

By Senator Deutch

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

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30 and purpose of the program; providing for financial
31 assistance to schools providing remediation and
32 intervention services to certain students; specifying
33 the uses of program funds; providing Department of
34 Education duties; amending ss. 1001.42, 1002.33,
35 1002.415, 1002.45, 1003.62, 1003.621, 1008.31,
36 1008.345, 1011.62, 1011.64, and 1012.2315, F.S.;
37 conforming provisions; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Subsection (3) and paragraph (c) of subsection
42 (5) of section 1002.31, Florida Statutes, are amended to read:
43 1002.31 Public school parental choice.—

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

52 (5) Each school district shall develop a system of
53 priorities for its plan that includes consideration of the
54 following:

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

57 Section 2. Subsection (4), paragraph (b) of subsection (7),
58 and subsection (8) of section 1003.428, Florida Statutes, are

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59 amended to read:

60 1003.428 General requirements for high school graduation;
61 revised.—

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

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

66 ~~(b) Earning passing scores on the FCAT, as defined in s.~~
67 ~~1008.22(3)(c), or scores on a standardized test that are~~
68 ~~concordant with passing scores on the FCAT as defined in s.~~
69 ~~1008.22(10).~~

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

72 (c)~~(d)~~ Achievement of a cumulative grade point average of
73 2.0 on a 4.0 scale, or its equivalent, in the courses required
74 by this section.

75

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

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

103 (7)

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

115 (8) ~~(a)~~ Each district school board must provide instruction
116 to prepare students with disabilities to demonstrate proficiency

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117 in the core content knowledge and skills necessary for
118 successful grade-to-grade progression and high school
119 graduation.

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

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

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

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

133 1003.429 Accelerated high school graduation options.-

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

137 ~~(a) Earn passing scores on the FCAT as defined in s.~~
138 ~~1008.22(3)(c) or scores on a standardized test that are~~
139 ~~concordant with passing scores on the FCAT as defined in s.~~
140 ~~1008.22(10).~~

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

145 2. Achieve a cumulative weighted grade point average of 3.0

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146 on a 4.0 scale, or its equivalent, in the courses required for
147 the career preparatory accelerated 3-year high school graduation
148 option pursuant to paragraph (1) (c).

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

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

159
160 Weighted grades referred to in paragraphs (a), (b), and (c),~~and~~
161 ~~(d)~~ shall be applied to those courses specifically listed or
162 identified by the department as rigorous pursuant to s.
163 1009.531(3) or weighted by the district school board for class
164 ranking purposes.

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

168 1003.43 General requirements for high school graduation.—

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

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

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175 ~~1008.22(10).~~176 (a)~~(b)~~ Completion of all ~~other~~ applicable requirements
177 prescribed by the district school board pursuant to s. 1008.25.178 (b)~~(e)~~ Achievement of a cumulative grade point average of
179 1.5 on a 4.0 scale, or its equivalent, for students entering 9th
180 grade before the 1997-1998 school year; however, these students
181 must earn a cumulative grade point average of 2.0 on a 4.0
182 scale, or its equivalent, in the courses required by subsection
183 (1) that are taken after July 1, 1997, or have an overall
184 cumulative grade point average of 2.0 or above.185 (c)~~(d)~~ Achievement of a cumulative grade point average of
186 2.0 on a 4.0 scale, or its equivalent, in the courses required
187 by subsection (1), for students entering 9th grade in the 1997-
188 1998 school year and thereafter.189 (d)~~(e)~~ For purposes of paragraphs (b) and (c) ~~and (d)~~:190 1. Each district school board shall adopt policies designed
191 to assist students in meeting these requirements. These policies
192 may include, but are not limited to: forgiveness policies,
193 summer school or before or after school attendance, special
194 counseling, volunteer and/or peer tutors, school-sponsored help
195 sessions, homework hotlines, and study skills classes. Beginning
196 in the 2000-2001 school year and each year thereafter,
197 forgiveness policies for required courses shall be limited to
198 replacing a grade of "D" or "F," or the equivalent of a grade of
199 "D" or "F," with a grade of "C" or higher, or the equivalent of
200 a grade of "C" or higher, earned subsequently in the same or
201 comparable course. Forgiveness policies for elective courses
202 shall be limited to replacing a grade of "D" or "F," or the
203 equivalent of a grade of "D" or "F," with a grade of "C" or

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204 higher, or the equivalent of a grade of "C" or higher, earned
205 subsequently in another course. Any course grade not replaced
206 according to a district school board forgiveness policy shall be
207 included in the calculation of the cumulative grade point
208 average required for graduation.

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

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

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

225 (10)

226 (b) A student who completes the minimum number of credits
227 and other requirements prescribed by subsections (1) and (4),
228 but who is unable to meet the standards of paragraph (5) (a) or
229 paragraph (5) (b), ~~or paragraph (5) (c)~~, shall be awarded a
230 certificate of completion in a form prescribed by the State
231 Board of Education. However, any student who is otherwise
232 entitled to a certificate of completion may elect to remain in

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233 the secondary school either as a full-time student or a part-
234 time student for up to 1 additional year and receive special
235 instruction designed to remedy his or her identified
236 deficiencies.

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

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

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

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

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

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

258 (1) Students who enter a Florida public school at the
259 eleventh or twelfth grade from out of state or from a foreign
260 country shall not be required to spend additional time in a
261 Florida public school in order to meet the high school course

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262 requirements if the student has met all requirements of the
263 school district, state, or country from which he or she is
264 transferring. Such students who are not proficient in English
265 should receive immediate and intensive instruction in English
266 language acquisition. However, to receive a standard high school
267 diploma, a transfer student must earn a 2.0 grade point average
268 ~~and pass the grade 10 FCAT required in s. 1008.22(3) or an~~
269 ~~alternate assessment as described in s. 1008.22(10).~~

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

273 1008.22 Student assessment program for public schools.—

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

289 (c) Develop and implement a student achievement testing
290 program known as the Florida Comprehensive Assessment Test

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291 (FCAT) as part of the statewide assessment program to measure
292 all aspects of every student's public education experience as
293 determined by the Department of Education ~~a student's content~~
294 ~~knowledge and skills in reading, writing, science, and~~
295 ~~mathematics.~~ Other Content areas may be included as directed by
296 the commissioner. Comprehensive assessments ~~of reading and~~
297 ~~mathematics~~ shall be administered annually in grades 3 through
298 10. ~~Comprehensive assessments of writing and science shall be~~
299 ~~administered at least once at the elementary, middle, and high~~
300 ~~school levels.~~ End-of-course assessments for a subject may be
301 administered in addition to the comprehensive assessments
302 required for that subject under this paragraph. An end-of-course
303 assessment must be rigorous, statewide, standardized, and
304 developed or approved by the department. The content knowledge
305 and skills assessed by comprehensive and end-of-course
306 assessments must be aligned to the core curricular content
307 established in the Sunshine State Standards. The commissioner
308 may select one or more nationally developed comprehensive
309 examinations, which may include, but need not be limited to,
310 examinations for a College Board Advanced Placement course,
311 International Baccalaureate course, or Advanced International
312 Certificate of Education course or industry-approved
313 examinations to earn national industry certifications as defined
314 in s. 1003.492, for use as end-of-course assessments under this
315 paragraph, if the commissioner determines that the content
316 knowledge and skills assessed by the examinations meet or exceed
317 the grade level expectations for the core curricular content
318 established for the course in the Next Generation Sunshine State
319 Standards. The commissioner may collaborate with the American

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320 Diploma Project in the adoption or development of rigorous end-
321 of-course assessments that are aligned to the Next Generation
322 Sunshine State Standards. The testing program must be designed
323 as follows:

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

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

341 3. Beginning with the 2008-2009 school year, the
342 commissioner shall discontinue administration of the selected-
343 response test items on the comprehensive assessments of writing.
344 Beginning with the 2012-2013 school year, the comprehensive
345 assessments of writing shall be composed of a combination of
346 selected-response test items, short-response performance tasks,
347 and extended-response performance tasks, which shall measure a
348 student's content knowledge of writing, including, but not

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349 limited to, paragraph and sentence structure, sentence
350 construction, grammar and usage, punctuation, capitalization,
351 spelling, parts of speech, verb tense, irregular verbs, subject-
352 verb agreement, and noun-pronoun agreement.

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

357 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~
358 ~~1003.43(11)(b), students must earn a passing score on the grade~~
359 ~~10 assessment test described in this paragraph or attain~~
360 ~~concordant scores as described in subsection (10) in reading,~~
361 ~~writing, and mathematics to qualify for a standard high school~~
362 ~~diploma. The State Board of Education shall designate a passing~~
363 ~~score for each part of the grade 10 assessment test. In~~
364 ~~establishing passing scores, the state board shall consider any~~
365 ~~possible negative impact of the test on minority students. The~~
366 ~~State Board of Education shall adopt rules which specify the~~
367 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~
368 ~~the effect of raising the required passing scores, shall apply~~
369 ~~only to students taking the grade 10 FCAT for the first time~~
370 ~~after such rules are adopted by the State Board of Education.~~

371 5.6. Participation in the testing program is mandatory for
372 all students attending public school, including students served
373 in Department of Juvenile Justice programs, except as otherwise
374 prescribed by the commissioner. If a student does not
375 participate in the statewide assessment, the district must
376 notify the student's parent and provide the parent with
377 information regarding the implications of such nonparticipation.

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378 A parent must provide signed consent for a student to receive
379 classroom instructional accommodations that would not be
380 available or permitted on the statewide assessments and must
381 acknowledge in writing that he or she understands the
382 implications of such instructional accommodations. The State
383 Board of Education shall adopt rules, based upon recommendations
384 of the commissioner, for the provision of test accommodations
385 for students in exceptional education programs and for students
386 who have limited English proficiency. Accommodations that negate
387 the validity of a statewide assessment are not allowable in the
388 administration of the FCAT. However, instructional
389 accommodations are allowable in the classroom if included in a
390 student's individual education plan. ~~Students using~~
391 ~~instructional accommodations in the classroom that are not~~
392 ~~allowable as accommodations on the FCAT may have the FCAT~~
393 ~~requirement waived pursuant to the requirements of s.~~
394 ~~1003.428(8)(b) or s. 1003.43(11)(b).~~

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

398 7.8. District school boards must provide instruction to
399 prepare students to demonstrate proficiency in the core
400 curricular content established in the Next Generation Sunshine
401 State Standards adopted under s. 1003.41, including the core
402 content knowledge and skills necessary for successful grade-to-
403 grade progression and high school graduation. If a student is
404 provided with instructional accommodations in the classroom that
405 are not allowable as accommodations in the statewide assessment
406 program, as described in the test manuals, the district must

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407 inform the parent in writing and must provide the parent with
408 information regarding the impact on the student's ability to
409 meet expected proficiency levels in reading, writing, and
410 mathematics. The commissioner shall conduct studies as necessary
411 to verify that the required core curricular content is part of
412 the district instructional programs.

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

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

422 ~~10.11.~~ For students seeking a special diploma pursuant to
423 s. 1003.438, the Department of Education must develop or select
424 and implement an alternate assessment tool that accurately
425 measures the core curricular content established in the Sunshine
426 State Standards for students with disabilities under s.
427 1003.438.

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

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

442 b. Beginning with the 2010-2011 school year, a
443 comprehensive statewide assessment of writing is not
444 administered earlier than the week of March 1 and a
445 comprehensive statewide assessment of any other subject is not
446 administered earlier than the week of April 15.

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

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

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465 the effect of test items on such students.

466 (6) SCHOOL TESTING PROGRAMS.—Each public school shall
467 participate in the statewide assessment program in accordance
468 with the testing and reporting schedules published by the
469 Commissioner of Education under subparagraph (3)(c)11. ~~(3)(c)12.~~
470 unless specifically exempted by state board rule based on
471 serving a specialized population for which standardized testing
472 is not appropriate. Student performance data shall be analyzed
473 and reported to parents, the community, and the state. Student
474 performance data shall be used in developing objectives of the
475 school improvement plan, evaluation of instructional personnel,
476 evaluation of administrative personnel, assignment of staff,
477 allocation of resources, acquisition of instructional materials
478 and technology, performance-based budgeting, and promotion and
479 assignment of students into educational programs. The analysis
480 of student performance data also must identify strengths and
481 needs in the educational program and trends over time. The
482 analysis must be used in conjunction with the budgetary planning
483 processes developed pursuant to s. 1008.385 and the development
484 of the programs of remediation.

485 (10) CONCORDANT SCORES FOR THE FCAT.—

486 (a) The State Board of Education shall analyze the content
487 and concordant data sets for widely used high school achievement
488 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
489 and College Placement Test, to assess if concordant scores for
490 FCAT scores can be determined for ~~high school graduation,~~
491 college placement, and scholarship awards. In cases where
492 content alignment and concordant scores can be determined, the
493 Commissioner of Education shall adopt those scores ~~as meeting~~

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494 ~~the graduation requirement in lieu of achieving the FCAT passing~~
495 ~~score and may adopt those scores~~ as being sufficient to achieve
496 ~~additional~~ purposes as determined by rule. Each time that test
497 content or scoring procedures change for the FCAT or for a high
498 school achievement test for which a concordant score is
499 determined, new concordant scores must be determined.

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

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

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

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

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523 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

524 (b) Beginning with the 2002-2003 school year, if the
525 student's reading deficiency, as identified in paragraph (a), is
526 not remedied by the end of grade 3, as demonstrated by scoring
527 at Level 2 or higher on the statewide assessment test in reading
528 for grade 3, the student may ~~must~~ be retained at the discretion
529 of the teacher and principal after consultation with the
530 student's parent.

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

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

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

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

542 4. That if the child's reading deficiency is not remediated
543 by the end of grade 3, the child may ~~must~~ be retained ~~unless he~~
544 ~~or she is exempt from mandatory retention for good 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) is
548 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

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552 grade promotion.

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

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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.
638 3. Provide written notification to the parent of any

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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

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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:

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,

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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 Intensive
707 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

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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, on
733 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 improvement.—It
747 is the intent of the Legislature that all public schools be held
748 accountable for students performing at acceptable levels. A
749 system of school improvement and accountability that assesses
750 student performance by school, identifies schools in which
751 students are not making adequate progress toward state
752 standards, institutes appropriate measures for enforcing
753 improvement, and provides rewards and sanctions based on
754 performance shall be the responsibility of the State Board of

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755 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
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

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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
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 practices,
808 and provide additional assistance if the state board determines
809 the causes of inadequate progress to be related to school
810 district policy or practice;

811 (b) Implement a plan that satisfactorily resolves the
812 education equity problems in the school related to factors that

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813 hamper increased student performance;

814 (c) Contract for the educational services of the school, or
815 reorganize the school at the end of the school year under a new
816 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 to
835 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

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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 report
852 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~~

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

883 1. A school shall not receive a school performance category
884 designation grade if the number of its students tested and
885 included in the school performance grading system is less than
886 the minimum sample size necessary, based on accepted
887 professional practice, for statistical reliability and
888 prevention of the unlawful release of personally identifiable
889 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

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

893 3. A school that serves any combination of students in
894 kindergarten through grade 3 which does not receive a school
895 performance category designation grade because its students are
896 not tested and included in the school performance grading system
897 shall receive the school performance category grade designation
898 of a K-3 feeder pattern school identified by the Department of
899 Education and verified by the school district. A school feeder

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900 pattern exists if at least 60 percent of the students in the
901 school serving a combination of students in kindergarten through
902 grade 3 are scheduled to be assigned to the categorized ~~graded~~
903 school.

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

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

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

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

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

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

924 b. As valid data becomes available, the performance and
925 participation of the school's students in College Board Advanced
926 Placement courses, International Baccalaureate courses, dual
927 enrollment courses, and Advanced International Certificate of
928 Education courses; and the students' achievement of industry

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929 certification, as determined by the Agency for Workforce
 930 Innovation under s. 1003.492(2) in a career and professional
 931 academy, as described in s. 1003.493;

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

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

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

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

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

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

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

952 3. Effective with the 2005-2006 school year, the
 953 achievement scores and learning gains of eligible students
 954 attending alternative schools that provide dropout prevention
 955 and academic intervention services pursuant to s. 1003.53. The
 956 term "eligible students" in this subparagraph does not include
 957 students attending an alternative school who are subject to

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958 district school board policies for expulsion for repeated or
959 serious offenses, who are in dropout retrieval programs serving
960 students who have officially been designated as dropouts, or who
961 are in programs operated or contracted by the Department of
962 Juvenile Justice. The student performance data for eligible
963 students identified in this subparagraph shall be included in
964 the calculation of the home school's performance grade. As used
965 in this section and s. 1008.341, the term "home school" means
966 the school to which the student would be assigned if the student
967 were not assigned to an alternative school. If an alternative
968 school chooses to be designated ~~graded~~ under this section,
969 student performance data for eligible students identified in
970 this subparagraph shall not be included in the home school's
971 performance grade but shall be included only in the calculation
972 of the alternative school's performance grade. A school district
973 that fails to assign the FCAT scores of each of its students to
974 his or her home school or to the alternative school that
975 receives a performance category designation ~~grade~~ shall forfeit
976 Every Child Matters Program ~~Florida School Recognition Program~~
977 funds for 1 fiscal year. School districts must require
978 collaboration between the home school and the alternative school
979 in order to promote student success. This collaboration must
980 include an annual discussion between the principal of the
981 alternative school and the principal of each student's home
982 school concerning the most appropriate school assignment of the
983 student.

984 4. Beginning with the 2009-2010 school year for schools
985 comprised of high school grades 9, 10, 11, and 12, or grades 10,
986 11, and 12, the data listed in subparagraphs 1.-3. and the

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987 following data as the Department of Education determines such
988 data are valid and available:

989 a. The high school graduation rate of the school as
990 calculated by the Department of Education;

991 b. The participation rate of all eligible students enrolled
992 in the school and enrolled in College Board Advanced Placement
993 courses; International Baccalaureate courses; dual enrollment
994 courses; Advanced International Certificate of Education
995 courses; and courses or sequence of courses leading to industry
996 certification, as determined by the Agency for Workforce
997 Innovation under s. 1003.492(2) in a career and professional
998 academy, as described in s. 1003.493;

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

1003 d. Earning of college credit by all eligible students
1004 enrolled in the school in dual enrollment programs under s.
1005 1007.271;

1006 e. Earning of an industry certification, as determined by
1007 the Agency for Workforce Innovation under s. 1003.492(2) in a
1008 career and professional academy, as described in s. 1003.493;

1009 f. The aggregate scores of all eligible students enrolled
1010 in the school in ~~reading, mathematics, and other~~ subjects as
1011 measured by the SAT, the ACT, and the common placement test for
1012 postsecondary readiness;

1013 g. The high school graduation rate of all eligible at-risk
1014 students enrolled in the school who scored at Level 2 or lower
1015 on the grade 8 FCAT Reading and Mathematics examinations;

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1016 h. The performance of the school's students on statewide
 1017 standardized end-of-course assessments administered under s.
 1018 1008.22; and

1019 i. The growth or decline in the data components listed in
 1020 sub-subparagraphs a.-h. from year to year.

1021
 1022 The State Board of Education shall adopt appropriate criteria
 1023 for each school performance category ~~grade~~. The criteria must
 1024 ~~also~~ give added weight to student achievement in reading.
 1025 Schools designated with a performance category "Maintaining"
 1026 ~~grade of "C," making satisfactory progress,~~ shall be required to
 1027 demonstrate that adequate progress has been made by students in
 1028 the school who are in the lowest 25th percentile ~~in reading,~~
 1029 ~~mathematics, or writing~~ on the FCAT and on non-FCAT measures,
 1030 unless these students are exhibiting satisfactory performance.
 1031 Beginning with the 2009-2010 school year for schools comprised
 1032 of high school grades 9, 10, 11, and 12, or grades 10, 11, and
 1033 12, the criteria for school performance ~~grades~~ must also give
 1034 added weight to the graduation rate of all eligible at-risk
 1035 students, as defined in this paragraph. Beginning in the 2009-
 1036 2010 school year, in order for a high school to be designated as
 1037 having a performance category of "Improving," ~~grade of "A,"~~
 1038 ~~making excellent progress,~~ the school must demonstrate that at-
 1039 risk students, as defined in this paragraph, in the school are
 1040 making adequate progress.

1041 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
 1042 identify each school's performance as having improved, remained
 1043 the same, or declined. This school improvement rating shall be
 1044 based on a comparison of the current year's and previous year's

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1045 student and school performance data. ~~Schools that improve at~~
1046 ~~least one grade level are eligible for school recognition awards~~
1047 ~~pursuant to s. 1008.36.~~

1048 (5) SCHOOL REPORT CARD.—The Department of Education shall
1049 annually develop, in collaboration with the school districts, a
1050 school report card to be delivered to parents throughout each
1051 school district. The report card shall include the school's
1052 performance category ~~grade~~, information regarding school
1053 improvement, an explanation of school performance as evaluated
1054 by the federal No Child Left Behind Act of 2001, and indicators
1055 of return on investment. Each school's report card shall be
1056 published annually by the department on its website, and the
1057 school district shall provide the school report card to each
1058 parent.

1059 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor
1060 in the performance of schools in calculating any performance-
1061 based funding policy that is provided for annually in the
1062 General Appropriations Act.

1063 (7) DISTRICT PERFORMANCE GRADE.—

1064 (a) The annual report required by subsection (1) shall
1065 include district performance grades, which shall consist of
1066 weighted district average performance grades, by level, for all
1067 elementary schools, middle schools, and high schools in the
1068 district. A district's weighted average performance grade shall
1069 be calculated by weighting individual school performance grades
1070 determined pursuant to subsection (2) by school enrollment.

1071 (b) School districts shall have a variety of tools at their
1072 disposal to maintain high performance standards. These tools
1073 shall include, but are not limited to, giving to schools that

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1074 receive a performance category "Improving" greater authority
1075 over the allocation of the school's total budget generated from
1076 the FEFP, state categoricals, lottery funds, grants, and local
1077 funds, as specified in State Board of Education rule. The rule
1078 must provide that the increased budget authority shall remain in
1079 effect unless the school's performance category declines.

1080 (8) RULES.—The State Board of Education shall adopt rules
1081 under ss. 120.536(1) and 120.54 to administer this section.

1082 Section 10. Subsections (2) and (3) of section 1008.341,
1083 Florida Statutes, are amended to read:

1084 1008.341 School improvement rating for alternative
1085 schools.—

1086 (2) SCHOOL IMPROVEMENT RATING.—An alternative school that
1087 provides dropout prevention and academic intervention services
1088 pursuant to s. 1003.53 shall receive a school improvement rating
1089 pursuant to this section. However, an alternative school shall
1090 not receive a school improvement rating if the number of its
1091 students for whom student performance data is available for the
1092 current year and previous year is less than the minimum sample
1093 size necessary, based on accepted professional practice, for
1094 statistical reliability and prevention of the unlawful release
1095 of personally identifiable student data under s. 1002.22 or 20
1096 U.S.C. s. 1232g. The school improvement rating shall identify an
1097 alternative school as having one of the following ratings
1098 defined according to rules of the State Board of Education:

1099 (a) "Improving" means the students attending the school are
1100 making more academic progress than when the students were served
1101 in their home schools.

1102 (b) "Maintaining" means the students attending the school

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1103 are making progress equivalent to the progress made when the
1104 students were served in their home schools.

1105 (c) "Declining" means the students attending the school are
1106 making less academic progress than when the students were served
1107 in their home schools.

1108
1109 The school improvement rating shall be based on a comparison of
1110 student performance data for the current year and previous year.
1111 ~~Schools that improve at least one level or maintain an~~
1112 ~~"improving" rating pursuant to this section are eligible for~~
1113 ~~school recognition awards pursuant to s. 1008.36.~~

1114 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data
1115 used in determining an alternative school's school improvement
1116 rating shall include:

1117 (a) The aggregate scores of all eligible students who were
1118 assigned to and enrolled in the school during the October or
1119 February FTE count, who have been assessed on the FCAT and on
1120 non-FCAT measures, and who have FCAT or comparable scores for
1121 the preceding school year.

1122 (b) The aggregate scores of all eligible students who were
1123 assigned to and enrolled in the school during the October or
1124 February FTE count, who have been assessed on the FCAT and on
1125 non-FCAT measures, and who have scored in the lowest 25th
1126 percentile of students in the state on the FCAT and on non-FCAT
1127 measures Reading.

1128
1129 The assessment scores of students who are subject to district
1130 school board policies for expulsion for repeated or serious
1131 offenses, who are in dropout retrieval programs serving students

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1132 who have officially been designated as dropouts, or who are in
1133 programs operated or contracted by the Department of Juvenile
1134 Justice may not be included in an alternative school's school
1135 improvement rating.

1136 Section 11. Section 1008.36, Florida Statutes, is amended
1137 to read:

1138 1008.36 Every Child Matters Program ~~Florida School~~
1139 ~~Recognition Program.~~

1140 (1) The Legislature finds that in order to provide every
1141 student enrolled in K-12 public schools with the opportunity to
1142 achieve a successful public education, academic problems must be
1143 identified early, with remediation and intervention services to
1144 follow. It is the intent of this section that no child shall be
1145 left behind ~~there is a need for a performance incentive program~~
1146 ~~for outstanding faculty and staff in highly productive schools.~~
1147 ~~The Legislature further finds that performance-based incentives~~
1148 ~~are commonplace in the private sector and should be infused into~~
1149 ~~the public sector as a reward for productivity.~~

1150 (2) The Every Child Matters Program ~~Florida School~~
1151 ~~Recognition Program~~ is created to provide ~~financial awards to~~
1152 ~~public schools that:~~

1153 (a) A curriculum-based, year-round measurement of learning
1154 gains for all public school students enrolled in kindergarten
1155 through grade 12. Sustain high performance by receiving a school
1156 grade of "A," making excellent progress; or

1157 (b) Remediation and intervention services to all public
1158 school students enrolled in kindergarten through grade 12 who
1159 are not meeting grade-appropriate performance expectations,
1160 including FCAT scores and non-FCAT measures ~~Demonstrate~~

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1161 ~~exemplary improvement due to innovation and effort by improving~~
 1162 ~~at least one letter grade or by improving more than one letter~~
 1163 ~~grade and sustaining the improvement the following school year.~~

1164 (3) All public schools, including charter schools, ~~that~~
 1165 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
 1166 participate in the program.

1167 (4) All ~~selected~~ schools shall receive financial assistance
 1168 ~~awards~~ depending on the availability of funds appropriated ~~and~~
 1169 ~~the number and size of schools selected to receive an award.~~

1170 Funds must be distributed to the school's fiscal agent and
 1171 placed in the school's account and must be used for purposes
 1172 listed in subsection (5) as determined jointly by the school's
 1173 staff and school advisory council. ~~If school staff and the~~
 1174 ~~school advisory council cannot reach agreement by November 1,~~
 1175 ~~the awards must be equally distributed to all classroom teachers~~
 1176 ~~currently teaching in the school.~~

1177 (5) Every Child Matters Program funds ~~School recognition~~
 1178 ~~awards~~ must be used for the following:

1179 (a) Administration of a regular formative assessment
 1180 approved by the State Board of Education. ~~Nonrecurring bonuses~~
 1181 ~~to the faculty and staff;~~

1182 (b) Nonrecurring expenditures for remediation of low-
 1183 performing students, including remediation programs and
 1184 intervention services adopted and administered by the Department
 1185 of Education.

1186 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
 1187 or materials to assist in the remediation of low-performing
 1188 students. ~~maintaining and improving student performance; or~~

1189 (d) ~~(c)~~ Temporary personnel for the school to assist in the

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1190 remediation of low-performing students ~~maintaining and improving~~
1191 ~~student performance.~~

1192 (e) Contracts with private sector participants to provide
1193 remediation services provided that 90 percent of the personnel
1194 providing services reside in the state and that the contracts
1195 include requirements to ensure that the private sector
1196 participants are accountable for performance.

1197 (f) Transportation of students pursuant to s. 1002.31.

1198 (6) The Department of Education shall provide training and
1199 informational resources for educators to administer the
1200 formative assessment pursuant to paragraph (5)(a) and shall be
1201 responsible for developing and implementing provisions for the
1202 collection and analysis of the assessment data.

1203 (7) The Department of Education shall establish policies
1204 and procedures for the development of individual education plans
1205 for low-performing students who receive remediation and
1206 intervention services pursuant to this section.

1207
1208 ~~Notwithstanding statutory provisions to the contrary, incentive~~
1209 ~~awards are not subject to collective bargaining.~~

1210 Section 12. Paragraphs (a), (c), and (d) of subsection (18)
1211 and paragraph (d) of subsection (19) of section 1001.42, Florida
1212 Statutes, are amended to read:

1213 1001.42 Powers and duties of district school board.—The
1214 district school board, acting as a board, shall exercise all
1215 powers and perform all duties listed below:

1216 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
1217 Maintain a system of school improvement and education
1218 accountability as provided by statute and State Board of

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1219 Education rule. This system of school improvement and education
1220 accountability shall be consistent with, and implemented
1221 through, the district's continuing system of planning and
1222 budgeting required by this section and ss. 1008.385, 1010.01,
1223 and 1011.01. This system of school improvement and education
1224 accountability shall include, but is not limited to, the
1225 following:

1226 (a) *School improvement plans.*—Annually approve and require
1227 implementation of a new, amended, or continuation school
1228 improvement plan for each school in the district. A district
1229 school board may establish a district school improvement plan
1230 that includes all schools in the district operating for the
1231 purpose of providing educational services to youth in Department
1232 of Juvenile Justice programs. The school improvement plan shall
1233 be designed to achieve the state education priorities pursuant
1234 to s. 1000.03(5) and student proficiency on the Sunshine State
1235 Standards pursuant to s. 1003.41. Each plan shall address
1236 student achievement goals and strategies based on state and
1237 school district proficiency standards. The plan may also address
1238 issues relative to other academic-related matters, as determined
1239 by district school board policy, and shall include an accurate,
1240 data-based analysis of student achievement and other school
1241 performance data. Beginning with plans approved for
1242 implementation in the 2007-2008 school year, each secondary
1243 school plan must include a redesign component based on the
1244 principles established in s. 1003.413. For each school in the
1245 district that earns a performance category "Declining" ~~school~~
1246 ~~grade of "C" or below,~~ or is required to have a school
1247 improvement plan under federal law, the school improvement plan

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1248 shall, at a minimum, also include:

1249 1. Professional development that supports enhanced and
1250 differentiated instructional strategies to improve teaching and
1251 learning.

1252 2. Continuous use of disaggregated student achievement data
1253 to determine effectiveness of instructional strategies.

1254 3. Ongoing informal and formal assessments to monitor
1255 individual student progress, including progress toward mastery
1256 of the Sunshine State Standards, and to redesign instruction if
1257 needed.

1258 4. Alternative instructional delivery methods to support
1259 remediation, acceleration, and enrichment strategies.

1260 (c) *Assistance and intervention.*—

1261 1. Develop a 2-year plan of increasing individualized
1262 assistance and intervention for each school in danger of not
1263 meeting state standards or making adequate progress, as defined
1264 pursuant to statute and State Board of Education rule, toward
1265 meeting the goals and standards of its approved school
1266 improvement plan.

1267 2. Provide assistance and intervention to a school that is
1268 designated with a performance category "Declining" ~~grade of "D"~~
1269 pursuant to s. 1008.34 ~~and is in danger of failing.~~

1270 3. Develop a plan to encourage teachers with demonstrated
1271 mastery in improving student performance to remain at or
1272 transfer to a school with a performance category "Declining"
1273 ~~grade of "D" or "F"~~ or to an alternative school that serves
1274 disruptive or violent youths. If a classroom teacher, as defined
1275 by s. 1012.01(2)(a), who meets the definition of teaching
1276 mastery developed according to the provisions of this paragraph,

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1277 requests assignment to a school designated with a performance
1278 category "Declining" ~~grade of "D" or "F"~~ or to an alternative
1279 school that serves disruptive or violent youths, the district
1280 school board shall make every practical effort to grant the
1281 request.

1282 4. Prioritize, to the extent possible, the expenditures of
1283 funds received from the supplemental academic instruction
1284 categorical fund under s. 1011.62(1)(f) to improve student
1285 performance in schools that receive a performance category
1286 "Declining." ~~grade of "D" or "F."~~

1287 (d) *After 2 years.*—Notify the Commissioner of Education and
1288 the State Board of Education in the event any school does not
1289 make adequate progress toward meeting the goals and standards of
1290 a school improvement plan by the end of 2 years of failing to
1291 make adequate progress and proceed according to guidelines
1292 developed pursuant to statute and State Board of Education rule.
1293 School districts shall provide intervention and assistance to
1294 schools in danger of being designated with a performance
1295 category "Declining." ~~grade of "F," failing to make adequate~~
1296 ~~progress.~~

1297 (19) LOCAL-LEVEL DECISIONMAKING.—

1298 (d) Adopt policies that assist in giving greater autonomy,
1299 including authority over the allocation of the school's budget,
1300 to schools designated with a performance category "Improving."
1301 ~~grade of "A," making excellent progress, and schools rated as~~
1302 ~~having improved at least two grades.~~

1303 Section 13. Paragraph (b) of subsection (7) and paragraphs
1304 (o) and (p) of subsection (9) of section 1002.33, Florida
1305 Statutes, are amended to read:

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1306 1002.33 Charter schools.—

1307 (7) CHARTER.—The major issues involving the operation of a
1308 charter school shall be considered in advance and written into
1309 the charter. The charter shall be signed by the governing body
1310 of the charter school and the sponsor, following a public
1311 hearing to ensure community input.

1312 (b)1. A charter may be renewed provided that a program
1313 review demonstrates that the criteria in paragraph (a) have been
1314 successfully accomplished and that none of the grounds for
1315 nonrenewal established by paragraph (8) (a) has been documented.
1316 In order to facilitate long-term financing for charter school
1317 construction, charter schools operating for a minimum of 3 years
1318 and demonstrating exemplary academic programming and fiscal
1319 management are eligible for a 15-year charter renewal. Such
1320 long-term charter is subject to annual review and may be
1321 terminated during the term of the charter.

1322 2. The 15-year charter renewal that may be granted pursuant
1323 to subparagraph 1. shall be granted to a charter school that has
1324 received a performance category "Improving" or "Maintaining"
1325 ~~school grade of "A" or "B"~~ pursuant to s. 1008.34 in 3 of the
1326 past 4 years and is not in a state of financial emergency or
1327 deficit position as defined by this section. Such long-term
1328 charter is subject to annual review and may be terminated during
1329 the term of the charter pursuant to subsection (8).

1330 (9) CHARTER SCHOOL REQUIREMENTS.—

1331 (o) The director and a representative of the governing body
1332 of a charter school that has received a performance category
1333 "Declining" ~~school grade of "D"~~ under s. 1008.34(2) shall appear
1334 before the sponsor or the sponsor's staff at least once a year

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1335 to present information concerning each contract component having
1336 noted deficiencies. The sponsor shall communicate at the
1337 meeting, and in writing to the director, the services provided
1338 to the school to help the school address its deficiencies.

1339 (p) Upon notification that a charter school receives a
1340 performance category "Declining" ~~school grade of "D"~~ for 2
1341 consecutive years ~~or a school grade of "F"~~ under s. 1008.34(2),
1342 the charter school sponsor or the sponsor's staff shall require
1343 the director and a representative of the governing body to
1344 submit to the sponsor for approval a school improvement plan to
1345 raise student achievement and to implement the plan. The sponsor
1346 has the authority to approve a school improvement plan that the
1347 charter school will implement in the following school year. The
1348 sponsor may also consider the State Board of Education's
1349 recommended action pursuant to s. 1008.33(1) as part of the
1350 school improvement plan. The Department of Education shall offer
1351 technical assistance and training to the charter school and its
1352 governing body and establish guidelines for developing,
1353 submitting, and approving such plans.

1354 1. If the charter school fails to improve its student
1355 performance from the year immediately prior to the
1356 implementation of the school improvement plan, the sponsor shall
1357 place the charter school on probation and shall require the
1358 charter school governing body to take one of the following
1359 corrective actions:

1360 a. Contract for the educational services of the charter
1361 school;

1362 b. Reorganize the school at the end of the school year
1363 under a new director or principal who is authorized to hire new

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1364 staff and implement a plan that addresses the causes of
1365 inadequate progress; or

1366 c. Reconstitute the charter school.

1367 2. A charter school that is placed on probation shall
1368 continue the corrective actions required under subparagraph 1.
1369 until the charter school improves its student performance from
1370 the year prior to the implementation of the school improvement
1371 plan.

1372 3. Notwithstanding any provision of this paragraph, the
1373 sponsor may terminate the charter at any time pursuant to the
1374 provisions of subsection (8).

1375 Section 14. Subsection (7) and paragraph (a) of subsection
1376 (8) of section 1002.415, Florida Statutes, are amended to read:

1377 1002.415 K-8 Virtual School Program.—Subject to annual
1378 legislative appropriation, a kindergarten through grade 8
1379 virtual school program is established within the Department of
1380 Education for the purpose of making academic instruction
1381 available to full-time students in kindergarten through grade 8
1382 using online and distance learning technology. The department
1383 shall use an application process to select schools to deliver
1384 program instruction.

1385 (7) ASSESSMENT AND ACCOUNTABILITY.—

1386 (a) Each K-8 virtual school must participate in the
1387 statewide assessment program created under s. 1008.22 and shall
1388 be subject to the school performance ~~grading~~ system created by
1389 s. 1008.34.

1390 (b) A K-8 virtual school that has a performance ~~grade~~
1391 category "Declining" ~~of "D" or "F"~~ must file a school
1392 improvement plan with the department for consultation to

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1393 determine the causes for low performance and to develop a plan
1394 for correction and improvement.

1395 (c) The department shall terminate the contract of any K-8
1396 virtual school that receives a performance ~~grade~~ category
1397 "Declining" ~~of "D" or "F"~~ for 2 years in a 3-year ~~during any~~
1398 ~~consecutive 4-year~~ period.

1399 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.—

1400 (a) At the end of a contract with a K-8 virtual school, the
1401 department may choose not to renew the contract for any of the
1402 following grounds:

1403 1. Failure to participate in the state's education
1404 accountability system created in s. 1008.31, as required in this
1405 section;

1406 2. Failure to receive a school performance category
1407 "Maintaining" ~~grade of "C"~~ or better under the school
1408 performance grading system created by s. 1008.34 for any 2 years
1409 in a 3-year ~~consecutive 4-year~~ period;

1410 3. Failure to meet generally accepted standards of fiscal
1411 management;

1412 4. Violation of law;

1413 5. Failure of the Legislature to fund the program; or

1414 6. Other good cause shown.

1415 Section 15. Subsections (4) and (8) of section 1002.45,
1416 Florida Statutes, are amended to read:

1417 1002.45 School district virtual instruction programs.—

1418 (4) PROGRAM CAPACITY; ENROLLMENT.—Beginning with the 2010-
1419 2011 school year, except for courses offered by the Florida
1420 Virtual School under s. 1002.37, a school district may not
1421 increase the enrollment for its full-time virtual instruction

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1422 program in excess of its prior school year enrollment unless the
1423 program for the previous school year is designated with a
1424 performance category "Maintaining" grade of "C," making
1425 ~~satisfactory progress,~~ or better under the school performance
1426 ~~grading~~ system provided in s. 1008.34.

1427 (8) ASSESSMENT AND ACCOUNTABILITY.—

1428 (a) With the exception of the programs offered by the
1429 Florida Virtual School under s. 1002.37, each school district
1430 virtual instruction program must:

1431 1. Participate in the statewide assessment program under s.
1432 1008.22 and in the state's education performance accountability
1433 system under s. 1008.31.

1434 2. Receive a performance category designation ~~school grade~~
1435 as provided in s. 1008.34. A school district virtual instruction
1436 program shall be considered a school under s. 1008.34 for
1437 purposes of this section, regardless of the number of individual
1438 providers participating in the district's program.

1439 (b) The performance of part-time students under paragraph
1440 (7) (c) shall not be included for purposes of school performance
1441 category designation ~~grading~~ under subparagraph (a)2.; however,
1442 their performance shall be included for school performance
1443 category designation ~~grading~~ purposes by the nonvirtual school
1444 providing the student's primary instruction.

1445 (c) A program that is designated with a performance
1446 category "Declining" grade of "D," making less than satisfactory
1447 ~~progress, or "F," failing to make adequate progress,~~ must file a
1448 school improvement plan with the department for consultation to
1449 determine the causes for low performance and to develop a plan
1450 for correction and improvement.

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1451 (d) The school district shall terminate its program,
1452 including all contracts with providers for such program, if the
1453 program receives a performance category "Declining" ~~grade of~~
1454 ~~"D," making less than satisfactory progress, or "F," failing to~~
1455 ~~make adequate progress,~~ for 2 years during any consecutive 4-
1456 year period. If a contract is not renewed or is terminated, the
1457 contracted provider is responsible for all debts of the program
1458 or school operated by the provider.

1459 (e) A school district that terminates its program under
1460 paragraph (d) shall contract with a provider selected and
1461 approved by the department for the provision of virtual
1462 instruction until the school district receives approval from the
1463 department to operate a new school district virtual instruction
1464 program.

1465 Section 16. Paragraph (a) of subsection (1) of section
1466 1003.62, Florida Statutes, is amended to read:

1467 1003.62 Academic performance-based charter school
1468 districts.—The State Board of Education may enter into a
1469 performance contract with district school boards as authorized
1470 in this section for the purpose of establishing them as academic
1471 performance-based charter school districts. The purpose of this
1472 section is to examine a new relationship between the State Board
1473 of Education and district school boards that will produce
1474 significant improvements in student achievement, while complying
1475 with constitutional and statutory requirements assigned to each
1476 entity.

1477 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.—

1478 (a) A school district shall be eligible for designation as
1479 an academic performance-based charter school district if it is a

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1480 high-performing school district in which a minimum of 50 percent
 1481 of the schools earn a performance category "Improving" ~~grade of~~
 1482 ~~"A" or "B"~~ and in which no school earns a performance category
 1483 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years pursuant
 1484 to s. 1008.34. ~~Schools that receive a grade of "I" or "N" shall~~
 1485 ~~not be included in this calculation.~~ The performance contract
 1486 for a school district that earns a charter based on school
 1487 performance grades shall be predicated on maintenance of at
 1488 least 50 percent of the schools in the school district earning a
 1489 performance category "Improving" ~~grade of "A" or "B"~~ with no
 1490 school in the school district earning a performance category
 1491 "Declining" ~~grade of "D" or "F"~~ for 2 consecutive years. A
 1492 school district in which the number of schools that earn a
 1493 performance category "Improving" ~~grade of "A" or "B"~~ is less
 1494 than 50 percent may have its charter renewed for 1 year;
 1495 however, if the percentage of performance category "Improving"
 1496 ~~"A" or "B"~~ schools is less than 50 percent for 2 consecutive
 1497 years, the charter shall not be renewed.

1498 Section 17. Subsection (1) of section 1003.621, Florida
 1499 Statutes, are amended to read:

1500 1003.621 Academically high-performing school districts.—It
 1501 is the intent of the Legislature to recognize and reward school
 1502 districts that demonstrate the ability to consistently maintain
 1503 or improve their high-performing status. The purpose of this
 1504 section is to provide high-performing school districts with
 1505 flexibility in meeting the specific requirements in statute and
 1506 rules of the State Board of Education.

1507 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1508 (a) A school district is an academically high-performing

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1509 school district if it meets the following criteria:

1510 1.a. Beginning with the 2004-2005 school year, earns a
1511 performance category "Improving" ~~grade of "A"~~ under s.

1512 1008.34(7) for 2 consecutive years; and

1513 b. Has no district-operated school that earns a performance
1514 category "Declining" ~~grade of "F"~~ under s. 1008.34;

1515 2. Complies with all class size requirements in s. 1, Art.
1516 IX of the State Constitution and s. 1003.03; and

1517 3. Has no material weaknesses or instances of material
1518 noncompliance noted in the annual financial audit conducted
1519 pursuant to s. 218.39.

1520 (b) Each school district that satisfies the eligibility
1521 criteria in this subsection shall be designated by the State
1522 Board of Education as an academically high-performing school
1523 district. With the exception of the statutes listed in
1524 subsection (2), upon designation as an academically high-
1525 performing school district, each such district is exempt from
1526 the provisions in chapters 1000-1013 which pertain to school
1527 districts and rules of the State Board of Education which
1528 implement these exempt provisions. This exemption remains in
1529 effect during the time of the designation if the district
1530 continues to meet all eligibility criteria.

1531 (c) The academically high-performing school district shall
1532 retain the designation as a high-performing school district for
1533 3 years, at the end of which time the district may renew the
1534 designation if the district meets the requirements in this
1535 section. A school district that fails to meet the requirements
1536 in this section shall provide written notification to the State
1537 Board of Education that the district is no longer eligible to be

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1538 designated as an academically high-performing school district.

1539 (d) In order to maintain the designation as an academically
1540 high-performing school district pursuant to this section, a
1541 school district must meet the following requirements:

1542 1. Comply with the provisions of subparagraphs (a) 2. and 3.;
1543 and

1544 2. Earn a performance category "Improving" ~~grade of "A"~~
1545 under s. 1008.34(7) for 2 years within a 3-year period.

1546
1547 However, a district in which a district-operated school earns a
1548 performance category "Declining" ~~grade of "F"~~ under s. 1008.34
1549 during the 3-year period may not continue to be designated as an
1550 academically high-performing school district during the
1551 remainder of that 3-year period. The district must meet the
1552 criteria in paragraph (a) in order to be redesignated as an
1553 academically high-performing school district.

1554 Section 18. Paragraph (b) of subsection (1) of section
1555 1008.31, Florida Statutes, is amended to read:

1556 1008.31 Florida's K-20 education performance accountability
1557 system; legislative intent; mission, goals, and systemwide
1558 measures; data quality improvements.-

1559 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
1560 that:

1561 (b) The K-20 education performance accountability system be
1562 established as a single, unified accountability system with
1563 multiple components, including, but not limited to, measures of
1564 adequate yearly progress, individual student learning gains in
1565 public schools, school performance categories ~~grades~~, and return
1566 on investment.

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1567 Section 19. Paragraphs (b) and (d) of subsection (6) and
1568 subsection (7) of section 1008.345, Florida Statutes, are
1569 amended to read:

1570 1008.345 Implementation of state system of school
1571 improvement and education accountability.-

1572 (6)

1573 (b) Upon request, the department shall provide technical
1574 assistance and training to any school, including any school
1575 operating for the purpose of providing educational services to
1576 youth in Department of Juvenile Justice programs, school
1577 advisory council, district, or district school board for
1578 conducting needs assessments, developing and implementing school
1579 improvement plans, developing and implementing assistance and
1580 intervention plans, or implementing other components of school
1581 improvement and accountability. Priority for these services
1582 shall be given to schools designated with a performance category
1583 "Declining" ~~grade of "D" or "F"~~ and school districts in rural
1584 and sparsely populated areas of the state.

1585 (d) The commissioner shall assign a community assessment
1586 team to each school district or governing board with a school
1587 receiving a performance category "Declining" ~~graded "F"~~ to
1588 review the school performance data and determine causes for the
1589 low performance, including the role of school, area, and
1590 district administrative personnel. The community assessment team
1591 shall review a high school's graduation rate calculated without
1592 GED tests for the past 3 years, disaggregated by student
1593 ethnicity. The team shall make recommendations to the school
1594 board or the governing board, to the department, and to the
1595 State Board of Education for implementing an assistance and

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1596 intervention plan that will address the causes of the school's
1597 low performance. The assessment team shall include, but not be
1598 limited to, a department representative, parents, business
1599 representatives, educators, representatives of local
1600 governments, and community activists, and shall represent the
1601 demographics of the community from which they are appointed.

1602 (7)~~(a)~~ Schools designated with a performance category
1603 "Improving" ~~a grade of "A," making excellent progress,~~ shall, if
1604 requested by the school, be given deregulated status as
1605 specified in s. 1003.63(5), (7), (8), (9), and (10).

1606 ~~(b) Schools that have improved at least two grades and that~~
1607 ~~meet the criteria of the Florida School Recognition Program~~
1608 ~~pursuant to s. 1008.36 may be given deregulated status as~~
1609 ~~specified in s. 1003.63(5), (7), (8), (9), and (10).~~

1610 Section 20. Paragraphs (h), (m), and (n) of subsection (1)
1611 and paragraph (d) of subsection (7) of section 1011.62, Florida
1612 Statutes, are amended to read:

1613 1011.62 Funds for operation of schools.—If the annual
1614 allocation from the Florida Education Finance Program to each
1615 district for operation of schools is not determined in the
1616 annual appropriations act or the substantive bill implementing
1617 the annual appropriations act, it shall be determined as
1618 follows:

1619 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1620 OPERATION.—The following procedure shall be followed in
1621 determining the annual allocation to each district for
1622 operation:

1623 (h) *Small, isolated high schools.*—Districts which levy the
1624 maximum nonvoted discretionary millage, exclusive of millage for

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1625 capital outlay purposes levied pursuant to s. 1011.71(2), may
1626 calculate full-time equivalent students for small, isolated high
1627 schools by multiplying the number of unweighted full-time
1628 equivalent students times 2.75; provided the school has attained
1629 a performance category "Maintaining" ~~grade of "C"~~ or better,
1630 pursuant to s. 1008.34, for the previous school year. For the
1631 purpose of this section, the term "small, isolated high school"
1632 means any high school which is located no less than 28 miles by
1633 the shortest route from another high school; which has been
1634 serving students primarily in basic studies provided by sub-
1635 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
1636 and which has a membership of no more than 100 students, but no
1637 fewer than 28 students, in grades 9 through 12.

1638 (m) *Calculation of additional full-time equivalent*
1639 *membership based on Advanced International Certificate of*
1640 *Education examination scores of students.*—A value of 0.16 full-
1641 time equivalent student membership shall be calculated for each
1642 student enrolled in a full-credit Advanced International
1643 Certificate of Education course who receives a score of E or
1644 higher on a subject examination. A value of 0.08 full-time
1645 equivalent student membership shall be calculated for each
1646 student enrolled in a half-credit Advanced International
1647 Certificate of Education course who receives a score of E or
1648 higher on a subject examination. A value of 0.3 full-time
1649 equivalent student membership shall be calculated for each
1650 student who receives an Advanced International Certificate of
1651 Education diploma. Such value shall be added to the total full-
1652 time equivalent student membership in basic programs for grades
1653 9 through 12 in the subsequent fiscal year. The school district

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1654 shall distribute to each classroom teacher who provided Advanced
1655 International Certificate of Education instruction:

1656 1. A bonus in the amount of \$50 for each student taught by
1657 the Advanced International Certificate of Education teacher in
1658 each full-credit Advanced International Certificate of Education
1659 course who receives a score of E or higher on the Advanced
1660 International Certificate of Education examination. A bonus in
1661 the amount of \$25 for each student taught by the Advanced
1662 International Certificate of Education teacher in each half-
1663 credit Advanced International Certificate of Education course
1664 who receives a score of E or higher on the Advanced
1665 International Certificate of Education examination.

1666 2. An additional bonus of \$500 to each Advanced
1667 International Certificate of Education teacher in a school
1668 designated with a performance category "Declining" ~~grade of "D"~~
1669 ~~or "F"~~ who has at least one student scoring E or higher on the
1670 full-credit Advanced International Certificate of Education
1671 examination, regardless of the number of classes taught or of
1672 the number of students scoring an E or higher on the full-credit
1673 Advanced International Certificate of Education examination.

1674 3. Additional bonuses of \$250 each to teachers of half-
1675 credit Advanced International Certificate of Education classes
1676 in a school designated with a performance category "Declining"
1677 ~~grade of "D" or "F"~~ which has at least one student scoring an E
1678 or higher on the half-credit Advanced International Certificate
1679 of Education examination in that class. The maximum additional
1680 bonus for a teacher awarded in accordance with this subparagraph
1681 shall not exceed \$500 in any given school year. Teachers
1682 receiving an award under subparagraph 2. are not eligible for a

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1683 bonus under this subparagraph.

1684
1685 Bonuses awarded to a teacher according to this paragraph shall
1686 not exceed \$2,000 in any given school year and shall be in
1687 addition to any regular wage or other bonus the teacher received
1688 or is scheduled to receive.

1689 (n) *Calculation of additional full-time equivalent*
1690 *membership based on college board advanced placement scores of*
1691 *students.*—A value of 0.16 full-time equivalent student
1692 membership shall be calculated for each student in each advanced
1693 placement course who receives a score of 3 or higher on the
1694 College Board Advanced Placement Examination for the prior year
1695 and added to the total full-time equivalent student membership
1696 in basic programs for grades 9 through 12 in the subsequent
1697 fiscal year. Each district must allocate at least 80 percent of
1698 the funds provided to the district for advanced placement
1699 instruction, in accordance with this paragraph, to the high
1700 school that generates the funds. The school district shall
1701 distribute to each classroom teacher who provided advanced
1702 placement instruction:

1703 1. A bonus in the amount of \$50 for each student taught by
1704 the Advanced Placement teacher in each advanced placement course
1705 who receives a score of 3 or higher on the College Board
1706 Advanced Placement Examination.

1707 2. An additional bonus of \$500 to each Advanced Placement
1708 teacher in a school designated with a performance category
1709 "Declining" ~~grade of "D" or "F"~~ who has at least one student
1710 scoring 3 or higher on the College Board Advanced Placement
1711 Examination, regardless of the number of classes taught or of

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1712 the number of students scoring a 3 or higher on the College
1713 Board Advanced Placement Examination.

1714
1715 Bonuses awarded to a teacher according to this paragraph shall
1716 not exceed \$2,000 in any given school year and shall be in
1717 addition to any regular wage or other bonus the teacher received
1718 or is scheduled to receive.

1719 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1720 (d) Each district's allocation of sparsity supplement funds
1721 shall be adjusted in the following manner:

1722 1. A maximum discretionary levy per FTE value for each
1723 district shall be calculated by dividing the value of each
1724 district's maximum discretionary levy by its FTE student count.

1725 2. A state average discretionary levy value per FTE shall
1726 be calculated by dividing the total maximum discretionary levy
1727 value for all districts by the state total FTE student count.

1728 3. A total potential funds per FTE for each district shall
1729 be calculated by dividing the total potential funds, not
1730 including Every Child Matters Program ~~Florida School Recognition~~
1731 ~~Program~~ funds and the minimum guarantee, for each district by
1732 its FTE student count.

1733 4. A state average total potential funds per FTE shall be
1734 calculated by dividing the total potential funds, not including
1735 Every Child Matters Program ~~Florida School Recognition Program~~
1736 funds and the minimum guarantee, for all districts by the state
1737 total FTE student count.

1738 5. For districts that have a levy value per FTE as
1739 calculated in subparagraph 1. higher than the state average
1740 calculated in subparagraph 2., a sparsity wealth adjustment

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1741 shall be calculated as the product of the difference between the
1742 state average levy value per FTE calculated in subparagraph 2.
1743 and the district's levy value per FTE calculated in subparagraph
1744 1. and the district's FTE student count and -1. However, no
1745 district shall have a sparsity wealth adjustment that, when
1746 applied to the total potential funds calculated in subparagraph
1747 3., would cause the district's total potential funds per FTE to
1748 be less than the state average calculated in subparagraph 4.

1749 6. Each district's sparsity supplement allocation shall be
1750 calculated by adding the amount calculated as specified in
1751 paragraphs (a) and (b) and the wealth adjustment amount
1752 calculated in this paragraph.

1753 Section 21. Paragraph (a) of subsection (2) of section
1754 1011.64, Florida Statutes, is amended to read:

1755 1011.64 School district minimum classroom expenditure
1756 requirements.—

1757 (2) For the purpose of implementing the provisions of this
1758 section, the Legislature shall prescribe minimum academic
1759 performance standards and minimum classroom expenditure
1760 requirements for districts not meeting such minimum academic
1761 performance standards in the General Appropriations Act.

1762 (a) Minimum academic performance standards may be based on,
1763 but are not limited to, district performance ~~grades~~ determined
1764 pursuant to s. 1008.34(7).

1765 Section 22. Subsections (1), (2), and (5) of section
1766 1012.2315, Florida Statutes, are amended to read:

1767 1012.2315 Assignment of teachers.—

1768 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
1769 disparities between teachers assigned to teach in a majority of

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1770 ~~"A" graded~~ schools receiving a performance category "Improving"
1771 and teachers assigned to teach in a majority of ~~"F" graded~~
1772 schools receiving a performance category "Declining." The
1773 disparities can be found in the average years of experience, the
1774 median salary, and the performance of the teachers on teacher
1775 certification examinations. It is the intent of the Legislature
1776 that district school boards have flexibility through the
1777 collective bargaining process to assign teachers more equitably
1778 across the schools in the district.

1779 (2) ASSIGNMENT TO SCHOOLS. ~~GRADED "D" OR "F."~~ School
1780 districts may not assign a higher percentage than the school
1781 district average of first-time teachers, temporarily certified
1782 teachers, teachers in need of improvement, or out-of-field
1783 teachers to schools with above the school district average of
1784 minority and economically disadvantaged students or schools that
1785 are designated performance category "Declining." ~~graded "D" or~~
1786 ~~"F."~~ Each school district shall annually certify to the
1787 Commissioner of Education that this requirement has been met. If
1788 the commissioner determines that a school district is not in
1789 compliance with this subsection, the State Board of Education
1790 shall be notified and shall take action pursuant to s. 1008.32
1791 in the next regularly scheduled meeting to require compliance.

1792 (5) REPORT.—Schools receiving a performance category
1793 "Declining" ~~graded "D" or "F"~~ shall annually report their
1794 teacher-retention rate. Included in this report shall be reasons
1795 listed for leaving by each teacher who left the school for any
1796 reason.

1797 Section 23. This act shall take effect July 1, 2009.