

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
 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
 46 to 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
 55 (7), and subsection (8) of section 1003.428, Florida Statutes,
 56 are amended to read:

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

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
 71 by 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
 82 a 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

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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
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
92 forgiveness policy must allow the replacement of the grade with
93 a grade of "C" or higher, or the equivalent of a grade of "C" or
94 higher, earned subsequently in the same or comparable course. In
95 all cases of grade forgiveness, only the new grade shall be used
96 in the calculation of the student's grade point average. Any
97 course 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 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
106 Board of Education. However, any student who is otherwise
107 entitled to a certificate of completion may elect to remain in
108 the secondary school either as a full-time student or a part-
109 time student for up to 1 additional year and receive special
110 instruction designed to remedy his or her identified
111 deficiencies.

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

116 ~~(b) A student with a disability, as defined in s.~~
 117 ~~1007.02(2), for whom the individual education plan (IEP)~~
 118 ~~committee determines that the FCAT cannot accurately measure the~~
 119 ~~student's abilities taking into consideration all allowable~~
 120 ~~accommodations, shall have the FCAT requirement of paragraph~~
 121 ~~(4)(b) waived for the purpose of receiving a standard high~~
 122 ~~school diploma, if the student:~~

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

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

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

130 1003.429 Accelerated high school graduation options.--

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

134 ~~(a) Earn passing scores on the FCAT as defined in s.~~
 135 ~~1008.22(3)(c) or scores on a standardized test that are~~
 136 ~~concordant with passing scores on the FCAT as defined in s.~~
 137 ~~1008.22(9).~~

138 (a) ~~(b)~~1. Achieve a cumulative weighted grade point average
 139 of 3.5 on a 4.0 scale, or its equivalent, in the courses

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140 required for the college preparatory accelerated 3-year high
 141 school graduation option pursuant to paragraph (1) (b); or

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

146 (b)~~(e)~~ Receive a weighted or unweighted grade that earns
 147 at least 3.0 points, or its equivalent, to earn course credit
 148 toward the 18 credits required for the college preparatory
 149 accelerated 3-year high school graduation option pursuant to
 150 paragraph (1) (b).

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

156
 157 Weighted grades referred to in paragraphs (a), (b), and (c),~~and~~
 158 ~~(d)~~ shall be applied to those courses specifically listed or
 159 identified by the department as rigorous pursuant to s.
 160 1009.531(3) or weighted by the district school board for class
 161 ranking purposes.

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

165 1003.43 General requirements for high school graduation.--

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166 (5) Each district school board shall establish standards
167 for graduation from its schools, and these standards must
168 include:

169 ~~(a) Earning passing scores on the FCAT, as defined in s.~~
170 ~~1008.22(3)(c), or scores on a standardized test that are~~
171 ~~concordant with passing scores on the FCAT as defined in s.~~
172 ~~1008.22(9).~~

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

175 (b)~~(e)~~ Achievement of a cumulative grade point average of
176 1.5 on a 4.0 scale, or its equivalent, for students entering 9th
177 grade before the 1997-1998 school year; however, these students
178 must earn a cumulative grade point average of 2.0 on a 4.0
179 scale, or its equivalent, in the courses required by subsection
180 (1) that are taken after July 1, 1997, or have an overall
181 cumulative grade point average of 2.0 or above.

182 (c)~~(d)~~ Achievement of a cumulative grade point average of
183 2.0 on a 4.0 scale, or its equivalent, in the courses required
184 by subsection (1), for students entering 9th grade in the 1997-
185 1998 school year and thereafter.

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

187 1. Each district school board shall adopt policies
188 designed to assist students in meeting these requirements. These
189 policies may include, but are not limited to: forgiveness
190 policies, summer school or before or after school attendance,
191 special counseling, volunteer and/or peer tutors, school-
192 sponsored help sessions, homework hotlines, and study skills
193 classes. Beginning in the 2000-2001 school year and each year

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194 thereafter, forgiveness policies for required courses shall be
195 limited to replacing a grade of "D" or "F," or the equivalent of
196 a grade of "D" or "F," with a grade of "C" or higher, or the
197 equivalent of a grade of "C" or higher, earned subsequently in
198 the same or comparable course. Forgiveness policies for elective
199 courses shall be limited to replacing a grade of "D" or "F," or
200 the equivalent of a grade of "D" or "F," with a grade of "C" or
201 higher, or the equivalent of a grade of "C" or higher, earned
202 subsequently in another course. Any course grade not replaced
203 according to a district school board forgiveness policy shall be
204 included in the calculation of the cumulative grade point
205 average required for graduation.

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

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

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

222 (10)
 223 (b) A student who completes the minimum number of credits
 224 and other requirements prescribed by subsections (1) and (4)7
 225 but who is unable to meet the standards of paragraph (5)(a) or7
 226 paragraph (5)(b), ~~or paragraph (5)(c),~~ shall be awarded a
 227 certificate of completion in a form prescribed by the State
 228 Board of Education. However, any student who is otherwise
 229 entitled to a certificate of completion may elect to remain in
 230 the secondary school either as a full-time student or a part-
 231 time student for up to 1 additional year and receive special
 232 instruction designed to remedy his or her identified
 233 deficiencies.

234 (11)~~(a)~~ Each district school board must provide
 235 instruction to prepare students with disabilities to demonstrate
 236 proficiency in the skills and competencies necessary for
 237 successful grade-to-grade progression and high school
 238 graduation.

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

- 246 1. ~~Completes the minimum number of credits and other~~
 247 ~~requirements prescribed by subsections (1) and (4).~~

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

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

253 1003.433 Learning opportunities for out-of-state and out-
 254 of-country transfer students and students needing additional
 255 instruction to meet high school graduation requirements.--

256 (1) Students who enter a Florida public school at the
 257 eleventh or twelfth grade from out of state or from a foreign
 258 country shall not be required to spend additional time in a
 259 Florida public school in order to meet the high school course
 260 requirements if the student has met all requirements of the
 261 school district, state, or country from which he or she is
 262 transferring. Such students who are not proficient in English
 263 should receive immediate and intensive instruction in English
 264 language acquisition. However, to receive a standard high school
 265 diploma, a transfer student must earn a 2.0 grade point average
 266 ~~and pass the grade 10 FCAT required in s. 1008.22(3) or an~~
 267 ~~alternate assessment as described in s. 1008.22(9).~~

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

270 1008.22 Student assessment program for public schools.--

271 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 272 design and implement a statewide program of educational
 273 assessment that provides information for the improvement of the
 274 operation and management of the public schools, including
 275 schools operating for the purpose of providing educational

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276 services to youth in Department of Juvenile Justice programs.
 277 The commissioner may enter into contracts for the continued
 278 administration of the assessment, testing, and evaluation
 279 programs authorized and funded by the Legislature. Contracts may
 280 be initiated in 1 fiscal year and continue into the next and may
 281 be paid from the appropriations of either or both fiscal years.
 282 The commissioner is authorized to negotiate for the sale or
 283 lease of tests, scoring protocols, test scoring services, and
 284 related materials developed pursuant to law. Pursuant to the
 285 statewide assessment program, the commissioner shall:

286 (c) Develop and implement a student achievement testing
 287 program known as the Florida Comprehensive Assessment Test
 288 (FCAT) as part of the statewide assessment program to measure
 289 all aspects of every student's public education experience as
 290 determined by the Department of Education ~~reading, writing,~~
 291 ~~science, and mathematics~~. Other Content areas may be included as
 292 directed by the commissioner. The assessment ~~of reading and~~
 293 ~~mathematics~~ shall be administered annually in grades 3 through
 294 10. ~~The assessment of writing and science shall be administered~~
 295 ~~at least once at the elementary, middle, and high school levels.~~
 296 ~~The commissioner must document the procedures used to ensure~~
 297 ~~that the versions of the FCAT which are taken by students~~
 298 ~~retaking the grade 10 FCAT are equally as challenging and~~
 299 ~~difficult as the tests taken by students in grade 10 which~~
 300 ~~contain performance tasks~~. The testing program must be designed
 301 so that:

302 1. The tests measure student skills and competencies
 303 adopted by the State Board of Education as specified in

304 paragraph (a). The tests must measure and report student
305 proficiency levels of all students assessed ~~in reading, writing,~~
306 ~~mathematics, and science~~. The commissioner shall provide for the
307 tests to be developed or obtained, as appropriate, through
308 contracts and project agreements with private vendors, public
309 vendors, public agencies, postsecondary educational
310 institutions, or school districts. The commissioner shall obtain
311 input with respect to the design and implementation of the
312 testing program from state educators, assistive technology
313 experts, and the public.

314 2. The testing program will include a combination of norm-
315 referenced and criterion-referenced tests and include, to the
316 extent determined by the commissioner, questions that require
317 the student to produce information or perform tasks in such a
318 way that the skills and competencies he or she uses can be
319 measured.

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

324 4. A score is designated for each subject area tested,
325 below which score a student's performance is deemed inadequate.
326 The school districts shall provide appropriate remedial
327 instruction to students who score below these levels.

328 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~
329 ~~1003.43(11)(b), students must earn a passing score on the grade~~
330 ~~10 assessment test described in this paragraph or attain~~
331 ~~concordant scores as described in subsection (9) in reading,~~

332 ~~writing, and mathematics to qualify for a standard high school~~
333 ~~diploma. The State Board of Education shall designate a passing~~
334 ~~score for each part of the grade 10 assessment test. In~~
335 ~~establishing passing scores, the state board shall consider any~~
336 ~~possible negative impact of the test on minority students. The~~
337 ~~State Board of Education shall adopt rules which specify the~~
338 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~
339 ~~the effect of raising the required passing scores, shall only~~
340 ~~apply to students taking the grade 10 FCAT for the first time~~
341 ~~after such rules are adopted by the State Board of Education.~~

342 5.6. Participation in the testing program is mandatory for
343 all students attending public school, including students served
344 in Department of Juvenile Justice programs, except as otherwise
345 prescribed by the commissioner. If a student does not
346 participate in the statewide assessment, the district must
347 notify the student's parent and provide the parent with
348 information regarding the implications of such nonparticipation.
349 A parent must provide signed consent for a student to receive
350 classroom instructional accommodations that would not be
351 available or permitted on the statewide assessments and must
352 acknowledge in writing that he or she understands the
353 implications of such instructional accommodations. The State
354 Board of Education shall adopt rules, based upon recommendations
355 of the commissioner, for the provision of test accommodations
356 for students in exceptional education programs and for students
357 who have limited English proficiency. Accommodations that negate
358 the validity of a statewide assessment are not allowable in the
359 administration of the FCAT. However, instructional

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360 accommodations are allowable in the classroom if included in a
361 student's individual education plan. ~~Students using~~
362 ~~instructional accommodations in the classroom that are not~~
363 ~~allowable as accommodations on the FCAT may have the FCAT~~
364 ~~requirement waived pursuant to the requirements of s.~~
365 ~~1003.428(8)(b) or s. 1003.43(11)(b).~~

366 6.7. A student seeking an adult high school diploma must
367 meet the same testing requirements that a regular high school
368 student must meet.

369 7.8. District school boards must provide instruction to
370 prepare students to demonstrate proficiency in the skills and
371 competencies necessary for successful grade-to-grade progression
372 and high school graduation. If a student is provided with
373 instructional accommodations in the classroom that are not
374 allowable as accommodations in the statewide assessment program,
375 as described in the test manuals, the district must inform the
376 parent in writing and must provide the parent with information
377 regarding the impact on the student's ability to meet expected
378 proficiency levels in reading, writing, and math. The
379 commissioner shall conduct studies as necessary to verify that
380 the required skills and competencies are part of the district
381 instructional programs.

382 8.9. District school boards must provide opportunities for
383 students to demonstrate an acceptable level of performance on an
384 alternative standardized assessment approved by the State Board
385 of Education following enrollment in summer academies.

386 9.10. The Department of Education must develop, or select,
387 and implement a common battery of assessment tools that will be

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388 used in all juvenile justice programs in the state. These tools
389 must accurately measure the skills and competencies established
390 in the Sunshine State Standards.

391 ~~10.11.~~ For students seeking a special diploma pursuant to
392 s. 1003.438, the Department of Education must develop or select
393 and implement an alternate assessment tool that accurately
394 measures the skills and competencies established in the Sunshine
395 State Standards for students with disabilities under s.
396 1003.438.

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

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

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

428 ~~(b) In order to use a concordant subject area score~~
429 ~~pursuant to this subsection to satisfy the assessment~~
430 ~~requirement for a standard high school diploma as provided in s.~~
431 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
432 ~~take each subject area of the grade 10 FCAT a total of three~~
433 ~~times without earning a passing score. The requirements of this~~
434 ~~paragraph shall not apply to a new student who enters the~~
435 ~~Florida public school system in grade 12, who may either achieve~~
436 ~~a passing score on the FCAT or use an approved subject area~~
437 ~~concordant score to fulfill the graduation requirement.~~

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

443 | awarding of Florida Bright Futures Scholarships and college
 444 | placement.

445 | Section 7. Paragraphs (b) and (c) of subsection (5),
 446 | paragraphs (b) and (c) of subsection (6), and paragraph (b) of
 447 | subsection (7) of section 1008.25, Florida Statutes, are amended
 448 | to read:

449 | 1008.25 Public school student progression; remedial
 450 | instruction; reporting requirements.--

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

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

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

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

464 | 2. A description of the current services that are provided
 465 | to the child.

466 | 3. A description of the proposed supplemental
 467 | instructional services and supports that will be provided to the
 468 | child that are designed to remediate the identified area of
 469 | reading deficiency.

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

474 5. Strategies for parents to use in helping their child
475 succeed in reading proficiency.

476 6. That the Florida Comprehensive Assessment Test (FCAT)
477 is not the sole determiner of promotion and that additional
478 evaluations, portfolio reviews, and assessments are available to
479 the child to assist parents and the school district in knowing
480 when a child is reading at or above grade level and ready for
481 grade promotion.

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

486 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

492 1. Limited English proficient students who have had less
493 than 2 years of instruction in an English for Speakers of Other
494 Languages program.

495 2. Students with disabilities whose individual education
496 plan indicates that participation in the statewide assessment

497 program is not appropriate, consistent with the requirements of
 498 State Board of Education rule.

499 3. Students who demonstrate an acceptable level of
 500 performance on an alternative standardized reading assessment
 501 approved by the State Board of Education.

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

506 5. Students with disabilities who participate in the FCAT
 507 and who have an individual education plan or a Section 504 plan
 508 that reflects that the student has received intensive
 509 remediation in reading for more than 2 years but still
 510 demonstrates a deficiency in reading and was previously retained
 511 in kindergarten, grade 1, grade 2, or grade 3.

512 6. Students who have received intensive remediation in
 513 reading for 2 or more years but still demonstrate a deficiency
 514 in reading and who were previously retained in kindergarten,
 515 grade 1, grade 2, or grade 3 for a total of 2 years. Intensive
 516 reading instruction for students so promoted must include an
 517 altered instructional day that includes specialized diagnostic
 518 information and specific reading strategies for each student.
 519 The district school board shall assist schools and teachers to
 520 implement reading strategies that research has shown to be
 521 successful in improving reading among low-performing readers.

522 (c) Promotion for good cause ~~Requests for good cause~~
 523 ~~exemptions for students from the mandatory retention requirement~~

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524 as described in subparagraphs (b)3. and 4. shall be made
525 consistent with the following:

526 1. Documentation shall be submitted from the student's
527 teacher to the school principal that indicates that the
528 promotion of the student is appropriate and is based upon the
529 student's academic record. In order to minimize paperwork
530 requirements, such documentation shall consist only of the
531 existing progress monitoring plan, individual educational plan,
532 if applicable, report card, or student portfolio.

533 2. The school principal shall review and discuss such
534 recommendation with the teacher and make the determination as to
535 whether the student should be promoted or retained. If the
536 school principal determines that the student should be promoted,
537 the school principal shall make such recommendation in writing
538 to the district school superintendent. The district school
539 superintendent shall accept or reject the school principal's
540 recommendation in writing.

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

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

544 1. Conduct a review of student progress monitoring plans
545 for all students who did not score above Level 1 on the reading
546 portion of the FCAT ~~and did not meet the criteria for one of the~~
547 ~~good cause exemptions in paragraph (6) (b)~~. The review shall
548 address additional supports and services, as described in this
549 subsection, needed to remediate the identified areas of reading
550 deficiency. The school district shall require a student
551 portfolio to be completed for each such student.

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552 2. Provide students who are retained under the provisions
553 of paragraph (5)(b) with intensive instructional services and
554 supports to remediate the identified areas of reading
555 deficiency, including a minimum of 90 minutes of daily,
556 uninterrupted, scientifically research-based reading instruction
557 and other strategies prescribed by the school district, which
558 may include, but are not limited to:

- 559 a. Small group instruction.
560 b. Reduced teacher-student ratios.
561 c. More frequent progress monitoring.
562 d. Tutoring or mentoring.
563 e. Transition classes containing 3rd and 4th grade
564 students.
565 f. Extended school day, week, or year.
566 g. Summer reading camps.

567 3. Provide written notification to the parent of any
568 student who is retained under the provisions of paragraph (5)(b)
569 that his or her child has not met the proficiency level required
570 for promotion and the reasons the child is not eligible for
571 promotion ~~a good cause exemption as provided in paragraph~~
572 ~~(6)(b)~~. The notification must comply with the provisions of s.
573 1002.20(15) and must include a description of proposed
574 interventions and supports that will be provided to the child to
575 remediate the identified areas of reading deficiency.

576 4. Implement a policy for the midyear promotion of any
577 student retained under the provisions of paragraph (5)(b) who
578 can demonstrate that he or she is a successful and independent
579 reader, reading at or above grade level, and ready to be

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580 promoted to grade 4. Tools that school districts may use in
581 reevaluating any student retained may include subsequent
582 assessments, alternative assessments, and portfolio reviews, in
583 accordance with rules of the State Board of Education. Students
584 promoted during the school year after November 1 must
585 demonstrate proficiency above that required to score at Level 2
586 on the grade 3 FCAT, as determined by the State Board of
587 Education. The State Board of Education shall adopt standards
588 that provide a reasonable expectation that the student's
589 progress is sufficient to master appropriate 4th grade level
590 reading skills.

591 5. Provide students who are retained under the provisions
592 of paragraph (5)(b) with a high-performing teacher as determined
593 by student performance data and above-satisfactory performance
594 appraisals.

595 6. In addition to required reading enhancement and
596 acceleration strategies, provide parents of students to be
597 retained with at least one of the following instructional
598 options:

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

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

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

606 7. Establish a Reading Enhancement and Acceleration
607 Development (READ) Initiative. The focus of the READ Initiative

608 shall be to prevent the retention of grade 3 students and to
609 offer intensive accelerated reading instruction to grade 3
610 students who failed to meet standards for promotion to grade 4
611 and to each K-3 student who is assessed as exhibiting a reading
612 deficiency. The READ Initiative shall:

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

617 b. Be provided during regular school hours in addition to
618 the regular reading instruction.

619 c. Provide a state-identified reading curriculum that has
620 been reviewed by the Florida Center for Reading Research at
621 Florida State University and meets, at a minimum, the following
622 specifications:

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

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

627 (III) Provides scientifically based and reliable
628 assessment.

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

631 (V) Is implemented during regular school hours.

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

635 8. Establish at each school, where applicable, an
636 Intensive Acceleration Class for retained grade 3 students who
637 subsequently score at Level 1 on the reading portion of the
638 FCAT. The focus of the Intensive Acceleration Class shall be to
639 increase a child's reading level at least two grade levels in 1
640 school year. The Intensive Acceleration Class shall:

641 a. Be provided to any student in grade 3 who scores at
642 Level 1 on the reading portion of the FCAT and who was retained
643 in grade 3 the prior year because of scoring at Level 1 on the
644 reading portion of the FCAT.

645 b. Have a reduced teacher-student ratio.

646 c. Provide uninterrupted reading instruction for the
647 majority of student contact time each day and incorporate
648 opportunities to master the grade 4 Sunshine State Standards in
649 other core subject areas.

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

653 e. Provide intensive language and vocabulary instruction
654 using a scientifically research-based program, including use of
655 a speech-language therapist.

656 f. Include weekly progress monitoring measures to ensure
657 progress is being made.

658 g. Report to the Department of Education, in the manner
659 described by the department, the progress of students in the
660 class at the end of the first semester.

661 9. Report to the State Board of Education, as requested,
662 on the specific intensive reading interventions and supports

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663 implemented at the school district level. The Commissioner of
664 Education shall annually prescribe the required components of
665 requested reports.

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

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

675 1008.33 Authority to enforce public school
676 improvement.--It is the intent of the Legislature that all
677 public schools be held accountable for students performing at
678 acceptable levels. A system of school improvement and
679 accountability that assesses student performance by school,
680 identifies schools in which students are not making adequate
681 progress toward state standards, institutes appropriate measures
682 for enforcing improvement, and provides rewards and sanctions
683 based on performance shall be the responsibility of the State
684 Board of Education.

685 (1) (a) Pursuant to Art. IX of the State Constitution
686 prescribing the duty of the State Board of Education to
687 supervise Florida's public school system and notwithstanding any
688 other statutory provisions to the contrary, the State Board of
689 Education shall intervene in the operation of a district school
690 system when one or more schools in the school district have

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691 failed to make adequate progress for 2 school years in a 3-year
692 ~~4-year~~ period. For purposes of determining when a school is
693 eligible for state board action ~~and opportunity scholarships for~~
694 ~~its students~~, the term ~~terms "2 years in any 4 year period" and~~
695 "2 school years in a 3-year ~~4-year~~ period" means ~~mean~~ that in
696 any year that a school has a performance category "Declining,"
697 ~~grade of "F,"~~ the school is eligible for state board action ~~and~~
698 ~~opportunity scholarships for its students~~ if it also has had a
699 performance category "Declining" grade of "F" in any of the
700 previous 2 ~~3~~ school years. The State Board of Education may
701 determine that the school district or school has not taken steps
702 sufficient for students in the school to be academically well
703 served. Considering recommendations of the Commissioner of
704 Education, the State Board of Education shall recommend action
705 to a district school board intended to improve educational
706 services to students in each school that is designated with a
707 performance category "Declining." grade of "F." Recommendations
708 for actions to be taken in the school district shall be made
709 only after thorough consideration of the unique characteristics
710 of a school, which shall include student mobility rates, the
711 number and type of exceptional students enrolled in the school,
712 and the availability of options for improved educational
713 services. The state board shall adopt by rule steps to follow in
714 this process. Such steps shall provide school districts
715 sufficient time to improve student performance in schools and
716 the opportunity to present evidence of assistance and
717 interventions that the district school board has implemented.
718 (b) A school shall not receive a performance category

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719 "Declining" if it has an overall increase in student
720 achievement. This safe-harbor threshold for such a school shall
721 be based on annualized, multiyear improvements documented for
722 the top 25 percent of Florida schools for that grade level.

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

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

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

736 (a) Provide additional resources, change certain
737 practices, and provide additional assistance if the state board
738 determines the causes of inadequate progress to be related to
739 school district policy or practice;

740 (b) Implement a plan that satisfactorily resolves the
741 education equity problems in the school related to factors that
742 hamper increased student performance;

743 (c) Contract for the educational services of the school,
744 or reorganize the school at the end of the school year under a
745 new school principal who is authorized to hire new staff and
746 implement a plan that addresses the causes of inadequate

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747 progress. A contract to administer an alternative school may not
748 be entered into with a private entity which contract changes the
749 character of the alternative school population as it existed
750 when the alternative school was administered by the public
751 school system. The term "character of the alternative school
752 population" means the percentage of students having learning
753 disabilities, physical disabilities, emotional disabilities, or
754 developmental disabilities, as well as the percentage of
755 students having discipline problems;

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

758 (e) Other action appropriate to improve the school's
759 performance, including, if the school is a high school,
760 requiring annual publication of the school's graduation rate
761 calculated without GED tests for the past 3 years, disaggregated
762 by student ethnicity.

763 Section 9. Section 1008.34, Florida Statutes, is amended
764 to read:

765 1008.34 School performance ~~grading~~ system; school report
766 cards; district performance ~~grade~~.--

767 (1) ANNUAL REPORTS.--The Commissioner of Education shall
768 prepare annual reports of the results of the statewide
769 assessment program which describe student achievement in the
770 state, each district, and each school. The commissioner shall
771 prescribe the design and content of these reports, which must
772 include, without limitation, descriptions of the performance of
773 all schools participating in the assessment program and all of
774 their major student populations as determined by the

775 Commissioner of Education, and must also include the median
776 scores of all eligible students who scored at or in the lowest
777 25th percentile of the state in the previous school year;
778 provided, however, that the provisions of s. 1002.22 pertaining
779 to student records apply to this section.

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

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

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

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

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

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

792
793 Beginning in the 2008-2009 school year, a school that has been
794 designated with a school grade of "F" in a prior school year
795 shall not be designated as performance category "Declining"
796 using the current year's data if that school has met the safe-
797 harbor threshold established in s. 1008.33(1)(b) ~~Each school~~
798 ~~designated with a grade of "A," making excellent progress, or~~
799 ~~having improved at least two grade levels, shall have greater~~
800 ~~authority over the allocation of the school's total budget~~
801 ~~generated from the FEFP, state categoricals, lottery funds,~~
802 ~~grants, and local funds, as specified in state board rule. The~~

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803 ~~rule must provide that the increased budget authority shall~~
804 ~~remain in effect until the school's grade declines.~~

805 (3) DESIGNATION OF SCHOOL PERFORMANCE CATEGORIES
806 GRADES.--For purposes of determining school performance, student
807 performance shall be based on all students' annual learning
808 gains and increased student performance compared to the previous
809 year. Each school that has students who are tested and included
810 in the school performance ~~grading~~ system, except an alternative
811 school that receives a school improvement rating pursuant to s.
812 1008.341, shall receive a school performance category
813 designation ~~grade~~; however, an alternative school may choose to
814 receive a school performance category designation ~~grade~~ under
815 this section in lieu of a school improvement rating.
816 Additionally, a school that serves any combination of students
817 in kindergarten through grade 3 which does not receive a school
818 performance category designation ~~grade~~ because its students are
819 not tested and included in the school performance ~~grading~~ system
820 shall receive the school performance category ~~grade~~ designation
821 of a K-3 feeder pattern school identified by the Department of
822 Education and verified by the school district. A school feeder
823 pattern exists if at least 60 percent of the students in the
824 school serving a combination of students in kindergarten through
825 grade 3 are scheduled to be assigned to the ~~graded~~ school
826 participating in the school performance system. School
827 performance categories ~~grades~~ itemized in subsection (2) shall
828 be based on the following:

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

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831 1. Student achievement scores, including achievement
832 scores for students seeking a special diploma.

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

838 3. Improvement of the lowest 25th percentile of students
839 in the school ~~in reading, math, or writing~~ on the FCAT and on
840 non-FCAT measures, unless these students are exhibiting
841 satisfactory performance.

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

845 a. Fifty percent based on student FCAT scores.

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

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

850 1. The aggregate scores of all eligible students enrolled
851 in the school who have been assessed on the FCAT and on non-FCAT
852 measures.

853 2. The aggregate scores of all eligible students enrolled
854 in the school who have been assessed on the FCAT, including
855 Florida Writes, and on non-FCAT measures and who have scored at
856 or in the lowest 25th percentile of students in the school ~~in~~
857 ~~reading, math, or writing~~, unless these students are exhibiting
858 satisfactory performance.

859 3. Effective with the 2005-2006 school year, the
860 achievement scores and learning gains of eligible students
861 attending alternative schools that provide dropout prevention
862 and academic intervention services pursuant to s. 1003.53. The
863 term "eligible students" in this subparagraph does not include
864 students attending an alternative school who are subject to
865 district school board policies for expulsion for repeated or
866 serious offenses, who are in dropout retrieval programs serving
867 students who have officially been designated as dropouts, or who
868 are in programs operated or contracted by the Department of
869 Juvenile Justice. The student performance data for eligible
870 students identified in this subparagraph shall be included in
871 the calculation of the home school's performance grade. For
872 purposes of this section and s. 1008.341, "home school" means
873 the school the student was attending when assigned to an
874 alternative school. If an alternative school chooses to be
875 designated ~~graded~~ pursuant to this section, student performance
876 data for eligible students identified in this subparagraph shall
877 not be included in the home school's performance grade but shall
878 be included only in the calculation of the alternative school's
879 performance grade. School districts must require collaboration
880 between the home school and the alternative school in order to
881 promote student success.

882
883 The State Board of Education shall adopt appropriate criteria
884 for each school performance category ~~grade~~. The criteria must
885 ~~also~~ give added weight to student achievement in reading.
886 Schools designated with a performance category "Maintaining"

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887 ~~grade of "C," making satisfactory progress,~~ shall be required to
888 demonstrate that adequate progress has been made by students in
889 the school who are in the lowest 25th percentile ~~in reading,~~
890 ~~math, or writing~~ on the FCAT, including Florida Writes, and on
891 non-FCAT measures, unless these students are exhibiting
892 satisfactory performance.

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

900 (5) SCHOOL REPORT CARD.--The Department of Education shall
901 annually develop, in collaboration with the school districts, a
902 school report card to be delivered to parents throughout each
903 school district. The report card shall include the school's
904 performance category ~~grade,~~ information regarding school
905 improvement, an explanation of school performance as evaluated
906 by the federal No Child Left Behind Act of 2001, and indicators
907 of return on investment. Each school's report card shall be
908 published annually by the department on its website, and the
909 school district shall provide the school report card to each
910 parent.

911 (6) PERFORMANCE-BASED FUNDING.--The Legislature may factor
912 in the performance of schools in calculating any performance-
913 based funding policy that is provided for annually in the
914 General Appropriations Act.

915 (7) DISTRICT PERFORMANCE GRADE.--

916 (a) The annual report required by subsection (1) shall
 917 include district performance grades, which shall consist of
 918 weighted district average performance grades, by level, for all
 919 elementary schools, middle schools, and high schools in the
 920 district. A district's weighted average performance grade shall
 921 be calculated by weighting individual school performance grades
 922 determined pursuant to subsection (2) by school enrollment.

923 (b) School districts shall have a variety of tools at
 924 their disposal to maintain high performance standards. These
 925 tools shall include, but are not limited to, giving to schools
 926 that receive a performance category "Improving" greater
 927 authority over the allocation of the school's total budget
 928 generated from the FEFP, state categoricals, lottery funds,
 929 grants, and local funds, as specified in State Board of
 930 Education rule. The rule must provide that the increased budget
 931 authority shall remain in effect unless the school's performance
 932 category declines.

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

935 1008.341 School improvement rating for alternative
 936 schools.--

937 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
 938 provide dropout prevention and academic intervention services
 939 pursuant to s. 1003.53 shall receive a school improvement rating
 940 pursuant to this section. The school improvement rating shall
 941 identify schools as having one of the following ratings defined
 942 according to rules of the State Board of Education:

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943 (a) "Improving" means schools with students making more
944 academic progress than when the students were served in their
945 home schools.

946 (b) "Maintaining" means schools with students making
947 progress equivalent to the progress made when the students were
948 served in their home schools.

949 (c) "Declining" means schools with students making less
950 academic progress than when the students were served in their
951 home schools.

952

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

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

961 (a) The aggregate scores of all eligible students who were
962 assigned to and enrolled in the school during the October or
963 February FTE count, who have been assessed on the FCAT and on
964 non-FCAT measures, and who have FCAT or comparable scores for
965 the preceding school year.

966 (b) The aggregate scores of all eligible students who were
967 assigned to and enrolled in the school during the October or
968 February FTE count, who have been assessed on the FCAT,
969 including Florida Writes, and on non-FCAT measures, and who have

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970 | scored in the lowest 25th percentile of students in the state on
 971 | the FCAT and on non-FCAT measures Reading.

972 |
 973 | The assessment scores of students who are subject to district
 974 | school board policies for expulsion for repeated or serious
 975 | offenses, who are in dropout retrieval programs serving students
 976 | who have officially been designated as dropouts, or who are in
 977 | programs operated or contracted by the Department of Juvenile
 978 | Justice may not be included in an alternative school's school
 979 | improvement rating.

980 | Section 11. Section 1008.36, Florida Statutes, is amended
 981 | to read:

982 | 1008.36 Every Child Matters Florida School Recognition
 983 | Program.--

984 | (1) The Legislature finds that in order to provide every
 985 | student enrolled in K-12 public schools with the opportunity to
 986 | achieve a successful public education, academic problems must be
 987 | identified early, with remediation and intervention services to
 988 | follow. It is the intent of this section that no child shall be
 989 | left behind there is a need for a performance incentive program
 990 | for outstanding faculty and staff in highly productive schools.
 991 | ~~The Legislature further finds that performance based incentives~~
 992 | ~~are commonplace in the private sector and should be infused into~~
 993 | ~~the public sector as a reward for productivity.~~

994 | (2) The Every Child Matters Florida School Recognition
 995 | Program is created to provide ~~financial awards to public schools~~
 996 | ~~that:~~

997 (a) A curriculum-based, year-round measurement of learning
 998 gains for all public school students enrolled in kindergarten
 999 through grade 12. Sustain high performance by receiving a school
 1000 grade of "A," making excellent progress; or

1001 (b) Remediation and intervention services to all public
 1002 school students enrolled in kindergarten through grade 12 who
 1003 are not meeting grade-appropriate performance expectations,
 1004 including FCAT scores and non-FCAT measures ~~Demonstrate~~
 1005 ~~exemplary improvement due to innovation and effort by improving~~
 1006 ~~a letter grade.~~

1007 (3) All public schools, including charter schools, ~~that~~
 1008 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
 1009 participate in the program.

1010 (4) All ~~selected~~ schools shall receive financial
 1011 assistance awards depending on the availability of funds
 1012 ~~appropriated and the number and size of schools selected to~~
 1013 ~~receive an award.~~ Funds must be distributed to the school's
 1014 fiscal agent and placed in the school's account and must be used
 1015 for purposes listed in subsection (5) as determined jointly by
 1016 the school's staff and school advisory council. ~~If school staff~~
 1017 ~~and the school advisory council cannot reach agreement by~~
 1018 ~~November 1, the awards must be equally distributed to all~~
 1019 ~~classroom teachers currently teaching in the school.~~

1020 (5) Every Child Matters Program funds ~~School recognition~~
 1021 ~~awards~~ must be used for the following:

1022 (a) Administration of a regular formative assessment
 1023 approved by the State Board of Education. ~~Nonrecurring bonuses~~
 1024 ~~to the faculty and staff;~~

1025 (b) Nonrecurring expenditures for remediation of low-
 1026 performing students, including remediation programs and
 1027 intervention services adopted and administered by the Department
 1028 of Education.

1029 (c)~~(b)~~ Nonrecurring expenditures for educational equipment
 1030 or materials to assist in the remediation of low-performing
 1031 students. ~~maintaining and improving student performance; or~~

1032 (d)~~(e)~~ Temporary personnel for the school to assist in the
 1033 remediation of low-performing students ~~maintaining and improving~~
 1034 ~~student performance.~~

1035 (e) Contracts with private sector participants to provide
 1036 remediation services provided that 90 percent of the personnel
 1037 providing services reside in the state and that the contracts
 1038 include requirements to ensure that the private sector
 1039 participants are accountable for performance.

1040 (f) Transportation of students pursuant to s. 1002.31.

1041 (6) The Department of Education shall provide training and
 1042 informational resources for educators to administer the
 1043 formative assessment pursuant to paragraph (5)(a) and shall be
 1044 responsible for developing and implementing provisions for the
 1045 collection and analysis of the assessment data.

1046 (7) The Department of Education shall establish policies
 1047 and procedures for the development of individual education plans
 1048 for low-performing students who receive remediation and
 1049 intervention services pursuant to this section.

1050
 1051 ~~Notwithstanding statutory provisions to the contrary, incentive~~
 1052 ~~awards are not subject to collective bargaining.~~

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1053 Section 12. Paragraphs (a), (c), and (d) of subsection
 1054 (16) and paragraph (d) of subsection (17) of section 1001.42,
 1055 Florida Statutes, are amended to read:

1056 1001.42 Powers and duties of district school board.--The
 1057 district school board, acting as a board, shall exercise all
 1058 powers and perform all duties listed below:

1059 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 1060 ACCOUNTABILITY.--Maintain a system of school improvement and
 1061 education accountability as provided by statute and State Board
 1062 of Education rule. This system of school improvement and
 1063 education accountability shall be consistent with, and
 1064 implemented through, the district's continuing system of
 1065 planning and budgeting required by this section and ss.
 1066 1008.385, 1010.01, and 1011.01. This system of school
 1067 improvement and education accountability shall include, but is
 1068 not limited to, the following:

1069 (a) School improvement plans.--Annually approve and
 1070 require implementation of a new, amended, or continuation school
 1071 improvement plan for each school in the district. A district
 1072 school board may establish a district school improvement plan
 1073 that includes all schools in the district operating for the
 1074 purpose of providing educational services to youth in Department
 1075 of Juvenile Justice programs. The school improvement plan shall
 1076 be designed to achieve the state education priorities pursuant
 1077 to s. 1000.03(5) and student proficiency on the Sunshine State
 1078 Standards pursuant to s. 1003.41. Each plan shall address
 1079 student achievement goals and strategies based on state and
 1080 school district proficiency standards. The plan may also address

1081 issues relative to other academic-related matters, as determined
 1082 by district school board policy, and shall include an accurate,
 1083 data-based analysis of student achievement and other school
 1084 performance data. Beginning with plans approved for
 1085 implementation in the 2007-2008 school year, each secondary
 1086 school plan must include a redesign component based on the
 1087 principles established in s. 1003.413. For each school in the
 1088 district that earns a performance category "Declining," ~~school~~
 1089 ~~grade of "C" or below,~~ or is required to have a school
 1090 improvement plan under federal law, the school improvement plan
 1091 shall, at a minimum, also include:

1092 1. Professional development that supports enhanced and
 1093 differentiated instructional strategies to improve teaching and
 1094 learning.

1095 2. Continuous use of disaggregated student achievement
 1096 data to determine effectiveness of instructional strategies.

1097 3. Ongoing informal and formal assessments to monitor
 1098 individual student progress, including progress toward mastery
 1099 of the Sunshine State Standards, and to redesign instruction if
 1100 needed.

1101 4. Alternative instructional delivery methods to support
 1102 remediation, acceleration, and enrichment strategies.

1103 (c) Assistance and intervention.--

1104 1. Develop a 2-year plan of increasing individualized
 1105 assistance and intervention for each school in danger of not
 1106 meeting state standards or making adequate progress, as defined
 1107 pursuant to statute and State Board of Education rule, toward

1108 meeting the goals and standards of its approved school
 1109 improvement plan.

1110 2. Provide assistance and intervention to a school that is
 1111 designated with a performance category "Declining" ~~grade of "D"~~
 1112 pursuant to s. 1008.34 ~~and is in danger of failing.~~

1113 3. Develop a plan to encourage teachers with demonstrated
 1114 mastery in improving student performance to remain at or
 1115 transfer to a school with a performance category "Declining"
 1116 ~~grade of "D" or "F"~~ or to an alternative school that serves
 1117 disruptive or violent youths. If a classroom teacher, as defined
 1118 by s. 1012.01(2)(a), who meets the definition of teaching
 1119 mastery developed according to the provisions of this paragraph,
 1120 requests assignment to a school designated with a performance
 1121 category "Declining" ~~grade of "D" or "F"~~ or to an alternative
 1122 school that serves disruptive or violent youths, the district
 1123 school board shall make every practical effort to grant the
 1124 request.

1125 4. Prioritize, to the extent possible, the expenditures of
 1126 funds received from the supplemental academic instruction
 1127 categorical fund under s. 1011.62(1)(f) to improve student
 1128 performance in schools that receive a performance category
 1129 "Declining." ~~grade of "D" or "F."~~

1130 (d) After 2 years.--Notify the Commissioner of Education
 1131 and the State Board of Education in the event any school does
 1132 not make adequate progress toward meeting the goals and
 1133 standards of a school improvement plan by the end of 2 years of
 1134 failing to make adequate progress and proceed according to
 1135 guidelines developed pursuant to statute and State Board of

1136 Education rule. School districts shall provide intervention and
 1137 assistance to schools in danger of being designated with a
 1138 performance category "Declining." ~~grade of "F," failing to make~~
 1139 ~~adequate progress.~~

1140 (17) LOCAL-LEVEL DECISIONMAKING.--

1141 (d) Adopt policies that assist in giving greater autonomy,
 1142 including authority over the allocation of the school's budget,
 1143 to schools designated with a performance category "Improving."
 1144 ~~grade of "A," making excellent progress, and schools rated as~~
 1145 ~~having improved at least two grades.~~

1146 Section 13. Paragraph (b) of subsection (7) and paragraphs
 1147 (o) and (p) of subsection (9) of section 1002.33, Florida
 1148 Statutes, are amended to read:

1149 1002.33 Charter schools.--

1150 (7) CHARTER.--The major issues involving the operation of
 1151 a charter school shall be considered in advance and written into
 1152 the charter. The charter shall be signed by the governing body
 1153 of the charter school and the sponsor, following a public
 1154 hearing to ensure community input.

1155 (b)1. A charter may be renewed provided that a program
 1156 review demonstrates that the criteria in paragraph (a) have been
 1157 successfully accomplished and that none of the grounds for
 1158 nonrenewal established by paragraph (8)(a) has been documented.
 1159 In order to facilitate long-term financing for charter school
 1160 construction, charter schools operating for a minimum of 3 years
 1161 and demonstrating exemplary academic programming and fiscal
 1162 management are eligible for a 15-year charter renewal. Such

1163 long-term charter is subject to annual review and may be
 1164 terminated during the term of the charter.

1165 2. The 15-year charter renewal that may be granted
 1166 pursuant to subparagraph 1. shall be granted to a charter school
 1167 that has received a performance category "Improving" or
 1168 "Maintaining" ~~school grade of "A" or "B"~~ pursuant to s. 1008.34
 1169 in 3 of the past 4 years and is not in a state of financial
 1170 emergency or deficit position as defined by this section. Such
 1171 long-term charter is subject to annual review and may be
 1172 terminated during the term of the charter pursuant to subsection
 1173 (8).

1174 (9) CHARTER SCHOOL REQUIREMENTS.--

1175 (o) The director and a representative of the governing
 1176 body of a charter school that has received a performance
 1177 category "Declining" ~~school grade of "D"~~ under s. 1008.34(2)
 1178 shall appear before the sponsor or the sponsor's staff at least
 1179 once a year to present information concerning each contract
 1180 component having noted deficiencies. The sponsor shall
 1181 communicate at the meeting, and in writing to the director, the
 1182 services provided to the school to help the school address its
 1183 deficiencies.

1184 (p) Upon notification that a charter school receives a
 1185 performance category "Declining" ~~school grade of "D"~~ for 2
 1186 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
 1187 the charter school sponsor or the sponsor's staff shall require
 1188 the director and a representative of the governing body to
 1189 submit to the sponsor for approval a school improvement plan to
 1190 raise student achievement and to implement the plan. The sponsor

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1191 has the authority to approve a school improvement plan that the
1192 charter school will implement in the following school year. The
1193 sponsor may also consider the State Board of Education's
1194 recommended action pursuant to s. 1008.33(1) as part of the
1195 school improvement plan. The Department of Education shall offer
1196 technical assistance and training to the charter school and its
1197 governing body and establish guidelines for developing,
1198 submitting, and approving such plans.

1199 1. If the charter school fails to improve its student
1200 performance from the year immediately prior to the
1201 implementation of the school improvement plan, the sponsor shall
1202 place the charter school on probation and shall require the
1203 charter school governing body to take one of the following
1204 corrective actions:

1205 a. Contract for the educational services of the charter
1206 school;

1207 b. Reorganize the school at the end of the school year
1208 under a new director or principal who is authorized to hire new
1209 staff and implement a plan that addresses the causes of
1210 inadequate progress; or

1211 c. Reconstitute the charter school.

1212 2. A charter school that is placed on probation shall
1213 continue the corrective actions required under subparagraph 1.
1214 until the charter school improves its student performance from
1215 the year prior to the implementation of the school improvement
1216 plan.

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1217 3. Notwithstanding any provision of this paragraph, the
 1218 sponsor may terminate the charter at any time pursuant to the
 1219 provisions of subsection (8).

1220 Section 14. Subsection (7) and paragraph (a) of subsection
 1221 (8) of section 1002.415, Florida Statutes, are amended to read:

1222 1002.415 K-8 Virtual School Program.--Subject to annual
 1223 legislative appropriation, a kindergarten through grade 8
 1224 virtual school program is established within the Department of
 1225 Education for the purpose of making academic instruction
 1226 available to full-time students in kindergarten through grade 8
 1227 using online and distance learning technology. The department
 1228 shall use an application process to select schools to deliver
 1229 program instruction.

1230 (7) ASSESSMENT AND ACCOUNTABILITY.--

1231 (a) Each K-8 virtual school must participate in the
 1232 statewide assessment program created under s. 1008.22 and shall
 1233 be subject to the school performance ~~grading~~ system created by
 1234 s. 1008.34.

1235 (b) A K-8 virtual school that has a performance ~~grade~~
 1236 category "Declining" ~~of "D" or "F"~~ must file a school
 1237 improvement plan with the department for consultation to
 1238 determine the causes for low performance and to develop a plan
 1239 for correction and improvement.

1240 (c) The department shall terminate the contract of any K-8
 1241 virtual school that receives a performance ~~grade~~ category
 1242 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~
 1243 ~~consecutive 4-year~~ period.

1244 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

1245 (a) At the end of a contract with a K-8 virtual school,
 1246 the department may choose not to renew the contract for any of
 1247 the following grounds:

1248 1. Failure to participate in the state's education
 1249 accountability system created in s. 1008.31, as required in this
 1250 section;

1251 2. Failure to receive a school performance category
 1252 "Maintaining" ~~grade of "C"~~ or better under the school
 1253 performance grading system created by s. 1008.34 for any 2 years
 1254 in a 3-year ~~consecutive 4-year~~ period;

1255 3. Failure to meet generally accepted standards of fiscal
 1256 management;

1257 4. Violation of law;

1258 5. Failure of the Legislature to fund the program; or

1259 6. Other good cause shown.

1260 Section 15. Paragraph (a) of subsection (1) of section
 1261 1003.62, Florida Statutes, is amended to read:

1262 1003.62 Academic performance-based charter school
 1263 districts.--The State Board of Education may enter into a
 1264 performance contract with district school boards as authorized
 1265 in this section for the purpose of establishing them as academic
 1266 performance-based charter school districts. The purpose of this
 1267 section is to examine a new relationship between the State Board
 1268 of Education and district school boards that will produce
 1269 significant improvements in student achievement, while complying
 1270 with constitutional and statutory requirements assigned to each
 1271 entity.

1272 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

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1273 (a) A school district shall be eligible for designation as
 1274 an academic performance-based charter school district if it is a
 1275 high-performing school district in which a minimum of 50 percent
 1276 of the schools earn a performance category "Improving" ~~grade of~~
 1277 ~~"A" or "B"~~ and in which no school earns a performance category
 1278 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
 1279 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
 1280 ~~not be included in this calculation.~~ The performance contract
 1281 for a school district that earns a charter based on school
 1282 performance grades shall be predicated on maintenance of at
 1283 least 50 percent of the schools in the school district earning a
 1284 performance category "Improving" ~~grade of "A" or "B"~~ with no
 1285 school in the school district earning a performance category
 1286 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A
 1287 school district in which the number of schools that earn a
 1288 performance category "Improving" ~~grade of "A" or "B"~~ is less
 1289 than 50 percent may have its charter renewed for 1 year;
 1290 however, if the percentage of performance category "Improving"
 1291 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive
 1292 years, the charter shall not be renewed.

1293 Section 16. Paragraphs (a) and (d) of subsection (1) of
 1294 section 1003.621, Florida Statutes, are amended to read:

1295 1003.621 Academically high-performing school
 1296 districts.--It is the intent of the Legislature to recognize and
 1297 reward school districts that demonstrate the ability to
 1298 consistently maintain or improve their high-performing status.
 1299 The purpose of this section is to provide high-performing school

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1300 districts with flexibility in meeting the specific requirements
 1301 in statute and rules of the State Board of Education.

1302 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

1303 (a) A school district is an academically high-performing
 1304 school district if it meets the following criteria:

1305 1.a. Beginning with the 2004-2005 school year, earns a
 1306 performance category "Improving" ~~grade of "A"~~ under s.
 1307 1008.34(7) for 2 consecutive years; and

1308 b. Has no district-operated school that earns a
 1309 performance category "Declining" ~~grade of "F"~~ under s. 1008.34;

1310 2. Complies with all class size requirements in s. 1, Art.
 1311 IX of the State Constitution and s. 1003.03; and

1312 3. Has no material weaknesses or instances of material
 1313 noncompliance noted in the annual financial audit conducted
 1314 pursuant to s. 218.39.

1315 (d) In order to maintain the designation as an
 1316 academically high-performing school district pursuant to this
 1317 section, a school district must meet the following requirements:

1318 1. Comply with the provisions of subparagraphs (a)2. and
 1319 3.; and

1320 2. Earn a performance category "Improving" ~~grade of "A"~~
 1321 under s. 1008.34(7) for 2 years within a 3-year period.

1322
 1323 However, a district in which a district-operated school earns a
 1324 performance category "Declining" ~~grade of "F"~~ under s. 1008.34
 1325 during the 3-year period may not continue to be designated as an
 1326 academically high-performing school district during the
 1327 remainder of that 3-year period. The district must meet the

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1328 criteria in paragraph (a) in order to be redesignated as an
 1329 academically high-performing school district.

1330 Section 17. Paragraph (b) of subsection (1) of section
 1331 1008.31, Florida Statutes, is amended to read:

1332 1008.31 Florida's K-20 education performance
 1333 accountability system; legislative intent; mission, goals, and
 1334 systemwide measures; data quality improvements.--

1335 (1) LEGISLATIVE INTENT.--It is the intent of the
 1336 Legislature that:

1337 (b) The K-20 education performance accountability system
 1338 be established as a single, unified accountability system with
 1339 multiple components, including, but not limited to, measures of
 1340 adequate yearly progress, individual student learning gains in
 1341 public schools, school performance categories ~~grades~~, and return
 1342 on investment.

1343 Section 18. Paragraphs (b) and (d) of subsection (6) and
 1344 subsection (7) of section 1008.345, Florida Statutes, are
 1345 amended to read:

1346 1008.345 Implementation of state system of school
 1347 improvement and education accountability.--

1348 (6)

1349 (b) Upon request, the department shall provide technical
 1350 assistance and training to any school, including any school
 1351 operating for the purpose of providing educational services to
 1352 youth in Department of Juvenile Justice programs, school
 1353 advisory council, district, or district school board for
 1354 conducting needs assessments, developing and implementing school
 1355 improvement plans, developing and implementing assistance and

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1356 intervention plans, or implementing other components of school
1357 improvement and accountability. Priority for these services
1358 shall be given to schools designated with a performance category
1359 "Declining" ~~grade of "D" or "F"~~ and school districts in rural
1360 and sparsely populated areas of the state.

1361 (d) The commissioner shall assign a community assessment
1362 team to each school district or governing board with a school
1363 receiving a performance category "Declining" ~~graded "F"~~ to
1364 review the school performance data and determine causes for the
1365 low performance, including the role of school, area, and
1366 district administrative personnel. The community assessment team
1367 shall review a high school's graduation rate calculated without
1368 GED tests for the past 3 years, disaggregated by student
1369 ethnicity. The team shall make recommendations to the school
1370 board or the governing board, to the department, and to the
1371 State Board of Education for implementing an assistance and
1372 intervention plan that will address the causes of the school's
1373 low performance. The assessment team shall include, but not be
1374 limited to, a department representative, parents, business
1375 representatives, educators, representatives of local
1376 governments, and community activists, and shall represent the
1377 demographics of the community from which they are appointed.

1378 (7)(a) Schools designated with a performance category
1379 "Improving" ~~a grade of "A," making excellent progress,~~ shall, if
1380 requested by the school, be given deregulated status as
1381 specified in s. 1003.63(5), (7), (8), (9), and (10).

1382 ~~(b) Schools that have improved at least two grades and~~
1383 ~~that meet the criteria of the Florida School Recognition Program~~

1384 ~~pursuant to s. 1008.36 may be given deregulated status as~~
 1385 ~~specified in s. 1003.63(5), (7), (8), (9), and (10).~~

1386 Section 19. Paragraphs (h), (m), and (n) of subsection (1)
 1387 and paragraph (d) of subsection (7) of section 1011.62, Florida
 1388 Statutes, are amended to read:

1389 1011.62 Funds for operation of schools.--If the annual
 1390 allocation from the Florida Education Finance Program to each
 1391 district for operation of schools is not determined in the
 1392 annual appropriations act or the substantive bill implementing
 1393 the annual appropriations act, it shall be determined as
 1394 follows:

1395 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1396 OPERATION.--The following procedure shall be followed in
 1397 determining the annual allocation to each district for
 1398 operation:

1399 (h) Small, isolated high schools.--Districts which levy
 1400 the maximum nonvoted discretionary millage, exclusive of millage
 1401 for capital outlay purposes levied pursuant to s. 1011.71(2),
 1402 may calculate full-time equivalent students for small, isolated
 1403 high schools by multiplying the number of unweighted full-time
 1404 equivalent students times 2.75; provided the school has attained
 1405 a performance category "Maintaining" ~~grade of "C"~~ or better,
 1406 pursuant to s. 1008.34, for the previous school year. For the
 1407 purpose of this section, the term "small, isolated high school"
 1408 means any high school which is located no less than 28 miles by
 1409 the shortest route from another high school; which has been
 1410 serving students primarily in basic studies provided by sub-
 1411 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;

1412 and which has a membership of no more than 100 students, but no
 1413 fewer than 28 students, in grades 9 through 12.

1414 (m) Calculation of additional full-time equivalent
 1415 membership based on Advanced International Certificate of
 1416 Education examination scores of students.--A value of 0.24 full-
 1417 time equivalent student membership shall be calculated for each
 1418 student enrolled in a full-credit Advanced International
 1419 Certificate of Education course who receives a score of E or
 1420 higher on a subject examination. A value of 0.12 full-time
 1421 equivalent student membership shall be calculated for each
 1422 student enrolled in a half-credit Advanced International
 1423 Certificate of Education course who receives a score of E or
 1424 higher on a subject examination. A value of 0.3 full-time
 1425 equivalent student membership shall be calculated for each
 1426 student who receives an Advanced International Certificate of
 1427 Education diploma. Such value shall be added to the total full-
 1428 time equivalent student membership in basic programs for grades
 1429 9 through 12 in the subsequent fiscal year. The school district
 1430 shall distribute to each classroom teacher who provided Advanced
 1431 International Certificate of Education instruction:

1432 1. A bonus in the amount of \$50 for each student taught by
 1433 the Advanced International Certificate of Education teacher in
 1434 each full-credit Advanced International Certificate of Education
 1435 course who receives a score of E or higher on the Advanced
 1436 International Certificate of Education examination. A bonus in
 1437 the amount of \$25 for each student taught by the Advanced
 1438 International Certificate of Education teacher in each half-
 1439 credit Advanced International Certificate of Education course

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1440 who receives a score of E or higher on the Advanced
1441 International Certificate of Education examination.

1442 2. An additional bonus of \$500 to each Advanced
1443 International Certificate of Education teacher in a school
1444 designated with a performance category "Declining" ~~grade of "D"~~
1445 ~~or "F"~~ who has at least one student scoring E or higher on the
1446 full-credit Advanced International Certificate of Education
1447 examination, regardless of the number of classes taught or of
1448 the number of students scoring an E or higher on the full-credit
1449 Advanced International Certificate of Education examination.

1450 3. Additional bonuses of \$250 each to teachers of half-
1451 credit Advanced International Certificate of Education classes
1452 in a school designated with a performance category "Declining"
1453 ~~grade of "D" or "F"~~ which has at least one student scoring an E
1454 or higher on the half-credit Advanced International Certificate
1455 of Education examination in that class. The maximum additional
1456 bonus for a teacher awarded in accordance with this subparagraph
1457 shall not exceed \$500 in any given school year. Teachers
1458 receiving an award under subparagraph 2. are not eligible for a
1459 bonus under this subparagraph.

1460
1461 Bonuses awarded to a teacher according to this paragraph shall
1462 not exceed \$2,000 in any given school year and shall be in
1463 addition to any regular wage or other bonus the teacher received
1464 or is scheduled to receive.

1465 (n) Calculation of additional full-time equivalent
1466 membership based on college board advanced placement scores of
1467 students.--A value of 0.24 full-time equivalent student

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1468 membership shall be calculated for each student in each advanced
1469 placement course who receives a score of 3 or higher on the
1470 College Board Advanced Placement Examination for the prior year
1471 and added to the total full-time equivalent student membership
1472 in basic programs for grades 9 through 12 in the subsequent
1473 fiscal year. Each district must allocate at least 80 percent of
1474 the funds provided to the district for advanced placement
1475 instruction, in accordance with this paragraph, to the high
1476 school that generates the funds. The school district shall
1477 distribute to each classroom teacher who provided advanced
1478 placement instruction:

1479 1. A bonus in the amount of \$50 for each student taught by
1480 the Advanced Placement teacher in each advanced placement course
1481 who receives a score of 3 or higher on the College Board
1482 Advanced Placement Examination.

1483 2. An additional bonus of \$500 to each Advanced Placement
1484 teacher in a school designated with a performance category
1485 "Declining" ~~grade of "D" or "F"~~ who has at least one student
1486 scoring 3 or higher on the College Board Advanced Placement
1487 Examination, regardless of the number of classes taught or of
1488 the number of students scoring a 3 or higher on the College
1489 Board Advanced Placement Examination.

1490
1491 Bonuses awarded to a teacher according to this paragraph shall
1492 not exceed \$2,000 in any given school year and shall be in
1493 addition to any regular wage or other bonus the teacher received
1494 or is scheduled to receive.

1495 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

1496 (d) Each district's allocation of sparsity supplement
 1497 funds shall be adjusted in the following manner:

1498 1. A maximum discretionary levy per FTE value for each
 1499 district shall be calculated by dividing the value of each
 1500 district's maximum discretionary levy by its FTE student count.

1501 2. A state average discretionary levy value per FTE shall
 1502 be calculated by dividing the total maximum discretionary levy
 1503 value for all districts by the state total FTE student count.

1504 3. A total potential funds per FTE for each district shall
 1505 be calculated by dividing the total potential funds, not
 1506 including Every Child Matters Program ~~Florida School Recognition~~
 1507 ~~Program~~ funds and the minimum guarantee, for each district by
 1508 its FTE student count.

1509 4. A state average total potential funds per FTE shall be
 1510 calculated by dividing the total potential funds, not including
 1511 Every Child Matters Program ~~Florida School Recognition Program~~
 1512 funds and the minimum guarantee, for all districts by the state
 1513 total FTE student count.

1514 5. For districts that have a levy value per FTE as
 1515 calculated in subparagraph 1. higher than the state average
 1516 calculated in subparagraph 2., a sparsity wealth adjustment
 1517 shall be calculated as the product of the difference between the
 1518 state average levy value per FTE calculated in subparagraph 2.
 1519 and the district's levy value per FTE calculated in subparagraph
 1520 1. and the district's FTE student count and -1. However, no
 1521 district shall have a sparsity wealth adjustment that, when
 1522 applied to the total potential funds calculated in subparagraph

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1523 3., would cause the district's total potential funds per FTE to
 1524 be less than the state average calculated in subparagraph 4.

1525 6. Each district's sparsity supplement allocation shall be
 1526 calculated by adding the amount calculated as specified in
 1527 paragraphs (a) and (b) and the wealth adjustment amount
 1528 calculated in this paragraph.

1529 Section 20. Paragraph (a) of subsection (2) of section
 1530 1011.64, Florida Statutes, is amended to read:

1531 1011.64 School district minimum classroom expenditure
 1532 requirements.--

1533 (2) For the purpose of implementing the provisions of this
 1534 section, the Legislature shall prescribe minimum academic
 1535 performance standards and minimum classroom expenditure
 1536 requirements for districts not meeting such minimum academic
 1537 performance standards in the General Appropriations Act.

1538 (a) Minimum academic performance standards may be based
 1539 on, but are not limited to, district performance grades
 1540 determined pursuant to s. 1008.34(7).

1541 Section 21. Subsections (1), (2), and (5) of section
 1542 1012.2315, Florida Statutes, are amended to read:

1543 1012.2315 Assignment of teachers.--

1544 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 1545 finds disparities between teachers assigned to teach in a
 1546 majority of ~~"A" graded~~ schools receiving a performance category
 1547 "Improving" and teachers assigned to teach in a majority of ~~"F"~~
 1548 ~~graded~~ schools receiving a performance category "Declining." The
 1549 disparities can be found in the average years of experience, the
 1550 median salary, and the performance of the teachers on teacher

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1551 certification examinations. It is the intent of the Legislature
1552 that district school boards have flexibility through the
1553 collective bargaining process to assign teachers more equitably
1554 across the schools in the district.

1555 (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~--School
1556 districts may not assign a higher percentage than the school
1557 district average of first-time teachers, temporarily certified
1558 teachers, teachers in need of improvement, or out-of-field
1559 teachers to schools with above the school district average of
1560 minority and economically disadvantaged students or schools that
1561 are designated performance category "Declining." ~~graded "D" or~~
1562 ~~"F."~~ Each school district shall annually certify to the
1563 Commissioner of Education that this requirement has been met. If
1564 the commissioner determines that a school district is not in
1565 compliance with this subsection, the State Board of Education
1566 shall be notified and shall take action pursuant to s. 1008.32
1567 in the next regularly scheduled meeting to require compliance.

1568 (5) REPORT.--Schools receiving a performance category
1569 "Declining" ~~graded "D" or "F"~~ shall annually report their
1570 teacher-retention rate. Included in this report shall be reasons
1571 listed for leaving by each teacher who left the school for any
1572 reason.

1573 Section 22. This act shall take effect July 1, 2008.