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602-04602B-09

Proposed Committee Substitute by the Committee on Education Pre-
K - 12 Appropriations

1 A bill to be entitled
2 An act relating to school improvement and
3 accountability; amending s. 1001.42, F.S.; revising
4 provisions relating to the powers and duties of
5 district school boards to implement the state system
6 of school improvement and education accountability;
7 amending s. 1008.33, F.S.; requiring that the State
8 Board of Education comply with the federal Elementary
9 and Secondary Education Act (ESEA); authorizing the
10 board to adopt rules in compliance with the ESEA after
11 evaluating and determining that the ESEA and its
12 implementing regulations are consistent with the
13 statements of purpose in the ESEA; authorizing the
14 board to adopt rules to maintain such compliance;
15 providing requirements for the state system of school
16 improvement and education accountability; requiring
17 that school districts be held accountable for
18 improving the academic achievement of all students and
19 identifying low-performing schools; requiring that the
20 Department of Education categorize public schools
21 annually based on school grade and the level and rate
22 of change in student performance; providing that
23 schools are subject to certain intervention and
24 support strategies; authorizing the State Board of
25 Education to prescribe reporting requirements to
26 review and monitor the progress of schools; requiring
27 that the Department of Education create a matrix



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28 reflecting which intervention and support strategies
29 to apply to schools in each category; providing
30 criteria for categorizing schools as the lowest-
31 performing schools; requiring that a school district
32 submit a plan, subject to the State Board of
33 Education's approval, for implementing one of four
34 options to improve the performance of the lowest-
35 performing schools; requiring that the school district
36 submit a plan for implementing another option if the
37 lowest-performing schools do not move to another
38 category; requiring that a school make significant
39 progress by improving its grade and increasing student
40 performance in mathematics and reading to advance to a
41 higher category; requiring that the State Board of
42 Education adopt rules; amending s. 1008.345, F.S.;
43 conforming provisions to changes made by the act;
44 amending s. 1012.2315, F.S.; revising legislative
45 findings and intent; revising provisions relating to
46 the assignment of teachers to conform to changes made
47 by the act; providing an effective date.

48

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

50

51 Section 1. Subsection (18) of section 1001.42, Florida
52 Statutes, is amended to read:

53 1001.42 Powers and duties of district school board.—The
54 district school board, acting as a board, shall exercise all
55 powers and perform all duties listed below:

56 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—



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57 Maintain a state system of school improvement and education
58 accountability as provided by statute and State Board of
59 Education rule. This system of school improvement and education
60 accountability shall be consistent with, and implemented
61 through, the district's continuing system of planning and
62 budgeting required by this section and ss. 1008.385, 1010.01,
63 and 1011.01. This system of school improvement and education
64 accountability shall comply with the provisions of ss. 1008.33,
65 1008.34, 1008.345, and 1008.385 and include, but is not limited
66 to, the following:

67 (a) School improvement plans.—The district school board
68 shall annually approve and require implementation of a new,
69 amended, or continuation school improvement plan for each school
70 in the district. A district school board may establish a
71 district school improvement plan that includes all schools in
72 the district operating for the purpose of providing educational
73 services to youth in Department of Juvenile Justice programs.
74 The school improvement plan shall be designed to achieve the
75 state education priorities pursuant to s. 1000.03(5) and student
76 proficiency on the Sunshine State Standards pursuant to s.
77 1003.41. Each plan shall address student achievement goals and
78 strategies based on state and school district proficiency
79 standards. The plan may also address issues relative to other
80 academic-related matters, as determined by district school board
81 policy, and shall include an accurate, data-based analysis of
82 student achievement and other school performance data. Beginning
83 with plans approved for implementation in the 2007-2008 school
84 year, each secondary school plan must include a redesign
85 component based on the principles established in s. 1003.413.



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86 ~~For each school in the district that earns a school grade of "C"~~
87 ~~or below, or is required to have a school improvement plan under~~
88 ~~federal law, the school improvement plan shall, at a minimum,~~
89 ~~also include:~~

90 ~~1. Professional development that supports enhanced and~~
91 ~~differentiated instructional strategies to improve teaching and~~
92 ~~learning.~~

93 ~~2. Continuous use of disaggregated student achievement data~~
94 ~~to determine effectiveness of instructional strategies.~~

95 ~~3. Ongoing informal and formal assessments to monitor~~
96 ~~individual student progress, including progress toward mastery~~
97 ~~of the Sunshine State Standards, and to redesign instruction if~~
98 ~~needed.~~

99 ~~4. Alternative instructional delivery methods to support~~
100 ~~remediation, acceleration, and enrichment strategies.~~

101 ~~(b) Approval process. Develop a process for approval of a~~
102 ~~school improvement plan presented by an individual school and~~
103 ~~its advisory council. In the event a district school board does~~
104 ~~not approve a school improvement plan after exhausting this~~
105 ~~process, the Department of Education shall be notified of the~~
106 ~~need for assistance.~~

107 ~~(c) Assistance and intervention.~~

108 ~~1. Develop a 2-year plan of increasing individualized~~
109 ~~assistance and intervention for each school in danger of not~~
110 ~~meeting state standards or making adequate progress, as defined~~
111 ~~pursuant to statute and State Board of Education rule, toward~~
112 ~~meeting the goals and standards of its approved school~~
113 ~~improvement plan.~~

114 ~~2. Provide assistance and intervention to a school that is~~



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115 ~~designated with a grade of "D" pursuant to s. 1008.34 and is in~~
116 ~~danger of failing.~~

117 ~~3. Develop a plan to encourage teachers with demonstrated~~
118 ~~mastery in improving student performance to remain at or~~
119 ~~transfer to a school with a grade of "D" or "F" or to an~~
120 ~~alternative school that serves disruptive or violent youths. If~~
121 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
122 ~~the definition of teaching mastery developed according to the~~
123 ~~provisions of this paragraph, requests assignment to a school~~
124 ~~designated with a grade of "D" or "F" or to an alternative~~
125 ~~school that serves disruptive or violent youths, the district~~
126 ~~school board shall make every practical effort to grant the~~
127 ~~request.~~

128 ~~4. Prioritize, to the extent possible, the expenditures of~~
129 ~~funds received from the supplemental academic instruction~~
130 ~~categorical fund under s. 1011.62(1)(f) to improve student~~
131 ~~performance in schools that receive a grade of "D" or "F."~~

132 ~~(d) After 2 years. Notify the Commissioner of Education and~~
133 ~~the State Board of Education in the event any school does not~~
134 ~~make adequate progress toward meeting the goals and standards of~~
135 ~~a school improvement plan by the end of 2 years of failing to~~
136 ~~make adequate progress and proceed according to guidelines~~
137 ~~developed pursuant to statute and State Board of Education rule.~~
138 ~~School districts shall provide intervention and assistance to~~
139 ~~schools in danger of being designated with a grade of "F,"~~
140 ~~failing to make adequate progress.~~

141 ~~(b)(e) Public disclosure. The district school board shall~~
142 ~~provide information regarding the performance of students and~~
143 ~~educational programs as required pursuant to ss. 1008.22 and~~



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144 1008.385 and implement a system of school reports as required by
145 statute and State Board of Education rule which ~~that~~ shall
146 include schools operating for the purpose of providing
147 educational services to youth in Department of Juvenile Justice
148 programs, and for those schools, report on the elements
149 specified in s. 1003.52(19). Annual public disclosure reports
150 shall be in an easy-to-read report card format and shall include
151 the school's grade, high school graduation rate calculated
152 without GED tests, disaggregated by student ethnicity, and
153 performance data as specified in state board rule.

154 (c) ~~(f)~~ School improvement funds. The district school board
155 shall provide funds to schools for developing and implementing
156 school improvement plans. Such funds shall include those funds
157 appropriated for the purpose of school improvement pursuant to
158 s. 24.121(5)(c).

159 Section 2. Section 1008.33, Florida Statutes, is amended to
160 read:

161 (Substantial rewording of section. See
162 s. 1008.33, F.S., for present text.)

163 1008.33 Authority to enforce public school improvement.

164 (1) The State Board of Education shall comply with the
165 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
166 ss. 6301, et seq., and its implementing regulations. The State
167 Board of Education is authorized to adopt rules in compliance
168 with the ESEA and, after evaluating and determining that the
169 ESEA and its implementing regulations are consistent with the
170 statements of purpose set forth in the ESEA (2002), may adopt
171 rules to maintain compliance with the ESEA.

172 (2) (a) Pursuant to subsection (1) and ss. 1008.34,



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173 1008.345, and 1008.385, the State Board of Education shall hold
174 all school districts and public schools accountable for student
175 performance. The board is responsible for a state system of
176 school improvement and education accountability which assesses
177 student performance by school, identifies schools in which
178 students are not making adequate progress toward state
179 standards, and institutes appropriate measures for enforcing
180 improvement.

181 (b) The state system of school improvement and education
182 accountability must provide for uniform accountability
183 standards, provide assistance of escalating intensity to low-
184 performing schools, direct support to schools in order to
185 improve and sustain performance, focus on the performance of
186 student subgroups, and enhance student performance.

187 (c) School districts must be held accountable for improving
188 the academic achievement of all students and for identifying and
189 turning around low-performing schools.

190 (3) (a) The academic performance of all students has a
191 significant effect on the state school system. Pursuant to Art.
192 IX of the State Constitution, which prescribes the duty of the
193 State Board of Education to supervise Florida's public school
194 system, the State Board of Education shall equitably enforce the
195 accountability requirements of the state school system and may
196 impose state requirements on school districts in order to
197 improve the academic performance of all districts, schools, and
198 students based upon the provisions of the Florida K-20 Education
199 Code, chapters 1000-1013, and the federal Elementary and
200 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its
201 implementing regulations.



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202 (b) For the purpose of determining whether a public school
203 requires action to achieve a sufficient level of school
204 improvement, the Department of Education shall annually
205 categorize a public school in one of six categories based on the
206 school's grade, pursuant to s. 1008.34, and the level and rate
207 of change in student performance in the areas of reading and
208 mathematics, disaggregated into student subgroups as described
209 in the federal Elementary and Secondary Education Act, 20 U.S.C.
210 s. 6311(b)(2)(C)(v)(II).

211 (c) Appropriate intervention and support strategies shall
212 be applied to schools that require action to achieve a
213 sufficient level of improvement as described in paragraph (b).
214 The intervention and support strategies must address student
215 performance, including, but not limited to, improvement
216 planning, leadership quality improvement, educator quality
217 improvement, professional development, curriculum alignment and
218 pacing, and the use of continuous improvement and monitoring
219 plans and processes. The State Board of Education may prescribe
220 reporting requirements to review and monitor the progress of the
221 schools.

222 (4) The Department of Education shall create a matrix that
223 reflects intervention and support strategies to address the
224 particular needs of schools in each category.

225 (a) Intervention and support strategies shall be applied to
226 schools based upon the school categorization. The Department of
227 Education shall apply the most intense intervention strategies
228 to the lowest-performing schools. For all but the lowest
229 category and "F" schools in the second lowest category, the
230 intervention and support strategies shall be administered solely



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231 by the districts and the schools.

232 (b) The lowest-performing schools are schools that have
233 received:

234 1. A grade of "F" in the most recent school year and in 4
235 of the last 6 years; or

236 2. A grade of "D" or "F" in the most recent year and meet
237 at least three of the following criteria:

238 a. The percentage of students who are not proficient in
239 reading has increased when compared to measurements taken 5
240 years previously;

241 b. The percentage of students who are not proficient in
242 mathematics has increased when compared to measurements taken 5
243 years previously;

244 c. At least 65 percent of the school's students are not
245 proficient in reading; or

246 d. At least 65 percent of the school's students are not
247 proficient in mathematics.

248 (5) (a) In the school year after a school is initially
249 identified as a school in the lowest-performing category, the
250 school district must submit a plan, which is subject to approval
251 by the State Board of Education, for implementing one of the
252 following options at the beginning of the next school year. The
253 plan must be implemented, unless the school moves from the
254 lowest-performing category:

255 1. Convert the school to a district-managed turnaround
256 school by means that include implementing a turnaround plan
257 approved by the Commissioner of Education which shall become the
258 school's improvement plan;

259 2. Reassign students to another school and monitor the



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260 progress of each reassigned student;

261 3. Close the school and reopen the school as a charter
262 school or multiple charter schools whose governing board has a
263 demonstrated record of effectiveness; or

264 4. Contract with an outside entity that has a demonstrated
265 record of effectiveness to operate the school.

266 (b) If a school does not move from the lowest-performing
267 category during the initial year of implementing one of the
268 options in paragraph (a), the school district must submit a
269 plan, which is subject to approval by the State Board of
270 Education, for implementing a different option in paragraph (a)
271 at the beginning of the next school year, unless the State Board
272 of Education determines that the school is likely to move from
273 the lowest-performing category if additional time is provided to
274 implement intervention and support strategies. The State Board
275 of Education shall determine whether a school district may
276 continue to implement an option beyond 1 year while a school
277 remains in the lowest-performing category.

278 (6) In order to advance to a higher category, a school must
279 make significant progress by improving its school grade and by
280 increasing student performance in mathematics and reading.
281 Student performance must be evaluated for each student subgroup
282 as set forth in subsection (4).

283 (7) Beginning July 1, 2009, the Department of Education
284 shall commence its duties under this section.

285 (8) By July 1, 2010, the State Board of Education shall
286 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
287 this section. The department shall consult with education
288 stakeholders in developing the rules.



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289 Section 3. Subsection (5) and paragraphs (b) and (d) of
290 subsection (6) of section 1008.345, Florida Statutes, are
291 amended to read:

292 1008.345 Implementation of state system of school
293 improvement and education accountability.-

294 (5) The commissioner shall report to the Legislature and
295 recommend changes in state policy necessary to foster school
296 improvement and education accountability. Included in the report
297 shall be a list of the schools, including schools operating for
298 the purpose of providing educational services to youth in
299 Department of Juvenile Justice programs, for which district
300 school boards have developed school improvement ~~assistance and~~
301 ~~intervention~~ plans and an analysis of the various strategies
302 used by the school boards. School reports shall be distributed
303 pursuant to this subsection and s. 1001.42(18)(b) ~~s.~~
304 ~~1001.42(16)(e)~~ and according to rules adopted by the State Board
305 of Education.

306 (6)

307 (b) Upon request, the department shall provide technical
308 assistance and training to any school, including any school
309 operating for the purpose of providing educational services to
310 youth in Department of Juvenile Justice programs, school
311 advisory council, district, or district school board for
312 conducting needs assessments, developing and implementing school
313 improvement plans, ~~developing and implementing assistance and~~
314 ~~intervention plans,~~ or implementing other components of school
315 improvement and accountability. Priority for these services
316 shall be given to schools designated with a grade of "D" or "F"
317 and school districts in rural and sparsely populated areas of



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318 the state.

319 (d) The commissioner shall assign a community assessment
320 team to each school district or governing board with a school
321 graded "F" and those in the lowest category to review the school
322 performance data and determine causes for the low performance,
323 including the role of school, area, and district administrative
324 personnel. The community assessment team shall review a high
325 school's graduation rate calculated without GED tests for the
326 past 3 years, disaggregated by student ethnicity. The team shall
327 make recommendations to the school board or the governing board,
328 ~~to the department,~~ and to the State Board of Education which for
329 ~~implementing an assistance and intervention plan that will~~
330 address the causes of the school's low performance and may be
331 incorporated into the school improvement plan. The assessment
332 team shall include, but not be limited to, a department
333 representative, parents, business representatives, educators,
334 representatives of local governments, and community activists,
335 and shall represent the demographics of the community from which
336 they are appointed.

337 Section 4. Subsections (1) and (2) of section 1012.2315,
338 Florida Statutes, are amended to read:

339 1012.2315 Assignment of teachers.-

340 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
341 disparities between teachers assigned to teach in a majority of
342 schools that do not need improvement and schools that do need
343 improvement pursuant to s. 1008.33 "A" graded schools and
344 ~~teachers assigned to teach in a majority of "F" graded schools.~~
345 The disparities may ~~can~~ be found in the assignment of
346 temporarily certified teachers, teachers in need of improvement,



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347 ~~and out-of-field teachers and in average years of experience,~~
348 ~~the median salary, and the performance of the students teachers~~
349 ~~on teacher certification examinations.~~ It is the intent of the
350 Legislature that district school boards have flexibility through
351 the collective bargaining process to assign teachers more
352 equitably across the schools in the district.

353 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
354 IMPROVEMENT. GRADED "D" OR "F." School districts may not assign
355 a higher percentage than the school district average of ~~first-~~
356 ~~time teachers,~~ temporarily certified teachers, teachers in need
357 of improvement, or out-of-field teachers to schools designated
358 as one of the lowest three performing categories under s.
359 1008.33(3)(b). ~~with above the school district average of~~
360 ~~minority and economically disadvantaged students or schools that~~
361 ~~are graded "D" or "F."~~ Each school district shall annually
362 certify to the Commissioner of Education that this requirement
363 has been met. If the commissioner determines that a school
364 district is not in compliance with this subsection, the State
365 Board of Education shall be notified and shall take action
366 pursuant to s. 1008.32 in the next regularly scheduled meeting
367 to require compliance.

368 Section 5. This act shall take effect July 1, 2009.
369