

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7087 CS PCB PKT 06-01 A++
SPONSOR(S): PreK-12 Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: PreK-12 Committee	10 Y, 1 N	Beagle	Mizereck
1) Education Council	9 Y, 1 N, w/CS	Beagle	Cobb
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 7087 (formerly PCB PKT 06-01) builds on the success of the original A+ legislation by enhancing educational accountability, instituting secondary school reform, and expanding support for reading, mathematics, and career education.

The bill makes substantial changes to education law. This analysis groups those changes in the following topic areas:

- Education Data and Accountability
- Paperwork Reduction
- Standards and Performance Based Accountability
- Instructional Reforms
- Reading Initiatives
- Exceptional Students
- Teachers and Principals

The bill will have an indeterminate fiscal impact. Please see the FISCAL ANALYSIS section of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government:

The bill grants authority to the Governor to intervene in the operation of failing schools. The bill establishes new educational programs and provides rule-making authority.

Safeguard Individual Liberty:

The bill creates educational programs that enable students to finish high school with marketable job skills and credentials, and better preparation for postsecondary education.

Promote Personal Responsibility:

The bill provides increased opportunities for teachers and principals to receive reading credentials and professional development. The bill requires school districts to adopt salary schedules that enable teachers and administrators to earn differentiated pay. The bill provides accountability for public and alternative schools. The bill requires actions to improve the performance of failing schools.

Empower Families:

The bill empowers parents to direct their child's education. Students are empowered to choose high school courses based on their interests and future goals, including courses related to workplace and postsecondary education.

B. EFFECT OF PROPOSED CHANGES:

Education Data and Accountability

Guiding Principles for Accountability System

Currently, the State Board of Education (SBE) is required to adopt guiding principles for establishing state and sector-specific standards and measures and to maintain an accountability system measuring student progress towards goals prescribed in statute.¹

The bill eliminates the requirement that the SBE adopt guiding principles, and instead outlines several guiding principles for state and sector-specific standards and measures for implementing the accountability system. The bill requires the Department of Education (DOE), rather than the SBE, to align the accountability system with specified student progress goals.

Education Data Quality Improvements

Currently, school districts and public postsecondary educational institutions are required to maintain information systems to provide the SBE and the Legislature with information and reports necessary to address the specifications of the accountability system.² Under Florida law, the Commissioner of Education (Commissioner) is responsible for assisting the SBE in enforcing school district compliance with the mission and goals of the seamless K-20 education system.³

The bill preserves the requirement that school districts and public postsecondary educational institutions maintain information systems for providing information and reports to the SBE and

¹ Section 1008.31(3), F.S.

² Id.

³ Section 1001.10, F.S.

Legislature, and applies these requirements to the Board of Governors of the State University System (BOG).

The bill designates the Commissioner as the sole custodian of the K-20 data warehouse and requires the Commissioner to manage the timeliness, quality, and availability of educational data necessary to implement performance accountability measures in compliance with state and federal law. The bill requires that data from state universities be integrated into the K-20 data warehouse, and grants the Commissioner unlimited access to such data for the purpose of assessing program effectiveness, student progress and outcomes, and for use in improving college readiness and articulation.

Division of Accountability Research and Measurement

Section 20.15(3), F.S. establishes the DOE and its divisions.

The bill establishes the Division of Accountability, Research, and Measurement as a new division within the DOE.

Public School Student Progression Data

District school boards are currently required to annually publish and report to the SBE certain student progression data. The bill requires DOE to establish a uniform format for the reporting of this information, with input from school districts, and also to compile such information and report it annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

FCAT Student Achievement Reports

The bill requires that the DOE annually report specified longitudinal data relating to student performance on the FCAT, efforts to close the achievement gap, and performance on the norm-referenced component of the FCAT. Also, when available, the DOE may report any other student performance data based on national norm-referenced and criterion-referenced tests.

Paperwork Reduction

The 2005 Legislature passed House Bill 281, Paperwork Reduction, creating a Paper Reduction Task Force for the purpose of recommending strategies to reduce the paperwork required of school districts and school district personnel, with special emphasis given to the reduction of paperwork required of teachers.⁴

Based on the recommendations of the Paperwork Reduction Task Force⁵, the bill streamlines the information that school districts are required to include in school improvement plans (see School Improvement Plans section of this analysis).

The bill eliminates academic improvement plans and replaces them with progress monitoring plans. School districts may implement one of the following plans to target instruction and improve the performance of students scoring Level 1 on FCAT Reading:

- A federally required plan such as an Individualized Education Plan (IEP),
- A schoolwide system of progress monitoring for all students, or
- An individualized progress monitoring plan.

⁴ Florida Department of Education, Paperwork Reduction Home Page available at <http://www.fldoe.org/PaperReduction/>

⁵ Florida Department of Education, Division of K-12 Schools, Report on the Recommendations of the Paperwork Reduction Task Force, available at http://www.fldoe.org/PaperReduction/pdfs/PRTF_Report.pdf (Feb. 2006).

By repealing the Middle Grades Reform Act, the bill eliminates paperwork required by the Rigorous Reading Requirement and the Personalized Middle School Success Plan.

Lastly, the bill requires school districts that will exceed state paperwork requirements to hold public hearings and analyze the burden hours needed to meet such requirements. In addition, each school district must create a task force to assist the district in reducing paperwork. Each school district paperwork reduction task force must annually report to the DOE, which must review task force reports and make recommendations to districts to assist in reducing paperwork.

Standards and Performance Based Accountability

The Sunshine State Standards

The Sunshine State Standards (SSS) were approved by the SBE in 1996. The SSS establish the subject area content and skills that each student must learn at each grade-level. Subject areas covered by the SSS include language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts.

The SSS have not been formally revised since their adoption, although minor technical revisions were made in 1999. In an effort to more closely align Florida’s standards, instructional materials, teacher certification requirements, and the FCAT, the DOE has developed a six year cycle for the review and revision of the SSS and all accompanying materials.⁶ The proposed review and revision cycle was approved by the SBE at its January 17, 2006 meeting.⁷ Initial review and revision of the SSS will occur during 2006-2010. The DOE estimates that the new review and revise cycle will be fully implemented by 2011.

Florida Sunshine State Standards Proposed Six-Year Review and Revise Cycle⁸

	Subject	Year of Review and Revision
Six Year Cycle	Reading, Language Arts, ESOL	2011
	Math	2012
	Science	2013
	Social Studies	2014
	Electives: Computer, Business, Tech, Industrial, Health, Foreign Languages, Physical Education, Family and Consumer Sciences, Humanities	2015
	Visual and Performing Arts	2016
	Next Six Year Cycle	Same as above

6 Florida Department of Education, Memorandum from Cheri Yecke, Chancellor, K-12 Public Schools, *available at* http://info.fdoe.org/docushare/dsweb/Get/Document-3485/k12_06_05memo.pdf (Jan. 24, 2006).

7 Id.

8 Id.

The bill requires the SBE to periodically review each SSS subject area. Review teams for each subject area must include representatives from each other SSS subject area to facilitate integration of reading and math in the content areas and address individual learning styles and needs. The bill sets forth several criteria for reviewing the standards aimed at improving overall instruction.

The review schedule and an annual status report must be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives and must include a determination of the extent to which district school boards have provided a complete education program.

The bill also provides district school boards authority to adopt policies to provide a complete education program aligned to the subjects currently covered by the SSS. District adopted policies must reinforce the integration of reading, writing, and mathematics skills across all subjects, including career and technical education.

Assessment

The primary purpose of the FCAT is to assess benchmarks of student achievement in reading, writing, mathematics, and science as defined by the SSS.⁹ A secondary purpose is to compare the performance of Florida students to the reading and mathematics performance of students across the nation using a norm-referenced test.¹⁰

All students in grades 3-10 take the FCAT reading and mathematics tests in the spring of each year. All students in grades 4, 8, and 10 take FCAT writing. FCAT science was initially administered to all students in grades 5, 8, and 10. However, feedback from the FCAT Science Content Advisory Committee, the Science Performance Review Committee, the Florida Association of Science Supervisors, and the Florida Association of Science Teachers led DOE to administer the 2005 high school science assessment at Grade 11 rather than at Grade 10.¹¹

The bill maintains the requirement that students in grades 3 through 10 take the FCAT reading and mathematics tests annually. The bill also provides that students will take FCAT science and writing at least once at the elementary, middle, and high school levels. The bill requires the Commissioner to document procedures ensuring that grade 10 FCAT retake tests are equal in difficulty to the version administered to students on their first attempt. The bill also authorizes the Commissioner to study the cost and student achievement impact of end of course assessments.

The bill specifies that school districts may require low performing students to attend extended day or summer remediation programs. School districts must provide opportunities for students to demonstrate an acceptable level competency on an alternative standardized test following enrollment in a summer remediation program.

Concordant Scores for Grade 10 FCAT

Section 1008.22, F.S. requires the Commissioner to approve concordant scores on the SAT and ACT tests as alternative assessments for the grade 10 FCAT for students graduating in 2003-04. Students graduating in 2003-04 were eligible to use concordant scores on an alternative assessment to meet FCAT graduation requirements only after failing to pass the grade 10 FCAT three times, with an exception for students new to the Florida public school system in grade 12.¹² Likewise, section 1008.221, F.S. contains an identical exception specifically for dependent children of military personnel.

9 Florida Department of Education, FCAT FAQs, available at <http://www.firn.edu/doe/sas/fcat/aboutfcat/english/faq1.html>.

10 Florida Department of Education, FCAT Main Page, available at <http://firn.edu/doe/sas/fcat.htm>.

11 Florida Department of Education, FCAT Update, available at <http://firn.edu/doe/sas/fcat/pdf/fcat-update-0904.pdf> (Oct., 2005).

12 Section 1008.22(9)(b), F.S.

Similarly, s.1008.301, F.S. requires the SBE to analyze the PSAT, PLAN, SAT and ACT to determine if concordant scores on the grade 10 FCAT can be established. SBE then has authority to adopt concordant scores as meeting FCAT graduation requirements. SBE utilized its discretionary authority to enable substitution of concordant SAT and ACT scores for the 2004-2005 school year. In 2004-2005, 546 students were awarded a standard high school diploma using concordant scores on the SAT or ACT to meet FCAT graduation requirements.¹³ The concordant scores presently in effect are as follows:¹⁴

READING		MATH	
FCAT	300	FCAT	300
SAT	410	SAT	370
ACT	15	ACT	15

The bill makes permanent the SBE’s authority to evaluate the PSAT, PLAN, SAT, ACT, College Placement Test, and any other widely used high school achievement tests to assess if concordant scores can be determined for use by students in satisfying grade 10 FCAT graduation requirements. Concordant scores identified by the SBE must then be adopted by the Commissioner. The bill also authorizes the SBE to make rules for using concordant scores for other purposes, including use of concordant scores in awarding Bright Futures Scholarships and meeting the college entry-level placement test requirements in s.1008.30, F.S.

Sections 1008.221 and 1008.301, F.S. are repealed, eliminating duplicative statutory language on adoption of concordant scores.

Designation of School Grades

The bill changes terminology to reflect current usage by replacing “performance grade category” with “school grades.”

Existing law provides that a school’s grade is based on its current year performance and its annual learning gains.¹⁵ A school’s grade is based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of the lowest 25th percentile of students in the school.

The bill allows alternative schools to choose to receive a school improvement rating in lieu of a school grade. The bill also requires that the achievement scores of certain students attending alternative schools be used only in the calculation of the alternative school’s grade, unless the Commissioner determines that the home school and alternative school are cooperating in an effort to avoid the state accountability system. The achievement scores of students attending alternative schools that opt to receive a school improvement rating are included in the calculation of the home school’s grade. This is intended to remove any incentive for assigning students to an alternative school to improve the overall performance of the home school.

School Improvement Ratings for Alternative Schools

The bill provides that alternative schools that provide dropout prevention and academic intervention services may choose to receive a school improvement rating in lieu of a school grade. School improvement ratings will be based on student assessment data for the current year compared to student performance for the previous year. Alternative schools may earn school improvement rating

13 Correspondence from Linda Hewett, Florida Department of Education, Education Information Services, (Oct. 6, 2005).

14 Florida Department of Education, Memorandum from Jim Warford, Chancellor, K-12 Public Schools, available at http://www.fldoe.org/news/2005/2005_05_16/AltAssessOpt10thGrFCAT.pdf (May 16, 2005).

15 Section 1008.34, F.S.

designations of “improving,” “maintaining,” or “declining,” and those improving at least one level or maintaining an “improving” rating are eligible for school recognition awards.

The bill requires the Commissioner to prepare annual reports on the performance of alternative schools. The bill also requires a school report card containing data on student performance and an explanation of school performance as evaluated by federal law.¹⁶ The report card must be delivered to parents throughout each school district.

Ungraded K-3 Feeder Pattern Schools

Currently, schools serving any combination of students in grades kindergarten through grade 3 do not receive a school grade because students in grades K-2 do not take the FCAT, and learning gains cannot be calculated with only grade 3 data. Such schools are not eligible for the Florida School Recognition program.

The bill defines a feeder pattern school as one in which at least 60 percent of the students in the ungraded K-3 school progress to the graded school. The bill provides that an ungraded K-3 school receive the school grade of its feeder pattern school and thus become eligible for the Florida School Recognition Program.

School Recognition Awards

The Florida School Recognition Program¹⁷ provides lottery-funded financial awards to public schools as a reward for performance. Schools that maintain a grade of “A” or improve one letter grade receive \$100 per student. In Fiscal Year 2004-05, schools received \$117.2 million in School Recognition funds. Funds may be used to reward faculty and staff, purchase educational equipment or materials, and hire temporary personnel. The school’s staff and advisory council jointly determine the specific use of the funds. If no agreement is reached by November 1, the award is equally distributed to all classroom teachers currently teaching in the school.¹⁸

The bill increases the allowable uses of school recognition awards to include student incentives and bonuses to persons who worked at the school during the year of improved performance. The bill requires the annual school improvement plan developed by school staff and the school’s advisory council to include a determination of how school recognition funds would be used, if received. If the plan does not include such a determination, the school shall not be eligible for the funds.

School Report Cards

Current law provides that school grades apply to each school’s performance for the year in which performance is measured and that the designation be published annually by the DOE and the school district.¹⁹ Parents are entitled to an easy-to read report card for the school in which their child is enrolled.²⁰

The bill requires the DOE to annually develop a school report card, including information relating to the school’s grade, the school’s improvement, and an explanation of school performance as evaluated by federal law.²¹ The report card must be delivered to the parents throughout each school district and published annually on the DOE’s website.

16 As evaluated by the No Child Left Behind Act of 2001, 20 U.S.C. 6311.

17 Section 1008.36, F.S.

18 Id.

19 Section 1008.34(5), F.S.

20 Id.

21 The No Child Left Behind Act of 2001.

School Improvement Plans

Florida law requires each district school board to implement and maintain a system of school improvement and accountability. District school boards must approve a school improvement plan for each school designed to achieve state educational priorities, academic goals, budget implementation, instructional materials purchasing, implementation of student safety and discipline policies, facilities operations, and other areas as determined by the board.²²

The bill requires school districts to implement a system of school improvement that is aligned with the SSS and monitors students' proficiency on the SSS. Each school's student information system must support alignment to the SSS, monitoring of individual student progress, and enhanced instructional strategies, assessment, and professional development. The bill establishes more specific requirements for school improvement plans for schools graded "C" or below, and schools required to have a school improvement plan under federal law.

The bill requires school districts to publish reports containing information related to school improvement that are understandable, easy to read, and delivered via multiple media. High school reports must include graduation rates calculated without GEDs, disaggregated by student ethnicity.

Educational Emergency

Under current Florida law, the Commissioner is responsible for implementing and maintaining the state system of school improvement and accountability.²³ Pursuant to this authority, the DOE must assign a community assessment team to each school district with a school graded "D" or "F." The community assessment team is responsible for making recommendations for school improvement based on an evaluation of past student performance, student needs, and past educational practices.²⁴

The bill authorizes the Commissioner to assign an assessment team for each school district or governing board with a school graded "F" or a school graded "D" two years in a four year period. The bill requires that each school district or governing board with a school graded "F" two consecutive years after a community assessment team delivers its school improvement recommendations be declared a school district or governing board with a school in a state of educational emergency. The bill provides that, once an emergency is declared, the Governor may intervene in school district or governing board operations related to the school. As part of this process, an educational emergency board may be established to oversee the operations of the district school board or governing board related to the school and make recommendations for improvement. The community assessment team serves in an advisory capacity to the emergency board. Upon receipt of the emergency board's recommendations, the Governor and SBE must require the district school board or governing board to develop an action plan for ending the educational emergency. State of emergency status may be terminated by the Governor upon determination that the school is no longer in a state of educational emergency.

No Child Left Behind Act of 2001 State Plans

Title I of the No Child Left Behind Act (NCLB) makes federal grant money available to state and local education agencies.²⁵ States seeking Title I funds must submit a NCLB implementation plan to the U.S. Department of Education.²⁶

22 Section 1001.42(16), F.S.

23 Section 1008.345, F.S.

24 Section 1008.345(6)(d), F.S.

25 Title I of the No Child Left Behind Act of 2001.

26 Id.

The bill requires that the SBE and the Commissioner seek public input and secure legislative review of the proposed state plan for NCLB implementation. Additionally, the bill authorizes the Legislative Budget Commission to review the proposed state plans of the SBE and Commissioner.

Instructional Reforms

K-20 Mission

Florida law declares that the mission of the K-20 education system is to provide students the opportunity to expand their knowledge and skills through adequate learning opportunities.²⁷ The bill amends the K-20 mission statement to state that students be provided high-quality, rigorous, and relevant learning opportunities.

Secondary School Reform

Secondary school reform is part of an effort to ensure that every student progresses to the next educational level based on proficiency. Student proficiency in reading declines after fourth grade. Student proficiency in mathematics declines to its lowest point in sixth grade, then climbs upward to tenth grade. Additionally, Florida's ninth grade retention rate increased from 37,529 students retained in 1998-1999 to 52,355 students retained in 2003-2004.²⁸ Large numbers of students continue to need remediation at the postsecondary level. Action must be taken to provide a high school credential that better prepares students to enter postsecondary education and the workplace.

The bill provides the intent of the Legislature that students promoted from eighth grade have the skills for success in high school, and that students graduating from high school have the skills they need for success in the workplace and postsecondary education. The bill specifies several guiding principles for secondary school reform focused on providing support for student learning, support and training to enable teachers to meet student needs, and curricula that prepare students for the workplace and postsecondary education.

The bill requires school districts to adopt policies based on these guiding principles. School district policies must be submitted to the SBE for approval and must address procedures and programs in secondary schools. Likewise, the bill assigns the DOE several responsibilities to support districts' successful implementation of secondary reform.

The bill requires the Commissioner to create the Secondary School Improvement Award Program to reward public secondary schools based on student academic achievement and learning gains in reading and mathematics.

Middle Grades Promotion Requirements

The middle grades in Florida comprise grades 6, 7, and 8. Currently, Florida serves approximately 611,750 students in the middle grades, in 484 schools with traditional middle school or junior high grade configurations, as well as in a number of other types of schools, such as K-8 schools.²⁹

While national and state student achievement data demonstrate that Florida's elementary students are making progress, FCAT data in reading indicate that performance begins to decline in grade five,

27 Section 1000.03(4), F.S.

28 Data provided by the Florida Department of Education.

29 Florida Department of Education. Statistical Brief, Bureau of Education and Accountability Services, Membership in Florida's Public Schools Fall 2005, Available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/pk-12mbrship.pdf>

decreasing each year through grade nine. Florida's gain in fourth-grade reading on the National Assessment of Educational Progress (NAEP) from 1998 to 2005 (from 206 to 219) was three times the national gain. In contrast, 2005 NAEP scores for Florida's eighth-graders (256) were a slight increase from the 1998 score (255), but a decline from the 2002 score (261).³⁰

In 2004, the Legislature passed the Middle Grades Reform Act³¹, which required the DOE to establish a Middle Grades Reform Task Force to make recommendations for further middle school reforms. The Task Force completed their work in February 2005, and this bill implements several of their recommendations.

Currently, there is no statewide requirement for middle grades promotion. Student progression in the middle grades is determined by school districts in their student progression plans. A task force review of the student progression plans of Florida's larger districts found that most require a minimum number of credits in core academic areas (language arts, mathematics, science, and social studies).³²

The bill repeals the Middle Grades Reform Act and creates a new section of law containing statewide standards for promotion from middle school to high school, beginning with students entering grade six in 2006-2007. The bill requires students to complete three middle school or higher year-long courses each in English, mathematics, social studies, and science, one year-long course in sixth grade that exposes the student to the elective areas of the curriculum, and one half-year course in career exploration and educational planning. Schools must offer one high school level mathematics course for which a student may earn high school credit. The bill applies the promotion standards to students in grades 6, 7, or 8 who are not enrolled in schools with a grade 6 through 8 middle school configuration.

High School Reform

Current Florida law provides the general requirements for high school graduation.³³ Students must complete an International Baccalaureate curriculum or obtain 24 credits, distributed as follows:

- Four credits in English/language arts.
- Three credits each in math and science.
- One credit each in American history and world history.
- One-half credit in economics.
- One-half credit in American government
- One credit in practical arts or exploratory career education, or one credit in fine or performing arts or one-half credit in each.
- One credit in physical education.
- One-half credit in life management skills.
- Eight and one-half elective credits.

The bill establishes revised high school graduation requirements. The bill adds completion of an Advanced International Certificate of Education curriculum and maintains the requirement that students who are not participating in the accelerated high school graduation options earn 24 credits for graduation. Required credits are as follows.

Fourteen credits in core courses:

- Four credits each in English and mathematics.

30National Assessment of Educational Progress, The Nation's Report Card, by U.S. Department of Education, National Center for Education Statistics available at <http://nces.ed.gov/nationsreportcard/states/profile.asp>.

31 Section 1003.415, F.S.

32 Florida Middle Grades Reform Task Force, Report and Recommendations, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>.

33 Section 1003.43, F.S.

- Three credits each in science and social studies.

Ten credits in majors, minors, and electives:

- Four credits in a major area of study selected by the student. School districts submit lists of majors for approval by the Commissioner. Once approved, these majors are available for use by all school districts.
- Six credits which may be used for another major, a three credit minor, electives, credit recovery, or intensive reading or math courses. Credit recovery allows students to simultaneously earn elective credit and credit for the course being recovered.

Secondary School Reading and Mathematics Intervention Courses

According to FCAT data from 2005, 37% to 68% of students in grades 6 through 10 are scoring below grade level in reading or math.

Grades 6-10: 2005 FCAT Reading Scores by Level³⁴

Grade	Students (Number)	Percent of Students by Achievement Level					Achievement Level 3 or Greater		Achievement Level Less Than 3	
		1	2	3	4	5	#	%	#	%
6	201,609	25	20	31	19	5	112,901	56	88,708	44
7	202,520	27	21	30	17	5	107,336	53	95,184	47
8	201,758	27	30	30	12	2	88,774	44	112,984	56
9	214,984	35	28	21	19	6	77,394	36	137,590	64
10	179,354	39	29	17	7	8	57,393	32	121,961	68

Grades 6-10: 2005 FCAT Mathematics Scores by Level³⁵

Grade	Students (Number)	Percent of Students by Achievement Level					Achievement Level 3 or Greater		Achievement Level Less Than 3	
		1	2	3	4	5	#	%	#	%
6	201,550	31	22	26	15	6	94,729	47	106,822	53
7	202,361	26	22	28	17	8	107,251	53	95,110	47
8	201,488	21	20	32	15	11	118,878	59	82,610	41
9	214,360	20	21	30	20	9	126,472	59	87,888	41
10	178,530	15	22	27	28	8	112,474	63	66,056	37

³⁴ Data provided by the Florida Department of Education.

³⁵ Id.

Fifty-eight percent to sixty-nine percent of middle school and high school students require intensive intervention in reading or math. Approximately 35% of students in those grades require intervention in both reading and math.

Grades 6-10: Students Requiring Remediation in Reading, Math, or Both³⁶

Test Grade Level	Number of Unduplicated Matched Students*	Achievement Level 1 or 2	
06	201,437	120,974	60%
07	202,471	117,014	58%
08	202,104	122,894	61%
09	215,791	143,236	66%
10	180,102	125,091	69%

* This is the unduplicated matched count of students that took a Reading -or- a Math test. Some students do not take both.

Grades 6-10: Students Requiring Remediation in Both Reading and Math³⁷

Test Grade Level	Number of Unduplicated Matched Students*	Achievement Level 1 or 2	
06	200,158	74,668	37%
07	200,920	73,437	37%
08	199,819	72,892	36%
09	211,997	81,265	38%
10	176,471	61,764	35%

* This is the unduplicated matched count of students that took a Reading -or- a Math test. Some students do not take both.

The bill requires middle and high school students who score at Level 1 on FCAT reading to complete an intensive reading course the following year. Students scoring Level 2 on FCAT reading may be placed, based on a diagnosis of reading needs, in an intensive reading or content area course taught by a teacher trained in applying scientifically based reading strategies.

The bill also requires students scoring at Level 1 on FCAT math to complete an intensive math course.

High School and Middle School Grading Scale

The bill amends the existing high school grading scale to create a common grading system for grades 6 through 12. This grading system enables greater continuity between the middle grades and high school.

Career and Professional Academies

³⁶ Data provided by the Florida Department of Education.

³⁷ Id.

Career education is critically important to Florida's students and to Florida's economic development. Of every ten 9th graders, three students drop out (30%); three do not pursue additional education (30%); and four (40%) attend college.³⁸

Currently, school districts may establish career education programs including career academies, career institutes, sequential courses and industry certification programs, as well as career education courses that are general in nature and explore various occupations. Section 1003.431, F.S., provides that a career education certification may be placed on a student's diploma. The certification is designed to indicate that a student is prepared for postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education (SBE) was given authority to adopt rules for a standard format for the career education certification. Currently, the SBE has not adopted rules for career education certification and no school districts have placed the career education certification on high school diplomas.

Industry certification is an industry-based series of competencies needed to work successfully in a career area. The industry oversees the process and assures continued compliance with industry requirements for recertification at regular intervals. As of 2004, Florida school districts were offering 132 secondary programs that were industry-certified.

The bill defines "career and professional academy" (CAP academy) as a research based program that integrates a rigorous academic curriculum with an industry-driven career curriculum offered by public schools, public school districts, or the Florida Virtual School. Career and professional academies may be offered as a school-within-a school career academy or a total school configuration providing multiple academies. Students who complete the program will receive a standard high school diploma, the highest available industry certification and postsecondary credit if the academy partners with a postsecondary institution.

The goals of a career and professional academy are to increase student academic achievement and graduation rates, provide creative and applied majors, focus on career preparation and work ethics, promote postsecondary credit while in high school, and meet industry needs for skilled employees.

The bill establishes requirements for each career and professional academy in the areas of curriculum, partnerships, student advisement and parent participation, focus on high growth/high demand/high pay careers, and an evaluation plan.

Florida Ready to Work Certification Program

The bill establishes the Florida Ready to Work Certification Program, which offers students in career and technical education programs the opportunity to earn a Ready to Work Certificate based on assessment and instruction in workplace skills related to a specific career area.

Dependent Children of Active Duty Military Admission Preference

Florida law requires that dependent children of active duty military personnel who meet the eligibility criteria for special academic programs offered through public schools be given first preference for admission to such programs.³⁹ The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and even if the school at which the program is being offered has reached its maximum enrollment. Special academic programs are defined to include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

³⁸ Career and Professional Education: Preparing Florida's Students for the Knowledge Economy, Council for Education Policy, Research and Improvement (CEPRI), September 2004.

³⁹ Section 1003.05, F.S.

The bill eliminates the requirement that preference be given to military-dependent students if the school has reached maximum enrollment. The bill removes charter schools from the definition of special academic programs and adds the Advanced International Certificate of Education.

School Start Date

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district.⁴⁰ School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.⁴¹

The bill specifies that district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day each year. District school boards may, by supermajority vote after a public hearing, establish a start date no earlier than August 8, or earlier to accommodate year-round or extended calendars.

Termination of School Enrollment

Florida law provides that students sixteen years or older may terminate school enrollment⁴² by filing a formal declaration of intent to terminate enrollment with the district school board. The district must notify the student's parent upon receipt of the student's declaration. The student and the student's parent must sign an acknowledgment that terminating school enrollment is likely to impact the student's future earning potential.

The bill requires school districts to conduct an exit interview with each student who terminates school enrollment to ascertain the reasons for the student's decision and actions that could be taken to keep the student in school. The district must inform students of educational options that are available to continue their education. To provide policy makers with data on students' reasons for terminating school enrollment, each student must complete a survey designed by the DOE

Reading Initiatives

Just Read, Florida! Office

Governor Bush launched the "Just Read, Florida!" initiative in 2001, with the goal of every student reading at or above grade level by 2012. The "Just Read, Florida!" Office was established in the DOE to support the initiative. The office currently provides training and professional development for educators and school staff, reading coaches for schools, workshops for parents and other reading instruction resources.

The bill codifies the Just Read, Florida! Office and provides duties.

Research-Based Reading Instruction Allocation

In addition to the base funding allocation, the FEFP includes a number of allocations for specific programs; examples include the Safe Schools allocation and the Supplemental Academic Instruction

40 Section 1001.42(4)(f), F.S.

41 Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 *available at* <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

42 Section 1003.21, F.S.

allocation.⁴³ There is no current statutory requirement for a specific reading instruction allocation as part of the FEFP.

The bill establishes the Research-Based Reading Instruction Allocation as part of the FEFP. The bill requires school districts to submit by May 1, of each year in a format prescribed by the DOE, a plan for the use of the Research-Based Reading Allocation. The Just Read, Florida! Office will review and approve the plans prior to the release of the school district's allocated funds no later than July 1. School district plans will be deemed approved unless the DOE rejects the plan by June 1. The school district may appeal to the SBE if a school district and the Just Read, Florida! Office cannot reach agreement on the plan. The bill allows high performing school districts considerable flexibility in designing plans.

The DOE is authorized to withhold funds if it determines a district has used any reading allocation funds on anything other than implementation of the reading plan.

Exceptional Students

Speech and Language Pathology Services

Section 1003.01(3)(b), F.S., defines the term "special education services" to mean specially designed instruction and such related services as are needed for an exceptional student to benefit from education. The bill adds speech and language pathology services to this list.

Out of State Special Needs Students in Florida Residential Facilities

In October 2003, the Office of Program Policy Analysis and Government Accountability (OPPAGA)⁴⁴ reviewed the number of out-of-state children living in Florida private residential care facilities and the state's cost of providing ESE services to these children. OPPAGA identified 417 ESE students in private residential facilities, 90 of whom were residents of other states and had been placed in Florida facilities by agencies and school districts from other states and parents in their home state. OPPAGA determined that Florida could avoid \$1.5 million annually in ESE costs for these students.

The bill provides that an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the parent is a resident. The bill prohibits school districts from reporting these students for FTE funding in the FEFP. The bill requires the parent's state of residence or the student's parent to pay the cost of the nonresident student's instruction, facilities, and services received in Florida. Under the provisions of this bill, the residential facility, not the school district, is responsible for billing and collecting the out-of-state student's education and related services from the parent's state of residence.

Individual Education Plan

While current law requires that an individual education plan (IEP) include certain information,⁴⁵ there is no required uniform IEP format.

The bill requires the DOE to coordinate the development of a uniform IEP form to be made available to all school districts in the state for developing, implementing, and transferring IEPs for exceptional students. The bill also requires that the uniform IEP form be available electronically and contain notice to parents of available testing accommodations.

Assessment of Exceptional Students

43 Section 1011.62, F.S.

44 OPPAGA, Special Review, Report #03-58, October 2003

45 <http://www.ed.gov/parents/needs/speced/iepguide/index.html>.

ESE students are required to take the FCAT unless they have a significant cognitive disability to qualify for an exemption as determined by the student's IEP team. Such students are to be assessed through an alternate assessment procedure identified by the IEP team. A special exemption from testing requirements for graduation may also be granted in extraordinary circumstances by the Commissioner of Education. Additionally, the IEP team has the authority to waive passage of the FCAT as a requirement for graduation with a standard diploma in the traditional 24-minimum-credit graduation program.

The bill requires the DOE to implement an alternative assessment for measuring the competency of students seeking a special diploma and requires the learning gains of exceptional students seeking a special diploma to be included in each school's school grade calculation by the 2009-2010 school year (see Designation of School Grades section of this bill analysis). The bill also specifies that accommodations that are not allowed during administration of the FCAT may be used during classroom instruction if use of the accommodation is included in the student's IEP. The bill authorizes the Commissioner to develop additional assessments for general use in measuring the competency of exceptional students.

Teachers and Principals

Differentiated Pay

Current law provides for the compensation and salary schedules of public school personnel and sets forth requirements that the district school board must abide by in the determination and the development of the salary schedule.⁴⁶ Current law requires that the district school board adopt a performance-pay policy which is subject to negotiation for school administrators and instructional personnel.⁴⁷

The bill requires that, beginning in the 2007-2008 academic year, each district school board must adopt a differentiated pay policy for school administrators and instructional personnel. The adopted salary schedules must allow school administrators and instructional personnel to receive differentiated pay based upon a number of district-determined factors, including, but not limited to additional responsibilities, school demographics, level of job performance difficulties, and critical shortage areas.

The bill requires school district salary schedules to be consistent with the district's performance pay policy by the 2006-2007 academic year, and with differentiated pay by the 2007-2008 academic year.

The bill requires the DOE to provide electronic links to the negotiated collective bargaining contract for the school district and the salary and benefits for any education association personnel paid by the school district.

Professional Certificates for Nondegreed Career Education Instructors

Florida law grants the SBE authority to designate subject area certifications and certification requirements for all school-based personnel.⁴⁸ The bill requires the SBE to adopt rules that allow part-time and full-time nondegreed career education instructors the ability to earn a reading credential equivalent to a reading endorsement.

Instructional Materials Professional Development

Section 1011.67, F.S. describes the budget allocation for instructional materials. The bill adds a requirement that annually, prior to the release of instructional materials funds, each district school superintendent must certify to the Commissioner that the district school board has approved a staff

46 Section 1012.22(1)(c), F.S.

47 Id.

48 Section 1001.03, F.S.

development plan. The plan must provide comprehensive staff development for teachers in the use of instructional materials in the first 2 years of the adoption cycle that the district intends to purchase. The plan must provide for training for each teacher who will use the materials, provide inservice credit, and document satisfactory completion by each teacher.

Student Discipline and School Principals

School principals are currently required to take certain actions to address serious disciplinary violations committed by students⁴⁹ and to protect students who are victims of violent crimes perpetrated by another student.⁵⁰ The bill provides that a school principal who fails to uphold these duties is ineligible to receive performance pay incentives and differentiated pay.

Corrective Actions for Low Performing Staff

Under current Florida law, the SBE is authorized to recommend several courses of action that district school boards can employ to ensure that students in “F” schools are academically well-served.⁵¹

The bill grants the SBE authority to recommend that a district school board authorize the principal of an “F” school to take corrective action towards low performing teachers and staff.

Assignment of Teachers

There is a disparity in the qualifications of teachers assigned to teach in a school with a grade of “A” versus those that are assigned to teach in a school with a grade of “F.” This disparity can be found in the average years of experience, number of out-of field teachers, median salary, and teacher performance on certification examinations.

The bill prohibits school districts from assigning a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that are graded “D” or “F” or schools with above school district average minority and economically disadvantaged students. Each school district must certify to the Commissioner that it has met its duty to assign teachers equitably. The Commissioner must then notify the SBE if a school district is found to have a disparate distribution of teachers and the SBE may then exercise its power to enforce school district compliance.

Personnel Recommendations

District school boards are currently required to act on the district superintendent’s personnel recommendations no later than 3 weeks after the close of the general Legislative session or May 31.⁵² The bill revises this deadline to allow for districts to receive FCAT scores, school grades, and other data so that these items may be considered in promotion and hiring decisions.

American Sign Language Certification

Florida law grants the SBE authority to adopt rules establishing the requirements for licensing and certification of American Sign Language (ASL) teachers.⁵³ ASL teachers must be certified by the DOE by January 1, 2008 and must also obtain certification from the Florida American Sign language Teachers Association (FASLTA). ASL certification currently requires a bachelor’s degree with

49 Section 1006.09, F.S.

50 Section 1006.13, F.S.

51 Section 1008.33(2), F.S.

52 Section 1012.22(1)(b), F.S.

53 Section 1007.2615, F.S.

certification in an academic class coverage and either completion of specified coursework or a certificate from the American Sign Language Teachers Organization.⁵⁴

The bill extends the required certification date to July 1, 2009 and eliminates the requirement that ASL teachers obtain current FASLTA certification by January 1, 2006. FASLTA certification is also eliminated as an alternative certification track.

Co-teaching, Team Teaching and Class Size Reduction

Section 1003.03(3), F.S. provides several measures that school districts may take to meet class-size reduction requirements. The bill provides that co-teaching and team teaching may be used in determining a district's compliance with class-size requirements, during the implementation period upon approval of a phase-down plan by the SBE and passage of HJR 447 or similar legislation by the Legislature during the 2006 Regular Session.

William Cecil Golden Professional Development Program for School Leaders

A growing body of evidence indicates the impact school leaders have on school improvement and student achievement. With the repeal of the Management Training Act in 2000, which included 19 competencies for school principals, the DOE and the SBE began the process of developing and establishing new standards, competencies and policies for school principal selection, training, and certification. The new standards, which were approved by the SBE on April 19, 2005, focus on instructional leadership, using data for effective decision making, and key indicators for high performing principals.

The bill establishes the William Cecil Golden Professional Development Program for School Leaders, a comprehensive, competency-based, statewide professional development program, administered by the DOE. The program must offer individuals the opportunity to obtain a leadership designation based on criteria developed by the DOE, with an emphasis on student learning gains, especially in high schools.

C. SECTION DIRECTORY:

Section 1. Amends s. 11.90, F.S.; authorizing the Legislative Budget Commission to review a state plan to implement federal requirements.

Section 2. Amends s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education.

Section 3. Amends s.411.227, F.S.; conforming language related to progress monitoring plans.

Section 4. Amends s. 1000.03, F.S.; revising the mission of the state's K-20 education system.

Section 5. Repeals s. 1000.041, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program.

Section 6. Amends s. 1001.02, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements.

Section 7. Amends s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system.

⁵⁴ See State Board of Education Rule 6A-4.02431 available at <http://www.firn.edu/doe/rules/6a-46.htm#6A-4.02431>.

Section 8. Amends s. 1001.10, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements.

Section 9. Creates s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties.

Section 10. Amends s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching Salary Career ladder program.

Section 11. Amends s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide each student a complete education program.

Section 12. Amends s. 1001.42, F.S.; providing district school board requirements relating to the opening date of the school year; conforming provisions relating to the 2005 repealing of the BEST Florida salary career ladder program; providing requirements for each school district's system of school improvement and student progression; revising requirements for school improvement plans; requiring alignment with the Sunshine State Standards; revising format and content of public disclosure reports; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; providing measures school districts must take to comply with paper work reduction requirements; requiring a school district task force to reduce paper and electronic reporting requirements.

Section 13. Repeals s. 1001.51(24), F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program.

Section 14. Amends s. 1001.54, F.S.; revising provisions relating to duties of school principals.

Section 15. Amends s. 1002.20, F.S.; conforming language related to progress monitoring plans.

Section 16. Amends s. 1003.01, F.S.; revising definition of the term "special education services."

Section 17. Amends s. 1003.03, F.S.; authorizes school districts to use co-teaching or team teaching to meet class size reduction requirements.

Section 18. Amends s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; revising programs defined as "special academic programs" for purposes of such preference.

Section 19. Amends s. 1003.21, F.S.; requiring exit interviews prior to terminating school enrollment; requiring collection of survey data.

Section 20. Creates s. 1003.413, F.S.; relating to secondary school reform; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; requiring policy approval and department support for implementation; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program.

Section 21. Repeals s. 1003.415, F.S.; the Middle Grades Reform Act.

Section 22. Creates s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and mathematics courses in certain circumstances; authorizing rulemaking and enforcement.

Section 23. Amends s. 1003.42, F.S.; providing for required instruction for middle grades promotion.

Section 24. Creates s. 1003.428, F.S.; establishing revised general requirements for high school graduation; providing applicability beginning with 2007-2008 first-year high school students; requiring completion of specified credits or a specified curriculum; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement.

Section 25. Amends s. 1003.437, F.S.; including middle grades in the uniform grading system.

Section 26. Repeals s. 1003.492(3) and (4), F.S.; relating to department studies of student performance in industry-certified career education programs.

Section 27. Creates s. 1003.493, F.S.; defining career and professional academies and specifying goals of the academies; providing requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation.

Section 28. Amends s. 1003.51, F.S.; conforming language related to progress monitoring plans.

Section 29. Amends s. 1003.52, F.S.; conforming language related to progress monitoring plans.

Section 30. Amends s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the department; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability.

Section 31. Creates s. 1003.576, F.S.; requiring the department to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form.

Section 32. Amends s. 1003.58, F.S.; correcting a cross-reference.

Section 33. Amends s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated pay for school administrators and instructional personnel.

Section 34. Creates s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking.

Section 35. Amends s. 1006.09, F.S.; conforming provisions relating to differentiated pay.

Section 36. Amends s. 1007.2615, F.S.; revising provisions for certification of American Sign Language teachers.

Section 37. Amends s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; specifying that FCAT nonallowable accommodations may be used in the classroom for certain exceptional students; requiring certain opportunities for demonstrating student performance; requiring the Commissioner of Education select or develop assessment tools for measuring competency of certain exceptional students; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing the uses of concordant scores; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance.

Section 38. Repeals s. 1008.221, F.S.; relating to alternative assessments for dependent children of military personnel, to conform.

Section 39. Amends s. 1008.25, F.S.; replacing academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report.

Section 40. Repeals s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation.

Section 41. Amends s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules.

Section 42. Amends s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; authorizing principals to recommend corrective actions for low-performing faculty and staff at "F" graded schools and publication of a school's grade.

Section 43. Amends s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for school grading for certain ungraded K-3 schools; defining feeder pattern schools; providing for school grading for alternative schools and specifying requirements related thereto; defining the term "home school" for purposes of assessment; requiring an annual school report card to be published by the department and distributed by school districts.

Section 44. Creates s. 1008.341, F.S.; providing for school improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of student learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules.

Section 45. Amends s. 1008.345, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; providing conditions for determination of a school district or governing board in a state of educational emergency; providing procedures to resolve the educational emergency, including state assistance; authorizing establishment of an educational emergency board and providing duties thereof; providing for an action plan to implement recommendations.

Section 46. Amends s. 1008.36, F.S.; authorizing certain ungraded K-3 schools and alternative schools to participate in the Florida School Recognition Program; modifying procedures for determination and use of school recognition awards.

Section 47. Amends s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation.

Section 48. Amends s. 1011.64, F.S.; conforming terminology and a cross-reference.

Section 49. Amends s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials.

Section 50. Amends s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay.

Section 51. Amends s. 1011.71, F.S.; correcting a cross-reference.

Section 52. Amends s. 1012.21, F.S.; requiring department reporting relating to school district collectively bargained contracts and the salary and benefits of certain personnel.

Section 53. Amends s. 1012.22, F.S.; revising the deadline by which district school boards must act on superintendent's personnel nominations; requiring each district school board to adopt a salary schedule with differentiated pay for instructional personnel and school-based administrators beginning with the 2007-2008 academic year.

Section 54. Creates s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and providing procedures for noncompliance.

Section 55. Amends s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay.

Section 56. Amends s. 1012.28, F.S.; conforming provisions relating to differentiated pay.

Section 57. Amends s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement.

Section 58. Amends s. 1012.56, F.S.; encouraging school districts to provide mechanisms for teachers to obtain subject area coverage for middle grades.

Section 59. Creates s. 1012.986, F.S.; establishing the William Cecil Golden Professional Development Program for School Leaders; defining the term "school leader"; providing for school leader designations; providing program requirements and delivery systems; requiring adoption of rules.

Section 60. Repeals s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation.

Section 61. Provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The fiscal impact on state government expenditures is indeterminate. Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

STATE IMPACT:

Exceptional Student Education: The bill requires the DOE to develop a process for mandatory school district reviews of the residency of each exceptional student who lives in a Florida residential facility, prior to the provision of services. The additional procedures required for determination of a student's residency should have a minimal fiscal impact and OPPAGA has estimated a cost savings of \$1.5 million annually (Report No. 03-58).

Secondary reform: In the long term, the state should benefit economically from increased graduation rates and the improved preparation of students for entry into the workforce and/or postsecondary education.

Reading: The bill establishes the research-based reading allocation and its calculation. Each district receives \$50,000 and the remaining funds are allocated on each district's share of K-12 base funding. The 2005-2006 General Appropriations Act (GAA) provided \$89 million for the Reading Instruction Allocation. These funds are used to support district K-12 comprehensive reading plans, including intensive intervention, professional development, and summer academies. The Governor's budget request includes \$111.8 million for the Allocation for 2006-2007.

The bill establishes the Just Read, Florida! Office. The 2005-2006 GAA provided \$10 million for the office and its initiatives. The Governor's budget request includes \$18.5 million for 2006-2007.

The GAA also provides spending authority for federal reading funds, administered by the Just Read Office. The 2005-2006 GAA provided \$58 million in spending authority for these funds, and the Governor's 2006-2007 request continues that amount.

Ready to Work: The bill creates the Ready to Work Certification Program. The Governor's legislative budget request includes \$50 million to be expended over the next three years for the program; \$39 million would be administered by the DOE; \$11 million would be administered by the Agency for Workforce Innovation.

Educational emergency: Minimal costs could be incurred by the Executive Office of the Governor and the DOE in the event a district is identified as reaching a state of educational emergency. Specific costs are indeterminate and would depend on the severity of the emergency and the strategies the Governor and Commissioner decide to implement.

Assessment: Students may save money by being able to use high school FCAT scores instead of SAT or ACT scores for Bright Futures scholarships. Community colleges may see a reduction in remediation costs if high school students begin to score better on the FCAT in order to meet college entry-level placement test requirements.

DEPARTMENT OF EDUCATION IMPACT:

Secondary reform: The bill requires the DOE to undertake several activities in support of the reform effort. Fiscal impact on the agency should be minimal because these activities are already planned or are funded through the specific program.

- Sunshine State Standards review: This review is already planned by the DOE and the Governor's budget request includes \$5 million for this purpose.
- Applied, integrated, combined courses: Approval of courses is an ongoing process in the agency and should be accomplished by a redirection of staff time.
- Professional development package for content area reading: This activity is already underway and funded through the Just Read Office.

- Exit interviews: Development and dissemination of exit interviews could have a slight fiscal impact on the agency.
- Share best practices: A primary responsibility of the agency is to share best practices through all available means of communication. No fiscal impact.
- Longitudinal analysis: The K-20 education data warehouse is designed to provide these types of analyses. No fiscal impact.
- Secondary School Improvement Award Program: During the 2006-2007 fiscal year the Commissioner will establish the criteria and procedures for the program. It is unlikely there will be any fiscal impact until the 2007-2008 fiscal year.
- Recruitment/retention of teachers: The DOE will have to intensify efforts to recruit teachers in math and reading in order to provide for intervention courses and the additional math credit requirement. The Governor's budget request includes \$2 million to establish a Center for Mathematics and Science Research to assist in recruitment and staff development in these areas.

Assessment: The DOE must develop, or select and implement an alternate assessment tool for ESE students seeking a special diploma pursuant to s. 1003.438. This work is already underway in order to meet NCLB requirements.

William Cecil Golden Professional Development Program for School Leaders: The fiscal impact of the professional development program will be determined in the General Appropriations Act. The Governor's budget request includes \$4.7 million to support principal professional development and recognition.

SCHOOL DISTRICT IMPACT:

Cost savings: School districts may realize a cost savings from the paperwork reduction portions of the bill, including deletion of academic improvement plans, the rigorous reading requirement and the personalized middle school success plan. Districts may also realize a class size reduction cost savings if the co-teaching and team teaching provisions of the bill take effect. In addition, the fiscal impact of middle school promotion requirements may also be a long term cost savings. Moving to a course-based promotion system with competency-based course recovery will allow students to "catch up" with their class, and not be retained for an entire year. Any increase in students retained would likely be offset by the lower costs from the students retaking only specific courses instead of an entire school year. Likewise, districts may experience some cost savings from the high school revised graduation requirements. Students will be able to simultaneously earn elective credit and recover credit in a required class as an incentive to keep students enrolled and progressing towards graduation. Districts may be able to redirect existing funds by not having to offer credit recovery after school and in the summer.

Secondary school reform: Secondary school reform is not an add-on. It requires an overhaul, or re-engineering, of existing systems and programs. While districts will spend time and resources to make these changes, there are no new programs or mandates that significantly impact districts.

- Policies for secondary reform: Districts must establish policies to support the implementation of middle school promotion requirements, revised high school graduation requirements, and career academies. Specific areas to be addressed include:
 - pupil progression plans;
 - high school majors and minors;
 - the use of technology to develop ePEPs, offer intensive intervention classes, and competency-based credit/course recovery;
 - establishment of career academies, if desired, using start up funds as provided in the GAA.

The Governor's budget request includes \$2 million to provide laptops to 1,000 sixth grade students, and associated teacher training, to support integrating technology into the classroom. The 2005-2006 GAA provided \$6 million for career and professional academies as part of the Succeed, Florida program for public schools workforce education. The Governor's 2006-2007 request again includes \$6 million for the Succeed, Florida program, but the funds have not been designated for career and professional academies.

- **Instructional staff:** Districts will need to increase recruitment efforts, commensurate with the DOE, to recruit teachers in math and reading in order to provide for intervention courses and the additional math credit requirement.
- **Staff development:** Districts will need to focus staff development to implement secondary reform, based on the guiding principles established in the bill.
- **Summer academies:** Summer academies (and required alternative assessments) will be funded as provided in the GAA as part of the research-based reading allocation. The Governor's 2006-2007 budget request includes \$4 million to support specialized academies in mathematics and reading.

Differentiated pay: There is no impact for the 2006-2007 fiscal year. The bill requires the salary schedule for the 2007-2008 year to include differentiated pay using available funds.

School recognition for K-3 feeder pattern and alternative schools: This requires a shift from district discretionary funds to school-based rewards.

School Improvement Plans: Because every school must have an approved school improvement plan, changing the format of the plans for schools graded "C" and below should have a minimal impact. Public notice of school grades is also a current requirement, but must be enhanced and use more means of communication. Depending on current district practices, this could also be a minimal impact.

Instructional materials: Instructional materials funds may be held until certification by the superintendent of a professional development plan to require fidelity of implementation for instructional materials. Districts will have to focus staff development funds for this purpose.

Exceptional students: Adding speech and language pathology services into the definition of "special education services" will have an indeterminate fiscal impact. IEP teams will decide whether or not a student can benefit from speech or language therapy. Depending upon the number of IEP teams that determine students can benefit, it may be necessary for districts to hire additional staff to provide the services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules relating to:

- Reading credentials for part-time and full-time nondegreed career education instructors.
- Implementation of middle grades promotion requirements.
- Implementation of revised high school graduation requirements.
- Florida Ready to Work Certification Program.
- Operation of the K-20 Data Warehouse.
- School Improvement Ratings for Alternative Schools.
- The William Cecil Golden Professional Development Program for School Leaders.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 14, 2006, the Education Council favorably reported House Bill 7087 with amendments. This bill analysis reflects the bill as amended.