

By Senator Deutch

30-1275A-07

See HB 1131

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

1 designating such categories; providing for  
2 determination of school district performance;  
3 authorizing school districts to give certain  
4 schools increased budget authority; amending s.  
5 1008.341, F.S.; revising provisions relating to  
6 the school improvement rating for alternative  
7 schools, to conform; amending s. 1008.36, F.S.;  
8 changing the Florida School Recognition Program  
9 to the Every Child Matters Program; providing  
10 intent and purpose of the program; providing  
11 for financial assistance to schools providing  
12 remediation and intervention services to  
13 certain students; specifying the uses of  
14 program funds; providing department duties;  
15 amending ss. 1001.42, 1002.33, 1002.415,  
16 1003.62, 1008.31, 1008.345, 1011.62, 1011.64,  
17 and 1012.2315, F.S.; conforming provisions;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (a) of subsection (6) of section  
23 1002.20, Florida Statutes, is amended to read:

24 1002.20 K-12 student and parent rights.--Parents of  
25 public school students must receive accurate and timely  
26 information regarding their child's academic progress and must  
27 be informed of ways they can help their child to succeed in  
28 school. K-12 students and their parents are afforded numerous  
29 statutory rights including, but not limited to, the following:

30 (6) EDUCATIONAL CHOICE.--  
31

1           (a) Public school choices.--Parents of public school  
2 students may seek whatever public school choice options ~~that~~  
3 ~~are applicable to their students and are~~ available to students  
4 in their school districts. These options may include  
5 controlled open enrollment, lab schools, charter schools,  
6 charter technical career centers, magnet schools, alternative  
7 schools, special programs, academy programs, advanced  
8 placement, dual enrollment, International Baccalaureate,  
9 International General Certificate of Secondary Education  
10 (pre-AICE), Advanced International Certificate of Education,  
11 early admissions, credit by examination or demonstration of  
12 competency, the New World School of the Arts, the Florida  
13 School for the Deaf and the Blind, and the Florida Virtual  
14 School. These options may also include the public school  
15 choice option ~~options~~ of the ~~Opportunity Scholarship Program~~  
16 ~~and the McKay Scholarships for Students with Disabilities~~  
17 Program.

18           Section 2. Subsections (2) and (3) and paragraph (c)  
19 of subsection (5) of section 1002.31, Florida Statutes, are  
20 amended to read:

21           1002.31 Public school parental choice.--

22           (2) Each district school board may offer controlled  
23 open enrollment within the public schools. The controlled open  
24 enrollment program shall be offered in addition to the  
25 existing choice programs such as magnet schools, alternative  
26 schools, special programs, academy programs, advanced  
27 placement, and dual enrollment.

28           (3) Each district school board shall develop a  
29 controlled open enrollment plan which describes the  
30 implementation of subsection (2). Each school district shall  
31 be reimbursed for reasonable costs of providing transportation

1 for students who attend a public school or choice program  
2 other than the school to which the student is assigned through  
3 the allocation of Every Child Matters Program funds by the  
4 Department of Education pursuant to s. 1008.36.

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

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

10 Section 3. Section 1002.391, Florida Statutes, is  
11 created to read:

12 1002.391 Academy programs in the public schools.--

13 (1) The Department of Education shall develop by  
14 January 1, 2008, a plan for school districts to establish  
15 academy programs in every public school where feasible. Based  
16 on the school-within-a-school concept, academy programs shall  
17 be multiple programs within one school facility that allow  
18 students to concentrate on unique and specialized areas of  
19 study of their choosing. The department's plan shall be based  
20 on the following:

21 (a) Each student in an academy program must take a  
22 base of core-curricula courses in addition to specialized  
23 courses unique to each academy program.

24 (b) The plan must include a waiver provision for  
25 school districts to continue offering traditional academic  
26 programs if it is not feasible to offer academy programs  
27 within individual schools.

28 (2)(a) A parent whose child is enrolled in an academy  
29 program shall be able to transfer his or her child to a  
30 different academy program in the school, to an academy program  
31 in another public school in the school district, or to a

1 traditional academic program in another public school in the  
2 school district if the expectations of the parent or the  
3 student are not met within the school in which the student is  
4 enrolled. Except as provided in paragraph (b), once a student  
5 begins the academic year in an academy program or school, he  
6 or she is required to attend that academy program or school  
7 for the remainder of the academic year.

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

12 (3) The department shall allocate Every Child Matters  
13 Program funds, pursuant to s. 1008.36, to reimburse school  
14 districts for reasonable costs of providing transportation for  
15 students who attend a public school, or an academy program in  
16 a public school, other than the school to which the student is  
17 assigned, pursuant to this section.

18 Section 4. Section 1008.33, Florida Statutes, is  
19 amended to read:

20 1008.33 Authority to enforce public school  
21 improvement.--It is the intent of the Legislature that all  
22 public schools be held accountable for students performing at  
23 acceptable levels. A system of school improvement and  
24 accountability that assesses student performance by school,  
25 identifies schools in which students are not making adequate  
26 progress toward state standards, institutes appropriate  
27 measures for enforcing improvement, and provides rewards and  
28 sanctions based on performance shall be the responsibility of  
29 the State Board of Education. For purposes of this section,  
30 the term "school" means the school itself or any academy  
31 program in a school as described in s. 1002.391.

1           (1)(a) Pursuant to Art. IX of the State Constitution  
2     prescribing the duty of the State Board of Education to  
3     supervise Florida's public school system and notwithstanding  
4     any other statutory provisions to the contrary, the State  
5     Board of Education shall intervene in the operation of a  
6     district school system when one or more schools in the school  
7     district have failed to make adequate progress for 2 school  
8     years in a 3-year ~~4-year~~ period. For purposes of determining  
9     when a school is eligible for state board action ~~and~~  
10    ~~opportunity scholarships for its students~~, the ~~term~~ terms "~~2~~  
11    ~~years in any 4 year period~~" and "2 school years in a 3-year  
12    ~~4-year~~ period" means ~~mean~~ that in any year that a school has a  
13    performance category "Declining," ~~grade of "F,"~~ the school is  
14    eligible for state board action ~~and opportunity scholarships~~  
15    ~~for its students~~ if it also has had a performance category  
16    "Declining" ~~grade of "F"~~ in any of the previous 2 ~~3~~ school  
17    years. The State Board of Education may determine that the  
18    school district or school has not taken steps sufficient for  
19    students in the school to be academically well served.  
20    Considering recommendations of the Commissioner of Education,  
21    the State Board of Education shall recommend action to a  
22    district school board intended to improve educational services  
23    to students in each school that is designated with a  
24    performance category "Declining." ~~grade of "F."~~  
25    Recommendations for actions to be taken in the school district  
26    shall be made only after thorough consideration of the unique  
27    characteristics of a school, which shall include student  
28    mobility rates, the number and type of exceptional students  
29    enrolled in the school, and the availability of options for  
30    improved educational services. The state board shall adopt by  
31    rule steps to follow in this process. Such steps shall provide

1 school districts sufficient time to improve student  
2 performance in schools and the opportunity to present evidence  
3 of assistance and interventions that the district school board  
4 has implemented.

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

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

15 (d) The State Board of Education shall determine by  
16 rule the criteria for designating "Improving," "Maintaining,"  
17 and "Declining" performance categories for the purposes of the  
18 state performance accountability system pursuant to s.  
19 1008.34.

20 (2) The State Board of Education may recommend one or  
21 more of the following actions to district school boards to  
22 enable students in schools designated as performance category  
23 "Declining" with a grade of "F" to be academically well served  
24 by the public school system:

25 (a) Provide additional resources, change certain  
26 practices, and provide additional assistance if the state  
27 board determines the causes of inadequate progress to be  
28 related to school district policy or practice;

29 (b) Implement a plan that satisfactorily resolves the  
30 education equity problems in the school related to factors  
31 that hamper increased student performance;

1           (c) Contract for the educational services of the  
2 school, or reorganize the school at the end of the school year  
3 under a new school principal who is authorized to hire new  
4 staff and implement a plan that addresses the causes of  
5 inadequate progress. A contract to administer an alternative  
6 school may not be entered into with a private entity which  
7 contract changes the character of the alternative school  
8 population as it existed when the alternative school was  
9 administered by the public school system. The term "character  
10 of the alternative school population" means the percentage of  
11 students having learning disabilities, physical disabilities,  
12 emotional disabilities, or developmental disabilities, as well  
13 as the percentage of students having discipline problems;

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

16           (e) Other action appropriate to improve the school's  
17 performance, including, if the school is a high school,  
18 requiring annual publication of the school's graduation rate  
19 calculated without GED tests for the past 3 years,  
20 disaggregated by student ethnicity.

21           (3) In recommending actions to district school boards,  
22 the State Board of Education shall specify the length of time  
23 available to implement the recommended action. The State Board  
24 of Education may adopt rules to further specify how it may  
25 respond in specific circumstances. No action taken by the  
26 State Board of Education shall relieve a school from state  
27 accountability requirements.

28           (4) The State Board of Education may require the  
29 Department of Education or Chief Financial Officer to withhold  
30 any transfer of state funds to the school district if, within  
31 the timeframe specified in state board action, the school



1 | district has failed to comply with the action ordered to  
2 | improve the district's low-performing schools. Withholding the  
3 | transfer of funds shall occur only after all other recommended  
4 | actions for school improvement have failed to improve  
5 | performance. The State Board of Education may impose the same  
6 | penalty on any district school board that fails to develop and  
7 | implement a plan for assistance and intervention for  
8 | low-performing schools as specified in s. 1001.42(16)(d).

9 |       Section 5. Section 1008.34, Florida Statutes, is  
10 | amended to read:

11 |       1008.34 School performance ~~grading~~ system; school  
12 | report cards; district performance ~~grade~~.--For purposes of  
13 | this section, the term "school" means the school itself or any  
14 | academy program in a school as described in s. 1002.391. Each  
15 | school and each academy program shall receive a separate  
16 | performance category designation pursuant to this section.

17 |       (1) ANNUAL REPORTS.--The Commissioner of Education  
18 | shall prepare annual reports of the results of the statewide  
19 | assessment program which describe student achievement in the  
20 | state, each district, and each school. The commissioner shall  
21 | prescribe the design and content of these reports, which must  
22 | include, without limitation, descriptions of the performance  
23 | of all schools participating in the assessment program and all  
24 | of their major student populations as determined by the  
25 | Commissioner of Education, and must also include the median  
26 | scores of all eligible students who scored at or in the lowest  
27 | 25th percentile of the state in the previous school year;  
28 | provided, however, that the provisions of s. 1002.22  
29 | pertaining to student records apply to this section.

30 |       (2) SCHOOL PERFORMANCE CATEGORIES ~~GRADES~~.--The annual  
31 | report shall identify schools as having one of the following

1 performance categories ~~grades~~, defined according to rules of  
2 the State Board of Education:

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

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

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

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

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

12  
13 Beginning in the 2007-2008 school year, a school that has been  
14 designated with a school grade of "F" in a prior school year  
15 shall not be designated as performance category "Declining"  
16 using the current year's data if that school has met the  
17 safe-harbor threshold established in s. 1008.33(1)(b). Each  
18 school designated with a grade of "A," making excellent  
19 progress, or having improved at least two grade levels, shall  
20 have greater authority over the allocation of the school's  
21 total budget generated from the FEFP, state categoricals,  
22 lottery funds, grants, and local funds, as specified in state  
23 board rule. The rule must provide that the increased budget  
24 authority shall remain in effect until the school's grade  
25 declines.

26 (3) DESIGNATION OF SCHOOL PERFORMANCE CATEGORIES  
27 GRADES.--For purposes of determining school performance,  
28 student performance shall be based on all students' annual  
29 learning gains and increased student performance compared to  
30 the previous year. Each school that has students who are  
31 tested and included in the school performance grading system,

1 | except an alternative school that receives a school  
2 | improvement rating pursuant to s. 1008.341, shall receive a  
3 | school performance category designation ~~grade~~; however, an  
4 | alternative school may choose to receive a school performance  
5 | category designation ~~grade~~ under this section in lieu of a  
6 | school improvement rating. Additionally, a school that serves  
7 | any combination of students in kindergarten through grade 3  
8 | which does not receive a school performance category  
9 | designation ~~grade~~ because its students are not tested and  
10 | included in the school performance ~~grading~~ system shall  
11 | receive the school performance category ~~grade~~ designation of a  
12 | K-3 feeder pattern school identified by the Department of  
13 | Education and verified by the school district. A school feeder  
14 | pattern exists if at least 60 percent of the students in the  
15 | school serving a combination of students in kindergarten  
16 | through grade 3 are scheduled to be assigned to the ~~graded~~  
17 | school participating in the school performance system. School  
18 | performance categories ~~grades~~ itemized in subsection (2) shall  
19 | be based on the following:

20 |       (a) Criteria.--A school's performance ~~grade~~ shall be  
21 | based on a combination of:

22 |       1. Student achievement scores, including achievement  
23 | scores for students seeking a special diploma.

24 |       2. Student learning gains as measured annually ~~by~~  
25 | ~~annual FCAT assessments~~ in grades 3 through 10; learning gains  
26 | for students seeking a special diploma, as measured by an  
27 | alternate assessment tool, shall be included not later than  
28 | the 2009-2010 school year.

29 |       3. Improvement of the lowest 25th percentile of  
30 | students in the school ~~in reading, math, or writing~~ on the  
31 |

1 FCAT and on non-FCAT measures, unless these students are  
2 exhibiting satisfactory performance.

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

6 a. Fifty percent based on student FCAT scores.

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

9 (b) Student assessment data.--Student assessment data  
10 used in determining school performance ~~grades~~ shall include:

11 1. The aggregate scores of all eligible students  
12 enrolled in the school who have been assessed on the FCAT and  
13 on non-FCAT measures.

14 2. The aggregate scores of all eligible students  
15 enrolled in the school who have been assessed on the FCAT,  
16 including Florida Writes, and on non-FCAT measures, and who  
17 have scored at or in the lowest 25th percentile of students in  
18 the school ~~in reading, math, or writing~~, unless these students  
19 are exhibiting satisfactory performance.

20 3. Effective with the 2005-2006 school year, the  
21 achievement scores and learning gains of eligible students  
22 attending alternative schools that provide dropout prevention  
23 and academic intervention services pursuant to s. 1003.53. The  
24 term "eligible students" in this subparagraph does not include  
25 students attending an alternative school who are subject to  
26 district school board policies for expulsion for repeated or  
27 serious offenses, who are in dropout retrieval programs  
28 serving students who have officially been designated as  
29 dropouts, or who are in programs operated or contracted by the  
30 Department of Juvenile Justice. The student performance data  
31 for eligible students identified in this subparagraph shall be

1 included in the calculation of the home school's performance  
2 ~~grade~~. For purposes of this section and s. 1008.341, "home  
3 school" means the school the student was attending when  
4 assigned to an alternative school. If an alternative school  
5 chooses to be designated ~~graded~~ pursuant to this section,  
6 student performance data for eligible students identified in  
7 this subparagraph shall not be included in the home school's  
8 performance ~~grade~~ but shall be included only in the  
9 calculation of the alternative school's performance ~~grade~~.  
10 School districts must require collaboration between the home  
11 school and the alternative school in order to promote student  
12 success.

13  
14 The State Board of Education shall adopt appropriate criteria  
15 for each school performance category ~~grade~~. The criteria must  
16 ~~also~~ give added weight to student achievement in reading.  
17 Schools designated with a performance category "Maintaining"  
18 ~~grade of "C," making satisfactory progress,~~ shall be required  
19 to demonstrate that adequate progress has been made by  
20 students in the school who are in the lowest 25th percentile  
21 ~~in reading, math, or writing~~ on the FCAT, including Florida  
22 Writes, and on non-FCAT measures, unless these students are  
23 exhibiting satisfactory performance.

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

31

1           (5) SCHOOL REPORT CARD.--The Department of Education  
2 shall annually develop, in collaboration with the school  
3 districts, a school report card to be delivered to parents  
4 throughout each school district. The report card shall include  
5 the school's performance category ~~grade~~, information regarding  
6 school improvement, an explanation of school performance as  
7 evaluated by the federal No Child Left Behind Act of 2001, and  
8 indicators of return on investment. Each school's report card  
9 shall be published annually by the department on its website,  
10 and the school district shall provide the school report card  
11 to each parent.

12           (6) PERFORMANCE-BASED FUNDING.--The Legislature may  
13 factor in the performance of schools in calculating any  
14 performance-based funding policy that is provided for annually  
15 in the General Appropriations Act.

16           (7) DISTRICT PERFORMANCE GRADE.--

17           (a) The annual report required by subsection (1) shall  
18 include district performance grades, which shall consist of  
19 weighted district average performance grades, by level, for  
20 all elementary schools, middle schools, and high schools in  
21 the district. A district's weighted average performance grade  
22 shall be calculated by weighting individual school performance  
23 ~~grades~~ determined pursuant to subsection (2) by school  
24 enrollment.

25           (b) School districts shall have a variety of tools at  
26 their disposal to maintain high performance standards. These  
27 tools shall include, but not be limited to, giving to schools  
28 that receive a performance category "Improving" greater  
29 authority over the allocation of the school's total budget  
30 generated from the FEFP, state categoricals, lottery funds,  
31 grants, and local funds, as specified in State Board of

1 Education rule. The rule must provide that the increased  
2 budget authority shall remain in effect unless the school's  
3 performance category declines.

4 Section 6. Subsections (2) and (3) of section  
5 1008.341, Florida Statutes, are amended to read:

6 1008.341 School improvement rating for alternative  
7 schools.--

8 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools  
9 that provide dropout prevention and academic intervention  
10 services pursuant to s. 1003.53 shall receive a school  
11 improvement rating pursuant to this section. The school  
12 improvement rating shall identify schools as having one of the  
13 following ratings defined according to rules of the State  
14 Board of Education:

15 (a) "Improving" means schools with students making  
16 more academic progress than when the students were served in  
17 their home schools.

18 (b) "Maintaining" means schools with students making  
19 progress equivalent to the progress made when the students  
20 were served in their home schools.

21 (c) "Declining" means schools with students making  
22 less academic progress than when the students were served in  
23 their home schools.

24  
25 The school improvement rating shall be based on a comparison  
26 of student performance data for the current year and previous  
27 year. ~~Schools that improve at least one level or maintain an~~  
28 ~~"improving" rating pursuant to this section are eligible for~~  
29 ~~school recognition awards pursuant to s. 1008.36.~~

30  
31

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

4 (a) The aggregate scores of all eligible students who  
5 were assigned to and enrolled in the school during the October  
6 or February FTE count, who have been assessed on the FCAT and  
7 on non-FCAT measures, and who have FCAT or comparable scores  
8 for the preceding school year.

9 (b) The aggregate scores of all eligible students who  
10 were assigned to and enrolled in the school during the October  
11 or February FTE count, who have been assessed on the FCAT,  
12 including Florida Writes, and on non-FCAT measures, and who  
13 have scored in the lowest 25th percentile of students in the  
14 state on the FCAT and on non-FCAT measures Reading.

15  
16 The assessment scores of students who are subject to district  
17 school board policies for expulsion for repeated or serious  
18 offenses, who are in dropout retrieval programs serving  
19 students who have officially been designated as dropouts, or  
20 who are in programs operated or contracted by the Department  
21 of Juvenile Justice may not be included in an alternative  
22 school's school improvement rating.

23 Section 7. Section 1008.36, Florida Statutes, is  
24 amended to read:

25 1008.36 Every Child Matters ~~Florida School Recognition~~  
26 Program.--

27 (1) The Legislature finds that in order to provide  
28 every student enrolled in K-12 public schools with the  
29 opportunity to achieve a successful public education, academic  
30 problems must be identified early, with remediation and  
31 intervention services to follow. It is the intent of this



1 ~~section that no child shall be left behind there is a need for~~  
2 ~~a performance incentive program for outstanding faculty and~~  
3 ~~staff in highly productive schools. The Legislature further~~  
4 ~~finds that performance based incentives are commonplace in the~~  
5 ~~private sector and should be infused into the public sector as~~  
6 ~~a reward for productivity.~~

7           (2) The Every Child Matters Florida School Recognition  
8 ~~Program is created to provide financial awards to public~~  
9 ~~schools that:~~

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

14           (b) Remediation and intervention services to all  
15 public school students enrolled in kindergarten through grade  
16 12 who are not meeting grade-appropriate performance  
17 expectations, including FCAT scores and non-FCAT measures.  
18 ~~Demonstrate exemplary improvement due to innovation and effort~~  
19 ~~by improving a letter grade.~~

20           (3) All public schools, including charter schools and  
21 academy programs in public schools, that receive a school  
22 ~~grade pursuant to s. 1008.34 are eligible to participate in~~  
23 ~~the program.~~

24           (4) All ~~selected~~ schools shall receive financial  
25 assistance awards depending on the availability of funds  
26 ~~appropriated and the number and size of schools selected to~~  
27 ~~receive an award.~~ Funds must be distributed to the school's  
28 fiscal agent and placed in the school's account and must be  
29 used for purposes listed in subsection (5) as determined  
30 jointly by the school's staff and school advisory council. ~~If~~  
31 ~~school staff and the school advisory council cannot reach~~

1 ~~agreement by November 1, the awards must be equally~~  
2 ~~distributed to all classroom teachers currently teaching in~~  
3 ~~the school.~~

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

6 (a) Administration of a regular formative assessment  
7 approved by the State Board of Education. Nonrecurring bonuses  
8 ~~to the faculty and staff;~~

9 (b) Nonrecurring expenditures for remediation of  
10 low-performing students, including remediation programs and  
11 intervention services adopted and administered by the  
12 Department of Education.

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

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

20 (e) Contracts with private sector participants to  
21 provide remediation services provided that 90 percent of the  
22 personnel providing services reside in the state and that the  
23 contracts include requirements to ensure that the private  
24 sector participants are accountable for performance.

25 (f) Transportation of students pursuant to ss. 1002.31  
26 and 1002.391.

27 (6) The Department of Education shall provide training  
28 and informational resources for educators to administer the  
29 formative assessment pursuant to paragraph (5)(a) and shall be  
30 responsible for developing and implementing provisions for the  
31 collection and analysis of the assessment data.

1           (7) The Department of Education shall establish  
2 policies and procedures for the development of individual  
3 education plans for low-performing students who receive  
4 remediation and intervention services pursuant to this  
5 section.

6  
7 ~~Notwithstanding statutory provisions to the contrary,~~  
8 ~~incentive awards are not subject to collective bargaining.~~

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

12           1001.42 Powers and duties of district school  
13 board.--The district school board, acting as a board, shall  
14 exercise all powers and perform all duties listed below:

15           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
16 ACCOUNTABILITY.--Maintain a system of school improvement and  
17 education accountability as provided by statute and State  
18 Board of Education rule. This system of school improvement and  
19 education accountability shall be consistent with, and  
20 implemented through, the district's continuing system of  
21 planning and budgeting required by this section and ss.  
22 1008.385, 1010.01, and 1011.01. This system of school  
23 improvement and education accountability shall include, but is  
24 not limited to, the following:

25           (a) School improvement plans.--Annually approve and  
26 require implementation of a new, amended, or continuation  
27 school improvement plan for each school in the district. A  
28 district school board may establish a district school  
29 improvement plan that includes all schools in the district  
30 operating for the purpose of providing educational services to  
31 youth in Department of Juvenile Justice programs. The school

1 | improvement plan shall be designed to achieve the state  
2 | education priorities pursuant to s. 1000.03(5) and student  
3 | proficiency on the Sunshine State Standards pursuant to s.  
4 | 1003.41. Each plan shall address student achievement goals and  
5 | strategies based on state and school district proficiency  
6 | standards. The plan may also address issues relative to other  
7 | academic-related matters, as determined by district school  
8 | board policy, and shall include an accurate, data-based  
9 | analysis of student achievement and other school performance  
10 | data. Beginning with plans approved for implementation in the  
11 | 2007-2008 school year, each secondary school plan must include  
12 | a redesign component based on the principles established in s.  
13 | 1003.413. For each school in the district that earns a  
14 | performance category "Declining," ~~school grade of "C" or~~  
15 | ~~below,~~ or is required to have a school improvement plan under  
16 | federal law, the school improvement plan shall, at a minimum,  
17 | also include:

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

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

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

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

29 |         (c) Assistance and intervention.--

30 |             1. Develop a 2-year plan of increasing individualized  
31 | assistance and intervention for each school in danger of not

1 meeting state standards or making adequate progress, as  
2 defined pursuant to statute and State Board of Education rule,  
3 toward meeting the goals and standards of its approved school  
4 improvement plan.

5           2. Provide assistance and intervention to a school  
6 that is designated with a performance category "Declining"  
7 ~~grade of "D"~~ pursuant to s. 1008.34 ~~and is in danger of~~  
8 ~~failing~~.

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

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

26           (d) After 2 years.--Notify the Commissioner of  
27 Education and the State Board of Education in the event any  
28 school does not make adequate progress toward meeting the  
29 goals and standards of a school improvement plan by the end of  
30 2 years of failing to make adequate progress and proceed  
31 according to guidelines developed pursuant to statute and

1 State Board of Education rule. School districts shall provide  
2 intervention and assistance to schools in danger of being  
3 designated with a performance category "Declining." ~~grade of~~  
4 ~~"F," failing to make adequate progress.~~

5 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

14 1002.33 Charter schools.--

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

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

30 2. The 15-year charter renewal that may be granted  
31 pursuant to subparagraph 1. shall be granted to a charter

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

8 (9) CHARTER SCHOOL REQUIREMENTS.--

9 (o) The director and a representative of the governing  
10 body of a charter school that has received a performance  
11 category "Declining" ~~school grade of "D"~~ under s. 1008.34(2)  
12 shall appear before the sponsor or the sponsor's staff at  
13 least once a year to present information concerning each  
14 contract component having noted deficiencies. The sponsor  
15 shall communicate at the meeting, and in writing to the  
16 director, the services provided to the school to help the  
17 school address its deficiencies.

18 (p) Upon notification that a charter school receives a  
19 performance category "Declining" ~~school grade of "D"~~ for 2  
20 consecutive years ~~or a school grade of "F"~~ under s.  
21 1008.34(2), the charter school sponsor or the sponsor's staff  
22 shall require the director and a representative of the  
23 governing body to submit to the sponsor for approval a school  
24 improvement plan to raise student achievement and to implement  
25 the plan. The sponsor has the authority to approve a school  
26 improvement plan that the charter school will implement in the  
27 following school year. The sponsor may also consider the State  
28 Board of Education's recommended action pursuant to s.  
29 1008.33(1) as part of the school improvement plan. The  
30 Department of Education shall offer technical assistance and  
31 training to the charter school and its governing body and

1 | establish guidelines for developing, submitting, and approving  
2 | such plans.

3 |         1. If the charter school fails to improve its student  
4 | performance from the year immediately prior to the  
5 | implementation of the school improvement plan, the sponsor  
6 | shall place the charter school on probation and shall require  
7 | the charter school governing body to take one of the following  
8 | corrective actions:

9 |             a. Contract for the educational services of the  
10 | charter school;

11 |             b. Reorganize the school at the end of the school year  
12 | under a new director or principal who is authorized to hire  
13 | new staff and implement a plan that addresses the causes of  
14 | inadequate progress; or

15 |             c. Reconstitute the charter school.

16 |         2. A charter school that is placed on probation shall  
17 | continue the corrective actions required under subparagraph 1.  
18 | until the charter school improves its student performance from  
19 | the year prior to the implementation of the school improvement  
20 | plan.

21 |         3. Notwithstanding any provision of this paragraph,  
22 | the sponsor may terminate the charter at any time pursuant to  
23 | the provisions of subsection (8).

24 |         Section 10. Subsection (7) and paragraph (a) of  
25 | subsection (8) of section 1002.415, Florida Statutes, are  
26 | amended to read:

27 |             1002.415 K-8 Virtual School Program.--Subject to  
28 | annual legislative appropriation, a kindergarten through grade  
29 | 8 virtual school program is established within the Department  
30 | of Education for the purpose of making academic instruction  
31 | available to full-time students in kindergarten through grade



1 8 using on-line and distance learning technology. The  
2 department shall use an application process to select schools  
3 to deliver program instruction.

4 (7) ASSESSMENT AND ACCOUNTABILITY.--

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

9 (b) A K-8 virtual school that has a performance ~~grade~~  
10 category "Declining" ~~of "D" or "F"~~ must file a school  
11 improvement plan with the department for consultation to  
12 determine the causes for low performance and to develop a plan  
13 for correction and improvement.

14 (c) The department shall terminate the contract of any  
15 K-8 virtual school that receives a performance ~~grade~~ category  
16 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~  
17 ~~consecutive 4-year~~ period.

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

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

23 1. Failure to participate in the state's education  
24 accountability system created in s. 1008.31, as required in  
25 this section;

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

30 3. Failure to meet generally accepted standards of  
31 fiscal management;

- 1           4. Violation of law;  
2           5. Failure of the Legislature to fund the program; or  
3           6. Other good cause shown.

4           Section 11. Paragraph (a) of subsection (1) of section  
5 1003.62, Florida Statutes, is amended to read:

6           1003.62 Academic performance-based charter school  
7 districts.--The State Board of Education may enter into a  
8 performance contract with district school boards as authorized  
9 in this section for the purpose of establishing them as  
10 academic performance-based charter school districts. The  
11 purpose of this section is to examine a new relationship  
12 between the State Board of Education and district school  
13 boards that will produce significant improvements in student  
14 achievement, while complying with constitutional and statutory  
15 requirements assigned to each entity.

16           (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL  
17 DISTRICT.--

18           (a) A school district shall be eligible for  
19 designation as an academic performance-based charter school  
20 district if it is a high-performing school district in which a  
21 minimum of 50 percent of the schools earn a performance  
22 category "Improving" ~~grade of "A" or "B"~~ and in which no  
23 school earns a performance category "Declining" ~~grade of "D"~~  
24 ~~or "F"~~ for 2 consecutive years pursuant to s. 1008.34. ~~Schools~~  
25 ~~that receive a grade of "I" or "N" shall not be included in~~  
26 ~~this calculation.~~ The performance contract for a school  
27 district that earns a charter based on school performance  
28 ~~grades~~ shall be predicated on maintenance of at least 50  
29 percent of the schools in the school district earning a  
30 performance category "Improving" ~~grade of "A" or "B"~~ with no  
31 school in the school district earning a performance category

1 ~~"Declining" grade of "D" or "F"~~ for 2 consecutive years. A  
2 school district in which the number of schools that earn a  
3 performance category "Improving" ~~grade of "A" or "B"~~ is less  
4 than 50 percent may have its charter renewed for 1 year;  
5 however, if the percentage of performance category "Improving"  
6 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive  
7 years, the charter shall not be renewed.

8 Section 12. Paragraph (b) of subsection (1) of section  
9 1008.31, Florida Statutes, is amended to read:

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

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

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

21 Section 13. Paragraphs (b) and (d) of subsection (6)  
22 and subsection (7) of section 1008.345, Florida Statutes, are  
23 amended to read:

24 1008.345 Implementation of state system of school  
25 improvement and education accountability.--

26 (6)

27 (b) Upon request, the department shall provide  
28 technical assistance and training to any school, including any  
29 school operating for the purpose of providing educational  
30 services to youth in Department of Juvenile Justice programs,  
31 school advisory council, district, or district school board

1 for conducting needs assessments, developing and implementing  
2 school improvement plans, developing and implementing  
3 assistance and intervention plans, or implementing other  
4 components of school improvement and accountability. Priority  
5 for these services shall be given to schools designated with a  
6 performance category "Declining" ~~grade of "D" or "F"~~ and  
7 school districts in rural and sparsely populated areas of the  
8 state.

9 (d) The commissioner shall assign a community  
10 assessment team to each school district or governing board  
11 with a school receiving a performance category "Declining"  
12 ~~graded "F"~~ to review the school performance data and determine  
13 causes for the low performance, including the role of school,  
14 area, and district administrative personnel. The community  
15 assessment team shall review a high school's graduation rate  
16 calculated without GED tests for the past 3 years,  
17 disaggregated by student ethnicity. The team shall make  
18 recommendations to the school board or the governing board, to  
19 the department, and to the State Board of Education for  
20 implementing an assistance and intervention plan that will  
21 address the causes of the school's low performance. The  
22 assessment team shall include, but not be limited to, a  
23 department representative, parents, business representatives,  
24 educators, representatives of local governments, and community  
25 activists, and shall represent the demographics of the  
26 community from which they are appointed.

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

31

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

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

8           1011.62 Funds for operation of schools.--If the annual  
9 allocation from the Florida Education Finance Program to each  
10 district for operation of schools is not determined in the  
11 annual appropriations act or the substantive bill implementing  
12 the annual appropriations act, it shall be determined as  
13 follows:

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

18           (h) Small, isolated high schools.--Districts which  
19 levy the maximum nonvoted discretionary millage, exclusive of  
20 millage for capital outlay purposes levied pursuant to s.  
21 1011.71(2), may calculate full-time equivalent students for  
22 small, isolated high schools by multiplying the number of  
23 unweighted full-time equivalent students times 2.75; provided  
24 the school has attained a performance category "Maintaining"  
25 ~~grade of "C"~~ or better, pursuant to s. 1008.34, for the  
26 previous school year. For the purpose of this section, the  
27 term "small, isolated high school" means any high school which  
28 is located no less than 28 miles by the shortest route from  
29 another high school; which has been serving students primarily  
30 in basic studies provided by sub-subparagraphs (c)1.b. and c.  
31 and may include subparagraph (c)4.; and which has a membership

1 of no more than 100 students, but no fewer than 28 students,  
2 in grades 9 through 12.

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

22 1. A bonus in the amount of \$50 for each student  
23 taught by the Advanced International Certificate of Education  
24 teacher in each full-credit Advanced International Certificate  
25 of Education course who receives a score of E or higher on the  
26 Advanced International Certificate of Education examination. A  
27 bonus in the amount of \$25 for each student taught by the  
28 Advanced International Certificate of Education teacher in  
29 each half-credit Advanced International Certificate of  
30 Education course who receives a score of E or higher on the  
31 Advanced International Certificate of Education examination.

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

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

21  
22 Bonuses awarded to a teacher according to this paragraph shall  
23 not exceed \$2,000 in any given school year and shall be in  
24 addition to any regular wage or other bonus the teacher  
25 received or is scheduled to receive.

26           (n) Calculation of additional full-time equivalent  
27 membership based on college board advanced placement scores of  
28 students.--A value of 0.24 full-time equivalent student  
29 membership shall be calculated for each student in each  
30 advanced placement course who receives a score of 3 or higher  
31 on the College Board Advanced Placement Examination for the

1 prior year and added to the total full-time equivalent student  
2 membership in basic programs for grades 9 through 12 in the  
3 subsequent fiscal year. Each district must allocate at least  
4 80 percent of the funds provided to the district for advanced  
5 placement instruction, in accordance with this paragraph, to  
6 the high school that generates the funds. The school district  
7 shall distribute to each classroom teacher who provided  
8 advanced placement instruction:

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

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

20  
21 Bonuses awarded to a teacher according to this paragraph shall  
22 not exceed \$2,000 in any given school year and shall be in  
23 addition to any regular wage or other bonus the teacher  
24 received or is scheduled to receive.

25           (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

28           1. A maximum discretionary levy per FTE value for each  
29 district shall be calculated by dividing the value of each  
30 district's maximum discretionary levy by its FTE student  
31 count.



1           2. A state average discretionary levy value per FTE  
2 shall be calculated by dividing the total maximum  
3 discretionary levy value for all districts by the state total  
4 FTE student count.

5           3. A total potential funds per FTE for each district  
6 shall be calculated by dividing the total potential funds, not  
7 including Every Child Matters Program ~~Florida School~~  
8 ~~Recognition Program~~ funds and the minimum guarantee, for each  
9 district by its FTE student count.

10           4. A state average total potential funds per FTE shall  
11 be calculated by dividing the total potential funds, not  
12 including Every Child Matters Program ~~Florida School~~  
13 ~~Recognition Program~~ funds and the minimum guarantee, for all  
14 districts by the state total FTE student count.

15           5. For districts that have a levy value per FTE as  
16 calculated in subparagraph 1. higher than the state average  
17 calculated in subparagraph 2., a sparsity wealth adjustment  
18 shall be calculated as the product of the difference between  
19 the state average levy value per FTE calculated in  
20 subparagraph 2. and the district's levy value per FTE  
21 calculated in subparagraph 1. and the district's FTE student  
22 count and -1. However, no district shall have a sparsity  
23 wealth adjustment that, when applied to the total potential  
24 funds calculated in subparagraph 3., would cause the  
25 district's total potential funds per FTE to be less than the  
26 state average calculated in subparagraph 4.

27           6. Each district's sparsity supplement allocation  
28 shall be calculated by adding the amount calculated as  
29 specified in paragraphs (a) and (b) and the wealth adjustment  
30 amount calculated in this paragraph.

31

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

3           1011.64 School district minimum classroom expenditure  
4 requirements.--

5           (2) For the purpose of implementing the provisions of  
6 this section, the Legislature shall prescribe minimum academic  
7 performance standards and minimum classroom expenditure  
8 requirements for districts not meeting such minimum academic  
9 performance standards in the General Appropriations Act.

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

13           Section 16. Subsections (1), (2), and (5) of section  
14 1012.2315, Florida Statutes, are amended to read:

15           1012.2315 Assignment of teachers.--

16           (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
17 finds disparities between teachers assigned to teach in a  
18 majority of "~~A~~" ~~graded~~ schools receiving a performance  
19 category "Improving" and teachers assigned to teach in a  
20 majority of "~~F~~" ~~graded~~ schools receiving a performance  
21 category "Declining". The disparities can be found in the  
22 average years of experience, the median salary, and the  
23 performance of the teachers on teacher certification  
24 examinations. It is the intent of the Legislature that  
25 district school boards have flexibility through the collective  
26 bargaining process to assign teachers more equitably across  
27 the schools in the district.

28           (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~--School  
29 districts may not assign a higher percentage than the school  
30 district average of first-time teachers, temporarily certified  
31 teachers, teachers in need of improvement, or out-of-field

1 teachers to schools with above the school district average of  
2 minority and economically disadvantaged students or schools  
3 that are designated performance category "Declining." ~~graded "~~  
4 ~~D" or "F."~~ Each school district shall annually certify to the  
5 Commissioner of Education that this requirement has been met.  
6 If the commissioner determines that a school district is not  
7 in compliance with this subsection, the State Board of  
8 Education shall be notified and shall take action pursuant to  
9 s. 1008.32 in the next regularly scheduled meeting to require  
10 compliance.

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

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