

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 of Education intervention in the operation of a district
16 school system; requiring state board rulemaking relating
17 to 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, 1002.45, 1003.62, 1003.621, 1008.31,
 33 1008.345, 1011.62, 1011.64, and 1012.2315, F.S.;
 34 conforming 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:

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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(10).~~

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 core content knowledge and skills necessary for
 115 successful grade-to-grade progression and high school
 116 graduation.

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

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

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

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

131 1003.429 Accelerated high school graduation options.--

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

135 ~~(a) Earn passing scores on the FCAT as defined in s.~~
 136 ~~1008.22(3) (c) or scores on a standardized test that are~~
 137 ~~concordant with passing scores on the FCAT as defined in s.~~
 138 ~~1008.22(10).~~

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

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

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

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

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

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

166 1003.43 General requirements for high school graduation.--

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

170 ~~(a) Earning passing scores on the FCAT, as defined in s.~~
171 ~~1008.22(3)(c), or scores on a standardized test that are~~
172 ~~concordant with passing scores on the FCAT as defined in s.~~
173 ~~1008.22(10).~~

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

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

183 (c)~~(d)~~ Achievement of a cumulative grade point average of
184 2.0 on a 4.0 scale, or its equivalent, in the courses required
185 by subsection (1), for students entering 9th grade in the 1997-
186 1998 school year and thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

269 Section 6. Paragraph (c) of subsection (3) and subsections
 270 (6) and (10) of section 1008.22, Florida Statutes, are amended
 271 to read:

272 1008.22 Student assessment program for public schools.--

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

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

288 (c) Develop and implement a student achievement testing
289 program known as the Florida Comprehensive Assessment Test
290 (FCAT) as part of the statewide assessment program to measure
291 all aspects of every student's public education experience as
292 determined by the Department of Education ~~a student's content~~
293 ~~knowledge and skills in reading, writing, science, and~~
294 ~~mathematics.~~ Other Content areas may be included as directed by
295 the commissioner. Comprehensive assessments ~~of reading and~~
296 ~~mathematics~~ shall be administered annually in grades 3 through
297 10. ~~Comprehensive assessments of writing and science shall be~~
298 ~~administered at least once at the elementary, middle, and high~~
299 ~~school levels.~~ End-of-course assessments for a subject may be
300 administered in addition to the comprehensive assessments
301 required for that subject under this paragraph. An end-of-course
302 assessment must be rigorous, statewide, standardized, and
303 developed or approved by the department. The content knowledge
304 and skills assessed by comprehensive and end-of-course

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305 assessments must be aligned to the core curricular content
306 established in the Sunshine State Standards. The commissioner
307 may select one or more nationally developed comprehensive
308 examinations, which may include, but need not be limited to,
309 examinations for a College Board Advanced Placement course,
310 International Baccalaureate course, or Advanced International
311 Certificate of Education course or industry-approved
312 examinations to earn national industry certifications as defined
313 in s. 1003.492, for use as end-of-course assessments under this
314 paragraph, if the commissioner determines that the content
315 knowledge and skills assessed by the examinations meet or exceed
316 the grade level expectations for the core curricular content
317 established for the course in the Next Generation Sunshine State
318 Standards. The commissioner may collaborate with the American
319 Diploma Project in the adoption or development of rigorous end-
320 of-course assessments that are aligned to the Next Generation
321 Sunshine State Standards. The testing program must be designed
322 as follows:

323 1. The tests shall measure student skills and competencies
324 adopted by the State Board of Education as specified in
325 paragraph (a). The tests must measure and report student
326 proficiency levels of all students assessed ~~in reading, writing,~~
327 ~~mathematics, and science~~. The commissioner shall provide for the
328 tests to be developed or obtained, as appropriate, through
329 contracts and project agreements with private vendors, public
330 vendors, public agencies, postsecondary educational
331 institutions, or school districts. The commissioner shall obtain
332 input with respect to the design and implementation of the

333 testing program from state educators, assistive technology
334 experts, and the public.

335 2. The testing program shall be composed of criterion-
336 referenced tests that shall, to the extent determined by the
337 commissioner, include test items that require the student to
338 produce information or perform tasks in such a way that the core
339 content knowledge and skills he or she uses can be measured.

340 3. Beginning with the 2008-2009 school year, the
341 commissioner shall discontinue administration of the selected-
342 response test items on the comprehensive assessments of writing.
343 Beginning with the 2012-2013 school year, the comprehensive
344 assessments of writing shall be composed of a combination of
345 selected-response test items, short-response performance tasks,
346 and extended-response performance tasks, which shall measure a
347 student's content knowledge of writing, including, but not
348 limited to, paragraph and sentence structure, sentence
349 construction, grammar and usage, punctuation, capitalization,
350 spelling, parts of speech, verb tense, irregular verbs, subject-
351 verb agreement, and noun-pronoun agreement.

352 4. A score shall be designated for each subject area
353 tested, below which score a student's performance is deemed
354 inadequate. The school districts shall provide appropriate
355 remedial instruction to students who score below these levels.

356 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~
357 ~~1003.43(11)(b), students must earn a passing score on the grade~~
358 ~~10 assessment test described in this paragraph or attain~~
359 ~~concordant scores as described in subsection (10) in reading,~~
360 ~~writing, and mathematics to qualify for a standard high school~~

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361 ~~diploma. The State Board of Education shall designate a passing~~
362 ~~score for each part of the grade 10 assessment test. In~~
363 ~~establishing passing scores, the state board shall consider any~~
364 ~~possible negative impact of the test on minority students. The~~
365 ~~State Board of Education shall adopt rules which specify the~~
366 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~
367 ~~the effect of raising the required passing scores, shall apply~~
368 ~~only to students taking the grade 10 FCAT for the first time~~
369 ~~after such rules are adopted by the State Board of Education.~~

370 5.6. Participation in the testing program is mandatory for
371 all students attending public school, including students served
372 in Department of Juvenile Justice programs, except as otherwise
373 prescribed by the commissioner. If a student does not
374 participate in the statewide assessment, the district must
375 notify the student's parent and provide the parent with
376 information regarding the implications of such nonparticipation.
377 A parent must provide signed consent for a student to receive
378 classroom instructional accommodations that would not be
379 available or permitted on the statewide assessments and must
380 acknowledge in writing that he or she understands the
381 implications of such instructional accommodations. The State
382 Board of Education shall adopt rules, based upon recommendations
383 of the commissioner, for the provision of test accommodations
384 for students in exceptional education programs and for students
385 who have limited English proficiency. Accommodations that negate
386 the validity of a statewide assessment are not allowable in the
387 administration of the FCAT. However, instructional
388 accommodations are allowable in the classroom if included in a

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389 student's individual education plan. ~~Students using~~
390 ~~instructional accommodations in the classroom that are not~~
391 ~~allowable as accommodations on the FCAT may have the FCAT~~
392 ~~requirement waived pursuant to the requirements of s.~~
393 ~~1003.428(8)(b) or s. 1003.43(11)(b).~~

394 6.7. A student seeking an adult high school diploma must
395 meet the same testing requirements that a regular high school
396 student must meet.

397 7.8. District school boards must provide instruction to
398 prepare students to demonstrate proficiency in the core
399 curricular content established in the Next Generation Sunshine
400 State Standards adopted under s. 1003.41, including the core
401 content knowledge and skills necessary for successful grade-to-
402 grade progression and high school graduation. If a student is
403 provided with instructional accommodations in the classroom that
404 are not allowable as accommodations in the statewide assessment
405 program, as described in the test manuals, the district must
406 inform the parent in writing and must provide the parent with
407 information regarding the impact on the student's ability to
408 meet expected proficiency levels in reading, writing, and
409 mathematics. The commissioner shall conduct studies as necessary
410 to verify that the required core curricular content is part of
411 the district instructional programs.

412 8.9. District school boards must provide opportunities for
413 students to demonstrate an acceptable level of performance on an
414 alternative standardized assessment approved by the State Board
415 of Education following enrollment in summer academies.

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416 ~~9.10.~~ The Department of Education must develop, or select,
417 and implement a common battery of assessment tools that will be
418 used in all juvenile justice programs in the state. These tools
419 must accurately measure the core curricular content established
420 in the Sunshine State Standards.

421 ~~10.11.~~ For students seeking a special diploma pursuant to
422 s. 1003.438, the Department of Education must develop or select
423 and implement an alternate assessment tool that accurately
424 measures the core curricular content established in the Sunshine
425 State Standards for students with disabilities under s.
426 1003.438.

427 ~~11.12.~~ The Commissioner of Education shall establish
428 schedules for the administration of statewide assessments and
429 the reporting of student test results. The commissioner shall,
430 by August 1 of each year, notify each school district in writing
431 and publish on the department's Internet website the testing and
432 reporting schedules for, at a minimum, the school year following
433 the upcoming school year. The testing and reporting schedules
434 shall require that:

435 a. There is the latest possible administration of
436 statewide assessments and the earliest possible reporting to the
437 school districts of student test results which is feasible
438 within available technology and specific appropriations;
439 however, test results must be made available no later than the
440 final day of the regular school year for students.

441 b. Beginning with the 2010-2011 school year, a
442 comprehensive statewide assessment of writing is not
443 administered earlier than the week of March 1 and a

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444 comprehensive statewide assessment of any other subject is not
445 administered earlier than the week of April 15.

446 c. A statewide standardized end-of-course assessment is
447 administered within the last 2 weeks of the course.

448

449 The commissioner may, based on collaboration and input from
450 school districts, design and implement student testing programs,
451 for any grade level and subject area, necessary to effectively
452 monitor educational achievement in the state, including the
453 measurement of educational achievement of the Sunshine State
454 Standards for students with disabilities. Development and
455 refinement of assessments shall include universal design
456 principles and accessibility standards that will prevent any
457 unintended obstacles for students with disabilities while
458 ensuring the validity and reliability of the test. These
459 principles should be applicable to all technology platforms and
460 assistive devices available for the assessments. The field
461 testing process and psychometric analyses for the statewide
462 assessment program must include an appropriate percentage of
463 students with disabilities and an evaluation or determination of
464 the effect of test items on such students.

465 (6) SCHOOL TESTING PROGRAMS.--Each public school shall
466 participate in the statewide assessment program in accordance
467 with the testing and reporting schedules published by the
468 Commissioner of Education under subparagraph (3)(c)11. ~~(3)(e)12.~~
469 unless specifically exempted by state board rule based on
470 serving a specialized population for which standardized testing
471 is not appropriate. Student performance data shall be analyzed

472 and reported to parents, the community, and the state. Student
473 performance data shall be used in developing objectives of the
474 school improvement plan, evaluation of instructional personnel,
475 evaluation of administrative personnel, assignment of staff,
476 allocation of resources, acquisition of instructional materials
477 and technology, performance-based budgeting, and promotion and
478 assignment of students into educational programs. The analysis
479 of student performance data also must identify strengths and
480 needs in the educational program and trends over time. The
481 analysis must be used in conjunction with the budgetary planning
482 processes developed pursuant to s. 1008.385 and the development
483 of the programs of remediation.

484 (10) CONCORDANT SCORES FOR THE FCAT.--

485 (a) The State Board of Education shall analyze the content
486 and concordant data sets for widely used high school achievement
487 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
488 and College Placement Test, to assess if concordant scores for
489 FCAT scores can be determined for ~~high school graduation,~~
490 college placement, and scholarship awards. In cases where
491 content alignment and concordant scores can be determined, the
492 Commissioner of Education shall adopt those scores ~~as meeting~~
493 ~~the graduation requirement in lieu of achieving the FCAT passing~~
494 ~~score and may adopt those scores~~ as being sufficient to achieve
495 ~~additional~~ purposes as determined by rule. Each time that test
496 content or scoring procedures change for the FCAT or for a high
497 school achievement test for which a concordant score is
498 determined, new concordant scores must be determined.

499 ~~(b) In order to use a concordant subject area score~~
 500 ~~pursuant to this subsection to satisfy the assessment~~
 501 ~~requirement for a standard high school diploma as provided in s.~~
 502 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
 503 ~~take each subject area of the grade 10 FCAT a total of three~~
 504 ~~times without earning a passing score. The requirements of this~~
 505 ~~paragraph shall not apply to a new student who enters the~~
 506 ~~Florida public school system in grade 12, who may either achieve~~
 507 ~~a passing score on the FCAT or use an approved subject area~~
 508 ~~concordant score to fulfill the graduation requirement.~~

509 (b) ~~(e)~~ The State Board of Education may define by rule the
 510 allowable uses, ~~other than to satisfy the high school graduation~~
 511 ~~requirement,~~ for concordant scores as described in this
 512 subsection. Such uses may include, but need not be limited to,
 513 achieving appropriate standardized test scores required for the
 514 awarding of Florida Bright Futures Scholarships and college
 515 placement.

516 Section 7. Paragraphs (b) and (c) of subsection (5),
 517 paragraphs (b) and (c) of subsection (6), and paragraph (b) of
 518 subsection (7) of section 1008.25, Florida Statutes, are amended
 519 to read:

520 1008.25 Public school student progression; remedial
 521 instruction; reporting requirements.--

522 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

523 (b) Beginning with the 2002-2003 school year, if the
 524 student's reading deficiency, as identified in paragraph (a), is
 525 not remedied by the end of grade 3, as demonstrated by scoring
 526 at Level 2 or higher on the statewide assessment test in reading

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527 | for grade 3, the student may ~~must~~ be retained at the discretion
528 | of the teacher and principal after consultation with the
529 | student's parent.

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

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

535 | 2. A description of the current services that are provided
536 | to the child.

537 | 3. A description of the proposed supplemental
538 | instructional services and supports that will be provided to the
539 | child that are designed to remediate the identified area of
540 | reading deficiency.

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

545 | 5. Strategies for parents to use in helping their child
546 | succeed in reading proficiency.

547 | 6. That the Florida Comprehensive Assessment Test (FCAT)
548 | is not the sole determiner of promotion and that additional
549 | evaluations, portfolio reviews, and assessments are available to
550 | the child to assist parents and the school district in knowing
551 | when a child is reading at or above grade level and ready for
552 | grade promotion.

553 | 7. The district's specific criteria and policies for
554 | midyear promotion. Midyear promotion means promotion of a

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555 retained student at any time during the year of retention once
556 the student has demonstrated ability to read at grade level.

557 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

563 1. Limited English proficient students who have had less
564 than 2 years of instruction in an English for Speakers of Other
565 Languages program.

566 2. Students with disabilities whose individual education
567 plan indicates that participation in the statewide assessment
568 program is not appropriate, consistent with the requirements of
569 State Board of Education rule.

570 3. Students who demonstrate an acceptable level of
571 performance on an alternative standardized reading assessment
572 approved by the State Board of Education.

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

577 5. Students with disabilities who participate in the FCAT
578 and who have an individual education plan or a Section 504 plan
579 that reflects that the student has received intensive
580 remediation in reading for more than 2 years but still
581 demonstrates a deficiency in reading and was previously retained
582 in kindergarten, grade 1, grade 2, or grade 3.

583 6. Students who have received intensive remediation in
584 reading for 2 or more years but still demonstrate a deficiency
585 in reading and who were previously retained in kindergarten,
586 grade 1, grade 2, or grade 3 for a total of 2 years. Intensive
587 reading instruction for students so promoted must include an
588 altered instructional day that includes specialized diagnostic
589 information and specific reading strategies for each student.
590 The district school board shall assist schools and teachers to
591 implement reading strategies that research has shown to be
592 successful in improving reading among low-performing readers.

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

597 1. Documentation shall be submitted from the student's
598 teacher to the school principal that indicates that the
599 promotion of the student is appropriate and is based upon the
600 student's academic record. In order to minimize paperwork
601 requirements, such documentation shall consist only of the
602 existing progress monitoring plan, individual educational plan,
603 if applicable, report card, or student portfolio.

604 2. The school principal shall review and discuss such
605 recommendation with the teacher and make the determination as to
606 whether the student should be promoted or retained. If the
607 school principal determines that the student should be promoted,
608 the school principal shall make such recommendation in writing
609 to the district school superintendent. The district school

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610 superintendent shall accept or reject the school principal's
611 recommendation in writing.

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

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

615 1. Conduct a review of student progress monitoring plans
616 for all students who did not score above Level 1 on the reading
617 portion of the FCAT ~~and did not meet the criteria for one of the~~
618 ~~good cause exemptions in paragraph (6) (b)~~. The review shall
619 address additional supports and services, as described in this
620 subsection, needed to remediate the identified areas of reading
621 deficiency. The school district shall require a student
622 portfolio to be completed for each such student.

623 2. Provide students who are retained under the provisions
624 of paragraph (5) (b) with intensive instructional services and
625 supports to remediate the identified areas of reading
626 deficiency, including a minimum of 90 minutes of daily,
627 uninterrupted, scientifically research-based reading instruction
628 and other strategies prescribed by the school district, which
629 may include, but are not limited to:

- 630 a. Small group instruction.
- 631 b. Reduced teacher-student ratios.
- 632 c. More frequent progress monitoring.
- 633 d. Tutoring or mentoring.
- 634 e. Transition classes containing 3rd and 4th grade
635 students.
- 636 f. Extended school day, week, or year.
- 637 g. Summer reading camps.

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638 3. Provide written notification to the parent of any
639 student who is retained under the provisions of paragraph (5) (b)
640 that his or her child has not met the proficiency level required
641 for promotion and the reasons the child is not eligible for
642 promotion ~~a good cause exemption as provided in paragraph~~
643 ~~(6) (b)~~. The notification must comply with the provisions of s.
644 1002.20(15) and must include a description of proposed
645 interventions and supports that will be provided to the child to
646 remediate the identified areas of reading deficiency.

647 4. Implement a policy for the midyear promotion of any
648 student retained under the provisions of paragraph (5) (b) who
649 can demonstrate that he or she is a successful and independent
650 reader, reading at or above grade level, and ready to be
651 promoted to grade 4. Tools that school districts may use in
652 reevaluating any student retained may include subsequent
653 assessments, alternative assessments, and portfolio reviews, in
654 accordance with rules of the State Board of Education. Students
655 promoted during the school year after November 1 must
656 demonstrate proficiency above that required to score at Level 2
657 on the grade 3 FCAT, as determined by the State Board of
658 Education. The State Board of Education shall adopt standards
659 that provide a reasonable expectation that the student's
660 progress is sufficient to master appropriate 4th grade level
661 reading skills.

662 5. Provide students who are retained under the provisions
663 of paragraph (5) (b) with a high-performing teacher as determined
664 by student performance data and above-satisfactory performance
665 appraisals.

666 6. In addition to required reading enhancement and
667 acceleration strategies, provide parents of students to be
668 retained with at least one of the following instructional
669 options:

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

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

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

677 7. Establish a Reading Enhancement and Acceleration
678 Development (READ) Initiative. The focus of the READ Initiative
679 shall be to prevent the retention of grade 3 students and to
680 offer intensive accelerated reading instruction to grade 3
681 students who failed to meet standards for promotion to grade 4
682 and to each K-3 student who is assessed as exhibiting a reading
683 deficiency. The READ Initiative shall:

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

688 b. Be provided during regular school hours in addition to
689 the regular reading instruction.

690 c. Provide a state-identified reading curriculum that has
691 been reviewed by the Florida Center for Reading Research at
692 Florida State University and meets, at a minimum, the following
693 specifications:

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

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

698 (III) Provides scientifically based and reliable
699 assessment.

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

702 (V) Is implemented during regular school hours.

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

706 8. Establish at each school, where applicable, an
707 Intensive Acceleration Class for retained grade 3 students who
708 subsequently score at Level 1 on the reading portion of the
709 FCAT. The focus of the Intensive Acceleration Class shall be to
710 increase a child's reading level at least two grade levels in 1
711 school year. The Intensive Acceleration Class shall:

712 a. Be provided to any student in grade 3 who scores at
713 Level 1 on the reading portion of the FCAT and who was retained
714 in grade 3 the prior year because of scoring at Level 1 on the
715 reading portion of the FCAT.

716 b. Have a reduced teacher-student ratio.

717 c. Provide uninterrupted reading instruction for the
718 majority of student contact time each day and incorporate
719 opportunities to master the grade 4 Sunshine State Standards in
720 other core subject areas.

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

724 e. Provide intensive language and vocabulary instruction
 725 using a scientifically research-based program, including use of
 726 a speech-language therapist.

727 f. Include weekly progress monitoring measures to ensure
 728 progress is being made.

729 g. Report to the Department of Education, in the manner
 730 described by the department, the progress of students in the
 731 class at the end of the first semester.

732 9. Report to the State Board of Education, as requested,
 733 on the specific intensive reading interventions and supports
 734 implemented at the school district level. The Commissioner of
 735 Education shall annually prescribe the required components of
 736 requested reports.

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

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

746 1008.33 Authority to enforce public school
 747 improvement.--It is the intent of the Legislature that all
 748 public schools be held accountable for students performing at

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749 acceptable levels. A system of school improvement and
750 accountability that assesses student performance by school,
751 identifies schools in which students are not making adequate
752 progress toward state standards, institutes appropriate measures
753 for enforcing improvement, and provides rewards and sanctions
754 based on performance shall be the responsibility of the State
755 Board of Education.

756 (1) (a) Pursuant to Art. IX of the State Constitution
757 prescribing the duty of the State Board of Education to
758 supervise Florida's public school system and notwithstanding any
759 other statutory provisions to the contrary, the State Board of
760 Education shall intervene in the operation of a district school
761 system when one or more schools in the school district have
762 failed to make adequate progress for 2 school years in a 3-year
763 ~~4-year~~ period. For purposes of determining when a school is
764 eligible for state board action ~~and opportunity scholarships for~~
765 ~~its students~~, the term ~~terms~~ "2 years in any 4-year period" and
766 "2 school years in a 3-year ~~4-year~~ period" means ~~mean~~ that in
767 any year that a school has a performance category "Declining,"
768 ~~grade of "F,"~~ the school is eligible for state board action ~~and~~
769 ~~opportunity scholarships for its students~~ if it also has had a
770 performance category "Declining" ~~grade of "F"~~ in any of the
771 previous 2 ~~3~~ school years. The State Board of Education may
772 determine that the school district or school has not taken steps
773 sufficient for students in the school to be academically well
774 served. Considering recommendations of the Commissioner of
775 Education, the State Board of Education shall recommend action
776 to a district school board intended to improve educational

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777 services to students in each school that is designated with a
778 performance category "Declining." ~~grade of "F."~~ Recommendations
779 for actions to be taken in the school district shall be made
780 only after thorough consideration of the unique characteristics
781 of a school, which shall include student mobility rates, the
782 number and type of exceptional students enrolled in the school,
783 and the availability of options for improved educational
784 services. The state board shall adopt by rule steps to follow in
785 this process. Such steps shall provide school districts
786 sufficient time to improve student performance in schools and
787 the opportunity to present evidence of assistance and
788 interventions that the district school board has implemented.

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

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

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

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

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

807 (a) Provide additional resources, change certain
808 practices, and provide additional assistance if the state board
809 determines the causes of inadequate progress to be related to
810 school district policy or practice;

811 (b) Implement a plan that satisfactorily resolves the
812 education equity problems in the school related to factors that
813 hamper increased student performance;

814 (c) Contract for the educational services of the school,
815 or reorganize the school at the end of the school year under a
816 new school principal who is authorized to hire new staff and
817 implement a plan that addresses the causes of inadequate
818 progress. A contract to administer an alternative school may not
819 be entered into with a private entity which contract changes the
820 character of the alternative school population as it existed
821 when the alternative school was administered by the public
822 school system. The term "character of the alternative school
823 population" means the percentage of students having learning
824 disabilities, physical disabilities, emotional disabilities, or
825 developmental disabilities, as well as the percentage of
826 students having discipline problems;

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

829 (e) Other action appropriate to improve the school's
830 performance, including, if the school is a high school,
831 requiring annual publication of the school's graduation rate

832 calculated without GED tests for the past 3 years, disaggregated
 833 by student ethnicity.

834 Section 9. Section 1008.34, Florida Statutes, is amended
 835 to read:

836 1008.34 School performance ~~grading~~ system; school report
 837 cards; district performance ~~grade~~.--

838 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 839 prepare annual reports of the results of the statewide
 840 assessment program which describe student achievement in the
 841 state, each district, and each school. The commissioner shall
 842 prescribe the design and content of these reports, which must
 843 include, without limitation, descriptions of the performance of
 844 all schools participating in the assessment program and all of
 845 their major student populations as determined by the
 846 Commissioner of Education, and must also include the median
 847 scores of all eligible students who scored at or in the lowest
 848 25th percentile of the state in the previous school year;
 849 provided, however, that the provisions of s. 1002.22 pertaining
 850 to student records apply to this section.

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

855 (a) "Improving," ~~"A,"~~ schools making excellent or above-
 856 average progress.

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

859 (c) "Declining," "C," schools making unsatisfactory or
 860 below-average satisfactory progress.

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

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

863

864 Beginning in the 2009-2010 school year, a school that has been
 865 designated with a school grade of "F" in a prior school year
 866 shall not be designated as performance category "Declining"
 867 using the current year's data if that school has met the safe-
 868 harbor threshold established in s. 1008.33(1)(b) Each school
 869 designated with a grade of "A," making excellent progress, or
 870 having improved at least two grade levels, shall have greater
 871 authority over the allocation of the school's total budget
 872 generated from the FEFP, state categoricals, lottery funds,
 873 grants, and local funds, as specified in state board rule. The
 874 rule must provide that the increased budget authority shall
 875 remain in effect until the school's grade declines.

876 (3) DESIGNATION OF SCHOOL PERFORMANCE CATEGORIES GRADES.--

877 (a) For purposes of determining school performance,
 878 student performance shall be based on all students' annual
 879 learning gains and increased student performance compared to the
 880 previous year. Each school that has students who are tested and
 881 included in the school performance grading system shall receive
 882 a school performance category designation grade, except as
 883 follows:

884 1. A school shall not receive a school performance
 885 category designation grade if the number of its students tested
 886 and included in the school performance grading system is less

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887 than the minimum sample size necessary, based on accepted
888 professional practice, for statistical reliability and
889 prevention of the unlawful release of personally identifiable
890 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

891 2. An alternative school may choose to receive a school
892 performance category designation ~~grade~~ under this section or a
893 school improvement rating under s. 1008.341.

894 3. A school that serves any combination of students in
895 kindergarten through grade 3 which does not receive a school
896 performance category designation ~~grade~~ because its students are
897 not tested and included in the school performance ~~grading~~ system
898 shall receive the school performance category ~~grade~~ designation
899 of a K-3 feeder pattern school identified by the Department of
900 Education and verified by the school district. A school feeder
901 pattern exists if at least 60 percent of the students in the
902 school serving a combination of students in kindergarten through
903 grade 3 are scheduled to be assigned to the categorized ~~graded~~
904 school.

905 (b)1. A school's performance ~~grade~~ shall be based on a
906 combination of:

907 a. Student achievement scores, including achievement
908 scores for students seeking a special diploma.

909 b. Student learning gains as measured annually ~~by annual~~
910 ~~FCAT assessments~~ in grades 3 through 10; learning gains for
911 students seeking a special diploma, as measured by an alternate
912 assessment tool, shall be included not later than the 2009-2010
913 school year.

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914 c. Improvement of the lowest 25th percentile of students
915 in the school ~~in reading, mathematics, or writing~~ on the FCAT
916 and on non-FCAT measures, unless these students are exhibiting
917 satisfactory performance.

918 2. Beginning with the 2009-2010 school year for schools
919 comprised of high school grades 9, 10, 11, and 12, or grades 10,
920 11, and 12, 50 percent of the school performance ~~grade~~ shall be
921 based on a combination of the factors listed in sub-
922 subparagraphs 1.a.-c. and the remaining 50 percent on the
923 following factors:

924 a. The high school graduation rate of the school;

925 b. As valid data becomes available, the performance and
926 participation of the school's students in College Board Advanced
927 Placement courses, International Baccalaureate courses, dual
928 enrollment courses, and Advanced International Certificate of
929 Education courses; and the students' achievement of industry
930 certification, as determined by the Agency for Workforce
931 Innovation under s. 1003.492(2) in a career and professional
932 academy, as described in s. 1003.493;

933 c. Postsecondary readiness of the school's students as
934 measured by the SAT, ACT, or the common placement test;

935 d. The high school graduation rate of at-risk students who
936 scored at Level 2 or lower on the grade 8 FCAT Reading and
937 Mathematics examinations;

938 e. As valid data becomes available, the performance of the
939 school's students on statewide standardized end-of-course
940 assessments administered under s. 1008.22; and

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941 f. The growth or decline in the components listed in sub-
942 subparagraphs a.-e. from year to year.

943 (c) Student assessment data used in determining school
944 performance ~~grades~~ shall include:

945 1. The aggregate scores of all eligible students enrolled
946 in the school who have been assessed on the FCAT and on non-FCAT
947 measures.

948 2. The aggregate scores of all eligible students enrolled
949 in the school who have been assessed on the FCAT and on non-FCAT
950 measures and who have scored at or in the lowest 25th percentile
951 of students in the school ~~in reading, mathematics, or writing,~~
952 unless these students are exhibiting satisfactory performance.

953 3. Effective with the 2005-2006 school year, the
954 achievement scores and learning gains of eligible students
955 attending alternative schools that provide dropout prevention
956 and academic intervention services pursuant to s. 1003.53. The
957 term "eligible students" in this subparagraph does not include
958 students attending an alternative school who are subject to
959 district school board policies for expulsion for repeated or
960 serious offenses, who are in dropout retrieval programs serving
961 students who have officially been designated as dropouts, or who
962 are in programs operated or contracted by the Department of
963 Juvenile Justice. The student performance data for eligible
964 students identified in this subparagraph shall be included in
965 the calculation of the home school's performance ~~grade~~. As used
966 in this section and s. 1008.341, the term "home school" means
967 the school to which the student would be assigned if the student
968 were not assigned to an alternative school. If an alternative

969 | school chooses to be designated ~~graded~~ under this section,
 970 | student performance data for eligible students identified in
 971 | this subparagraph shall not be included in the home school's
 972 | performance ~~grade~~ but shall be included only in the calculation
 973 | of the alternative school's performance ~~grade~~. A school district
 974 | that fails to assign the FCAT scores of each of its students to
 975 | his or her home school or to the alternative school that
 976 | receives a performance category designation ~~grade~~ shall forfeit
 977 | Every Child Matters Program ~~Florida School Recognition Program~~
 978 | funds for 1 fiscal year. School districts must require
 979 | collaboration between the home school and the alternative school
 980 | in order to promote student success. This collaboration must
 981 | include an annual discussion between the principal of the
 982 | alternative school and the principal of each student's home
 983 | school concerning the most appropriate school assignment of the
 984 | student.

985 | 4. Beginning with the 2009-2010 school year for schools
 986 | comprised of high school grades 9, 10, 11, and 12, or grades 10,
 987 | 11, and 12, the data listed in subparagraphs 1.-3. and the
 988 | following data as the Department of Education determines such
 989 | data are valid and available:

- 990 | a. The high school graduation rate of the school as
- 991 | calculated by the Department of Education;
- 992 | b. The participation rate of all eligible students
- 993 | enrolled in the school and enrolled in College Board Advanced
- 994 | Placement courses; International Baccalaureate courses; dual
- 995 | enrollment courses; Advanced International Certificate of
- 996 | Education courses; and courses or sequence of courses leading to

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

997 industry certification, as determined by the Agency for
 998 Workforce Innovation under s. 1003.492(2) in a career and
 999 professional academy, as described in s. 1003.493;

1000 c. The aggregate scores of all eligible students enrolled
 1001 in the school in College Board Advanced Placement courses,
 1002 International Baccalaureate courses, and Advanced International
 1003 Certificate of Education courses;

1004 d. Earning of college credit by all eligible students
 1005 enrolled in the school in dual enrollment programs under s.
 1006 1007.271;

1007 e. Earning of an industry certification, as determined by
 1008 the Agency for Workforce Innovation under s. 1003.492(2) in a
 1009 career and professional academy, as described in s. 1003.493;

1010 f. The aggregate scores of all eligible students enrolled
 1011 in the school in ~~reading, mathematics, and other~~ subjects as
 1012 measured by the SAT, the ACT, and the common placement test for
 1013 postsecondary readiness;

1014 g. The high school graduation rate of all eligible at-risk
 1015 students enrolled in the school who scored at Level 2 or lower
 1016 on the grade 8 FCAT Reading and Mathematics examinations;

1017 h. The performance of the school's students on statewide
 1018 standardized end-of-course assessments administered under s.
 1019 1008.22; and

1020 i. The growth or decline in the data components listed in
 1021 sub-subparagraphs a.-h. from year to year.

1022
 1023 The State Board of Education shall adopt appropriate criteria
 1024 for each school performance category ~~grade~~. The criteria must

1025 ~~also~~ give added weight to student achievement in reading.
 1026 Schools designated with a performance category "Maintaining"
 1027 ~~grade of "C," making satisfactory progress,~~ shall be required to
 1028 demonstrate that adequate progress has been made by students in
 1029 the school who are in the lowest 25th percentile ~~in reading,~~
 1030 ~~mathematics, or writing~~ on the FCAT and on non-FCAT measures,
 1031 unless these students are exhibiting satisfactory performance.
 1032 Beginning with the 2009-2010 school year for schools comprised
 1033 of high school grades 9, 10, 11, and 12, or grades 10, 11, and
 1034 12, the criteria for school performance grades must also give
 1035 added weight to the graduation rate of all eligible at-risk
 1036 students, as defined in this paragraph. Beginning in the 2009-
 1037 2010 school year, in order for a high school to be designated as
 1038 having a performance category of "Improving," ~~grade of "A,"~~
 1039 ~~making excellent progress,~~ the school must demonstrate that at-
 1040 risk students, as defined in this paragraph, in the school are
 1041 making adequate progress.

1042 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
 1043 identify each school's performance as having improved, remained
 1044 the same, or declined. This school improvement rating shall be
 1045 based on a comparison of the current year's and previous year's
 1046 student and school performance data. ~~Schools that improve at~~
 1047 ~~least one grade level are eligible for school recognition awards~~
 1048 ~~pursuant to s. 1008.36.~~

1049 (5) SCHOOL REPORT CARD.--The Department of Education shall
 1050 annually develop, in collaboration with the school districts, a
 1051 school report card to be delivered to parents throughout each
 1052 school district. The report card shall include the school's

1053 performance category ~~grade~~, information regarding school
 1054 improvement, an explanation of school performance as evaluated
 1055 by the federal No Child Left Behind Act of 2001, and indicators
 1056 of return on investment. Each school's report card shall be
 1057 published annually by the department on its website, and the
 1058 school district shall provide the school report card to each
 1059 parent.

1060 (6) PERFORMANCE-BASED FUNDING.--The Legislature may factor
 1061 in the performance of schools in calculating any performance-
 1062 based funding policy that is provided for annually in the
 1063 General Appropriations Act.

1064 (7) DISTRICT PERFORMANCE GRADE.--

1065 (a) The annual report required by subsection (1) shall
 1066 include district performance ~~grades~~, which shall consist of
 1067 weighted district average performance ~~grades~~, by level, for all
 1068 elementary schools, middle schools, and high schools in the
 1069 district. A district's weighted average performance ~~grade~~ shall
 1070 be calculated by weighting individual school performance ~~grades~~
 1071 determined pursuant to subsection (2) by school enrollment.

1072 (b) School districts shall have a variety of tools at
 1073 their disposal to maintain high performance standards. These
 1074 tools shall include, but are not limited to, giving to schools
 1075 that receive a performance category "Improving" greater
 1076 authority over the allocation of the school's total budget
 1077 generated from the FEFP, state categoricals, lottery funds,
 1078 grants, and local funds, as specified in State Board of
 1079 Education rule. The rule must provide that the increased budget

1080 authority shall remain in effect unless the school's performance
 1081 category declines.

1082 (8) RULES.--The State Board of Education shall adopt rules
 1083 under ss. 120.536(1) and 120.54 to administer this section.

1084 Section 10. Subsections (2) and (3) of section 1008.341,
 1085 Florida Statutes, are amended to read:

1086 1008.341 School improvement rating for alternative
 1087 schools.--

1088 (2) SCHOOL IMPROVEMENT RATING.--An alternative school that
 1089 provides dropout prevention and academic intervention services
 1090 pursuant to s. 1003.53 shall receive a school improvement rating
 1091 pursuant to this section. However, an alternative school shall
 1092 not receive a school improvement rating if the number of its
 1093 students for whom student performance data is available for the
 1094 current year and previous year is less than the minimum sample
 1095 size necessary, based on accepted professional practice, for
 1096 statistical reliability and prevention of the unlawful release
 1097 of personally identifiable student data under s. 1002.22 or 20
 1098 U.S.C. s. 1232g. The school improvement rating shall identify an
 1099 alternative school as having one of the following ratings
 1100 defined according to rules of the State Board of Education:

1101 (a) "Improving" means the students attending the school
 1102 are making more academic progress than when the students were
 1103 served in their home schools.

1104 (b) "Maintaining" means the students attending the school
 1105 are making progress equivalent to the progress made when the
 1106 students were served in their home schools.

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1107 (c) "Declining" means the students attending the school
1108 are making less academic progress than when the students were
1109 served in their home schools.

1110
1111 The school improvement rating shall be based on a comparison of
1112 student performance data for the current year and previous year.
1113 ~~Schools that improve at least one level or maintain an~~
1114 ~~"improving" rating pursuant to this section are eligible for~~
1115 ~~school recognition awards pursuant to s. 1008.36.~~

1116 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
1117 data used in determining an alternative school's school
1118 improvement rating shall include:

1119 (a) The aggregate scores of all eligible students who were
1120 assigned to and enrolled in the school during the October or
1121 February FTE count, who have been assessed on the FCAT and on
1122 non-FCAT measures, and who have FCAT or comparable scores for
1123 the preceding school year.

1124 (b) The aggregate scores of all eligible students who were
1125 assigned to and enrolled in the school during the October or
1126 February FTE count, who have been assessed on the FCAT and on
1127 non-FCAT measures, and who have scored in the lowest 25th
1128 percentile of students in the state on the FCAT and on non-FCAT
1129 measures ~~Reading~~.

1130
1131 The assessment scores of students who are subject to district
1132 school board policies for expulsion for repeated or serious
1133 offenses, who are in dropout retrieval programs serving students
1134 who have officially been designated as dropouts, or who are in

1135 programs operated or contracted by the Department of Juvenile
 1136 Justice may not be included in an alternative school's school
 1137 improvement rating.

1138 Section 11. Section 1008.36, Florida Statutes, is amended
 1139 to read:

1140 1008.36 Every Child Matters Program ~~Florida School~~
 1141 ~~Recognition Program.~~--

1142 (1) The Legislature finds that in order to provide every
 1143 student enrolled in K-12 public schools with the opportunity to
 1144 achieve a successful public education, academic problems must be
 1145 identified early, with remediation and intervention services to
 1146 follow. It is the intent of this section that no child shall be
 1147 left behind ~~there is a need for a performance incentive program~~
 1148 ~~for outstanding faculty and staff in highly productive schools.~~
 1149 ~~The Legislature further finds that performance-based incentives~~
 1150 ~~are commonplace in the private sector and should be infused into~~
 1151 ~~the public sector as a reward for productivity.~~

1152 (2) The Every Child Matters Program ~~Florida School~~
 1153 ~~Recognition Program~~ is created to provide ~~financial awards to~~
 1154 ~~public schools that:~~

1155 (a) A curriculum-based, year-round measurement of learning
 1156 gains for all public school students enrolled in kindergarten
 1157 through grade 12. Sustain high performance by receiving a school
 1158 grade of "A," making excellent progress; or

1159 (b) Remediation and intervention services to all public
 1160 school students enrolled in kindergarten through grade 12 who
 1161 are not meeting grade-appropriate performance expectations,
 1162 including FCAT scores and non-FCAT measures ~~Demonstrate~~

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1163 ~~exemplary improvement due to innovation and effort by improving~~
1164 ~~at least one letter grade or by improving more than one letter~~
1165 ~~grade and sustaining the improvement the following school year.~~

1166 (3) All public schools, including charter schools, ~~that~~
1167 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
1168 participate in the program.

1169 (4) All ~~selected~~ schools shall receive financial
1170 assistance awards depending on the availability of funds
1171 appropriated ~~and the number and size of schools selected to~~
1172 ~~receive an award.~~ Funds must be distributed to the school's
1173 fiscal agent and placed in the school's account and must be used
1174 for purposes listed in subsection (5) as determined jointly by
1175 the school's staff and school advisory council. ~~If school staff~~
1176 ~~and the school advisory council cannot reach agreement by~~
1177 ~~November 1, the awards must be equally distributed to all~~
1178 ~~classroom teachers currently teaching in the school.~~

1179 (5) Every Child Matters Program funds ~~School recognition~~
1180 ~~awards~~ must be used for the following:

1181 (a) Administration of a regular formative assessment
1182 approved by the State Board of Education. ~~Nonrecurring bonuses~~
1183 ~~to the faculty and staff;~~

1184 (b) Nonrecurring expenditures for remediation of low-
1185 performing students, including remediation programs and
1186 intervention services adopted and administered by the Department
1187 of Education.

1188 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
1189 or materials to assist in the remediation of low-performing
1190 students. ~~maintaining and improving student performance; or~~

1191 (d)~~(e)~~ Temporary personnel for the school to assist in the
 1192 remediation of low-performing students ~~maintaining and improving~~
 1193 ~~student performance.~~

1194 (e) Contracts with private sector participants to provide
 1195 remediation services provided that 90 percent of the personnel
 1196 providing services reside in the state and that the contracts
 1197 include requirements to ensure that the private sector
 1198 participants are accountable for performance.

1199 (f) Transportation of students pursuant to s. 1002.31.

1200 (6) The Department of Education shall provide training and
 1201 informational resources for educators to administer the
 1202 formative assessment pursuant to paragraph (5) (a) and shall be
 1203 responsible for developing and implementing provisions for the
 1204 collection and analysis of the assessment data.

1205 (7) The Department of Education shall establish policies
 1206 and procedures for the development of individual education plans
 1207 for low-performing students who receive remediation and
 1208 intervention services pursuant to this section.

1210 ~~Notwithstanding statutory provisions to the contrary, incentive~~
 1211 ~~awards are not subject to collective bargaining.~~

1212 Section 12. Paragraphs (a), (c), and (d) of subsection
 1213 (18) and paragraph (d) of subsection (19) of section 1001.42,
 1214 Florida Statutes, are amended to read:

1215 1001.42 Powers and duties of district school board.--The
 1216 district school board, acting as a board, shall exercise all
 1217 powers and perform all duties listed below:

1218 (18) IMPLEMENT SCHOOL IMPROVEMENT AND
 1219 ACCOUNTABILITY.--Maintain a system of school improvement and
 1220 education accountability as provided by statute and State Board
 1221 of Education rule. This system of school improvement and
 1222 education accountability shall be consistent with, and
 1223 implemented through, the district's continuing system of
 1224 planning and budgeting required by this section and ss.
 1225 1008.385, 1010.01, and 1011.01. This system of school
 1226 improvement and education accountability shall include, but is
 1227 not limited to, the following:

1228 (a) School improvement plans.--Annually approve and
 1229 require implementation of a new, amended, or continuation school
 1230 improvement plan for each school in the district. A district
 1231 school board may establish a district school improvement plan
 1232 that includes all schools in the district operating for the
 1233 purpose of providing educational services to youth in Department
 1234 of Juvenile Justice programs. The school improvement plan shall
 1235 be designed to achieve the state education priorities pursuant
 1236 to s. 1000.03(5) and student proficiency on the Sunshine State
 1237 Standards pursuant to s. 1003.41. Each plan shall address
 1238 student achievement goals and strategies based on state and
 1239 school district proficiency standards. The plan may also address
 1240 issues relative to other academic-related matters, as determined
 1241 by district school board policy, and shall include an accurate,
 1242 data-based analysis of student achievement and other school
 1243 performance data. Beginning with plans approved for
 1244 implementation in the 2007-2008 school year, each secondary
 1245 school plan must include a redesign component based on the

1246 principles established in s. 1003.413. For each school in the
 1247 district that earns a performance category "Declining" ~~school~~
 1248 ~~grade of "C" or below,~~ or is required to have a school
 1249 improvement plan under federal law, the school improvement plan
 1250 shall, at a minimum, also include:

1251 1. Professional development that supports enhanced and
 1252 differentiated instructional strategies to improve teaching and
 1253 learning.

1254 2. Continuous use of disaggregated student achievement
 1255 data to determine effectiveness of instructional strategies.

1256 3. Ongoing informal and formal assessments to monitor
 1257 individual student progress, including progress toward mastery
 1258 of the Sunshine State Standards, and to redesign instruction if
 1259 needed.

1260 4. Alternative instructional delivery methods to support
 1261 remediation, acceleration, and enrichment strategies.

1262 (c) Assistance and intervention.--

1263 1. Develop a 2-year plan of increasing individualized
 1264 assistance and intervention for each school in danger of not
 1265 meeting state standards or making adequate progress, as defined
 1266 pursuant to statute and State Board of Education rule, toward
 1267 meeting the goals and standards of its approved school
 1268 improvement plan.

1269 2. Provide assistance and intervention to a school that is
 1270 designated with a performance category "Declining" ~~grade of "D"~~
 1271 ~~pursuant to s. 1008.34 and is in danger of failing.~~

1272 3. Develop a plan to encourage teachers with demonstrated
 1273 mastery in improving student performance to remain at or

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1274 transfer to a school with a performance category "Declining"
 1275 ~~grade of "D" or "F"~~ or to an alternative school that serves
 1276 disruptive or violent youths. If a classroom teacher, as defined
 1277 by s. 1012.01(2)(a), who meets the definition of teaching
 1278 mastery developed according to the provisions of this paragraph,
 1279 requests assignment to a school designated with a performance
 1280 category "Declining" ~~grade of "D" or "F"~~ or to an alternative
 1281 school that serves disruptive or violent youths, the district
 1282 school board shall make every practical effort to grant the
 1283 request.

1284 4. Prioritize, to the extent possible, the expenditures of
 1285 funds received from the supplemental academic instruction
 1286 categorical fund under s. 1011.62(1)(f) to improve student
 1287 performance in schools that receive a performance category
 1288 "Declining." ~~grade of "D" or "F."~~

1289 (d) After 2 years.--Notify the Commissioner of Education
 1290 and the State Board of Education in the event any school does
 1291 not make adequate progress toward meeting the goals and
 1292 standards of a school improvement plan by the end of 2 years of
 1293 failing to make adequate progress and proceed according to
 1294 guidelines developed pursuant to statute and State Board of
 1295 Education rule. School districts shall provide intervention and
 1296 assistance to schools in danger of being designated with a
 1297 performance category "Declining." ~~grade of "F," failing to make~~
 1298 ~~adequate progress.~~

1299 (19) LOCAL-LEVEL DECISIONMAKING.--

1300 (d) Adopt policies that assist in giving greater autonomy,
 1301 including authority over the allocation of the school's budget,

1302 to schools designated with a performance category "Improving."
 1303 ~~grade of "A," making excellent progress, and schools rated as~~
 1304 ~~having improved at least two grades.~~

1305 Section 13. Paragraph (b) of subsection (7) and paragraphs
 1306 (o) and (p) of subsection (9) of section 1002.33, Florida
 1307 Statutes, are amended to read:

1308 1002.33 Charter schools.--

1309 (7) CHARTER.--The major issues involving the operation of
 1310 a charter school shall be considered in advance and written into
 1311 the charter. The charter shall be signed by the governing body
 1312 of the charter school and the sponsor, following a public
 1313 hearing to ensure community input.

1314 (b)1. A charter may be renewed provided that a program
 1315 review demonstrates that the criteria in paragraph (a) have been
 1316 successfully accomplished and that none of the grounds for
 1317 nonrenewal established by paragraph (8)(a) has been documented.
 1318 In order to facilitate long-term financing for charter school
 1319 construction, charter schools operating for a minimum of 3 years
 1320 and demonstrating exemplary academic programming and fiscal
 1321 management are eligible for a 15-year charter renewal. Such
 1322 long-term charter is subject to annual review and may be
 1323 terminated during the term of the charter.

1324 2. The 15-year charter renewal that may be granted
 1325 pursuant to subparagraph 1. shall be granted to a charter school
 1326 that has received a performance category "Improving" or
 1327 "Maintaining" ~~school grade of "A" or "B"~~ pursuant to s. 1008.34
 1328 in 3 of the past 4 years and is not in a state of financial
 1329 emergency or deficit position as defined by this section. Such

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1330 long-term charter is subject to annual review and may be
1331 terminated during the term of the charter pursuant to subsection
1332 (8).

1333 (9) CHARTER SCHOOL REQUIREMENTS.--

1334 (o) The director and a representative of the governing
1335 body of a charter school that has received a performance
1336 category "Declining" ~~school grade of "D"~~ under s. 1008.34(2)
1337 shall appear before the sponsor or the sponsor's staff at least
1338 once a year to present information concerning each contract
1339 component having noted deficiencies. The sponsor shall
1340 communicate at the meeting, and in writing to the director, the
1341 services provided to the school to help the school address its
1342 deficiencies.

1343 (p) Upon notification that a charter school receives a
1344 performance category "Declining" ~~school grade of "D"~~ for 2
1345 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
1346 the charter school sponsor or the sponsor's staff shall require
1347 the director and a representative of the governing body to
1348 submit to the sponsor for approval a school improvement plan to
1349 raise student achievement and to implement the plan. The sponsor
1350 has the authority to approve a school improvement plan that the
1351 charter school will implement in the following school year. The
1352 sponsor may also consider the State Board of Education's
1353 recommended action pursuant to s. 1008.33(1) as part of the
1354 school improvement plan. The Department of Education shall offer
1355 technical assistance and training to the charter school and its
1356 governing body and establish guidelines for developing,
1357 submitting, and approving such plans.

1358 1. If the charter school fails to improve its student
 1359 performance from the year immediately prior to the
 1360 implementation of the school improvement plan, the sponsor shall
 1361 place the charter school on probation and shall require the
 1362 charter school governing body to take one of the following
 1363 corrective actions:

1364 a. Contract for the educational services of the charter
 1365 school;

1366 b. Reorganize the school at the end of the school year
 1367 under a new director or principal who is authorized to hire new
 1368 staff and implement a plan that addresses the causes of
 1369 inadequate progress; or

1370 c. Reconstitute the charter school.

1371 2. A charter school that is placed on probation shall
 1372 continue the corrective actions required under subparagraph 1.
 1373 until the charter school improves its student performance from
 1374 the year prior to the implementation of the school improvement
 1375 plan.

1376 3. Notwithstanding any provision of this paragraph, the
 1377 sponsor may terminate the charter at any time pursuant to the
 1378 provisions of subsection (8).

1379 Section 14. Subsection (7) and paragraph (a) of subsection
 1380 (8) of section 1002.415, Florida Statutes, are amended to read:

1381 1002.415 K-8 Virtual School Program.--Subject to annual
 1382 legislative appropriation, a kindergarten through grade 8
 1383 virtual school program is established within the Department of
 1384 Education for the purpose of making academic instruction
 1385 available to full-time students in kindergarten through grade 8

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1386 using online and distance learning technology. The department
 1387 shall use an application process to select schools to deliver
 1388 program instruction.

1389 (7) ASSESSMENT AND ACCOUNTABILITY.--

1390 (a) Each K-8 virtual school must participate in the
 1391 statewide assessment program created under s. 1008.22 and shall
 1392 be subject to the school performance ~~grading~~ system created by
 1393 s. 1008.34.

1394 (b) A K-8 virtual school that has a performance ~~grade~~
 1395 category "Declining" ~~of "D" or "F"~~ must file a school
 1396 improvement plan with the department for consultation to
 1397 determine the causes for low performance and to develop a plan
 1398 for correction and improvement.

1399 (c) The department shall terminate the contract of any K-8
 1400 virtual school that receives a performance ~~grade~~ category
 1401 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~
 1402 ~~consecutive 4-year~~ period.

1403 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

1404 (a) At the end of a contract with a K-8 virtual school,
 1405 the department may choose not to renew the contract for any of
 1406 the following grounds:

1407 1. Failure to participate in the state's education
 1408 accountability system created in s. 1008.31, as required in this
 1409 section;

1410 2. Failure to receive a school performance category
 1411 "Maintaining" ~~grade of "C"~~ or better under the school
 1412 performance ~~grading~~ system created by s. 1008.34 for any 2 years
 1413 in a 3-year ~~consecutive 4-year~~ period;

1414 3. Failure to meet generally accepted standards of fiscal
1415 management;

1416 4. Violation of law;

1417 5. Failure of the Legislature to fund the program; or

1418 6. Other good cause shown.

1419 Section 15. Subsections (4) and (8) of section 1002.45,
1420 Florida Statutes, are amended to read:

1421 1002.45 School district virtual instruction programs.--

1422 (4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the
1423 2010-2011 school year, except for courses offered by the Florida
1424 Virtual School under s. 1002.37, a school district may not
1425 increase the enrollment for its full-time virtual instruction
1426 program in excess of its prior school year enrollment unless the
1427 program for the previous school year is designated with a
1428 performance category "Maintaining" ~~grade of "C," making~~
1429 ~~satisfactory progress,~~ or better under the school performance
1430 grading system provided in s. 1008.34.

1431 (8) ASSESSMENT AND ACCOUNTABILITY.--

1432 (a) With the exception of the programs offered by the
1433 Florida Virtual School under s. 1002.37, each school district
1434 virtual instruction program must:

1435 1. Participate in the statewide assessment program under
1436 s. 1008.22 and in the state's education performance
1437 accountability system under s. 1008.31.

1438 2. Receive a performance category designation ~~school grade~~
1439 as provided in s. 1008.34. A school district virtual instruction
1440 program shall be considered a school under s. 1008.34 for

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1441 purposes of this section, regardless of the number of individual
1442 providers participating in the district's program.

1443 (b) The performance of part-time students under paragraph
1444 (7)(c) shall not be included for purposes of school performance
1445 category designation ~~grading~~ under subparagraph (a)2.; however,
1446 their performance shall be included for school performance
1447 category designation ~~grading~~ purposes by the nonvirtual school
1448 providing the student's primary instruction.

1449 (c) A program that is designated with a performance
1450 category "Declining" ~~grade of "D," making less than satisfactory~~
1451 ~~progress, or "F," failing to make adequate progress,~~ must file a
1452 school improvement plan with the department for consultation to
1453 determine the causes for low performance and to develop a plan
1454 for correction and improvement.

1455 (d) The school district shall terminate its program,
1456 including all contracts with providers for such program, if the
1457 program receives a performance category "Declining" ~~grade of~~
1458 ~~"D," making less than satisfactory progress, or "F," failing to~~
1459 ~~make adequate progress,~~ for 2 years during any consecutive 4-
1460 year period. If a contract is not renewed or is terminated, the
1461 contracted provider is responsible for all debts of the program
1462 or school operated by the provider.

1463 (e) A school district that terminates its program under
1464 paragraph (d) shall contract with a provider selected and
1465 approved by the department for the provision of virtual
1466 instruction until the school district receives approval from the
1467 department to operate a new school district virtual instruction
1468 program.

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1469 Section 16. Paragraph (a) of subsection (1) of section
1470 1003.62, Florida Statutes, is amended to read:

1471 1003.62 Academic performance-based charter school
1472 districts.--The State Board of Education may enter into a
1473 performance contract with district school boards as authorized
1474 in this section for the purpose of establishing them as academic
1475 performance-based charter school districts. The purpose of this
1476 section is to examine a new relationship between the State Board
1477 of Education and district school boards that will produce
1478 significant improvements in student achievement, while complying
1479 with constitutional and statutory requirements assigned to each
1480 entity.

1481 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1482 (a) A school district shall be eligible for designation as
1483 an academic performance-based charter school district if it is a
1484 high-performing school district in which a minimum of 50 percent
1485 of the schools earn a performance category "Improving" ~~grade of~~
1486 ~~"A" or "B"~~ and in which no school earns a performance category
1487 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
1488 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
1489 ~~not be included in this calculation.~~ The performance contract
1490 for a school district that earns a charter based on school
1491 performance grades shall be predicated on maintenance of at
1492 least 50 percent of the schools in the school district earning a
1493 performance category "Improving" ~~grade of "A" or "B"~~ with no
1494 school in the school district earning a performance category
1495 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A
1496 school district in which the number of schools that earn a

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1497 performance category "Improving" ~~grade of "A" or "B"~~ is less
 1498 than 50 percent may have its charter renewed for 1 year;
 1499 however, if the percentage of performance category "Improving"
 1500 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive
 1501 years, the charter shall not be renewed.

1502 Section 17. Subsection (1) of section 1003.621, Florida
 1503 Statutes, are amended to read:

1504 1003.621 Academically high-performing school
 1505 districts.--It is the intent of the Legislature to recognize and
 1506 reward school districts that demonstrate the ability to
 1507 consistently maintain or improve their high-performing status.
 1508 The purpose of this section is to provide high-performing school
 1509 districts with flexibility in meeting the specific requirements
 1510 in statute and rules of the State Board of Education.

1511 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

1512 (a) A school district is an academically high-performing
 1513 school district if it meets the following criteria:

1514 1.a. Beginning with the 2004-2005 school year, earns a
 1515 performance category "Improving" ~~grade of "A"~~ under s.
 1516 1008.34(7) for 2 consecutive years; and

1517 b. Has no district-operated school that earns a
 1518 performance category "Declining" ~~grade of "F"~~ under s. 1008.34;

1519 2. Complies with all class size requirements in s. 1, Art.
 1520 IX of the State Constitution and s. 1003.03; and

1521 3. Has no material weaknesses or instances of material
 1522 noncompliance noted in the annual financial audit conducted
 1523 pursuant to s. 218.39.

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1524 (b) Each school district that satisfies the eligibility
1525 criteria in this subsection shall be designated by the State
1526 Board of Education as an academically high-performing school
1527 district. With the exception of the statutes listed in
1528 subsection (2), upon designation as an academically high-
1529 performing school district, each such district is exempt from
1530 the provisions in chapters 1000-1013 which pertain to school
1531 districts and rules of the State Board of Education which
1532 implement these exempt provisions. This exemption remains in
1533 effect during the time of the designation if the district
1534 continues to meet all eligibility criteria.

1535 (c) The academically high-performing school district shall
1536 retain the designation as a high-performing school district for
1537 3 years, at the end of which time the district may renew the
1538 designation if the district meets the requirements in this
1539 section. A school district that fails to meet the requirements
1540 in this section shall provide written notification to the State
1541 Board of Education that the district is no longer eligible to be
1542 designated as an academically high-performing school district.

1543 (d) In order to maintain the designation as an
1544 academically high-performing school district pursuant to this
1545 section, a school district must meet the following requirements:

- 1546 1. Comply with the provisions of subparagraphs (a)2. and
1547 3.; and
- 1548 2. Earn a performance category "Improving" ~~grade of "A"~~
1549 under s. 1008.34(7) for 2 years within a 3-year period.

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1551 However, a district in which a district-operated school earns a
1552 performance category "Declining" ~~grade of "F"~~ under s. 1008.34
1553 during the 3-year period may not continue to be designated as an
1554 academically high-performing school district during the
1555 remainder of that 3-year period. The district must meet the
1556 criteria in paragraph (a) in order to be redesignated as an
1557 academically high-performing school district.

1558 Section 18. Paragraph (b) of subsection (1) of section
1559 1008.31, Florida Statutes, is amended to read:

1560 1008.31 Florida's K-20 education performance
1561 accountability system; legislative intent; mission, goals, and
1562 systemwide measures; data quality improvements.--

1563 (1) LEGISLATIVE INTENT.--It is the intent of the
1564 Legislature that:

1565 (b) The K-20 education performance accountability system
1566 be established as a single, unified accountability system with
1567 multiple components, including, but not limited to, measures of
1568 adequate yearly progress, individual student learning gains in
1569 public schools, school performance categories ~~grades~~, and return
1570 on investment.

1571 Section 19. Paragraphs (b) and (d) of subsection (6) and
1572 subsection (7) of section 1008.345, Florida Statutes, are
1573 amended to read:

1574 1008.345 Implementation of state system of school
1575 improvement and education accountability.--

1576 (6)

1577 (b) Upon request, the department shall provide technical
1578 assistance and training to any school, including any school

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1579 | operating for the purpose of providing educational services to
1580 | youth in Department of Juvenile Justice programs, school
1581 | advisory council, district, or district school board for
1582 | conducting needs assessments, developing and implementing school
1583 | improvement plans, developing and implementing assistance and
1584 | intervention plans, or implementing other components of school
1585 | improvement and accountability. Priority for these services
1586 | shall be given to schools designated with a performance category
1587 | "Declining" ~~grade of "D" or "F"~~ and school districts in rural
1588 | and sparsely populated areas of the state.

1589 | (d) The commissioner shall assign a community assessment
1590 | team to each school district or governing board with a school
1591 | receiving a performance category "Declining" ~~graded "F"~~ to
1592 | review the school performance data and determine causes for the
1593 | low performance, including the role of school, area, and
1594 | district administrative personnel. The community assessment team
1595 | shall review a high school's graduation rate calculated without
1596 | GED tests for the past 3 years, disaggregated by student
1597 | ethnicity. The team shall make recommendations to the school
1598 | board or the governing board, to the department, and to the
1599 | State Board of Education for implementing an assistance and
1600 | intervention plan that will address the causes of the school's
1601 | low performance. The assessment team shall include, but not be
1602 | limited to, a department representative, parents, business
1603 | representatives, educators, representatives of local
1604 | governments, and community activists, and shall represent the
1605 | demographics of the community from which they are appointed.

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1606 (7) ~~(a)~~ Schools designated with a performance category
1607 "Improving" ~~a grade of "A," making excellent progress,~~ shall, if
1608 requested by the school, be given deregulated status as
1609 specified in s. 1003.63(5), (7), (8), (9), and (10).

1610 ~~(b) Schools that have improved at least two grades and~~
1611 ~~that meet the criteria of the Florida School Recognition Program~~
1612 ~~pursuant to s. 1008.36 may be given deregulated status as~~
1613 ~~specified in s. 1003.63(5), (7), (8), (9), and (10).~~

1614 Section 20. Paragraphs (h), (m), and (n) of subsection (1)
1615 and paragraph (d) of subsection (7) of section 1011.62, Florida
1616 Statutes, are amended to read:

1617 1011.62 Funds for operation of schools.--If the annual
1618 allocation from the Florida Education Finance Program to each
1619 district for operation of schools is not determined in the
1620 annual appropriations act or the substantive bill implementing
1621 the annual appropriations act, it shall be determined as
1622 follows:

1623 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1624 OPERATION.--The following procedure shall be followed in
1625 determining the annual allocation to each district for
1626 operation:

1627 (h) Small, isolated high schools.--Districts which levy
1628 the maximum nonvoted discretionary millage, exclusive of millage
1629 for capital outlay purposes levied pursuant to s. 1011.71(2),
1630 may calculate full-time equivalent students for small, isolated
1631 high schools by multiplying the number of unweighted full-time
1632 equivalent students times 2.75; provided the school has attained
1633 a performance category "Maintaining" ~~grade of "C"~~ or better,

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1634 pursuant to s. 1008.34, for the previous school year. For the
1635 purpose of this section, the term "small, isolated high school"
1636 means any high school which is located no less than 28 miles by
1637 the shortest route from another high school; which has been
1638 serving students primarily in basic studies provided by sub-
1639 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
1640 and which has a membership of no more than 100 students, but no
1641 fewer than 28 students, in grades 9 through 12.

1642 (m) Calculation of additional full-time equivalent
1643 membership based on Advanced International Certificate of
1644 Education examination scores of students.--A value of 0.16 full-
1645 time equivalent student membership shall be calculated for each
1646 student enrolled in a full-credit Advanced International
1647 Certificate of Education course who receives a score of E or
1648 higher on a subject examination. A value of 0.08 full-time
1649 equivalent student membership shall be calculated for each
1650 student enrolled in a half-credit Advanced International
1651 Certificate of Education course who receives a score of E or
1652 higher on a subject examination. A value of 0.3 full-time
1653 equivalent student membership shall be calculated for each
1654 student who receives an Advanced International Certificate of
1655 Education diploma. Such value shall be added to the total full-
1656 time equivalent student membership in basic programs for grades
1657 9 through 12 in the subsequent fiscal year. The school district
1658 shall distribute to each classroom teacher who provided Advanced
1659 International Certificate of Education instruction:

1660 1. A bonus in the amount of \$50 for each student taught by
1661 the Advanced International Certificate of Education teacher in

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1662 each full-credit Advanced International Certificate of Education
1663 course who receives a score of E or higher on the Advanced
1664 International Certificate of Education examination. A bonus in
1665 the amount of \$25 for each student taught by the Advanced
1666 International Certificate of Education teacher in each half-
1667 credit Advanced International Certificate of Education course
1668 who receives a score of E or higher on the Advanced
1669 International Certificate of Education examination.

1670 2. An additional bonus of \$500 to each Advanced
1671 International Certificate of Education teacher in a school
1672 designated with a performance category "Declining" ~~grade of "D"~~
1673 ~~or "F"~~ who has at least one student scoring E or higher on the
1674 full-credit Advanced International Certificate of Education
1675 examination, regardless of the number of classes taught or of
1676 the number of students scoring an E or higher on the full-credit
1677 Advanced International Certificate of Education examination.

1678 3. Additional bonuses of \$250 each to teachers of half-
1679 credit Advanced International Certificate of Education classes
1680 in a school designated with a performance category "Declining"
1681 ~~grade of "D" or "F"~~ which has at least one student scoring an E
1682 or higher on the half-credit Advanced International Certificate
1683 of Education examination in that class. The maximum additional
1684 bonus for a teacher awarded in accordance with this subparagraph
1685 shall not exceed \$500 in any given school year. Teachers
1686 receiving an award under subparagraph 2. are not eligible for a
1687 bonus under this subparagraph.

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1689 Bonuses awarded to a teacher according to this paragraph shall
1690 not exceed \$2,000 in any given school year and shall be in
1691 addition to any regular wage or other bonus the teacher received
1692 or is scheduled to receive.

1693 (n) Calculation of additional full-time equivalent
1694 membership based on college board advanced placement scores of
1695 students.--A value of 0.16 full-time equivalent student
1696 membership shall be calculated for each student in each advanced
1697 placement course who receives a score of 3 or higher on the
1698 College Board Advanced Placement Examination for the prior year
1699 and added to the total full-time equivalent student membership
1700 in basic programs for grades 9 through 12 in the subsequent
1701 fiscal year. Each district must allocate at least 80 percent of
1702 the funds provided to the district for advanced placement
1703 instruction, in accordance with this paragraph, to the high
1704 school that generates the funds. The school district shall
1705 distribute to each classroom teacher who provided advanced
1706 placement instruction:

1707 1. A bonus in the amount of \$50 for each student taught by
1708 the Advanced Placement teacher in each advanced placement course
1709 who receives a score of 3 or higher on the College Board
1710 Advanced Placement Examination.

1711 2. An additional bonus of \$500 to each Advanced Placement
1712 teacher in a school designated with a performance category
1713 "Declining" ~~grade of "D" or "F"~~ who has at least one student
1714 scoring 3 or higher on the College Board Advanced Placement
1715 Examination, regardless of the number of classes taught or of

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1716 the number of students scoring a 3 or higher on the College
1717 Board Advanced Placement Examination.

1718
1719 Bonuses awarded to a teacher according to this paragraph shall
1720 not exceed \$2,000 in any given school year and shall be in
1721 addition to any regular wage or other bonus the teacher received
1722 or is scheduled to receive.

1723 (7) DETERMINATION OF SPARSITY SUPPLEMENT.--

1724 (d) Each district's allocation of sparsity supplement
1725 funds shall be adjusted in the following manner:

1726 1. A maximum discretionary levy per FTE value for each
1727 district shall be calculated by dividing the value of each
1728 district's maximum discretionary levy by its FTE student count.

1729 2. A state average discretionary levy value per FTE shall
1730 be calculated by dividing the total maximum discretionary levy
1731 value for all districts by the state total FTE student count.

1732 3. A total potential funds per FTE for each district shall
1733 be calculated by dividing the total potential funds, not
1734 including Every Child Matters Program ~~Florida School Recognition~~
1735 ~~Program~~ funds and the minimum guarantee, for each district by
1736 its FTE student count.

1737 4. A state average total potential funds per FTE shall be
1738 calculated by dividing the total potential funds, not including
1739 Every Child Matters Program ~~Florida School Recognition Program~~
1740 funds and the minimum guarantee, for all districts by the state
1741 total FTE student count.

1742 5. For districts that have a levy value per FTE as
1743 calculated in subparagraph 1. higher than the state average

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1744 calculated in subparagraph 2., a sparsity wealth adjustment
1745 shall be calculated as the product of the difference between the
1746 state average levy value per FTE calculated in subparagraph 2.
1747 and the district's levy value per FTE calculated in subparagraph
1748 1. and the district's FTE student count and -1. However, no
1749 district shall have a sparsity wealth adjustment that, when
1750 applied to the total potential funds calculated in subparagraph
1751 3., would cause the district's total potential funds per FTE to
1752 be less than the state average calculated in subparagraph 4.

1753 6. Each district's sparsity supplement allocation shall be
1754 calculated by adding the amount calculated as specified in
1755 paragraphs (a) and (b) and the wealth adjustment amount
1756 calculated in this paragraph.

1757 Section 21. Paragraph (a) of subsection (2) of section
1758 1011.64, Florida Statutes, is amended to read:

1759 1011.64 School district minimum classroom expenditure
1760 requirements.--

1761 (2) For the purpose of implementing the provisions of this
1762 section, the Legislature shall prescribe minimum academic
1763 performance standards and minimum classroom expenditure
1764 requirements for districts not meeting such minimum academic
1765 performance standards in the General Appropriations Act.

1766 (a) Minimum academic performance standards may be based
1767 on, but are not limited to, district performance ~~grades~~
1768 determined pursuant to s. 1008.34(7).

1769 Section 22. Subsections (1), (2), and (5) of section
1770 1012.2315, Florida Statutes, are amended to read:

1771 1012.2315 Assignment of teachers.--

1772 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 1773 finds disparities between teachers assigned to teach in a
 1774 majority of ~~"A" graded~~ schools receiving a performance category
 1775 "Improving" and teachers assigned to teach in a majority of ~~"F"~~
 1776 ~~graded~~ schools receiving a performance category "Declining." The
 1777 disparities can be found in the average years of experience, the
 1778 median salary, and the performance of the teachers on teacher
 1779 certification examinations. It is the intent of the Legislature
 1780 that district school boards have flexibility through the
 1781 collective bargaining process to assign teachers more equitably
 1782 across the schools in the district.

1783 (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~--School
 1784 districts may not assign a higher percentage than the school
 1785 district average of first-time teachers, temporarily certified
 1786 teachers, teachers in need of improvement, or out-of-field
 1787 teachers to schools with above the school district average of
 1788 minority and economically disadvantaged students or schools that
 1789 are designated performance category "Declining." ~~graded "D" or~~
 1790 ~~"F."~~ Each school district shall annually certify to the
 1791 Commissioner of Education that this requirement has been met. If
 1792 the commissioner determines that a school district is not in
 1793 compliance with this subsection, the State Board of Education
 1794 shall be notified and shall take action pursuant to s. 1008.32
 1795 in the next regularly scheduled meeting to require compliance.

1796 (5) REPORT.--Schools receiving a performance category
 1797 "Declining" ~~graded "D" or "F"~~ shall annually report their
 1798 teacher-retention rate. Included in this report shall be reasons

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1799 | listed for leaving by each teacher who left the school for any
1800 | reason.

1801 | Section 23. This act shall take effect July 1, 2009.