 not exceed \$2,000 in any given school year and shall be in  
 27 addition to any regular wage or other bonus the teacher  
 28 received or is scheduled to receive.

29       (4) COMPUTATION OF DISTRICT REQUIRED LOCAL  
 30 EFFORT.--The Legislature shall prescribe the aggregate  
 31 required local effort for all school districts collectively as

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1 an item in the General Appropriations Act for each fiscal  
 2 year. The amount that each district shall provide annually  
 3 toward the cost of the Florida Education Finance Program for  
 4 kindergarten through grade 12 programs shall be calculated as  
 5 follows:

6 (a) Estimated taxable value calculations.--

7 1.a. Not later than 2 working days prior to July 19,  
 8 the Department of Revenue shall certify to the Commissioner of  
 9 Education its most recent estimate of the taxable value for  
 10 school purposes in each school district and the total for all  
 11 school districts in the state for the current calendar year  
 12 based on the latest available data obtained from the local  
 13 property appraisers. Not later than July 19, the Commissioner  
 14 of Education shall compute a millage rate, rounded to the next  
 15 highest one one-thousandth of a mill, which, when applied to  
 16 95 percent of the estimated state total taxable value for  
 17 school purposes, would generate the prescribed aggregate  
 18 required local effort for that year for all districts. The  
 19 Commissioner of Education shall certify to each district  
 20 school board the millage rate, computed as prescribed in this  
 21 subparagraph, as the minimum millage rate necessary to provide  
 22 the district required local effort for that year.

23 b. The General Appropriations Act shall direct the  
 24 computation of the statewide adjusted aggregate amount for  
 25 required local effort for all school districts collectively  
 26 from ad valorem taxes to ensure that no school district's  
 27 revenue from required local effort millage will produce more  
 28 than 90 percent of the district's total Florida Education  
 29 Finance Program calculation, and the adjustment of the  
 30 required local effort millage rate of each district that  
 31 produces more than 90 percent of its total Florida Education

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1 Finance Program entitlement to a level that will produce only  
2 90 percent of its total Florida Education Finance Program  
3 entitlement in the July calculation.

4           2. As revised data are received from property  
5 appraisers, the Department of Revenue shall amend the  
6 certification of the estimate of the taxable value for school  
7 purposes. The Commissioner of Education, in administering the  
8 provisions of subparagraph(10)(a)2. ~~(9)(a)2.~~, shall use the  
9 most recent taxable value for the appropriate year.

10           (b) Final calculation.--

11           1. The Department of Revenue shall, upon receipt of  
12 the official final assessed value of property from each of the  
13 property appraisers, certify to the Commissioner of Education  
14 the taxable value total for school purposes in each school  
15 district, subject to the provisions of paragraph (d). The  
16 commissioner shall use the official final taxable value for  
17 school purposes for each school district in the final  
18 calculation of the annual Florida Education Finance Program  
19 allocations.

20           2. For the purposes of this paragraph, the official  
21 final taxable value for school purposes shall be the taxable  
22 value for school purposes on which the tax bills are computed  
23 and mailed to the taxpayers, adjusted to reflect final  
24 administrative actions of value adjustment boards and judicial  
25 decisions pursuant to part I of chapter 194. By September 1 of  
26 each year, the Department of Revenue shall certify to the  
27 commissioner the official prior year final taxable value for  
28 school purposes. For each county that has not submitted a  
29 revised tax roll reflecting final value adjustment board  
30 actions and final judicial decisions, the Department of  
31 Revenue shall certify the most recent revision of the official

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1 taxable value for school purposes. The certified value shall  
2 be the final taxable value for school purposes, and no further  
3 adjustments shall be made, except those made pursuant to  
4 subparagraph(10)(a)2. ~~(9)(a)2.~~

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

6 (a) The research-based reading instruction allocation  
7 is created to provide comprehensive reading instruction to  
8 students in kindergarten through grade 12.

9 (b) Funds for comprehensive, research-based reading  
10 instruction shall be allocated annually to each school  
11 district in the amount provided in the General Appropriations  
12 Act. Each eligible school district shall receive the same  
13 minimum amount as specified in the General Appropriations Act,  
14 and any remaining funds shall be distributed to eligible  
15 school districts based on each school district's proportionate  
16 share of K-12 base funding.

17 (c) Funds allocated under this subsection must be used  
18 to provide a system of comprehensive reading instruction to  
19 students enrolled in the K-12 programs, which may include the  
20 following:

21 1. The provision of highly qualified reading coaches.

22 2. Professional development for school district  
23 teachers in scientifically based reading instruction,  
24 including strategies to teach reading in content areas and  
25 with an emphasis on technical and informational text.

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

28 4. The provision of supplemental instructional  
29 materials that are grounded in scientifically based reading  
30 research.

31 5. The provision of intensive interventions for middle

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1 and high school students reading below grade level.

2 (d) Annually, by a date determined by the Department  
3 of Education but before May 1, school districts shall submit a  
4 K-12 comprehensive reading plan for the specific use of the  
5 research-based reading instruction allocation in the format  
6 prescribed by the department for review and approval by the  
7 Just Read, Florida! Office created pursuant to s. 1001.215.  
8 The plan annually submitted by school districts shall be  
9 deemed approved unless the department rejects the plan on or  
10 before June 1. If a school district and the Just Read,  
11 Florida! Office cannot reach agreement on the contents of the  
12 plan, the school district may appeal to the State Board of  
13 Education for resolution. School districts shall be allowed  
14 reasonable flexibility in designing their plans and shall be  
15 encouraged to offer reading remediation through innovative  
16 methods, including career academies. The plan format shall be  
17 developed with input from school district personnel, including  
18 teachers and principals, and shall allow courses in core,  
19 career, and alternative programs that deliver intensive  
20 reading remediation through integrated curricula, provided  
21 that the teacher is deemed highly qualified to teach reading  
22 or working toward that status. No later than July 1 annually,  
23 the department shall release the school district's allocation  
24 of appropriated funds to those districts having approved  
25 plans. A school district that spends 100 percent of this  
26 allocation on its approved plan shall be deemed to have been  
27 in compliance with the plan. The department may withhold funds  
28 upon a determination that reading instruction allocation funds  
29 are not being used to implement the approved plan.

30 (9)(8) QUALITY ASSURANCE GUARANTEE.--The Legislature  
31 may annually in the General Appropriations Act determine a

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1 percentage increase in funds per K-12 unweighted FTE as a  
 2 minimum guarantee to each school district. The guarantee shall  
 3 be calculated from prior year base funding per unweighted FTE  
 4 student which shall include the adjusted FTE dollars as  
 5 provided in subsection(10) ~~(9)~~, quality guarantee funds, and  
 6 actual nonvoted discretionary local effort from taxes. From  
 7 the base funding per unweighted FTE, the increase shall be  
 8 calculated for the current year. The current year funds from  
 9 which the guarantee shall be determined shall include the  
 10 adjusted FTE dollars as provided in subsection(10) ~~(9)~~ and  
 11 potential nonvoted discretionary local effort from taxes. A  
 12 comparison of current year funds per unweighted FTE to prior  
 13 year funds per unweighted FTE shall be computed. For those  
 14 school districts which have less than the legislatively  
 15 assigned percentage increase, funds shall be provided to  
 16 guarantee the assigned percentage increase in funds per  
 17 unweighted FTE student. Should appropriated funds be less than  
 18 the sum of this calculated amount for all districts, the  
 19 commissioner shall prorate each district's allocation. This  
 20 provision shall be implemented to the extent specifically  
 21 funded.

22 ~~(10)(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH  
 23 DISTRICT FOR CURRENT OPERATION.--The total annual state  
 24 allocation to each district for current operation for the FEFP  
 25 shall be distributed periodically in the manner prescribed in  
 26 the General Appropriations Act.

27 (a) The basic amount for current operation for the  
 28 FEFP as determined in subsection (1), multiplied by the  
 29 district cost differential factor as determined in subsection  
 30 (2), plus the amounts provided for categorical components  
 31 within the FEFP, plus the amount for the sparsity supplement

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1 as determined in subsection (6), the decline in full-time  
 2 equivalent students as determined in subsection (7), the  
 3 research-based reading instruction allocation as determined in  
 4 subsection (8), and the quality assurance guarantee as  
 5 determined in subsection(9) ~~(8)~~, less the required local  
 6 effort as determined in subsection (4). If the funds  
 7 appropriated for the purpose of funding the total amount for  
 8 current operation as provided in this paragraph are not  
 9 sufficient to pay the state requirement in full, the  
 10 department shall prorate the available state funds to each  
 11 district in the following manner:

12           1. Determine the percentage of proration by dividing  
 13 the sum of the total amount for current operation, as provided  
 14 in this paragraph for all districts collectively, and the  
 15 total district required local effort into the sum of the state  
 16 funds available for current operation and the total district  
 17 required local effort.

18           2. Multiply the percentage so determined by the sum of  
 19 the total amount for current operation as provided in this  
 20 paragraph and the required local effort for each individual  
 21 district.

22           3. From the product of such multiplication, subtract  
 23 the required local effort of each district; and the remainder  
 24 shall be the amount of state funds allocated to the district  
 25 for current operation.

26           (b) The amount thus obtained shall be the net annual  
 27 allocation to each school district. However, if it is  
 28 determined that any school district received an  
 29 underallocation or overallocation for any prior year because  
 30 of an arithmetical error, assessment roll change, full-time  
 31 equivalent student membership error, or any allocation error



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1 revealed in an audit report, the allocation to that district  
 2 shall be appropriately adjusted. Beginning with audits for the  
 3 2001-2002 fiscal year, if the adjustment is the result of an  
 4 audit finding in which group 2 FTE are reclassified to the  
 5 basic program and the district weighted FTE are over the  
 6 weighted enrollment ceiling for group 2 programs, the  
 7 adjustment shall not result in a gain of state funds to the  
 8 district. If the Department of Education audit adjustment  
 9 recommendation is based upon controverted findings of fact,  
 10 the Commissioner of Education is authorized to establish the  
 11 amount of the adjustment based on the best interests of the  
 12 state.

13 (c) The amount thus obtained shall represent the net  
 14 annual state allocation to each district; however,  
 15 notwithstanding any of the provisions herein, each district  
 16 shall be guaranteed a minimum level of funding in the amount  
 17 and manner prescribed in the General Appropriations Act.

18 Section 51. Paragraph (a) of subsection (2) of section  
 19 1011.64, Florida Statutes, is amended to read:

20 1011.64 School district minimum classroom expenditure  
 21 requirements.--

22 (2) For the purpose of implementing the provisions of  
 23 this section, the Legislature shall prescribe minimum academic  
 24 performance standards and minimum classroom expenditure  
 25 requirements for districts not meeting such minimum academic  
 26 performance standards in the General Appropriations Act.

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

30 Section 52. Section 1011.67, Florida Statutes, is  
 31 amended to read:

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1 1011.67 Funds for instructional materials.--

2 (1) The department is authorized to allocate and  
3 distribute to each district an amount as prescribed annually  
4 by the Legislature for instructional materials for student  
5 membership in basic and special programs in grades K-12, which  
6 will provide for growth and maintenance needs. For purposes of  
7 this subsection ~~section~~, unweighted full-time equivalent  
8 students enrolled in the lab schools in state universities are  
9 to be included as school district students and reported as  
10 such to the department. These funds shall be distributed to  
11 school districts as follows: 50 percent on or about July 10;  
12 35 percent on or about October 10; 10 percent on or about  
13 January 10; and 5 percent on or about June 10. The annual  
14 allocation shall be determined as follows:

15 (a)~~(1)~~ The growth allocation for each school district  
16 shall be calculated as follows:

17 1.~~(a)~~ Subtract from that district's projected  
18 full-time equivalent membership of students in basic and  
19 special programs in grades K-12 used in determining the  
20 initial allocation of the Florida Education Finance Program,  
21 the prior year's full-time equivalent membership of students  
22 in basic and special programs in grades K-12 for that  
23 district.

24 2.~~(b)~~ Multiply any such increase in full-time  
25 equivalent student membership by the allocation for a set of  
26 instructional materials, as determined by the department, or  
27 as provided for in the General Appropriations Act.

28 3.~~(c)~~ The amount thus determined shall be that  
29 district's initial allocation for growth for the school year.  
30 However, the department shall recompute and adjust the initial  
31 allocation based on actual full-time equivalent student

1 membership data for that year.

2       ~~(b)(2)~~ The maintenance of the instructional materials  
3 allocation for each school district shall be calculated by  
4 multiplying each district's prior year full-time equivalent  
5 membership of students in basic and special programs in grades  
6 K-12 by the allocation for maintenance of a set of  
7 instructional materials as provided for in the General  
8 Appropriations Act. The amount thus determined shall be that  
9 district's initial allocation for maintenance for the school  
10 year; however, the department shall recompute and adjust the  
11 initial allocation based on such actual full-time equivalent  
12 student membership data for that year.

13       ~~(c)(3)~~ In the event the funds appropriated are not  
14 sufficient for the purpose of implementing this subsection  
15 ~~section~~ in full, the department shall prorate the funds  
16 available for instructional materials after first funding in  
17 full each district's growth allocation.

18       (2) Annually by July 1 and prior to the release of  
19 instructional materials funds, each district school  
20 superintendent shall certify to the Commissioner of Education  
21 that the district school board has approved a comprehensive  
22 staff development plan that supports fidelity of  
23 implementation of instructional materials programs. The report  
24 shall include verification that training was provided and that  
25 the materials are being implemented as designed.

26       Section 53. Paragraph (b) of subsection (2) of section  
27 1011.685, Florida Statutes, is amended to read:

28       1011.685 Class size reduction; operating categorical  
29 fund.--

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

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1 (b) For any lawful operating expenditure, if the  
 2 district has met the constitutional maximums identified in s.  
 3 1003.03(1) or the reduction of two students per year required  
 4 by s. 1003.03(2); however, priority shall be given to increase  
 5 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
 6 and to implement the differentiated-pay provisions detailed in  
 7 s. 1012.22 ~~salary career ladder defined in s. 1012.231.~~

8 Section 54. Subsection (1) of section 1011.71, Florida  
 9 Statutes, is amended to read:

10 1011.71 District school tax.--

11 (1) If the district school tax is not provided in the  
 12 General Appropriations Act or the substantive bill  
 13 implementing the General Appropriations Act, each district  
 14 school board desiring to participate in the state allocation  
 15 of funds for current operation as prescribed by s. 1011.62(10)  
 16 ~~s. 1011.62(9)~~ shall levy on the taxable value for school  
 17 purposes of the district, exclusive of millage voted under the  
 18 provisions of s. 9(b) or s. 12, Art. VII of the State  
 19 Constitution, a millage rate not to exceed the amount  
 20 certified by the commissioner as the minimum millage rate  
 21 necessary to provide the district required local effort for  
 22 the current year, pursuant to s. 1011.62(4)(a)1. In addition  
 23 to the required local effort millage levy, each district  
 24 school board may levy a nonvoted current operating  
 25 discretionary millage. The Legislature shall prescribe  
 26 annually in the appropriations act the maximum amount of  
 27 millage a district may levy. The millage rate prescribed shall  
 28 exceed zero mills but shall not exceed the lesser of 1.6 mills  
 29 or 25 percent of the millage which is required pursuant to s.  
 30 1011.62(4), exclusive of millage levied pursuant to subsection  
 31 (2).

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1 Section 55. Subsection (6) is added to section  
2 1012.21, Florida Statutes, to read:

3 1012.21 Department of Education duties; K-12  
4 personnel.--

5 (6) REPORTING.--The Department of Education shall  
6 annually post online links to each school district's  
7 collective bargaining contracts and the salary and benefits of  
8 the personnel or officers of any educator association which  
9 were paid by the school district pursuant to s. 1012.22. The  
10 department shall prescribe the computer format for district  
11 school boards to use in providing the information.

12 Section 56. Paragraphs (b), (c), (h), and (i) of  
13 subsection (1) of section 1012.22, Florida Statutes, are  
14 amended, and subsection (3) is added to that section, to read:

15 1012.22 Public school personnel; powers and duties of  
16 the district school board.--The district school board shall:

17 (1) Designate positions to be filled, prescribe  
18 qualifications for those positions, and provide for the  
19 appointment, compensation, promotion, suspension, and  
20 dismissal of employees as follows, subject to the requirements  
21 of this chapter:

22 (b) Time to act on nominations.--The district school  
23 board shall act not later than 3 weeks following the receipt  
24 of FCAT scores and data, including school grades, or June 30  
25 ~~after the end of the regular legislative session or May 31,~~  
26 whichever is later, on the district school superintendent's  
27 nominations of supervisors, principals, and members of the  
28 instructional staff.

29 (c) Compensation and salary schedules.--

30 1. The district school board shall adopt a salary  
31 schedule or salary schedules designed to furnish incentives

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1 for improvement in training and for continued efficient  
 2 service to be used as a basis for paying all school employees  
 3 and fix and authorize the compensation of school employees on  
 4 the basis thereof.

5         2. A district school board, in determining the salary  
 6 schedule for instructional personnel, must base a portion of  
 7 each employee's compensation on performance demonstrated under  
 8 s. 1012.34, must consider the prior teaching experience of a  
 9 person who has been designated state teacher of the year by  
 10 any state in the United States, and must consider prior  
 11 professional experience in the field of education gained in  
 12 positions in addition to district level instructional and  
 13 administrative positions.

14         3. In developing the salary schedule, the district  
 15 school board shall seek input from parents, teachers, and  
 16 representatives of the business community.

17         4. Beginning with the 2002-2003 fiscal year, each  
 18 district school board must adopt a performance-pay policy for  
 19 school administrators and instructional personnel. The  
 20 district's performance-pay policy is subject to negotiation as  
 21 provided in chapter 447; however, the adopted salary schedule  
 22 must allow school administrators and instructional personnel  
 23 who demonstrate outstanding performance, as measured under s.  
 24 1012.34, to earn a 5-percent supplement in addition to their  
 25 individual, negotiated salary. The supplements shall be funded  
 26 from the performance-pay reserve funds adopted in the salary  
 27 schedule. ~~Beginning with the 2004-2005 academic year, the~~  
 28 ~~district's 5 percent performance pay policy must provide for~~  
 29 ~~the evaluation of classroom teachers within each level of the~~  
 30 ~~salary career ladder provided in s. 1012.231.~~ The Commissioner  
 31 of Education shall determine whether the district school

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1 board's adopted policy and salary schedule complies with the  
 2 requirement for performance-based pay. If the district school  
 3 board fails to comply with this section, the commissioner may  
 4 ~~shall~~ withhold disbursements from the Educational Enhancement  
 5 Trust Fund to the district and take any other measure provided  
 6 by law necessary to ensure compliance until compliance is  
 7 verified.

8 5. Beginning with the 2007-2008 academic year, each  
 9 district school board shall adopt a salary schedule with  
 10 differentiated pay for both instructional personnel and  
 11 school-based administrators. The salary schedule is subject to  
 12 negotiation as provided in chapter 447 and must allow  
 13 differentiated pay based on district-determined factors,  
 14 including, but not limited to, additional responsibilities,  
 15 school demographics, critical shortage areas, and level of job  
 16 performance difficulties.

17 (h) Planning and training time for teachers.--The  
 18 district school board shall ~~may~~ adopt rules to make provisions  
 19 for teachers to have time for lunch, professional ~~and some~~  
 20 planning, and professional development ~~training~~ time when they  
 21 will not be directly responsible for the children if, provided  
 22 ~~that~~ some adult supervision is ~~shall be~~ furnished for the  
 23 students during such periods.

24 (i) Comprehensive program of staff development.--The  
 25 district school board shall establish a comprehensive program  
 26 of staff development that incorporates school improvement  
 27 plans pursuant to s. 1001.42 and is aligned with principal  
 28 leadership training pursuant to s. 1012.985 as a part of the  
 29 plan.

30 (3) Annually provide to the Department of Education  
 31 the negotiated collective bargaining contract for the school

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1 district and the salary and benefits for the personnel or  
 2 officers of any educator association which are paid by the  
 3 school district. The district school board shall report using  
 4 the computer format prescribed by the department pursuant to  
 5 s. 1012.21.

6 Section 57. Section 1012.2315, Florida Statutes, is  
 7 created to read:

8 1012.2315 Assignment of teachers.--

9 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
 10 finds disparities between teachers assigned to teach in a  
 11 majority of "A" graded schools and teachers assigned to teach  
 12 in a majority of "F" graded schools. The disparities can be  
 13 found in the average years of experience, the median salary,  
 14 and the performance of the teachers on teacher certification  
 15 examinations. It is the intent of the Legislature that  
 16 district school boards have flexibility through the collective  
 17 bargaining process to assign teachers more equitably across  
 18 the schools in the district.

19 (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School  
 20 districts may not assign a higher percentage than the school  
 21 district average of first-time teachers, temporarily certified  
 22 teachers, teachers in need of improvement, or out-of-field  
 23 teachers to schools with above the school district average of  
 24 minority and economically disadvantaged students or schools  
 25 that are graded "D" or "F." Each school district shall  
 26 annually certify to the Commissioner of Education that this  
 27 requirement has been met. If the commissioner determines that  
 28 a school district is not in compliance with this subsection,  
 29 the State Board of Education shall be notified and shall take  
 30 action pursuant to s. 1008.32 in the next regularly scheduled  
 31 meeting to require compliance.



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1       (3) SALARY INCENTIVES.--District school boards are  
 2 authorized to provide salary incentives to meet the  
 3 requirement of subsection (2). A district school board may not  
 4 sign a collective bargaining agreement that precludes the  
 5 school district from providing sufficient incentives to meet  
 6 this requirement.

7       (4) COLLECTIVE BARGAINING.--Notwithstanding provisions  
 8 of chapter 447 relating to district school board collective  
 9 bargaining, collective bargaining provisions may not preclude  
 10 a school district from providing incentives to high-quality  
 11 teachers and assigning such teachers to low-performing  
 12 schools.

13       (5) REPORT.--Schools graded "D" or "F" shall annually  
 14 report their teacher-retention rate. Included in this report  
 15 shall be reasons listed for leaving by each teacher who left  
 16 the school for any reason.

17       Section 58. Subsection (2) of section 1012.27, Florida  
 18 Statutes, is amended to read:

19       1012.27 Public school personnel; powers and duties of  
 20 district school superintendent.--The district school  
 21 superintendent is responsible for directing the work of the  
 22 personnel, subject to the requirements of this chapter, and in  
 23 addition the district school superintendent shall perform the  
 24 following:

25       (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
 26 recommend to the district school board for adoption a salary  
 27 schedule or salary schedules. The district school  
 28 superintendent must recommend a salary schedule for  
 29 instructional personnel which bases a portion of each  
 30 employee's compensation on performance demonstrated under s.  
 31 1012.34. In developing the recommended salary schedule, the

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1 district school superintendent shall include input from  
 2 parents, teachers, and representatives of the business  
 3 community. Beginning with the 2007-2008 ~~2004-2005~~ academic  
 4 year, the recommended salary schedule for classroom teachers  
 5 shall be consistent with the district's differentiated-pay  
 6 policy ~~career ladder~~ based upon s. 1012.22 ~~s. 1012.231~~.

7 Section 59. Subsection (6) of section 1012.28, Florida  
 8 Statutes, is amended to read:

9 1012.28 Public school personnel; duties of school  
 10 principals.--

11 (6) A school principal who fails to comply with this  
 12 section shall be ineligible for any portion of the performance  
 13 pay policy incentive and differentiated pay under s. 1012.22  
 14 ~~s. 1012.22(1)(c)~~.

15 Section 60. Paragraph (a) of subsection (3) of section  
 16 1012.34, Florida Statutes, is amended to read:

17 1012.34 Assessment procedures and criteria.--

18 (3) The assessment procedure for instructional  
 19 personnel and school administrators must be primarily based on  
 20 the performance of students assigned to their classrooms or  
 21 schools, as appropriate. Pursuant to this section, a school  
 22 district's performance assessment is not limited to basing  
 23 unsatisfactory performance of instructional personnel and  
 24 school administrators upon student performance, but may  
 25 include other criteria approved to assess instructional  
 26 personnel and school administrators' performance, or any  
 27 combination of student performance and other approved  
 28 criteria. The procedures must comply with, but are not limited  
 29 to, the following requirements:

30 (a) An assessment must be conducted for each employee  
 31 at least once a year. The assessment must be based upon sound

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1 educational principles and contemporary research in effective  
 2 educational practices. The assessment must primarily use data  
 3 and indicators of improvement in student performance assessed  
 4 annually as specified in s. 1008.22 and may consider results  
 5 of peer reviews in evaluating the employee's performance.  
 6 Student performance must be measured by state assessments  
 7 required under s. 1008.22 and by local assessments for  
 8 subjects and grade levels not measured by the state assessment  
 9 program. The assessment criteria must include, but are not  
 10 limited to, indicators that relate to the following:

- 11           1. Performance of students.
- 12           2. Ability to maintain appropriate discipline.
- 13           3. Knowledge of subject matter. The district school  
 14 board shall make special provisions for evaluating teachers  
 15 who are assigned to teach out-of-field.
- 16           4. Ability to plan and deliver instruction, ~~including~~  
 17 ~~implementation of the rigorous reading requirement pursuant to~~  
 18 ~~s. 1003.415, when applicable,~~ and the use of technology in the  
 19 classroom.
- 20           5. Ability to evaluate instructional needs.
- 21           6. Ability to establish and maintain a positive  
 22 collaborative relationship with students' families to increase  
 23 student achievement.
- 24           7. Other professional competencies, responsibilities,  
 25 and requirements as established by rules of the State Board of  
 26 Education and policies of the district school board.

27           Section 61. Subsection (4) of section 1012.56, Florida  
 28 Statutes, is amended to read:

29           1012.56 Educator certification requirements.--  
 30           (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable  
 31 means of demonstrating mastery of subject area knowledge are:

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1 (a) Achievement of passing scores on subject area  
2 examinations required by state board rule;

3 (b) Completion of the subject area specialization  
4 requirements specified in state board rule and verification of  
5 the attainment of the essential subject matter competencies by  
6 the district school superintendent of the employing school  
7 district or chief administrative officer of the employing  
8 state-supported or private school for a subject area for which  
9 a subject area examination has not been developed and required  
10 by state board rule;

11 (c) Completion of the subject area specialization  
12 requirements specified in state board rule for a subject  
13 coverage requiring a master's or higher degree and achievement  
14 of a passing score on the subject area examination specified  
15 in state board rule;

16 (d) A valid professional standard teaching certificate  
17 issued by another state; or

18 (e) A valid certificate issued by the National Board  
19 for Professional Teaching Standards or a national educator  
20 credentialing board approved by the State Board of Education.

21  
22 School districts are encouraged to provide mechanisms for  
23 those middle school teachers holding only a K-6 teaching  
24 certificate to obtain a subject area coverage for middle  
25 grades through postsecondary coursework or district add-on  
26 certification.

27 Section 62. Section 1012.98, Florida Statutes, is  
28 amended to read:

29 1012.98 School Community Professional Development  
30 Act.--

31 (1) The Department of Education, public postsecondary

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1 educational institutions, public school districts, public  
 2 schools, state education foundations, consortia, and  
 3 professional organizations ~~and public schools~~ in this state  
 4 shall work collaboratively ~~collaborate~~ to establish a  
 5 coordinated system of professional development. The purpose of  
 6 the professional development system is to increase student  
 7 achievement, enhance classroom instructional strategies that  
 8 promote rigor and relevance throughout the curriculum, and  
 9 prepare students for continuing education and the workforce.  
 10 The system of professional development must align to the  
 11 standards adopted by the state and support the framework for  
 12 standards adopted by the National Staff Development Council  
 13 ~~enable the school community to meet state and local student~~  
 14 ~~achievement standards and the state education goals and to~~  
 15 ~~succeed in school improvement as described in s. 1000.03.~~

16 (2) The school community includes students and  
 17 parents, administrative personnel, managers, instructional  
 18 personnel, support personnel, members of district school  
 19 boards, members of school advisory councils, business  
 20 partners, and personnel that provide health and social  
 21 services to students.

22 (3) The activities designed to implement this section  
 23 must:

24 (a) Support and increase the success of educators  
 25 through collaboratively developed school improvement plans  
 26 that focus on:

27 1. Enhanced and differentiated instructional  
 28 strategies to engage students in rigorous and relevant  
 29 curriculum based on ~~in guiding student learning and~~  
 30 ~~development so as to implement~~ state and local educational  
 31 standards, goals, and initiatives;:-

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1           2. Increased opportunities to provide meaningful  
2 relationships between teachers and all students; and

3           3. Increased opportunities for professional  
4 collaboration among and between teachers, guidance counselors,  
5 instructional leaders, postsecondary educators engaged in  
6 preservice training for new teachers, and the workforce  
7 community.

8           (b) Assist the school community in providing  
9 stimulating, scientific ~~scientifically~~ research-based  
10 educational activities that encourage and motivate students to  
11 achieve at the highest levels and to participate as ~~become~~  
12 active learners and that prepare students for success at  
13 subsequent educational levels and the workforce.

14           (c) Provide continuous support for all education  
15 professionals as well as temporary intervention for education  
16 professionals who need improvement in knowledge, skills, and  
17 performance.

18           (4) The Department of Education, school districts,  
19 schools, community colleges, and state universities share the  
20 responsibilities described in this section. These  
21 responsibilities include the following:

22           (a) The department shall ~~develop and~~ disseminate to  
23 the school community research-based ~~model~~ professional  
24 development methods and programs that have demonstrated  
25 success in meeting identified student needs. The Commissioner  
26 of Education shall use data on student achievement to identify  
27 student needs. The methods of dissemination must include a  
28 web-based statewide performance support system, including a  
29 database of exemplary professional development activities, a  
30 listing of available professional development resources,  
31 training programs, and available assistance.

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1 (b) Each school district shall develop a professional  
 2 development system as specified in subsection (3). The system  
 3 shall be developed in consultation with teachers,  
 4 teacher-educators ~~and representatives~~ of community colleges  
 5 ~~college~~ and state universities ~~university faculty~~, business  
 6 and community representatives ~~agencies~~, and local education  
 7 foundations, consortia, and professional organizations ~~other~~  
 8 ~~interested citizen groups to establish policy and procedures~~  
 9 ~~to guide the operation of the district professional~~  
 10 ~~development program~~. The professional development system must:

11 1. Be approved by the department. All substantial  
 12 revisions to the system shall be submitted to the department  
 13 for review for continued approval.

14 2. Be based on analyses ~~Require the use~~ of student  
 15 achievement data and instructional strategies and methods that  
 16 support rigorous, relevant, and challenging curricula for all  
 17 students. Schools and districts, in developing and refining  
 18 the professional development system, shall also review and  
 19 monitor school discipline data; school environment surveys;  
 20 assessments of parental satisfaction; performance appraisal  
 21 data of teachers, managers, and administrative personnel; and  
 22 other performance indicators to identify school and student  
 23 needs that can be met by improved professional performance.

24 3. Provide inservice activities coupled with followup  
 25 support ~~that are~~ appropriate to accomplish district-level and  
 26 school-level improvement goals and standards. The inservice  
 27 activities for instructional personnel shall ~~primarily~~ focus  
 28 on analysis of student achievement data, ongoing formal and  
 29 informal assessments of student achievement, identification  
 30 and use of enhanced and differentiated instructional  
 31 strategies that emphasize rigor, relevance, and reading in the

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1 content areas, enhancement of subject content expertise,  
 2 integrated use of classroom technology that enhances teaching  
 3 and learning ~~and teaching methods, including technology, as~~  
 4 ~~related to the Sunshine State Standards, assessment and data~~  
 5 ~~analysis~~, classroom management, parent involvement, and school  
 6 safety.

7           4. Include a master plan for inservice activities,  
 8 pursuant to rules of the State Board of Education, for all  
 9 district employees from all fund sources. The master plan  
 10 shall be updated annually by September 1, must be based on  
 11 input from teachers and district and school instructional  
 12 leaders, and must use the latest available student achievement  
 13 data and research to enhance rigor and relevance in the  
 14 classroom. Each district inservice plan must be aligned to and  
 15 support the school-based inservice plans and school  
 16 improvement plans pursuant to s. 1001.42(16). District plans  
 17 ~~using criteria for continued approval as specified by rules of~~  
 18 ~~the State Board of Education. Written verification that the~~  
 19 ~~inservice plan meets all requirements of this section must be~~  
 20 approved by the district school board ~~submitted~~ annually in  
 21 order to ensure compliance with subsection (1) and to allow  
 22 for dissemination of research-based best practices to other  
 23 districts ~~to the commissioner by October 1. District school~~  
 24 boards must submit verification of their approval to the  
 25 Commissioner of Education no later than October 1, annually.

26           5. Require each school principal to establish and  
 27 maintain an individual professional development plan for each  
 28 instructional employee assigned to the school as a seamless  
 29 component to the school improvement plans developed pursuant  
 30 to 1001.42(16). The individual professional development plan  
 31 must:



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1 a. Be related to specific performance data for the  
2 students to whom the teacher is assigned.

3 b. Define the inservice objectives and specific  
4 measurable improvements expected in student performance as a  
5 result of the inservice activity.

6 c. Include an evaluation component that determines the  
7 effectiveness of the professional development plan.

8 6. Include inservice activities for school  
9 administrative personnel that address updated skills necessary  
10 for ~~effective school management and~~ instructional leadership  
11 and effective school management pursuant to s. 1012.986.

12 7. Provide for systematic consultation with regional  
13 and state personnel designated to provide technical assistance  
14 and evaluation of local professional development programs.

15 8. Provide for delivery of professional development by  
16 distance learning and other technology-based delivery systems  
17 to reach more educators at lower costs.

18 9. Provide for the continuous evaluation of the  
19 quality and effectiveness of professional development programs  
20 in order to eliminate ineffective programs and strategies and  
21 to expand effective ones. Evaluations must consider the impact  
22 of such activities on the performance of participating  
23 educators and their students' achievement and behavior.

24 ~~(c) Each community college and state university shall~~  
25 ~~assist the department, school districts, and schools in the~~  
26 ~~design, delivery, and evaluation of professional development~~  
27 ~~activities. This assistance must include active participation~~  
28 ~~in state and local activities required by the professional~~  
29 ~~development system.~~

30 (c)(d) The Department of Education shall approve a  
31 public state university having an approved physical education

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1 teacher preparation program within its college of education to  
 2 develop and implement an Internet-based clearinghouse for  
 3 physical education professional development programs that may  
 4 be accessed and used by all instructional personnel. The  
 5 development of these programs shall be financed primarily by  
 6 private funds and shall be available for use no later than  
 7 August 1, 2005.

8 (5) Each district school board shall provide funding  
 9 for the professional development system as required by s.  
 10 1011.62 and the General Appropriations Act, and shall direct  
 11 expenditures from other funding sources to continuously  
 12 strengthen the system in order to increase student achievement  
 13 and support instructional staff in enhancing rigor and  
 14 relevance in the classroom ~~and make it uniform and coherent.~~ A  
 15 school district may coordinate its professional development  
 16 program with that of another district, with an educational  
 17 consortium, or with a community college or university,  
 18 especially in preparing and educating personnel. Each district  
 19 school board shall make available inservice activities to  
 20 instructional personnel of nonpublic schools in the district  
 21 and the state certified teachers who are not employed by the  
 22 district school board on a fee basis not to exceed the cost of  
 23 the activity per all participants.

24 (6) An organization of private schools which has no  
 25 fewer than 10 member schools in this state, which publishes  
 26 and files with the Department of Education copies of its  
 27 standards, and the member schools of which comply with the  
 28 provisions of part II of chapter 1003, relating to compulsory  
 29 school attendance, may also develop a professional development  
 30 system that includes a master plan for inservice activities.  
 31 The system and inservice plan must be submitted to the

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1 commissioner for approval pursuant to rules of the State Board  
2 of Education.

3 (7) The Department of Education shall disseminate,  
4 using web-based technology, research-based best-practice  
5 ~~design~~ methods by which the state and district school boards  
6 may evaluate and improve the professional development system.  
7 The best practices ~~evaluation~~ must include ~~an annual~~  
8 ~~assessment of data that indicate~~ the progress ~~or lack of~~  
9 ~~progress of all students. If the review of the data indicates~~  
10 ~~progress, the department shall identify the best practices~~  
11 ~~that contributed to the progress. If the review of the data~~  
12 ~~indicates a lack of progress, the department shall investigate~~  
13 ~~the causes of the lack of progress, provide technical~~  
14 ~~assistance, and require the school district to employ a~~  
15 ~~different approach to professional development.~~ The department  
16 shall report annually to the State Board of Education and the  
17 Legislature any school district that, in the determination of  
18 the department, has failed to provide an adequate professional  
19 development system. This report must include the results of  
20 the department's investigation and of any intervention  
21 provided.

22 (8) The State Board of Education may adopt rules  
23 pursuant to ss. 120.536(1) and 120.54 to administer this  
24 section.

25 (9) This section does not limit or discourage a  
26 district school board from contracting with independent  
27 entities for professional development services and inservice  
28 education if the district school board can demonstrate to the  
29 Commissioner of Education that, through such a contract, a  
30 better product can be acquired or its goals for education  
31 improvement can be better met.

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1           (10) For teachers, managers, and administrative  
 2 personnel who have been evaluated as less than satisfactory, a  
 3 district school board shall require participation in specific  
 4 professional development programs as part of the improvement  
 5 prescription.

6           (11) The department shall disseminate to the school  
 7 community proven model professional development programs that  
 8 have demonstrated success in increasing rigorous and relevant  
 9 content, increasing student achievement and engagement, and  
 10 meeting identified student needs. The methods of dissemination  
 11 must include a web-based statewide performance-support system  
 12 including a database of exemplary professional development  
 13 activities, a listing of available professional development  
 14 resources, training programs, and available technical  
 15 assistance.

16           Section 63. Section 1012.986, Florida Statutes, is  
 17 created to read:

18           1012.986 William Cecil Golden Professional Development  
 19 Program for School Leaders.--

20           (1) There is established the William Cecil Golden  
 21 Professional Development Program for school leaders to provide  
 22 high standards and sustained support for principals as  
 23 instructional leaders. The program shall consist of a  
 24 collaborative network of state and national professional  
 25 leadership organizations to respond to instructional  
 26 leadership needs throughout the state. The network shall  
 27 support the human-resource development needs of principals,  
 28 principal leadership teams, and candidates for principal  
 29 leadership positions using the framework of leadership  
 30 standards adopted by the State Board of Education, the  
 31 Southern Regional Education Board, and the National Staff

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1 Development Council. The goal of the network leadership  
2 program is to:

3 (a) Provide resources to support and enhance the  
4 principal's role as the instructional leader.

5 (b) Maintain a clearinghouse and disseminate  
6 data-supported information related to enhanced student  
7 achievement, based on educational research and best practices.

8 (c) Build the capacity to increase the quality of  
9 programs for preservice education for aspiring principals and  
10 inservice professional development for principals and  
11 principal leadership teams.

12 (d) Support best teaching and research-based  
13 instructional practices through dissemination and modeling at  
14 the preservice and inservice levels for both teachers and  
15 principals.

16 (2) The Department of Education shall coordinate  
17 through the network identified in subsection (1) to offer the  
18 program through multiple delivery systems, including:

19 (a) Approved school district training programs.

20 (b) Interactive technology-based instruction.

21 (c) Regional consortium service organizations pursuant  
22 to s. 1001.451.

23 (d) State, regional, or local leadership academies.

24 (3) The State Board of Education shall adopt rules  
25 pursuant to ss. 120.536(1) and 120.54 to administer this  
26 section.

27 Section 64. Section 1012.987, Florida Statutes, is  
28 repealed.

29 Section 65. This act shall take effect upon becoming a  
30 law.

31

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to education; amending s.

8           20.15, F.S.; establishing the Division of

9           Accountability, Research, and Measurement in

10           the Department of Education; amending s.

11           411.227, F.S.; conforming provisions relating

12           to student progress monitoring plans; repealing

13           s. 446.609, F.S., relating to the "Jobs for

14           Florida's Graduates Act"; amending s. 1000.03,

15           F.S.; specifying that the mission of the

16           state's K-20 education system is to provide

17           rigorous and relevant learning opportunities

18           for students; repealing s. 1000.041, F.S., to

19           conform provisions relating to the 2005 repeal

20           of the BEST Florida Teaching salary career

21           ladder program; amending s. 1001.03, F.S.;

22           requiring periodic review of Sunshine State

23           Standards subject areas and an annual status

24           report; requiring rules for certain teachers to

25           earn a reading credential equivalent; requiring

26           the maintenance of a uniform school district

27           personnel classification system; amending s.

28           1001.10, F.S.; specifying that the Commissioner

29           of Education is the sole custodian of the K-20

30           data warehouse; requiring the Commissioner of

31           Education to submit the proposed plan for the

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1 reauthorization of the No Child Left Behind Act  
2 to the Legislature before it is submitted to  
3 federal agencies; requiring legislative leaders  
4 to appoint members of a select legislative  
5 committee to review the proposed plan; creating  
6 s. 1001.215, F.S.; creating the Just Read,  
7 Florida! Office in the Department of Education;  
8 providing duties; amending s. 1001.33, F.S.;  
9 conforming provisions relating to the 2005  
10 repeal of the BEST Florida Teaching salary  
11 career ladder program; amending s. 1001.41,  
12 F.S.; requiring district school boards to adopt  
13 standards and policies to provide to each  
14 student a complete education program; amending  
15 s. 1001.42, F.S., relating to requirements of  
16 district plans for school improvement;  
17 providing requirements for district school  
18 boards in developing the plans; providing that  
19 the opening date for the school year may not be  
20 earlier than a specified date; requiring each  
21 district school board to appoint a classroom  
22 teacher to serve as the teacher representative  
23 to speak on behalf of the district's teachers  
24 regarding paperwork and data collection  
25 reduction; requiring the teacher designee to  
26 report his or her findings and potential  
27 solutions to the school board; requiring each  
28 school board to submit its findings and  
29 potential solutions to the State Board of  
30 Education by a specified date; requiring the  
31 State Board of Education to prepare a report of

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1 the statewide paperwork and data collection  
2 findings and potential solutions and submit the  
3 report to the Governor and the Legislature;  
4 repealing s. 1001.51(24), F.S., and amending s.  
5 1001.54, F.S.; conforming provisions relating  
6 to the 2005 repeal of the BEST Florida Teaching  
7 salary career ladder program; requiring each  
8 secondary school principal to implement a  
9 school redesign component; amending s. 1002.20,  
10 F.S.; conforming provisions relating to student  
11 progress monitoring plans; amending s. 1003.01,  
12 F.S.; revising the definition of the terms  
13 "special education services" and "career  
14 education"; amending s. 1003.03, F.S.;  
15 requiring that each teacher assigned to any  
16 classroom be included in the calculation for  
17 compliance with constitutional class-size  
18 limits; providing criteria for teaching  
19 strategies that involve assigning more than one  
20 teacher to a classroom; providing for  
21 retroactive application; prohibiting the  
22 imposition of penalties for the use of any  
23 legal strategy relating to the implementation  
24 of class-size reduction; amending s. 1003.05,  
25 F.S.; deleting the requirement that certain  
26 children receive preference for admission to  
27 special academic programs; revising programs  
28 defined as "special academic programs" for  
29 purposes of such preference; amending s.  
30 1003.21, F.S.; requiring student exit  
31 interviews prior to terminating school



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1 enrollment; creating s. 1003.413, F.S.,  
2 relating to secondary school redesign;  
3 providing intent and guiding principles;  
4 requiring district school boards to establish  
5 policies to implement requirements for middle  
6 grades promotion, revised requirements for high  
7 school graduation, and requirements for career  
8 and professional academies; directing the  
9 Commissioner of Education to create and  
10 implement the Secondary School Improvement  
11 Award Program; repealing s. 1003.415, F.S., the  
12 Middle Grades Reform Act; creating s.  
13 1003.4156, F.S.; providing general course  
14 requirements for middle grades promotion;  
15 requiring intensive reading and remediation  
16 mathematics courses in certain circumstances;  
17 authorizing rulemaking and enforcement;  
18 amending s. 1003.42, F.S., relating to required  
19 instruction; revising the requirements for  
20 studying U.S. history and free enterprise;  
21 creating s. 1003.428, F.S.; providing revised  
22 requirements for high school graduation;  
23 specifying the required courses; requiring that  
24 certain courses be based on the student's  
25 performance on the FCAT; requiring that  
26 district school boards establish policies for  
27 implementing secondary school reform; requiring  
28 the Department of Education to increase the  
29 number of courses that are available to school  
30 districts; requiring strategies for exceptional  
31 students to meet graduation requirements;

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1 requiring standards for graduation; requiring  
2 rules for test accommodations and modifications  
3 in certain cases; providing requirements for  
4 standard diplomas and certificates of  
5 completion with exceptions; authorizing  
6 rulemaking and enforcement; amending s.  
7 1003.429, F.S.; revising requirements  
8 applicable to selecting an option for  
9 accelerated high school graduation; revising  
10 required courses for the 3-year standard  
11 college preparatory program; revising  
12 requirements for grades that must be earned to  
13 participate in the accelerated program;  
14 providing for default to the standard  
15 graduation requirements in certain  
16 circumstances; amending s. 1003.437, F.S.;  
17 including middle grades in the uniform grading  
18 system; amending s. 1003.491, F.S.; including  
19 within career education personal and career  
20 plans; creating s. 1003.493, F.S.; defining the  
21 term "career and professional academy";  
22 providing academy goals and duties; providing  
23 types of career and professional academies;  
24 providing for the approval of career education  
25 courses as core curricula courses under certain  
26 circumstances; amending s. 1003.51, F.S.;  
27 modifying guidelines for funding requirements  
28 that must be included in a rule adopted by the  
29 State Board of Education and relating to  
30 education programs for youth in Department of  
31 Juvenile Justice programs; conforming

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1 provisions relating to student progress  
2 monitoring plans; amending s. 1003.52, F.S.;  
3 conforming provisions relating to student  
4 recognition awards; requiring the development  
5 and distribution of an annual school report  
6 card; authorizing adoption of rules; amending  
7 s. 1003.57, F.S.; providing guidelines for  
8 determining the residency of a student who  
9 receives instruction as an exceptional student  
10 with a disability; requiring the student's  
11 placing authority or parent to pay the cost of  
12 such instruction, facilities, and services;  
13 providing responsibilities of the Department of  
14 Education; providing responsibilities of  
15 residential facilities that educate exceptional  
16 students with disabilities; providing  
17 applicability; creating s. 1003.576, F.S.;  
18 requiring the Department of Education to  
19 develop an individual education plan form for  
20 use in developing and implementing individual  
21 education plans for exceptional students;  
22 requiring school districts to use the form;  
23 amending s. 1003.58, F.S.; correcting a  
24 cross-reference; amending s. 1003.62, F.S.;  
25 conforming provisions relating to the  
26 designation of school grades and  
27 differentiated-pay polices; creating s.  
28 1004.64, F.S.; establishing the Florida Center  
29 for Reading Research; specifying the duties of  
30 the center; creating s. 1004.99, F.S., the  
31 Florida Ready to Work Certification Program to

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1 enhance student workplace skills; providing for  
2 program implementation and requirements;  
3 authorizing rulemaking; amending s. 1006.09,  
4 F.S.; conforming a cross-reference; amending s.  
5 1007.21, F.S.; revising the readiness  
6 requirements for postsecondary education and  
7 the workplace; amending s. 1007.2615, F.S.;  
8 revising the date by which a teacher of  
9 American Sign Language must be certified;  
10 deleting a provision allowing alternative  
11 certification; amending s. 1007.271, F.S.;  
12 revising the weighting systems for certain high  
13 school courses; amending s. 1008.22, F.S.;  
14 specifying FCAT grade level and subject area  
15 testing requirements; requiring documentation  
16 of procedures that ensure test difficulty under  
17 certain circumstances; providing that FCAT  
18 nonallowable accommodations may be used as  
19 instructional accommodations during classroom  
20 instruction if included in the individual  
21 education plan of a student with a disability;  
22 authorizing waiver of the FCAT under certain  
23 circumstances; requiring certain opportunities  
24 for demonstrating student performance;  
25 requiring the development of assessments for  
26 measuring the academic competency of students  
27 with disabilities; requiring the Commissioner  
28 of Education to adopt scores concordant to FCAT  
29 scores required for high school graduation;  
30 authorizing use of concordant scores for  
31 additional purposes; clarifying eligibility to

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1 use such scores to satisfy requirements for a  
2 diploma; requiring an annual report on student  
3 performance; repealing s. 1008.221, F.S.,  
4 relating to alternative assessments for  
5 dependent children of military personnel, to  
6 conform; amending s. 1008.25, F.S.; replacing  
7 student academic improvement plans with  
8 progress monitoring plans; authorizing district  
9 school boards to require low-performing  
10 students to attend remediation programs outside  
11 of regular school hours or during the summer;  
12 requiring the department to establish a uniform  
13 format for reporting information relating to  
14 student progression; requiring an annual  
15 report; repealing s. 1008.301, F.S., relating  
16 to a concordance study of FCAT equivalencies  
17 for high school graduation; amending s.  
18 1008.31, F.S.; revising intent, goals, and  
19 measures of the K-20 performance accountability  
20 system and requiring data quality improvements;  
21 requiring adoption of rules; amending s.  
22 1008.33, F.S.; conforming a cross-reference and  
23 provisions relating to the designation of  
24 school grades; prohibiting, in a contract that  
25 provides for a private entity to administer an  
26 alternative school, a provision that changes  
27 certain characteristics of the student  
28 population as it existed when the school was a  
29 public school; amending s. 1008.34, F.S.;  
30 revising terminology and provisions relating to  
31 designation and determination of school grades;

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1 providing for the designation of school grades  
2 for feeder pattern schools under certain  
3 circumstances; requiring that a school  
4 performance grade category designation include  
5 achievement scores and, by a specified  
6 deadline, include learning gains for students  
7 seeking a special diploma; specifying use of  
8 assessment data with respect to alternative  
9 schools; defining the term "home school";  
10 requiring an annual school report card to be  
11 published by the department and distributed by  
12 school districts; creating s. 1008.341, F.S.;  
13 requiring improvement ratings for certain  
14 alternative schools; providing the basis for  
15 such ratings and requiring annual performance  
16 reports; providing for determination of school  
17 improvement ratings, identification of learning  
18 gains, and eligibility for school recognition  
19 awards; requiring the development and  
20 distribution of an annual school report card;  
21 amending s. 1008.345, F.S.; conforming  
22 cross-references and provisions relating to the  
23 designation of school grades; requiring the  
24 commissioner to assign a community assessment  
25 team to failing schools; amending s. 1009.24,  
26 F.S.; providing that undergraduate tuition be  
27 set annually in the General Appropriations Act;  
28 providing authority, procedures, and guidelines  
29 for determining tuition for graduate and  
30 professional programs and for determining  
31 out-of-state fees for all programs; amending s.

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1 1011.62, F.S.; providing FTE funding for  
2 juveniles enrolled in specified education  
3 programs; providing funding for supplemental  
4 educational programs; providing funding for  
5 supplemental educational services for certain  
6 students; conforming cross-references and  
7 provisions relating to the designation of  
8 school grades; establishing a research-based  
9 reading instruction allocation to provide funds  
10 for a comprehensive reading instruction system;  
11 requiring school district plans for use of the  
12 allocation and approval thereof; including the  
13 allocation in the total amount allocated to  
14 each school district for current operation;  
15 amending s. 1011.64, F.S.; conforming  
16 terminology and a cross-reference; amending s.  
17 1011.67, F.S.; requiring district school board  
18 approval of a staff development plan relating  
19 to use of instructional materials; amending s.  
20 1011.685, F.S.; conforming provisions relating  
21 to the 2005 repeal of the BEST Florida Teaching  
22 salary career ladder program and implementation  
23 of a differentiated-pay policy; amending s.  
24 1011.71, F.S.; correcting a cross-reference;  
25 amending s. 1012.21, F.S.; requiring the  
26 department to annually post online school  
27 district collective bargaining contracts and  
28 the salary and benefits of certain personnel;  
29 amending s. 1012.22, F.S.; revising the time  
30 period in which to nominate principals;  
31 requiring that each school district adopt a

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1 differentiated-pay policy meeting specified  
2 criteria; requiring each district school board  
3 to annually provide to the department its  
4 negotiated collective bargaining contract and  
5 the salary and benefits of certain personnel;  
6 creating s. 1012.2315, F.S.; providing school  
7 district requirements for the assignment of  
8 teachers and authorizing incentives; providing  
9 procedures for noncompliance; providing  
10 requirements relating to collective bargaining;  
11 requiring reporting by certain schools;  
12 amending s. 1012.27, F.S.; conforming  
13 provisions relating to the 2005 repeal of the  
14 BEST Florida Teaching salary career ladder  
15 program and implementation of a  
16 differentiated-pay policy; amending s. 1012.28,  
17 F.S.; conforming a cross-reference; amending s.  
18 1012.34, F.S.; conforming provisions relating  
19 to deletion of a rigorous reading requirement;  
20 amending s. 1012.56, F.S., relating to middle  
21 grades certification; encouraging school  
22 districts to provide for additional  
23 certification for teachers; amending s.  
24 1012.98, F.S., relating to the School Community  
25 Professional Development Act; revising the  
26 purpose of the professional development system;  
27 providing for additional activities; requiring  
28 instructional strategies and methods that  
29 support rigorous, relevant, and challenging  
30 curriculum; providing requirements for followup  
31 support and the master plan for inservice



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1 activities; providing requirements for the  
2 individual professional development plan for  
3 instructional employees; requiring the  
4 department to disseminate best-practice methods  
5 and model professional development programs;  
6 creating s. 1012.986, F.S.; providing for a  
7 statewide system for the professional  
8 development of school leaders consisting of a  
9 collaborative network of professional  
10 organizations; providing goals of the network;  
11 repealing s. 1012.987, F.S., which requires the  
12 State Board of Education to adopt rules through  
13 which school principals may earn a leadership  
14 designation; providing an effective date.

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