

1 A bill to be entitled

2 An act relating to education; amending s. 11.90, F.S.;

3 authorizing the Legislative Budget Commission to review a

4 state plan to implement federal requirements; amending s.

5 20.15, F.S.; establishing the Division of Accountability,

6 Research, and Measurement in the Department of Education;

7 amending s. 411.227, F.S.; conforming provisions relating

8 to student progress monitoring plans; amending s. 1000.03,

9 F.S.; revising the mission of the state's K-20 education

10 system; repealing s. 1000.041, F.S., to conform provisions

11 relating to the 2005 repeal of the BEST Florida Teaching

12 salary career ladder program; amending s. 1001.02, F.S.;

13 requiring legislative review of a revised state plan to

14 implement certain federal requirements; amending s.

15 1001.03, F.S.; requiring periodic review of Sunshine State

16 Standards subject areas and an annual status report;

17 requiring rules for certain teachers to earn a reading

18 credential equivalent; requiring the maintenance of a

19 uniform school district personnel classification system;

20 amending s. 1001.10, F.S.; requiring legislative review of

21 a revised state plan to implement certain federal

22 requirements; creating s. 1001.215, F.S.; creating the

23 Just Read, Florida! Office in the Department of Education;

24 providing duties; amending s. 1001.33, F.S.; conforming

25 provisions relating to the 2005 repeal of the BEST Florida

26 Teaching salary career ladder program; amending s.

27 1001.41, F.S.; requiring district school boards to adopt

28 standards and policies to provide each student a complete  
29 education program; amending s. 1001.42, F.S.; providing a  
30 district school board requirement relating to the opening  
31 date of the school year; conforming provisions relating to  
32 the 2005 repeal of the BEST Florida Teaching salary career  
33 ladder program; providing requirements for each school  
34 district's system of school improvement and student  
35 progression; revising requirements for school improvement  
36 plans; requiring alignment with the Sunshine State  
37 Standards; revising format and content of public  
38 disclosure reports; conforming provisions relating to  
39 deletion of a rigorous reading requirement and the  
40 designation of school grades; requiring measures for  
41 reducing paperwork, data collection, and reporting  
42 requirements; requiring a school district task force to  
43 reduce paper and electronic reporting requirements;  
44 repealing s. 1001.51(24), F.S., and amending s. 1001.54,  
45 F.S.; conforming provisions relating to the 2005 repeal of  
46 the BEST Florida Teaching salary career ladder program;  
47 revising provisions relating to duties of school  
48 principals; amending s. 1002.20, F.S.; conforming  
49 provisions relating to student progress monitoring plans;  
50 amending s. 1003.01, F.S.; revising definition of the term  
51 "special education services"; amending s. 1003.03, F.S.;  
52 authorizing use of co-teaching or team teaching as an  
53 option to meet the constitutional class size maximums and  
54 to determine the teacher-to-student ratio per classroom

55 | under certain circumstances; amending s. 1003.05, F.S.;  
56 | deleting the requirement that certain children receive  
57 | preference for admission to special academic programs even  
58 | if maximum enrollment has been reached; revising programs  
59 | defined as "special academic programs" for purposes of  
60 | such preference; amending s. 1003.21, F.S.; requiring  
61 | student exit interviews prior to terminating school  
62 | enrollment; creating s. 1003.413, F.S., relating to  
63 | secondary school reform; providing intent and guiding  
64 | principles; requiring district school boards to establish  
65 | policies to implement requirements for middle grades  
66 | promotion, revised requirements for high school  
67 | graduation, and requirements for career and professional  
68 | academies; requiring policy approval and department  
69 | support for implementation; directing the Commissioner of  
70 | Education to create and implement the Secondary School  
71 | Improvement Award Program; repealing s. 1003.415, F.S.,  
72 | the Middle Grades Reform Act; creating s. 1003.4156, F.S.;  
73 | providing general course requirements for middle grades  
74 | promotion; requiring intensive reading and mathematics  
75 | courses in certain circumstances; authorizing rulemaking  
76 | and enforcement; amending s. 1003.42, F.S.; providing for  
77 | required instruction for middle grades promotion; creating  
78 | s. 1003.428, F.S.; establishing revised general  
79 | requirements for high school graduation; providing  
80 | applicability beginning with 2007-2008 first-year high  
81 | school students; requiring completion of specified credits

82 | or a specified curriculum; requiring strategies for  
83 | exceptional students to meet graduation requirements;  
84 | requiring standards for graduation; requiring rules for  
85 | test accommodations and modifications in certain cases;  
86 | providing requirements for standard diplomas and  
87 | certificates of completion with exceptions; authorizing  
88 | rulemaking and enforcement; amending s. 1003.437, F.S.;  
89 | including middle grades in the uniform grading system;  
90 | repealing s. 1003.492(3) and (4), F.S., relating to  
91 | department studies of student performance in industry-  
92 | certified career education programs; creating s. 1003.493,  
93 | F.S.; defining career and professional academies and  
94 | specifying goals of the academies; providing requirements  
95 | of academies relating to curriculum, partnerships,  
96 | instruction, career education certification, and  
97 | evaluation; amending s. 1003.51, F.S.; conforming  
98 | provisions relating to student progress monitoring plans;  
99 | amending s. 1003.52, F.S.; conforming provisions relating  
100 | to student progress monitoring plans; amending s. 1003.57,  
101 | F.S.; providing guidelines for determining the residency  
102 | of a student who receives instruction as an exceptional  
103 | student with a disability; requiring the student's placing  
104 | authority or parent to pay the cost of such instruction,  
105 | facilities, and services; providing responsibilities of  
106 | the department; providing responsibilities of residential  
107 | facilities that educate exceptional students with  
108 | disabilities; providing applicability; creating s.

109 | 1003.576, F.S.; requiring the department to develop an  
110 | individual education plan form for use in developing and  
111 | implementing individual education plans for exceptional  
112 | students; requiring school districts to use the form;  
113 | amending s. 1003.58, F.S.; correcting a cross-reference;  
114 | amending s. 1003.62, F.S.; conforming provisions relating  
115 | to the designation of school grades and differentiated pay  
116 | for school administrators and instructional personnel;  
117 | creating s. 1004.99, F.S., the Florida Ready to Work  
118 | Certification Program to enhance student workplace skills;  
119 | providing for program implementation and requirements;  
120 | authorizing rulemaking; amending s. 1006.09, F.S.;  
121 | conforming provisions relating to differentiated pay;  
122 | amending s. 1007.2615, F.S.; revising provisions for  
123 | certification of American Sign Language teachers; amending  
124 | s. 1008.22, F.S.; specifying FCAT grade level and subject  
125 | area testing requirements; requiring documentation of  
126 | procedures that ensure test difficulty under certain  
127 | circumstances; providing that FCAT nonallowable  
128 | accommodations may be used as instructional accommodations  
129 | during classroom instruction if included in the individual  
130 | education plan of a student with a disability; authorizing  
131 | waiver of the FCAT under certain circumstances; requiring  
132 | certain opportunities for demonstrating student  
133 | performance; requiring the development of assessments for  
134 | measuring the academic competency of students with  
135 | disabilities; requiring the Commissioner of Education to

136 adopt scores concordant to FCAT scores required for high  
137 school graduation; authorizing use of concordant scores  
138 for additional purposes; clarifying eligibility to use  
139 such scores to satisfy requirements for a diploma;  
140 requiring an annual report on student performance;  
141 repealing s. 1008.221, F.S., relating to alternative  
142 assessments for dependent children of military personnel,  
143 to conform; amending s. 1008.25, F.S.; replacing student  
144 academic improvement plans with progress monitoring plans;  
145 authorizing district school boards to require low-  
146 performing students to attend remediation programs outside  
147 of regular school hours or during the summer; requiring  
148 the department to establish a uniform format for reporting  
149 information relating to student progression; requiring an  
150 annual report; repealing s. 1008.301, F.S., relating to a  
151 concordance study of FCAT equivalencies for high school  
152 graduation; amending s. 1008.31, F.S.; revising intent,  
153 goals, and measures of the K-20 performance accountability  
154 system and requiring data quality improvements; requiring  
155 adoption of rules; amending s. 1008.33, F.S.; conforming a  
156 cross-reference and provisions relating to the designation  
157 of school grades; authorizing principals to recommend  
158 corrective actions for low-performing faculty and staff at  
159 "F" graded schools and publication of a school's grade;  
160 amending s. 1008.34, F.S.; revising terminology and  
161 provisions relating to designation and determination of  
162 school grades; providing for school grading of feeder

163 pattern schools; defining a feeder pattern school;  
164 providing for school grading for alternative schools and  
165 specifying requirements related thereto; defining the term  
166 "home school" for purposes of assessment; requiring an  
167 annual school report card to be published by the  
168 department and distributed by school districts; creating  
169 s. 1008.341, F.S.; providing for school improvement  
170 ratings for certain alternative schools; providing the  
171 basis for such ratings and requiring annual performance  
172 reports; providing for determination of school improvement  
173 ratings, identification of student learning gains, and  
174 eligibility for school recognition awards; requiring the  
175 development and distribution of an annual school report  
176 card; authorizing adoption of rules; amending s. 1008.345,  
177 F.S.; conforming a cross-reference and provisions relating  
178 to the designation of school grades; providing conditions  
179 for determination of a school district or a governing  
180 board with a school in a state of educational emergency;  
181 providing procedures to resolve the educational emergency,  
182 including state assistance; authorizing establishment of  
183 an educational emergency board and providing duties  
184 thereof; providing for an action plan to implement  
185 recommendations; amending s. 1008.36, F.S.; authorizing  
186 certain feeder pattern schools and alternative schools to  
187 participate in the Florida School Recognition Program;  
188 modifying procedures for determination and use of school  
189 recognition awards; amending s. 1011.62, F.S.; providing

190 FTE funding for juveniles enrolled in specified education  
191 programs; conforming cross-references and provisions  
192 relating to the designation of school grades; establishing  
193 a research-based reading instruction allocation to provide  
194 funds for a comprehensive reading instruction system;  
195 requiring school district plans for use of the allocation  
196 and approval thereof; including the allocation in the  
197 total amount allocated to each school district for current  
198 operation; amending s. 1011.64, F.S.; conforming  
199 terminology and a cross-reference; amending s. 1011.67,  
200 F.S.; requiring district school board approval of a staff  
201 development plan relating to use of instructional  
202 materials; amending s. 1011.685, F.S.; conforming  
203 provisions relating to the 2005 repeal of the BEST Florida  
204 Teaching salary career ladder program and implementation  
205 of differentiated pay; amending s. 1011.71, F.S.;  
206 correcting a cross-reference; amending s. 1012.21, F.S.;  
207 requiring department reporting relating to school district  
208 collectively bargained contracts and the salary and  
209 benefits of certain personnel; amending s. 1012.22, F.S.;  
210 revising a district school board deadline for acting on  
211 certain personnel nominations; requiring each district  
212 school board to adopt a salary schedule with  
213 differentiated pay for instructional personnel and school-  
214 based administrators beginning with the 2007-2008 academic  
215 year; creating s. 1012.2315, F.S.; providing school  
216 district requirements for the assignment of teachers and



217 providing procedures for noncompliance; requiring  
218 reporting by certain schools; amending s. 1012.27, F.S.;  
219 conforming provisions relating to the 2005 repeal of the  
220 BEST Florida Teaching salary career ladder program and  
221 implementation of differentiated pay; amending s. 1012.28,  
222 F.S.; conforming provisions relating to differentiated  
223 pay; amending s. 1012.34, F.S.; conforming provisions  
224 relating to deletion of a rigorous reading requirement;  
225 amending s. 1012.56, F.S.; encouraging school districts to  
226 provide mechanisms for teachers to obtain subject area  
227 coverage for middle grades; creating s. 1012.986, F.S.;  
228 establishing the William Cecil Golden Professional  
229 Development Program for School Leaders; defining the term  
230 "school leader"; providing for school leader designations;  
231 providing program requirements and delivery systems;  
232 requiring adoption of rules; repealing s. 1012.987, F.S.,  
233 which requires the State Board of Education to adopt rules  
234 through which school principals may earn a leadership  
235 designation; providing an effective date.

236  
237 WHEREAS, students will have the best opportunity to obtain  
238 a high-quality education in the public education system of this  
239 state and that system can best be enhanced when resources are  
240 allocated efficiently and are concentrated in a rigorous and  
241 relevant classroom learning environment, when teachers and  
242 principals are supported, when high-quality educational  
243 opportunity is reinforced through shared high academic and

244 career expectations, when accurate data is consistently  
 245 maintained and used to drive systemwide decisionmaking, and when  
 246 successes are rewarded, failures are identified, and the public  
 247 is apprised of both successes and failures, NOW, THEREFORE,

248

249 Be It Enacted by the Legislature of the State of Florida:

250

251 Section 1. Subsection (8) is added to section 11.90,  
 252 Florida Statutes, to read:

253 11.90 Legislative Budget Commission.--

254 (8) Upon the 2007 reauthorization of the federal No Child  
 255 Left Behind Act of 2001, the commission may review the proposed  
 256 state plan of the State Board of Education and the Commissioner  
 257 of Education before that plan is submitted.

258 Section 2. Paragraph (f) is added to subsection (3) of  
 259 section 20.15, Florida Statutes, to read:

260 20.15 Department of Education.--There is created a  
 261 Department of Education.

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

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

265 Section 3. Paragraph (b) of subsection (3) of section  
 266 411.227, Florida Statutes, is amended to read:

267 411.227 Components of the Learning Gateway.--The Learning  
 268 Gateway system consists of the following components:

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

270 (b) Demonstration projects shall develop strategies to  
271 increase the use of appropriate intervention practices with  
272 children who have learning problems and learning disabilities  
273 within public and private early care and education programs and  
274 K-3 public and private school settings. Strategies may include  
275 training and technical assistance teams. Intervention must be  
276 coordinated and must focus on providing effective supports to  
277 children and their families within their regular education and  
278 community environment. These strategies must incorporate, as  
279 appropriate, school and district activities related to the  
280 student's progress monitoring ~~academic improvement~~ plan and must  
281 provide parents with greater access to community-based services  
282 that should be available beyond the traditional school day.  
283 Academic expectations for public school students in grades K-3  
284 must be based upon the local school board's adopted proficiency  
285 levels. When appropriate, school personnel shall consult with  
286 the local Learning Gateway to identify other community resources  
287 for supporting the child and the family.

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

290 1000.03 Function, mission, and goals of the Florida K-20  
291 education system.--

292 (4) The mission of Florida's K-20 education system is to  
293 allow its students to increase their proficiency by allowing  
294 them the opportunity to expand their knowledge and skills  
295 through high-quality, rigorous, relevant ~~adequate~~ learning

296 | opportunities, in accordance with the mission statement and  
 297 | accountability requirements of s. 1008.31.

298 |       Section 5. Section 1000.041, Florida Statutes, is  
 299 | repealed.

300 |       Section 6. Paragraph (g) of subsection (2) of section  
 301 | 1001.02, Florida Statutes, is amended to read:

302 |       1001.02 General powers of State Board of Education.--

303 |       (2) The State Board of Education has the following duties:

304 |       (g) To approve plans for cooperating with the Federal  
 305 | Government. Upon the 2007 reauthorization of the federal No  
 306 | Child Left Behind Act of 2001, the Commissioner of Education  
 307 | shall seek public input and secure legislative review of the  
 308 | revised state plan prior to submission.

309 |       Section 7. Subsections (1), (3), and (14) of section  
 310 | 1001.03, Florida Statutes, are amended to read:

311 |       1001.03 Specific powers of State Board of Education.--

312 |       (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State  
 313 | Board of Education shall approve the student performance  
 314 | standards known as the Sunshine State Standards in key academic  
 315 | subject areas and grade levels. The state board shall establish  
 316 | a schedule to facilitate the periodic review of each subject  
 317 | area to maintain rigor, relevance, integration, and  
 318 | reinforcement for student achievement and articulation and  
 319 | evaluate how the standards are taught at each grade level. The  
 320 | review teams for each Sunshine State Standards subject area must  
 321 | include representatives from each other Sunshine State Standards  
 322 | subject area to support valid integration of content and to

323 address the learning styles and instructional needs of all  
324 students. Each review team must address the following:

325 (a) Rigor, relevance, logical student progression,  
326 articulation from grade to grade, and integration of reading,  
327 writing, and mathematics.

328 (b) Timelines for revision of course descriptions,  
329 adoption of instructional materials, modifications to the  
330 statewide assessment, and enhancements to professional  
331 development.

332 (c) Input from parents, classroom teachers, school and  
333 district administrators, community college and university  
334 faculty, and business representatives, in collaboration with  
335 local education foundations.

336  
337 The review schedule and an annual status report must be  
338 submitted to the Governor, the President of the Senate, and the  
339 Speaker of the House of Representatives annually not later than  
340 January 1.

341 (3) PROFESSIONAL CERTIFICATES.--The State Board of  
342 Education shall classify school services, designate the  
343 certification subject areas, establish competencies, including  
344 the use of technology to enhance student learning, and  
345 certification requirements for all school-based personnel, and  
346 prescribe rules in accordance with which the professional,  
347 temporary, and part-time certificates shall be issued by the  
348 Department of Education to applicants who meet the standards  
349 prescribed by such rules for their class of service, as

350 described in chapter 1012. The state board shall adopt rules  
351 that give part-time and full-time nondegreed teachers of career  
352 programs, pursuant to s. 1012.39(1)(c), the opportunity to earn  
353 a reading credential equivalent to a reading endorsement.

354 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT  
355 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of  
356 Education shall maintain ~~recommend to the Legislature by~~  
357 ~~February 1, 2003,~~ a uniform classification system for school  
358 district administrative and management personnel that will  
359 facilitate the uniform coding of administrative and management  
360 personnel to total district employees.

361 Section 8. Section 1001.10, Florida Statutes, is amended  
362 to read:

363 1001.10 Commissioner of Education; general powers and  
364 duties.--The Commissioner of Education is the chief educational  
365 officer of the state and the sole custodian of the K-20 data  
366 warehouse, and is responsible for giving full assistance to the  
367 State Board of Education in enforcing compliance with the  
368 mission and goals of the seamless K-20 education system. To  
369 facilitate innovative practices and to allow local selection of  
370 educational methods, the State Board of Education may authorize  
371 the commissioner to waive, upon the request of a district school  
372 board, State Board of Education rules that relate to district  
373 school instruction and school operations, except those rules  
374 pertaining to civil rights, and student health, safety, and  
375 welfare. The Commissioner of Education is not authorized to  
376 grant waivers for any provisions in rule pertaining to the

377 allocation and appropriation of state and local funds for public  
378 education; the election, compensation, and organization of  
379 school board members and superintendents; graduation and state  
380 accountability standards; financial reporting requirements;  
381 reporting of out-of-field teaching assignments under s. 1012.42;  
382 public meetings; public records; or due process hearings  
383 governed by chapter 120. No later than January 1 of each year,  
384 the commissioner shall report to the Legislature and the State  
385 Board of Education all approved waiver requests in the preceding  
386 year. Additionally, the commissioner has the following general  
387 powers and duties:

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

390 (2) To advise and counsel with the State Board of  
391 Education on all matters pertaining to education; to recommend  
392 to the State Board of Education actions and policies as, in the  
393 commissioner's opinion, should be acted upon or adopted; and to  
394 execute or provide for the execution of all acts and policies as  
395 are approved.

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

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

402 (5) To recommend to the State Board of Education policies  
403 and steps designed to protect and preserve the principal of the

404 State School Fund; to provide an assured and stable income from  
405 the fund; to execute such policies and actions as are approved;  
406 and to administer the State School Fund.

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

410 (7) To submit to the State Board of Education, on or  
411 before August 1 of each year, recommendations for a coordinated  
412 K-20 education budget that estimates the expenditures for the  
413 State Board of Education, including the Department of Education,  
414 the Commissioner of Education, and all of the boards,  
415 institutions, agencies, and services under the general  
416 supervision of the State Board of Education for the ensuing  
417 fiscal year. Any program recommended to the State Board of  
418 Education that will require increases in state funding for more  
419 than 1 year must be presented in a multiyear budget plan.

420 (8) To develop and implement a plan for cooperating with  
421 the Federal Government in carrying out any or all phases of the  
422 educational program and to recommend policies for administering  
423 funds that are appropriated by Congress and apportioned to the  
424 state for any or all educational purposes. Upon the 2007  
425 reauthorization of the federal No Child Left Behind Act of 2001,  
426 the commissioner shall seek public input and secure legislative  
427 review of the revised state plan prior to submission.

428 (9) To develop and implement policies for cooperating with  
429 other public agencies in carrying out those phases of the  
430 program in which such cooperation is required by law or is



431 deemed by the commissioner to be desirable and to cooperate with  
432 public and nonpublic agencies in planning and bringing about  
433 improvements in the educational program.

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

441 (11) To implement a program of school improvement and  
442 education accountability designed to provide all students the  
443 opportunity to make adequate learning gains in each year of  
444 school as provided by statute and State Board of Education rule  
445 based upon the achievement of the state education goals,  
446 recognizing the following:

447 (a) The State Board of Education is the body corporate  
448 responsible for the supervision of the system of public  
449 education.

450 (b) The district school board is responsible for school  
451 and student performance.

452 (c) The individual school is the unit for education  
453 accountability.

454 (d) The community college board of trustees is responsible  
455 for community college performance and student performance.

456 (e) The university board of trustees is responsible for  
457 university performance and student performance.

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

461 (13) To prepare and publish annually reports giving  
462 statistics and other useful information pertaining to the  
463 Opportunity Scholarship Program.

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

467 (15) To develop criteria for use by state instructional  
468 materials committees in evaluating materials submitted for  
469 adoption consideration. The criteria shall, as appropriate, be  
470 based on instructional expectations reflected in curriculum  
471 frameworks and student performance standards. The criteria for  
472 each subject or course shall be made available to publishers of  
473 instructional materials pursuant to the requirements of chapter  
474 1006.

475 (16) To prescribe procedures for evaluating instructional  
476 materials submitted by publishers and manufacturers in each  
477 adoption.

478  
479 The commissioner's office shall operate all statewide functions  
480 necessary to support the State Board of Education and the K-20  
481 education system, including strategic planning and budget  
482 development, general administration, and assessment and  
483 accountability.

484 Section 9. Section 1001.215, Florida Statutes, is created  
485 to read:

486 1001.215 Just Read, Florida! Office.--There is created in  
487 the Department of Education the Just Read, Florida! Office. The  
488 office shall be fully accountable to the Commissioner of  
489 Education and shall:

490 (1) Train highly effective reading coaches.

491 (2) Create multiple designations of effective reading  
492 instruction, with accompanying endorsement credentials, which  
493 encourage all teachers to integrate reading instruction into  
494 their content areas.

495 (3) Train K-12 teachers, school principals, and parents on  
496 research-based reading instructional strategies and secondary  
497 teachers on effective instructional strategies for teaching  
498 reading in the content areas with an emphasis on reading for  
499 information.

500 (4) Provide technical assistance to school districts in  
501 the development and implementation of district plans for use of  
502 the research-based reading instruction allocation provided under  
503 s. 1011.62(8) and annually review and approve such plans.

504 (5) Review, evaluate, and provide technical assistance to  
505 school districts on their implementation of the K-12  
506 comprehensive reading plan required by s. 1011.62(8).

507 (6) Provide information on research-based reading programs  
508 and effective instructional strategies for teaching reading in  
509 the content areas and support for reading for information.

510        (7) Periodically review the Sunshine State Standards for  
511 reading at all grade levels.

512        (8) Periodically review teacher certification examinations  
513 to ascertain whether the examinations measure the skills needed  
514 for research-based reading, instructional strategies for  
515 teaching reading in the content areas, and support for reading  
516 for information.

517        (9) Work with teacher preparation programs approved  
518 pursuant to s. 1004.04 to integrate into teacher preparation  
519 programs research-based reading instructional strategies and  
520 instructional strategies for teaching reading in the content  
521 areas.

522        (10) Administer grants and perform other functions as  
523 necessary to meet the goal that all students read at grade  
524 level.

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

527        1001.33 Schools under control of district school board and  
528 district school superintendent.--

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

533        ~~(2) Each district school board, each district school~~  
534 ~~superintendent, and each district and school-based administrator~~  
535 ~~shall cooperate to apply the following guiding principles of~~  
536 ~~Better Educated Students and Teachers (BEST) Florida Teaching:~~

- 537 ~~(a) Teachers lead, students learn.~~
- 538 ~~(b) Teachers maintain orderly, disciplined classrooms~~
- 539 ~~conducive to student learning.~~
- 540 ~~(c) Teachers are trained, recruited, well compensated, and~~
- 541 ~~retained for quality.~~
- 542 ~~(d) Teachers are well rewarded for their students' high~~
- 543 ~~performance.~~
- 544 ~~(e) Teachers are most effective when served by exemplary~~
- 545 ~~school administrators.~~

546 Section 11. Subsection (3) of section 1001.41, Florida  
 547 Statutes, is amended to read:

548 1001.41 General powers of district school board.--The  
 549 district school board, after considering recommendations  
 550 submitted by the district school superintendent, shall exercise  
 551 the following general powers:

552 (3) Prescribe and adopt standards and policies to provide  
 553 each student the opportunity to receive a complete education  
 554 program, including language arts, mathematics, science, social  
 555 studies, health, physical education, foreign languages, and the  
 556 arts, as defined by the Sunshine State Standards. The standards  
 557 and policies must emphasize integration and reinforcement of  
 558 reading, writing, and mathematics skills in a rigorous and  
 559 relevant context across all subjects, including career and  
 560 technical education ~~as are considered desirable by it for~~  
 561 ~~improving the district school system.~~

562 Section 12. Paragraph (f) of subsection (4), paragraph (c)  
 563 of subsection (5), subsection (16), paragraph (d) of subsection

564 (17), and subsection (18) of section 1001.42, Florida Statutes,  
 565 are amended, subsection (22) is renumbered as subsection (23),  
 566 and a new subsection (22) is added to that section, to read:

567 1001.42 Powers and duties of district school board.--The  
 568 district school board, acting as a board, shall exercise all  
 569 powers and perform all duties listed below:

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

574 (f) Opening and closing of schools; fixing uniform  
 575 date.--Adopt policies for the opening and closing of schools and  
 576 fix uniform dates. The opening date of the school year for  
 577 schools in the district shall be no earlier than 7 days before  
 578 Labor Day each year; however, the district school board may,  
 579 with a supermajority vote after a public hearing, establish an  
 580 earlier opening date which shall be no earlier than August 8 or  
 581 establish a different opening date for a school on a year-round  
 582 or an extended calendar.

583 (5) PERSONNEL.--

584 ~~(e) Fully support and cooperate in the application of the~~  
 585 ~~guiding principles of Better Educated Students and Teachers~~  
 586 ~~(BEST) Florida Teaching, pursuant to s. 1000.041.~~

587 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
 588 ACCOUNTABILITY.--Maintain a system of school improvement and  
 589 education accountability as provided by statute and State Board  
 590 of Education rule. This system of school improvement and

591 education accountability shall be consistent with, and  
592 implemented through, the district's continuing system of  
593 planning and budgeting required by this section and ss.  
594 1008.385, 1010.01, and 1011.01. This system of school  
595 improvement and education accountability shall include, but is  
596 not limited to, the following:

597 (a) School improvement plans.--Annually approve and  
598 require implementation of a new, amended, or continuation school  
599 improvement plan for each school in the district, except that a  
600 district school board may establish a district school  
601 improvement plan that includes all schools in the district  
602 operating for the purpose of providing educational services to  
603 youth in Department of Juvenile Justice programs. The school  
604 improvement ~~Such~~ plan shall be designed to achieve the state  
605 education priorities pursuant to s. 1000.03(5) and student  
606 proficiency on the Sunshine State Standards pursuant to s.  
607 1003.41 ~~performance standards. In addition, any school required~~  
608 ~~to implement a rigorous reading requirement pursuant to s.~~  
609 ~~1003.415 must include such component in its school improvement~~  
610 ~~plan.~~ Each plan shall address student achievement goals and  
611 strategies based on state and school district proficiency  
612 standards. The plan may also address issues relative to other  
613 academic-related matters ~~budget, training, instructional~~  
614 ~~materials, technology, staffing, student support services,~~  
615 ~~specific school safety and discipline strategies, student health~~  
616 ~~and fitness, including physical fitness, parental information on~~  
617 ~~student health and fitness, and indoor environmental air~~

618 ~~quality, and other matters of resource allocation,~~ as determined  
619 by district school board policy, and shall include ~~be based on~~  
620 an accurate, data-based analysis of student achievement and  
621 other school performance data. For each school in the district  
622 that earns a school grade of "C" or below, or is required to  
623 have a school improvement plan under federal law, the school  
624 improvement plan shall, at a minimum, also include:

625 1. A needs assessment, based on disaggregated student  
626 achievement data related to student performance on the FCAT,  
627 which is used to identify each individual student subgroup's  
628 strengths and weaknesses and to determine the effectiveness of  
629 the teaching and learning strategies that are being used in the  
630 classroom.

631 2. Performance goals, based on the needs assessment, with  
632 measurable objectives of improvement in the areas of language  
633 arts, mathematics, and science for each student subgroup.

634 3. A Sunshine State Standards instructional calendar and  
635 timeline based on the needs assessment for each grade and in  
636 each of the subject areas of language arts, mathematics, and  
637 science to focus and integrate instruction, manage instructional  
638 time, and allocate resources.

639 4. The following strategies:

640 a. Mini-assessments of targeted Sunshine State Standards  
641 benchmarks that provide ongoing progress monitoring of students  
642 and generate data to redesign instruction.

643 b. Alternative in-school, tutorial, remediation, or  
644 enrichment programs for students that are based on each



645 student's individual academic needs as defined by performance on  
646 the mini-assessments.

647 c. A student performance monitoring plan and clearly  
648 assigned school personnel monitoring responsibilities.

649 5. Professional development that supports enhanced  
650 instructional strategies, improves teaching and learning, and  
651 addresses skill gaps.

652 6. If the school is a high school, annual publication of  
653 the school's graduation rate calculated without GED tests for  
654 the past 3 years, disaggregated by student ethnicity.

655  
656 For each school district with a school designated with a grade  
657 of "D" or "F," the district school board shall cooperate with  
658 the community assessment team assigned by the commissioner in  
659 accordance with s. 1008.345(6)(d).

660 (b) Alignment with Sunshine State Standards.--Design the  
661 school district's system of school improvement and student  
662 progression to provide frequent and accurate information to the  
663 teacher and student regarding each student's progress toward  
664 mastering the Sunshine State Standards. The system must support  
665 the alignment of the Sunshine State Standards, monitoring of  
666 individual student progress, and enhanced instructional  
667 strategies, assessment, and professional development.

668 (c) ~~(b)~~ Approval process.--Develop a process for approval  
669 of a school improvement plan presented by an individual school  
670 and its advisory council. In the event a district school board  
671 does not approve a school improvement plan after exhausting this

672 process, the Department of Education shall be notified of the  
673 need for assistance.

674 (d)~~(e)~~ Assistance and intervention.--

675 1. Develop a 2-year plan of increasing individualized  
676 assistance and intervention for each school in danger of not  
677 meeting state standards or making adequate progress, as defined  
678 pursuant to statute and State Board of Education rule, toward  
679 meeting the goals and standards of its approved school  
680 improvement plan.

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

684 3. Develop a plan to encourage teachers with demonstrated  
685 mastery in improving student performance to remain at or  
686 transfer to a school designated with a as performance grade of  
687 ~~category~~ "D" or "F" or to an alternative school that serves  
688 disruptive or violent youths. If a classroom teacher, as defined  
689 by s. 1012.01(2)(a), who meets the definition of teaching  
690 mastery developed according to the provisions of this paragraph,  
691 requests assignment to a school designated with a as performance  
692 grade of ~~category~~ "D" or "F" or to an alternative school that  
693 serves disruptive or violent youths, the district school board  
694 shall make every practical effort to grant the request.

695 4. Prioritize, to the extent possible, the expenditures of  
696 funds received from the supplemental academic instruction  
697 categorical fund under s. 1011.62(1)(f) to improve student

698 performance in schools that receive a ~~performance grade category~~  
699 ~~designation~~ of "D" or "F."

700 (e)~~(d)~~ After 2 years.--Notify the Commissioner of  
701 Education and the State Board of Education in the event any  
702 school does not make adequate progress toward meeting the goals  
703 and standards of a school improvement plan by the end of 2 years  
704 of failing to make adequate progress and proceed according to  
705 guidelines developed pursuant to statute and State Board of  
706 Education rule. School districts shall provide intervention and  
707 assistance to schools in danger of being designated with a ~~as~~  
708 ~~performance grade of category~~ "F," failing to make adequate  
709 progress.

710 (f)~~(e)~~ Public disclosure.--Provide information regarding  
711 performance of students and educational programs as required  
712 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
713 school reports as required by statute and State Board of  
714 Education rule that shall include schools operating for the  
715 purpose of providing educational services to youth in Department  
716 of Juvenile Justice programs, and for those schools, report on  
717 the elements specified in s. 1003.52(19). Annual public  
718 disclosure reports shall be in an understandable and easy-to-  
719 read report card format, shall use multiple media such as  
720 electronic mail, websites, public service announcements, or  
721 print or electronic advertising, and shall include the school's  
722 student and school ~~performance grade, high school graduation~~  
723 rate calculated without GED tests, disaggregated by student

724 ethnicity, ~~category designation~~ and other performance data as  
725 specified in state board rule.

726 (g) ~~(f)~~ School improvement funds.--Provide funds to schools  
727 for developing and implementing school improvement plans. Such  
728 funds shall include those funds appropriated for the purpose of  
729 school improvement pursuant to s. 24.121(5)(c).

730 (17) LOCAL-LEVEL DECISIONMAKING.--

731 (d) Adopt policies that assist in giving greater autonomy,  
732 including authority over the allocation of the school's budget,  
733 to schools designated with a ~~as~~ performance grade of category  
734 "A," making excellent progress, and schools rated as having  
735 improved at least two grades ~~performance grade categories~~.

736 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing  
737 students attending schools that have been designated with a ~~as~~  
738 performance grade of category "F," failing to make adequate  
739 progress, for 2 school years in a 4-year period to attend a  
740 higher performing school in the district or an adjoining  
741 district or be granted a state opportunity scholarship to a  
742 private school, in conformance with s. 1002.38 and State Board  
743 of Education rule.

744 (22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING  
745 REQUIREMENTS.--

746 (a) Paperwork and data collection.--Hold extensive public  
747 hearings and provide detailed analysis of burden hours needed to  
748 complete paperwork, hard copies, and electronic copies required  
749 under a state mandate if the district school board will exceed  
750 paperwork and data collection requirements of the state mandate.

751 "Burden hours" are defined as the amount of time required to  
752 gather, compile, complete, transmit, and report information.

753 (b) Task force.--Establish a task force to reduce the  
754 paper and electronic reporting requirements that impact the  
755 school district, which may include the duties specified in s.  
756 1008.385(2)(b). A majority of the task force members must be  
757 classroom teachers with additional members to include, but not  
758 be limited to, one exceptional student education teacher, school  
759 administrators, district-level personnel, and the district  
760 school superintendent. The task force must seek to reduce the  
761 burden hours required of school district staff by making  
762 recommendations to the district school board on ways to reduce,  
763 eliminate, revise, or consolidate requirements relating to, but  
764 not limited to, student attendance, student behavior, and  
765 teacher lesson plans. The task force must annually report its  
766 actions and recommendations to the Department of Education. The  
767 department shall review the annual reports and progress of each  
768 school district task force and, based on such information,  
769 provide its recommendations to school districts for reduction,  
770 elimination, revision, or consolidation of paper and electronic  
771 reporting requirements.

772 Section 13. Subsection (24) of section 1001.51, Florida  
773 Statutes, is repealed.

774 Section 14. Paragraphs (c) and (d) of subsection (1) and  
775 subsection (2) of section 1001.54, Florida Statutes, are amended  
776 to read:

777 1001.54 Duties of school principals.--

778 (1)

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

782 (c)~~(d)~~ The school principal shall fully support the  
783 authority of each teacher and school bus driver to remove  
784 disobedient, disrespectful, violent, abusive, uncontrollable, or  
785 disruptive students from the classroom and the school bus and,  
786 when appropriate and available, place such students in an  
787 alternative educational setting.

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

791 Section 15. Subsection (11) of section 1002.20, Florida  
792 Statutes, is amended to read:

793 1002.20 K-12 student and parent rights.--Parents of public  
794 school students must receive accurate and timely information  
795 regarding their child's academic progress and must be informed  
796 of ways they can help their child to succeed in school. K-12  
797 students and their parents are afforded numerous statutory  
798 rights including, but not limited to, the following:

799 (11) STUDENTS WITH READING DEFICIENCIES.--Each elementary  
800 school shall regularly assess the reading ability of each K-3  
801 student. The parent of any K-3 student who exhibits a reading  
802 deficiency shall be immediately notified of the student's  
803 deficiency with a description and explanation, in terms  
804 understandable to the parent, of the exact nature of the

805 student's difficulty in learning and lack of achievement in  
806 reading; shall be consulted in the development of a progress  
807 monitoring ~~detailed academic improvement~~ plan, as described in  
808 s. 1008.25(4)(b); and shall be informed that the student will be  
809 given intensive reading instruction until the deficiency is  
810 corrected. This subsection operates in addition to the  
811 remediation and notification provisions contained in s. 1008.25  
812 and in no way reduces the rights of a parent or the  
813 responsibilities of a school district under that section.

814 Section 16. Paragraph (b) of subsection (3) of section  
815 1003.01, Florida Statutes, is amended to read:

816 1003.01 Definitions.--As used in this chapter, the term:

817 (3)

818 (b) "Special education services" means specially designed  
819 instruction and such related services as are necessary for an  
820 exceptional student to benefit from education. Such services may  
821 include: transportation; diagnostic and evaluation services;  
822 social services; physical and occupational therapy; speech and  
823 language pathology services; job placement; orientation and  
824 mobility training; braillists, typists, and readers for the  
825 blind; interpreters and auditory amplification; rehabilitation  
826 counseling; transition services; mental health services;  
827 guidance and career counseling; specified materials, assistive  
828 technology devices, and other specialized equipment; and other  
829 such services as approved by rules of the state board.

830 Section 17. Paragraphs (e) through (l) of subsection (3)  
831 of section 1003.03, Florida Statutes, are redesignated as

832 paragraphs (f) through (m), respectively, and a new paragraph  
833 (e) is added to that subsection to read:

834 1003.03 Maximum class size.--

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

840 (e) Use co-teaching or team teaching in determining the  
841 teacher-to-student ratio for purpose of compliance with the  
842 class size requirements of this section during the  
843 implementation period upon approval of a phase-down plan by the  
844 State Board of Education and passage by the Legislature of House  
845 Joint Resolution 447 or similar legislation during the 2006  
846 Regular Session.

847 Section 18. Subsection (3) of section 1003.05, Florida  
848 Statutes, is amended to read:

849 1003.05 Assistance to transitioning students from military  
850 families.--

851 (3) Dependent children of active duty military personnel  
852 who otherwise meet the eligibility criteria for special academic  
853 programs offered through public schools shall be given first  
854 preference for admission to such programs even if the program is  
855 being offered through a public school other than the school to  
856 which the student would generally be assigned ~~and the school at~~  
857 ~~which the program is being offered has reached its maximum~~  
858 ~~enrollment~~. If such a program is offered through a public school



859 | other than the school to which the student would generally be  
860 | assigned, the parent or guardian of the student must assume  
861 | responsibility for transporting the student to that school. For  
862 | purposes of this subsection, special academic programs include  
863 | ~~charter schools~~, magnet schools, advanced studies programs,  
864 | advanced placement, dual enrollment, Advanced International  
865 | Certificate of Education, and International Baccalaureate.

866 |       Section 19. Paragraph (c) of subsection (1) of section  
867 | 1003.21, Florida Statutes, is amended to read:

868 |       1003.21 School attendance.--

869 |       (1)

870 |       (c) A student who attains the age of 16 years during the  
871 | school year is not subject to compulsory school attendance  
872 | beyond the date upon which he or she attains that age if the  
873 | student files a formal declaration of intent to terminate school  
874 | enrollment with the district school board. The declaration must  
875 | acknowledge that terminating school enrollment is likely to  
876 | reduce the student's earning potential and must be signed by the  
877 | student and the student's parent. The school district must  
878 | notify the student's parent of receipt of the student's  
879 | declaration of intent to terminate school enrollment. The  
880 | student's guidance counselor or other school personnel must  
881 | conduct an exit interview with the student to determine the  
882 | reasons for the student's decision to terminate school  
883 | enrollment and actions that could be taken to keep the student  
884 | in school. The student must be informed of opportunities to  
885 | continue his or her education in a different environment,

886 including, but not limited to, adult education and GED test  
887 preparation. Additionally, the student must complete a survey in  
888 a format prescribed by the Department of Education to provide  
889 data on student reasons for terminating enrollment and actions  
890 taken by schools to keep students enrolled.

891 Section 20. Section 1003.413, Florida Statutes, is created  
892 to read:

893 1003.413 Secondary school reform.--

894 (1) Secondary schools are schools that primarily serve  
895 students in grades 6 through 12. It is the intent of the  
896 Legislature to provide for secondary school reform so that  
897 students promoted from the 8th grade have the necessary academic  
898 skills for success in high school and students graduating from  
899 high school have the necessary skills for success in the  
900 workplace and postsecondary education.

901 (2) Guiding principles for secondary school reform are:

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

905 (b) Every teacher must contribute to every student's  
906 reading improvement.

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

909 (d) Small learning communities allow teachers to  
910 personalize instruction to better address student learning  
911 styles, strengths, and weaknesses.

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

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

917        (g) Applied and integrated courses help students see the  
918 relationships between subjects and relevance to their futures.

919        (h) Majors and minors allow students to choose courses and  
920 set goals based on their interests and talents.

921        (i) Master schedules should not determine instruction and  
922 must be designed based on student needs, not adult or  
923 institutional needs.

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

927        (3) Based on these guiding principles, district school  
928 boards shall establish policies to implement the requirements of  
929 ss. 1003.4156, 1003.428, and 1003.493. The policies must  
930 address:

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

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

938        (c) Applied, integrated, and combined courses that provide  
939 flexibility for students to enroll in courses that are creative  
940 and meet individual learning styles and student needs.

941        (d) Credit recovery courses and intensive reading and  
942 mathematics intervention courses based on student performance on  
943 the FCAT. These courses should be competency based and offered  
944 through innovative delivery systems, including computer-assisted  
945 instruction. School districts should use learning gains as well  
946 as other appropriate data and provide incentives to identify and  
947 reward high-performing teachers who teach credit recovery and  
948 intensive intervention courses.

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

952        (f) Summer academies for students to receive intensive  
953 reading and mathematics intervention courses or competency-based  
954 credit recovery courses. A student's participation in an  
955 instructional or remediation program prior to or immediately  
956 following entering grade 9 for the first time shall not affect  
957 that student's classification as a first-time 9th grader for  
958 reporting purposes.

959        (g) Strategies to support teachers' pursuit of the reading  
960 endorsement and emphasize reading instruction professional  
961 development for content area teachers.

962        (h) Creative and flexible scheduling designed to meet  
963 student needs.

964        (i) Procedures for high school students who have not  
 965 prepared an electronic personal education plan pursuant to s.  
 966 1003.4156 to prepare such plan.

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

969        (k) Additional course requirements for promotion and  
 970 graduation which may be determined by each school district in  
 971 the student progression plan and may include additional  
 972 academic, fine and performing arts, physical education, or  
 973 career and technical education courses in order to provide a  
 974 complete education program pursuant to s. 1001.41(3).

975  
 976 Within 30 days after adoption, the district school board  
 977 policies shall be submitted to the State Board of Education for  
 978 approval. The district school board policies shall be deemed  
 979 approved unless specifically rejected by the State Board of  
 980 Education within 60 days after receipt.

981        (4) In order to support the successful implementation of  
 982 this section by district school boards, the Department of  
 983 Education shall by the 2006-2007 school year:

984        (a) Increase the number of approved applied, integrated,  
 985 and combined courses available to school districts.

986        (b) Make available a professional development package  
 987 designed to provide the information that content area teachers  
 988 need to become proficient in applying scientifically based  
 989 reading strategies through their content areas.

990        (c) Share best practices for providing a complete  
991 education program to students enrolled in course recovery,  
992 credit recovery, intensive reading intervention, or intensive  
993 mathematics intervention.

994        (d) Expedite assistance and decisions and coordinate  
995 policies throughout all divisions within the department to  
996 provide school districts with support to implement this section.

997        (e) Use data to provide the Legislature with an annual  
998 longitudinal analysis of the success of this reform effort,  
999 including the progress of 6th grade students and 9th grade  
1000 students scoring at Level 1 on FCAT Reading or FCAT Mathematics.

1001        (5) The Commissioner of Education shall create and  
1002 implement the Secondary School Improvement Award Program to  
1003 reward public secondary schools that demonstrate continuous  
1004 student academic improvement and show the greatest gains in  
1005 student academic achievement in reading and mathematics.

1006        Section 21. Section 1003.415, Florida Statutes, is  
1007 repealed.

1008        Section 22. Section 1003.4156, Florida Statutes, is  
1009 created to read:

1010        1003.4156 General requirements for middle grades  
1011 promotion.--

1012        (1) Beginning with students entering grade 6 in the 2006-  
1013 2007 school year, promotion from a school composed of middle  
1014 grades 6, 7, and 8 requires that:

1015        (a) The student must successfully complete academic  
1016 courses as follows:

1017 1. Three middle school or higher year-long courses in  
1018 English. These courses shall emphasize literature, composition,  
1019 and reading for information.

1020 2. Three middle school or higher year-long courses in  
1021 mathematics. Each middle school must offer at least one high-  
1022 school-level mathematics course for which students may earn high  
1023 school credit.

1024 3. Three middle school or higher year-long courses in  
1025 social studies, including American history and world history.

1026 4. Three middle school or higher year-long courses in  
1027 science.

1028 5. One year-long course, to be taken in grade 6, that  
1029 exposes the student to elective areas of the curriculum. The  
1030 course must be comprised of 9 weeks of instruction in each of  
1031 the following areas: career and technical education, art, music,  
1032 and physical education.

1033 6. One half-year course in career exploration and  
1034 education planning to be completed in grade 7 or grade 8. The  
1035 course may be taught by any member of the instructional staff  
1036 and must include, but is not limited to, the following  
1037 components:

1038 a. Career exploration.

1039 b. Academic advising from the instructor, with assistance  
1040 from guidance counselors, to provide information to each student  
1041 about high school programs and courses, including acceleration  
1042 mechanisms, career and technical programs, and career and

1043 professional academies pursuant to s. 1003.493, that meet the  
1044 student's interests.

1045 c. Educational planning using the online student advising  
1046 system Florida Academic Counseling and Tracking for Students at  
1047 the Internet website FACTS.org.

1048  
1049 Each school must hold a parent meeting either in the evening or  
1050 on a weekend to inform parents about the course curriculum and  
1051 activities. Each student shall complete an electronic personal  
1052 education plan that must be signed by the student, the student's  
1053 instructor or guidance counselor, and the student's parent. By  
1054 January 1, 2007, the Department of Education shall develop a  
1055 course framework and professional development materials for the  
1056 career exploration and education planning course. The  
1057 Commissioner of Education shall collect longitudinal high school  
1058 course enrollment data by student ethnicity in order to analyze  
1059 course-taking patterns.

1060 (b) For each year in which a student scores at Level 1 on  
1061 FCAT Reading, the student must be enrolled in and complete an  
1062 intensive reading course the following year. Placement of Level  
1063 2 readers in either an intensive reading course or a content  
1064 area course in which reading strategies are delivered shall be  
1065 determined by diagnosis of reading needs. The department shall  
1066 provide guidance on appropriate strategies for diagnosing and  
1067 meeting the varying instructional needs of students reading  
1068 below grade level. Reading courses shall be designed and offered



1069 pursuant to the comprehensive reading plan required by s.  
 1070 1011.62(8).

1071 (c) For each year in which a student scores at Level 1 on  
 1072 FCAT Mathematics, the student must complete an intensive  
 1073 mathematics course the following year, which may be integrated  
 1074 into the student's required mathematics course. These courses  
 1075 are subject to approval by the department for inclusion in the  
 1076 Course Code Directory.

1077 (2) Students in grade 6, grade 7, or grade 8 who are not  
 1078 enrolled in schools with a middle grades configuration are  
 1079 subject to the promotion requirements of this section.

1080 (3) The State Board of Education may adopt rules pursuant  
 1081 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 1082 section and may enforce the provisions of this section pursuant  
 1083 to s. 1008.32.

1084 Section 23. Subsection (1) of section 1003.42, Florida  
 1085 Statutes, is amended to read:

1086 1003.42 Required instruction.--

1087 (1) Each district school board shall provide all courses  
 1088 required for middle grades promotion, high school graduation,  
 1089 and appropriate instruction designed to ensure that all students  
 1090 have the opportunity to meet State Board of Education adopted  
 1091 standards in the following subject areas: reading and other  
 1092 language arts, mathematics, science, social studies, foreign  
 1093 languages, health and physical education, and the arts.

1094 Section 24. Section 1003.428, Florida Statutes, is created  
 1095 to read:

1096 1003.428 General requirements for high school graduation;  
 1097 revised.--

1098 (1) Except as otherwise authorized pursuant to s.  
 1099 1003.429, beginning with students entering their first year of  
 1100 high school in the 2007-2008 school year, graduation requires  
 1101 the successful completion of a minimum of 24 credits, an  
 1102 International Baccalaureate curriculum, or an Advanced  
 1103 International Certificate of Education curriculum. Students must  
 1104 be advised of eligibility requirements for state scholarship  
 1105 programs and postsecondary admissions.

1106 (2) The 24 credits may be earned through applied,  
 1107 integrated, and combined courses approved by the Department of  
 1108 Education and shall be distributed as follows:

1109 (a) Fourteen core curriculum credits:

1110 1. Four credits in English, with major concentration in  
 1111 composition, reading for information, and literature.

1112 2. Four credits in mathematics, one of which must be  
 1113 Algebra I, a series of courses equivalent to Algebra I, or a  
 1114 higher-level mathematics course. School districts are encouraged  
 1115 to set specific goals to increase enrollments in, and successful  
 1116 completion of, geometry and Algebra II.

1117 3. Three credits in science, two of which must have a  
 1118 laboratory component.

1119 4. Three credits in social studies as follows: one credit  
 1120 in American history; one credit in world history; one-half  
 1121 credit in economics; and one-half credit in American government.

1122 (b) Ten credits in majors, minors, or electives:

1123        1. Four credits in a major area of study, such as  
1124 sequential courses in a career and technical program, fine and  
1125 performing arts, or academic content area, selected by the  
1126 student as part of the education plan required by s. 1003.4156.  
1127 Students may revise majors each year as part of annual course  
1128 registration processes and should update their education plan to  
1129 reflect such revisions. Annually by October 1, the district  
1130 school board shall approve major areas of study and submit the  
1131 list of majors to the Commissioner of Education for approval.  
1132 Each major shall be deemed approved unless specifically rejected  
1133 by the commissioner within 60 days. Upon approval, each  
1134 district's majors shall be available for use by all school  
1135 districts and shall be posted on the department's website.

1136        2. Six credits in elective courses selected by the student  
1137 as part of the education plan required by s. 1003.4156. These  
1138 credits may be combined to allow for a second major area of  
1139 study pursuant to subparagraph 1., a minor area of study,  
1140 elective courses, intensive reading or mathematics intervention  
1141 courses, or credit recovery courses as described in this  
1142 subparagraph.

1143        a. Minor areas of study are composed of three credits  
1144 selected by the student as part of the education plan required  
1145 by s. 1003.4156 and approved by the district school board.

1146        b. Elective courses are selected by the student in order  
1147 to pursue a complete education program as described in s.  
1148 1001.41(3) and to meet eligibility requirements for  
1149 scholarships.

1150 c. For each year in which a student scores at Level 1 on  
1151 FCAT Reading, the student must be enrolled in and complete an  
1152 intensive reading course the following year. Placement of Level  
1153 2 readers in either an intensive reading course or a content  
1154 area course in which reading strategies are delivered shall be  
1155 determined by diagnosis of reading needs. The department shall  
1156 provide guidance on appropriate strategies for diagnosing and  
1157 meeting the varying instructional needs of students reading  
1158 below grade level. Reading courses shall be designed and offered  
1159 pursuant to the comprehensive reading plan required by s.  
1160 1011.62(8).

1161 d. For each year in which a student scores at Level 1 on  
1162 FCAT Mathematics, the student must complete an intensive  
1163 mathematics course the following year. These courses may be  
1164 taught through applied, integrated, or combined courses and are  
1165 subject to approval by the department for inclusion in the  
1166 Course Code Directory.

1167 e. Credit recovery courses shall be offered so that  
1168 students can simultaneously earn an elective credit and the  
1169 recovered credit.

1170 (3) (a) A district school board may require specific  
1171 courses and programs of study within the minimum credit  
1172 requirements for high school graduation and shall modify basic  
1173 courses, as necessary, to assure exceptional students the  
1174 opportunity to meet the graduation requirements for a standard  
1175 diploma, using one of the following strategies:

1176 1. Assignment of the exceptional student to an exceptional  
1177 education class for instruction in a basic course with the same  
1178 student performance standards as those required of  
1179 nonexceptional students in the district school board student  
1180 progression plan; or

1181 2. Assignment of the exceptional student to a basic  
1182 education class for instruction that is modified to accommodate  
1183 the student's exceptionality.

1184 (b) The district school board shall determine which of  
1185 these strategies to employ based upon an assessment of the  
1186 student's needs and shall reflect this decision in the student's  
1187 individual education plan.

1188 (4) Each district school board shall establish standards  
1189 for graduation from its schools, which must include:

1190 (a) Successful completion of the academic credit or  
1191 curriculum requirements of subsections (1) and (2).

1192 (b) Earning passing scores on the FCAT, as defined in s.  
1193 1008.22(3)(c), or scores on a standardized test that are  
1194 concordant with passing scores on the FCAT as defined in s.  
1195 1008.22(9).

1196 (c) Completion of all other applicable requirements  
1197 prescribed by the district school board pursuant to s. 1008.25.

1198 (d) Achievement of a cumulative grade point average of 2.0  
1199 on a 4.0 scale, or its equivalent, in the courses required by  
1200 this section.

1201 (5) The State Board of Education, after a public hearing  
1202 and consideration, shall adopt rules based upon the

1203 recommendations of the commissioner for the provision of test  
1204 accommodations and modifications of procedures as necessary for  
1205 students with disabilities which will demonstrate the student's  
1206 abilities rather than reflect the student's impaired sensory,  
1207 manual, speaking, or psychological process skills.

1208 (6) The public hearing and consideration required in  
1209 subsection (5) shall not be construed to amend or nullify the  
1210 requirements of security relating to the contents of  
1211 examinations or assessment instruments and related materials or  
1212 data as prescribed in s. 1008.23.

1213 (7) (a) A student who meets all requirements prescribed in  
1214 subsections (1), (2), (3), and(4) shall be awarded a standard  
1215 diploma in a form prescribed by the State Board of Education.

1216 (b) A student who completes the minimum number of credits  
1217 and other requirements prescribed by subsections (1), (2), and  
1218 (3), but who is unable to meet the standards of paragraph  
1219 (4) (b), paragraph (4) (c), or paragraph (4) (d), shall be awarded  
1220 a certificate of completion in a form prescribed by the State  
1221 Board of Education. However, any student who is otherwise  
1222 entitled to a certificate of completion may elect to remain in  
1223 the secondary school either as a full-time student or a part-  
1224 time student for up to 1 additional year and receive special  
1225 instruction designed to remedy his or her identified  
1226 deficiencies.

1227 (8) (a) Each district school board must provide instruction  
1228 to prepare students with disabilities to demonstrate proficiency

1229 in the skills and competencies necessary for successful grade-  
 1230 to-grade progression and high school graduation.

1231 (b) A student with a disability, as defined in s.  
 1232 1007.02(2), for whom the individual education plan (IEP)  
 1233 committee determines that the FCAT cannot accurately measure the  
 1234 student's abilities taking into consideration all allowable  
 1235 accommodations, shall have the FCAT requirement of paragraph  
 1236 (4)(b) waived for the purpose of receiving a standard high  
 1237 school diploma, if the student:

1238 1. Completes the minimum number of credits and other  
 1239 requirements prescribed by subsections (1), (2), and (3).

1240 2. Does not meet the requirements of paragraph (4)(b)  
 1241 after one opportunity in 10th grade and one opportunity in 11th  
 1242 grade.

1243 (9) The Commissioner of Education may award a standard  
 1244 high school diploma to honorably discharged veterans who started  
 1245 high school between 1937 and 1946 and were scheduled to graduate  
 1246 between 1941 and 1950 but were inducted into the United States  
 1247 Armed Forces between September 16, 1940, and December 31, 1946,  
 1248 prior to completing the necessary high school graduation  
 1249 requirements. Upon the recommendation of the commissioner, the  
 1250 State Board of Education may develop criteria and guidelines for  
 1251 awarding such diplomas.

1252 (10) The Commissioner of Education may award a standard  
 1253 high school diploma to honorably discharged veterans who started  
 1254 high school between 1946 and 1950 and were scheduled to graduate  
 1255 between 1950 and 1954, but were inducted into the United States

1256 Armed Forces between June 27, 1950, and January 31, 1955, and  
 1257 served during the Korean Conflict prior to completing the  
 1258 necessary high school graduation requirements. Upon the  
 1259 recommendation of the commissioner, the State Board of Education  
 1260 may develop criteria and guidelines for awarding such diplomas.

1261 (11) The State Board of Education may adopt rules pursuant  
 1262 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 1263 section and may enforce the provisions of this section pursuant  
 1264 to s. 1008.32.

1265 Section 25. Section 1003.437, Florida Statutes, is amended  
 1266 to read:

1267 1003.437 Middle and high school grading system.--The  
 1268 grading system and interpretation of letter grades used for  
 1269 students in public high schools in grades 6 through 12 shall be  
 1270 as follows:

1271 (1) Grade "A" equals 90 percent through 100 percent, has a  
 1272 grade point average value of 4, and is defined as "outstanding  
 1273 progress."

1274 (2) Grade "B" equals 80 percent through 89 percent, has a  
 1275 grade point average value of 3, and is defined as "above average  
 1276 progress."

1277 (3) Grade "C" equals 70 percent through 79 percent, has a  
 1278 grade point average value of 2, and is defined as "average  
 1279 progress."

1280 (4) Grade "D" equals 60 percent through 69 percent, has a  
 1281 grade point average value of 1, and is defined as "lowest  
 1282 acceptable progress."



1283 (5) Grade "F" equals zero percent through 59 percent, has  
1284 a grade point average value of zero, and is defined as  
1285 "failure."

1286 (6) Grade "I" equals zero percent, has a grade point  
1287 average value of zero, and is defined as "incomplete."

1288

1289 For the purposes of class ranking for students in grades 9  
1290 through 12, district school boards may exercise a weighted  
1291 grading system.

1292 Section 26. Subsections (3) and (4) of section 1003.492,  
1293 Florida Statutes, are repealed.

1294 Section 27. Section 1003.493, Florida Statutes, is created  
1295 to read:

1296 1003.493 Career and professional academies.--

1297 (1) A career and professional academy is a research-based  
1298 program that integrates a rigorous academic curriculum with an  
1299 industry-driven career curriculum. Career and professional  
1300 academies may be offered by public schools, school districts, or  
1301 the Florida Virtual School. Students completing career and  
1302 professional academy programs receive a standard high school  
1303 diploma, the highest available industry certification, and  
1304 postsecondary credit if the academy partners with a  
1305 postsecondary institution.

1306 (2) The goals of career and professional academies are to:

1307 (a) Increase student academic achievement and graduation  
1308 rates through integrated academic and career curricula.

1309        (b) Focus on career preparation through rigorous academics  
1310 and industry certification.

1311        (c) Raise student aspiration and commitment to academic  
1312 achievement and work ethics.

1313        (d) Support the revised graduation requirements pursuant  
1314 to s. 1003.428 by providing creative, applied majors.

1315        (e) Promote acceleration mechanisms, such as dual  
1316 enrollment, articulated credit, or occupational completion  
1317 points, so that students may earn postsecondary credit while in  
1318 high school.

1319        (f) Support the state's economy by meeting industry needs  
1320 for skilled employees in high-demand occupations.

1321        (3) A career and professional academy may be offered as  
1322 one of the following small learning communities:

1323        (a) A school-within-a-school career academy, as part of an  
1324 existing high school, that provides courses in one occupational  
1325 cluster. Students in the high school are not required to be  
1326 students in the academy.

1327        (b) A total school configuration providing multiple  
1328 academies each structured around an occupational cluster. Every  
1329 student in the school is in an academy.

1330        (4) Each career and professional academy must:

1331        (a) Provide a rigorous standards-based academic curriculum  
1332 integrated with a career curriculum. The curriculum must take  
1333 into consideration multiple styles of student learning; promote  
1334 learning by doing through application and adaptation; maximize  
1335 relevance of the subject matter; enhance each student's capacity

1336 to excel; and include an emphasis on work habits and work  
1337 ethics.

1338 (b) Include one or more partnerships with postsecondary  
1339 institutions, businesses, industry, employers, economic  
1340 development organizations, or other appropriate partners from  
1341 the local community. Such partnerships must provide  
1342 opportunities for:

- 1343 1. Instruction from highly skilled professionals.
- 1344 2. Internships, externships, and on-the-job training.
- 1345 3. A postsecondary degree, diploma, or certificate.
- 1346 4. The highest available level of industry certification.

1347 Where no national or state certification exists, school  
1348 districts may establish a local certification in conjunction  
1349 with the local workforce development board, the chamber of  
1350 commerce, or the Agency for Workforce Innovation.

1351 5. Maximum articulation of credits pursuant to s. 1007.23  
1352 upon program completion.

1353 (c) Provide creative and tailored student advisement,  
1354 including parent participation and coordination with middle  
1355 schools to provide career exploration and education planning as  
1356 required under s. 1003.4156. Coordination with middle schools  
1357 must provide information to middle school students about  
1358 secondary and postsecondary career education programs and  
1359 academies.

1360 (d) Provide a career education certification on the high  
1361 school diploma pursuant to s. 1003.431.

1362       (e) Provide instruction in careers designated as high  
1363 growth, high demand, and high pay by the local workforce  
1364 development board, the chamber of commerce, or the Agency for  
1365 Workforce Innovation.

1366       (f) Deliver academic content through instruction relevant  
1367 to the career, including intensive reading and mathematics  
1368 intervention required by s. 1003.428, with an emphasis on  
1369 strengthening reading for information skills.

1370       (g) Provide instruction resulting in competency,  
1371 certification, or credentials in workplace skills, including,  
1372 but not limited to, communication skills, interpersonal skills,  
1373 decisionmaking skills, the importance of attendance and  
1374 timeliness in the work environment, and work ethics.

1375       (h) Provide opportunities for students to obtain the  
1376 Florida Ready to Work Certification pursuant to s. 1004.99.

1377       (i) Include an evaluation plan developed jointly with the  
1378 Department of Education. The evaluation plan must include a  
1379 self-assessment tool based on standards, such as the Career  
1380 Academy National Standards of Practice, and outcome measures  
1381 including, but not limited to, graduation rates, enrollment in  
1382 postsecondary education, business and industry satisfaction,  
1383 employment and earnings, achievement of industry certification,  
1384 awards of postsecondary credit, and FCAT achievement levels and  
1385 learning gains.

1386       Section 28. Paragraph (n) of subsection (2) of section  
1387 1003.51, Florida Statutes, is amended to read:

1388       1003.51 Other public educational services.--

1389 (2) The State Board of Education shall adopt and maintain  
 1390 an administrative rule articulating expectations for effective  
 1391 education programs for youth in Department of Juvenile Justice  
 1392 programs, including, but not limited to, education programs in  
 1393 juvenile justice commitment and detention facilities. The rule  
 1394 shall articulate policies and standards for education programs  
 1395 for youth in Department of Juvenile Justice programs and shall  
 1396 include the following:

1397 (n) Performance expectations for providers and district  
 1398 school boards, including the provision of a progress monitoring  
 1399 ~~an academic improvement~~ plan as required in s. 1008.25.

1400 Section 29. Subsection (7) of section 1003.52, Florida  
 1401 Statutes, is amended to read:

1402 1003.52 Educational services in Department of Juvenile  
 1403 Justice programs.--

1404 (7) A progress monitoring ~~An academic improvement~~ plan  
 1405 shall be developed for students who score below the level  
 1406 specified in district school board policy in reading, writing,  
 1407 and mathematics or below the level specified by the Commissioner  
 1408 of Education on statewide assessments as required by s. 1008.25.  
 1409 These plans shall address academic, literacy, and life skills  
 1410 and shall include provisions for intensive remedial instruction  
 1411 in the areas of weakness.

1412 Section 30. Section 1003.57, Florida Statutes, is amended  
 1413 to read:

1414 1003.57 Exceptional students instruction.--

1415        (1) Each district school board shall provide for an  
1416 appropriate program of special instruction, facilities, and  
1417 services for exceptional students as prescribed by the State  
1418 Board of Education as acceptable, including provisions that:

1419        (a)~~(1)~~ The district school board provide the necessary  
1420 professional services for diagnosis and evaluation of  
1421 exceptional students.

1422        (b)~~(2)~~ The district school board provide the special  
1423 instruction, classes, and services, either within the district  
1424 school system, in cooperation with other district school  
1425 systems, or through contractual arrangements with approved  
1426 private schools or community facilities that meet standards  
1427 established by the commissioner.

1428        (c)~~(3)~~ The district school board annually provide  
1429 information describing the Florida School for the Deaf and the  
1430 Blind and all other programs and methods of instruction  
1431 available to the parent of a sensory-impaired student.

1432        (d)~~(4)~~ The district school board, once every 3 years,  
1433 submit to the department its proposed procedures for the  
1434 provision of special instruction and services for exceptional  
1435 students.

1436        (e)~~(5)~~ A ~~No~~ student may not be given special instruction  
1437 or services as an exceptional student until after he or she has  
1438 been properly evaluated, classified, and placed in the manner  
1439 prescribed by rules of the State Board of Education. The parent  
1440 of an exceptional student evaluated and placed or denied  
1441 placement in a program of special education shall be notified of

1442 each such evaluation and placement or denial. Such notice shall  
1443 contain a statement informing the parent that he or she is  
1444 entitled to a due process hearing on the identification,  
1445 evaluation, and placement, or lack thereof. Such hearings shall  
1446 be exempt from the provisions of ss. 120.569, 120.57, and  
1447 286.011, except to the extent that the State Board of Education  
1448 adopts rules establishing other procedures and any records  
1449 created as a result of such hearings shall be confidential and  
1450 exempt from the provisions of s. 119.07(1). The hearing must be  
1451 conducted by an administrative law judge from the Division of  
1452 Administrative Hearings of the Department of Management  
1453 Services. The decision of the administrative law judge shall be  
1454 final, except that any party aggrieved by the finding and  
1455 decision rendered by the administrative law judge shall have the  
1456 right to bring a civil action in the circuit court. In such an  
1457 action, the court shall receive the records of the  
1458 administrative hearing and shall hear additional evidence at the  
1459 request of either party. In the alternative, any party aggrieved  
1460 by the finding and decision rendered by the administrative law  
1461 judge shall have the right to request an impartial review of the  
1462 administrative law judge's order by the district court of appeal  
1463 as provided by s. 120.68. Notwithstanding any law to the  
1464 contrary, during the pendency of any proceeding conducted  
1465 pursuant to this section, unless the district school board and  
1466 the parents otherwise agree, the student shall remain in his or  
1467 her then-current educational assignment or, if applying for  
1468 initial admission to a public school, shall be assigned, with

1469 the consent of the parents, in the public school program until  
 1470 all such proceedings have been completed.

1471 (f)~~(6)~~ In providing for the education of exceptional  
 1472 students, the district school superintendent, principals, and  
 1473 teachers shall utilize the regular school facilities and adapt  
 1474 them to the needs of exceptional students to the maximum extent  
 1475 appropriate. Segregation of exceptional students shall occur  
 1476 only if the nature or severity of the exceptionality is such  
 1477 that education in regular classes with the use of supplementary  
 1478 aids and services cannot be achieved satisfactorily.

1479 (g)~~(7)~~ In addition to the services agreed to in a  
 1480 student's individual education plan, the district school  
 1481 superintendent shall fully inform the parent of a student having  
 1482 a physical or developmental disability of all available services  
 1483 that are appropriate for the student's disability. The  
 1484 superintendent shall provide the student's parent with a summary  
 1485 of the student's rights.

1486 (2) (a) An exceptional student with a disability who  
 1487 resides in a residential facility and receives special  
 1488 instruction or services is considered a resident of the state in  
 1489 which the student's parent is a resident. The cost of such  
 1490 instruction, facilities, and services for a nonresident student  
 1491 with a disability shall be provided by the placing authority in  
 1492 the student's state of residence, such as a public school  
 1493 entity, other placing authority, or parent. A nonresident  
 1494 student with a disability may not be reported by any school



1495 district for FTE funding in the Florida Education Finance  
1496 Program.

1497 (b) The Department of Education shall provide to each  
1498 school district a statement of the specific limitations of the  
1499 district's financial obligation for exceptional students with  
1500 disabilities under federal and state law. The department shall  
1501 also provide to each school district technical assistance as  
1502 necessary for developing a local plan to impose on a student's  
1503 home state the fiscal responsibility for educating a nonresident  
1504 exceptional student with a disability.

1505 (c) The Department of Education shall develop a process by  
1506 which a school district must, before providing services to an  
1507 exceptional student with a disability who resides in a  
1508 residential facility in this state, review the residency of the  
1509 student. The residential facility, not the district, is  
1510 responsible for billing and collecting from a nonresidential  
1511 student's home state payment for the student's educational and  
1512 related services.

1513 (d) This subsection applies to any nonresident student  
1514 with a disability who resides in a residential facility and who  
1515 receives instruction as an exceptional student with a disability  
1516 in any type of residential facility in this state, including,  
1517 but not limited to, a public school, a private school, a group  
1518 home facility as defined in s. 393.063, an intensive residential  
1519 treatment program for children and adolescents as defined in s.  
1520 395.002, a facility as defined in s. 394.455, an intermediate  
1521 care facility for the developmentally disabled or ICF/DD as

1522 defined in s. 393.063 or s. 400.960, or a community residential  
1523 home as defined in s. 419.001.

1524 Section 31. Section 1003.576, Florida Statutes, is created  
1525 to read:

1526 1003.576 Individual education plans for exceptional  
1527 students.--The Department of Education shall develop an  
1528 individual education plan (IEP) form for use in developing and  
1529 implementing individual education plans for exceptional  
1530 students. The IEP form must be available electronically, include  
1531 notice of testing accommodations pursuant to s. 1008.22(3), and  
1532 have a streamlined format. To provide for the use of an existing  
1533 IEP form when a student transfers from one school district to  
1534 another, the IEP form developed by the department must be used  
1535 in each school district in the state.

1536 Section 32. Subsection (3) of section 1003.58, Florida  
1537 Statutes, is amended to read:

1538 1003.58 Students in residential care facilities.--Each  
1539 district school board shall provide educational programs  
1540 according to rules of the State Board of Education to students  
1541 who reside in residential care facilities operated by the  
1542 Department of Children and Family Services.

1543 (3) The district school board shall have full and complete  
1544 authority in the matter of the assignment and placement of such  
1545 students in educational programs. The parent of an exceptional  
1546 student shall have the same due process rights as are provided  
1547 under s. 1003.57 (1) (e) ~~(5)~~.

1548

1549 Notwithstanding the provisions herein, the educational program  
 1550 at the Marianna Sunland Center in Jackson County shall be  
 1551 operated by the Department of Education, either directly or  
 1552 through grants or contractual agreements with other public or  
 1553 duly accredited educational agencies approved by the Department  
 1554 of Education.

1555 Section 33. Paragraph (a) of subsection (1) and paragraph  
 1556 (a) of subsection (2) of section 1003.62, Florida Statutes, are  
 1557 amended to read:

1558 1003.62 Academic performance-based charter school  
 1559 districts.--The State Board of Education may enter into a  
 1560 performance contract with district school boards as authorized  
 1561 in this section for the purpose of establishing them as academic  
 1562 performance-based charter school districts. The purpose of this  
 1563 section is to examine a new relationship between the State Board  
 1564 of Education and district school boards that will produce  
 1565 significant improvements in student achievement, while complying  
 1566 with constitutional and statutory requirements assigned to each  
 1567 entity.

1568 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1569 (a) A school district shall be eligible for designation as  
 1570 an academic performance-based charter school district if it is a  
 1571 high-performing school district in which a minimum of 50 percent  
 1572 of the schools earn a ~~performance grade of~~ category "A" or "B"  
 1573 and in which no school earns a ~~performance grade of~~ category "D"  
 1574 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools  
 1575 that receive a ~~performance grade of~~ category "I" or "N" shall

1576 not be included in this calculation. The performance contract  
1577 for a school district that earns a charter based on school  
1578 ~~performance~~ grades shall be predicated on maintenance of at  
1579 least 50 percent of the schools in the school district earning a  
1580 ~~performance~~ grade of category "A" or "B" with no school in the  
1581 school district earning a ~~performance~~ grade of category "D" or  
1582 "F" for 2 consecutive years. A school district in which the  
1583 number of schools that earn a ~~performance~~ grade of "A" or "B" is  
1584 less than 50 percent may have its charter renewed for 1 year;  
1585 however, if the percentage of "A" or "B" schools is less than 50  
1586 percent for 2 consecutive years, the charter shall not be  
1587 renewed.

1588 (2) EXEMPTION FROM STATUTES AND RULES.--

1589 (a) An academic performance-based charter school district  
1590 shall operate in accordance with its charter and shall be exempt  
1591 from certain State Board of Education rules and statutes if the  
1592 State Board of Education determines such an exemption will  
1593 assist the district in maintaining or improving its high-  
1594 performing status pursuant to paragraph (1)(a). However, the  
1595 State Board of Education may not exempt an academic performance-  
1596 based charter school district from any of the following  
1597 statutes:

1598 1. Those statutes pertaining to the provision of services  
1599 to students with disabilities.

1600 2. Those statutes pertaining to civil rights, including s.  
1601 1000.05, relating to discrimination.

1602           3. Those statutes pertaining to student health, safety,  
1603 and welfare.

1604           4. Those statutes governing the election or compensation  
1605 of district school board members.

1606           5. Those statutes pertaining to the student assessment  
1607 program and the school grading system, including chapter 1008.

1608           6. Those statutes pertaining to financial matters,  
1609 including chapter 1010.

1610           7. Those statutes pertaining to planning and budgeting,  
1611 including chapter 1011, except that ss. 1011.64 and 1011.69  
1612 shall be eligible for exemption.

1613           8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
1614 performance-pay policies and differentiated pay for school  
1615 administrators and instructional personnel. Professional service  
1616 contracts shall be subject to the provisions of ss. 1012.33 and  
1617 1012.34.

1618           9. Those statutes pertaining to educational facilities,  
1619 including chapter 1013, except as specified under contract with  
1620 the State Board of Education. However, no contractual provision  
1621 that could have the effect of requiring the appropriation of  
1622 additional capital outlay funds to the academic performance-  
1623 based charter school district shall be valid.

1624           Section 34. Section 1004.99, Florida Statutes, is created  
1625 to read:

1626           1004.99 Florida Ready to Work Certification Program.--

1627           (1) There is created the Florida Ready to Work  
1628 Certification Program to enhance the workplace skills of

1629 Florida's students to better prepare them for successful  
1630 employment in specific occupations.

1631 (2) The Florida Ready to Work Certification Program may be  
1632 conducted in public middle and high schools, community colleges,  
1633 technical centers, one-stop career centers, vocational  
1634 rehabilitation centers, and Department of Juvenile Justice  
1635 educational facilities. The program may be made available to  
1636 other entities that provide job training. The Department of  
1637 Education shall establish institutional readiness criteria for  
1638 program implementation.

1639 (3) The Florida Ready to Work Certification Program shall  
1640 be composed of:

1641 (a) A comprehensive identification of workplace skills for  
1642 each occupation identified for inclusion in the program by the  
1643 Agency for Workforce Innovation and the Department of Education.

1644 (b) A preinstructional assessment that delineates the  
1645 student's mastery level on the specific workplace skills  
1646 identified for that occupation.

1647 (c) A targeted instructional program limited to those  
1648 identified workplace skills in which the student is not  
1649 proficient as measured by the preinstructional assessment.  
1650 Instruction must utilize a web-based program and be customized  
1651 to meet identified specific needs of local employers.

1652 (d) A certificate and portfolio awarded to students upon  
1653 successful completion of the instruction. Each portfolio must  
1654 delineate the skills demonstrated by the student as evidence of  
1655 the student's preparation for employment.

1656           (4) The State Board of Education, in consultation with the  
 1657 Agency for Workforce Innovation, may adopt rules pursuant to ss.  
 1658 120.536(1) and 120.54 to implement the provisions of this  
 1659 section.

1660           Section 35. Subsection (4) of section 1006.09, Florida  
 1661 Statutes, is amended to read:

1662           1006.09 Duties of school principal relating to student  
 1663 discipline and school safety.--

1664           (4) When a student has been the victim of a violent crime  
 1665 perpetrated by another student who attends the same school, the  
 1666 school principal shall make full and effective use of the  
 1667 provisions of subsection (2) and s. 1006.13(5). A school  
 1668 principal who fails to comply with this subsection shall be  
 1669 ineligible for any portion of the performance-pay ~~performance~~  
 1670 ~~pay~~ policy incentive or the differentiated pay under s.  
 1671 1012.22(1)(c). However, if any party responsible for  
 1672 notification fails to properly notify the school, the school  
 1673 principal shall be eligible for the incentive or differentiated  
 1674 pay.

1675           Section 36. Paragraph (c) of subsection (3) of section  
 1676 1007.2615, Florida Statutes, is amended to read:

1677           1007.2615 American Sign Language; findings; foreign-  
 1678 language credits authorized; teacher licensing.--

1679           (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
 1680 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN  
 1681 FOR POSTSECONDARY EDUCATION PROVIDERS.--

1682 (c) An ASL teacher must be certified by the Department of  
1683 Education by July 1, 2009 ~~January 1, 2008, and must obtain~~  
1684 ~~current certification through the Florida American Sign Language~~  
1685 ~~Teachers' Association (FASLTA) by January 1, 2006. New FASLTA~~  
1686 ~~certification may be used by current ASL teachers as an~~  
1687 ~~alternative certification track.~~

1688 Section 37. Paragraph (f) of subsection (1), paragraphs  
1689 (c) and (e) of subsection (3), and subsection (9) of section  
1690 1008.22, Florida Statutes, are amended, paragraph (g) is added  
1691 to subsection (3), subsection (10) is renumbered as subsection  
1692 (11), and a new subsection (10) is added to that section, to  
1693 read:

1694 1008.22 Student assessment program for public schools.--

1695 (1) PURPOSE.--The primary purposes of the student  
1696 assessment program are to provide information needed to improve  
1697 the public schools by enhancing the learning gains of all  
1698 students and to inform parents of the educational progress of  
1699 their public school children. The program must be designed to:

1700 (f) Provide information on the performance of Florida  
1701 students compared with that of other students ~~others~~ across the  
1702 United States.

1703 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
1704 design and implement a statewide program of educational  
1705 assessment that provides information for the improvement of the  
1706 operation and management of the public schools, including  
1707 schools operating for the purpose of providing educational  
1708 services to youth in Department of Juvenile Justice programs.



1709 The commissioner may enter into contracts for the continued  
 1710 administration of the assessment, testing, and evaluation  
 1711 programs authorized and funded by the Legislature. Contracts may  
 1712 be initiated in 1 fiscal year and continue into the next and may  
 1713 be paid from the appropriations of either or both fiscal years.  
 1714 The commissioner is authorized to negotiate for the sale or  
 1715 lease of tests, scoring protocols, test scoring services, and  
 1716 related materials developed pursuant to law. Pursuant to the  
 1717 statewide assessment program, the commissioner shall:

1718 (c) Develop and implement a student achievement testing  
 1719 program known as the Florida Comprehensive Assessment Test  
 1720 (FCAT) as part of the statewide assessment program, ~~to be~~  
 1721 ~~administered annually in grades 3 through 10~~ to measure reading,  
 1722 writing, science, and mathematics. Other content areas may be  
 1723 included as directed by the commissioner. The assessment of  
 1724 reading and mathematics shall be administered annually in grades  
 1725 3 through 10. The assessment of writing and science shall be  
 1726 administered at least once at the elementary, middle, and high  
 1727 school levels. The commissioner must document the procedures  
 1728 that ensure that the versions of the FCAT taken by students  
 1729 retaking the grade 10 FCAT are as equally challenging and  
 1730 difficult as the tests taken by students in grade 10 that  
 1731 contain performance tasks. The testing program must be designed  
 1732 so that:

1733 1. The tests measure student skills and competencies  
 1734 adopted by the State Board of Education as specified in  
 1735 paragraph (a). The tests must measure and report student

1736 proficiency levels of all students assessed in reading, writing,  
1737 mathematics, and science. The commissioner shall provide for the  
1738 tests to be developed or obtained, as appropriate, through  
1739 contracts and project agreements with private vendors, public  
1740 vendors, public agencies, postsecondary educational  
1741 institutions, or school districts. The commissioner shall obtain  
1742 input with respect to the design and implementation of the  
1743 testing program from state educators, assistive technology  
1744 experts, and the public.

1745 2. The testing program will include a combination of norm-  
1746 referenced and criterion-referenced tests and include, to the  
1747 extent determined by the commissioner, questions that require  
1748 the student to produce information or perform tasks in such a  
1749 way that the skills and competencies he or she uses can be  
1750 measured.

1751 3. Each testing program, whether at the elementary,  
1752 middle, or high school level, includes a test of writing in  
1753 which students are required to produce writings that are then  
1754 scored by appropriate and timely methods.

1755 4. A score is designated for each subject area tested,  
1756 below which score a student's performance is deemed inadequate.  
1757 The school districts shall provide appropriate remedial  
1758 instruction to students who score below these levels.

1759 5. Except as provided in s. 1003.428(8)(b) or s.  
1760 1003.43(11)(b), students must earn a passing score on the grade  
1761 10 assessment test described in this paragraph or attain  
1762 concordant scores ~~on an alternate assessment~~ as described in

1763 subsection (9) in reading, writing, and mathematics to qualify  
1764 for a standard ~~regular~~ high school diploma. The State Board of  
1765 Education shall designate a passing score for each part of the  
1766 grade 10 assessment test. In establishing passing scores, the  
1767 state board shall consider any possible negative impact of the  
1768 test on minority students. ~~All students who took the grade 10~~  
1769 ~~FCAT during the 2000-2001 school year shall be required to earn~~  
1770 ~~the passing scores in reading and mathematics established by the~~  
1771 ~~State Board of Education for the March 2001 test administration.~~  
1772 ~~Such students who did not earn the established passing scores~~  
1773 ~~and must repeat the grade 10 FCAT are required to earn the~~  
1774 ~~passing scores established for the March 2001 test~~  
1775 ~~administration. All students who take the grade 10 FCAT for the~~  
1776 ~~first time in March 2002 shall be required to earn the passing~~  
1777 ~~scores in reading and mathematics established by the State Board~~  
1778 ~~of Education for the March 2002 test administration. The State~~  
1779 Board of Education shall adopt rules which specify the passing  
1780 scores for the grade 10 FCAT. Any such rules, which have the  
1781 effect of raising the required passing scores, shall only apply  
1782 to students taking the grade 10 FCAT for the first time after  
1783 such rules are adopted by the State Board of Education.

1784 6. Participation in the testing program is mandatory for  
1785 all students attending public school, including students served  
1786 in Department of Juvenile Justice programs, except as otherwise  
1787 prescribed by the commissioner. If a student does not  
1788 participate in the statewide assessment, the district must  
1789 notify the student's parent and provide the parent with

1790 information regarding the implications of such nonparticipation.  
1791 ~~If modifications are made in the student's instruction to~~  
1792 ~~provide accommodations that would not be permitted on the~~  
1793 ~~statewide assessment tests, the district must notify the~~  
1794 ~~student's parent of the implications of such instructional~~  
1795 ~~modifications.~~ A parent must provide signed consent for a  
1796 student to receive classroom instructional accommodations  
1797 ~~modifications~~ that would not be available or permitted on the  
1798 statewide assessments and must acknowledge in writing that he or  
1799 she understands the implications of such instructional  
1800 accommodations. The State Board of Education shall adopt rules,  
1801 based upon recommendations of the commissioner, for the  
1802 provision of test accommodations ~~and modifications of procedures~~  
1803 ~~as necessary~~ for students in exceptional education programs and  
1804 for students who have limited English proficiency.  
1805 Accommodations that negate the validity of a statewide  
1806 assessment are not allowable in the administration of the FCAT.  
1807 However, instructional accommodations are allowable in the  
1808 classroom if included in a student's individual education plan.  
1809 Students using instructional accommodations in the classroom  
1810 that are not allowable as accommodations on the FCAT may have  
1811 the FCAT requirement waived pursuant to the requirements of s.  
1812 1003.428(8)(b) or s. 1003.43(11)(b).

1813 7. A student seeking an adult high school diploma must  
1814 meet the same testing requirements that a regular high school  
1815 student must meet.

1816           8. District school boards must provide instruction to  
1817 prepare students to demonstrate proficiency in the skills and  
1818 competencies necessary for successful grade-to-grade progression  
1819 and high school graduation. If a student is provided with  
1820 instructional accommodations in the classroom ~~or modifications~~  
1821 that are not allowable as accommodations in the statewide  
1822 assessment program, as described in the test manuals, the  
1823 district must inform the parent in writing and must provide the  
1824 parent with information regarding the impact on the student's  
1825 ability to meet expected proficiency levels in reading, writing,  
1826 and math. The commissioner shall conduct studies as necessary to  
1827 verify that the required skills and competencies are part of the  
1828 district instructional programs.

1829           9. District school boards must provide opportunities for  
1830 students to demonstrate an acceptable level of performance on an  
1831 alternative standardized assessment approved by the State Board  
1832 of Education following enrollment in summer academies.

1833           10.9. The Department of Education must develop, or select,  
1834 and implement a common battery of assessment tools that will be  
1835 used in all juvenile justice programs in the state. These tools  
1836 must accurately measure the skills and competencies established  
1837 in the ~~Florida~~ Sunshine State Standards.

1838           11. For students seeking a special diploma pursuant to s.  
1839 1003.438, the Department of Education must develop or select and  
1840 implement an alternate assessment tool that accurately measures  
1841 the skills and competencies established in the Sunshine State  
1842 Standards for students with disabilities under s. 1003.438.

1843  
1844 The commissioner may design and implement student testing  
1845 programs, for any grade level and subject area, necessary to  
1846 effectively monitor educational achievement in the state,  
1847 including the measurement of educational achievement of the  
1848 Sunshine State Standards for students with disabilities.  
1849 Development and refinement of assessments shall include  
1850 universal design principles and accessibility standards that  
1851 will prevent any unintended obstacles for students with  
1852 disabilities while ensuring the validity and reliability of the  
1853 test. These principles should be applicable to all technology  
1854 platforms and assistive devices available for the assessments.  
1855 The field testing process and psychometric analyses for the  
1856 statewide assessment program must include an appropriate  
1857 percentage of students with disabilities and an evaluation or  
1858 determination of the effect of test items on such students.

1859 (e) Conduct ongoing research and analysis of student  
1860 achievement data, including, without limitation, monitoring  
1861 trends in student achievement by grade level and overall student  
1862 achievement, identifying school programs that are successful,  
1863 and analyzing correlates of school achievement.

1864 (g) Study the cost and student achievement impact of  
1865 secondary end-of-course assessments, including web-based and  
1866 performance formats, and report to the Legislature prior to  
1867 implementation.

1868 (9) CONCORDANT SCORES FOR THE FCAT EQUIVALENCIES FOR  
1869 STANDARDIZED TESTS.--

1870           (a) The State Board of Education shall analyze the content  
1871 and concordant data sets for widely used high school achievement  
1872 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
1873 and College Placement Test, to assess if concordant scores for  
1874 FCAT scores can be determined for high school graduation,  
1875 college placement, and scholarship awards. In cases where  
1876 content alignment and concordant scores can be determined, the  
1877 Commissioner of Education shall adopt those scores as meeting  
1878 the graduation requirement in lieu of achieving the FCAT passing  
1879 score and may adopt those scores as being sufficient to achieve  
1880 additional purposes as determined by rule. Each time that test  
1881 content or scoring procedures are changed for the FCAT or one of  
1882 the identified tests, new concordant scores must be determined.  
1883 ~~The Commissioner of Education shall approve the use of the SAT~~  
1884 ~~and ACT tests as alternative assessments to the grade 10 FCAT~~  
1885 ~~for the 2003-2004 school year.~~

1886           (b) In order to use a concordant subject area score  
1887 pursuant to this subsection to ~~Students who attain scores on the~~  
1888 ~~SAT or ACT which equate to the passing scores on the grade 10~~  
1889 ~~FCAT for purposes of high school graduation shall satisfy the~~  
1890 ~~assessment requirement for a standard high school diploma as~~  
1891 ~~provided in s. 1003.429(6)(a), ~~or~~ s. 1003.43(5)(a), or s.~~  
1892 ~~1003.428, for the 2003-2004 school year if the students meet the~~  
1893 ~~requirement in paragraph (b).~~

1894           ~~(b)~~ a student must ~~shall be required to take~~ each subject  
1895 area of the grade 10 FCAT a total of three times without earning  
1896 a passing score ~~in order to use the scores on an alternative~~

1897 ~~assessment pursuant to paragraph (a).~~ The requirements of this  
1898 paragraph ~~This requirement~~ shall not apply to a new student who  
1899 enters the Florida ~~is a new student to the~~ public school system  
1900 in grade 12, who may either achieve a passing score on the FCAT  
1901 or use an approved subject area concordant score to fulfill the  
1902 graduation requirement.

1903 (c) The State Board of Education may define by rule the  
1904 allowable uses, other than to satisfy the high school graduation  
1905 requirement, for concordant scores as described in this  
1906 subsection. Such uses may include, but need not be limited to,  
1907 achieving appropriate standardized test scores required for the  
1908 awarding of Florida Bright Futures Scholarships and college  
1909 placement.

1910 (10) REPORTS.--The Department of Education shall annually  
1911 provide a report to the Governor, the President of the Senate,  
1912 and the Speaker of the House of Representatives on the  
1913 following:

1914 (a) Longitudinal performance of students in mathematics  
1915 and reading.

1916 (b) Longitudinal performance of students by grade level in  
1917 mathematics and reading.

1918 (c) Longitudinal performance regarding efforts to close  
1919 the achievement gap.

1920 (d) Longitudinal performance of students on the norm-  
1921 referenced component of the FCAT.

1922 (e) Other student performance data based on national norm-  
1923 referenced and criterion-referenced tests, when available, and



1924 numbers of students who after 8th grade enroll in adult  
 1925 education rather than other secondary education.

1926 Section 38. Section 1008.221, Florida Statutes, is  
 1927 repealed.

1928 Section 39. Paragraphs (b) and (c) of subsection (4),  
 1929 paragraphs (b) and (c) of subsection (6), paragraph (b) of  
 1930 subsection (7), and paragraph (b) of subsection (8) of section  
 1931 1008.25, Florida Statutes, are amended, and paragraph (c) is  
 1932 added to subsection (8) of that section, to read:

1933 1008.25 Public school student progression; remedial  
 1934 instruction; reporting requirements.--

1935 (4) ASSESSMENT AND REMEDIATION.--

1936 (b) The school in which the student is enrolled must  
 1937 develop, in consultation with the student's parent, and must  
 1938 implement a progress monitoring plan. A progress monitoring plan  
 1939 is intended to provide the school district and the school  
 1940 flexibility in meeting the academic needs of the student and to  
 1941 reduce paperwork. A student who is not meeting the school  
 1942 district or state requirements for proficiency shall be covered  
 1943 by one of the following plans to target instruction and identify  
 1944 ways to improve his or her academic achievement:

1945 1. A federally required student plan such as an individual  
 1946 education plan;

1947 2. A schoolwide system of progress monitoring for all  
 1948 students; or

1949 3. An individualized progress monitoring plan.

1950

1951 The plan chosen must be an academic improvement plan designed to  
1952 assist the student or the school in meeting state and district  
1953 expectations for proficiency. ~~For a student for whom a~~  
1954 ~~personalized middle school success plan is required pursuant to~~  
1955 ~~s. 1003.415, the middle school success plan must be incorporated~~  
1956 ~~in the student's academic improvement plan. Beginning with the~~  
1957 ~~2002-2003 school year, If the student has been identified as~~  
1958 ~~having a deficiency in reading, the academic improvement plan~~  
1959 ~~shall identify the student's specific areas of deficiency in~~  
1960 ~~phonemic awareness, phonics, fluency, comprehension, and~~  
1961 ~~vocabulary; the desired levels of performance in these areas;~~  
1962 ~~and the K-12 comprehensive reading plan required by s.~~  
1963 1011.62(8) shall include instructional and support services to  
1964 be provided to meet the desired levels of performance. District  
1965 school boards may require low-performing students to attend  
1966 remediation programs held before or after regular school hours  
1967 or during the summer upon the request of the school principal.  
1968 ~~Schools shall also provide for the frequent monitoring of the~~  
1969 ~~student's progress in meeting the desired levels of performance.~~  
1970 ~~District school boards shall assist schools and teachers to~~  
1971 ~~implement research based reading activities that have been shown~~  
1972 ~~to be successful in teaching reading to low-performing students.~~  
1973 ~~Remedial instruction provided during high school may not be in~~  
1974 ~~lieu of English and mathematics credits required for graduation.~~  
1975 (c) Upon subsequent evaluation, if the documented  
1976 deficiency has not been remediated ~~in accordance with the~~  
1977 ~~academic improvement plan~~, the student may be retained. Each

1978 student who does not meet the minimum performance expectations  
 1979 defined by the Commissioner of Education for the statewide  
 1980 assessment tests in reading, writing, science, and mathematics  
 1981 must continue to be provided with remedial or supplemental  
 1982 instruction until the expectations are met or the student  
 1983 graduates from high school or is not subject to compulsory  
 1984 school attendance.

1985 (6) ELIMINATION OF SOCIAL PROMOTION.--

1986 (b) The district school board may only exempt students  
 1987 from mandatory retention, as provided in paragraph (5)(b), for  
 1988 good cause. Good cause exemptions shall be limited to the  
 1989 following:

1990 1. Limited English proficient students who have had less  
 1991 than 2 years of instruction in an English for Speakers of Other  
 1992 Languages program.

1993 2. Students with disabilities whose individual education  
 1994 plan indicates that participation in the statewide assessment  
 1995 program is not appropriate, consistent with the requirements of  
 1996 State Board of Education rule.

1997 3. Students who demonstrate an acceptable level of  
 1998 performance on an alternative standardized reading assessment  
 1999 approved by the State Board of Education.

2000 4. Students who demonstrate, through a student portfolio,  
 2001 that the student is reading on grade level as evidenced by  
 2002 demonstration of mastery of the Sunshine State Standards in  
 2003 reading equal to at least a Level 2 performance on the FCAT.

2004           5. Students with disabilities who participate in the FCAT  
 2005 and who have an individual education plan or a Section 504 plan  
 2006 that reflects that the student has received ~~the~~ intensive  
 2007 remediation in reading, ~~as required by paragraph (4)(b)~~, for  
 2008 more than 2 years but still demonstrates a deficiency in reading  
 2009 and was previously retained in kindergarten, grade 1, grade 2,  
 2010 or grade 3.

2011           6. Students who have received ~~the~~ intensive remediation in  
 2012 reading ~~as required by paragraph (4)(b)~~ for 2 or more years but  
 2013 still demonstrate a deficiency in reading and who were  
 2014 previously retained in kindergarten, grade 1, grade 2, or grade  
 2015 3 for a total of 2 years. Intensive reading instruction for  
 2016 students so promoted must include an altered instructional day  
 2017 ~~based upon an academic improvement plan~~ that includes  
 2018 specialized diagnostic information and specific reading  
 2019 strategies for each student. The district school board shall  
 2020 assist schools and teachers to implement reading strategies that  
 2021 research has shown to be successful in improving reading among  
 2022 low-performing readers.

2023           (c) Requests for good cause exemptions for students from  
 2024 the mandatory retention requirement as described in  
 2025 subparagraphs (b)3. and 4. shall be made consistent with the  
 2026 following:

2027           1. Documentation shall be submitted from the student's  
 2028 teacher to the school principal that indicates that the  
 2029 promotion of the student is appropriate and is based upon the  
 2030 student's academic record. In order to minimize paperwork

2031 requirements, such documentation shall consist only of the  
2032 existing progress monitoring ~~academic improvement~~ plan,  
2033 individual educational plan, if applicable, report card, or  
2034 student portfolio.

2035         2. The school principal shall review and discuss such  
2036 recommendation with the teacher and make the determination as to  
2037 whether the student should be promoted or retained. If the  
2038 school principal determines that the student should be promoted,  
2039 the school principal shall make such recommendation in writing  
2040 to the district school superintendent. The district school  
2041 superintendent shall accept or reject the school principal's  
2042 recommendation in writing.

2043         (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

2044         (b) Beginning with the 2004-2005 school year, each school  
2045 district shall:

2046         1. Conduct a review of student progress monitoring  
2047 ~~academic improvement~~ plans for all students who did not score  
2048 above Level 1 on the reading portion of the FCAT and did not  
2049 meet the criteria for one of the good cause exemptions in  
2050 paragraph (6)(b). The review shall address additional supports  
2051 and services, as described in this subsection, needed to  
2052 remediate the identified areas of reading deficiency. The school  
2053 district shall require a student portfolio to be completed for  
2054 each such student.

2055         2. Provide students who are retained under the provisions  
2056 of paragraph (5)(b) with intensive instructional services and  
2057 supports to remediate the identified areas of reading

2058 deficiency, including a minimum of 90 minutes of daily,  
2059 uninterrupted, scientifically research-based reading instruction  
2060 and other strategies prescribed by the school district, which  
2061 may include, but are not limited to:

- 2062 a. Small group instruction.
- 2063 b. Reduced teacher-student ratios.
- 2064 c. More frequent progress monitoring.
- 2065 d. Tutoring or mentoring.
- 2066 e. Transition classes containing 3rd and 4th grade  
2067 students.
- 2068 f. Extended school day, week, or year.
- 2069 g. Summer reading camps.

2070 3. Provide written notification to the parent of any  
2071 student who is retained under the provisions of paragraph (5)(b)  
2072 that his or her child has not met the proficiency level required  
2073 for promotion and the reasons the child is not eligible for a  
2074 good cause exemption as provided in paragraph (6)(b). The  
2075 notification must comply with the provisions of s. 1002.20(14)  
2076 and must include a description of proposed interventions and  
2077 supports that will be provided to the child to remediate the  
2078 identified areas of reading deficiency.

2079 4. Implement a policy for the midyear promotion of any  
2080 student retained under the provisions of paragraph (5)(b) who  
2081 can demonstrate that he or she is a successful and independent  
2082 reader, reading at or above grade level, and ready to be  
2083 promoted to grade 4. Tools that school districts may use in  
2084 reevaluating any student retained may include subsequent

2085 assessments, alternative assessments, and portfolio reviews, in  
2086 accordance with rules of the State Board of Education. Students  
2087 promoted during the school year after November 1 must  
2088 demonstrate proficiency above that required to score at Level 2  
2089 on the grade 3 FCAT, as determined by the State Board of  
2090 Education. The State Board of Education shall adopt standards  
2091 that provide a reasonable expectation that the student's  
2092 progress is sufficient to master appropriate 4th grade level  
2093 reading skills.

2094 5. Provide students who are retained under the provisions  
2095 of paragraph (5) (b) with a high-performing teacher as determined  
2096 by student performance data and above-satisfactory performance  
2097 appraisals.

2098 6. In addition to required reading enhancement and  
2099 acceleration strategies, provide parents of students to be  
2100 retained with at least one of the following instructional  
2101 options:

2102 a. Supplemental tutoring in scientifically research-based  
2103 reading services in addition to the regular reading block,  
2104 including tutoring before and/or after school.

2105 b. A "Read at Home" plan outlined in a parental contract,  
2106 including participation in "Families Building Better Readers  
2107 Workshops" and regular parent-guided home reading.

2108 c. A mentor or tutor with specialized reading training.

2109 7. Establish a Reading Enhancement and Acceleration  
2110 Development (READ) Initiative. The focus of the READ Initiative  
2111 shall be to prevent the retention of grade 3 students and to

2112 offer intensive accelerated reading instruction to grade 3  
2113 students who failed to meet standards for promotion to grade 4  
2114 and to each K-3 student who is assessed as exhibiting a reading  
2115 deficiency. The READ Initiative shall:

2116 a. Be provided to all K-3 students at risk of retention as  
2117 identified by the statewide assessment system used in Reading  
2118 First schools. The assessment must measure phonemic awareness,  
2119 phonics, fluency, vocabulary, and comprehension.

2120 b. Be provided during regular school hours in addition to  
2121 the regular reading instruction.

2122 c. Provide a state-identified reading curriculum that has  
2123 been reviewed by the Florida Center for Reading Research at  
2124 Florida State University and meets, at a minimum, the following  
2125 specifications:

2126 (I) Assists students assessed as exhibiting a reading  
2127 deficiency in developing the ability to read at grade level.

2128 (II) Provides skill development in phonemic awareness,  
2129 phonics, fluency, vocabulary, and comprehension.

2130 (III) Provides scientifically based and reliable  
2131 assessment.

2132 (IV) Provides initial and ongoing analysis of each  
2133 student's reading progress.

2134 (V) Is implemented during regular school hours.

2135 (VI) Provides a curriculum in core academic subjects to  
2136 assist the student in maintaining or meeting proficiency levels  
2137 for the appropriate grade in all academic subjects.



2138 8. Establish at each school, where applicable, an  
2139 Intensive Acceleration Class for retained grade 3 students who  
2140 subsequently score at Level 1 on the reading portion of the  
2141 FCAT. The focus of the Intensive Acceleration Class shall be to  
2142 increase a child's reading level at least two grade levels in 1  
2143 school year. The Intensive Acceleration Class shall:

2144 a. Be provided to any student in grade 3 who scores at  
2145 Level 1 on the reading portion of the FCAT and who was retained  
2146 in grade 3 the prior year because of scoring at Level 1 on the  
2147 reading portion of the FCAT.

2148 b. Have a reduced teacher-student ratio.

2149 c. Provide uninterrupted reading instruction for the  
2150 majority of student contact time each day and incorporate  
2151 opportunities to master the grade 4 Sunshine State Standards in  
2152 other core subject areas.

2153 d. Use a reading program that is scientifically research-  
2154 based and has proven results in accelerating student reading  
2155 achievement within the same school year.

2156 e. Provide intensive language and vocabulary instruction  
2157 using a scientifically research-based program, including use of  
2158 a speech-language therapist.

2159 f. Include weekly progress monitoring measures to ensure  
2160 progress is being made.

2161 g. Report to the Department of Education, in the manner  
2162 described by the department, the progress of students in the  
2163 class at the end of the first semester.

2164           9. Report to the State Board of Education, as requested,  
2165 on the specific intensive reading interventions and supports  
2166 implemented at the school district level. The Commissioner of  
2167 Education shall annually prescribe the required components of  
2168 requested reports.

2169           10. Provide a student who has been retained in grade 3 and  
2170 has received intensive instructional services but is still not  
2171 ready for grade promotion, as determined by the school district,  
2172 the option of being placed in a transitional instructional  
2173 setting. Such setting shall specifically be designed to produce  
2174 learning gains sufficient to meet grade 4 performance standards  
2175 while continuing to remediate the areas of reading deficiency.

2176           (8) ANNUAL REPORT.--

2177           (b) ~~Beginning with the 2001-2002 school year,~~ Each  
2178 district school board must annually publish in the local  
2179 newspaper, and report in writing to the State Board of Education  
2180 by September 1 of each year, the following information on the  
2181 prior school year:

2182           1. The provisions of this section relating to public  
2183 school student progression and the district school board's  
2184 policies and procedures on student retention and promotion.

2185           2. By grade, the number and percentage of all students in  
2186 grades 3 through 10 performing at Levels 1 and 2 on the reading  
2187 portion of the FCAT.

2188           3. By grade, the number and percentage of all students  
2189 retained in grades 3 through 10.

2190 4. Information on the total number of students who were  
 2191 promoted for good cause, by each category of good cause as  
 2192 specified in paragraph (6)(b).

2193 5. Any revisions to the district school board's policy on  
 2194 student retention and promotion from the prior year.

2195 (c) The Department of Education shall establish a uniform  
 2196 format for school districts to report the information required  
 2197 in paragraph (b). The format shall be developed with input from  
 2198 district school boards and shall be provided not later than 90  
 2199 days prior to the annual due date. The department shall annually  
 2200 compile the information required in subparagraphs (b)2., 3., and  
 2201 4., along with state-level summary information, and report such  
 2202 information to the Governor, the President of the Senate, and  
 2203 the Speaker of the House of Representatives.

2204 Section 40. Section 1008.301, Florida Statutes, is  
 2205 repealed.

2206 Section 41. Paragraphs (d) and (e) of subsection (1),  
 2207 paragraphs (b) and (c) of subsection (2), and subsection (3) of  
 2208 section 1008.31, Florida Statutes, are amended, and subsection  
 2209 (4) is added to that section, to read:

2210 1008.31 Florida's K-20 education performance  
 2211 accountability system; legislative intent; ~~performance-based~~  
 2212 ~~funding~~, mission, goals, and systemwide measures; data quality  
 2213 improvements.--

2214 (1) LEGISLATIVE INTENT.--It is the intent of the  
 2215 Legislature that:

2216 (d) The State Board of Education and the Board of  
 2217 Governors of the State University System recommend to the  
 2218 Legislature systemwide performance standards; the Legislature  
 2219 establish systemwide performance measures and standards; and the  
 2220 systemwide measures and standards provide Floridians with  
 2221 information on what the public is receiving in return for the  
 2222 funds it invests in education and how well the K-20 system  
 2223 educates its students.

2224 (e)1. The State Board of Education establish performance  
 2225 measures and set performance standards for individual ~~components~~  
 2226 ~~of the public education system, including individual~~ schools and  
 2227 community colleges ~~postsecondary educational institutions~~, with  
 2228 measures and standards based primarily on student achievement.

2229 2. The Board of Governors of the State University System  
 2230 establish performance measures and set performance standards for  
 2231 individual state universities.

2232 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

2233 (b) The process ~~State Board of Education shall adopt~~  
 2234 ~~guiding principles~~ for establishing state and sector-specific  
 2235 standards and measures must be:

- 2236 1. Focused on student success.
- 2237 2. Addressable through policy and program changes.
- 2238 3. Efficient and of high quality.
- 2239 4. Measurable over time.
- 2240 5. Simple to explain and display to the public.
- 2241 6. Aligned with other measures and other sectors to  
 2242 support a coordinated K-20 education system.

2243 (c) The Department ~~State Board~~ of Education shall maintain  
2244 an accountability system that measures student progress toward  
2245 the following goals:

2246 1. Highest student achievement, as indicated by evidence  
2247 of student learning gains at all levels ~~measured by: student~~  
2248 ~~FCAT performance and annual learning gains; the number and~~  
2249 ~~percentage of schools that improve at least one school~~  
2250 ~~performance grade designation or maintain a school performance~~  
2251 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
2252 ~~completion rates at all learning levels; and other measures~~  
2253 ~~identified in law or rule.~~

2254 2. Seamless articulation and maximum access, as measured  
2255 by evidence of progression, readiness, and access by targeted  
2256 groups of students identified by the Commissioner of Education ~~+~~  
2257 ~~the percentage of students who demonstrate readiness for the~~  
2258 ~~educational level they are entering, from kindergarten through~~  
2259 ~~postsecondary education and into the workforce; the number and~~  
2260 ~~percentage of students needing remediation; the percentage of~~  
2261 ~~Floridians who complete associate, baccalaureate, graduate,~~  
2262 ~~professional, and postgraduate degrees; the number and~~  
2263 ~~percentage of credits that articulate; the extent to which each~~  
2264 ~~set of exit point requirements matches the next set of entrance-~~  
2265 ~~point requirements; the degree to which underserved populations~~  
2266 ~~access educational opportunity; the extent to which access is~~  
2267 ~~provided through innovative educational delivery strategies; and~~  
2268 ~~other measures identified in law or rule.~~

2269 3. Skilled workforce and economic development, as measured  
 2270 by evidence of employment and earnings; ~~the number and~~  
 2271 ~~percentage of graduates employed in their areas of preparation,~~  
 2272 ~~the percentage of Floridians with high school diplomas and~~  
 2273 ~~postsecondary education credentials; the percentage of business~~  
 2274 ~~and community members who find that Florida's graduates possess~~  
 2275 ~~the skills they need; national rankings; and other measures~~  
 2276 ~~identified in law or rule.~~

2277 4. Quality efficient services, as measured by evidence of  
 2278 return on investment; ~~cost per completer or graduate; average~~  
 2279 ~~cost per noncompleter at each educational level; cost disparity~~  
 2280 ~~across institutions offering the same degrees; the percentage of~~  
 2281 ~~education customers at each educational level who are satisfied~~  
 2282 ~~with the education provided; and other measures identified in~~  
 2283 ~~law or rule.~~

2284 5. Other goals as identified by law or rule.

2285 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE  
 2286 DATA COLLECTION. ~~--~~ To provide data required to implement  
 2287 education performance accountability measures in state and  
 2288 federal law, the Commissioner of Education shall initiate and  
 2289 maintain strategies to improve data quality and timeliness. All  
 2290 data collected from state universities shall, as determined by  
 2291 the commissioner, be integrated into the K-20 data warehouse.  
 2292 The commissioner shall have unlimited access to such data solely  
 2293 for the purposes of conducting studies, reporting annual and  
 2294 longitudinal student outcomes, and improving college readiness  
 2295 and articulation. All public educational institutions shall

2296 provide data to the K-20 data warehouse in a format specified by  
2297 the commissioner.

2298 (a) School districts and public postsecondary educational  
2299 institutions shall maintain information systems that will  
2300 provide the State Board of Education, the Board of Governors of  
2301 the State University System, and the Legislature with  
2302 information and reports necessary to address the specifications  
2303 of the accountability system. ~~The State Board of Education shall~~  
2304 ~~determine the standards for the required data.~~ The level of  
2305 comprehensiveness and quality shall be no less than that which  
2306 was available as of June 30, 2001.

2307 (b) The Commissioner of Education shall determine the  
2308 standards for the required data, monitor data quality, and  
2309 measure improvements. The commissioner shall report annually to  
2310 the State Board of Education, the Board of Governors of the  
2311 State University System, the President of the Senate, and the  
2312 Speaker of the House of Representatives data quality indicators  
2313 and ratings for all school districts and public postsecondary  
2314 educational institutions.

2315 (c) Before establishing any new reporting or data  
2316 collection requirements, the Commissioner of Education shall  
2317 utilize existing data being collected to reduce duplication and  
2318 minimize paperwork.

2319 (4) RULES.--The State Board of Education shall adopt rules  
2320 pursuant to ss. 120.536(1) and 120.54 to implement the  
2321 provisions of this section relating to the K-20 data warehouse.

2322 Section 42. Subsections (1), (2), and (4) of section  
2323 1008.33, Florida Statutes, are amended to read:

2324 1008.33 Authority to enforce public school  
2325 improvement.--It is the intent of the Legislature that all  
2326 public schools be held accountable for students performing at  
2327 acceptable levels. A system of school improvement and  
2328 accountability that assesses student performance by school,  
2329 identifies schools in which students are not making adequate  
2330 progress toward state standards, institutes appropriate measures  
2331 for enforcing improvement, and provides rewards and sanctions  
2332 based on performance shall be the responsibility of the State  
2333 Board of Education.

2334 (1) Pursuant to Art. IX of the State Constitution  
2335 prescribing the duty of the State Board of Education to  
2336 supervise Florida's public school system and notwithstanding any  
2337 other statutory provisions to the contrary, the State Board of  
2338 Education shall intervene in the operation of a district school  
2339 system when one or more schools in the school district have  
2340 failed to make adequate progress for 2 school years in a 4-year  
2341 period. For purposes of determining when a school is eligible  
2342 for state board action and opportunity scholarships for its  
2343 students, the terms "2 years in any 4-year period" and "2 years  
2344 in a 4-year period" mean that in any year that a school has a  
2345 grade of "F," the school is eligible for state board action and  
2346 opportunity scholarships for its students if it also has had a  
2347 grade of "F" in any of the previous 3 school years. The State  
2348 Board of Education may determine that the school district or



2349 school has not taken steps sufficient for students in the school  
2350 to be academically well served. Considering recommendations of  
2351 the Commissioner of Education, the State Board of Education  
2352 shall recommend action to a district school board intended to  
2353 improve educational services to students in each school that is  
2354 designated with a ~~as performance~~ grade of ~~category~~ "F."  
2355 Recommendations for actions to be taken in the school district  
2356 shall be made only after thorough consideration of the unique  
2357 characteristics of a school, which shall include student  
2358 mobility rates, the number and type of exceptional students  
2359 enrolled in the school, and the availability of options for  
2360 improved educational services. The state board shall adopt by  
2361 rule steps to follow in this process. Such steps shall provide  
2362 school districts sufficient time to improve student performance  
2363 in schools and the opportunity to present evidence of assistance  
2364 and interventions that the district school board has  
2365 implemented.

2366 (2) The State Board of Education may recommend one or more  
2367 of the following actions to district school boards to enable  
2368 students in schools designated with a ~~as performance~~ grade of  
2369 ~~category~~ "F" to be academically well served by the public school  
2370 system:

2371 (a) Provide additional resources, change certain  
2372 practices, and provide additional assistance if the state board  
2373 determines the causes of inadequate progress to be related to  
2374 school district policy or practice;

2375 (b) Implement a plan that satisfactorily resolves the  
 2376 education equity problems in the school;

2377 (c) Contract for the educational services of the school,  
 2378 or reorganize the school at the end of the school year under a  
 2379 new school principal who is authorized to hire new staff and  
 2380 implement a plan that addresses the causes of inadequate  
 2381 progress;

2382 (d) Authorize the school principal to recommend corrective  
 2383 actions for low-performing faculty and staff as necessary to  
 2384 improve educational opportunities and the performance of  
 2385 students;

2386 (e)~~(d)~~ Allow parents of students in the school to send  
 2387 their children to another district school of their choice; or

2388 (f)~~(e)~~ Other action appropriate to improve the school's  
 2389 performance, including, if the school is a high school,  
 2390 requiring annual publication of the school's graduation rate  
 2391 calculated without GED tests for the past 3 years, disaggregated  
 2392 by student ethnicity.

2393 (4) The State Board of Education may require the  
 2394 Department of Education or Chief Financial Officer to withhold  
 2395 any transfer of state funds to the school district if, within  
 2396 the timeframe specified in state board action, the school  
 2397 district has failed to comply with the action ordered to improve  
 2398 the district's low-performing schools. Withholding the transfer  
 2399 of funds shall occur only after all other recommended actions  
 2400 for school improvement have failed to improve performance. The  
 2401 State Board of Education may impose the same penalty on any

2402 district school board that fails to develop and implement a plan  
 2403 for assistance and intervention for low-performing schools as  
 2404 specified in s. 1001.42(16) (d) ~~(e)~~.

2405 Section 43. Section 1008.34, Florida Statutes, is amended  
 2406 to read:

2407 1008.34 School grading system; school report cards;  
 2408 district ~~performance~~ grade.--

2409 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
 2410 prepare annual reports of the results of the statewide  
 2411 assessment program which describe student achievement in the  
 2412 state, each district, and each school. The commissioner shall  
 2413 prescribe the design and content of these reports, which must  
 2414 include, without limitation, descriptions of the performance of  
 2415 all schools participating in the assessment program and all of  
 2416 their major student populations as determined by the  
 2417 Commissioner of Education, and must also include the median  
 2418 scores of all eligible students who scored at or in the lowest  
 2419 25th percentile of the state in the previous school year;  
 2420 provided, however, that the provisions of s. 1002.22 pertaining  
 2421 to student records apply to this section.

2422 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
 2423 annual report shall identify schools as having one of the  
 2424 following grades ~~being in one of the following grade categories~~  
 2425 defined according to rules of the State Board of Education:

- 2426 (a) "A," schools making excellent progress.
- 2427 (b) "B," schools making above average progress.
- 2428 (c) "C," schools making satisfactory progress.

- 2429 (d) "D," schools making less than satisfactory progress.
- 2430 (e) "F," schools failing to make adequate progress.

2431

2432 Each school designated with a ~~in performance~~ grade of ~~category~~

2433 "A," making excellent progress, or having improved at least two

2434 ~~performance~~ grade levels ~~categories~~, shall have greater

2435 authority over the allocation of the school's total budget

2436 generated from the FEFP, state categoricals, lottery funds,

2437 grants, and local funds, as specified in state board rule. The

2438 rule must provide that the increased budget authority shall

2439 remain in effect until the school's ~~performance~~ grade declines.

2440 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~

2441 CATEGORIES.--A school that serves any combination of students in

2442 kindergarten through grade 3 that does not receive a school

2443 grade because its students are not tested and included in the

2444 school grading system shall receive the school grade designation

2445 of a feeder pattern school identified by the Department of

2446 Education and verified by the school district. A school feeder

2447 pattern exists if at least 60 percent of the students in the

2448 school serving a combination of students in kindergarten through

2449 grade 3 are scheduled to be assigned to the graded school.

2450 School grades ~~performance grade~~ ~~category~~ designations itemized

2451 in subsection (2) shall be based on the following:

- 2452 (a) Criteria Timeframes.--A school's grade shall be based
- 2453 on a combination of:

2454 1. Student achievement scores ~~School performance grade~~  
2455 ~~category designations shall be based on the school's current~~  
2456 ~~year performance and the school's annual learning gains.~~

2457 2. ~~A school's performance grade category designation shall~~  
2458 ~~be based on a combination of student achievement scores, Student~~  
2459 ~~learning gains as measured by annual FCAT assessments in grades~~  
2460 ~~3 through 10. Learning gains for students seeking a special~~  
2461 ~~diploma, as measured by an alternate assessment tool, shall be~~  
2462 ~~included not later than the 2009-2010 school year., and~~

2463 3. Improvement of the lowest 25th percentile of students  
2464 in the school in reading, math, or writing on the FCAT, unless  
2465 these students are exhibiting ~~performing above~~ satisfactory  
2466 performance.

2467 (b) Student assessment data.--Student assessment data used  
2468 in determining school grades ~~performance grade categories~~ shall  
2469 include:

2470 1. The aggregate scores of all eligible students enrolled  
2471 in the school who have been assessed on the FCAT.

2472 2. The aggregate scores of all eligible students enrolled  
2473 in the school who have been assessed on the FCAT, including  
2474 Florida Writes, and who have scored at or in the lowest 25th  
2475 percentile of students in the school in reading, math, or  
2476 writing, unless these students are exhibiting ~~performing above~~  
2477 satisfactory performance.

2478  
2479 ~~The Department of Education shall study the effects of mobility~~  
2480 ~~on the performance of highly mobile students and recommend~~

2481 ~~programs to improve the performance of such students.~~ The State  
 2482 Board of Education shall adopt appropriate criteria for each  
 2483 school ~~performance~~ grade ~~category~~. The criteria must also give  
 2484 added weight to student achievement in reading. Schools  
 2485 designated with a ~~as~~ ~~performance~~ grade of ~~category~~ "C," making  
 2486 satisfactory progress, shall be required to demonstrate that  
 2487 adequate progress has been made by students in the school who  
 2488 are in the lowest 25th percentile in reading, math, or writing  
 2489 on the FCAT, including Florida Writes, unless these students are  
 2490 exhibiting ~~performing~~ above satisfactory performance.

2491 (4) SCHOOL GRADING FOR ALTERNATIVE SCHOOLS.--Alternative  
 2492 schools providing dropout prevention and academic intervention  
 2493 services may choose to receive a school grade pursuant to  
 2494 subsections (2) and (3) or an improvement rating pursuant to s.  
 2495 1008.341 according to the following requirements:

2496 (a) If an alternative school chooses to be graded pursuant  
 2497 to this section, student performance data as identified in  
 2498 subsection (3) shall not be included in the home school's grade  
 2499 but shall only be included in calculation of the alternative  
 2500 school's grade unless the Commissioner of Education requires  
 2501 that the alternative school's student assessment data must be  
 2502 included in the home school's grade based on a finding of  
 2503 collusion to avoid the state's accountability system.

2504 (b) If an alternative school chooses to receive an  
 2505 improvement rating pursuant to s. 1008.341, student performance  
 2506 data as identified in subsection (3) shall be included in the  
 2507 home school's grade, except for achievement scores and learning

2508 gains of students attending alternative schools who are subject  
2509 to district school board policies for expulsion for repeated or  
2510 serious offenses, in dropout retrieval programs serving students  
2511 officially designated as dropouts, or in Department of Juvenile  
2512 Justice operated and contracted programs.

2513  
2514 For purposes of this section and s. 1008.341, "home school"  
2515 means the school the student was attending when assigned to an  
2516 alternative school or the school to which the student would be  
2517 assigned if the student left the alternative school. School  
2518 districts must require collaboration between the home school and  
2519 the alternative school to promote student success.

2520 (5)~~(4)~~ SCHOOL IMPROVEMENT RATINGS.--The annual report  
2521 shall identify each school's performance as having improved,  
2522 remained the same, or declined. This school improvement rating  
2523 shall be based on a comparison of the current year's and  
2524 previous year's student and school performance data. Schools  
2525 that improve at least one ~~performance~~ grade level ~~category~~ are  
2526 eligible for school recognition awards pursuant to s. 1008.36.

2527 (6)~~(5)~~ SCHOOL REPORT CARD ~~PERFORMANCE GRADE CATEGORY AND~~  
2528 ~~IMPROVEMENT RATING REPORTS.~~--The Department of Education shall  
2529 annually develop, in collaboration with the district school  
2530 boards, a school report card to be delivered to parents  
2531 throughout each school district. The report card shall include  
2532 the school's grade, information regarding school improvement, an  
2533 explanation of school performance as evaluated by the federal No  
2534 Child Left Behind Act of 2001, and indicators of return on

2535 investment. ~~School performance grade category designations and~~  
2536 ~~improvement ratings shall apply to each school's performance for~~  
2537 ~~the year in which performance is measured.~~ Each school's report  
2538 card designation and rating shall be published annually by the  
2539 department on its website, ~~of Education~~ and the school district  
2540 shall provide the school report card to each parent. ~~Parents~~  
2541 ~~shall be entitled to an easy-to-read report card about the~~  
2542 ~~designation and rating of the school in which their child is~~  
2543 ~~enrolled.~~

2544 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor  
2545 in the performance of schools in calculating any performance-  
2546 based funding policy that is provided for annually in the  
2547 General Appropriations Act.

2548 (8) DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report  
2549 required by subsection (1) shall include district ~~performance~~  
2550 grades, which shall consist of weighted district average grades,  
2551 by level, for all elementary schools, middle schools, and high  
2552 schools in the district. A district's weighted average grade  
2553 shall be calculated by weighting individual school grades  
2554 determined pursuant to subsection (2) by school enrollment.

2555 (9)~~(6)~~ RULES.--The State Board of Education shall adopt  
2556 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
2557 provisions of this section.

2558 Section 44. Section 1008.341, Florida Statutes, is created  
2559 to read:

2560 1008.341 School improvement rating for alternative  
2561 schools.--



2562        (1) ANNUAL REPORTS.--The Commissioner of Education shall  
2563 prepare an annual report on the performance of each school  
2564 receiving a school improvement rating pursuant to this section  
2565 provided that the provisions of s. 1002.22 pertaining to student  
2566 records shall apply.

2567        (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
2568 provide dropout prevention and academic intervention services  
2569 may choose to receive a school improvement rating pursuant to  
2570 this section in lieu of a school grade pursuant to s. 1008.34.  
2571 The school improvement rating shall identify schools as having  
2572 one of the following ratings defined according to rules of the  
2573 State Board of Education:

2574        (a) "Improving," schools with students making more  
2575 academic progress than when the students were served in their  
2576 home schools.

2577        (b) "Maintaining," schools with students making progress  
2578 equivalent to the progress made when the students were served in  
2579 their home schools.

2580        (c) "Declining," schools with students making less  
2581 academic progress than when the students were served in their  
2582 home schools.

2583  
2584 The school improvement rating shall be based on a comparison of  
2585 the current year and previous year student performance data.  
2586 Schools that improve at least one level or maintain an  
2587 "improving" rating pursuant to this section are eligible for  
2588 school recognition awards pursuant to s. 1008.36.

2589        (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
2590 data used in determining an alternative school's school  
2591 improvement rating shall include:

2592        (a) The aggregate scores of all students who were assigned  
2593 to and enrolled in the school during the October or February FTE  
2594 count, who have been assessed on the FCAT, and who have FCAT or  
2595 comparable scores for the preceding school year.

2596        (b) The aggregate scores of all students who were assigned  
2597 to and enrolled in the school during the October or February FTE  
2598 count, who have been assessed on the FCAT, including Florida  
2599 Writes, and who have scored in the lowest 25th percentile of  
2600 students in the state on FCAT Reading.

2601        (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each  
2602 alternative school receiving a school improvement rating, the  
2603 Department of Education shall annually identify the percentage  
2604 of students making learning gains as compared to the percentage  
2605 of the same students making learning gains in their home schools  
2606 in the year prior to being assigned to the alternative school.

2607        (5) SCHOOL REPORT CARD.--The Department of Education shall  
2608 annually develop, in collaboration with the school districts, a  
2609 school report card for alternative schools to be delivered to  
2610 parents throughout each school district. The report card shall  
2611 include the school improvement rating, identification of student  
2612 learning gains, information regarding school improvement, an  
2613 explanation of school performance as evaluated by the federal No  
2614 Child Left Behind Act of 2001, and indicators of return on  
2615 investment.

2616           (6) RULES.--The State Board of Education may adopt rules  
 2617 pursuant to ss. 120.536(1) and 120.54 to implement the  
 2618 provisions of this section.

2619           Section 45. Subsection (5), paragraphs (b) and (d) of  
 2620 subsection (6), and subsection (7) of section 1008.345, Florida  
 2621 Statutes, are amended to read:

2622           1008.345 Implementation of state system of school  
 2623 improvement and education accountability.--

2624           (5) The commissioner shall report to the Legislature and  
 2625 recommend changes in state policy necessary to foster school  
 2626 improvement and education accountability. Included in the report  
 2627 shall be a list of the schools, including schools operating for  
 2628 the purpose of providing educational services to youth in  
 2629 Department of Juvenile Justice programs, for which district  
 2630 school boards have developed assistance and intervention plans  
 2631 and an analysis of the various strategies used by the school  
 2632 boards. School reports shall be distributed pursuant to this  
 2633 subsection and s. 1001.42(16) (f) ~~(e)~~ and according to rules  
 2634 adopted by the State Board of Education.

2635           (6)

2636           (b) Upon request, the department shall provide technical  
 2637 assistance and training to any school, including any school  
 2638 operating for the purpose of providing educational services to  
 2639 youth in Department of Juvenile Justice programs, school  
 2640 advisory council, district, or district school board for  
 2641 conducting needs assessments, developing and implementing school  
 2642 improvement plans, developing and implementing assistance and

2643 intervention plans, or implementing other components of school  
2644 improvement and accountability. Priority for these services  
2645 shall be given to schools designated with a ~~as performance~~ grade  
2646 of category "D" or "F" and school districts in rural and  
2647 sparsely populated areas of the state.

2648 (d) 1. The commissioner ~~department~~ shall assign a community  
2649 assessment team to each school district or governing board with  
2650 a school graded ~~designated as performance grade category~~ "D" or  
2651 "F" or a school graded "D" for 2 years in a 4-year period to  
2652 review the school performance data and determine causes for the  
2653 low performance, including the role of school, area, and  
2654 district administrative personnel. For a high school graded "F"  
2655 or a high school graded "D" for 2 years in a 4-year period, the  
2656 community assessment team shall review the school's graduation  
2657 rate calculated without GED tests for the past 3 years,  
2658 disaggregated by student ethnicity. The team shall make  
2659 recommendations to the school board or the governing board, to  
2660 the department, and to the State Board of Education for  
2661 implementing an assistance and intervention plan that will  
2662 address the causes of the school's low performance. The  
2663 assessment team shall include, but not be limited to, a  
2664 department representative, parents, business representatives,  
2665 educators, and community activists, and shall represent the  
2666 demographics of the community from which they are appointed.

2667 2. Each school district or governing board that has a  
2668 school designated with a grade of "F" for a second consecutive  
2669 year after the community assessment team's recommendations to

2670 the school board or the governing board for implementing an  
2671 assistance and intervention plan shall be subject to review and  
2672 oversight by the Governor as a school district or governing  
2673 board with a school in a state of educational emergency upon a  
2674 finding and recommendation by the State Board of Education to  
2675 the Governor that the school is a persistently failing school  
2676 despite all attempts at rehabilitation.

2677 3. For each school district or governing board with a  
2678 school in a state of educational emergency, the Governor shall  
2679 contact the district school board or the governing board to  
2680 determine what actions have been taken by the district school  
2681 board or the governing board to address the recommendations of  
2682 the community assessment team and to resolve the educational  
2683 emergency. The Governor shall determine whether the district  
2684 school board or the governing board needs state assistance to  
2685 resolve the educational emergency. If state assistance is  
2686 needed, the Governor has the authority to implement measures as  
2687 set forth in this subparagraph to assist the district school  
2688 board or the governing board in resolving the educational  
2689 emergency at the school. Such measures may include, but are not  
2690 limited to:

2691 a. Requiring the Governor's approval of the school  
2692 district's budget or the governing board's budget for the  
2693 school.

2694 b. Authorizing a state loan and providing for its  
2695 repayment by the district school board or the governing board.

2696 c. Requiring the district school board or the governing  
2697 board to reallocate funds as necessary until such time as the  
2698 school district or the governing board no longer has a school in  
2699 a state of educational emergency.

2700 d. Making inspections and reviews of any records,  
2701 information, reports, and assets of the school district or the  
2702 governing board for the purpose of improving the school's  
2703 performance. The appropriate school district or governing board  
2704 officials shall cooperate in such inspections and reviews.

2705 e. Consulting with officials and auditors of the school  
2706 district or the governing board and the appropriate state  
2707 officials regarding any steps necessary to bring the books of  
2708 account, accounting systems, financial procedures, personnel,  
2709 and personnel systems into compliance with state requirements  
2710 for the purpose of improving the school's performance.

2711 f. Providing technical assistance to the district school  
2712 board or the governing board.

2713 g. Establishing an educational emergency board to oversee  
2714 the activities of the district school board or the governing  
2715 board related to the school. If an educational emergency board  
2716 is established, the Governor shall appoint board members and  
2717 select a chair. The community assessment team shall serve in an  
2718 advisory capacity to the educational emergency board. The  
2719 educational emergency board shall adopt such rules as are  
2720 necessary for conducting board business. The board may review  
2721 all of the educational operations, including, but not limited  
2722 to, graduation and dropout rates, personnel, management,

2723 efficiency, curriculum, instructional materials, productivity,  
2724 and financing of functions and operations, of the school  
2725 district or the governing board related to the school. The  
2726 recommendations and reports made by the educational emergency  
2727 board must be submitted to the Governor and the State Board of  
2728 Education for appropriate action. Upon receipt of the  
2729 educational emergency board's recommendations and report, the  
2730 Governor and the State Board of Education shall require an  
2731 action plan to implement the educational emergency board's  
2732 recommendations, to be prepared by officials of the school  
2733 district or the governing board in consultation with the  
2734 appropriate state officials, so as to cause the school to no  
2735 longer be in a state of educational emergency.

2736 4. The Governor may terminate all state actions pursuant  
2737 to this paragraph upon determination that the school is no  
2738 longer in a state of educational emergency and the school  
2739 district or the governing board is operating an effective  
2740 educational system for its students.

2741 (7) (a) Schools designated with a in performance grade of  
2742 category "A," making excellent progress, shall, if requested by  
2743 the school, be given deregulated status as specified in s.  
2744 1003.63(5), (7), (8), (9), and (10).

2745 (b) Schools that have improved at least two grades  
2746 performance grade categories and that meet the criteria of the  
2747 Florida School Recognition Program pursuant to s. 1008.36 may be  
2748 given deregulated status as specified in s. 1003.63(5), (7),  
2749 (8), (9), and (10).

2750 Section 46. Subsections (3), (4), and (5) of section  
2751 1008.36, Florida Statutes, are amended to read:

2752 1008.36 Florida School Recognition Program.--

2753 (3) All public schools, including charter schools and  
2754 feeder pattern schools, that receive a school grade pursuant to  
2755 s. 1008.34 or a school improvement rating pursuant to s.  
2756 1008.341 are eligible to participate in the program.

2757 (4) All selected schools shall receive financial awards  
2758 depending on the availability of funds appropriated and the  
2759 number and size of schools selected to receive an award. Funds  
2760 must be distributed to the school's fiscal agent and placed in  
2761 the school's account and must be used for purposes listed in  
2762 subsection (5) as determined by the staff and school advisory  
2763 council pursuant to s. 1001.452 in the annual school improvement  
2764 plan required under s. 1001.42(16)(a). If such a determination  
2765 is not included in the school improvement plan at the time of  
2766 its annual approval by the district school board, the school  
2767 shall not be eligible to receive a financial award jointly by  
2768 the school's staff and school advisory council. If school staff  
2769 and the school advisory council cannot reach agreement by  
2770 November 1, the awards must be equally distributed to all  
2771 classroom teachers currently teaching in the school.

2772 (5) School recognition awards must be used for the  
2773 following:

2774 (a) Nonrecurring bonuses to the faculty and staff who  
2775 worked at the school during the year of improved performance and



2776 additional employees as determined in the school improvement  
 2777 plan;

2778 (b) Nonrecurring expenditures for educational equipment,  
 2779 ~~or materials,~~ or student incentives to assist in maintaining and  
 2780 improving student performance; or

2781 (c) Temporary personnel for the school to assist in  
 2782 maintaining and improving student performance.

2783

2784 Notwithstanding statutory provisions to the contrary, incentive  
 2785 awards are not subject to collective bargaining.

2786 Section 47. Paragraphs (f), (h), (l), (m), and (n) of  
 2787 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
 2788 section 1011.62, Florida Statutes, are amended, subsections (8)  
 2789 and (9) are renumbered as subsections (9) and (10),  
 2790 respectively, and amended, and a new subsection (8) is added to  
 2791 that section, to read:

2792 1011.62 Funds for operation of schools.--If the annual  
 2793 allocation from the Florida Education Finance Program to each  
 2794 district for operation of schools is not determined in the  
 2795 annual appropriations act or the substantive bill implementing  
 2796 the annual appropriations act, it shall be determined as  
 2797 follows:

2798 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 2799 OPERATION.--The following procedure shall be followed in  
 2800 determining the annual allocation to each district for  
 2801 operation:

2802 (f) Supplemental academic instruction; categorical fund.--

2803           1. There is created a categorical fund to provide  
2804 supplemental academic instruction to students in kindergarten  
2805 through grade 12. This paragraph may be cited as the  
2806 "Supplemental Academic Instruction Categorical Fund."

2807           2. Categorical funds for supplemental academic instruction  
2808 shall be allocated annually to each school district in the  
2809 amount provided in the General Appropriations Act. These funds  
2810 shall be in addition to the funds appropriated on the basis of  
2811 FTE student membership in the Florida Education Finance Program  
2812 and shall be included in the total potential funds of each  
2813 district. These funds shall be used to provide supplemental  
2814 academic instruction to students enrolled in the K-12 program.  
2815 Supplemental instruction strategies may include, but are not  
2816 limited to: modified curriculum, reading instruction, after-  
2817 school instruction, tutoring, mentoring, class size reduction,  
2818 extended school year, intensive skills development in summer  
2819 school, and other methods for improving student achievement.  
2820 Supplemental instruction may be provided to a student in any  
2821 manner and at any time during or beyond the regular 180-day term  
2822 identified by the school as being the most effective and  
2823 efficient way to best help that student progress from grade to  
2824 grade and to graduate.

2825           3. Effective with the 1999-2000 fiscal year, funding on  
2826 the basis of FTE membership beyond the 180-day regular term  
2827 shall be provided in the FEFP only for students enrolled in  
2828 juvenile justice education programs or in an education program  
2829 for juveniles under s. 985.223. Funding for instruction beyond

2830 the regular 180-day school year for all other K-12 students  
2831 shall be provided through the supplemental academic instruction  
2832 categorical fund and other state, federal, and local fund  
2833 sources with ample flexibility for schools to provide  
2834 supplemental instruction to assist students in progressing from  
2835 grade to grade and graduating.

2836 4. The Florida State University School, as a lab school,  
2837 is authorized to expend from its FEFP or Lottery Enhancement  
2838 Trust Fund allocation the cost to the student of remediation in  
2839 reading, writing, or mathematics for any graduate who requires  
2840 remediation at a postsecondary educational institution.

2841 5. Beginning in the 1999-2000 school year, dropout  
2842 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
2843 (b), and (c), and 1003.54 shall be included in group 1 programs  
2844 under subparagraph (d)3.

2845 (h) Small, isolated high schools.--Districts which levy  
2846 the maximum nonvoted discretionary millage, exclusive of millage  
2847 for capital outlay purposes levied pursuant to s. 1011.71(2),  
2848 may calculate full-time equivalent students for small, isolated  
2849 high schools by multiplying the number of unweighted full-time  
2850 equivalent students times 2.75; provided the school has attained  
2851 a ~~state accountability performance grade category~~ of "C" or  
2852 better, pursuant to s. 1008.34, for the previous school year.  
2853 For the purpose of this section, the term "small, isolated high  
2854 school" means any high school which is located no less than 28  
2855 miles by the shortest route from another high school; which has  
2856 been serving students primarily in basic studies provided by

2857 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
2858 (c)4.; and which has a membership of no more than 100 students,  
2859 but no fewer than 28 students, in grades 9 through 12.

2860 (1) Calculation of additional full-time equivalent  
2861 membership based on international baccalaureate examination  
2862 scores of students.--A value of 0.24 full-time equivalent  
2863 student membership shall be calculated for each student enrolled  
2864 in an international baccalaureate course who receives a score of  
2865 4 or higher on a subject examination. A value of 0.3 full-time  
2866 equivalent student membership shall be calculated for each  
2867 student who receives an international baccalaureate diploma.  
2868 Such value shall be added to the total full-time equivalent  
2869 student membership in basic programs for grades 9 through 12 in  
2870 the subsequent fiscal year. The school district shall distribute  
2871 to each classroom teacher who provided international  
2872 baccalaureate instruction:

2873 1. A bonus in the amount of \$50 for each student taught by  
2874 the International Baccalaureate teacher in each international  
2875 baccalaureate course who receives a score of 4 or higher on the  
2876 international baccalaureate examination.

2877 2. An additional bonus of \$500 to each International  
2878 Baccalaureate teacher in a school designated with a performance  
2879 grade of category "D" or "F" who has at least one student  
2880 scoring 4 or higher on the international baccalaureate  
2881 examination, regardless of the number of classes taught or of  
2882 the number of students scoring a 4 or higher on the  
2883 international baccalaureate examination.

2884  
2885 Bonuses awarded to a teacher according to this paragraph shall  
2886 not exceed \$2,000 in any given school year and shall be in  
2887 addition to any regular wage or other bonus the teacher received  
2888 or is scheduled to receive.

2889 (m) Calculation of additional full-time equivalent  
2890 membership based on Advanced International Certificate of  
2891 Education examination scores of students.--A value of 0.24 full-  
2892 time equivalent student membership shall be calculated for each  
2893 student enrolled in a full-credit Advanced International  
2894 Certificate of Education course who receives a score of E or  
2895 higher on a subject examination. A value of 0.12 full-time  
2896 equivalent student membership shall be calculated for each  
2897 student enrolled in a half-credit Advanced International  
2898 Certificate of Education course who receives a score of E or  
2899 higher on a subject examination. A value of 0.3 full-time  
2900 equivalent student membership shall be calculated for each  
2901 student who receives an Advanced International Certificate of  
2902 Education diploma. Such value shall be added to the total full-  
2903 time equivalent student membership in basic programs for grades  
2904 9 through 12 in the subsequent fiscal year. The school district  
2905 shall distribute to each classroom teacher who provided Advanced  
2906 International Certificate of Education instruction:

2907 1. A bonus in the amount of \$50 for each student taught by  
2908 the Advanced International Certificate of Education teacher in  
2909 each full-credit Advanced International Certificate of Education  
2910 course who receives a score of E or higher on the Advanced

2911 International Certificate of Education examination. A bonus in  
2912 the amount of \$25 for each student taught by the Advanced  
2913 International Certificate of Education teacher in each half-  
2914 credit Advanced International Certificate of Education course  
2915 who receives a score of E or higher on the Advanced  
2916 International Certificate of Education examination.

2917 2. An additional bonus of \$500 to each Advanced  
2918 International Certificate of Education teacher in a school  
2919 designated with a performance grade of category "D" or "F" who  
2920 has at least one student scoring E or higher on the full-credit  
2921 Advanced International Certificate of Education examination,  
2922 regardless of the number of classes taught or of the number of  
2923 students scoring an E or higher on the full-credit Advanced  
2924 International Certificate of Education examination.

2925 3. Additional bonuses of \$250 each to teachers of half-  
2926 credit Advanced International Certificate of Education classes  
2927 in a school designated with a performance grade of category "D"  
2928 or "F" which has at least one student scoring an E or higher on  
2929 the half-credit Advanced International Certificate of Education  
2930 examination in that class. The maximum additional bonus for a  
2931 teacher awarded in accordance with this subparagraph shall not  
2932 exceed \$500 in any given school year. Teachers receiving an  
2933 award under subparagraph 2. are not eligible for a bonus under  
2934 this subparagraph.

2935  
2936 Bonuses awarded to a teacher according to this paragraph shall  
2937 not exceed \$2,000 in any given school year and shall be in

2938 addition to any regular wage or other bonus the teacher received  
2939 or is scheduled to receive.

2940 (n) Calculation of additional full-time equivalent  
2941 membership based on college board advanced placement scores of  
2942 students.--A value of 0.24 full-time equivalent student  
2943 membership shall be calculated for each student in each advanced  
2944 placement course who receives a score of 3 or higher on the  
2945 College Board Advanced Placement Examination for the prior year  
2946 and added to the total full-time equivalent student membership  
2947 in basic programs for grades 9 through 12 in the subsequent  
2948 fiscal year. Each district must allocate at least 80 percent of  
2949 the funds provided to the district for advanced placement  
2950 instruction, in accordance with this paragraph, to the high  
2951 school that generates the funds. The school district shall  
2952 distribute to each classroom teacher who provided advanced  
2953 placement instruction:

2954 1. A bonus in the amount of \$50 for each student taught by  
2955 the Advanced Placement teacher in each advanced placement course  
2956 who receives a score of 3 or higher on the College Board  
2957 Advanced Placement Examination.

2958 2. An additional bonus of \$500 to each Advanced Placement  
2959 teacher in a school designated with a performance grade of  
2960 ~~category~~ "D" or "F" who has at least one student scoring 3 or  
2961 higher on the College Board Advanced Placement Examination,  
2962 regardless of the number of classes taught or of the number of  
2963 students scoring a 3 or higher on the College Board Advanced  
2964 Placement Examination.

2965  
 2966 Bonuses awarded to a teacher according to this paragraph shall  
 2967 not exceed \$2,000 in any given school year and shall be in  
 2968 addition to any regular wage or other bonus the teacher received  
 2969 or is scheduled to receive.

2970 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
 2971 Legislature shall prescribe the aggregate required local effort  
 2972 for all school districts collectively as an item in the General  
 2973 Appropriations Act for each fiscal year. The amount that each  
 2974 district shall provide annually toward the cost of the Florida  
 2975 Education Finance Program for kindergarten through grade 12  
 2976 programs shall be calculated as follows:

2977 (a) Estimated taxable value calculations.--

2978 1.a. Not later than 2 working days prior to July 19, the  
 2979 Department of Revenue shall certify to the Commissioner of  
 2980 Education its most recent estimate of the taxable value for  
 2981 school purposes in each school district and the total for all  
 2982 school districts in the state for the current calendar year  
 2983 based on the latest available data obtained from the local  
 2984 property appraisers. Not later than July 19, the Commissioner of  
 2985 Education shall compute a millage rate, rounded to the next  
 2986 highest one one-thousandth of a mill, which, when applied to 95  
 2987 percent of the estimated state total taxable value for school  
 2988 purposes, would generate the prescribed aggregate required local  
 2989 effort for that year for all districts. The Commissioner of  
 2990 Education shall certify to each district school board the  
 2991 millage rate, computed as prescribed in this subparagraph, as



2992 the minimum millage rate necessary to provide the district  
 2993 required local effort for that year.

2994       b. The General Appropriations Act shall direct the  
 2995 computation of the statewide adjusted aggregate amount for  
 2996 required local effort for all school districts collectively from  
 2997 ad valorem taxes to ensure that no school district's revenue  
 2998 from required local effort millage will produce more than 90  
 2999 percent of the district's total Florida Education Finance  
 3000 Program calculation, and the adjustment of the required local  
 3001 effort millage rate of each district that produces more than 90  
 3002 percent of its total Florida Education Finance Program  
 3003 entitlement to a level that will produce only 90 percent of its  
 3004 total Florida Education Finance Program entitlement in the July  
 3005 calculation.

3006       2. As revised data are received from property appraisers,  
 3007 the Department of Revenue shall amend the certification of the  
 3008 estimate of the taxable value for school purposes. The  
 3009 Commissioner of Education, in administering the provisions of  
 3010 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable  
 3011 value for the appropriate year.

3012       (b) Final calculation.--

3013       1. The Department of Revenue shall, upon receipt of the  
 3014 official final assessed value of property from each of the  
 3015 property appraisers, certify to the Commissioner of Education  
 3016 the taxable value total for school purposes in each school  
 3017 district, subject to the provisions of paragraph (d). The  
 3018 commissioner shall use the official final taxable value for

3019 school purposes for each school district in the final  
3020 calculation of the annual Florida Education Finance Program  
3021 allocations.

3022 2. For the purposes of this paragraph, the official final  
3023 taxable value for school purposes shall be the taxable value for  
3024 school purposes on which the tax bills are computed and mailed  
3025 to the taxpayers, adjusted to reflect final administrative  
3026 actions of value adjustment boards and judicial decisions  
3027 pursuant to part I of chapter 194. By September 1 of each year,  
3028 the Department of Revenue shall certify to the commissioner the  
3029 official prior year final taxable value for school purposes. For  
3030 each county that has not submitted a revised tax roll reflecting  
3031 final value adjustment board actions and final judicial  
3032 decisions, the Department of Revenue shall certify the most  
3033 recent revision of the official taxable value for school  
3034 purposes. The certified value shall be the final taxable value  
3035 for school purposes, and no further adjustments shall be made,  
3036 except those made pursuant to subparagraph (10)~~(9)~~(a)2.

3037 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

3038 (a) The research-based reading instruction allocation is  
3039 created to provide comprehensive reading instruction to students  
3040 in kindergarten through grade 12.

3041 (b) Funds for comprehensive, research-based reading  
3042 instruction shall be allocated annually to each school district  
3043 in the amount provided in the General Appropriations Act. Each  
3044 eligible school district shall receive the same minimum amount  
3045 as specified in the General Appropriations Act, and any

3046 remaining funds shall be distributed to eligible school  
3047 districts based on each school district's proportionate share of  
3048 K-12 base funding.

3049 (c) Funds must be used to provide a system of  
3050 comprehensive reading instruction to students enrolled in the K-  
3051 12 programs, which may include the following:

3052 1. The provision of highly qualified reading coaches.

3053 2. Professional development for school district teachers  
3054 and administrators in scientifically based reading instruction.

3055 3. The provision of summer reading camps for students who  
3056 score at Level 1 on FCAT Reading.

3057 4. The provision of supplemental instructional materials  
3058 that are grounded in scientifically based reading research and  
3059 comprehensive training in their use for which teachers shall  
3060 receive inservice credit.

3061 5. The provision of intensive interventions for middle and  
3062 high school students reading below grade level.

3063 (d) Annually, by a date determined by the Department of  
3064 Education but before May 1, school districts shall submit a K-12  
3065 comprehensive reading plan for the specific use of the research-  
3066 based reading instruction allocation in the format prescribed by  
3067 the department for review and approval by the Just Read,  
3068 Florida! Office created pursuant to s. 1001.215. The plan  
3069 annually submitted by school districts shall be deemed approved  
3070 unless the department rejects the plan on or before June 1. If a  
3071 school district and the Just Read, Florida! Office cannot reach  
3072 agreement on the contents of the plan, the school district may

3073 appeal to the State Board of Education for resolution. High-  
3074 performing school districts shall be allowed reasonable  
3075 flexibility in designing their plans and shall be encouraged to  
3076 offer reading intervention through innovative methods. The plan  
3077 format shall be developed with input from school district  
3078 personnel, including teachers and principals. The plan must  
3079 emphasize reading for information at the secondary level and  
3080 allow reading intervention through content courses in core,  
3081 career, and alternative programs. No later than July 1 annually,  
3082 the department shall release the school district's allocation of  
3083 appropriated funds to those districts with approved plans. A  
3084 school district that spends 100 percent of this allocation on  
3085 its approved plan shall be deemed to have been in compliance  
3086 with the plan. The department may withhold funds upon a  
3087 determination that reading instruction allocation funds are not  
3088 being used to implement the approved plan.

3089 (9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may  
3090 annually in the General Appropriations Act determine a  
3091 percentage increase in funds per K-12 unweighted FTE as a  
3092 minimum guarantee to each school district. The guarantee shall  
3093 be calculated from prior year base funding per unweighted FTE  
3094 student which shall include the adjusted FTE dollars as provided  
3095 in subsection (10)~~(9)~~, quality guarantee funds, and actual  
3096 nonvoted discretionary local effort from taxes. From the base  
3097 funding per unweighted FTE, the increase shall be calculated for  
3098 the current year. The current year funds from which the  
3099 guarantee shall be determined shall include the adjusted FTE

3100 dollars as provided in subsection ~~(10)-(9)~~ and potential nonvoted  
 3101 discretionary local effort from taxes. A comparison of current  
 3102 year funds per unweighted FTE to prior year funds per unweighted  
 3103 FTE shall be computed. For those school districts which have  
 3104 less than the legislatively assigned percentage increase, funds  
 3105 shall be provided to guarantee the assigned percentage increase  
 3106 in funds per unweighted FTE student. Should appropriated funds  
 3107 be less than the sum of this calculated amount for all  
 3108 districts, the commissioner shall prorate each district's  
 3109 allocation. This provision shall be implemented to the extent  
 3110 specifically funded.

3111 ~~(10)-(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 3112 FOR CURRENT OPERATION.--The total annual state allocation to  
 3113 each district for current operation for the FEFP shall be  
 3114 distributed periodically in the manner prescribed in the General  
 3115 Appropriations Act.

3116 (a) The basic amount for current operation for the FEFP as  
 3117 determined in subsection (1), multiplied by the district cost  
 3118 differential factor as determined in subsection (2), plus the  
 3119 amounts provided for categorical components within the FEFP,  
 3120 plus the amount for the sparsity supplement as determined in  
 3121 subsection (6), the decline in full-time equivalent students as  
 3122 determined in subsection (7), the research-based reading  
 3123 instruction allocation as determined in subsection (8), and the  
 3124 quality assurance guarantee as determined in subsection ~~(9)-(8)~~,  
 3125 less the required local effort as determined in subsection (4).  
 3126 If the funds appropriated for the purpose of funding the total

3127 amount for current operation as provided in this paragraph are  
3128 not sufficient to pay the state requirement in full, the  
3129 department shall prorate the available state funds to each  
3130 district in the following manner:

3131 1. Determine the percentage of proration by dividing the  
3132 sum of the total amount for current operation, as provided in  
3133 this paragraph for all districts collectively, and the total  
3134 district required local effort into the sum of the state funds  
3135 available for current operation and the total district required  
3136 local effort.

3137 2. Multiply the percentage so determined by the sum of the  
3138 total amount for current operation as provided in this paragraph  
3139 and the required local effort for each individual district.

3140 3. From the product of such multiplication, subtract the  
3141 required local effort of each district; and the remainder shall  
3142 be the amount of state funds allocated to the district for  
3143 current operation.

3144 (b) The amount thus obtained shall be the net annual  
3145 allocation to each school district. However, if it is determined  
3146 that any school district received an underallocation or  
3147 overallocation for any prior year because of an arithmetical  
3148 error, assessment roll change, full-time equivalent student  
3149 membership error, or any allocation error revealed in an audit  
3150 report, the allocation to that district shall be appropriately  
3151 adjusted. Beginning with audits for the 2001-2002 fiscal year,  
3152 if the adjustment is the result of an audit finding in which  
3153 group 2 FTE are reclassified to the basic program and the

3154 district weighted FTE are over the weighted enrollment ceiling  
3155 for group 2 programs, the adjustment shall not result in a gain  
3156 of state funds to the district. If the Department of Education  
3157 audit adjustment recommendation is based upon controverted  
3158 findings of fact, the Commissioner of Education is authorized to  
3159 establish the amount of the adjustment based on the best  
3160 interests of the state.

3161 (c) The amount thus obtained shall represent the net  
3162 annual state allocation to each district; however,  
3163 notwithstanding any of the provisions herein, each district  
3164 shall be guaranteed a minimum level of funding in the amount and  
3165 manner prescribed in the General Appropriations Act.

3166 Section 48. Paragraph (a) of subsection (2) of section  
3167 1011.64, Florida Statutes, is amended to read:

3168 1011.64 School district minimum classroom expenditure  
3169 requirements.--

3170 (2) For the purpose of implementing the provisions of this  
3171 section, the Legislature shall prescribe minimum academic  
3172 performance standards and minimum classroom expenditure  
3173 requirements for districts not meeting such minimum academic  
3174 performance standards in the General Appropriations Act.

3175 (a) Minimum academic performance standards may be based  
3176 on, but are not limited to, district ~~performance~~ grades  
3177 determined pursuant to s. 1008.34 (7) ~~(8)~~.

3178 Section 49. Section 1011.67, Florida Statutes, is amended  
3179 to read:

3180 1011.67 Funds for instructional materials.--

3181           (1) The department is authorized to allocate and  
3182 distribute to each district an amount as prescribed annually by  
3183 the Legislature for instructional materials for student  
3184 membership in basic and special programs in grades K-12, which  
3185 will provide for growth and maintenance needs. For purposes of  
3186 this subsection ~~section~~, unweighted full-time equivalent  
3187 students enrolled in the lab schools in state universities are  
3188 to be included as school district students and reported as such  
3189 to the department. These funds shall be distributed to school  
3190 districts as follows: 50 percent on or about July 10; 35 percent  
3191 on or about October 10; 10 percent on or about January 10; and 5  
3192 percent on or about June 10. The annual allocation shall be  
3193 determined as follows:

3194           (a) ~~(1)~~ The growth allocation for each school district  
3195 shall be calculated as follows:

3196           1. ~~(a)~~ Subtract from that district's projected full-time  
3197 equivalent membership of students in basic and special programs  
3198 in grades K-12 used in determining the initial allocation of the  
3199 Florida Education Finance Program, the prior year's full-time  
3200 equivalent membership of students in basic and special programs  
3201 in grades K-12 for that district.

3202           2. ~~(b)~~ Multiply any such increase in full-time equivalent  
3203 student membership by the allocation for a set of instructional  
3204 materials, as determined by the department, or as provided for  
3205 in the General Appropriations Act.

3206           3. ~~(e)~~ The amount thus determined shall be that district's  
3207 initial allocation for growth for the school year. However, the



3208 department shall recompute and adjust the initial allocation  
3209 based on actual full-time equivalent student membership data for  
3210 that year.

3211 ~~(b)(2)~~ The maintenance of the instructional materials  
3212 allocation for each school district shall be calculated by  
3213 multiplying each district's prior year full-time equivalent  
3214 membership of students in basic and special programs in grades  
3215 K-12 by the allocation for maintenance of a set of instructional  
3216 materials as provided for in the General Appropriations Act. The  
3217 amount thus determined shall be that district's initial  
3218 allocation for maintenance for the school year; however, the  
3219 department shall recompute and adjust the initial allocation  
3220 based on such actual full-time equivalent student membership  
3221 data for that year.

3222 ~~(c)(3)~~ In the event the funds appropriated are not  
3223 sufficient for the purpose of implementing this subsection  
3224 ~~section~~ in full, the department shall prorate the funds  
3225 available for instructional materials after first funding in  
3226 full each district's growth allocation.

3227 (2) Annually by July 1 and prior to the release of  
3228 instructional materials funds, each district school  
3229 superintendent shall certify to the Commissioner of Education  
3230 that the district school board has approved a comprehensive  
3231 staff development plan that requires fidelity of implementation  
3232 of instructional materials that are in the first 2 years of the  
3233 adoption cycle and that the district intends to purchase. The  
3234 staff development plan must provide for training for each

3235 teacher who will use the materials, provide inservice credit for  
 3236 the training, and document satisfactory completion of the  
 3237 training by each teacher. The superintendent shall annually  
 3238 report to the district school board on the implementation of the  
 3239 plan. The report shall include verification that training was  
 3240 provided, that teachers satisfactorily completed the training,  
 3241 and that the materials are being implemented as designed.

3242 Section 50. Paragraph (b) of subsection (2) of section  
 3243 1011.685, Florida Statutes, is amended to read:

3244 1011.685 Class size reduction; operating categorical  
 3245 fund.--

3246 (2) Class size reduction operating categorical funds shall  
 3247 be used by school districts for the following:

3248 (b) For any lawful operating expenditure, if the district  
 3249 has met the constitutional maximums identified in s. 1003.03(1)  
 3250 or the reduction of two students per year required by s.  
 3251 1003.03(2); however, priority shall be given to increase  
 3252 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
 3253 and to implement the performance-pay incentive and the  
 3254 differentiated pay detailed in s. 1012.22(1)(c) ~~salary career~~  
 3255 ~~ladder defined in s. 1012.231.~~

3256 Section 51. Subsection (1) of section 1011.71, Florida  
 3257 Statutes, is amended to read:

3258 1011.71 District school tax.--

3259 (1) If the district school tax is not provided in the  
 3260 General Appropriations Act or the substantive bill implementing  
 3261 the General Appropriations Act, each district school board

3262 | desiring to participate in the state allocation of funds for  
 3263 | current operation as prescribed by s. 1011.62(10)~~(9)~~ shall levy  
 3264 | on the taxable value for school purposes of the district,  
 3265 | exclusive of millage voted under the provisions of s. 9(b) or s.  
 3266 | 12, Art. VII of the State Constitution, a millage rate not to  
 3267 | exceed the amount certified by the commissioner as the minimum  
 3268 | millage rate necessary to provide the district required local  
 3269 | effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
 3270 | addition to the required local effort millage levy, each  
 3271 | district school board may levy a nonvoted current operating  
 3272 | discretionary millage. The Legislature shall prescribe annually  
 3273 | in the appropriations act the maximum amount of millage a  
 3274 | district may levy. The millage rate prescribed shall exceed zero  
 3275 | mills but shall not exceed the lesser of 1.6 mills or 25 percent  
 3276 | of the millage which is required pursuant to s. 1011.62(4),  
 3277 | exclusive of millage levied pursuant to subsection (2).

3278 |         Section 52. Subsection (6) is added to section 1012.21,  
 3279 | Florida Statutes, to read:

3280 |             1012.21 Department of Education duties; K-12 personnel.--

3281 |             (6) REPORTING.--The Department of Education shall annually  
 3282 | post online links to each school district's collectively  
 3283 | bargained contracts and the salary and benefits of the personnel  
 3284 | or officers of any educator association that were paid by the  
 3285 | school district pursuant to s. 1012.22.

3286 |         Section 53. Paragraphs (b) and (c) of subsection (1) of  
 3287 | section 1012.22, Florida Statutes, are amended to read:

3288 1012.22 Public school personnel; powers and duties of the  
 3289 district school board.--The district school board shall:

3290 (1) Designate positions to be filled, prescribe  
 3291 qualifications for those positions, and provide for the  
 3292 appointment, compensation, promotion, suspension, and dismissal  
 3293 of employees as follows, subject to the requirements of this  
 3294 chapter:

3295 (b) Time to act on nominations.--The district school board  
 3296 shall act not later than 3 weeks following the receipt of FCAT  
 3297 scores and data, including school grades, or June 30 ~~after the~~  
 3298 ~~end of the regular legislative session or May 31~~, whichever is  
 3299 later, on the district school superintendent's nominations of  
 3300 supervisors, principals, and members of the instructional staff.

3301 (c) Compensation and salary schedules.--

3302 1. The district school board shall adopt a salary schedule  
 3303 or salary schedules designed to furnish incentives for  
 3304 improvement in training and for continued efficient service to  
 3305 be used as a basis for paying all school employees and fix and  
 3306 authorize the compensation of school employees on the basis  
 3307 thereof.

3308 2. A district school board, in determining the salary  
 3309 schedule for instructional personnel, must base a portion of  
 3310 each employee's compensation on performance demonstrated under  
 3311 s. 1012.34, must consider the prior teaching experience of a  
 3312 person who has been designated state teacher of the year by any  
 3313 state in the United States, and must consider prior professional  
 3314 experience in the field of education gained in positions in

3315 addition to district level instructional and administrative  
3316 positions.

3317 3. In developing the salary schedule, the district school  
3318 board shall seek input from parents, teachers, and  
3319 representatives of the business community.

3320 4. Beginning with the 2002-2003 fiscal year, each district  
3321 school board must adopt a performance-pay policy for school  
3322 administrators and instructional personnel. The district's  
3323 performance-pay policy is subject to negotiation as provided in  
3324 chapter 447; however, the adopted salary schedule must allow  
3325 school administrators and instructional personnel who  
3326 demonstrate outstanding performance, as measured under s.  
3327 1012.34, to earn a 5-percent supplement in addition to their  
3328 individual, negotiated salary. The supplements shall be funded  
3329 from the performance-pay reserve funds adopted in the salary  
3330 schedule. ~~Beginning with the 2004-2005 academic year, the~~  
3331 ~~district's 5-percent performance-pay policy must provide for the~~  
3332 ~~evaluation of classroom teachers within each level of the salary~~  
3333 ~~career ladder provided in s. 1012.231.~~ The Commissioner of  
3334 Education shall determine whether the district school board's  
3335 adopted policy and salary schedule complies with the requirement  
3336 for performance-based pay. If the district school board fails to  
3337 comply with this section, the commissioner may ~~shall~~ withhold  
3338 disbursements from the Educational Enhancement Trust Fund to the  
3339 district and take any other measure provided by law necessary to  
3340 ensure compliance until compliance is verified.

3341 5. Beginning with the 2007-2008 academic year, each  
3342 district school board shall adopt a salary schedule with  
3343 differentiated pay for both instructional personnel and school-  
3344 based administrators. The salary schedule is subject to  
3345 negotiation as provided in chapter 447 and must allow  
3346 differentiated pay based on district-determined factors,  
3347 including, but not limited to, additional responsibilities,  
3348 school demographics, critical shortage areas, and level of job  
3349 performance difficulties.

3350 Section 54. Section 1012.2315, Florida Statutes, is  
3351 created to read:

3352 1012.2315 Assignment of teachers.--

3353 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
3354 finds disparity between teachers assigned to teach in a majority  
3355 of "A" graded schools compared to teachers assigned to teach in  
3356 a majority of "F" graded schools. The disparity can be found in  
3357 the average years of experience, the median salary, and the  
3358 performance of the teachers on teacher certification  
3359 examinations. It is the intent of the Legislature that district  
3360 school boards have flexibility through the collective bargaining  
3361 process to assign teachers more equitably across the schools in  
3362 the district.

3363 (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School  
3364 districts may not assign a higher percentage than the school  
3365 district average of first-time teachers, temporarily certified  
3366 teachers, teachers in need of improvement, or out-of-field  
3367 teachers to schools with above the school district average of

3368 minority and economically disadvantaged students or schools that  
3369 are graded "D" or "F." Each school district shall annually  
3370 certify to the Commissioner of Education that this requirement  
3371 has been met. If the commissioner determines that a school  
3372 district is not in compliance with this subsection, the State  
3373 Board of Education shall be notified and shall take action  
3374 pursuant to s. 1008.32 in the next regularly scheduled meeting  
3375 to require compliance.

3376 (3) REPORT.--Schools graded D or F shall annually report  
3377 their teacher retention rate. Included in this report shall be  
3378 reasons listed for leaving for each teacher who left the school  
3379 for any reason.

3380 Section 55. Subsection (2) of section 1012.27, Florida  
3381 Statutes, is amended to read:

3382 1012.27 Public school personnel; powers and duties of  
3383 district school superintendent.--The district school  
3384 superintendent is responsible for directing the work of the  
3385 personnel, subject to the requirements of this chapter, and in  
3386 addition the district school superintendent shall perform the  
3387 following:

3388 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
3389 recommend to the district school board for adoption a salary  
3390 schedule or salary schedules. The district school superintendent  
3391 must recommend a salary schedule for instructional personnel  
3392 which bases a portion of each employee's compensation on  
3393 performance demonstrated under s. 1012.34. In developing the  
3394 recommended salary schedule, the district school superintendent

3395 shall include input from parents, teachers, and representatives  
 3396 of the business community. Beginning with the 2006-2007 ~~2004-~~  
 3397 ~~2005~~ academic year, the recommended salary schedule for  
 3398 classroom teachers shall be consistent with the district's  
 3399 performance-pay policy under s. 1012.22(1)(c) and, beginning  
 3400 with the 2007-2008 academic year, the district's differentiated  
 3401 pay under s. 1012.22(1)(c) ~~career ladder based upon s. 1012.231.~~

3402 Section 56. Subsection (6) of section 1012.28, Florida  
 3403 Statutes, is amended to read:

3404 1012.28 Public school personnel; duties of school  
 3405 principals.--

3406 (6) A school principal who fails to comply with this  
 3407 section shall be ineligible for any portion of the performance-  
 3408 pay ~~performance pay~~ incentive or the differentiated pay  
 3409 under s. 1012.22(1)(c).

3410 Section 57. Paragraph (a) of subsection (3) of section  
 3411 1012.34, Florida Statutes, is amended to read:

3412 1012.34 Assessment procedures and criteria.--

3413 (3) The assessment procedure for instructional personnel  
 3414 and school administrators must be primarily based on the  
 3415 performance of students assigned to their classrooms or schools,  
 3416 as appropriate. Pursuant to this section, a school district's  
 3417 performance assessment is not limited to basing unsatisfactory  
 3418 performance of instructional personnel and school administrators  
 3419 upon student performance, but may include other criteria  
 3420 approved to assess instructional personnel and school  
 3421 administrators' performance, or any combination of student



3422 performance and other approved criteria. The procedures must  
3423 comply with, but are not limited to, the following requirements:

3424 (a) An assessment must be conducted for each employee at  
3425 least once a year. The assessment must be based upon sound  
3426 educational principles and contemporary research in effective  
3427 educational practices. The assessment must primarily use data  
3428 and indicators of improvement in student performance assessed  
3429 annually as specified in s. 1008.22 and may consider results of  
3430 peer reviews in evaluating the employee's performance. Student  
3431 performance must be measured by state assessments required under  
3432 s. 1008.22 and by local assessments for subjects and grade  
3433 levels not measured by the state assessment program. The  
3434 assessment criteria must include, but are not limited to,  
3435 indicators that relate to the following:

- 3436 1. Performance of students.
- 3437 2. Ability to maintain appropriate discipline.
- 3438 3. Knowledge of subject matter. The district school board  
3439 shall make special provisions for evaluating teachers who are  
3440 assigned to teach out-of-field.
- 3441 4. Ability to plan and deliver instruction, ~~including~~  
3442 ~~implementation of the rigorous reading requirement pursuant to~~  
3443 ~~s. 1003.415, when applicable,~~ and the use of technology in the  
3444 classroom.
- 3445 5. Ability to evaluate instructional needs.
- 3446 6. Ability to establish and maintain a positive  
3447 collaborative relationship with students' families to increase  
3448 student achievement.

3449           7. Other professional competencies, responsibilities, and  
 3450 requirements as established by rules of the State Board of  
 3451 Education and policies of the district school board.

3452           Section 58. Subsection (4) of section 1012.56, Florida  
 3453 Statutes, is amended to read:

3454           1012.56 Educator certification requirements.--

3455           (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
 3456 of demonstrating mastery of subject area knowledge are:

3457           (a) Achievement of passing scores on subject area  
 3458 examinations required by state board rule;

3459           (b) Completion of the subject area specialization  
 3460 requirements specified in state board rule and verification of  
 3461 the attainment of the essential subject matter competencies by  
 3462 the district school superintendent of the employing school  
 3463 district or chief administrative officer of the employing state-  
 3464 supported or private school for a subject area for which a  
 3465 subject area examination has not been developed and required by  
 3466 state board rule;

3467           (c) Completion of the subject area specialization  
 3468 requirements specified in state board rule for a subject  
 3469 coverage requiring a master's or higher degree and achievement  
 3470 of a passing score on the subject area examination specified in  
 3471 state board rule;

3472           (d) A valid professional standard teaching certificate  
 3473 issued by another state; or

3474 (e) A valid certificate issued by the National Board for  
 3475 Professional Teaching Standards or a national educator  
 3476 credentialing board approved by the State Board of Education.

3477  
 3478 School districts are encouraged to provide mechanisms for those  
 3479 middle school teachers holding only a K-6 teaching certificate  
 3480 to obtain a subject area coverage for middle grades through  
 3481 postsecondary coursework or district subject content  
 3482 professional development activities to assist in the preparation  
 3483 for earning a passing score on the subject area examination  
 3484 required for add-on certification.

3485 Section 59. Section 1012.986, Florida Statutes, is created  
 3486 to read:

3487 1012.986 William Cecil Golden Professional Development  
 3488 Program for School Leaders.--

3489 (1) ESTABLISHMENT.--There is established the William Cecil  
 3490 Golden Professional Development Program for School Leaders, a  
 3491 high-quality, competency-based, customized, comprehensive, and  
 3492 coordinated statewide professional development program that is  
 3493 aligned with the leadership standards for school leaders adopted  
 3494 by the State Board of Education. The program shall be  
 3495 administered by the Department of Education and shall provide  
 3496 leadership training opportunities for school leaders to enable  
 3497 them to be more effective instructional leaders, especially in  
 3498 the area of reading. The program shall provide school leaders  
 3499 with the opportunity to attain a school leadership designation  
 3500 pursuant to subsection (3).

3501           (2) DEFINITION.--As used in this section, the term "school  
 3502 leader" means a school principal or assistant principal holding  
 3503 a valid Florida certificate in educational leadership.

3504           (3) DESIGNATIONS.--The Department of Education shall  
 3505 develop criteria for designating high-performing school leaders.  
 3506 The criteria must emphasize student learning gains, especially  
 3507 in high schools.

3508           (4) PROGRAM REQUIREMENTS.--

3509           (a) The program shall be based upon the leadership  
 3510 standards adopted by the State Board of Education, the standards  
 3511 of the National Staff Development Council, and the federal  
 3512 requirements for high-quality professional development under the  
 3513 No Child Left Behind Act of 2001.

3514           (b) The program shall provide a competency-based approach  
 3515 that utilizes prediagnostic and postdiagnostic evaluations that  
 3516 shall be used to create an individualized professional  
 3517 development plan approved by the district school superintendent.  
 3518 The plan shall be structured to support the school leader's  
 3519 attainment of the leadership standards adopted by the State  
 3520 Board of Education.

3521           (c) The program shall incorporate instructional leadership  
 3522 training and effective business practices for efficient school  
 3523 operations in school leadership training.

3524           (5) DELIVERY SYSTEMS.--The Department of Education shall  
 3525 deliver the program through multiple delivery systems,  
 3526 including:

3527           (a) Approved school district training programs.

3528           (b) Interactive technology-based instruction.  
 3529           (c) Regional consortium service organizations pursuant to  
 3530 s. 1001.451.  
 3531           (6) RULES.--The State Board of Education shall adopt rules  
 3532 pursuant to ss. 120.536(1) and 120.54 to implement the  
 3533 provisions of this section.  
 3534           Section 60. Section 1012.987, Florida Statutes, is  
 3535 repealed.  
 3536           Section 61. This act shall take effect upon becoming a  
 3537 law.