

By Senator Deutch

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1 A bill to be entitled

2 An act relating to public school education; amending s.
3 1002.31, F.S.; requiring reimbursement to school districts
4 for reasonable costs for student transportation to certain
5 schools and choice programs; amending ss. 1003.428,
6 1003.429, 1003.43, 1003.433, and 1008.22, F.S.; deleting
7 the requirement that a student earn a passing score on the
8 Florida Comprehensive Assessment Test (FCAT) for purposes
9 of high school graduation; revising components of the
10 FCAT; revising provisions relating to the use of
11 concordant scores; amending s. 1008.25, F.S.; deleting
12 mandatory retention for certain grade 3 students;
13 authorizing certain promotion for good cause; amending s.
14 1008.33, F.S.; revising provisions relating to state board
15 intervention in the operation of a district school system;
16 requiring State Board of Education rulemaking relating to
17 school performance; amending s. 1008.34, F.S.; changing
18 the school grading system to a school performance system;
19 specifying school performance categories and the basis for
20 designating such categories; providing for determination
21 of school district performance; authorizing school
22 districts to give certain schools increased budget
23 authority; amending s. 1008.341, F.S.; revising provisions
24 relating to the school improvement rating for alternative
25 schools, to conform; amending s. 1008.36, F.S.; changing
26 the Florida School Recognition Program to the Every Child
27 Matters Program; providing intent and purpose of the
28 program; providing for financial assistance to schools
29 providing remediation and intervention services to certain

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30 students; specifying the uses of program funds; providing
31 Department of Education duties; amending ss. 1001.42,
32 1002.33, 1002.415, 1003.62, 1003.621, 1008.31, 1008.345,
33 1011.62, 1011.64, and 1012.2315, F.S.; conforming
34 provisions; providing an effective date.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. Subsection (3) and paragraph (c) of subsection
39 (5) of section 1002.31, Florida Statutes, are amended to read:

40 1002.31 Public school parental choice.--

41 (3) Each district school board shall develop a controlled
42 open enrollment plan which describes the implementation of
43 subsection (2). Each school district shall be reimbursed for
44 reasonable costs of providing transportation for students who
45 attend a public school or choice program other than the school to
46 which the student is assigned through the allocation of Every
47 Child Matters Program funds by the Department of Education
48 pursuant to s. 1008.36.

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

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

54 Section 2. Subsection (4), paragraph (b) of subsection (7),
55 and subsection (8) of section 1003.428, Florida Statutes, are
56 amended to read:

57 1003.428 General requirements for high school graduation;
58 revised.--

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

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

63 ~~(b) Earning passing scores on the FCAT, as defined in s.~~
64 ~~1008.22(3)(c), or scores on a standardized test that are~~
65 ~~concordant with passing scores on the FCAT as defined in s.~~
66 ~~1008.22(9).~~

67 (b)(e) Completion of all other applicable requirements
68 prescribed by the district school board pursuant to s. 1008.25.

69 (c)(d) Achievement of a cumulative grade point average of
70 2.0 on a 4.0 scale, or its equivalent, in the courses required by
71 this section.

72
73 Each district school board shall adopt policies designed to
74 assist students in meeting the requirements of this subsection.
75 These policies may include, but are not limited to: forgiveness
76 policies, summer school or before or after school attendance,
77 special counseling, volunteers or peer tutors, school-sponsored
78 help sessions, homework hotlines, and study skills classes.
79 Forgiveness policies for required courses shall be limited to
80 replacing a grade of "D" or "F," or the equivalent of a grade of
81 "D" or "F," with a grade of "C" or higher, or the equivalent of a
82 grade of "C" or higher, earned subsequently in the same or
83 comparable course. Forgiveness policies for elective courses
84 shall be limited to replacing a grade of "D" or "F," or the
85 equivalent of a grade of "D" or "F," with a grade of "C" or
86 higher, or the equivalent of a grade of "C" or higher, earned
87 subsequently in another course. The only exception to these

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88 forgiveness policies shall be made for a student in the middle
89 grades who takes any high school course for high school credit
90 and earns a grade of "C," "D," or "F" or the equivalent of a
91 grade of "C," "D," or "F." In such case, the district forgiveness
92 policy must allow the replacement of the grade with a grade of
93 "C" or higher, or the equivalent of a grade of "C" or higher,
94 earned subsequently in the same or comparable course. In all
95 cases of grade forgiveness, only the new grade shall be used in
96 the calculation of the student's grade point average. Any course
97 grade not replaced according to a district school board
98 forgiveness policy shall be included in the calculation of the
99 cumulative grade point average required for graduation.

100 (7)

101 (b) A student who completes the minimum number of credits
102 and other requirements prescribed by subsections (1), (2), and
103 (3), ~~but~~ but who is unable to meet the standards of paragraph (4) (b)
104 or, paragraph (4) (c), ~~or paragraph (4) (d)~~, shall be awarded a
105 certificate of completion in a form prescribed by the State Board
106 of Education. However, any student who is otherwise entitled to a
107 certificate of completion may elect to remain in the secondary
108 school either as a full-time student or a part-time student for
109 up to 1 additional year and receive special instruction designed
110 to remedy his or her identified deficiencies.

111 (8) ~~(a)~~ Each district school board must provide instruction
112 to prepare students with disabilities to demonstrate proficiency
113 in the skills and competencies necessary for successful grade-to-
114 grade progression and high school graduation.

115 ~~(b) A student with a disability, as defined in s.~~
116 ~~1007.02(2), for whom the individual education plan (IEP)~~

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117 ~~committee determines that the FCAT cannot accurately measure the~~
118 ~~student's abilities taking into consideration all allowable~~
119 ~~accommodations, shall have the FCAT requirement of paragraph~~
120 ~~(4) (b) waived for the purpose of receiving a standard high school~~
121 ~~diploma, if the student:~~

122 ~~1. Completes the minimum number of credits and other~~
123 ~~requirements prescribed by subsections (1), (2), and (3).~~

124 ~~2. Does not meet the requirements of paragraph (4) (b) after~~
125 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

126 Section 3. Subsection (6) of section 1003.429, Florida
127 Statutes, is amended to read:

128 1003.429 Accelerated high school graduation options.--

129 (6) Students pursuing accelerated 3-year high school
130 graduation options pursuant to paragraph (1) (b) or paragraph
131 (1) (c) are required to:

132 ~~(a) Earn passing scores on the FCAT as defined in s.~~
133 ~~1008.22 (3) (c) or scores on a standardized test that are~~
134 ~~concordant with passing scores on the FCAT as defined in s.~~
135 ~~1008.22 (9).~~

136 (a) ~~(b)~~ 1. Achieve a cumulative weighted grade point average
137 of 3.5 on a 4.0 scale, or its equivalent, in the courses required
138 for the college preparatory accelerated 3-year high school
139 graduation option pursuant to paragraph (1) (b); or

140 2. Achieve a cumulative weighted grade point average of 3.0
141 on a 4.0 scale, or its equivalent, in the courses required for
142 the career preparatory accelerated 3-year high school graduation
143 option pursuant to paragraph (1) (c).

144 (b) ~~(e)~~ Receive a weighted or unweighted grade that earns at
145 least 3.0 points, or its equivalent, to earn course credit toward

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146 the 18 credits required for the college preparatory accelerated
147 3-year high school graduation option pursuant to paragraph
148 (1) (b).

149 (c) ~~(d)~~ Receive a weighted or unweighted grade that earns at
150 least 2.0 points, or its equivalent, to earn course credit toward
151 the 18 credits required for the career preparatory accelerated 3-
152 year high school graduation option pursuant to paragraph (1) (c).

153

154 Weighted grades referred to in paragraphs (a), (b), and (c), ~~and~~
155 ~~(d)~~ shall be applied to those courses specifically listed or
156 identified by the department as rigorous pursuant to s.

157 1009.531(3) or weighted by the district school board for class
158 ranking purposes.

159 Section 4. Subsection (5), paragraph (b) of subsection
160 (10), and subsection (11) of section 1003.43, Florida Statutes,
161 are amended to read:

162 1003.43 General requirements for high school graduation.--

163 (5) Each district school board shall establish standards
164 for graduation from its schools, and these standards must
165 include:

166 ~~(a) Earning passing scores on the FCAT, as defined in s.~~
167 ~~1008.22(3)(c), or scores on a standardized test that are~~
168 ~~concordant with passing scores on the FCAT as defined in s.~~
169 ~~1008.22(9).~~

170 (a) ~~(b)~~ Completion of all ~~other~~ applicable requirements
171 prescribed by the district school board pursuant to s. 1008.25.

172 (b) ~~(c)~~ Achievement of a cumulative grade point average of
173 1.5 on a 4.0 scale, or its equivalent, for students entering 9th
174 grade before the 1997-1998 school year; however, these students

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175 must earn a cumulative grade point average of 2.0 on a 4.0 scale,
176 or its equivalent, in the courses required by subsection (1) that
177 are taken after July 1, 1997, or have an overall cumulative grade
178 point average of 2.0 or above.

179 (c)~~(d)~~ Achievement of a cumulative grade point average of
180 2.0 on a 4.0 scale, or its equivalent, in the courses required by
181 subsection (1), for students entering 9th grade in the 1997-1998
182 school year and thereafter.

183 (d)~~(e)~~ For purposes of paragraphs (b) and (c) ~~and (d)~~:

184 1. Each district school board shall adopt policies designed
185 to assist students in meeting these requirements. These policies
186 may include, but are not limited to: forgiveness policies, summer
187 school or before or after school attendance, special counseling,
188 volunteer and/or peer tutors, school-sponsored help sessions,
189 homework hotlines, and study skills classes. Beginning in the
190 2000-2001 school year and each year thereafter, forgiveness
191 policies for required courses shall be limited to replacing a
192 grade of "D" or "F," or the equivalent of a grade of "D" or "F,"
193 with a grade of "C" or higher, or the equivalent of a grade of
194 "C" or higher, earned subsequently in the same or comparable
195 course. Forgiveness policies for elective courses shall be
196 limited to replacing a grade of "D" or "F," or the equivalent of
197 a grade of "D" or "F," with a grade of "C" or higher, or the
198 equivalent of a grade of "C" or higher, earned subsequently in
199 another course. Any course grade not replaced according to a
200 district school board forgiveness policy shall be included in the
201 calculation of the cumulative grade point average required for
202 graduation.

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203 2. At the end of each semester, the parent of each student
204 in grades 9, 10, 11, and 12 who has a cumulative grade point
205 average of less than 0.5 above the cumulative grade point average
206 required for graduation shall be notified that the student is at
207 risk of not meeting the requirements for graduation. The notice
208 shall contain an explanation of the policies the district school
209 board has in place to assist the student in meeting the grade
210 point average requirement.

211 3. Special assistance to obtain a high school equivalency
212 diploma pursuant to s. 1003.435 may be given only when the
213 student has completed all requirements for graduation except the
214 attainment of the required cumulative grade point average.

215
216 The standards required in this subsection, and any subsequent
217 modifications, shall be reprinted in the Florida Administrative
218 Code even though not defined as "rules."

219 (10)

220 (b) A student who completes the minimum number of credits
221 and other requirements prescribed by subsections (1) and (4)~~7~~ but
222 who is unable to meet the standards of paragraph (5) (a) or~~7~~
223 paragraph (5) (b)~~7~~ ~~or paragraph (5) (c)~~7~~~~ shall be awarded a
224 certificate of completion in a form prescribed by the State Board
225 of Education. However, any student who is otherwise entitled to a
226 certificate of completion may elect to remain in the secondary
227 school either as a full-time student or a part-time student for
228 up to 1 additional year and receive special instruction designed
229 to remedy his or her identified deficiencies.

230 (11)~~(a)~~ Each district school board must provide instruction
231 to prepare students with disabilities to demonstrate proficiency

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232 in the skills and competencies necessary for successful grade-to-
233 grade progression and high school graduation.

234 ~~(b) A student with a disability, as defined in s.~~
235 ~~1007.02(2), for whom the individual educational plan (IEP)~~
236 ~~committee determines that the FCAT cannot accurately measure the~~
237 ~~student's abilities taking into consideration all allowable~~
238 ~~accommodations, shall have the FCAT requirement of paragraph~~
239 ~~(5)(a) waived for the purpose of receiving a standard high school~~
240 ~~diploma, if the student:~~

241 ~~1. Completes the minimum number of credits and other~~
242 ~~requirements prescribed by subsections (1) and (4).~~

243 ~~2. Does not meet the requirements of paragraph (5)(a) after~~
244 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

245 Section 5. Subsection (1) of section 1003.433, Florida
246 Statutes, is amended to read:

247 1003.433 Learning opportunities for out-of-state and out-
248 of-country transfer students and students needing additional
249 instruction to meet high school graduation requirements.--

250 (1) Students who enter a Florida public school at the
251 eleventh or twelfth grade from out of state or from a foreign
252 country shall not be required to spend additional time in a
253 Florida public school in order to meet the high school course
254 requirements if the student has met all requirements of the
255 school district, state, or country from which he or she is
256 transferring. Such students who are not proficient in English
257 should receive immediate and intensive instruction in English
258 language acquisition. However, to receive a standard high school
259 diploma, a transfer student must earn a 2.0 grade point average

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260 and pass the grade 10 FCAT required in s. 1008.22(3) or an
261 alternate assessment as described in s. 1008.22(9).

262 Section 6. Paragraph (c) of subsection (3) and subsection
263 (9) of section 1008.22, Florida Statutes, are amended to read:

264 1008.22 Student assessment program for public schools.--

265 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
266 design and implement a statewide program of educational
267 assessment that provides information for the improvement of the
268 operation and management of the public schools, including schools
269 operating for the purpose of providing educational services to
270 youth in Department of Juvenile Justice programs. The
271 commissioner may enter into contracts for the continued
272 administration of the assessment, testing, and evaluation
273 programs authorized and funded by the Legislature. Contracts may
274 be initiated in 1 fiscal year and continue into the next and may
275 be paid from the appropriations of either or both fiscal years.
276 The commissioner is authorized to negotiate for the sale or lease
277 of tests, scoring protocols, test scoring services, and related
278 materials developed pursuant to law. Pursuant to the statewide
279 assessment program, the commissioner shall:

280 (c) Develop and implement a student achievement testing
281 program known as the Florida Comprehensive Assessment Test (FCAT)
282 as part of the statewide assessment program to measure all
283 aspects of every student's public education experience as
284 determined by the Department of Education ~~reading, writing,~~
285 ~~science, and mathematics.~~ Other Content areas may be included as
286 directed by the commissioner. The assessment ~~of reading and~~
287 ~~mathematics~~ shall be administered annually in grades 3 through
288 10. ~~The assessment of writing and science shall be administered~~

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289 ~~at least once at the elementary, middle, and high school levels.~~
290 ~~The commissioner must document the procedures used to ensure that~~
291 ~~the versions of the FCAT which are taken by students retaking the~~
292 ~~grade 10 FCAT are equally as challenging and difficult as the~~
293 ~~tests taken by students in grade 10 which contain performance~~
294 ~~tasks.~~ The testing program must be designed so that:

295 1. The tests measure student skills and competencies
296 adopted by the State Board of Education as specified in paragraph
297 (a). The tests must measure and report student proficiency levels
298 of all students assessed ~~in reading, writing, mathematics, and~~
299 ~~science~~. The commissioner shall provide for the tests to be
300 developed or obtained, as appropriate, through contracts and
301 project agreements with private vendors, public vendors, public
302 agencies, postsecondary educational institutions, or school
303 districts. The commissioner shall obtain input with respect to
304 the design and implementation of the testing program from state
305 educators, assistive technology experts, and the public.

306 2. The testing program will include a combination of norm-
307 referenced and criterion-referenced tests and include, to the
308 extent determined by the commissioner, questions that require the
309 student to produce information or perform tasks in such a way
310 that the skills and competencies he or she uses can be measured.

311 3. Each testing program, whether at the elementary, middle,
312 or high school level, includes a test of writing in which
313 students are required to produce writings that are then scored by
314 appropriate and timely methods.

315 4. A score is designated for each subject area tested,
316 below which score a student's performance is deemed inadequate.

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317 The school districts shall provide appropriate remedial
318 instruction to students who score below these levels.

319 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~
320 ~~1003.43(11)(b), students must earn a passing score on the grade~~
321 ~~10 assessment test described in this paragraph or attain~~
322 ~~concordant scores as described in subsection (9) in reading,~~
323 ~~writing, and mathematics to qualify for a standard high school~~
324 ~~diploma. The State Board of Education shall designate a passing~~
325 ~~score for each part of the grade 10 assessment test. In~~
326 ~~establishing passing scores, the state board shall consider any~~
327 ~~possible negative impact of the test on minority students. The~~
328 ~~State Board of Education shall adopt rules which specify the~~
329 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~
330 ~~the effect of raising the required passing scores, shall only~~
331 ~~apply to students taking the grade 10 FCAT for the first time~~
332 ~~after such rules are adopted by the State Board of Education.~~

333 5.6. Participation in the testing program is mandatory for
334 all students attending public school, including students served
335 in Department of Juvenile Justice programs, except as otherwise
336 prescribed by the commissioner. If a student does not participate
337 in the statewide assessment, the district must notify the
338 student's parent and provide the parent with information
339 regarding the implications of such nonparticipation. A parent
340 must provide signed consent for a student to receive classroom
341 instructional accommodations that would not be available or
342 permitted on the statewide assessments and must acknowledge in
343 writing that he or she understands the implications of such
344 instructional accommodations. The State Board of Education shall
345 adopt rules, based upon recommendations of the commissioner, for

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346 the provision of test accommodations for students in exceptional
347 education programs and for students who have limited English
348 proficiency. Accommodations that negate the validity of a
349 statewide assessment are not allowable in the administration of
350 the FCAT. However, instructional accommodations are allowable in
351 the classroom if included in a student's individual education
352 plan. ~~Students using instructional accommodations in the~~
353 ~~classroom that are not allowable as accommodations on the FCAT~~
354 ~~may have the FCAT requirement waived pursuant to the requirements~~
355 ~~of s. 1003.428(8)(b) or s. 1003.43(11)(b).~~

356 6.7. A student seeking an adult high school diploma must
357 meet the same testing requirements that a regular high school
358 student must meet.

359 7.8. District school boards must provide instruction to
360 prepare students to demonstrate proficiency in the skills and
361 competencies necessary for successful grade-to-grade progression
362 and high school graduation. If a student is provided with
363 instructional accommodations in the classroom that are not
364 allowable as accommodations in the statewide assessment program,
365 as described in the test manuals, the district must inform the
366 parent in writing and must provide the parent with information
367 regarding the impact on the student's ability to meet expected
368 proficiency levels in reading, writing, and math. The
369 commissioner shall conduct studies as necessary to verify that
370 the required skills and competencies are part of the district
371 instructional programs.

372 8.9. District school boards must provide opportunities for
373 students to demonstrate an acceptable level of performance on an

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374 alternative standardized assessment approved by the State Board
375 of Education following enrollment in summer academies.

376 ~~9.10.~~ The Department of Education must develop, or select,
377 and implement a common battery of assessment tools that will be
378 used in all juvenile justice programs in the state. These tools
379 must accurately measure the skills and competencies established
380 in the Sunshine State Standards.

381 10.11. For students seeking a special diploma pursuant to
382 s. 1003.438, the Department of Education must develop or select
383 and implement an alternate assessment tool that accurately
384 measures the skills and competencies established in the Sunshine
385 State Standards for students with disabilities under s. 1003.438.

386
387 The commissioner may, based on collaboration and input from
388 school districts, design and implement student testing programs,
389 for any grade level and subject area, necessary to effectively
390 monitor educational achievement in the state, including the
391 measurement of educational achievement of the Sunshine State
392 Standards for students with disabilities. Development and
393 refinement of assessments shall include universal design
394 principles and accessibility standards that will prevent any
395 unintended obstacles for students with disabilities while
396 ensuring the validity and reliability of the test. These
397 principles should be applicable to all technology platforms and
398 assistive devices available for the assessments. The field
399 testing process and psychometric analyses for the statewide
400 assessment program must include an appropriate percentage of
401 students with disabilities and an evaluation or determination of
402 the effect of test items on such students.

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403 (9) CONCORDANT SCORES FOR THE FCAT.--

404 (a) The State Board of Education shall analyze the content
405 and concordant data sets for widely used high school achievement
406 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
407 and College Placement Test, to assess if concordant scores for
408 FCAT scores can be determined for ~~high school graduation,~~ college
409 placement, and scholarship awards. In cases where content
410 alignment and concordant scores can be determined, the
411 Commissioner of Education shall adopt those scores ~~as meeting the~~
412 ~~graduation requirement in lieu of achieving the FCAT passing~~
413 ~~score and may adopt those scores~~ as being sufficient to achieve
414 ~~additional~~ purposes as determined by rule. Each time that test
415 content or scoring procedures are changed for the FCAT or one of
416 the identified tests, new concordant scores must be determined.

417 ~~(b) In order to use a concordant subject area score~~
418 ~~pursuant to this subsection to satisfy the assessment requirement~~
419 ~~for a standard high school diploma as provided in s.~~
420 ~~1003.429(6) (a), s. 1003.43(5) (a), or s. 1003.428, a student must~~
421 ~~take each subject area of the grade 10 FCAT a total of three~~
422 ~~times without earning a passing score. The requirements of this~~
423 ~~paragraph shall not apply to a new student who enters the Florida~~
424 ~~public school system in grade 12, who may either achieve a~~
425 ~~passing score on the FCAT or use an approved subject area~~
426 ~~concordant score to fulfill the graduation requirement.~~

427 (b)(e) The State Board of Education may define by rule the
428 allowable uses, ~~other than to satisfy the high school graduation~~
429 ~~requirement,~~ for concordant scores as described in this
430 subsection. Such uses may include, but need not be limited to,
431 achieving appropriate standardized test scores required for the

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432 | awarding of Florida Bright Futures Scholarships and college
433 | placement.

434 | Section 7. Paragraphs (b) and (c) of subsection (5),
435 | paragraphs (b) and (c) of subsection (6), and paragraph (b) of
436 | subsection (7) of section 1008.25, Florida Statutes, are amended
437 | to read:

438 | 1008.25 Public school student progression; remedial
439 | instruction; reporting requirements.--

440 | (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

441 | (b) Beginning with the 2002-2003 school year, if the
442 | student's reading deficiency, as identified in paragraph (a), is
443 | not remedied by the end of grade 3, as demonstrated by scoring at
444 | Level 2 or higher on the statewide assessment test in reading for
445 | grade 3, the student may ~~must~~ be retained at the discretion of
446 | the teacher and principal after consultation with the student's
447 | parent.

448 | (c) The parent of any student who exhibits a substantial
449 | deficiency in reading, as described in paragraph (a), must be
450 | notified in writing of the following:

451 | 1. That his or her child has been identified as having a
452 | substantial deficiency in reading.

453 | 2. A description of the current services that are provided
454 | to the child.

455 | 3. A description of the proposed supplemental instructional
456 | services and supports that will be provided to the child that are
457 | designed to remediate the identified area of reading deficiency.

458 | 4. That if the child's reading deficiency is not remediated
459 | by the end of grade 3, the child may ~~must~~ be retained ~~unless he~~
460 | ~~or she is exempt from mandatory retention for good cause~~.

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461 5. Strategies for parents to use in helping their child
462 succeed in reading proficiency.

463 6. That the Florida Comprehensive Assessment Test (FCAT) is
464 not the sole determiner of promotion and that additional
465 evaluations, portfolio reviews, and assessments are available to
466 the child to assist parents and the school district in knowing
467 when a child is reading at or above grade level and ready for
468 grade promotion.

469 7. The district's specific criteria and policies for
470 midyear promotion. Midyear promotion means promotion of a
471 retained student at any time during the year of retention once
472 the student has demonstrated ability to read at grade level.

473 (6) ELIMINATION OF SOCIAL PROMOTION.--

474 (b) The district school board may promote students ~~only~~
475 ~~exempt students from mandatory retention~~, as provided in
476 paragraph (5) (b), for good cause. Students promoted for good
477 cause may include, but are not limited to, exemptions shall be
478 ~~limited to~~ the following:

479 1. Limited English proficient students who have had less
480 than 2 years of instruction in an English for Speakers of Other
481 Languages program.

482 2. Students with disabilities whose individual education
483 plan indicates that participation in the statewide assessment
484 program is not appropriate, consistent with the requirements of
485 State Board of Education rule.

486 3. Students who demonstrate an acceptable level of
487 performance on an alternative standardized reading assessment
488 approved by the State Board of Education.

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489 4. Students who demonstrate, through a student portfolio,
490 that the student is reading on grade level as evidenced by
491 demonstration of mastery of the Sunshine State Standards in
492 reading equal to at least a Level 2 performance on the FCAT.

493 5. Students with disabilities who participate in the FCAT
494 and who have an individual education plan or a Section 504 plan
495 that reflects that the student has received intensive remediation
496 in reading for more than 2 years but still demonstrates a
497 deficiency in reading and was previously retained in
498 kindergarten, grade 1, grade 2, or grade 3.

499 6. Students who have received intensive remediation in
500 reading for 2 or more years but still demonstrate a deficiency in
501 reading and who were previously retained in kindergarten, grade
502 1, grade 2, or grade 3 for a total of 2 years. Intensive reading
503 instruction for students so promoted must include an altered
504 instructional day that includes specialized diagnostic
505 information and specific reading strategies for each student. The
506 district school board shall assist schools and teachers to
507 implement reading strategies that research has shown to be
508 successful in improving reading among low-performing readers.

509 (c) Promotion for good cause ~~Requests for good cause~~
510 ~~exemptions for students from the mandatory retention requirement~~
511 as described in subparagraphs (b)3. and 4. shall be made
512 consistent with the following:

513 1. Documentation shall be submitted from the student's
514 teacher to the school principal that indicates that the promotion
515 of the student is appropriate and is based upon the student's
516 academic record. In order to minimize paperwork requirements,
517 such documentation shall consist only of the existing progress

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518 monitoring plan, individual educational plan, if applicable,
519 report card, or student portfolio.

520 2. The school principal shall review and discuss such
521 recommendation with the teacher and make the determination as to
522 whether the student should be promoted or retained. If the school
523 principal determines that the student should be promoted, the
524 school principal shall make such recommendation in writing to the
525 district school superintendent. The district school
526 superintendent shall accept or reject the school principal's
527 recommendation in writing.

528 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

529 (b) Beginning with the 2004-2005 school year, each school
530 district shall:

531 1. Conduct a review of student progress monitoring plans
532 for all students who did not score above Level 1 on the reading
533 portion of the FCAT ~~and did not meet the criteria for one of the~~
534 ~~good cause exemptions in paragraph (6) (b)~~. The review shall
535 address additional supports and services, as described in this
536 subsection, needed to remediate the identified areas of reading
537 deficiency. The school district shall require a student portfolio
538 to be completed for each such student.

539 2. Provide students who are retained under the provisions
540 of paragraph (5) (b) with intensive instructional services and
541 supports to remediate the identified areas of reading deficiency,
542 including a minimum of 90 minutes of daily, uninterrupted,
543 scientifically research-based reading instruction and other
544 strategies prescribed by the school district, which may include,
545 but are not limited to:

546 a. Small group instruction.

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547 b. Reduced teacher-student ratios.

548 c. More frequent progress monitoring.

549 d. Tutoring or mentoring.

550 e. Transition classes containing 3rd and 4th grade

551 students.

552 f. Extended school day, week, or year.

553 g. Summer reading camps.

554 3. Provide written notification to the parent of any

555 student who is retained under the provisions of paragraph (5) (b)

556 that his or her child has not met the proficiency level required

557 for promotion and the reasons the child is not eligible for

558 promotion ~~a good cause exemption as provided in paragraph (6) (b).~~

559 The notification must comply with the provisions of s.

560 1002.20(15) and must include a description of proposed

561 interventions and supports that will be provided to the child to

562 remediate the identified areas of reading deficiency.

563 4. Implement a policy for the midyear promotion of any

564 student retained under the provisions of paragraph (5) (b) who can

565 demonstrate that he or she is a successful and independent

566 reader, reading at or above grade level, and ready to be promoted

567 to grade 4. Tools that school districts may use in reevaluating

568 any student retained may include subsequent assessments,

569 alternative assessments, and portfolio reviews, in accordance

570 with rules of the State Board of Education. Students promoted

571 during the school year after November 1 must demonstrate

572 proficiency above that required to score at Level 2 on the grade

573 3 FCAT, as determined by the State Board of Education. The State

574 Board of Education shall adopt standards that provide a

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575 reasonable expectation that the student's progress is sufficient
576 to master appropriate 4th grade level reading skills.

577 5. Provide students who are retained under the provisions
578 of paragraph (5) (b) with a high-performing teacher as determined
579 by student performance data and above-satisfactory performance
580 appraisals.

581 6. In addition to required reading enhancement and
582 acceleration strategies, provide parents of students to be
583 retained with at least one of the following instructional
584 options:

585 a. Supplemental tutoring in scientifically research-based
586 reading services in addition to the regular reading block,
587 including tutoring before and/or after school.

588 b. A "Read at Home" plan outlined in a parental contract,
589 including participation in "Families Building Better Readers
590 Workshops" and regular parent-guided home reading.

591 c. A mentor or tutor with specialized reading training.

592 7. Establish a Reading Enhancement and Acceleration
593 Development (READ) Initiative. The focus of the READ Initiative
594 shall be to prevent the retention of grade 3 students and to
595 offer intensive accelerated reading instruction to grade 3
596 students who failed to meet standards for promotion to grade 4
597 and to each K-3 student who is assessed as exhibiting a reading
598 deficiency. The READ Initiative shall:

599 a. Be provided to all K-3 students at risk of retention as
600 identified by the statewide assessment system used in Reading
601 First schools. The assessment must measure phonemic awareness,
602 phonics, fluency, vocabulary, and comprehension.

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603 b. Be provided during regular school hours in addition to
604 the regular reading instruction.

605 c. Provide a state-identified reading curriculum that has
606 been reviewed by the Florida Center for Reading Research at
607 Florida State University and meets, at a minimum, the following
608 specifications:

609 (I) Assists students assessed as exhibiting a reading
610 deficiency in developing the ability to read at grade level.

611 (II) Provides skill development in phonemic awareness,
612 phonics, fluency, vocabulary, and comprehension.

613 (III) Provides scientifically based and reliable
614 assessment.

615 (IV) Provides initial and ongoing analysis of each
616 student's reading progress.

617 (V) Is implemented during regular school hours.

618 (VI) Provides a curriculum in core academic subjects to
619 assist the student in maintaining or meeting proficiency levels
620 for the appropriate grade in all academic subjects.

621 8. Establish at each school, where applicable, an Intensive
622 Acceleration Class for retained grade 3 students who subsequently
623 score at Level 1 on the reading portion of the FCAT. The focus of
624 the Intensive Acceleration Class shall be to increase a child's
625 reading level at least two grade levels in 1 school year. The
626 Intensive Acceleration Class shall:

627 a. Be provided to any student in grade 3 who scores at
628 Level 1 on the reading portion of the FCAT and who was retained
629 in grade 3 the prior year because of scoring at Level 1 on the
630 reading portion of the FCAT.

631 b. Have a reduced teacher-student ratio.

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632 c. Provide uninterrupted reading instruction for the
633 majority of student contact time each day and incorporate
634 opportunities to master the grade 4 Sunshine State Standards in
635 other core subject areas.

636 d. Use a reading program that is scientifically research-
637 based and has proven results in accelerating student reading
638 achievement within the same school year.

639 e. Provide intensive language and vocabulary instruction
640 using a scientifically research-based program, including use of a
641 speech-language therapist.

642 f. Include weekly progress monitoring measures to ensure
643 progress is being made.

644 g. Report to the Department of Education, in the manner
645 described by the department, the progress of students in the
646 class at the end of the first semester.

647 9. Report to the State Board of Education, as requested, on
648 the specific intensive reading interventions and supports
649 implemented at the school district level. The Commissioner of
650 Education shall annually prescribe the required components of
651 requested reports.

652 10. Provide a student who has been retained in grade 3 and
653 has received intensive instructional services but is still not
654 ready for grade promotion, as determined by the school district,
655 the option of being placed in a transitional instructional
656 setting. Such setting shall specifically be designed to produce
657 learning gains sufficient to meet grade 4 performance standards
658 while continuing to remediate the areas of reading deficiency.

659 Section 8. Subsections (1) and (2) of section 1008.33,
660 Florida Statutes, are amended to read:

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661 1008.33 Authority to enforce public school improvement.--It
662 is the intent of the Legislature that all public schools be held
663 accountable for students performing at acceptable levels. A
664 system of school improvement and accountability that assesses
665 student performance by school, identifies schools in which
666 students are not making adequate progress toward state standards,
667 institutes appropriate measures for enforcing improvement, and
668 provides rewards and sanctions based on performance shall be the
669 responsibility of the State Board of Education.

670 (1) (a) Pursuant to Art. IX of the State Constitution
671 prescribing the duty of the State Board of Education to supervise
672 Florida's public school system and notwithstanding any other
673 statutory provisions to the contrary, the State Board of
674 Education shall intervene in the operation of a district school
675 system when one or more schools in the school district have
676 failed to make adequate progress for 2 school years in a 3-year
677 ~~4-year~~ period. For purposes of determining when a school is
678 eligible for state board action ~~and opportunity scholarships for~~
679 ~~its students~~, the term ~~terms "2 years in any 4-year period"~~ and
680 "2 school years in a 3-year ~~4-year~~ period" means ~~mean~~ that in any
681 year that a school has a performance category "Declining," ~~grade~~
682 ~~of "F,"~~ the school is eligible for state board action ~~and~~
683 ~~opportunity scholarships for its students~~ if it also has had a
684 performance category "Declining" ~~grade of "F"~~ in any of the
685 previous 2 ~~3~~ school years. The State Board of Education may
686 determine that the school district or school has not taken steps
687 sufficient for students in the school to be academically well
688 served. Considering recommendations of the Commissioner of
689 Education, the State Board of Education shall recommend action to

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690 a district school board intended to improve educational services
691 to students in each school that is designated with a performance
692 category "Declining." ~~grade of "F."~~ Recommendations for actions
693 to be taken in the school district shall be made only after
694 thorough consideration of the unique characteristics of a school,
695 which shall include student mobility rates, the number and type
696 of exceptional students enrolled in the school, and the
697 availability of options for improved educational services. The
698 state board shall adopt by rule steps to follow in this process.
699 Such steps shall provide school districts sufficient time to
700 improve student performance in schools and the opportunity to
701 present evidence of assistance and interventions that the
702 district school board has implemented.

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

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

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

716 (2) The State Board of Education may recommend one or more
717 of the following actions to district school boards to enable
718 students in schools designated as performance category

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719 "Declining" ~~with a grade of "F"~~ to be academically well served by
720 the public school system:

721 (a) Provide additional resources, change certain practices,
722 and provide additional assistance if the state board determines
723 the causes of inadequate progress to be related to school
724 district policy or practice;

725 (b) Implement a plan that satisfactorily resolves the
726 education equity problems in the school related to factors that
727 hamper increased student performance;

728 (c) Contract for the educational services of the school, or
729 reorganize the school at the end of the school year under a new
730 school principal who is authorized to hire new staff and
731 implement a plan that addresses the causes of inadequate
732 progress. A contract to administer an alternative school may not
733 be entered into with a private entity which contract changes the
734 character of the alternative school population as it existed when
735 the alternative school was administered by the public school
736 system. The term "character of the alternative school population"
737 means the percentage of students having learning disabilities,
738 physical disabilities, emotional disabilities, or developmental
739 disabilities, as well as the percentage of students having
740 discipline problems;

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

743 (e) Other action appropriate to improve the school's
744 performance, including, if the school is a high school, requiring
745 annual publication of the school's graduation rate calculated
746 without GED tests for the past 3 years, disaggregated by student
747 ethnicity.

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748 Section 9. Section 1008.34, Florida Statutes, is amended to
749 read:

750 1008.34 School performance ~~grading~~ system; school report
751 cards; district performance ~~grade~~.--

752 (1) ANNUAL REPORTS.--The Commissioner of Education shall
753 prepare annual reports of the results of the statewide assessment
754 program which describe student achievement in the state, each
755 district, and each school. The commissioner shall prescribe the
756 design and content of these reports, which must include, without
757 limitation, descriptions of the performance of all schools
758 participating in the assessment program and all of their major
759 student populations as determined by the Commissioner of
760 Education, and must also include the median scores of all
761 eligible students who scored at or in the lowest 25th percentile
762 of the state in the previous school year; provided, however, that
763 the provisions of s. 1002.22 pertaining to student records apply
764 to this section.

765 (2) SCHOOL PERFORMANCE CATEGORIES ~~GRADES~~.--The annual
766 report shall identify schools as having one of the following
767 performance categories ~~grades~~, defined according to rules of the
768 State Board of Education:

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

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

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

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

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

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777
778 Beginning in the 2008-2009 school year, a school that has been
779 designated with a school grade of "F" in a prior school year
780 shall not be designated as performance category "Declining" using
781 the current year's data if that school has met the safe-harbor
782 threshold established in s. 1008.33(1)(b) ~~Each school designated~~
783 ~~with a grade of "A," making excellent progress, or having~~
784 ~~improved at least two grade levels, shall have greater authority~~
785 ~~over the allocation of the school's total budget generated from~~
786 ~~the FEFP, state categoricals, lottery funds, grants, and local~~
787 ~~funds, as specified in state board rule. The rule must provide~~
788 ~~that the increased budget authority shall remain in effect until~~
789 ~~the school's grade declines.~~

790 (3) DESIGNATION OF SCHOOL PERFORMANCE CATEGORIES
791 ~~GRADES.~~ --For purposes of determining school performance, student
792 performance shall be based on all students' annual learning gains
793 and increased student performance compared to the previous year.
794 Each school that has students who are tested and included in the
795 school performance grading system, except an alternative school
796 that receives a school improvement rating pursuant to s.
797 1008.341, shall receive a school performance category designation
798 ~~grade~~; however, an alternative school may choose to receive a
799 school performance category designation ~~grade~~ under this section
800 in lieu of a school improvement rating. Additionally, a school
801 that serves any combination of students in kindergarten through
802 grade 3 which does not receive a school performance category
803 designation ~~grade~~ because its students are not tested and
804 included in the school performance grading system shall receive
805 the school performance category ~~grade~~ designation of a K-3 feeder

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806 pattern school identified by the Department of Education and
807 verified by the school district. A school feeder pattern exists
808 if at least 60 percent of the students in the school serving a
809 combination of students in kindergarten through grade 3 are
810 scheduled to be assigned to the ~~graded~~ school participating in
811 the school performance system. School performance categories
812 ~~grades~~ itemized in subsection (2) shall be based on the
813 following:

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

816 1. Student achievement scores, including achievement scores
817 for students seeking a special diploma.

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

823 3. Improvement of the lowest 25th percentile of students in
824 the school ~~in reading, math, or writing~~ on the FCAT and on non-
825 FCAT measures, unless these students are exhibiting satisfactory
826 performance.

827 4. Beginning in the 2008-2009 school year, the following
828 weighted factors according to rules adopted by the State Board of
829 Education:

830 a. Fifty percent based on student FCAT scores.

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

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

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835 1. The aggregate scores of all eligible students enrolled
836 in the school who have been assessed on the FCAT and on non-FCAT
837 measures.

838 2. The aggregate scores of all eligible students enrolled
839 in the school who have been assessed on the FCAT, including
840 Florida Writes, and on non-FCAT measures and who have scored at
841 or in the lowest 25th percentile of students in the school ~~in~~
842 ~~reading, math, or writing~~, unless these students are exhibiting
843 satisfactory performance.

844 3. Effective with the 2005-2006 school year, the
845 achievement scores and learning gains of eligible students
846 attending alternative schools that provide dropout prevention and
847 academic intervention services pursuant to s. 1003.53. The term
848 "eligible students" in this subparagraph does not include
849 students attending an alternative school who are subject to
850 district school board policies for expulsion for repeated or
851 serious offenses, who are in dropout retrieval programs serving
852 students who have officially been designated as dropouts, or who
853 are in programs operated or contracted by the Department of
854 Juvenile Justice. The student performance data for eligible
855 students identified in this subparagraph shall be included in the
856 calculation of the home school's performance ~~grade~~. For purposes
857 of this section and s. 1008.341, "home school" means the school
858 the student was attending when assigned to an alternative school.
859 If an alternative school chooses to be designated ~~graded~~ pursuant
860 to this section, student performance data for eligible students
861 identified in this subparagraph shall not be included in the home
862 school's performance ~~grade~~ but shall be included only in the
863 calculation of the alternative school's performance ~~grade~~. School

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864 districts must require collaboration between the home school and
865 the alternative school in order to promote student success.

866

867 The State Board of Education shall adopt appropriate criteria for
868 each school performance category ~~grade~~. The criteria must ~~also~~
869 give added weight to student achievement in reading. Schools
870 designated with a performance category "Maintaining" ~~grade of~~
871 ~~"C," making satisfactory progress,~~ shall be required to
872 demonstrate that adequate progress has been made by students in
873 the school who are in the lowest 25th percentile ~~in reading,~~
874 ~~math, or writing~~ on the FCAT, including Florida Writes, and on
875 non-FCAT measures, unless these students are exhibiting
876 satisfactory performance.

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

884 (5) SCHOOL REPORT CARD.--The Department of Education shall
885 annually develop, in collaboration with the school districts, a
886 school report card to be delivered to parents throughout each
887 school district. The report card shall include the school's
888 performance category ~~grade~~, information regarding school
889 improvement, an explanation of school performance as evaluated by
890 the federal No Child Left Behind Act of 2001, and indicators of
891 return on investment. Each school's report card shall be
892 published annually by the department on its website, and the

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893 school district shall provide the school report card to each
894 parent.

895 (6) PERFORMANCE-BASED FUNDING.--The Legislature may factor
896 in the performance of schools in calculating any performance-
897 based funding policy that is provided for annually in the General
898 Appropriations Act.

899 (7) DISTRICT PERFORMANCE GRADE.--

900 (a) The annual report required by subsection (1) shall
901 include district performance grades, which shall consist of
902 weighted district average performance grades, by level, for all
903 elementary schools, middle schools, and high schools in the
904 district. A district's weighted average performance grade shall
905 be calculated by weighting individual school performance grades
906 determined pursuant to subsection (2) by school enrollment.

907 (b) School districts shall have a variety of tools at their
908 disposal to maintain high performance standards. These tools
909 shall include, but are not limited to, giving to schools that
910 receive a performance category "Improving" greater authority over
911 the allocation of the school's total budget generated from the
912 FEFP, state categoricals, lottery funds, grants, and local funds,
913 as specified in State Board of Education rule. The rule must
914 provide that the increased budget authority shall remain in
915 effect unless the school's performance category declines.

916 Section 10. Subsections (2) and (3) of section 1008.341,
917 Florida Statutes, are amended to read:

918 1008.341 School improvement rating for alternative
919 schools.--

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

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922 | pursuant to s. 1003.53 shall receive a school improvement rating
923 | pursuant to this section. The school improvement rating shall
924 | identify schools as having one of the following ratings defined
925 | according to rules of the State Board of Education:

926 | (a) "Improving" means schools with students making more
927 | academic progress than when the students were served in their
928 | home schools.

929 | (b) "Maintaining" means schools with students making
930 | progress equivalent to the progress made when the students were
931 | served in their home schools.

932 | (c) "Declining" means schools with students making less
933 | academic progress than when the students were served in their
934 | home schools.

935 |

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

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

944 | (a) The aggregate scores of all eligible students who were
945 | assigned to and enrolled in the school during the October or
946 | February FTE count, who have been assessed on the FCAT and on
947 | non-FCAT measures, and who have FCAT or comparable scores for the
948 | preceding school year.

949 | (b) The aggregate scores of all eligible students who were
950 | assigned to and enrolled in the school during the October or

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951 February FTE count, who have been assessed on the FCAT, including
952 Florida Writes, and on non-FCAT measures, and who have scored in
953 the lowest 25th percentile of students in the state on the FCAT
954 and on non-FCAT measures Reading.

955
956 The assessment scores of students who are subject to district
957 school board policies for expulsion for repeated or serious
958 offenses, who are in dropout retrieval programs serving students
959 who have officially been designated as dropouts, or who are in
960 programs operated or contracted by the Department of Juvenile
961 Justice may not be included in an alternative school's school
962 improvement rating.

963 Section 11. Section 1008.36, Florida Statutes, is amended
964 to read:

965 1008.36 Every Child Matters ~~Florida School Recognition~~
966 Program.--

967 (1) The Legislature finds that in order to provide every
968 student enrolled in K-12 public schools with the opportunity to
969 achieve a successful public education, academic problems must be
970 identified early, with remediation and intervention services to
971 follow. It is the intent of this section that no child shall be
972 left behind ~~there is a need for a performance incentive program~~
973 ~~for outstanding faculty and staff in highly productive schools.~~
974 ~~The Legislature further finds that performance-based incentives~~
975 ~~are commonplace in the private sector and should be infused into~~
976 ~~the public sector as a reward for productivity.~~

977 (2) The Every Child Matters ~~Florida School Recognition~~
978 Program is created to provide ~~financial awards to public schools~~
979 ~~that:~~

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

984 (b) Remediation and intervention services to all public
985 school students enrolled in kindergarten through grade 12 who are
986 not meeting grade-appropriate performance expectations, including
987 FCAT scores and non-FCAT measures ~~Demonstrate exemplary~~
988 ~~improvement due to innovation and effort by improving a letter~~
989 ~~grade.~~

990 (3) All public schools, including charter schools, ~~that~~
991 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
992 participate in the program.

993 (4) All ~~selected~~ schools shall receive financial assistance
994 ~~awards~~ depending on the availability of funds appropriated ~~and~~
995 ~~the number and size of schools selected to receive an award.~~
996 Funds must be distributed to the school's fiscal agent and placed
997 in the school's account and must be used for purposes listed in
998 subsection (5) as determined jointly by the school's staff and
999 school advisory council. ~~If school staff and the school advisory~~
1000 ~~council cannot reach agreement by November 1, the awards must be~~
1001 ~~equally distributed to all classroom teachers currently teaching~~
1002 ~~in the school.~~

1003 (5) Every Child Matters Program funds ~~School recognition~~
1004 ~~awards~~ must be used for the following:

1005 (a) Administration of a regular formative assessment
1006 approved by the State Board of Education. ~~Nonrecurring bonuses to~~
1007 ~~the faculty and staff;~~

1008 (b) Nonrecurring expenditures for remediation of low-

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1009 performing students, including remediation programs and
1010 intervention services adopted and administered by the Department
1011 of Education.

1012 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
1013 or materials to assist in the remediation of low-performing
1014 students. ~~maintaining and improving student performance; or~~

1015 (d) ~~(e)~~ Temporary personnel for the school to assist in the
1016 remediation of low-performing students ~~maintaining and improving~~
1017 student performance.

1018 (e) Contracts with private sector participants to provide
1019 remediation services provided that 90 percent of the personnel
1020 providing services reside in the state and that the contracts
1021 include requirements to ensure that the private sector
1022 participants are accountable for performance.

1023 (f) Transportation of students pursuant to s. 1002.31.

1024 (6) The Department of Education shall provide training and
1025 informational resources for educators to administer the formative
1026 assessment pursuant to paragraph (5) (a) and shall be responsible
1027 for developing and implementing provisions for the collection and
1028 analysis of the assessment data.

1029 (7) The Department of Education shall establish policies
1030 and procedures for the development of individual education plans
1031 for low-performing students who receive remediation and
1032 intervention services pursuant to this section.

1033
1034 ~~Notwithstanding statutory provisions to the contrary, incentive~~
1035 ~~awards are not subject to collective bargaining.~~

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1036 Section 12. Paragraphs (a), (c), and (d) of subsection (16)
1037 and paragraph (d) of subsection (17) of section 1001.42, Florida
1038 Statutes, are amended to read:

1039 1001.42 Powers and duties of district school board.--The
1040 district school board, acting as a board, shall exercise all
1041 powers and perform all duties listed below:

1042 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
1043 ACCOUNTABILITY.--Maintain a system of school improvement and
1044 education accountability as provided by statute and State Board
1045 of Education rule. This system of school improvement and
1046 education accountability shall be consistent with, and
1047 implemented through, the district's continuing system of planning
1048 and budgeting required by this section and ss. 1008.385, 1010.01,
1049 and 1011.01. This system of school improvement and education
1050 accountability shall include, but is not limited to, the
1051 following:

1052 (a) School improvement plans.--Annually approve and require
1053 implementation of a new, amended, or continuation school
1054 improvement plan for each school in the district. A district
1055 school board may establish a district school improvement plan
1056 that includes all schools in the district operating for the
1057 purpose of providing educational services to youth in Department
1058 of Juvenile Justice programs. The school improvement plan shall
1059 be designed to achieve the state education priorities pursuant to
1060 s. 1000.03(5) and student proficiency on the Sunshine State
1061 Standards pursuant to s. 1003.41. Each plan shall address student
1062 achievement goals and strategies based on state and school
1063 district proficiency standards. The plan may also address issues
1064 relative to other academic-related matters, as determined by

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1065 district school board policy, and shall include an accurate,
1066 data-based analysis of student achievement and other school
1067 performance data. Beginning with plans approved for
1068 implementation in the 2007-2008 school year, each secondary
1069 school plan must include a redesign component based on the
1070 principles established in s. 1003.413. For each school in the
1071 district that earns a performance category "Declining," ~~school~~
1072 ~~grade of "C" or below,~~ or is required to have a school
1073 improvement plan under federal law, the school improvement plan
1074 shall, at a minimum, also include:

1075 1. Professional development that supports enhanced and
1076 differentiated instructional strategies to improve teaching and
1077 learning.

1078 2. Continuous use of disaggregated student achievement data
1079 to determine effectiveness of instructional strategies.

1080 3. Ongoing informal and formal assessments to monitor
1081 individual student progress, including progress toward mastery of
1082 the Sunshine State Standards, and to redesign instruction if
1083 needed.

1084 4. Alternative instructional delivery methods to support
1085 remediation, acceleration, and enrichment strategies.

1086 (c) Assistance and intervention.--

1087 1. Develop a 2-year plan of increasing individualized
1088 assistance and intervention for each school in danger of not
1089 meeting state standards or making adequate progress, as defined
1090 pursuant to statute and State Board of Education rule, toward
1091 meeting the goals and standards of its approved school
1092 improvement plan.

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1093 2. Provide assistance and intervention to a school that is
1094 designated with a performance category "Declining" ~~grade of "D"~~
1095 pursuant to s. 1008.34 ~~and is in danger of failing.~~

1096 3. Develop a plan to encourage teachers with demonstrated
1097 mastery in improving student performance to remain at or transfer
1098 to a school with a performance category "Declining" ~~grade of "D"~~
1099 ~~or "F"~~ or to an alternative school that serves disruptive or
1100 violent youths. If a classroom teacher, as defined by s.
1101 1012.01(2)(a), who meets the definition of teaching mastery
1102 developed according to the provisions of this paragraph, requests
1103 assignment to a school designated with a performance category
1104 "Declining" ~~grade of "D" or "F"~~ or to an alternative school that
1105 serves disruptive or violent youths, the district school board
1106 shall make every practical effort to grant the request.

1107 4. Prioritize, to the extent possible, the expenditures of
1108 funds received from the supplemental academic instruction
1109 categorical fund under s. 1011.62(1)(f) to improve student
1110 performance in schools that receive a performance category
1111 "Declining." ~~grade of "D" or "F."~~

1112 (d) After 2 years.--Notify the Commissioner of Education
1113 and the State Board of Education in the event any school does not
1114 make adequate progress toward meeting the goals and standards of
1115 a school improvement plan by the end of 2 years of failing to
1116 make adequate progress and proceed according to guidelines
1117 developed pursuant to statute and State Board of Education rule.
1118 School districts shall provide intervention and assistance to
1119 schools in danger of being designated with a performance category
1120 "Declining." ~~grade of "F," failing to make adequate progress.~~

1121 (17) LOCAL-LEVEL DECISIONMAKING.--

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1122 (d) Adopt policies that assist in giving greater autonomy,
1123 including authority over the allocation of the school's budget,
1124 to schools designated with a performance category "Improving."
1125 ~~grade of "A," making excellent progress, and schools rated as~~
1126 ~~having improved at least two grades.~~

1127 Section 13. Paragraph (b) of subsection (7) and paragraphs
1128 (o) and (p) of subsection (9) of section 1002.33, Florida
1129 Statutes, are amended to read:

1130 1002.33 Charter schools.--

1131 (7) CHARTER.--The major issues involving the operation of a
1132 charter school shall be considered in advance and written into
1133 the charter. The charter shall be signed by the governing body of
1134 the charter school and the sponsor, following a public hearing to
1135 ensure community input.

1136 (b)1. A charter may be renewed provided that a program
1137 review demonstrates that the criteria in paragraph (a) have been
1138 successfully accomplished and that none of the grounds for
1139 nonrenewal established by paragraph (8) (a) has been documented.
1140 In order to facilitate long-term financing for charter school
1141 construction, charter schools operating for a minimum of 3 years
1142 and demonstrating exemplary academic programming and fiscal
1143 management are eligible for a 15-year charter renewal. Such long-
1144 term charter is subject to annual review and may be terminated
1145 during the term of the charter.

1146 2. The 15-year charter renewal that may be granted pursuant
1147 to subparagraph 1. shall be granted to a charter school that has
1148 received a performance category "Improving" or "Maintaining"
1149 ~~school grade of "A" or "B"~~ pursuant to s. 1008.34 in 3 of the
1150 past 4 years and is not in a state of financial emergency or

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1151 deficit position as defined by this section. Such long-term
1152 charter is subject to annual review and may be terminated during
1153 the term of the charter pursuant to subsection (8).

1154 (9) CHARTER SCHOOL REQUIREMENTS.--

1155 (o) The director and a representative of the governing body
1156 of a charter school that has received a performance category
1157 "Declining" ~~school grade of "D"~~ under s. 1008.34(2) shall appear
1158 before the sponsor or the sponsor's staff at least once a year to
1159 present information concerning each contract component having
1160 noted deficiencies. The sponsor shall communicate at the meeting,
1161 and in writing to the director, the services provided to the
1162 school to help the school address its deficiencies.

1163 (p) Upon notification that a charter school receives a
1164 performance category "Declining" ~~school grade of "D"~~ for 2
1165 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
1166 the charter school sponsor or the sponsor's staff shall require
1167 the director and a representative of the governing body to submit
1168 to the sponsor for approval a school improvement plan to raise
1169 student achievement and to implement the plan. The sponsor has
1170 the authority to approve a school improvement plan that the
1171 charter school will implement in the following school year. The
1172 sponsor may also consider the State Board of Education's
1173 recommended action pursuant to s. 1008.33(1) as part of the
1174 school improvement plan. The Department of Education shall offer
1175 technical assistance and training to the charter school and its
1176 governing body and establish guidelines for developing,
1177 submitting, and approving such plans.

1178 1. If the charter school fails to improve its student
1179 performance from the year immediately prior to the implementation

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1180 of the school improvement plan, the sponsor shall place the
1181 charter school on probation and shall require the charter school
1182 governing body to take one of the following corrective actions:

1183 a. Contract for the educational services of the charter
1184 school;

1185 b. Reorganize the school at the end of the school year
1186 under a new director or principal who is authorized to hire new
1187 staff and implement a plan that addresses the causes of
1188 inadequate progress; or

1189 c. Reconstitute the charter school.

1190 2. A charter school that is placed on probation shall
1191 continue the corrective actions required under subparagraph 1.
1192 until the charter school improves its student performance from
1193 the year prior to the implementation of the school improvement
1194 plan.

1195 3. Notwithstanding any provision of this paragraph, the
1196 sponsor may terminate the charter at any time pursuant to the
1197 provisions of subsection (8).

1198 Section 14. Subsection (7) and paragraph (a) of subsection
1199 (8) of section 1002.415, Florida Statutes, are amended to read:

1200 1002.415 K-8 Virtual School Program.--Subject to annual
1201 legislative appropriation, a kindergarten through grade 8 virtual
1202 school program is established within the Department of Education
1203 for the purpose of making academic instruction available to full-
1204 time students in kindergarten through grade 8 using online and
1205 distance learning technology. The department shall use an
1206 application process to select schools to deliver program
1207 instruction.

1208 (7) ASSESSMENT AND ACCOUNTABILITY.--

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1209 (a) Each K-8 virtual school must participate in the
1210 statewide assessment program created under s. 1008.22 and shall
1211 be subject to the school performance ~~grading~~ system created by s.
1212 1008.34.

1213 (b) A K-8 virtual school that has a performance ~~grade~~
1214 category "Declining" ~~of "D" or "F"~~ must file a school improvement
1215 plan with the department for consultation to determine the causes
1216 for low performance and to develop a plan for correction and
1217 improvement.

1218 (c) The department shall terminate the contract of any K-8
1219 virtual school that receives a performance ~~grade~~ category
1220 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~
1221 ~~consecutive 4-year~~ period.

1222 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

1223 (a) At the end of a contract with a K-8 virtual school, the
1224 department may choose not to renew the contract for any of the
1225 following grounds:

1226 1. Failure to participate in the state's education
1227 accountability system created in s. 1008.31, as required in this
1228 section;

1229 2. Failure to receive a school performance category
1230 "Maintaining" ~~grade of "C"~~ or better under the school performance
1231 ~~grading~~ system created by s. 1008.34 for any 2 years in a 3-year
1232 ~~consecutive 4-year~~ period;

1233 3. Failure to meet generally accepted standards of fiscal
1234 management;

1235 4. Violation of law;

1236 5. Failure of the Legislature to fund the program; or

1237 6. Other good cause shown.

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1238 Section 15. Paragraph (a) of subsection (1) of section
1239 1003.62, Florida Statutes, is amended to read:

1240 1003.62 Academic performance-based charter school
1241 districts.--The State Board of Education may enter into a
1242 performance contract with district school boards as authorized in
1243 this section for the purpose of establishing them as academic
1244 performance-based charter school districts. The purpose of this
1245 section is to examine a new relationship between the State Board
1246 of Education and district school boards that will produce
1247 significant improvements in student achievement, while complying
1248 with constitutional and statutory requirements assigned to each
1249 entity.

1250 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1251 (a) A school district shall be eligible for designation as
1252 an academic performance-based charter school district if it is a
1253 high-performing school district in which a minimum of 50 percent
1254 of the schools earn a performance category "Improving" ~~grade of~~
1255 ~~"A" or "B"~~ and in which no school earns a performance category
1256 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
1257 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
1258 ~~not be included in this calculation.~~ The performance contract for
1259 a school district that earns a charter based on school
1260 performance grades shall be predicated on maintenance of at least
1261 50 percent of the schools in the school district earning a
1262 performance category "Improving" ~~grade of "A" or "B"~~ with no
1263 school in the school district earning a performance category
1264 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A school
1265 district in which the number of schools that earn a performance
1266 category "Improving" ~~grade of "A" or "B"~~ is less than 50 percent

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1267 may have its charter renewed for 1 year; however, if the
1268 percentage of performance category "Improving" ~~"A" or "B"~~ schools
1269 is less than 50 percent for 2 consecutive years, the charter
1270 shall not be renewed.

1271 Section 16. Paragraphs (a) and (d) of subsection (1) of
1272 section 1003.621, Florida Statutes, are amended to read:

1273 1003.621 Academically high-performing school districts.--It
1274 is the intent of the Legislature to recognize and reward school
1275 districts that demonstrate the ability to consistently maintain
1276 or improve their high-performing status. The purpose of this
1277 section is to provide high-performing school districts with
1278 flexibility in meeting the specific requirements in statute and
1279 rules of the State Board of Education.

1280 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

1281 (a) A school district is an academically high-performing
1282 school district if it meets the following criteria:

1283 1.a. Beginning with the 2004-2005 school year, earns a
1284 performance category "Improving" ~~grade of "A"~~ under s. 1008.34(7)
1285 for 2 consecutive years; and

1286 b. Has no district-operated school that earns a performance
1287 category "Declining" ~~grade of "F"~~ under s. 1008.34;

1288 2. Complies with all class size requirements in s. 1, Art.
1289 IX of the State Constitution and s. 1003.03; and

1290 3. Has no material weaknesses or instances of material
1291 noncompliance noted in the annual financial audit conducted
1292 pursuant to s. 218.39.

1293 (d) In order to maintain the designation as an academically
1294 high-performing school district pursuant to this section, a
1295 school district must meet the following requirements:

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1296 1. Comply with the provisions of subparagraphs(a)2. and 3.;

1297 and

1298 2. Earn a performance category "Improving" ~~grade of "A"~~

1299 under s. 1008.34(7) for 2 years within a 3-year period.

1300

1301 However, a district in which a district-operated school earns a

1302 performance category "Declining" ~~grade of "F"~~ under s. 1008.34

1303 during the 3-year period may not continue to be designated as an

1304 academically high-performing school district during the remainder

1305 of that 3-year period. The district must meet the criteria in

1306 paragraph (a) in order to be redesignated as an academically

1307 high-performing school district.

1308 Section 17. Paragraph (b) of subsection (1) of section

1309 1008.31, Florida Statutes, is amended to read:

1310 1008.31 Florida's K-20 education performance accountability

1311 system; legislative intent; mission, goals, and systemwide

1312 measures; data quality improvements.--

1313 (1) LEGISLATIVE INTENT.--It is the intent of the

1314 Legislature that:

1315 (b) The K-20 education performance accountability system be

1316 established as a single, unified accountability system with

1317 multiple components, including, but not limited to, measures of

1318 adequate yearly progress, individual student learning gains in

1319 public schools, school performance categories ~~grades~~, and return

1320 on investment.

1321 Section 18. Paragraphs (b) and (d) of subsection (6) and

1322 subsection (7) of section 1008.345, Florida Statutes, are amended

1323 to read:

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1324 1008.345 Implementation of state system of school
1325 improvement and education accountability.--

1326 (6)

1327 (b) Upon request, the department shall provide technical
1328 assistance and training to any school, including any school
1329 operating for the purpose of providing educational services to
1330 youth in Department of Juvenile Justice programs, school advisory
1331 council, district, or district school board for conducting needs
1332 assessments, developing and implementing school improvement
1333 plans, developing and implementing assistance and intervention
1334 plans, or implementing other components of school improvement and
1335 accountability. Priority for these services shall be given to
1336 schools designated with a performance category "Declining" ~~grade~~
1337 ~~of "D" or "F"~~ and school districts in rural and sparsely
1338 populated areas of the state.

1339 (d) The commissioner shall assign a community assessment
1340 team to each school district or governing board with a school
1341 receiving a performance category "Declining" ~~graded "F"~~ to review
1342 the school performance data and determine causes for the low
1343 performance, including the role of school, area, and district
1344 administrative personnel. The community assessment team shall
1345 review a high school's graduation rate calculated without GED
1346 tests for the past 3 years, disaggregated by student ethnicity.
1347 The team shall make recommendations to the school board or the
1348 governing board, to the department, and to the State Board of
1349 Education for implementing an assistance and intervention plan
1350 that will address the causes of the school's low performance. The
1351 assessment team shall include, but not be limited to, a
1352 department representative, parents, business representatives,

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1353 educators, representatives of local governments, and community
1354 activists, and shall represent the demographics of the community
1355 from which they are appointed.

1356 (7) ~~(a)~~ Schools designated with a performance category
1357 "Improving" ~~a grade of "A," making excellent progress,~~ shall, if
1358 requested by the school, be given deregulated status as specified
1359 in s. 1003.63(5), (7), (8), (9), and (10).

1360 ~~(b) Schools that have improved at least two grades and that~~
1361 ~~meet the criteria of the Florida School Recognition Program~~
1362 ~~pursuant to s. 1008.36 may be given deregulated status as~~
1363 ~~specified in s. 1003.63(5), (7), (8), (9), and (10).~~

1364 Section 19. Paragraphs (h), (m), and (n) of subsection (1)
1365 and paragraph (d) of subsection (7) of section 1011.62, Florida
1366 Statutes, are amended to read:

1367 1011.62 Funds for operation of schools.--If the annual
1368 allocation from the Florida Education Finance Program to each
1369 district for operation of schools is not determined in the annual
1370 appropriations act or the substantive bill implementing the
1371 annual appropriations act, it shall be determined as follows:

1372 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1373 OPERATION.--The following procedure shall be followed in
1374 determining the annual allocation to each district for operation:

1375 (h) Small, isolated high schools.--Districts which levy the
1376 maximum nonvoted discretionary millage, exclusive of millage for
1377 capital outlay purposes levied pursuant to s. 1011.71(2), may
1378 calculate full-time equivalent students for small, isolated high
1379 schools by multiplying the number of unweighted full-time
1380 equivalent students times 2.75; provided the school has attained
1381 a performance category "Maintaining" ~~grade of "C"~~ or better,

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1382 | pursuant to s. 1008.34, for the previous school year. For the
1383 | purpose of this section, the term "small, isolated high school"
1384 | means any high school which is located no less than 28 miles by
1385 | the shortest route from another high school; which has been
1386 | serving students primarily in basic studies provided by sub-
1387 | subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
1388 | and which has a membership of no more than 100 students, but no
1389 | fewer than 28 students, in grades 9 through 12.

1390 | (m) Calculation of additional full-time equivalent
1391 | membership based on Advanced International Certificate of
1392 | Education examination scores of students.--A value of 0.24 full-
1393 | time equivalent student membership shall be calculated for each
1394 | student enrolled in a full-credit Advanced International
1395 | Certificate of Education course who receives a score of E or
1396 | higher on a subject examination. A value of 0.12 full-time
1397 | equivalent student membership shall be calculated for each
1398 | student enrolled in a half-credit Advanced International
1399 | Certificate of Education course who receives a score of E or
1400 | higher on a subject examination. A value of 0.3 full-time
1401 | equivalent student membership shall be calculated for each
1402 | student who receives an Advanced International Certificate of
1403 | Education diploma. Such value shall be added to the total full-
1404 | time equivalent student membership in basic programs for grades 9
1405 | through 12 in the subsequent fiscal year. The school district
1406 | shall distribute to each classroom teacher who provided Advanced
1407 | International Certificate of Education instruction:

1408 | 1. A bonus in the amount of \$50 for each student taught by
1409 | the Advanced International Certificate of Education teacher in
1410 | each full-credit Advanced International Certificate of Education

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1411 course who receives a score of E or higher on the Advanced
1412 International Certificate of Education examination. A bonus in
1413 the amount of \$25 for each student taught by the Advanced
1414 International Certificate of Education teacher in each half-
1415 credit Advanced International Certificate of Education course who
1416 receives a score of E or higher on the Advanced International
1417 Certificate of Education examination.

1418 2. An additional bonus of \$500 to each Advanced
1419 International Certificate of Education teacher in a school
1420 designated with a performance category "Declining" ~~grade of "D"~~
1421 ~~or "F"~~ who has at least one student scoring E or higher on the
1422 full-credit Advanced International Certificate of Education
1423 examination, regardless of the number of classes taught or of the
1424 number of students scoring an E or higher on the full-credit
1425 Advanced International Certificate of Education examination.

1426 3. Additional bonuses of \$250 each to teachers of half-
1427 credit Advanced International Certificate of Education classes in
1428 a school designated with a performance category "Declining" ~~grade~~
1429 ~~of "D" or "F"~~ which has at least one student scoring an E or
1430 higher on the half-credit Advanced International Certificate of
1431 Education examination in that class. The maximum additional bonus
1432 for a teacher awarded in accordance with this subparagraph shall
1433 not exceed \$500 in any given school year. Teachers receiving an
1434 award under subparagraph 2. are not eligible for a bonus under
1435 this subparagraph.

1436
1437 Bonuses awarded to a teacher according to this paragraph shall
1438 not exceed \$2,000 in any given school year and shall be in

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1439 addition to any regular wage or other bonus the teacher received
1440 or is scheduled to receive.

1441 (n) Calculation of additional full-time equivalent
1442 membership based on college board advanced placement scores of
1443 students.--A value of 0.24 full-time equivalent student
1444 membership shall be calculated for each student in each advanced
1445 placement course who receives a score of 3 or higher on the
1446 College Board Advanced Placement Examination for the prior year
1447 and added to the total full-time equivalent student membership in
1448 basic programs for grades 9 through 12 in the subsequent fiscal
1449 year. Each district must allocate at least 80 percent of the
1450 funds provided to the district for advanced placement
1451 instruction, in accordance with this paragraph, to the high
1452 school that generates the funds. The school district shall
1453 distribute to each classroom teacher who provided advanced
1454 placement instruction:

1455 1. A bonus in the amount of \$50 for each student taught by
1456 the Advanced Placement teacher in each advanced placement course
1457 who receives a score of 3 or higher on the College Board Advanced
1458 Placement Examination.

1459 2. An additional bonus of \$500 to each Advanced Placement
1460 teacher in a school designated with a performance category
1461 "Declining" ~~grade of "D" or "F"~~ who has at least one student
1462 scoring 3 or higher on the College Board Advanced Placement
1463 Examination, regardless of the number of classes taught or of the
1464 number of students scoring a 3 or higher on the College Board
1465 Advanced Placement Examination.

1466

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1467 Bonuses awarded to a teacher according to this paragraph shall
1468 not exceed \$2,000 in any given school year and shall be in
1469 addition to any regular wage or other bonus the teacher received
1470 or is scheduled to receive.

1471 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

1472 (d) Each district's allocation of sparsity supplement funds
1473 shall be adjusted in the following manner:

1474 1. A maximum discretionary levy per FTE value for each
1475 district shall be calculated by dividing the value of each
1476 district's maximum discretionary levy by its FTE student count.

1477 2. A state average discretionary levy value per FTE shall
1478 be calculated by dividing the total maximum discretionary levy
1479 value for all districts by the state total FTE student count.

1480 3. A total potential funds per FTE for each district shall
1481 be calculated by dividing the total potential funds, not
1482 including Every Child Matters Program ~~Florida School Recognition~~
1483 ~~Program~~ funds and the minimum guarantee, for each district by its
1484 FTE student count.

1485 4. A state average total potential funds per FTE shall be
1486 calculated by dividing the total potential funds, not including
1487 Every Child Matters Program ~~Florida School Recognition Program~~
1488 funds and the minimum guarantee, for all districts by the state
1489 total FTE student count.

1490 5. For districts that have a levy value per FTE as
1491 calculated in subparagraph 1. higher than the state average
1492 calculated in subparagraph 2., a sparsity wealth adjustment shall
1493 be calculated as the product of the difference between the state
1494 average levy value per FTE calculated in subparagraph 2. and the
1495 district's levy value per FTE calculated in subparagraph 1. and

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1496 the district's FTE student count and -1. However, no district
1497 shall have a sparsity wealth adjustment that, when applied to the
1498 total potential funds calculated in subparagraph 3., would cause
1499 the district's total potential funds per FTE to be less than the
1500 state average calculated in subparagraph 4.

1501 6. Each district's sparsity supplement allocation shall be
1502 calculated by adding the amount calculated as specified in
1503 paragraphs (a) and (b) and the wealth adjustment amount
1504 calculated in this paragraph.

1505 Section 20. Paragraph (a) of subsection (2) of section
1506 1011.64, Florida Statutes, is amended to read:

1507 1011.64 School district minimum classroom expenditure
1508 requirements.--

1509 (2) For the purpose of implementing the provisions of this
1510 section, the Legislature shall prescribe minimum academic
1511 performance standards and minimum classroom expenditure
1512 requirements for districts not meeting such minimum academic
1513 performance standards in the General Appropriations Act.

1514 (a) Minimum academic performance standards may be based on,
1515 but are not limited to, district performance ~~grades~~ determined
1516 pursuant to s. 1008.34(7).

1517 Section 21. Subsections (1), (2), and (5) of section
1518 1012.2315, Florida Statutes, are amended to read:

1519 1012.2315 Assignment of teachers.--

1520 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds
1521 disparities between teachers assigned to teach in a majority of
1522 ~~"A" graded~~ schools receiving a performance category "Improving"
1523 and teachers assigned to teach in a majority of ~~"F" graded~~
1524 schools receiving a performance category "Declining." The

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1525 disparities can be found in the average years of experience, the
1526 median salary, and the performance of the teachers on teacher
1527 certification examinations. It is the intent of the Legislature
1528 that district school boards have flexibility through the
1529 collective bargaining process to assign teachers more equitably
1530 across the schools in the district.

1531 (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~--School
1532 districts may not assign a higher percentage than the school
1533 district average of first-time teachers, temporarily certified
1534 teachers, teachers in need of improvement, or out-of-field
1535 teachers to schools with above the school district average of
1536 minority and economically disadvantaged students or schools that
1537 are designated performance category "Declining." ~~graded "D" or~~
1538 ~~"F."~~ Each school district shall annually certify to the
1539 Commissioner of Education that this requirement has been met. If
1540 the commissioner determines that a school district is not in
1541 compliance with this subsection, the State Board of Education
1542 shall be notified and shall take action pursuant to s. 1008.32 in
1543 the next regularly scheduled meeting to require compliance.

1544 (5) REPORT.--Schools receiving a performance category
1545 "Declining" ~~graded "D" or "F"~~ shall annually report their
1546 teacher-retention rate. Included in this report shall be reasons
1547 listed for leaving by each teacher who left the school for any
1548 reason.

1549 Section 22. This act shall take effect July 1, 2008.