

By the Committee on Education Pre-K - 12 Appropriations; and  
Senator Wise

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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  
28          reflecting which intervention and support strategies  
29          to apply to schools in each category; providing

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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.—  
57 Maintain a state system of school improvement and education  
58 accountability as provided by statute and State Board of

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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.~~  
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~~

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

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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  
144 1008.385 and implement a system of school reports as required by  
145 statute and State Board of Education rule which ~~that~~ shall

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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,  
173 1008.345, and 1008.385, the State Board of Education shall hold  
174 all school districts and public schools accountable for student

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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.

202 (b) For the purpose of determining whether a public school  
203 requires action to achieve a sufficient level of school

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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  
231 by the districts and the schools.

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



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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  
260 progress of each reassigned student;

261 3. Close the school and reopen the school as a charter

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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.

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

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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  
318 the state.

319 (d) The commissioner shall assign a community assessment

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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,  
347 and out-of-field teachers and in ~~average years of experience,~~  
348 ~~the median salary,~~ and the performance of the students ~~teachers~~

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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.