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1 A bill to be entitled
2 An act relating to public school education; amending s.
3 1002.20, F.S.; providing that public school choice options
4 include academy programs in the school district; deleting
5 reference to the Opportunity Scholarship Program; amending
6 s. 1002.31, F.S.; conforming provisions relating to public
7 school parental choice; requiring reimbursement to school
8 districts for reasonable costs for student transportation
9 to certain schools and choice programs; creating s.
10 1002.391, F.S.; requiring the Department of Education to
11 develop a plan for the establishment of academy programs
12 in the public schools; providing for student transfer in
13 certain circumstances; requiring reimbursement to school
14 districts for reasonable costs for student transportation;
15 amending s. 1008.33, F.S.; defining the term "school" to
16 include any academy program for purposes of State Board of
17 Education authority to enforce public school improvement;
18 revising provisions relating to state board intervention
19 in the operation of a district school system; requiring
20 state board rulemaking relating to school performance;
21 amending s. 1008.34, F.S.; changing the school grading
22 system to a school performance system; defining the term
23 "school" to include any academy program for purposes of
24 determining performance; specifying school performance
25 categories and the basis for designating such categories;
26 providing for determination of school district
27 performance; authorizing school districts to give certain
28 schools increased budget authority; amending s. 1008.36,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 F.S.; changing the Florida School Recognition Program to
 30 the Every Child Matters Program; providing intent and
 31 purpose of the program; providing for financial assistance
 32 to schools providing remediation and intervention services
 33 to certain students; specifying the uses of program funds;
 34 providing department duties; amending ss. 1001.42,
 35 1002.33, 1002.415, 1003.62, 1008.31, 1008.341, 1008.345,
 36 1011.62, 1011.64, and 1012.2315, F.S.; conforming
 37 provisions; providing an effective date.

38

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

40

41 Section 1. Paragraph (a) of subsection (6) of section
 42 1002.20, Florida Statutes, is amended to read:

43 1002.20 K-12 student and parent rights.--Parents of public
 44 school students must receive accurate and timely information
 45 regarding their child's academic progress and must be informed
 46 of ways they can help their child to succeed in school. K-12
 47 students and their parents are afforded numerous statutory
 48 rights including, but not limited to, the following:

49 (6) EDUCATIONAL CHOICE.--

50 (a) Public school choices.--Parents of public school
 51 students may seek whatever public school choice options that are
 52 ~~applicable to their students and are~~ available to students in
 53 their school districts. These options may include controlled
 54 open enrollment, lab schools, charter schools, charter technical
 55 career centers, magnet schools, alternative schools, special
 56 programs, academy programs, advanced placement, dual enrollment,

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

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

69 1002.31 Public school parental choice.--

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

76 (3) Each district school board shall develop a controlled
 77 open enrollment plan which describes the implementation of
 78 subsection (2). Each school district shall be reimbursed for
 79 reasonable costs of providing transportation for students who
 80 attend a public school or choice program other than the school
 81 to which the student is assigned through the allocation of Every
 82 Child Matters Program funds by the Department of Education
 83 pursuant to s. 1008.36.

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

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

89 Section 3. Section 1002.391, Florida Statutes, is created
90 to read:

91 1002.391 Academy programs in the public schools.--

92 (1) The Department of Education shall develop by January
93 1, 2008, a plan for school districts to establish academy
94 programs in every public school where feasible. Based on the
95 school-within-a-school concept, academy programs shall be
96 multiple programs within one school facility that allow students
97 to concentrate on unique and specialized tracks of study of
98 their choosing. The department's plan shall be based on the
99 following:

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

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

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

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

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

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

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

130 1008.33 Authority to enforce public school
 131 improvement.--It is the intent of the Legislature that all
 132 public schools be held accountable for students performing at
 133 acceptable levels. A system of school improvement and
 134 accountability that assesses student performance by school,
 135 identifies schools in which students are not making adequate
 136 progress toward state standards, institutes appropriate measures
 137 for enforcing improvement, and provides rewards and sanctions
 138 based on performance shall be the responsibility of the State
 139 Board of Education. For purposes of this section, the term

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

241 1008.34 School performance grading system; school report
 242 cards; district performance grade.--For purposes of this
 243 section, the term "school" means the school itself or any
 244 academy program in a school as described in s. 1002.391. Each
 245 school and each academy program shall receive a separate
 246 performance category designation pursuant to this section.

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

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

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

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

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

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

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

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

272
 273 Beginning in the 2008-2009 school year, a school that has been
 274 designated with a school grade of "F" in a prior school year
 275 shall not be designated as performance category "Declining"
 276 using the current year's data if that school has met the safe-
 277 harbor threshold established in s. 1008.33(1)(b). ~~Each school~~
 278 ~~designated with a grade of "A," making excellent progress, or~~

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

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

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

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

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

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

318 3. Improvement of the lowest 25th percentile of students
319 in the school in reading, math, or writing on the FCAT, unless
320 these students are exhibiting satisfactory performance.

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

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

325 2. The aggregate scores of all eligible students enrolled
326 in the school who have been assessed on the FCAT, including
327 Florida Writes, and who have scored at or in the lowest 25th
328 percentile of students in the school in reading, math, or
329 writing, unless these students are exhibiting satisfactory
330 performance.

331 3. Effective with the 2005-2006 school year, the
332 achievement scores and learning gains of eligible students
333 attending alternative schools that provide dropout prevention
334 and academic intervention services pursuant to s. 1003.53. The

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335 term "eligible students" in this subparagraph does not include
336 students attending an alternative school who are subject to
337 district school board policies for expulsion for repeated or
338 serious offenses, who are in dropout retrieval programs serving
339 students who have officially been designated as dropouts, or who
340 are in programs operated or contracted by the Department of
341 Juvenile Justice. The student performance data for eligible
342 students identified in this subparagraph shall be included in
343 the calculation of the home school's performance grade. For
344 purposes of this section and s. 1008.341, "home school" means
345 the school the student was attending when assigned to an
346 alternative school. If an alternative school chooses to be
347 designated ~~graded~~ pursuant to this section, student performance
348 data for eligible students identified in this subparagraph shall
349 not be included in the home school's performance grade but shall
350 be included only in the calculation of the alternative school's
351 performance grade. School districts must require collaboration
352 between the home school and the alternative school in order to
353 promote student success.

354
355 The State Board of Education shall adopt appropriate criteria
356 for each school performance category ~~grade~~. The criteria must
357 ~~also~~ give added weight to student achievement in reading.
358 Schools designated with a performance category "Maintaining,"
359 ~~grade of "C,"~~ making satisfactory progress, shall be required to
360 demonstrate that adequate progress has been made by students in
361 the school who are in the lowest 25th percentile in reading,

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362 math, or writing on the FCAT, including Florida Writes, unless
363 these students are exhibiting satisfactory performance.

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

371 (5) SCHOOL REPORT CARD.--The Department of Education shall
372 annually develop, in collaboration with the school districts, a
373 school report card to be delivered to parents throughout each
374 school district. The report card shall include the school's
375 performance category ~~grade~~, information regarding school
376 improvement, an explanation of school performance as evaluated
377 by the federal No Child Left Behind Act of 2001, and indicators
378 of return on investment. Each school's report card shall be
379 published annually by the department on its website, and the
380 school district shall provide the school report card to each
381 parent.

382 (6) PERFORMANCE-BASED FUNDING.--The Legislature may factor
383 in the performance of schools in calculating any performance-
384 based funding policy that is provided for annually in the
385 General Appropriations Act.

386 (7) DISTRICT PERFORMANCE GRADE.--

387 (a) The annual report required by subsection (1) shall
388 include district performance ~~grades~~, which shall consist of
389 weighted district average performance ~~grades~~, by level, for all

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390 elementary schools, middle schools, and high schools in the
391 district. A district's weighted average performance grade shall
392 be calculated by weighting individual school performance grades
393 determined pursuant to subsection (2) by school enrollment.

394 (b) School districts shall have a variety of tools at
395 their disposal to maintain high performance standards. These
396 tools shall include, but not be limited to, giving to schools
397 that receive a performance category "Improving" greater
398 authority over the allocation of the school's total budget
399 generated from the FEFP, state categoricals, lottery funds,
400 grants, and local funds, as specified in State Board of
401 Education rule. The rule must provide that the increased budget
402 authority shall remain in effect unless the school's performance
403 category declines.

404 Section 6. Section 1008.36, Florida Statutes, is amended
405 to read:

406 1008.36 Every Child Matters ~~Florida School Recognition~~
407 Program.--

408 (1) The Legislature finds that in order to provide every
409 student enrolled in K-12 public schools with the opportunity to
410 achieve a successful public education, academic problems must be
411 identified early, with remediation and intervention services to
412 follow. It is the intent of this section that no child shall be
413 left behind ~~there is a need for a performance incentive program~~
414 ~~for outstanding faculty and staff in highly productive schools.~~
415 ~~The Legislature further finds that performance based incentives~~
416 ~~are commonplace in the private sector and should be infused into~~
417 ~~the public sector as a reward for productivity.~~

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418 (2) The Every Child Matters ~~Florida School Recognition~~
419 Program is created to provide financial awards to public schools
420 that:

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

425 (b) Remediation and intervention services to all public
426 school students enrolled in kindergarten through grade 12 who
427 are not meeting grade-appropriate performance expectations,
428 including FCAT scores. Demonstrate exemplary improvement due to
429 innovation and effort by improving a letter grade.

430 (3) All public schools, including charter schools and
431 academy programs in public schools, that receive a school grade
432 pursuant to s. 1008.34 are eligible to participate in the
433 program.

434 (4) All ~~selected~~ schools shall receive financial
435 assistance awards depending on the availability of funds
436 appropriated and the number and size of schools selected to
437 receive an award. Funds must be distributed to the school's
438 fiscal agent and placed in the school's account and must be used
439 for purposes listed in subsection (5) as determined jointly by
440 the school's staff and school advisory council. ~~If school staff~~
441 ~~and the school advisory council cannot reach agreement by~~
442 ~~November 1, the awards must be equally distributed to all~~
443 ~~classroom teachers currently teaching in the school.~~

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

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446 (a) Administration of a regular formative assessment
447 approved by the State Board of Education. ~~Nonrecurring bonuses~~
448 ~~to the faculty and staff;~~

449 (b) Nonrecurring expenditures for remediation of low-
450 performing students, including remediation programs and
451 intervention services adopted and administered by the Department
452 of Education.

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

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

459 (e) Contracts with private sector participants to provide
460 remediation services provided that 90 percent of the personnel
461 providing services reside in the state and that the contracts
462 include requirements to ensure that the private sector
463 participants are accountable for performance.

464 (f) Transportation of students pursuant to ss. 1002.31 and
465 1002.391.

466 (6) (a) The Department of Education shall provide training
467 and informational resources for educators to administer the
468 formative assessment pursuant to paragraph (5) (a) and shall be
469 responsible for developing and implementing provisions for the
470 collection and analysis of the assessment data.

471 (b) The department shall establish policies and procedures
472 for the development of individual education plans for low-
473 performing students who receive remediation and intervention

474 services pursuant to this section.

475

476 ~~Notwithstanding statutory provisions to the contrary, incentive~~
 477 ~~awards are not subject to collective bargaining.~~

478 Section 7. Paragraphs (a), (c), and (d) of subsection (16)
 479 and paragraph (d) of subsection (17) of section 1001.42, Florida
 480 Statutes, are amended to read:

481 1001.42 Powers and duties of district school board.--The
 482 district school board, acting as a board, shall exercise all
 483 powers and perform all duties listed below:

484 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 485 ACCOUNTABILITY.--Maintain a system of school improvement and
 486 education accountability as provided by statute and State Board
 487 of Education rule. This system of school improvement and
 488 education accountability shall be consistent with, and
 489 implemented through, the district's continuing system of
 490 planning and budgeting required by this section and ss.
 491 1008.385, 1010.01, and 1011.01. This system of school
 492 improvement and education accountability shall include, but is
 493 not limited to, the following:

494 (a) School improvement plans.--Annually approve and
 495 require implementation of a new, amended, or continuation school
 496 improvement plan for each school in the district. A district
 497 school board may establish a district school improvement plan
 498 that includes all schools in the district operating for the
 499 purpose of providing educational services to youth in Department
 500 of Juvenile Justice programs. The school improvement plan shall
 501 be designed to achieve the state education priorities pursuant

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502 to s. 1000.03(5) and student proficiency on the Sunshine State
503 Standards pursuant to s. 1003.41. Each plan shall address
504 student achievement goals and strategies based on state and
505 school district proficiency standards. The plan may also address
506 issues relative to other academic-related matters, as determined
507 by district school board policy, and shall include an accurate,
508 data-based analysis of student achievement and other school
509 performance data. Beginning with plans approved for
510 implementation in the 2007-2008 school year, each secondary
511 school plan must include a redesign component based on the
512 principles established in s. 1003.413. For each school in the
513 district that earns a performance category "Declining," ~~school~~
514 ~~grade of "C" or below,~~ or is required to have a school
515 improvement plan under federal law, the school improvement plan
516 shall, at a minimum, also include:

517 1. Professional development that supports enhanced and
518 differentiated instructional strategies to improve teaching and
519 learning.

520 2. Continuous use of disaggregated student achievement
521 data to determine effectiveness of instructional strategies.

522 3. Ongoing informal and formal assessments to monitor
523 individual student progress, including progress toward mastery
524 of the Sunshine State Standards, and to redesign instruction if
525 needed.

526 4. Alternative instructional delivery methods to support
527 remediation, acceleration, and enrichment strategies.

528 (c) Assistance and intervention.--

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529 1. Develop a 2-year plan of increasing individualized
530 assistance and intervention for each school in danger of not
531 meeting state standards or making adequate progress, as defined
532 pursuant to statute and State Board of Education rule, toward
533 meeting the goals and standards of its approved school
534 improvement plan.

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

538 3. Develop a plan to encourage teachers with demonstrated
539 mastery in improving student performance to remain at or
540 transfer to a school with a performance category "Declining"
541 ~~grade of "D" or "F"~~ or to an alternative school that serves
542 disruptive or violent youths. If a classroom teacher, as defined
543 by s. 1012.01(2)(a), who meets the definition of teaching
544 mastery developed according to the provisions of this paragraph,
545 requests assignment to a school designated with a performance
546 category "Declining" ~~grade of "D" or "F"~~ or to an alternative
547 school that serves disruptive or violent youths, the district
548 school board shall make every practical effort to grant the
549 request.

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

555 (d) After 2 years.--Notify the Commissioner of Education
556 and the State Board of Education in the event any school does

557 not make adequate progress toward meeting the goals and
 558 standards of a school improvement plan by the end of 2 years of
 559 failing to make adequate progress and proceed according to
 560 guidelines developed pursuant to statute and State Board of
 561 Education rule. School districts shall provide intervention and
 562 assistance to schools in danger of being designated with a
 563 performance category "Declining." ~~grade of "F," failing to make~~
 564 ~~adequate progress.~~

565 (17) LOCAL-LEVEL DECISIONMAKING.--

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

571 Section 8. Paragraph (b) of subsection (7) and paragraphs
 572 (o) and (p) of subsection (9) of section 1002.33, Florida
 573 Statutes, are amended to read:

574 1002.33 Charter schools.--

575 (7) CHARTER.--The major issues involving the operation of
 576 a charter school shall be considered in advance and written into
 577 the charter. The charter shall be signed by the governing body
 578 of the charter school and the sponsor, following a public
 579 hearing to ensure community input.

580 (b)1. A charter may be renewed provided that a program
 581 review demonstrates that the criteria in paragraph (a) have been
 582 successfully accomplished and that none of the grounds for
 583 nonrenewal established by paragraph (8) (a) has been documented.
 584 In order to facilitate long-term financing for charter school

585 construction, charter schools operating for a minimum of 2 years
 586 and demonstrating exemplary academic programming and fiscal
 587 management are eligible for a 15-year charter renewal. Such
 588 long-term charter is subject to annual review and may be
 589 terminated during the term of the charter.

590 2. The 15-year charter renewal that may be granted
 591 pursuant to subparagraph 1. shall be granted to a charter school
 592 that has received a performance category "Improving" or
 593 "Maintaining" ~~school grade of "A" or "B"~~ pursuant to s. 1008.34
 594 in 3 of the past 4 years and is not in a state of financial
 595 emergency or deficit position as defined by this section. Such
 596 long-term charter is subject to annual review and may be
 597 terminated during the term of the charter pursuant to subsection
 598 (8).

599 (9) CHARTER SCHOOL REQUIREMENTS.--

600 (o) The director and a representative of the governing
 601 body of a charter school that has received a performance
 602 category "Declining" ~~school grade of "D"~~ under s. 1008.34(2)
 603 shall appear before the sponsor or the sponsor's staff at least
 604 once a year to present information concerning each contract
 605 component having noted deficiencies. The sponsor shall
 606 communicate at the meeting, and in writing to the director, the
 607 services provided to the school to help the school address its
 608 deficiencies.

609 (p) Upon notification that a charter school receives a
 610 performance category "Declining" ~~school grade of "D"~~ for 2
 611 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
 612 the charter school sponsor or the sponsor's staff shall require

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613 the director and a representative of the governing body to
614 submit to the sponsor for approval a school improvement plan to
615 raise student achievement and to implement the plan. The sponsor
616 has the authority to approve a school improvement plan that the
617 charter school will implement in the following school year. The
618 sponsor may also consider the State Board of Education's
619 recommended action pursuant to s. 1008.33(1) as part of the
620 school improvement plan. The Department of Education shall offer
621 technical assistance and training to the charter school and its
622 governing body and establish guidelines for developing,
623 submitting, and approving such plans.

624 1. If the charter school fails to improve its student
625 performance from the year immediately prior to the
626 implementation of the school improvement plan, the sponsor shall
627 place the charter school on probation and shall require the
628 charter school governing body to take one of the following
629 corrective actions:

630 a. Contract for the educational services of the charter
631 school;

632 b. Reorganize the school at the end of the school year
633 under a new director or principal who is authorized to hire new
634 staff and implement a plan that addresses the causes of
635 inadequate progress; or

636 c. Reconstitute the charter school.

637 2. A charter school that is placed on probation shall
638 continue the corrective actions required under subparagraph 1.
639 until the charter school improves its student performance from

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640 the year prior to the implementation of the school improvement
641 plan.

642 3. Notwithstanding any provision of this paragraph, the
643 sponsor may terminate the charter at any time pursuant to the
644 provisions of subsection (8).

645 Section 9. Subsection (7) and paragraph (a) of subsection
646 (8) of section 1002.415, Florida Statutes, are amended to read:

647 1002.415 K-8 Virtual School Program.--Subject to annual
648 legislative appropriation, a kindergarten through grade 8
649 virtual school program is established within the Department of
650 Education for the purpose of making academic instruction
651 available to full-time students in kindergarten through grade 8
652 using on-line and distance learning technology. The department
653 shall use an application process to select schools to deliver
654 program instruction.

655 (7) ASSESSMENT AND ACCOUNTABILITY.--

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

660 (b) A K-8 virtual school that has a performance ~~grade~~
661 category "Declining" ~~of "D" or "F"~~ must file a school
662 improvement plan with the department for consultation to
663 determine the causes for low performance and to develop a plan
664 for correction and improvement.

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

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667 "Declining" ~~of "D" or "F"~~ for 2 years during any consecutive 4-
 668 year period.

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

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

673 1. Failure to participate in the state's education
 674 accountability system created in s. 1008.31, as required in this
 675 section;

676 2. Failure to receive a school performance category
 677 "Maintaining" ~~grade of "C"~~ or better under the school
 678 performance grading system created by s. 1008.34 for any 2 years
 679 in a consecutive 4-year period;

680 3. Failure to meet generally accepted standards of fiscal
 681 management;

682 4. Violation of law;

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

684 6. Other good cause shown.

685 Section 10. Paragraph (a) of subsection (1) of section
 686 1003.62, Florida Statutes, is amended to read:

687 1003.62 Academic performance-based charter school
 688 districts.--The State Board of Education may enter into a
 689 performance contract with district school boards as authorized
 690 in this section for the purpose of establishing them as academic
 691 performance-based charter school districts. The purpose of this
 692 section is to examine a new relationship between the State Board
 693 of Education and district school boards that will produce
 694 significant improvements in student achievement, while complying

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695 with constitutional and statutory requirements assigned to each
696 entity.

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

698 (a) A school district shall be eligible for designation as
699 an academic performance-based charter school district if it is a
700 high-performing school district in which a minimum of 50 percent
701 of the schools earn a performance category "Improving" ~~grade of~~
702 ~~"A" or "B"~~ and in which no school earns a performance category
703 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
704 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
705 ~~not be included in this calculation.~~ The performance contract
706 for a school district that earns a charter based on school
707 performance grades shall be predicated on maintenance of at
708 least 50 percent of the schools in the school district earning a
709 performance category "Improving" ~~grade of "A" or "B"~~ with no
710 school in the school district earning a performance category
711 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A
712 school district in which the number of schools that earn a
713 performance category "Improving" ~~grade of "A" or "B"~~ is less
714 than 50 percent may have its charter renewed for 1 year;
715 however, if the percentage of performance category "Improving"
716 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive
717 years, the charter shall not be renewed.

718 Section 11. Paragraph (b) of subsection (1) of section
719 1008.31, Florida Statutes, is amended to read:

720 1008.31 Florida's K-20 education performance
721 accountability system; legislative intent; mission, goals, and
722 systemwide measures; data quality improvements.--

723 (1) LEGISLATIVE INTENT.--It is the intent of the
724 Legislature that:

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

731 Section 12. Subsection (2) of section 1008.341, Florida
732 Statutes, is amended to read:

733 1008.341 School improvement rating for alternative
734 schools.--

735 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
736 provide dropout prevention and academic intervention services
737 pursuant to s. 1003.53 shall receive a school improvement rating
738 pursuant to this section. The school improvement rating shall
739 identify schools as having one of the following ratings defined
740 according to rules of the State Board of Education:

741 (a) "Improving" means schools with students making more
742 academic progress than when the students were served in their
743 home schools.

744 (b) "Maintaining" means schools with students making
745 progress equivalent to the progress made when the students were
746 served in their home schools.

747 (c) "Declining" means schools with students making less
748 academic progress than when the students were served in their
749 home schools.

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

756 Section 13. Paragraphs (b) and (d) of subsection (6) and
757 subsection (7) of section 1008.345, Florida Statutes, are
758 amended to read:

759 1008.345 Implementation of state system of school
760 improvement and education accountability.--

761 (6)

762 (b) Upon request, the department shall provide technical
763 assistance and training to any school, including any school
764 operating for the purpose of providing educational services to
765 youth in Department of Juvenile Justice programs, school
766 advisory council, district, or district school board for
767 conducting needs assessments, developing and implementing school
768 improvement plans, developing and implementing assistance and
769 intervention plans, or implementing other components of school
770 improvement and accountability. Priority for these services
771 shall be given to schools designated with a performance category
772 "Declining" ~~grade of "D" or "F"~~ and school districts in rural
773 and sparsely populated areas of the state.

774 (d) The commissioner shall assign a community assessment
775 team to each school district or governing board with a school
776 receiving a performance category "Declining" ~~graded "F"~~ to
777 review the school performance data and determine causes for the
778 low performance, including the role of school, area, and

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779 district administrative personnel. The community assessment team
780 shall review a high school's graduation rate calculated without
781 GED tests for the past 3 years, disaggregated by student
782 ethnicity. The team shall make recommendations to the school
783 board or the governing board, to the department, and to the
784 State Board of Education for implementing an assistance and
785 intervention plan that will address the causes of the school's
786 low performance. The assessment team shall include, but not be
787 limited to, a department representative, parents, business
788 representatives, educators, representatives of local
789 governments, and community activists, and shall represent the
790 demographics of the community from which they are appointed.

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

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

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

802 1011.62 Funds for operation of schools.--If the annual
803 allocation from the Florida Education Finance Program to each
804 district for operation of schools is not determined in the
805 annual appropriations act or the substantive bill implementing

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806 the annual appropriations act, it shall be determined as
807 follows:

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

812 (h) Small, isolated high schools.--Districts which levy
813 the maximum nonvoted discretionary millage, exclusive of millage
814 for capital outlay purposes levied pursuant to s. 1011.71(2),
815 may calculate full-time equivalent students for small, isolated
816 high schools by multiplying the number of unweighted full-time
817 equivalent students times 2.75; provided the school has attained
818 a performance category "Maintaining" ~~grade of "C"~~ or better,
819 pursuant to s. 1008.34, for the previous school year. For the
820 purpose of this section, the term "small, isolated high school"
821 means any high school which is located no less than 28 miles by
822 the shortest route from another high school; which has been
823 serving students primarily in basic studies provided by sub-
824 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
825 and which has a membership of no more than 100 students, but no
826 fewer than 28 students, in grades 9 through 12.

827 (m) Calculation of additional full-time equivalent
828 membership based on Advanced International Certificate of
829 Education examination scores of students.--A value of 0.24 full-
830 time equivalent student membership shall be calculated for each
831 student enrolled in a full-credit Advanced International
832 Certificate of Education course who receives a score of E or
833 higher on a subject examination. A value of 0.12 full-time

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834 equivalent student membership shall be calculated for each
835 student enrolled in a half-credit Advanced International
836 Certificate of Education course who receives a score of E or
837 higher on a subject examination. A value of 0.3 full-time
838 equivalent student membership shall be calculated for each
839 student who receives an Advanced International Certificate of
840 Education diploma. Such value shall be added to the total full-
841 time equivalent student membership in basic programs for grades
842 9 through 12 in the subsequent fiscal year. The school district
843 shall distribute to each classroom teacher who provided Advanced
844 International Certificate of Education instruction:

845 1. A bonus in the amount of \$50 for each student taught by
846 the Advanced International Certificate of Education teacher in
847 each full-credit Advanced International Certificate of Education
848 course who receives a score of E or higher on the Advanced
849 International Certificate of Education examination. A bonus in
850 the amount of \$25 for each student taught by the Advanced
851 International Certificate of Education teacher in each half-
852 credit Advanced International Certificate of Education course
853 who receives a score of E or higher on the Advanced
854 International Certificate of Education examination.

855 2. An additional bonus of \$500 to each Advanced
856 International Certificate of Education teacher in a school
857 designated with a performance category "Declining" ~~grade of "D"~~
858 ~~or "F"~~ who has at least one student scoring E or higher on the
859 full-credit Advanced International Certificate of Education
860 examination, regardless of the number of classes taught or of

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861 the number of students scoring an E or higher on the full-credit
862 Advanced International Certificate of Education examination.

863 3. Additional bonuses of \$250 each to teachers of half-
864 credit Advanced International Certificate of Education classes
865 in a school designated with a performance category "Declining"
866 ~~grade of "D" or "F"~~ which has at least one student scoring an E
867 or higher on the half-credit Advanced International Certificate
868 of Education examination in that class. The maximum additional
869 bonus for a teacher awarded in accordance with this subparagraph
870 shall not exceed \$500 in any given school year. Teachers
871 receiving an award under subparagraph 2. are not eligible for a
872 bonus under this subparagraph.

873
874 Bonuses awarded to a teacher according to this paragraph shall
875 not exceed \$2,000 in any given school year and shall be in
876 addition to any regular wage or other bonus the teacher received
877 or is scheduled to receive.

878 (n) Calculation of additional full-time equivalent
879 membership based on college board advanced placement scores of
880 students.--A value of 0.24 full-time equivalent student
881 membership shall be calculated for each student in each advanced
882 placement course who receives a score of 3 or higher on the
883 College Board Advanced Placement Examination for the prior year
884 and added to the total full-time equivalent student membership
885 in basic programs for grades 9 through 12 in the subsequent
886 fiscal year. Each district must allocate at least 80 percent of
887 the funds provided to the district for advanced placement
888 instruction, in accordance with this paragraph, to the high

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889 school that generates the funds. The school district shall
890 distribute to each classroom teacher who provided advanced
891 placement instruction:

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

896 2. An additional bonus of \$500 to each Advanced Placement
897 teacher in a school designated with a performance category
898 "Declining" ~~grade of "D" or "F"~~ who has at least one student
899 scoring 3 or higher on the College Board Advanced Placement
900 Examination, regardless of the number of classes taught or of
901 the number of students scoring a 3 or higher on the College
902 Board Advanced Placement Examination.

903
904 Bonuses awarded to a teacher according to this paragraph shall
905 not exceed \$2,000 in any given school year and shall be in
906 addition to any regular wage or other bonus the teacher received
907 or is scheduled to receive.

908 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

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

914 2. A state average discretionary levy value per FTE shall
915 be calculated by dividing the total maximum discretionary levy
916 value for all districts by the state total FTE student count.

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917 3. A total potential funds per FTE for each district shall
918 be calculated by dividing the total potential funds, not
919 including Every Child Matters Program ~~Florida School Recognition~~
920 ~~Program~~ funds and the minimum guarantee, for each district by
921 its FTE student count.

922 4. A state average total potential funds per FTE shall be
923 calculated by dividing the total potential funds, not including
924 Every Child Matters Program ~~Florida School Recognition Program~~
925 funds and the minimum guarantee, for all districts by the state
926 total FTE student count.

927 5. For districts that have a levy value per FTE as
928 calculated in subparagraph 1. higher than the state average
929 calculated in subparagraph 2., a sparsity wealth adjustment
930 shall be calculated as the product of the difference between the
931 state average levy value per FTE calculated in subparagraph 2.
932 and the district's levy value per FTE calculated in subparagraph
933 1. and the district's FTE student count and -1. However, no
934 district shall have a sparsity wealth adjustment that, when
935 applied to the total potential funds calculated in subparagraph
936 3., would cause the district's total potential funds per FTE to
937 be less than the state average calculated in subparagraph 4.

938 6. Each district's sparsity supplement allocation shall be
939 calculated by adding the amount calculated as specified in
940 paragraphs (a) and (b) and the wealth adjustment amount
941 calculated in this paragraph.

942 Section 15. Paragraph (a) of subsection (2) of section
943 1011.64, Florida Statutes, is amended to read:

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944 1011.64 School district minimum classroom expenditure
 945 requirements.--

946 (2) For the purpose of implementing the provisions of this
 947 section, the Legislature shall prescribe minimum academic
 948 performance standards and minimum classroom expenditure
 949 requirements for districts not meeting such minimum academic
 950 performance standards in the General Appropriations Act.

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

954 Section 16. Subsections (1), (2), and (5) of section
 955 1012.2315, Florida Statutes, are amended to read:

956 1012.2315 Assignment of teachers.--

957 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 958 finds disparities between teachers assigned to teach in a
 959 majority of ~~"A" graded~~ schools receiving a performance category
 960 "Improving" and teachers assigned to teach in a majority of ~~"F"~~
 961 ~~graded~~ schools receiving a performance category "Declining". The
 962 disparities can be found in the average years of experience, the
 963 median salary, and the performance of the teachers on teacher
 964 certification examinations. It is the intent of the Legislature
 965 that district school boards have flexibility through the
 966 collective bargaining process to assign teachers more equitably
 967 across the schools in the district.

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

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972 teachers to schools with above the school district average of
973 minority and economically disadvantaged students or schools that
974 are designated performance category "Declining." ~~graded "D" or~~
975 ~~"F."~~ Each school district shall annually certify to the
976 Commissioner of Education that this requirement has been met. If
977 the commissioner determines that a school district is not in
978 compliance with this subsection, the State Board of Education
979 shall be notified and shall take action pursuant to s. 1008.32
980 in the next regularly scheduled meeting to require compliance.

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

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