

1 A bill to be entitled
2 An act relating to education; amending s.
3 20.15, F.S.; revising the divisions of the
4 Department of Education to replace the Division
5 of Colleges and Universities with the Division
6 of Workforce Education and to include the
7 Division of Finance and Operations; providing
8 name designations for the director of each
9 division; amending s. 145.19, F.S., relating to
10 salary increases based on increase for state
11 career service employees, to include district
12 school board member salaries; amending s.
13 1001.10, F.S., relating to the Commissioner of
14 Education's powers and duties, to include
15 organizing and naming the structural units of
16 the Department of Education and appointing
17 staff to carry out department functions;
18 amending s. 1001.395, F.S.; revising the manner
19 in which compensation of district school board
20 members is determined; specifying base salary
21 amounts; amending s. 1002.33, F.S., relating to
22 charter schools; updating terminology;
23 clarifying the standard for review of charter
24 school applications; clarifying charter renewal
25 provisions; requiring the governing body to
26 participate in certain governance training;
27 clarifying charter school facility fee
28 exemptions; amending s. 1003.428, F.S.;
29 revising provisions governing credit
30 requirements for high school graduation;
31 removing language relating to credit recovery

1 courses; requiring policies to assist students
 2 in meeting high school graduation requirements;
 3 providing guidelines for district school board
 4 grade forgiveness policies; amending s.
 5 1003.51, F.S.; providing additional time for
 6 initial educational assessments of youths
 7 assigned to Department of Juvenile Justice
 8 education programs; amending s. 1003.62, F.S.;
 9 postponing termination of a charter school
 10 district pilot program in certain counties;
 11 amending s. 1012.225, F.S., relating to Merit
 12 Award Program plans; revising eligibility
 13 requirements for receipt of a merit-based pay
 14 supplement; providing for retroactive
 15 application; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsections (3) and (4) of section 20.15,
 20 Florida Statutes, are amended to read:

21 20.15 Department of Education.--There is created a
 22 Department of Education.

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

- 25 (a) Division of Community Colleges.
- 26 (b) Division of Public Schools.
- 27 (c) Division of Workforce Education Colleges and
 28 ~~Universities~~.
- 29 (d) Division of Vocational Rehabilitation.
- 30 (e) Division of Blind Services.

31

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

3 (g) Division of Finance and Operations.

4 (4) DIRECTORS.--The directors of all divisions shall
5 be appointed by the commissioner subject to approval by the
6 state board. The director of each division may be designated
7 as "Deputy Commissioner" or "Chancellor."

8 Section 2. Subsection (2) of section 145.19, Florida
9 Statutes, is amended to read:

10 145.19 Annual percentage increases based on increase
11 for state career service employees; limitation.--

12 (2) Each fiscal year, the salaries of all officials
13 listed in this chapter, s. 1001.395, and s. 1001.47 shall be
14 adjusted. The adjusted salary rate shall be the product,
15 rounded to the nearest dollar, of the salary rate granted by
16 the appropriate section of this chapter, s. 1001.395, or s.
17 1001.47 multiplied first by the initial factor, then by the
18 cumulative annual factor, and finally by the annual factor.
19 The Department of Management Services shall certify the annual
20 factor and the cumulative annual factors. Any special
21 qualification salary received under this chapter, s. 1001.47,
22 or the annual performance salary incentive available to
23 elected superintendents under s. 1001.47 shall be added to
24 such adjusted salary rate. The special qualification salary
25 shall be \$2,000, but shall not exceed \$2,000.

26 Section 3. Subsection (1) of section 1001.10, Florida
27 Statutes, is amended to read:

28 1001.10 Commissioner of Education; general powers and
29 duties.--The Commissioner of Education is the chief
30 educational officer of the state and the sole custodian of the
31 K-20 data warehouse, and is responsible for giving full

1 assistance to the State Board of Education in enforcing
2 compliance with the mission and goals of the seamless K-20
3 education system. To facilitate innovative practices and to
4 allow local selection of educational methods, the State Board
5 of Education may authorize the commissioner to waive, upon the
6 request of a district school board, State Board of Education
7 rules that relate to district school instruction and school
8 operations, except those rules pertaining to civil rights, and
9 student health, safety, and welfare. The Commissioner of
10 Education is not authorized to grant waivers for any
11 provisions in rule pertaining to the allocation and
12 appropriation of state and local funds for public education;
13 the election, compensation, and organization of school board
14 members and superintendents; graduation and state
15 accountability standards; financial reporting requirements;
16 reporting of out-of-field teaching assignments under s.
17 1012.42; public meetings; public records; or due process
18 hearings governed by chapter 120. No later than January 1 of
19 each year, the commissioner shall report to the Legislature
20 and the State Board of Education all approved waiver requests
21 in the preceding year. Additionally, the commissioner has the
22 following general powers and duties:

23 (1) To organize and name the structural units of the
24 Department of Education and appoint staff necessary to carry
25 out ~~his or her powers and duties~~ and functions of the
26 department in a manner that meets legislative intent and
27 promotes both efficiency and accountability.

28
29 The commissioner's office shall operate all statewide
30 functions necessary to support the State Board of Education
31 and the K-20 education system, including strategic planning

1 and budget development, general administration, and assessment
 2 and accountability.

3 Section 4. Section 1001.395, Florida Statutes, is
 4 amended to read:

5 1001.395 District school board members;
 6 compensation.--Each member of the district school board shall
 7 receive a base salary, the amounts indicated in this section,
 8 based on the population of the county the district school
 9 board member serves. In addition, compensation shall be made
 10 for population increments over the minimum for each population
 11 group, which shall be determined by multiplying the population
 12 in excess of the minimum for the group times the group rate.
 13 The product of such calculation shall be added to the base
 14 salary to determine the adjusted base salary. The adjusted
 15 base salaries of district school board members shall be
 16 increased annually as provided for in s. 145.19.

<u>Pop. Group</u>	<u>County Pop. Range</u>	<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>	
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$5,000</u>
<u>II</u>	<u>10,000</u>	<u>49,000</u>	<u>5,833</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>6,666</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>7,500</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>8,333</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>9,166</u>
<u>VII</u>	<u>1,000,000</u>		<u>10,000</u>

27 District school board member salaries negotiated on or after
 28 November of 2006 shall remain in effect up to the date of the
 29 2007-2008 calculation provided pursuant to s. 145.19.

30 ~~(1) Each district school board shall annually~~
 31 ~~determine the salary of its members at the first regular~~

1 ~~meeting following the organizational meeting held pursuant to~~
 2 ~~s. 1001.371. The proposed salary to be adopted shall be~~
 3 ~~noticed at the time of the meeting notice and shall not be~~
 4 ~~increased during the meeting. The salary adopted by the~~
 5 ~~district school board shall be in effect during the succeeding~~
 6 ~~12 months.~~

7 ~~(2) This section shall apply to any district school~~
 8 ~~board member elected or reelected at the November 2002 general~~
 9 ~~election or any subsequent general election and to any person~~
 10 ~~appointed to fill a vacancy in the office of any such member.~~

11 Section 5. Paragraphs (b), (c), (e), and (f) of
 12 subsection (6), paragraph (b) of subsection (7), paragraph (k)
 13 of subsection (9), and paragraph (d) of subsection (18) of
 14 section 1002.33, Florida Statutes, are amended to read:

15 1002.33 Charter schools.--

16 (6) APPLICATION PROCESS AND REVIEW.--Charter school
 17 applications are subject to the following requirements:

18 (b) A sponsor ~~district school board~~ shall receive and
 19 review all applications for a charter school. Beginning with
 20 the 2007-2008 school year, a sponsor ~~district school board~~
 21 shall receive and consider charter school applications
 22 received on or before August 1 of each calendar year for
 23 charter schools to be opened at the beginning of the school
 24 district's next school year, or to be opened at a time agreed
 25 to by the applicant and the sponsor ~~district school board~~. A
 26 sponsor ~~district school board~~ may receive applications later
 27 than this date if it chooses. A sponsor may not charge an
 28 applicant for a charter any fee for the processing or
 29 consideration of an application, and a sponsor may not base
 30 its consideration or approval of an application upon the
 31 promise of future payment of any kind.

1 1. In order to facilitate an accurate budget
2 projection process, a sponsor ~~district school board~~ shall be
3 held harmless for FTE students who are not included in the FTE
4 projection due to approval of charter school applications
5 after the FTE projection deadline. In a further effort to
6 facilitate an accurate budget projection, within 15 calendar
7 days after receipt of a charter school application, a ~~district~~
8 ~~school board or other~~ sponsor shall report to the Department
9 of Education the name of the applicant entity, the proposed
10 charter school location, and its projected FTE.

11 2. In order to ensure fiscal responsibility, an
12 application for a charter school shall include a full
13 accounting of expected assets, a projection of expected
14 sources and amounts of income, including income derived from
15 projected student enrollments and from community support, and
16 an expense projection that includes full accounting of the
17 costs of operation, including start-up costs.

18 3. A sponsor ~~district school board~~ shall by a majority
19 vote approve or deny an application no later than 60 calendar
20 days after the application is received, unless the sponsor
21 ~~district school board~~ and the applicant mutually agree in
22 writing to temporarily postpone the vote to a specific date,
23 at which time the sponsor ~~district school board~~ shall by a
24 majority vote approve or deny the application. If the sponsor
25 ~~district school board~~ fails to act on the application, an
26 applicant may appeal to the State Board of Education as
27 provided in paragraph (c). If an application is denied, the
28 sponsor ~~district school board~~ shall, within 10 calendar days,
29 articulate in writing the specific reasons, based upon good
30 cause, supporting ~~for~~ its denial of the charter application
31 and shall provide the letter of denial and supporting

1 documentation to the applicant and to the Department of
2 Education supporting those reasons.

3 4. For budget projection purposes, the ~~district school~~
4 ~~board or other~~ sponsor shall report to the Department of
5 Education the approval or denial of a charter application
6 within 10 calendar days after such approval or denial. In the
7 event of approval, the report to the Department of Education
8 shall include the final projected FTE for the approved charter
9 school.

10 5. Upon approval of a charter application, the initial
11 startup shall commence with the beginning of the public school
12 calendar for the district in which the charter is granted
13 unless the sponsor allows a waiver of this provision for good
14 cause.

15 (c) An applicant may appeal any denial of that
16 applicant's application or failure to act on an application to
17 the State Board of Education no later than 30 calendar days
18 after receipt of the sponsor's ~~district school board's~~
19 decision or failure to act and shall notify the sponsor
20 ~~district school board~~ of its appeal. Any response of the
21 sponsor ~~district school board~~ shall be submitted to the State
22 Board of Education within 30 calendar days after notification
23 of the appeal. Upon receipt of notification from the State
24 Board of Education that a charter school applicant is filing
25 an appeal, the Commissioner of Education shall convene a
26 meeting of the Charter School Appeal Commission to study and
27 make recommendations to the State Board of Education regarding
28 its pending decision about the appeal. The commission shall
29 forward its recommendation to the state board no later than 7
30 calendar days prior to the date on which the appeal is to be
31 heard. The State Board of Education shall by majority vote

1 accept or reject the decision of the sponsor ~~district school~~
2 ~~board~~ no later than 90 calendar days after an appeal is filed
3 in accordance with State Board of Education rule. The Charter
4 School Appeal Commission may reject an appeal submission for
5 failure to comply with procedural rules governing the appeals
6 process. The rejection shall describe the submission errors.
7 The appellant may have up to 15 calendar days from notice of
8 rejection to resubmit an appeal that meets requirements of
9 State Board of Education rule. An application for appeal
10 submitted subsequent to such rejection shall be considered
11 timely if the original appeal was filed within 30 calendar
12 days after receipt of notice of the specific reasons for the
13 sponsor's ~~district school board's~~ denial of the charter
14 application. The State Board of Education shall remand the
15 application to the sponsor ~~district school board~~ with its
16 written decision that the sponsor ~~district school board~~
17 approve or deny the application. The sponsor ~~district school~~
18 ~~board~~ shall implement the decision of the State Board of
19 Education. The decision of the State Board of Education is not
20 subject to the provisions of the Administrative Procedure Act,
21 chapter 120.

22 (e) The sponsor ~~district school board~~ shall act upon
23 the decision of the State Board of Education within 30
24 calendar days after it is received. The State Board of
25 Education's decision is a final action subject to judicial
26 review in the district court of appeal.

27 (f)1. A Charter School Appeal Commission is
28 established to assist the commissioner and the State Board of
29 Education with a fair and impartial review of appeals by
30 applicants whose charter applications have been denied, whose
31

1 charter contracts have not been renewed, or whose charter
2 contracts have been terminated by their sponsors.

3 2. The Charter School Appeal Commission may receive
4 copies of the appeal documents forwarded to the State Board of
5 Education, review the documents, gather other applicable
6 information regarding the appeal, and make a written
7 recommendation to the commissioner. The recommendation must
8 state whether the appeal should be upheld or denied and
9 include the reasons for the recommendation being offered. The
10 commissioner shall forward the recommendation to the State
11 Board of Education no later than 7 calendar days prior to the
12 date on which the appeal is to be heard. The state board must
13 consider the commission's recommendation in making its
14 decision, but is not bound by the recommendation. The decision
15 of the Charter School Appeal Commission is not subject to the
16 provisions of the Administrative Procedure Act, chapter 120.

17 3. The commissioner shall appoint the members of the
18 Charter School Appeal Commission. Members shall serve without
19 compensation but may be reimbursed for travel and per diem
20 expenses in conjunction with their service. One-half of the
21 members must represent currently operating charter schools,
22 and one-half of the members must represent sponsors ~~school~~
23 ~~districts~~. The commissioner or a named designee shall chair
24 the Charter School Appeal Commission.

25 4. The chair shall convene meetings of the commission
26 and shall ensure that the written recommendations are
27 completed and forwarded in a timely manner. In cases where the
28 commission cannot reach a decision, the chair shall make the
29 written recommendation with justification, noting that the
30 decision was rendered by the chair.

31

1 5. Commission members shall thoroughly review the
2 materials presented to them from the appellant and the
3 sponsor. The commission may request information to clarify the
4 documentation presented to it. In the course of its review,
5 the commission may facilitate the postponement of an appeal in
6 those cases where additional time and communication may negate
7 the need for a formal appeal and both parties agree, in
8 writing, to postpone the appeal to the State Board of
9 Education. A new date certain for the appeal shall then be set
10 based upon the rules and procedures of the State Board of
11 Education. Commission members shall provide a written
12 recommendation to the state board as to whether the appeal
13 should be upheld or denied. A fact-based justification for the
14 recommendation must be included. The chair must ensure that
15 the written recommendation is submitted to the State Board of
16 Education members no later than 7 calendar days prior to the
17 date on which the appeal is to be heard. Both parties in the
18 case shall also be provided a copy of the recommendation.

19 (7) CHARTER.--The major issues involving the operation
20 of a charter school shall be considered in advance and written
21 into the charter. The charter shall be signed by the governing
22 body of the charter school and the sponsor, following a public
23 hearing to ensure community input.

24 (b)1. A charter may be renewed provided that a program
25 review demonstrates that the criteria in paragraph (a) have
26 been successfully accomplished and that none of the grounds
27 for nonrenewal established by paragraph (8)(a) has been
28 documented. In order to facilitate long-term financing for
29 charter school construction, charter schools operating for a
30 minimum of 3 ~~2~~ years and demonstrating exemplary academic
31 programming and fiscal management are eligible for a 15-year

1 charter renewal. Such long-term charter is subject to annual
2 review and may be terminated during the term of the charter.

3 2. The 15-year charter renewal that may be granted
4 pursuant to subparagraph 1. shall be granted to a charter
5 school that has received a school grade of "A" or "B" pursuant
6 to s. 1008.34 in 3 of the past 4 years and is not in a state
7 of financial emergency or deficit position as defined by this
8 section. Such long-term charter is subject to annual review
9 and may be terminated during the term of the charter pursuant
10 to subsection (8).

11 (9) CHARTER SCHOOL REQUIREMENTS.--

12 (k) The governing body of the charter school shall be
13 responsible for:

14 1. Ensuring that the charter school has retained the
15 services of a certified public accountant or auditor for the
16 annual financial audit, pursuant to paragraph (g), who shall
17 submit the report to the governing body.

18 2. Reviewing and approving the audit report, including
19 audit findings and recommendations for the financial recovery
20 plan.

21 3. Monitoring a financial recovery plan in order to
22 ensure compliance.

23 4. Participating in governance training approved by
24 the department that must include government in the sunshine,
25 conflicts of interest, ethics, and financial responsibility.

26 (18) FACILITIES.--

27 (d) Charter school facilities are exempt from
28 assessments of fees for building permits, except as provided
29 in s. 553.80, fees for building and occupational licenses, ~~and~~
30 impact fees, or service availability fees, and assessments for
31 special benefits.

1 Section 6. Subsections (2) and (4) of section
2 1003.428, Florida Statutes, are amended to read:

3 1003.428 General Requirements for high school
4 graduation; revised.--

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

8 (a) Sixteen core curriculum credits:

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

11 2. Four credits in mathematics, one of which must be
12 Algebra I, a series of courses equivalent to Algebra I, or a
13 higher-level mathematics course. School districts are
14 encouraged to set specific goals to increase enrollments in,
15 and successful completion of, geometry and Algebra II.

16 3. Three credits in science, two of which must have a
17 laboratory component.

18 4. Three credits in social studies as follows: one
19 credit in American history; one credit in world history;
20 one-half credit in economics; and one-half credit in American
21 government.

22 5. One credit in fine or performing arts, which may
23 include speech and debate.

24 6. One credit in physical education to include
25 integration of health. Participation in an interscholastic
26 sport at the junior varsity or varsity level for two full
27 seasons shall satisfy the one-credit requirement in physical
28 education if the student passes a competency test on personal
29 fitness with a score of "C" or better. The competency test on
30 personal fitness must be developed by the Department of
31 Education. A district school board may not require that the

1 one credit in physical education be taken during the 9th grade
2 year. Completion of one semester with a grade of "C" or better
3 in a marching band class, in a physical activity class that
4 requires participation in marching band activities as an
5 extracurricular activity, or in a dance class shall satisfy
6 one-half credit in physical education or one-half credit in
7 performing arts. This credit may not be used to satisfy the
8 personal fitness requirement or the requirement for adaptive
9 physical education under an individual education plan (IEP) or
10 504 plan. Completion of 2 years in a Reserve Officer Training
11 Corps (R.O.T.C.) class, a significant component of which is
12 drills, shall satisfy the one-credit requirement in physical
13 education and the one-credit requirement in performing arts.
14 This credit may not be used to satisfy the personal fitness
15 requirement or the requirement for adaptive physical education
16 under an individual education plan (IEP) or 504 plan.

17 (b) Eight credits in majors, minors, or electives:
18 1. Four credits in a major area of interest, such as
19 sequential courses in a career and technical program, fine and
20 performing arts, or academic content area, selected by the
21 student as part of the education plan required by s.
22 1003.4156. Students may revise major areas of interest each
23 year as part of annual course registration processes and
24 should update their education plan to reflect such revisions.
25 Annually by October 1, the district school board shall approve
26 major areas of interest and submit the list of majors to the
27 Commissioner of Education for approval. Each major area of
28 interest shall be deemed approved unless specifically rejected
29 by the commissioner within 60 days. Upon approval, each
30 district's major areas of interest shall be available for use
31

1 by all school districts and shall be posted on the
2 department's website.

3 2. Four credits in elective courses selected by the
4 student as part of the education plan required by s.
5 1003.4156. These credits may be combined to allow for a second
6 major area of interest pursuant to subparagraph 1., a minor
7 area of interest, elective courses, or intensive reading or
8 mathematics intervention courses, ~~or credit recovery courses~~
9 as described in this subparagraph.

10 a. Minor areas of interest are composed of three
11 credits selected by the student as part of the education plan
12 required by s. 1003.4156 and approved by the district school
13 board.

14 b. Elective courses are selected by the student in
15 order to pursue a complete education program as described in
16 s. 1001.41(3) and to meet eligibility requirements for
17 scholarships.

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

29 d. For each year in which a student scores at Level 1
30 or Level 2 on FCAT Mathematics, the student must receive
31 remediation the following year. These courses may be taught

1 through applied, integrated, or combined courses and are
2 subject to approval by the department for inclusion in the
3 Course Code Directory.

4 ~~e. Credit recovery courses shall be offered so that~~
5 ~~students can simultaneously earn an elective credit and the~~
6 ~~recovered credit.~~

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

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

11 (b) Earning passing scores on the FCAT, as defined in
12 s. 1008.22(3)(c), or scores on a standardized test that are
13 concordant with passing scores on the FCAT as defined in s.
14 1008.22(9).

15 (c) Completion of all other applicable requirements
16 prescribed by the district school board pursuant to s.
17 1008.25.

18 (d) Achievement of a cumulative grade point average of
19 2.0 on a 4.0 scale, or its equivalent, in the courses required
20 by this section.

21
22 Each district school board shall adopt policies designed to
23 assist students in meeting the requirements of this
24 subsection. These policies may include, but are not limited
25 to: forgiveness policies, summer school or before or after
26 school attendance, special counseling, volunteers or peer
27 tutors, school-sponsored help sessions, homework hotlines, and
28 study skills classes. Forgiveness policies for required
29 courses shall be limited to replacing a grade of "D" or "F,"
30 or the equivalent of a grade of "D" or "F," with a grade of
31 "C" or higher, or the equivalent of a grade of "C" or higher,

1 earned subsequently in the same or comparable course.
2 Forgiveness policies for elective courses shall be limited to
3 replacing a grade of "D" or "F," or the equivalent of a grade
4 of "D" or "F," with a grade of "C" or higher, or the
5 equivalent of a grade of "C" or higher, earned subsequently in
6 another course. The only exception to these forgiveness
7 policies shall be made for a student in the middle grades who
8 takes any high school course for high school credit and earns
9 a grade of "C," "D," or "F" or the equivalent of a grade of
10 "C," "D," or "F." In such case, the district forgiveness
11 policy must allow the replacement of the grade with a grade of
12 "C" or higher, or the equivalent of a grade of "C" or higher,
13 earned subsequently in the same or comparable course. In all
14 cases of grade forgiveness, only the new grade shall be used
15 in the calculation of the student's grade point average. Any
16 course grade not replaced according to a district school board
17 forgiveness policy shall be included in the calculation of the
18 cumulative grade point average required for graduation.

19 Section 7. Paragraph (e) of subsection (2) of section
20 1003.51, Florida Statutes, is amended to read:

21 1003.51 Other public educational services.--

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

30 (e) Assessment procedures, which:
31

1 1. Include appropriate academic and career assessments
2 administered at program entry and exit that are selected by
3 the Department of Education in partnership with
4 representatives from the Department of Juvenile Justice,
5 district school boards, and providers.

6 2. Require district school boards to be responsible
7 for ensuring the completion of the assessment process.

8 3. Require assessments for students in detention who
9 will move on to commitment facilities, to be designed to
10 create the foundation for developing the student's education
11 program in the assigned commitment facility.

12 4. Require assessments of students sent directly to
13 commitment facilities to be completed within the first 10
14 school days ~~week~~ of the student's commitment.

15
16 The results of these assessments, together with a portfolio
17 depicting the student's academic and career accomplishments,
18 shall be included in the discharge package assembled for each
19 youth.

20 Section 8. Subsection (7) of section 1003.62, Florida
21 Statutes, is amended to read:

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

1 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS;
 2 GRANDFATHER PROVISION.--The State Board of Education shall use
 3 the criteria approved in the initial charter applications
 4 issued to the school districts of Volusia, Hillsborough,
 5 Orange, and Palm Beach Counties to renew those pilot program
 6 charter school districts in accordance with this subsection.
 7 No additional pilot program charter school districts shall be
 8 approved, and the pilot program consists solely of school
 9 districts in Volusia, Hillsborough, Orange, and Palm Beach
 10 Counties. The termination of the charter school districts
 11 pilot program is effective July 1, 2010. ~~July 1, 2007, or upon~~
 12 ~~the end of a 5 year renewal contract issued by the State Board~~
 13 ~~of Education to the Volusia County, Hillsborough County,~~
 14 ~~Orange County, or Palm Beach County school district prior to~~
 15 ~~July 1, 2003, whichever is later.~~

16 Section 9. Paragraph (a) of subsection (2) of section
 17 1012.225, Florida Statutes, as created by chapter 2007-3, Laws
 18 of Florida, is amended to read:

19 1012.225 Merit Award Program for Instructional
 20 Personnel and School-Based Administrators.--

21 (2) PAY SUPPLEMENTS STRUCTURE.--Merit Award Program
 22 plans shall provide for the annual disbursement of merit-based
 23 pay supplements to high-performing employees in the manner
 24 described in this subsection.

25 (a) Each Merit Award Program plan must designate the
 26 top instructional personnel and school-based administrators to
 27 be outstanding performers and pay to each such employee who
 28 remains employed by a Florida public school or who retired
 29 after qualifying for the award, by September 1 of the
 30 following school year, a merit-based pay supplement of at
 31 least 5 percent of the average teacher's salary for that

1 school district not to exceed 10 percent of the average
2 teacher's salary for that school district. The amount of a
3 merit award may not be based on length of service or base
4 salary. Pay supplements shall be funded from moneys
5 appropriated by the Legislature under this section and from
6 any additional funds that are designated by the district for
7 the Merit Award Program. School districts are not required to
8 implement this section unless the program is specifically
9 funded by the Legislature. By October 1 of each year, each
10 school district shall provide documentation to the Department
11 of Education concerning the expenditure of legislative
12 appropriations for merit-based pay, and shall refund
13 undisbursed appropriations to the department. If such
14 undisbursed funds are not remitted to the department by
15 November 1, the department shall withhold an equivalent amount
16 from the district's allocation of appropriations made under s.
17 1011.62.

18 Section 10. This act shall take effect upon becoming a
19 law except that the amendment to s. 1002.33(18)(d), Florida
20 Statutes, by this act, shall apply retroactively to July 1,
21 1996.

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