

1 A bill to be entitled
2 An act relating to public K-12 education; amending s.
3 20.15, F.S.; revising the divisions of the Department of
4 Education to replace the Division of Colleges and
5 Universities with the Division of Workforce Education and
6 to include the Division of Finance and Operations;
7 providing name designations for the director of each
8 division; amending s. 145.19, F.S., relating to salary
9 increases based on increase for state career service
10 employees, to include district school board member
11 salaries; amending s. 1001.10, F.S., relating to the
12 Commissioner of Education's powers and duties, to include
13 organizing and naming the structural units of the
14 Department of Education and appointing staff to carry out
15 department functions; amending s. 1001.395, F.S.; revising
16 the manner in which compensation of district school board
17 members is determined; specifying base salary amounts;
18 amending s. 1001.47, F.S.; revising provisions relating to
19 base salaries of district school superintendents; amending
20 s. 1003.02, F.S.; requiring certain district school boards
21 to request proposals from photographers annually;
22 requiring public access to information; allowing student
23 choice of photographer; permitting the inclusion of
24 certain photographs in student yearbooks; amending s.
25 1003.428, F.S.; providing various waivers to the physical
26 education credit requirement for high school graduation;
27 removing language relating to credit recovery courses;
28 requiring policies to assist students in meeting high

29 | school graduation requirements; providing guidelines for
 30 | district school board grade forgiveness policies;
 31 | providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Subsections (3) and (4) of section 20.15,
 36 | Florida Statutes, are amended to read:

37 | 20.15 Department of Education.--There is created a
 38 | Department of Education.

39 | (3) DIVISIONS.--The following divisions of the Department
 40 | of Education are established:

41 | (a) Division of Community Colleges.

42 | (b) Division of Public Schools.

43 | (c) Division of Workforce Education Colleges and
 44 | ~~Universities~~.

45 | (d) Division of Vocational Rehabilitation.

46 | (e) Division of Blind Services.

47 | (f) Division of Accountability, Research, and Measurement.

48 | (g) Division of Finance and Operations.

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

53 | Section 2. Subsection (2) of section 145.19, Florida
 54 | Statutes, is amended to read:

55 | 145.19 Annual percentage increases based on increase for
 56 | state career service employees; limitation.--

57 (2) Each fiscal year, the salaries of all officials listed
58 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
59 The adjusted salary rate shall be the product, rounded to the
60 nearest dollar, of the salary rate granted by the appropriate
61 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
62 first by the initial factor, then by the cumulative annual
63 factor, and finally by the annual factor. The Department of
64 Management Services shall certify the annual factor and the
65 cumulative annual factors. Any special qualification salary
66 received under this chapter, s. 1001.47, or the annual
67 performance salary incentive available to elected
68 superintendents under s. 1001.47 shall be added to such adjusted
69 salary rate. The special qualification salary shall be \$2,000,
70 but shall not exceed \$2,000.

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

73 1001.10 Commissioner of Education; general powers and
74 duties.--The Commissioner of Education is the chief educational
75 officer of the state and the sole custodian of the K-20 data
76 warehouse, and is responsible for giving full assistance to the
77 State Board of Education in enforcing compliance with the
78 mission and goals of the seamless K-20 education system. To
79 facilitate innovative practices and to allow local selection of
80 educational methods, the State Board of Education may authorize
81 the commissioner to waive, upon the request of a district school
82 board, State Board of Education rules that relate to district
83 school instruction and school operations, except those rules
84 pertaining to civil rights, and student health, safety, and

85 welfare. The Commissioner of Education is not authorized to
 86 grant waivers for any provisions in rule pertaining to the
 87 allocation and appropriation of state and local funds for public
 88 education; the election, compensation, and organization of
 89 school board members and superintendents; graduation and state
 90 accountability standards; financial reporting requirements;
 91 reporting of out-of-field teaching assignments under s. 1012.42;
 92 public meetings; public records; or due process hearings
 93 governed by chapter 120. No later than January 1 of each year,
 94 the commissioner shall report to the Legislature and the State
 95 Board of Education all approved waiver requests in the preceding
 96 year. Additionally, the commissioner has the following general
 97 powers and duties:

98 (1) To organize and name the structural units of the
 99 Department of Education and appoint staff necessary to carry out
 100 his or her powers and duties and functions of the department in
 101 a manner that meets legislative intent and promotes both
 102 efficiency and accountability.

103
 104 The commissioner's office shall operate all statewide functions
 105 necessary to support the State Board of Education and the K-20
 106 education system, including strategic planning and budget
 107 development, general administration, and assessment and
 108 accountability.

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

111 1001.395 District school board members;
 112 compensation.--Each member of the district school board shall

113 receive a base salary, the amounts indicated in this subsection,
 114 based on the population of the county the district school board
 115 member serves. In addition, compensation shall be made for
 116 population increments over the minimum for each population
 117 group, which shall be determined by multiplying the population
 118 in excess of the minimum for the group times the group rate. The
 119 product of such calculation shall be added to the base salary to
 120 determine the adjusted base salary. The adjusted base salaries
 121 of district school board members shall be increased annually as
 122 provided for in s. 145.19.

123

<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>\$0.08330</u>
<u>II</u>	<u>10,000</u>	<u>49,000</u>	<u>5,833</u>	<u>0.020830</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>6,666</u>	<u>0.016680</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>7,500</u>	<u>0.008330</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>8,333</u>	<u>0.004165</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>9,166</u>	<u>0.001390</u>
<u>VII</u>	<u>1,000,000</u>		<u>10,000</u>	<u>0.000000</u>

132

133 District school board member salaries negotiated on or after
 134 November of 2006 shall remain in effect up to the date of the
 135 2007-2008 calculation provided pursuant to s. 145.19.

136 ~~(1) Each district school board shall annually determine~~
 137 ~~the salary of its members at the first regular meeting following~~
 138 ~~the organizational meeting held pursuant to s. 1001.371. The~~
 139 ~~proposed salary to be adopted shall be noticed at the time of~~
 140 ~~the meeting notice and shall not be increased during the~~
 141 ~~meeting. The salary adopted by the district school board shall~~
 142 ~~be in effect during the succeeding 12 months.~~

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

147 Section 5. Subsection (2) of section 1001.47, Florida
 148 Statutes, is amended to read:

149 1001.47 District school superintendent; salary.--

150 (2) Each elected district school superintendent shall
 151 receive a base salary, the amounts indicated in this subsection,
 152 based on the population of the county the elected superintendent
 153 serves. In addition, compensation shall be made for population
 154 increments over the minimum for each population group, which
 155 shall be determined by multiplying the population in excess of
 156 the minimum for the group times the group rate. The product of
 157 such calculation shall be added to the base salary to determine
 158 the adjusted base salary. ~~Laws that increase the base salary~~
 159 ~~provided in this subsection shall contain provisions on no other~~
 160 ~~subject.~~

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161	Pop. Group	County Pop.	Range	Base Salary		Group Rate
162		Minimum	Maximum			
163	I	-0-	49,999	<u>\$23,350</u>	\$21,250	\$0.07875
164	II	50,000	99,999	<u>26,500</u>	24,400	0.06300
165	III	100,000	199,999	<u>29,650</u>	27,550	0.02625
166	IV	200,000	399,999	<u>32,275</u>	30,175	0.01575
167	V	400,000	999,999	<u>35,425</u>	33,325	0.00525
168	VI	1,000,000		<u>38,575</u>	36,475	0.00400

169
 170 Section 6. Subsection (5) is added to section 1003.02,
 171 Florida Statutes, to read:

172 1003.02 District school board operation and control of
 173 public K-12 education within the school district.--As provided
 174 in part II of chapter 1001, district school boards are
 175 constitutionally and statutorily charged with the operation and
 176 control of public K-12 education within their school district.
 177 The district school boards must establish, organize, and operate
 178 their public K-12 schools and educational programs, employees,
 179 and facilities. Their responsibilities include staff
 180 development, public K-12 school student education including
 181 education for exceptional students and students in juvenile
 182 justice programs, special programs, adult education programs,

183 and career education programs. Additionally, district school
 184 boards must:

185 (5) (a) If entering into a contract with a photographer for
 186 the purpose of taking student photographs, request proposals
 187 from at least two photographers annually. Results of proposals,
 188 including vendor contact information, shall be open to the
 189 public and posted on the school or the district school board
 190 website.

191 (b) Allow students to purchase photographs from a
 192 photographer of their choice and may not require students to
 193 purchase senior photographs from a contract vendor. A student's
 194 senior photograph must be allowed to appear in the yearbook when
 195 taken by a photographer not under contract with the school or
 196 the district school board if the photograph meets the reasonable
 197 specifications of the principal and yearbook staff for senior
 198 photographs.

199 Section 7. Subsections (2) and (4) of section 1003.428,
 200 Florida Statutes, are amended to read:

201 1003.428 General Requirements for high school graduation;
 202 revised.--

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

206 (a) Sixteen core curriculum credits:

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

209 2. Four credits in mathematics, one of which must be
 210 Algebra I, a series of courses equivalent to Algebra I, or a

211 higher-level mathematics course. School districts are encouraged
212 to set specific goals to increase enrollments in, and successful
213 completion of, geometry and Algebra II.

214 3. Three credits in science, two of which must have a
215 laboratory component.

216 4. Three credits in social studies as follows: one credit
217 in American history; one credit in world history; one-half
218 credit in economics; and one-half credit in American government.

219 5. One credit in fine arts.

220 6. One credit in physical education to include integration
221 of health. Participation in an interscholastic sport at the
222 junior varsity or varsity level for two full seasons shall
223 satisfy the one-credit requirement in physical education if the
224 student passes a competency test on personal fitness with a
225 score of "C" or better. The competency test on personal fitness
226 must be developed by the Department of Education. A district
227 school board may not require that the one credit in physical
228 education be taken during the 9th grade year. Completion of one
229 semester with a grade of "C" or better in a marching band class,
230 in a physical activity class that requires participation in
231 marching band activities as an extracurricular activity, or in a
232 Reserve Officer Training Corps (R.O.T.C.) class a significant
233 component of which is drills shall satisfy a one-half credit
234 requirement in physical education. This one-half credit may not
235 be used to satisfy the personal fitness requirement or the
236 requirement for adaptive physical education under an individual
237 education plan (IEP) or 504 plan.

238 (b) Eight credits in majors, minors, or electives:

239 1. Four credits in a major area of interest, such as
240 sequential courses in a career and technical program, fine and
241 performing arts, or academic content area, selected by the
242 student as part of the education plan required by s. 1003.4156.
243 Students may revise major areas of interest each year as part of
244 annual course registration processes and should update their
245 education plan to reflect such revisions. Annually by October 1,
246 the district school board shall approve major areas of interest
247 and submit the list of majors to the Commissioner of Education
248 for approval. Each major area of interest shall be deemed
249 approved unless specifically rejected by the commissioner within
250 60 days. Upon approval, each district's major areas of interest
251 shall be available for use by all school districts and shall be
252 posted on the department's website.

253 2. Four credits in elective courses selected by the
254 student as part of the education plan required by s. 1003.4156.
255 These credits may be combined to allow for a second major area
256 of interest pursuant to subparagraph 1., a minor area of
257 interest, elective courses, or intensive reading or mathematics
258 intervention courses, ~~or credit recovery courses~~ as described in
259 this subparagraph.

260 a. Minor areas of interest are composed of three credits
261 selected by the student as part of the education plan required
262 by s. 1003.4156 and approved by the district school board.

263 b. Elective courses are selected by the student in order
264 to pursue a complete education program as described in s.
265 1001.41(3) and to meet eligibility requirements for
266 scholarships.

267 c. For each year in which a student scores at Level 1 on
268 FCAT Reading, the student must be enrolled in and complete an
269 intensive reading course the following year. Placement of Level
270 2 readers in either an intensive reading course or a content
271 area course in which reading strategies are delivered shall be
272 determined by diagnosis of reading needs. The department shall
273 provide guidance on appropriate strategies for diagnosing and
274 meeting the varying instructional needs of students reading
275 below grade level. Reading courses shall be designed and offered
276 pursuant to the comprehensive reading plan required by s.
277 1011.62(8).

278 d. For each year in which a student scores at Level 1 or
279 Level 2 on FCAT Mathematics, the student must receive
280 remediation the following year. These courses may be taught
281 through applied, integrated, or combined courses and are subject
282 to approval by the department for inclusion in the Course Code
283 Directory.

284 ~~e. Credit recovery courses shall be offered so that~~
285 ~~students can simultaneously earn an elective credit and the~~
286 ~~recovered credit.~~

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

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

291 (b) Earning passing scores on the FCAT, as defined in s.
292 1008.22(3)(c), or scores on a standardized test that are
293 concordant with passing scores on the FCAT as defined in s.
294 1008.22(9).

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

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

300

301 Each district school board shall adopt policies designed to
302 assist students in meeting the requirements of this subsection.
303 These policies may include, but are not limited to: forgiveness
304 policies, summer school or before or after school attendance,
305 special counseling, volunteers or peer tutors, school-sponsored
306 help sessions, homework hotlines, and study skills classes.
307 Forgiveness policies for required courses shall be limited to
308 replacing a grade of "D" or "F," or the equivalent of a grade of
309 "D" or "F," with a grade of "C" or higher, or the equivalent of
310 a grade of "C" or higher, earned subsequently in the same or
311 comparable course. Forgiveness policies for elective courses
312 shall be limited to replacing a grade of "D" or "F," or the
313 equivalent of a grade of "D" or "F," with a grade of "C" or
314 higher, or the equivalent of a grade of "C" or higher, earned
315 subsequently in another course. Any course grade not replaced
316 according to a district school board forgiveness policy shall be
317 included in the calculation of the cumulative grade point
318 average required for graduation.

319 Section 8. This act shall take effect July 1, 2007.