

1 A bill to be entitled
2 An act relating to public school education; amending s.
3 1002.20, F.S.; providing that public school choice options
4 include academy programs in the school district; deleting
5 reference to the Opportunity Scholarship Program; amending
6 s. 1002.31, F.S.; conforming provisions relating to public
7 school parental choice; requiring reimbursement to school
8 districts for reasonable costs for student transportation
9 to certain schools and choice programs; creating s.
10 1002.391, F.S.; requiring the Department of Education to
11 develop a plan for the establishment of academy programs
12 in the public schools; providing for student transfer in
13 certain circumstances; requiring reimbursement to school
14 districts for reasonable costs for student transportation;
15 amending s. 1008.33, F.S.; defining the term "school" to
16 include any academy program for purposes of State Board of
17 Education authority to enforce public school improvement;
18 revising provisions relating to state board intervention
19 in the operation of a district school system; requiring
20 state board rulemaking relating to school performance;
21 amending s. 1008.34, F.S.; changing the school grading
22 system to a school performance system; defining the term
23 "school" to include any academy program for purposes of
24 determining performance; specifying school performance
25 categories and the basis for designating such categories;
26 providing for determination of school district
27 performance; authorizing school districts to give certain
28 schools increased budget authority; amending s. 1008.341,

29 F.S.; revising provisions relating to the school
 30 improvement rating for alternative schools, to conform;
 31 amending s. 1008.36, F.S.; changing the Florida School
 32 Recognition Program to the Every Child Matters Program;
 33 providing intent and purpose of the program; providing for
 34 financial assistance to schools providing remediation and
 35 intervention services to certain students; specifying the
 36 uses of program funds; providing department duties;
 37 amending ss. 1001.42, 1002.33, 1002.415, 1003.62, 1008.31,
 38 1008.345, 1011.62, 1011.64, and 1012.2315, F.S.;

39 conforming provisions; providing an effective date.

40

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

42

43 Section 1. Paragraph (a) of subsection (6) of section
 44 1002.20, Florida Statutes, is amended to read:

45 1002.20 K-12 student and parent rights.--Parents of public
 46 school students must receive accurate and timely information
 47 regarding their child's academic progress and must be informed
 48 of ways they can help their child to succeed in school. K-12
 49 students and their parents are afforded numerous statutory
 50 rights including, but not limited to, the following:

51 (6) EDUCATIONAL CHOICE.--

52 (a) Public school choices.--Parents of public school
 53 students may seek whatever public school choice options that are
 54 ~~applicable to their students and are~~ available to students in
 55 their school districts. These options may include controlled
 56 open enrollment, lab schools, charter schools, charter technical

57 career centers, magnet schools, alternative schools, special
 58 programs, academy programs, advanced placement, dual enrollment,
 59 International Baccalaureate, International General Certificate
 60 of Secondary Education (pre-AICE), Advanced International
 61 Certificate of Education, early admissions, credit by
 62 examination or demonstration of competency, the New World School
 63 of the Arts, the Florida School for the Deaf and the Blind, and
 64 the Florida Virtual School. These options may also include the
 65 public school choice option ~~options~~ of the ~~Opportunity~~
 66 ~~Scholarship Program~~ and the McKay Scholarships for Students with
 67 Disabilities Program.

68 Section 2. Subsections (2) and (3) and paragraph (c) of
 69 subsection (5) of section 1002.31, Florida Statutes, are amended
 70 to read:

71 1002.31 Public school parental choice.--

72 (2) Each district school board may offer controlled open
 73 enrollment within the public schools. The controlled open
 74 enrollment program shall be offered in addition to the existing
 75 choice programs such as magnet schools, alternative schools,
 76 special programs, academy programs, advanced placement, and dual
 77 enrollment.

78 (3) Each district school board shall develop a controlled
 79 open enrollment plan which describes the implementation of
 80 subsection (2). Each school district shall be reimbursed for
 81 reasonable costs of providing transportation for students who
 82 attend a public school or choice program other than the school
 83 to which the student is assigned through the allocation of Every
 84 Child Matters Program funds by the Department of Education

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85 pursuant to s. 1008.36.

86 (5) Each school district shall develop a system of
87 priorities for its plan that includes consideration of the
88 following:

89 (c) A process that allows ~~encourages~~ placement of siblings
90 within the same school.

91 Section 3. Section 1002.391, Florida Statutes, is created
92 to read:

93 1002.391 Academy programs in the public schools.--

94 (1) The Department of Education shall develop by January
95 1, 2008, a plan for school districts to establish academy
96 programs in every public school where feasible. Based on the
97 school-within-a-school concept, academy programs shall be
98 multiple programs within one school facility that allow students
99 to concentrate on unique and specialized areas of study of their
100 choosing. The department's plan shall be based on the following:

101 (a) Each student in an academy program must take a base of
102 core-curricula courses in addition to specialized courses unique
103 to each academy program.

104 (b) The plan must include a waiver provision for school
105 districts to continue offering traditional academic programs if
106 it is not feasible to offer academy programs within individual
107 schools.

108 (2) (a) A parent whose child is enrolled in an academy
109 program shall be able to transfer his or her child to a
110 different academy program in the school, to an academy program
111 in another public school in the school district, or to a
112 traditional academic program in another public school in the

113 school district if the expectations of the parent or the student
 114 are not met within the school in which the student is enrolled.
 115 Except as provided in paragraph (b), once a student begins the
 116 academic year in an academy program or school, he or she is
 117 required to attend that academy program or school for the
 118 remainder of the academic year.

119 (b) A parent may apply to transfer his or her child to
 120 another academy program or school before the end of the academic
 121 year if special circumstances warrant such action, according to
 122 a process developed by the department.

123 (3) The department shall allocate Every Child Matters
 124 Program funds, pursuant to s. 1008.36, to reimburse school
 125 districts for reasonable costs of providing transportation for
 126 students who attend a public school, or an academy program in a
 127 public school, other than the school to which the student is
 128 assigned, pursuant to this section.

129 Section 4. Section 1008.33, Florida Statutes, is amended
 130 to read:

131 1008.33 Authority to enforce public school
 132 improvement.--It is the intent of the Legislature that all
 133 public schools be held accountable for students performing at
 134 acceptable levels. A system of school improvement and
 135 accountability that assesses student performance by school,
 136 identifies schools in which students are not making adequate
 137 progress toward state standards, institutes appropriate measures
 138 for enforcing improvement, and provides rewards and sanctions
 139 based on performance shall be the responsibility of the State
 140 Board of Education. For purposes of this section, the term

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141 "school" means the school itself or any academy program in a
142 school as described in s. 1002.391.

143 (1) (a) Pursuant to Art. IX of the State Constitution
144 prescribing the duty of the State Board of Education to
145 supervise Florida's public school system and notwithstanding any
146 other statutory provisions to the contrary, the State Board of
147 Education shall intervene in the operation of a district school
148 system when one or more schools in the school district have
149 failed to make adequate progress for 2 school years in a 3-year
150 ~~4-year~~ period. For purposes of determining when a school is
151 eligible for state board action ~~and opportunity scholarships for~~
152 ~~its students~~, the term ~~terms~~ ~~"2 years in any 4 year period"~~ and
153 ~~"2 school years in a 3-year 4-year period"~~ means ~~mean~~ that in
154 any year that a school has a performance category "Declining,"
155 ~~grade of "F,"~~ the school is eligible for state board action ~~and~~
156 ~~opportunity scholarships for its students~~ if it also has had a
157 performance category "Declining" ~~grade of "F"~~ in any of the
158 previous 2 ~~3~~ school years. The State Board of Education may
159 determine that the school district or school has not taken steps
160 sufficient for students in the school to be academically well
161 served. Considering recommendations of the Commissioner of
162 Education, the State Board of Education shall recommend action
163 to a district school board intended to improve educational
164 services to students in each school that is designated with a
165 performance category "Declining." ~~grade of "F."~~ Recommendations
166 for actions to be taken in the school district shall be made
167 only after thorough consideration of the unique characteristics
168 of a school, which shall include student mobility rates, the

169 number and type of exceptional students enrolled in the school,
 170 and the availability of options for improved educational
 171 services. The state board shall adopt by rule steps to follow in
 172 this process. Such steps shall provide school districts
 173 sufficient time to improve student performance in schools and
 174 the opportunity to present evidence of assistance and
 175 interventions that the district school board has implemented.

176 (b) A school shall not receive a performance category
 177 "Declining" if it has an overall increase in student
 178 achievement. This safe-harbor threshold for such a school shall
 179 be based on annualized, multiyear improvements documented for
 180 the top 25 percent of Florida schools for that grade level.

181 (c) A school shall not receive a performance category
 182 "Declining" if it falls below its previous year's grade or
 183 performance category but maintains adequate performance
 184 standards compared to other public schools in the state.

185 (d) The State Board of Education shall determine by rule
 186 the criteria for designating "Improving," "Maintaining," and
 187 "Declining" performance categories for the purposes of the state
 188 performance accountability system pursuant to s. 1008.34.

189 (2) The State Board of Education may recommend one or more
 190 of the following actions to district school boards to enable
 191 students in schools designated as performance category
 192 "Declining" ~~with a grade of "F"~~ to be academically well served
 193 by the public school system:

194 (a) Provide additional resources, change certain
 195 practices, and provide additional assistance if the state board

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196 determines the causes of inadequate progress to be related to
197 school district policy or practice;

198 (b) Implement a plan that satisfactorily resolves the
199 education equity problems in the school related to factors that
200 hamper increased student performance;

201 (c) Contract for the educational services of the school,
202 or reorganize the school at the end of the school year under a
203 new school principal who is authorized to hire new staff and
204 implement a plan that addresses the causes of inadequate
205 progress. A contract to administer an alternative school may not
206 be entered into with a private entity which contract changes the
207 character of the alternative school population as it existed
208 when the alternative school was administered by the public
209 school system. The term "character of the alternative school
210 population" means the percentage of students having learning
211 disabilities, physical disabilities, emotional disabilities, or
212 developmental disabilities, as well as the percentage of
213 students having discipline problems;

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

216 (e) Other action appropriate to improve the school's
217 performance, including, if the school is a high school,
218 requiring annual publication of the school's graduation rate
219 calculated without GED tests for the past 3 years, disaggregated
220 by student ethnicity.

221 (3) In recommending actions to district school boards, the
222 State Board of Education shall specify the length of time
223 available to implement the recommended action. The State Board

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224 of Education may adopt rules to further specify how it may
225 respond in specific circumstances. No action taken by the State
226 Board of Education shall relieve a school from state
227 accountability requirements.

228 (4) The State Board of Education may require the
229 Department of Education or Chief Financial Officer to withhold
230 any transfer of state funds to the school district if, within
231 the timeframe specified in state board action, the school
232 district has failed to comply with the action ordered to improve
233 the district's low-performing schools. Withholding the transfer
234 of funds shall occur only after all other recommended actions
235 for school improvement have failed to improve performance. The
236 State Board of Education may impose the same penalty on any
237 district school board that fails to develop and implement a plan
238 for assistance and intervention for low-performing schools as
239 specified in s. 1001.42(16)(d).

240 Section 5. Section 1008.34, Florida Statutes, is amended
241 to read:

242 1008.34 School performance ~~grading~~ system; school report
243 cards; district performance grade.--For purposes of this
244 section, the term "school" means the school itself or any
245 academy program in a school as described in s. 1002.391. Each
246 school and each academy program shall receive a separate
247 performance category designation pursuant to this section.

248 (1) ANNUAL REPORTS.--The Commissioner of Education shall
249 prepare annual reports of the results of the statewide
250 assessment program which describe student achievement in the
251 state, each district, and each school. The commissioner shall

252 prescribe the design and content of these reports, which must
 253 include, without limitation, descriptions of the performance of
 254 all schools participating in the assessment program and all of
 255 their major student populations as determined by the
 256 Commissioner of Education, and must also include the median
 257 scores of all eligible students who scored at or in the lowest
 258 25th percentile of the state in the previous school year;
 259 provided, however, that the provisions of s. 1002.22 pertaining
 260 to student records apply to this section.

261 (2) SCHOOL PERFORMANCE CATEGORIES GRADES.--The annual
 262 report shall identify schools as having one of the following
 263 performance categories grades, defined according to rules of the
 264 State Board of Education:

265 (a) "Improving," "A," ~~schools~~ making excellent or above
 266 average progress.

267 (b) "Maintaining," "B," ~~schools~~ making satisfactory or
 268 average above average progress.

269 (c) "Declining," "C," ~~schools~~ making unsatisfactory or
 270 below average satisfactory progress.

271 ~~(d) "D," schools making less than satisfactory progress.~~

272 ~~(e) "F," schools failing to make adequate progress.~~

273
 274 Beginning in the 2007-2008 school year, a school that has been
 275 designated with a school grade of "F" in a prior school year
 276 shall not be designated as performance category "Declining"
 277 using the current year's data if that school has met the safe-
 278 harbor threshold established in s. 1008.33(1)(b). ~~Each school~~
 279 ~~designated with a grade of "A," making excellent progress, or~~

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280 ~~having improved at least two grade levels, shall have greater~~
281 ~~authority over the allocation of the school's total budget~~
282 ~~generated from the FEFP, state categoricals, lottery funds,~~
283 ~~grants, and local funds, as specified in state board rule. The~~
284 ~~rule must provide that the increased budget authority shall~~
285 ~~remain in effect until the school's grade declines.~~

286 (3) DESIGNATION OF SCHOOL PERFORMANCE CATEGORIES
287 ~~GRADES~~.--For purposes of determining school performance, student
288 performance shall be based on all students' annual learning
289 gains and increased student performance compared to the previous
290 year. Each school that has students who are tested and included
291 in the school performance grading system, except an alternative
292 school that receives a school improvement rating pursuant to s.
293 1008.341, shall receive a school performance category
294 designation grade; however, an alternative school may choose to
295 receive a school performance category designation grade under
296 this section in lieu of a school improvement rating.
297 Additionally, a school that serves any combination of students
298 in kindergarten through grade 3 which does not receive a school
299 performance category designation grade because its students are
300 not tested and included in the school performance grading system
301 shall receive the school performance category grade designation
302 of a K-3 feeder pattern school identified by the Department of
303 Education and verified by the school district. A school feeder
304 pattern exists if at least 60 percent of the students in the
305 school serving a combination of students in kindergarten through
306 grade 3 are scheduled to be assigned to the ~~graded~~ school
307 participating in the school performance system. School

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308 performance categories ~~grades~~ itemized in subsection (2) shall
309 be based on the following:

310 (a) Criteria.--A school's performance grade shall be based
311 on a combination of:

312 1. Student achievement scores, including achievement
313 scores for students seeking a special diploma.

314 2. Student learning gains as measured annually ~~by annual~~
315 ~~FCAT assessments~~ in grades 3 through 10; learning gains for
316 students seeking a special diploma, as measured by an alternate
317 assessment tool, shall be included not later than the 2009-2010
318 school year.

319 3. Improvement of the lowest 25th percentile of students
320 in the school ~~in reading, math, or writing~~ on the FCAT and on
321 non-FCAT measures, unless these students are exhibiting
322 satisfactory performance.

323 4. Beginning in the 2007-2008 school year, the following
324 weighted factors according to rules adopted by the State Board
325 of Education:

326 a. Fifty percent based on student FCAT scores.

327 b. Fifty percent based on non-FCAT measures as determined
328 by the Department of Education.

329 (b) Student assessment data.--Student assessment data used
330 in determining school performance grades shall include:

331 1. The aggregate scores of all eligible students enrolled
332 in the school who have been assessed on the FCAT and on non-FCAT
333 measures.

334 2. The aggregate scores of all eligible students enrolled
335 in the school who have been assessed on the FCAT, including

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336 Florida Writes, and on non-FCAT measures, and who have scored at
337 or in the lowest 25th percentile of students in the school ~~in~~
338 ~~reading, math, or writing~~, unless these students are exhibiting
339 satisfactory performance.

340 3. Effective with the 2005-2006 school year, the
341 achievement scores and learning gains of eligible students
342 attending alternative schools that provide dropout prevention
343 and academic intervention services pursuant to s. 1003.53. The
344 term "eligible students" in this subparagraph does not include
345 students attending an alternative school who are subject to
346 district school board policies for expulsion for repeated or
347 serious offenses, who are in dropout retrieval programs serving
348 students who have officially been designated as dropouts, or who
349 are in programs operated or contracted by the Department of
350 Juvenile Justice. The student performance data for eligible
351 students identified in this subparagraph shall be included in
352 the calculation of the home school's performance grade. For
353 purposes of this section and s. 1008.341, "home school" means
354 the school the student was attending when assigned to an
355 alternative school. If an alternative school chooses to be
356 designated grade pursuant to this section, student performance
357 data for eligible students identified in this subparagraph shall
358 not be included in the home school's performance grade but shall
359 be included only in the calculation of the alternative school's
360 performance grade. School districts must require collaboration
361 between the home school and the alternative school in order to
362 promote student success.

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364 The State Board of Education shall adopt appropriate criteria
365 for each school performance category ~~grade~~. The criteria must
366 ~~also~~ give added weight to student achievement in reading.
367 Schools designated with a performance category "Maintaining"
368 ~~grade of "C," making satisfactory progress,~~ shall be required to
369 demonstrate that adequate progress has been made by students in
370 the school who are in the lowest 25th percentile ~~in reading,~~
371 ~~math, or writing~~ on the FCAT, including Florida Writes, and on
372 non-FCAT measures, unless these students are exhibiting
373 satisfactory performance.

374 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
375 identify each school's performance as having improved, remained
376 the same, or declined. This school improvement rating shall be
377 based on a comparison of the current year's and previous year's
378 student and school performance data. ~~Schools that improve at~~
379 ~~least one grade level are eligible for school recognition awards~~
380 ~~pursuant to s. 1008.36.~~

381 (5) SCHOOL REPORT CARD.--The Department of Education shall
382 annually develop, in collaboration with the school districts, a
383 school report card to be delivered to parents throughout each
384 school district. The report card shall include the school's
385 performance category ~~grade~~, information regarding school
386 improvement, an explanation of school performance as evaluated
387 by the federal No Child Left Behind Act of 2001, and indicators
388 of return on investment. Each school's report card shall be
389 published annually by the department on its website, and the
390 school district shall provide the school report card to each
391 parent.

392 (6) PERFORMANCE-BASED FUNDING.--The Legislature may factor
 393 in the performance of schools in calculating any performance-
 394 based funding policy that is provided for annually in the
 395 General Appropriations Act.

396 (7) DISTRICT PERFORMANCE GRADE.--

397 (a) The annual report required by subsection (1) shall
 398 include district performance grades, which shall consist of
 399 weighted district average performance grades, by level, for all
 400 elementary schools, middle schools, and high schools in the
 401 district. A district's weighted average performance grade shall
 402 be calculated by weighting individual school performance grades
 403 determined pursuant to subsection (2) by school enrollment.

404 (b) School districts shall have a variety of tools at
 405 their disposal to maintain high performance standards. These
 406 tools shall include, but not be limited to, giving to schools
 407 that receive a performance category "Improving" greater
 408 authority over the allocation of the school's total budget
 409 generated from the FEFP, state categoricals, lottery funds,
 410 grants, and local funds, as specified in State Board of
 411 Education rule. The rule must provide that the increased budget
 412 authority shall remain in effect unless the school's performance
 413 category declines.

414 Section 6. Subsections (2) and (3) of section 1008.341,
 415 Florida Statutes, are amended to read:

416 1008.341 School improvement rating for alternative
 417 schools.--

418 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
 419 provide dropout prevention and academic intervention services

420 pursuant to s. 1003.53 shall receive a school improvement rating
 421 pursuant to this section. The school improvement rating shall
 422 identify schools as having one of the following ratings defined
 423 according to rules of the State Board of Education:

424 (a) "Improving" means schools with students making more
 425 academic progress than when the students were served in their
 426 home schools.

427 (b) "Maintaining" means schools with students making
 428 progress equivalent to the progress made when the students were
 429 served in their home schools.

430 (c) "Declining" means schools with students making less
 431 academic progress than when the students were served in their
 432 home schools.

433
 434 The school improvement rating shall be based on a comparison of
 435 student performance data for the current year and previous year.
 436 ~~Schools that improve at least one level or maintain an~~
 437 ~~"improving" rating pursuant to this section are eligible for~~
 438 ~~school recognition awards pursuant to s. 1008.36.~~

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

442 (a) The aggregate scores of all eligible students who were
 443 assigned to and enrolled in the school during the October or
 444 February FTE count, who have been assessed on the FCAT and on
 445 non-FCAT measures, and who have FCAT or comparable scores for
 446 the preceding school year.

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447 (b) The aggregate scores of all eligible students who were
 448 assigned to and enrolled in the school during the October or
 449 February FTE count, who have been assessed on the FCAT,
 450 including Florida Writes, and on non-FCAT measures, and who have
 451 scored in the lowest 25th percentile of students in the state on
 452 the FCAT and on non-FCAT measures ~~Reading~~.

453
 454 The assessment scores of students who are subject to district
 455 school board policies for expulsion for repeated or serious
 456 offenses, who are in dropout retrieval programs serving students
 457 who have officially been designated as dropouts, or who are in
 458 programs operated or contracted by the Department of Juvenile
 459 Justice may not be included in an alternative school's school
 460 improvement rating.

461 Section 7. Section 1008.36, Florida Statutes, is amended
 462 to read:

463 1008.36 Every Child Matters ~~Florida School Recognition~~
 464 Program.--

465 (1) The Legislature finds that in order to provide every
 466 student enrolled in K-12 public schools with the opportunity to
 467 achieve a successful public education, academic problems must be
 468 identified early, with remediation and intervention services to
 469 follow. It is the intent of this section that no child shall be
 470 left behind ~~there is a need for a performance incentive program~~
 471 ~~for outstanding faculty and staff in highly productive schools.~~
 472 ~~The Legislature further finds that performance based incentives~~
 473 ~~are commonplace in the private sector and should be infused into~~
 474 ~~the public sector as a reward for productivity.~~

475 (2) The Every Child Matters ~~Florida School Recognition~~
 476 Program is created to provide ~~financial awards to public schools~~
 477 ~~that:~~

478 (a) A curriculum-based, year-round measurement of learning
 479 gains for all public school students enrolled in kindergarten
 480 through grade 12. Sustain high performance by receiving a school
 481 grade of "A," making excellent progress; or

482 (b) Remediation and intervention services to all public
 483 school students enrolled in kindergarten through grade 12 who
 484 are not meeting grade-appropriate performance expectations,
 485 including FCAT scores and non-FCAT measures. Demonstrate
 486 ~~exemplary improvement due to innovation and effort by improving~~
 487 ~~a letter grade.~~

488 (3) All public schools, including charter schools and
 489 academy programs in public schools, ~~that receive a school grade~~
 490 ~~pursuant to s. 1008.34~~ are eligible to participate in the
 491 program.

492 (4) All ~~selected~~ schools shall receive financial
 493 assistance awards depending on the availability of funds
 494 ~~appropriated and the number and size of schools selected to~~
 495 ~~receive an award.~~ Funds must be distributed to the school's
 496 fiscal agent and placed in the school's account and must be used
 497 for purposes listed in subsection (5) as determined jointly by
 498 the school's staff and school advisory council. ~~If school staff~~
 499 ~~and the school advisory council cannot reach agreement by~~
 500 ~~November 1, the awards must be equally distributed to all~~
 501 ~~classroom teachers currently teaching in the school.~~

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502 (5) Every Child Matters Program funds ~~School recognition~~
503 ~~awards~~ must be used for the following:

504 (a) Administration of a regular formative assessment
505 approved by the State Board of Education. ~~Nonrecurring bonuses~~
506 ~~to the faculty and staff;~~

507 (b) Nonrecurring expenditures for remediation of low-
508 performing students, including remediation programs and
509 intervention services adopted and administered by the Department
510 of Education.

511 ~~(c)(b)~~ Nonrecurring expenditures for educational equipment
512 or materials to assist in the remediation of low-performing
513 students. ~~maintaining and improving student performance; or~~

514 ~~(d)(e)~~ Temporary personnel for the school to assist in the
515 remediation of low-performing students ~~maintaining and improving~~
516 ~~student performance.~~

517 (e) Contracts with private sector participants to provide
518 remediation services provided that 90 percent of the personnel
519 providing services reside in the state and that the contracts
520 include requirements to ensure that the private sector
521 participants are accountable for performance.

522 (f) Transportation of students pursuant to ss. 1002.31 and
523 1002.391.

524 (6) The Department of Education shall provide training and
525 informational resources for educators to administer the
526 formative assessment pursuant to paragraph (5) (a) and shall be
527 responsible for developing and implementing provisions for the
528 collection and analysis of the assessment data.

529 (7) The Department of Education shall establish policies

530 and procedures for the development of individual education plans
 531 for low-performing students who receive remediation and
 532 intervention services pursuant to this section.

533
 534 ~~Notwithstanding statutory provisions to the contrary, incentive~~
 535 ~~awards are not subject to collective bargaining.~~

536 Section 8. Paragraphs (a), (c), and (d) of subsection (16)
 537 and paragraph (d) of subsection (17) of section 1001.42, Florida
 538 Statutes, are amended to read:

539 1001.42 Powers and duties of district school board.--The
 540 district school board, acting as a board, shall exercise all
 541 powers and perform all duties listed below:

542 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 543 ACCOUNTABILITY.--Maintain a system of school improvement and
 544 education accountability as provided by statute and State Board
 545 of Education rule. This system of school improvement and
 546 education accountability shall be consistent with, and
 547 implemented through, the district's continuing system of
 548 planning and budgeting required by this section and ss.

549 1008.385, 1010.01, and 1011.01. This system of school
 550 improvement and education accountability shall include, but is
 551 not limited to, the following:

552 (a) School improvement plans.--Annually approve and
 553 require implementation of a new, amended, or continuation school
 554 improvement plan for each school in the district. A district
 555 school board may establish a district school improvement plan
 556 that includes all schools in the district operating for the
 557 purpose of providing educational services to youth in Department

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558 of Juvenile Justice programs. The school improvement plan shall
559 be designed to achieve the state education priorities pursuant
560 to s. 1000.03(5) and student proficiency on the Sunshine State
561 Standards pursuant to s. 1003.41. Each plan shall address
562 student achievement goals and strategies based on state and
563 school district proficiency standards. The plan may also address
564 issues relative to other academic-related matters, as determined
565 by district school board policy, and shall include an accurate,
566 data-based analysis of student achievement and other school
567 performance data. Beginning with plans approved for
568 implementation in the 2007-2008 school year, each secondary
569 school plan must include a redesign component based on the
570 principles established in s. 1003.413. For each school in the
571 district that earns a performance category "Declining," ~~school~~
572 ~~grade of "C" or below,~~ or is required to have a school
573 improvement plan under federal law, the school improvement plan
574 shall, at a minimum, also include:

575 1. Professional development that supports enhanced and
576 differentiated instructional strategies to improve teaching and
577 learning.

578 2. Continuous use of disaggregated student achievement
579 data to determine effectiveness of instructional strategies.

580 3. Ongoing informal and formal assessments to monitor
581 individual student progress, including progress toward mastery
582 of the Sunshine State Standards, and to redesign instruction if
583 needed.

584 4. Alternative instructional delivery methods to support
585 remediation, acceleration, and enrichment strategies.

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586 (c) Assistance and intervention.--

587 1. Develop a 2-year plan of increasing individualized
588 assistance and intervention for each school in danger of not
589 meeting state standards or making adequate progress, as defined
590 pursuant to statute and State Board of Education rule, toward
591 meeting the goals and standards of its approved school
592 improvement plan.

593 2. Provide assistance and intervention to a school that is
594 designated with a performance category "Declining" ~~grade of "D"~~
595 pursuant to s. 1008.34 ~~and is in danger of failing.~~

596 3. Develop a plan to encourage teachers with demonstrated
597 mastery in improving student performance to remain at or
598 transfer to a school with a performance category "Declining"
599 ~~grade of "D" or "F"~~ or to an alternative school that serves
600 disruptive or violent youths. If a classroom teacher, as defined
601 by s. 1012.01(2)(a), who meets the definition of teaching
602 mastery developed according to the provisions of this paragraph,
603 requests assignment to a school designated with a performance
604 category "Declining" ~~grade of "D" or "F"~~ or to an alternative
605 school that serves disruptive or violent youths, the district
606 school board shall make every practical effort to grant the
607 request.

608 4. Prioritize, to the extent possible, the expenditures of
609 funds received from the supplemental academic instruction
610 categorical fund under s. 1011.62(1)(f) to improve student
611 performance in schools that receive a performance category
612 "Declining." ~~grade of "D" or "F."~~

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613 (d) After 2 years.--Notify the Commissioner of Education
 614 and the State Board of Education in the event any school does
 615 not make adequate progress toward meeting the goals and
 616 standards of a school improvement plan by the end of 2 years of
 617 failing to make adequate progress and proceed according to
 618 guidelines developed pursuant to statute and State Board of
 619 Education rule. School districts shall provide intervention and
 620 assistance to schools in danger of being designated with a
 621 performance category "Declining." ~~grade of "F," failing to make~~
 622 ~~adequate progress.~~

623 (17) LOCAL-LEVEL DECISIONMAKING.--

624 (d) Adopt policies that assist in giving greater autonomy,
 625 including authority over the allocation of the school's budget,
 626 to schools designated with a performance category "Improving."
 627 ~~grade of "A," making excellent progress, and schools rated as~~
 628 ~~having improved at least two grades.~~

629 Section 9. Paragraph (b) of subsection (7) and paragraphs
 630 (o) and (p) of subsection (9) of section 1002.33, Florida
 631 Statutes, are amended to read:

632 1002.33 Charter schools.--

633 (7) CHARTER.--The major issues involving the operation of
 634 a charter school shall be considered in advance and written into
 635 the charter. The charter shall be signed by the governing body
 636 of the charter school and the sponsor, following a public
 637 hearing to ensure community input.

638 (b)1. A charter may be renewed provided that a program
 639 review demonstrates that the criteria in paragraph (a) have been
 640 successfully accomplished and that none of the grounds for

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641 nonrenewal established by paragraph (8)(a) has been documented.
642 In order to facilitate long-term financing for charter school
643 construction, charter schools operating for a minimum of 2 years
644 and demonstrating exemplary academic programming and fiscal
645 management are eligible for a 15-year charter renewal. Such
646 long-term charter is subject to annual review and may be
647 terminated during the term of the charter.

648 2. The 15-year charter renewal that may be granted
649 pursuant to subparagraph 1. shall be granted to a charter school
650 that has received a performance category "Improving" or
651 "Maintaining" ~~school grade of "A" or "B"~~ pursuant to s. 1008.34
652 in 3 of the past 4 years and is not in a state of financial
653 emergency or deficit position as defined by this section. Such
654 long-term charter is subject to annual review and may be
655 terminated during the term of the charter pursuant to subsection
656 (8).

657 (9) CHARTER SCHOOL REQUIREMENTS.--

658 (o) The director and a representative of the governing
659 body of a charter school that has received a performance
660 category "Declining" ~~school grade of "D"~~ under s. 1008.34(2)
661 shall appear before the sponsor or the sponsor's staff at least
662 once a year to present information concerning each contract
663 component having noted deficiencies. The sponsor shall
664 communicate at the meeting, and in writing to the director, the
665 services provided to the school to help the school address its
666 deficiencies.

667 (p) Upon notification that a charter school receives a
668 performance category "Declining" ~~school grade of "D"~~ for 2

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669 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
670 the charter school sponsor or the sponsor's staff shall require
671 the director and a representative of the governing body to
672 submit to the sponsor for approval a school improvement plan to
673 raise student achievement and to implement the plan. The sponsor
674 has the authority to approve a school improvement plan that the
675 charter school will implement in the following school year. The
676 sponsor may also consider the State Board of Education's
677 recommended action pursuant to s. 1008.33(1) as part of the
678 school improvement plan. The Department of Education shall offer
679 technical assistance and training to the charter school and its
680 governing body and establish guidelines for developing,
681 submitting, and approving such plans.

682 1. If the charter school fails to improve its student
683 performance from the year immediately prior to the
684 implementation of the school improvement plan, the sponsor shall
685 place the charter school on probation and shall require the
686 charter school governing body to take one of the following
687 corrective actions:

688 a. Contract for the educational services of the charter
689 school;

690 b. Reorganize the school at the end of the school year
691 under a new director or principal who is authorized to hire new
692 staff and implement a plan that addresses the causes of
693 inadequate progress; or

694 c. Reconstitute the charter school.

695 2. A charter school that is placed on probation shall
696 continue the corrective actions required under subparagraph 1.

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697 until the charter school improves its student performance from
 698 the year prior to the implementation of the school improvement
 699 plan.

700 3. Notwithstanding any provision of this paragraph, the
 701 sponsor may terminate the charter at any time pursuant to the
 702 provisions of subsection (8).

703 Section 10. Subsection (7) and paragraph (a) of subsection
 704 (8) of section 1002.415, Florida Statutes, are amended to read:

705 1002.415 K-8 Virtual School Program.--Subject to annual
 706 legislative appropriation, a kindergarten through grade 8
 707 virtual school program is established within the Department of
 708 Education for the purpose of making academic instruction
 709 available to full-time students in kindergarten through grade 8
 710 using on-line and distance learning technology. The department
 711 shall use an application process to select schools to deliver
 712 program instruction.

713 (7) ASSESSMENT AND ACCOUNTABILITY.--

714 (a) Each K-8 virtual school must participate in the
 715 statewide assessment program created under s. 1008.22 and shall
 716 be subject to the school performance ~~grading~~ system created by
 717 s. 1008.34.

718 (b) A K-8 virtual school that has a performance ~~grade~~
 719 category "Declining" ~~of "D" or "F"~~ must file a school
 720 improvement plan with the department for consultation to
 721 determine the causes for low performance and to develop a plan
 722 for correction and improvement.

723 (c) The department shall terminate the contract of any K-8
 724 virtual school that receives a performance ~~grade~~ category

725 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~
 726 ~~consecutive 4-year~~ period.

727 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

728 (a) At the end of a contract with a K-8 virtual school,
 729 the department may choose not to renew the contract for any of
 730 the following grounds:

731 1. Failure to participate in the state's education
 732 accountability system created in s. 1008.31, as required in this
 733 section;

734 2. Failure to receive a school performance category
 735 "Maintaining" ~~grade of "C"~~ or better under the school
 736 performance grading system created by s. 1008.34 for any 2 years
 737 in a 3-year ~~consecutive 4-year~~ period;

738 3. Failure to meet generally accepted standards of fiscal
 739 management;

740 4. Violation of law;

741 5. Failure of the Legislature to fund the program; or

742 6. Other good cause shown.

743 Section 11. Paragraph (a) of subsection (1) of section
 744 1003.62, Florida Statutes, is amended to read:

745 1003.62 Academic performance-based charter school
 746 districts.--The State Board of Education may enter into a
 747 performance contract with district school boards as authorized
 748 in this section for the purpose of establishing them as academic
 749 performance-based charter school districts. The purpose of this
 750 section is to examine a new relationship between the State Board
 751 of Education and district school boards that will produce
 752 significant improvements in student achievement, while complying

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753 with constitutional and statutory requirements assigned to each
754 entity.

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

756 (a) A school district shall be eligible for designation as
757 an academic performance-based charter school district if it is a
758 high-performing school district in which a minimum of 50 percent
759 of the schools earn a performance category "Improving" ~~grade of~~
760 ~~"A" or "B"~~ and in which no school earns a performance category
761 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
762 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
763 ~~not be included in this calculation.~~ The performance contract
764 for a school district that earns a charter based on school
765 performance grades shall be predicated on maintenance of at
766 least 50 percent of the schools in the school district earning a
767 performance category "Improving" ~~grade of "A" or "B"~~ with no
768 school in the school district earning a performance category
769 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A
770 school district in which the number of schools that earn a
771 performance category "Improving" ~~grade of "A" or "B"~~ is less
772 than 50 percent may have its charter renewed for 1 year;
773 however, if the percentage of performance category "Improving"
774 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive
775 years, the charter shall not be renewed.

776 Section 12. Paragraph (b) of subsection (1) of section
777 1008.31, Florida Statutes, is amended to read:

778 1008.31 Florida's K-20 education performance
779 accountability system; legislative intent; mission, goals, and
780 systemwide measures; data quality improvements.--

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781 (1) LEGISLATIVE INTENT.--It is the intent of the
782 Legislature that:

783 (b) The K-20 education performance accountability system
784 be established as a single, unified accountability system with
785 multiple components, including, but not limited to, measures of
786 adequate yearly progress, individual student learning gains in
787 public schools, school performance categories ~~grades~~, and return
788 on investment.

789 Section 13. Paragraphs (b) and (d) of subsection (6) and
790 subsection (7) of section 1008.345, Florida Statutes, are
791 amended to read:

792 1008.345 Implementation of state system of school
793 improvement and education accountability.--

794 (6)

795 (b) Upon request, the department shall provide technical
796 assistance and training to any school, including any school
797 operating for the purpose of providing educational services to
798 youth in Department of Juvenile Justice programs, school
799 advisory council, district, or district school board for
800 conducting needs assessments, developing and implementing school
801 improvement plans, developing and implementing assistance and
802 intervention plans, or implementing other components of school
803 improvement and accountability. Priority for these services
804 shall be given to schools designated with a performance category
805 "Declining" ~~grade of "D" or "F"~~ and school districts in rural
806 and sparsely populated areas of the state.

807 (d) The commissioner shall assign a community assessment
808 team to each school district or governing board with a school

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809 receiving a performance category "Declining" ~~graded "F"~~ to
 810 review the school performance data and determine causes for the
 811 low performance, including the role of school, area, and
 812 district administrative personnel. The community assessment team
 813 shall review a high school's graduation rate calculated without
 814 GED tests for the past 3 years, disaggregated by student
 815 ethnicity. The team shall make recommendations to the school
 816 board or the governing board, to the department, and to the
 817 State Board of Education for implementing an assistance and
 818 intervention plan that will address the causes of the school's
 819 low performance. The assessment team shall include, but not be
 820 limited to, a department representative, parents, business
 821 representatives, educators, representatives of local
 822 governments, and community activists, and shall represent the
 823 demographics of the community from which they are appointed.

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

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

832 Section 14. Paragraphs (h), (m), and (n) of subsection (1)
 833 and paragraph (c) of subsection (7) of section 1011.62, Florida
 834 Statutes, are amended to read:

835 1011.62 Funds for operation of schools.--If the annual
 836 allocation from the Florida Education Finance Program to each

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837 district for operation of schools is not determined in the
838 annual appropriations act or the substantive bill implementing
839 the annual appropriations act, it shall be determined as
840 follows:

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

845 (h) Small, isolated high schools.--Districts which levy
846 the maximum nonvoted discretionary millage, exclusive of millage
847 for capital outlay purposes levied pursuant to s. 1011.71(2),
848 may calculate full-time equivalent students for small, isolated
849 high schools by multiplying the number of unweighted full-time
850 equivalent students times 2.75; provided the school has attained
851 a performance category "Maintaining" ~~grade of "C"~~ or better,
852 pursuant to s. 1008.34, for the previous school year. For the
853 purpose of this section, the term "small, isolated high school"
854 means any high school which is located no less than 28 miles by
855 the shortest route from another high school; which has been
856 serving students primarily in basic studies provided by sub-
857 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
858 and which has a membership of no more than 100 students, but no
859 fewer than 28 students, in grades 9 through 12.

860 (m) Calculation of additional full-time equivalent
861 membership based on Advanced International Certificate of
862 Education examination scores of students.--A value of 0.24 full-
863 time equivalent student membership shall be calculated for each
864 student enrolled in a full-credit Advanced International

865 Certificate of Education course who receives a score of E or
 866 higher on a subject examination. A value of 0.12 full-time
 867 equivalent student membership shall be calculated for each
 868 student enrolled in a half-credit Advanced International
 869 Certificate of Education course who receives a score of E or
 870 higher on a subject examination. A value of 0.3 full-time
 871 equivalent student membership shall be calculated for each
 872 student who receives an Advanced International Certificate of
 873 Education diploma. Such value shall be added to the total full-
 874 time equivalent student membership in basic programs for grades
 875 9 through 12 in the subsequent fiscal year. The school district
 876 shall distribute to each classroom teacher who provided Advanced
 877 International Certificate of Education instruction:

878 1. A bonus in the amount of \$50 for each student taught by
 879 the Advanced International Certificate of Education teacher in
 880 each full-credit Advanced International Certificate of Education
 881 course who receives a score of E or higher on the Advanced
 882 International Certificate of Education examination. A bonus in
 883 the amount of \$25 for each student taught by the Advanced
 884 International Certificate of Education teacher in each half-
 885 credit Advanced International Certificate of Education course
 886 who receives a score of E or higher on the Advanced
 887 International Certificate of Education examination.

888 2. An additional bonus of \$500 to each Advanced
 889 International Certificate of Education teacher in a school
 890 designated with a performance category "Declining" ~~grade of "D"~~
 891 ~~or "F"~~ who has at least one student scoring E or higher on the
 892 full-credit Advanced International Certificate of Education

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893 examination, regardless of the number of classes taught or of
894 the number of students scoring an E or higher on the full-credit
895 Advanced International Certificate of Education examination.

896 3. Additional bonuses of \$250 each to teachers of half-
897 credit Advanced International Certificate of Education classes
898 in a school designated with a performance category "Declining"
899 ~~grade of "D" or "F"~~ which has at least one student scoring an E
900 or higher on the half-credit Advanced International Certificate
901 of Education examination in that class. The maximum additional
902 bonus for a teacher awarded in accordance with this subparagraph
903 shall not exceed \$500 in any given school year. Teachers
904 receiving an award under subparagraph 2. are not eligible for a
905 bonus under this subparagraph.

906
907 Bonuses awarded to a teacher according to this paragraph shall
908 not exceed \$2,000 in any given school year and shall be in
909 addition to any regular wage or other bonus the teacher received
910 or is scheduled to receive.

911 (n) Calculation of additional full-time equivalent
912 membership based on college board advanced placement scores of
913 students.--A value of 0.24 full-time equivalent student
914 membership shall be calculated for each student in each advanced
915 placement course who receives a score of 3 or higher on the
916 College Board Advanced Placement Examination for the prior year
917 and added to the total full-time equivalent student membership
918 in basic programs for grades 9 through 12 in the subsequent
919 fiscal year. Each district must allocate at least 80 percent of
920 the funds provided to the district for advanced placement

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921 instruction, in accordance with this paragraph, to the high
 922 school that generates the funds. The school district shall
 923 distribute to each classroom teacher who provided advanced
 924 placement instruction:

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

929 2. An additional bonus of \$500 to each Advanced Placement
 930 teacher in a school designated with a performance category
 931 "Declining" ~~grade of "D" or "F"~~ who has at least one student
 932 scoring 3 or higher on the College Board Advanced Placement
 933 Examination, regardless of the number of classes taught or of
 934 the number of students scoring a 3 or higher on the College
 935 Board Advanced Placement Examination.

936
 937 Bonuses awarded to a teacher according to this paragraph shall
 938 not exceed \$2,000 in any given school year and shall be in
 939 addition to any regular wage or other bonus the teacher received
 940 or is scheduled to receive.

941 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

942 (c) Each district's allocation of sparsity supplement
 943 funds shall be adjusted in the following manner:

944 1. A maximum discretionary levy per FTE value for each
 945 district shall be calculated by dividing the value of each
 946 district's maximum discretionary levy by its FTE student count.

947 2. A state average discretionary levy value per FTE shall
948 be calculated by dividing the total maximum discretionary levy
949 value for all districts by the state total FTE student count.

950 3. A total potential funds per FTE for each district shall
951 be calculated by dividing the total potential funds, not
952 including Every Child Matters Program ~~Florida School Recognition~~
953 ~~Program~~ funds and the minimum guarantee, for each district by
954 its FTE student count.

955 4. A state average total potential funds per FTE shall be
956 calculated by dividing the total potential funds, not including
957 Every Child Matters Program ~~Florida School Recognition Program~~
958 funds and the minimum guarantee, for all districts by the state
959 total FTE student count.

960 5. For districts that have a levy value per FTE as
961 calculated in subparagraph 1. higher than the state average
962 calculated in subparagraph 2., a sparsity wealth adjustment
963 shall be calculated as the product of the difference between the
964 state average levy value per FTE calculated in subparagraph 2.
965 and the district's levy value per FTE calculated in subparagraph
966 1. and the district's FTE student count and -1. However, no
967 district shall have a sparsity wealth adjustment that, when
968 applied to the total potential funds calculated in subparagraph
969 3., would cause the district's total potential funds per FTE to
970 be less than the state average calculated in subparagraph 4.

971 6. Each district's sparsity supplement allocation shall be
972 calculated by adding the amount calculated as specified in
973 paragraphs (a) and (b) and the wealth adjustment amount
974 calculated in this paragraph.

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975 Section 15. Paragraph (a) of subsection (2) of section
 976 1011.64, Florida Statutes, is amended to read:

977 1011.64 School district minimum classroom expenditure
 978 requirements.--

979 (2) For the purpose of implementing the provisions of this
 980 section, the Legislature shall prescribe minimum academic
 981 performance standards and minimum classroom expenditure
 982 requirements for districts not meeting such minimum academic
 983 performance standards in the General Appropriations Act.

984 (a) Minimum academic performance standards may be based
 985 on, but are not limited to, district performance grades
 986 determined pursuant to s. 1008.34(7).

987 Section 16. Subsections (1), (2), and (5) of section
 988 1012.2315, Florida Statutes, are amended to read:

989 1012.2315 Assignment of teachers.--

990 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 991 finds disparities between teachers assigned to teach in a
 992 majority of ~~"A" graded~~ schools receiving a performance category
 993 "Improving" and teachers assigned to teach in a majority of ~~"F"~~
 994 ~~graded~~ schools receiving a performance category "Declining". The
 995 disparities can be found in the average years of experience, the
 996 median salary, and the performance of the teachers on teacher
 997 certification examinations. It is the intent of the Legislature
 998 that district school boards have flexibility through the
 999 collective bargaining process to assign teachers more equitably
 1000 across the schools in the district.

1001 (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~--School
 1002 districts may not assign a higher percentage than the school

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1003 district average of first-time teachers, temporarily certified
1004 teachers, teachers in need of improvement, or out-of-field
1005 teachers to schools with above the school district average of
1006 minority and economically disadvantaged students or schools that
1007 are designated performance category "Declining." ~~graded "D" or~~
1008 ~~"F."~~ Each school district shall annually certify to the
1009 Commissioner of Education that this requirement has been met. If
1010 the commissioner determines that a school district is not in
1011 compliance with this subsection, the State Board of Education
1012 shall be notified and shall take action pursuant to s. 1008.32
1013 in the next regularly scheduled meeting to require compliance.

1014 (5) REPORT.--Schools receiving a performance category
1015 "Declining" ~~graded "D" or "F"~~ shall annually report their
1016 teacher-retention rate. Included in this report shall be reasons
1017 listed for leaving by each teacher who left the school for any
1018 reason.

1019 Section 17. This act shall take effect July 1, 2007.