



421468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2009	.	
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The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
Maintain a state system of school improvement and education



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12 accountability as provided by statute and State Board of
13 Education rule. This system of school improvement and education
14 accountability shall be consistent with, and implemented
15 through, the district's continuing system of planning and
16 budgeting required by this section and ss. 1008.385, 1010.01,
17 and 1011.01. This system of school improvement and education
18 accountability shall comply with the provisions of ss. 1008.33,
19 1008.34, 1008.345, and 1008.385 and include, but is not limited
20 ~~to,~~ the following:

21 (a) *School improvement plans.*—The district school board
22 shall annually approve and require implementation of a new,
23 amended, or continuation school improvement plan for each school
24 in the district. ~~A district school board may establish a~~
25 ~~district school improvement plan that includes all schools in~~
26 ~~the district operating for the purpose of providing educational~~
27 ~~services to youth in Department of Juvenile Justice programs.~~
28 ~~The school improvement plan shall be designed to achieve the~~
29 ~~state education priorities pursuant to s. 1000.03(5) and student~~
30 ~~proficiency on the Sunshine State Standards pursuant to s.~~
31 ~~1003.41. Each plan shall address student achievement goals and~~
32 ~~strategies based on state and school district proficiency~~
33 ~~standards. The plan may also address issues relative to other~~
34 ~~academic-related matters, as determined by district school board~~
35 ~~policy, and shall include an accurate, data-based analysis of~~
36 ~~student achievement and other school performance data. Beginning~~
37 ~~with plans approved for implementation in the 2007-2008 school~~
38 ~~year, each secondary school plan must include a redesign~~
39 ~~component based on the principles established in s. 1003.413.~~
40 ~~For each school in the district that earns a school grade of "C"~~



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41 ~~or below, or is required to have a school improvement plan under~~
42 ~~federal law, the school improvement plan shall, at a minimum,~~
43 ~~also include:~~

44 ~~1. Professional development that supports enhanced and~~
45 ~~differentiated instructional strategies to improve teaching and~~
46 ~~learning.~~

47 ~~2. Continuous use of disaggregated student achievement data~~
48 ~~to determine effectiveness of instructional strategies.~~

49 ~~3. Ongoing informal and formal assessments to monitor~~
50 ~~individual student progress, including progress toward mastery~~
51 ~~of the Sunshine State Standards, and to redesign instruction if~~
52 ~~needed.~~

53 ~~4. Alternative instructional delivery methods to support~~
54 ~~remediation, acceleration, and enrichment strategies.~~

55 ~~(b) Approval process.—Develop a process for approval of a~~
56 ~~school improvement plan presented by an individual school and~~
57 ~~its advisory council. In the event a district school board does~~
58 ~~not approve a school improvement plan after exhausting this~~
59 ~~process, the Department of Education shall be notified of the~~
60 ~~need for assistance.~~

61 ~~(c) Assistance and intervention.—~~

62 ~~1. Develop a 2-year plan of increasing individualized~~
63 ~~assistance and intervention for each school in danger of not~~
64 ~~meeting state standards or making adequate progress, as defined~~
65 ~~pursuant to statute and State Board of Education rule, toward~~
66 ~~meeting the goals and standards of its approved school~~
67 ~~improvement plan.~~

68 ~~2. Provide assistance and intervention to a school that is~~
69 ~~designated with a grade of "D" pursuant to s. 1008.34 and is in~~



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70 ~~danger of failing.~~

71 ~~3. Develop a plan to encourage teachers with demonstrated~~
72 ~~mastery in improving student performance to remain at or~~
73 ~~transfer to a school with a grade of "D" or "F" or to an~~
74 ~~alternative school that serves disruptive or violent youths. If~~
75 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
76 ~~the definition of teaching mastery developed according to the~~
77 ~~provisions of this paragraph, requests assignment to a school~~
78 ~~designated with a grade of "D" or "F" or to an alternative~~
79 ~~school that serves disruptive or violent youths, the district~~
80 ~~school board shall make every practical effort to grant the~~
81 ~~request.~~

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

86 ~~(d) After 2 years. Notify the Commissioner of Education and~~
87 ~~the State Board of Education in the event any school does not~~
88 ~~make adequate progress toward meeting the goals and standards of~~
89 ~~a school improvement plan by the end of 2 years of failing to~~
90 ~~make adequate progress and proceed according to guidelines~~
91 ~~developed pursuant to statute and State Board of Education rule.~~
92 ~~School districts shall provide intervention and assistance to~~
93 ~~schools in danger of being designated with a grade of "F,"~~
94 ~~failing to make adequate progress.~~

95 ~~(b)(e) Public disclosure. The district school board shall~~
96 ~~provide information regarding the performance of students and~~
97 ~~educational programs as required pursuant to ss. 1008.22 and~~
98 ~~1008.385 and implement a system of school reports as required by~~



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99 statute and State Board of Education rule which ~~that~~ shall
100 include schools operating for the purpose of providing
101 educational services to youth in Department of Juvenile Justice
102 programs, and for those schools, report on the elements
103 specified in s. 1003.52(19). Annual public disclosure reports
104 shall be in an easy-to-read report card format and shall include
105 the school's grade, high school graduation rate calculated
106 without GED tests, disaggregated by student ethnicity, and
107 performance data as specified in state board rule.

108 (c) ~~(f)~~ *School improvement funds.* ~~The district school board~~
109 shall provide funds to schools for developing and implementing
110 school improvement plans. Such funds shall include those funds
111 appropriated for the purpose of school improvement pursuant to
112 s. 24.121(5)(c).

113 Section 2. Paragraph (a) of subsection (8), paragraph (p)
114 of subsection (9), and paragraph (a) of subsection (16) of
115 section 1002.33, Florida Statutes, are amended to read:

116 1002.33 Charter schools.—

117 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

118 (a) The sponsor may choose not to renew or may terminate
119 the charter for any of the following grounds:

120 1. Failure to participate in the state's education
121 accountability system created in ss. 1008.31, 1008.32, and
122 1008.33 ~~s. 1008.31~~, as required in this section, or failure to
123 meet the requirements for student performance stated in the
124 charter.

125 2. Failure to meet generally accepted standards of fiscal
126 management.

127 3. Violation of law.



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128 4. Other good cause shown.

129 (9) CHARTER SCHOOL REQUIREMENTS.—

130 (p) Upon notification that a charter school receives a
131 school grade of "D" for 2 consecutive years or a school grade of
132 "F" under s. 1008.34(2), the charter school sponsor or the
133 sponsor's staff shall require the director and a representative
134 of the governing body to submit to the sponsor for approval a
135 school improvement plan to raise student achievement and to
136 implement the plan. The sponsor has the authority to approve a
137 school improvement plan that the charter school will implement
138 in the following school year. The sponsor shall include the
139 actions recommended by ~~may also consider~~ the State Board of
140 Education ~~Education's recommended action~~ pursuant to s.
141 1008.33(1) as part of the school improvement plan. The
142 Department of Education shall offer technical assistance and
143 training to the charter school and its governing body and
144 establish guidelines for developing, submitting, and approving
145 such plans.

146 1. If the charter school fails to improve its student
147 performance from the year immediately prior to the
148 implementation of the school improvement plan, the sponsor shall
149 place the charter school on probation and shall require the
150 charter school governing body to take one of the following
151 corrective actions:

152 a. Contract for the educational services of the charter
153 school;

154 b. Reorganize the school at the end of the school year
155 under a new director or principal who is authorized to hire new
156 staff and implement a plan that addresses the causes of



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157 inadequate progress; or

158 c. Reconstitute the charter school.

159 2. A charter school that is placed on probation shall
160 continue the corrective actions required under subparagraph 1.
161 until the charter school improves its student performance from
162 the year prior to the implementation of the school improvement
163 plan.

164 3. Notwithstanding any provision of this paragraph, the
165 sponsor may terminate the charter at any time pursuant to the
166 provisions of subsection (8).

167 (16) EXEMPTION FROM STATUTES.—

168 (a) A charter school shall operate in accordance with its
169 charter and shall be exempt from all statutes in chapters 1000-
170 1013. However, a charter school shall be in compliance with the
171 following statutes in chapters 1000-1013:

172 1. Those statutes specifically applying to charter schools,
173 including this section.

174 2. Those statutes pertaining to the student assessment
175 program and school grading system.

176 3. Those statutes pertaining to the provision of services
177 to students with disabilities.

178 4. Those statutes pertaining to civil rights, including s.
179 1000.05, relating to discrimination.

180 5. Those statutes pertaining to student health, safety, and
181 welfare.

182 6. Those statutes pertaining to school improvement and
183 education accountability, including s. 1008.33.

184 Section 3. Subsection (1) of section 1003.413, Florida
185 Statutes, is amended to read:



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186 1003.413 Florida Secondary School Redesign Act.-

187 (1) For purposes of this section, the term "secondary
188 school" means a school that serves ~~Secondary schools are schools~~
189 ~~that primarily serve~~ students in grades 6 through 12. A
190 secondary school does not include an elementary school serving
191 students only through grade 6. It is the intent of the
192 Legislature to provide for secondary school redesign so that
193 students promoted from the 8th grade have the necessary academic
194 skills for success in high school and students graduating from
195 high school have the necessary skills for success in the
196 workplace and postsecondary education.

197 Section 4. Subsection (5) of section 1003.413, Florida
198 Statutes, is repealed.

199 Section 5. Paragraphs (a) and (b) of subsection (1) of
200 section 1003.4156, Florida Statutes, are amended to read:

201 1003.4156 General requirements for middle grades
202 promotion.-

203 (1) Beginning with students entering grade 6 in the 2006-
204 2007 school year, promotion from a school composed of middle
205 grades 6, 7, and 8 requires that:

206 (a) The student must successfully complete academic courses
207 as follows:

208 1. Three middle school or higher courses in English. These
209 courses shall emphasize literature, composition, and technical
210 text.

211 2. Three middle school or higher courses in mathematics.
212 Each middle school must offer at least one high school level
213 mathematics course for which students may earn high school
214 credit.



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215 3. Three middle school or higher courses in social studies,
216 one semester of which must include the study of state and
217 federal government and civics education.

218 4. Three middle school or higher courses in science.

219 5. One course in career and education planning to be
220 completed in 7th or 8th grade. The course may be taught by any
221 member of the instructional staff; must include career
222 exploration using Florida CHOICES ~~for the 21st Century~~ or a
223 comparable cost-effective program; must include educational
224 planning using the online student advising system known as
225 Florida Academic Counseling and Tracking for Students at the
226 Internet website FACTS.org; and shall result in the completion
227 of a personalized academic and career plan.

228
229 Each school must hold a parent meeting either in the evening or
230 on a weekend to inform parents about the course curriculum and
231 activities. Each student shall complete an electronic personal
232 education plan that must be signed by the student; the student's
233 instructor, guidance counselor, or academic advisor; and the
234 student's parent. ~~By January 1, 2007,~~ The Department of
235 Education shall develop course frameworks and professional
236 development materials for the career exploration and education
237 planning course. The course may be implemented as a stand-alone
238 course or integrated into another course or courses. The
239 Commissioner of Education shall collect longitudinal high school
240 course enrollment data by student ethnicity in order to analyze
241 course-taking patterns.

242 (b) For each year in which a student scores at Level 1 on
243 FCAT Reading, the student must be enrolled in and complete an



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244 intensive reading course the following year. Placement of Level
245 2 readers in either an intensive reading course or a content
246 area course in which reading strategies are delivered shall be
247 determined by diagnosis of reading needs. The department shall
248 provide guidance on appropriate strategies for diagnosing and
249 meeting the varying instructional needs of students reading
250 below grade level. Reading courses shall be designed and offered
251 pursuant to the comprehensive reading plan required by s.
252 1011.62(9). A student who scores at Level 1 or Level 2 on FCAT
253 Reading but who did not score below Level 3 on FCAT Reading in
254 the prior 3 school years, may be exempt from the requirement in
255 this paragraph if the student demonstrates acceptable
256 performance on an alternative standardized reading assessment
257 approved by the State Board of Education.

258 Section 6. Paragraph (b) of subsection (2) of section
259 1003.428, Florida Statutes, is amended to read:

260 1003.428 General requirements for high school graduation;
261 revised.—

262 (2) The 24 credits may be earned through applied,
263 integrated, and combined courses approved by the Department of
264 Education and shall be distributed as follows:

265 (b) Eight credits in majors, minors, or electives:

266 1. Four credits in a major area of interest, such as
267 sequential courses in a career and technical program, fine and
268 performing arts, or academic content area, selected by the
269 student as part of the education plan required by s. 1003.4156.
270 Students may revise major areas of interest each year as part of
271 annual course registration processes and should update their
272 education plan to reflect such revisions. Annually by October 1,



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273 the district school board shall approve major areas of interest
274 and submit the list of majors to the Commissioner of Education
275 for approval. Each major area of interest shall be deemed
276 approved unless specifically rejected by the commissioner within
277 60 days. Upon approval, each district's major areas of interest
278 shall be available for use by all school districts and shall be
279 posted on the department's website.

280 2. Four credits in elective courses selected by the student
281 as part of the education plan required by s. 1003.4156. These
282 credits may be combined to allow for a second major area of
283 interest pursuant to subparagraph 1., a minor area of interest,
284 elective courses, or intensive reading or mathematics
285 intervention courses as described in this subparagraph.

286 a. Minor areas of interest are composed of three credits
287 selected by the student as part of the education plan required
288 by s. 1003.4156 and approved by the district school board.

289 b. Elective courses are selected by the student in order to
290 pursue a complete education program as described in s.
291 1001.41(3) and to meet eligibility requirements for
292 scholarships.

293 c. For each year in which a student scores at Level 1 on
294 FCAT Reading, the student must be enrolled in and complete an
295 intensive reading course the following year. Placement of Level
296 2 readers in either an intensive reading course or a content
297 area course in which reading strategies are delivered shall be
298 determined by diagnosis of reading needs. The department shall
299 provide guidance on appropriate strategies for diagnosing and
300 meeting the varying instructional needs of students reading
301 below grade level. Reading courses shall be designed and offered



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302 pursuant to the comprehensive reading plan required by s.
303 1011.62(9). A student who scores at Level 1 or Level 2 on FCAT
304 Reading but who did not score below Level 3 on FCAT Reading in
305 the prior 3 school years, may be exempt from the requirement in
306 this sub-subparagraph if the student demonstrates acceptable
307 performance on an alternative standardized reading assessment
308 approved by the State Board of Education. The requirements in
309 this sub-subparagraph do not apply to a student who has earned a
310 passing score on the grade 10 FCAT Reading pursuant to s.
311 1008.22(3)(c) or who has achieved a score on a standardized test
312 which is concordant with a passing score on the grade 10 FCAT
313 Reading pursuant to s. 1008.22(10).

314 d. For each year in which a student scores at Level 1 or
315 Level 2 on FCAT Mathematics, the student must receive
316 remediation the following year. These courses may be taught
317 through applied, integrated, or combined courses and are subject
318 to approval by the department for inclusion in the Course Code
319 Directory. The requirements in this sub-subparagraph do not
320 apply to a student who has earned a passing score on the grade
321 10 FCAT Mathematics pursuant to s. 1008.22(3)(c) or who has
322 achieved a score on a standardized test which is concordant with
323 a passing score on the grade 10 FCAT Mathematics pursuant to s.
324 1008.22(10).

325 Section 7. Subsection (1), paragraph (c) of subsection (7),
326 and subsection (8) of section 1003.429, Florida Statutes, are
327 amended to read:

328 1003.429 Accelerated high school graduation options.—

329 (1) Students who enter grade 9 in the 2006-2007 school year
330 and thereafter may select, upon receipt of each consent required



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331 by this section, one of the following three high school
332 graduation options:

333 (a) Completion of the general requirements for high school
334 graduation pursuant to s. 1003.428 or s. 1003.43, as applicable;

335 (b) Completion of a 3-year standard college preparatory
336 program requiring successful completion of a minimum of 18
337 academic credits in grades 9 through 12. At least 6 of the 18
338 credits required for completion of this program must be received
339 in classes that are offered pursuant to the International
340 Baccalaureate Program, the Advanced Placement Program, dual
341 enrollment, Advanced International Certificate of Education, or
342 specifically listed or identified by the Department of Education
343 as rigorous pursuant to s. 1009.531(3). The 18 credits required
344 for completion of this program shall be primary requirements and
345 shall be distributed as follows:

346 1. Four credits in English, with major concentration in
347 composition and literature;

348 2. Three credits in mathematics at the Algebra I level or
349 higher from the list of courses that qualify for state
350 university admission. Beginning with students who enter grade 9
351 in the 2009-2010 school year, four credits in mathematics at the
352 Algebra I level or higher from the list of courses that qualify
353 for state university admission;

354 3. Three credits in natural science, two of which must have
355 a laboratory component;

356 4. Three credits in social sciences, which must include one
357 credit in American history, one credit in world history, one-
358 half credit in American government, and one-half credit in
359 economics;



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360 5. Two credits in the same second language unless the
361 student is a native speaker of or can otherwise demonstrate
362 competency in a language other than English. If the student
363 demonstrates competency in another language, the student may
364 replace the language requirement with two credits in other
365 academic courses; and

366 6. Three credits in electives. Beginning with students who
367 enter grade 9 in the 2009-2010 school year, two credits in
368 electives; or

369 (c) Completion of a 3-year career preparatory program
370 requiring successful completion of a minimum of 18 academic
371 credits in grades 9 through 12. The 18 credits shall be primary
372 requirements and shall be distributed as follows:

373 1. Four credits in English, with major concentration in
374 composition and literature;

375 2. Three credits in mathematics, one of which must be
376 Algebra I;

377 3. Three credits in natural science, two of which must have
378 a laboratory component;

379 4. Three credits in social sciences, which must include one
380 credit in American history, one credit in world history, one-
381 half credit in American government, and one-half credit in
382 economics;

383 5. Three credits in a single vocational or career education
384 program, three credits in career and technical certificate dual
385 enrollment courses, or five credits in vocational or career
386 education courses; and

387 6. Two credits in electives unless five credits are earned
388 pursuant to subparagraph 5.



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389
390 Any student who selected an accelerated graduation program
391 before July 1, 2004, may continue that program, and all
392 statutory program requirements that were applicable when the
393 student made the program choice shall remain applicable to the
394 student as long as the student continues that program.

395 (7) If, at the end of grade 10, a student is not on track
396 to meet the credit, assessment, or grade-point-average
397 requirements of the accelerated graduation option selected, the
398 school shall notify the student and parent of the following:

399 (c) The right of the student to change to the 4-year
400 program set forth in s. 1003.428 or s. 1003.43, as applicable.

401 (8) A student who selected one of the accelerated 3-year
402 graduation options shall automatically move to the 4-year
403 program set forth in s. 1003.428 or s. 1003.43, as applicable,
404 if the student:

405 (a) Exercises his or her right to change to the 4-year
406 program;

407 (b) Fails to earn 5 credits by the end of grade 9 or fails
408 to earn 11 credits by the end of grade 10;

409 (c) Does not achieve a score of 3 or higher on the grade 10
410 FCAT Writing assessment; or

411 (d) By the end of grade 11 does not meet the requirements
412 of subsections (1) and (6).

413 Section 8. Section 1003.433, Florida Statutes, is amended
414 to read:

415 1003.433 Learning opportunities for out-of-state and out-
416 of-country transfer students and students needing additional
417 instruction to meet middle grades promotion or high school



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418 graduation requirements.-

419 (1) Students who enter a Florida public middle school at
420 the eighth grade from out of state or from a foreign country
421 shall not be required to spend additional time in a Florida
422 public school in order to meet the middle grades promotion
423 requirements if the student has met all requirements of the
424 school district, state, or country from which he or she is
425 transferring. Such students who are not proficient in English
426 should receive immediate and intensive instruction in English
427 language acquisition.

428 (2)~~(1)~~ Students who enter a Florida public school at the
429 eleventh or twelfth grade from out of state or from a foreign
430 country shall not be required to spend additional time in a
431 Florida public school in order to meet the high school course
432 requirements if the student has met all requirements of the
433 school district, state, or country from which he or she is
434 transferring. Such students who are not proficient in English
435 should receive immediate and intensive instruction in English
436 language acquisition. However, to receive a standard high school
437 diploma, a transfer student must earn a 2.0 grade point average
438 and pass the grade 10 FCAT required in s. 1008.22(3) or an
439 alternate assessment as described in s. 1008.22(10).

440 (3)~~(2)~~ Students who have met all requirements for the
441 standard high school diploma except for passage of the grade 10
442 FCAT or an alternate assessment by the end of grade 12 must be
443 provided the following learning opportunities:

444 (a) Participation in an accelerated high school equivalency
445 diploma preparation program during the summer.

446 (b) Upon receipt of a certificate of completion, be allowed



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447 to take the College Placement Test and be admitted to remedial
448 or credit courses at a state community college, as appropriate.

449 (c) Participation in an adult general education program as
450 provided in s. 1004.93 for such time as the student requires to
451 master English, reading, mathematics, or any other subject
452 required for high school graduation. Students attending adult
453 basic, adult secondary, or vocational-preparatory instruction
454 are exempt from any requirement for the payment of tuition and
455 fees, including lab fees, pursuant to s. 1009.25. A student
456 attending an adult general education program shall have the
457 opportunity to take the grade 10 FCAT an unlimited number of
458 times in order to receive a standard high school diploma.

459 (4)~~(3)~~ Students who have been enrolled in an ESOL program
460 for less than 2 school years and have met all requirements for
461 the standard high school diploma except for passage of the grade
462 10 FCAT or alternate assessment may receive immersion English
463 language instruction during the summer following their senior
464 year. Students receiving such instruction are eligible to take
465 the FCAT or alternate assessment and receive a standard high
466 school diploma upon passage of the grade 10 FCAT or the
467 alternate assessment. This subsection shall be implemented to
468 the extent funding is provided in the General Appropriations
469 Act.

470 (5)~~(4)~~ The district school superintendent shall be
471 responsible for notifying all students of the consequences of
472 failure to receive a standard high school diploma, including the
473 potential ineligibility for financial assistance at
474 postsecondary educational institutions.

475 (6)~~(5)~~ The State Board of Education may adopt rules



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476 pursuant to ss. 120.536(1) and 120.54 to administer this
477 section.

478 Section 9. Subsection (1) and paragraph (f) of subsection
479 (4) of section 1003.621, Florida Statutes, are amended to read:

480 1003.621 Academically high-performing school districts.—It
481 is the intent of the Legislature to recognize and reward school
482 districts that demonstrate the ability to consistently maintain
483 or improve their high-performing status. The purpose of this
484 section is to provide high-performing school districts with
485 flexibility in meeting the specific requirements in statute and
486 rules of the State Board of Education.

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

488 (a) The State Board of Education shall annually designate a
489 school district as is an academically high-performing school
490 district if the district it meets the following criteria:

491 1.a. Beginning with the 2004-2005 school year, earns a
492 grade of "A" under s. 1008.34(7) for 2 consecutive years; and

493 b. Has no district-operated school that earns a grade of
494 "F" under s. 1008.34;

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

497 3. Has no material weaknesses or instances of material
498 noncompliance noted in the annual financial audit conducted
499 pursuant to s. 218.39.

500 (b) ~~Each school district that satisfies the eligibility~~
501 ~~criteria in this subsection shall be designated by~~ The State
502 Board of Education shall designate a school district as an
503 academically high-performing school district at the next State
504 Board of Education meeting occurring on or after February 1 of



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505 each year. The designation is effective beginning with the
506 following school year and remains effective through the entire
507 school year. With the exception of the statutes listed in
508 subsection (2), upon designation as an academically high-
509 performing school district, each such district is exempt from
510 the provisions in chapters 1000-1013 which pertain to school
511 districts and rules of the State Board of Education which
512 implement these exempt provisions. ~~This exemption remains in~~
513 ~~effect during the time of the designation if the district~~
514 ~~continues to meet all eligibility criteria.~~

515 ~~(c) The academically high-performing school district shall~~
516 ~~retain the designation as a high-performing school district for~~
517 ~~3 years, at the end of which time the district may renew the~~
518 ~~designation if the district meets the requirements in this~~
519 ~~section. A school district that fails to meet the requirements~~
520 ~~in this section shall provide written notification to the State~~
521 ~~Board of Education that the district is no longer eligible to be~~
522 ~~designated as an academically high-performing school district.~~

523 ~~(c)-(d)~~ (c) In order to annually maintain the designation as an
524 academically high-performing school district pursuant to this
525 section, a school district must meet the following requirements:

- 526 1. Comply with the provisions of sub-subparagraph (a)1.b.
527 and subparagraphs (a)2. and 3.; and
528 2. Earn a grade of "A" under s. 1008.34(7) for 2 years
529 within a 3-year period.

530
531 ~~However, a district in which a district-operated school earns a~~
532 ~~grade of "F" under s. 1008.34 during the 3-year period may not~~
533 ~~continue to be designated as an academically high-performing~~



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534 ~~school district during the remainder of that 3-year period. The~~
535 ~~district must meet the criteria in paragraph (a) in order to be~~
536 ~~redesignated as an academically high-performing school district.~~

537 (4) REPORTS.—The academically high-performing school
538 district shall submit to the State Board of Education and the
539 Legislature an annual report on December 1 which delineates the
540 performance of the school district relative to the academic
541 performance of students at each grade level in reading, writing,
542 mathematics, science, and any other subject that is included as
543 a part of the statewide assessment program in s. 1008.22. The
544 annual report shall be submitted in a format prescribed by the
545 Department of Education and shall include, but need not be
546 limited to, the following:

547 (f) A list of each statute and rule that the district did
548 not comply with, pursuant to paragraph (1)(b) description of
549 each waiver and the status of each waiver.

550 Section 10. Paragraph (c) of subsection (3) and paragraphs
551 (b) and (c) of subsection (10) of section 1008.22, Florida
552 Statutes, are amended to read:

553 1008.22 Student assessment program for public schools.—

554 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
555 design and implement a statewide program of educational
556 assessment that provides information for the improvement of the
557 operation and management of the public schools, including
558 schools operating for the purpose of providing educational
559 services to youth in Department of Juvenile Justice programs.
560 The commissioner may enter into contracts for the continued
561 administration of the assessment, testing, and evaluation
562 programs authorized and funded by the Legislature. Contracts may



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563 be initiated in 1 fiscal year and continue into the next and may
564 be paid from the appropriations of either or both fiscal years.
565 The commissioner is authorized to negotiate for the sale or
566 lease of tests, scoring protocols, test scoring services, and
567 related materials developed pursuant to law. Pursuant to the
568 statewide assessment program, the commissioner shall:

569 (c) Develop and implement a student achievement testing
570 program known as the Florida Comprehensive Assessment Test
571 (FCAT) as part of the statewide assessment program to measure a
572 student's content knowledge and skills in reading, writing,
573 science, and mathematics. Other content areas may be included as
574 directed by the commissioner. Comprehensive assessments of
575 reading and mathematics shall be administered annually in grades
576 3 through 10. Comprehensive assessments of writing and science
577 shall be administered at least once at the elementary, middle,
578 and high school levels. End-of-course assessments for a subject
579 may be administered in addition to the comprehensive assessments
580 required for that subject under this paragraph. An end-of-course
581 assessment must be rigorous, statewide, standardized, and
582 developed or approved by the department. The content knowledge
583 and skills assessed by comprehensive and end-of-course
584 assessments must be aligned to the core curricular content
585 established in the Sunshine State Standards. The commissioner
586 may select one or more nationally developed comprehensive
587 examinations, which may include, but need not be limited to,
588 examinations for a College Board Advanced Placement course,
589 International Baccalaureate course, or Advanced International
590 Certificate of Education course or industry-approved
591 examinations to earn national industry certifications as defined



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592 in s. 1003.492, for use as end-of-course assessments under this
593 paragraph, if the commissioner determines that the content
594 knowledge and skills assessed by the examinations meet or exceed
595 the grade level expectations for the core curricular content
596 established for the course in the Next Generation Sunshine State
597 Standards. The commissioner may collaborate with the American
598 Diploma Project in the adoption or development of rigorous end-
599 of-course assessments that are aligned to the Next Generation
600 Sunshine State Standards. The testing program must be designed
601 as follows:

602 1. The tests shall measure student skills and competencies
603 adopted by the State Board of Education as specified in
604 paragraph (a). The tests must measure and report student
605 proficiency levels of all students assessed in reading, writing,
606 mathematics, and science. The commissioner shall provide for the
607 tests to be developed or obtained, as appropriate, through
608 contracts and project agreements with private vendors, public
609 vendors, public agencies, postsecondary educational
610 institutions, or school districts. The commissioner shall obtain
611 input with respect to the design and implementation of the
612 testing program from state educators, assistive technology
613 experts, and the public.

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

619 3. Beginning with the 2008-2009 school year, the
620 commissioner shall discontinue administration of the selected-



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621 response test items on the comprehensive assessments of writing.
622 Beginning with the 2012-2013 school year, the comprehensive
623 assessments of writing shall be composed of a combination of
624 selected-response test items, short-response performance tasks,
625 and extended-response performance tasks, which shall measure a
626 student's content knowledge of writing, including, but not
627 limited to, paragraph and sentence structure, sentence
628 construction, grammar and usage, punctuation, capitalization,
629 spelling, parts of speech, verb tense, irregular verbs, subject-
630 verb agreement, and noun-pronoun agreement.

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

635 5. Except as provided in s. 1003.428(8)(b) or s.
636 1003.43(11)(b), students must earn a passing score on the grade
637 10 assessment test described in this paragraph or attain
638 concordant scores as described in subsection (10) in reading,
639 writing, and mathematics to qualify for a standard high school
640 diploma. Concordant scores earned before taking the grade 10
641 FCAT for the first time in grade 10 may not be used to satisfy
642 the requirement in this subparagraph. The State Board of
643 Education shall designate a passing score for each part of the
644 grade 10 assessment test. In establishing passing scores, the
645 state board shall consider any possible negative impact of the
646 test on minority students. The State Board of Education shall
647 adopt rules which specify the passing scores for the grade 10
648 FCAT. Any such rules, which have the effect of raising the
649 required passing scores, shall apply only to students taking the



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650 grade 10 FCAT for the first time after such rules are adopted by
651 the State Board of Education.

652 6. Participation in the testing program is mandatory for
653 all students attending public school, including students served
654 in Department of Juvenile Justice programs, except as otherwise
655 prescribed by the commissioner. A student who has not earned
656 passing scores on the grade 10 assessment as provided in
657 subparagraph 5. must participate in each retake of the
658 assessment until the student earns a passing score or achieves a
659 score on a standardized assessment which is concordant with
660 passing scores pursuant to subsection (10). If a student does
661 not participate in the statewide assessment, the district must
662 notify the student's parent and provide the parent with
663 information regarding the implications of such nonparticipation.
664 A parent must provide signed consent for a student to receive
665 classroom instructional accommodations that would not be
666 available or permitted on the statewide assessments and must
667 acknowledge in writing that he or she understands the
668 implications of such instructional accommodations. The State
669 Board of Education shall adopt rules, based upon recommendations
670 of the commissioner, for the provision of test accommodations
671 for students in exceptional education programs and for students
672 who have limited English proficiency. Accommodations that negate
673 the validity of a statewide assessment are not allowable in the
674 administration of the FCAT. However, instructional
675 accommodations are allowable in the classroom if included in a
676 student's individual education plan. Students using
677 instructional accommodations in the classroom that are not
678 allowable as accommodations on the FCAT may have the FCAT



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679 requirement waived pursuant to the requirements of s.
680 1003.428(8)(b) or s. 1003.43(11)(b).

681 7. A student seeking an adult high school diploma must meet
682 the same testing requirements that a regular high school student
683 must meet.

684 8. District school boards must provide instruction to
685 prepare students to demonstrate proficiency in the core
686 curricular content established in the Next Generation Sunshine
687 State Standards adopted under s. 1003.41, including the core
688 content knowledge and skills necessary for successful grade-to-
689 grade progression and high school graduation. If a student is
690 provided with instructional accommodations in the classroom that
691 are not allowable as accommodations in the statewide assessment
692 program, as described in the test manuals, the district must
693 inform the parent in writing and must provide the parent with
694 information regarding the impact on the student's ability to
695 meet expected proficiency levels in reading, writing, and
696 mathematics. The commissioner shall conduct studies as necessary
697 to verify that the required core curricular content is part of
698 the district instructional programs.

699 9. District school boards must provide opportunities for
700 students to demonstrate an acceptable level of performance on an
701 alternative standardized assessment approved by the State Board
702 of Education following enrollment in summer academies.

703 10. The Department of Education must develop, or select,
704 and implement a common battery of assessment tools that will be
705 used in all juvenile justice programs in the state. These tools
706 must accurately measure the core curricular content established
707 in the Sunshine State Standards.



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708 11. For students seeking a special diploma pursuant to s.
709 1003.438, the Department of Education must develop or select and
710 implement an alternate assessment tool that accurately measures
711 the core curricular content established in the Sunshine State
712 Standards for students with disabilities under s. 1003.438.

713 12. The Commissioner of Education shall establish schedules
714 for the administration of statewide assessments and the
715 reporting of student test results. The commissioner shall, by
716 August 1 of each year, notify each school district in writing
717 and publish on the department's Internet website the testing and
718 reporting schedules for, at a minimum, the school year following
719 the upcoming school year. The testing and reporting schedules
720 shall require that:

721 a. There is the latest possible administration of statewide
722 assessments and the earliest possible reporting to the school
723 districts of student test results which is feasible within
724 available technology and specific appropriations; however, test
725 results must be made available no later than the final day of
726 the regular school year for students.

727 b. Beginning with the 2010-2011 school year, a
728 comprehensive statewide assessment of writing is not
729 administered earlier than the week of March 1 and a
730 comprehensive statewide assessment of any other subject is not
731 administered earlier than the week of April 15.

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

734
735 The commissioner may, based on collaboration and input from
736 school districts, design and implement student testing programs,



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737 for any grade level and subject area, necessary to effectively
738 monitor educational achievement in the state, including the
739 measurement of educational achievement of the Sunshine State
740 Standards for students with disabilities. Development and
741 refinement of assessments shall include universal design
742 principles and accessibility standards that will prevent any
743 unintended obstacles for students with disabilities while
744 ensuring the validity and reliability of the test. These
745 principles should be applicable to all technology platforms and
746 assistive devices available for the assessments. The field
747 testing process and psychometric analyses for the statewide
748 assessment program must include an appropriate percentage of
749 students with disabilities and an evaluation or determination of
750 the effect of test items on such students.

751 (10) CONCORDANT SCORES FOR THE FCAT.—

752 ~~(b) In order to use a concordant subject area score~~
753 ~~pursuant to this subsection to satisfy the assessment~~
754 ~~requirement for a standard high school diploma as provided in s.~~
755 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
756 ~~take each subject area of the grade 10 FCAT a total of three~~
757 ~~times without earning a passing score. The requirements of this~~
758 ~~paragraph shall not apply to a new student who enters the~~
759 ~~Florida public school system in grade 12, who may either achieve~~
760 ~~a passing score on the FCAT or use an approved subject area~~
761 ~~concordant score to fulfill the graduation requirement.~~

762 (b) ~~(e)~~ The State Board of Education may define by rule the
763 allowable uses, other than to satisfy the high school graduation
764 requirement, for concordant scores as described in this
765 subsection. Such uses may include, but need not be limited to,



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766 achieving appropriate standardized test scores required for the
767 awarding of Florida Bright Futures Scholarships and college
768 placement.

769 Section 11. Paragraph (b) of subsection (8) of section
770 1008.25, Florida Statutes, is amended to read:

771 1008.25 Public school student progression; remedial
772 instruction; reporting requirements.-

773 (8) ANNUAL REPORT.-

774 (b) Each district school board must annually publish in the
775 local newspaper or on the district school board's Internet
776 website, and submit a corresponding link ~~report in writing~~ to
777 the State Board of Education by October 1 ~~September 1~~ of each
778 year, the following information on the prior school year:

779 1. The provisions of this section relating to public school
780 student progression and the district school board's policies and
781 procedures on student retention and promotion.

782 2. By grade, the number and percentage of all students in
783 grades 3 through 10 performing at Levels 1 and 2 on the reading
784 portion of the FCAT.

785 3. By grade, the number and percentage of all students
786 retained in grades 3 through 10.

787 4. Information on the total number of students who were
788 promoted for good cause, by each category of good cause as
789 specified in paragraph (6) (b).

790 5. Any revisions to the district school board's policy on
791 student retention and promotion from the prior year.

792 Section 12. Section 1008.33, Florida Statutes, is amended
793 to read:

794 (Substantial rewording of section. See



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795 s. 1008.33, F.S., for present text.)

796 1008.33 Authority to enforce public school improvement.—

797 (1) The state system of educational accountability
798 requirements for public schools shall comply with the federal
799 Elementary and Secondary Education Act, 20 U.S.C. s. 6301, et
800 seq., and its implementing regulations if the State Board of
801 Education evaluates and determines that the Elementary and
802 Secondary Education Act, as amended, and its implementing
803 regulations are consistent with the following principles:

804 (a) The accountability system is applied equitably to all
805 public schools, including charter schools, in the state;

806 (b) Florida residents are provided clear, simple, and
807 complementary measures that gauge the performance of the state's
808 public school system;

809 (c) The Department of Education provides the assurances
810 required by the federal Elementary and Secondary Education Act
811 in order to maintain federal funding and achieve federal program
812 authorization;

813 (d) Roles and responsibilities are designated for improving
814 performance at the school, school district, and state levels;

815 (e) All children have a fair, equal, and significant
816 opportunity to obtain a high-quality education and reach, at a
817 minimum, proficiency on challenging academic achievement
818 standards and academic assessments;

819 (f) Schools are responsible for improving the academic
820 achievement of all students and for identifying and turning
821 around low-performing schools;

822 (g) Resources are distributed and directed so as to make a
823 difference to school districts and schools in which needs are



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824 the greatest;

825 (h) State assessments are improved and strengthened to
826 ensure that students are meeting academic achievement and
827 content standards and increasing achievement overall; and

828 (i) Student academic achievement is increased through
829 strategies, including, but not limited to, improving teacher and
830 principal quality and increasing the number of highly qualified
831 teachers in the classroom and highly qualified principals and
832 assistant principals in schools.

833 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
834 1008.345, and 1008.385, the State Board of Education shall hold
835 all school districts and public schools, including charter
836 schools, accountable for student performance. The state board is
837 responsible for a state system of school improvement and
838 education accountability that assesses student performance by
839 school, identifies schools in which students are not making
840 adequate progress toward state standards, and institutes
841 appropriate measures for enforcing improvement.

842 (b) The state system of school improvement and education
843 accountability must provide for uniform accountability
844 standards, provide assistance of escalating intensity to low-
845 performing schools, direct support to schools in order to
846 improve and sustain performance, focus on the performance of
847 student subgroups, and enhance student performance.

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

851 (3) (a) The academic performance of all students has a
852 significant effect on the state school system. Pursuant to Art.



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853 IX of the State Constitution, which prescribes the duty of the
854 State Board of Education to supervise Florida's public school
855 system, the State Board of Education shall equitably enforce the
856 accountability requirements of the state school system and may
857 impose state requirements on school districts in order to
858 improve the academic performance of all districts, schools,
859 charter schools, and students based upon the provisions of the
860 Florida K-20 Education Code, chapters 1000-1013, and the federal
861 Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et
862 seq., and its implementing regulations.

863 (b) For the purpose of determining whether a public school
864 requires action to achieve a sufficient level of school
865 improvement, the Department of Education shall annually
866 categorize a public school in one of six categories based on the
867 school's grade, pursuant to s. 1008.34, and the level and rate
868 of change in student performance in the areas of reading and
869 mathematics, disaggregated into student subgroups as described
870 in the federal Elementary and Secondary Education Act, 20 U.S.C.
871 s. 6311(b)(2)(C)(v)(II).

872 (c) Appropriate intervention and support strategies shall
873 be applied to schools that require action to achieve a
874 sufficient level of improvement as described in paragraph (b).
875 The intervention and support strategies must address student
876 performance, including, but not limited to, improvement
877 planning, leadership quality improvement, educator quality
878 improvement, professional development, curriculum alignment and
879 pacing, and use of continuous improvement and monitoring plans
880 and processes. The State Board of Education may prescribe
881 reporting requirements to review and monitor the progress of the



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882 schools.

883 (4) The Department of Education shall create a matrix that
884 reflects which intervention and support strategies may be
885 applied to address the particular needs of schools in each
886 category.

887 (a) Intervention and support strategies shall be applied to
888 schools based upon the school categorization. The Department of
889 Education shall apply the most intense intervention strategies
890 to the lowest performing schools. The lowest performing schools
891 are schools that have received:

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

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

896 a. The percentage of students who are not proficient in
897 reading has increased when compared to measurements taken 5
898 years previously;

899 b. The percentage of students who are not proficient in
900 mathematics has increased when compared to measurements taken 5
901 years previously;

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

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

906 (b) For a school identified in the category of lowest
907 performing schools, the school district must improve the
908 performance of the school to the extent that it is no longer in
909 the category of lowest performing schools.

910 (5) A school district shall be allowed no more than 3 years



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911 to move the school from the lowest performing category. If
912 improvements to the school are not sufficient to move it from
913 the lowest performing category after 3 years, the school
914 district must comply with ss. 1011.626 and 200.065(3)(m).

915 (6) Beginning July 1, 2009, the Department of Education
916 shall commence its duties under this section.

917 (7) By July 1, 2010, the State Board of Education shall
918 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
919 this section.

920 Section 13. Paragraph (b) of subsection (3) of section
921 1008.34, Florida Statutes, is amended to read:

922 1008.34 School grading system; school report cards;
923 district grade.-

924 (3) DESIGNATION OF SCHOOL GRADES.-

925 (b)1. A school's grade shall be based on a combination of:

926 a. Student achievement scores, including achievement scores
927 for students seeking a special diploma; performance of
928 disaggregated student subgroups shall be included by the 2010-
929 2011 school year.

930 b. Student learning gains as measured by annual FCAT
931 assessments in grades 3 through 10; learning gains for students
932 seeking a special diploma, as measured by an alternate
933 assessment tool, shall be included not later than the 2009-2010
934 school year.

935 c. Improvement of the lowest 25th percentile of students in
936 the school in reading, mathematics, or writing on the FCAT,
937 unless these students are exhibiting satisfactory performance.

938 2. Beginning with the 2009-2010 school year for schools
939 comprised of high school grades 9, 10, 11, and 12, or grades 10,



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940 11, and 12, 50 percent of the school grade shall be based on a
941 combination of the factors listed in sub-subparagraphs 1.a.-c.
942 and the remaining 50 percent on the following factors:

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

944 b. As valid data becomes available, the performance and
945 participation of the school's students in College Board Advanced
946 Placement courses, International Baccalaureate courses, dual
947 enrollment courses, and Advanced International Certificate of
948 Education courses; and the students' achievement of industry
949 certification, as determined by the Agency for Workforce
950 Innovation under s. 1003.492(2) in a career and professional
951 academy, as described in s. 1003.493;

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

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

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

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

962 Section 14. Subsection (5) and paragraphs (b) and (d) of
963 subsection (6) of section 1008.345, Florida Statutes, are
964 amended to read:

965 1008.345 Implementation of state system of school
966 improvement and education accountability.—

967 (5) The commissioner shall report to the Legislature and
968 recommend changes in state policy necessary to foster school



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969 improvement and education accountability. Included in the report
970 shall be a list of the schools, including schools operating for
971 the purpose of providing educational services to youth in
972 Department of Juvenile Justice programs, for which district
973 school boards have developed school improvement ~~assistance and~~
974 ~~intervention~~ plans and an analysis of the various strategies
975 used by the school boards. School reports shall be distributed
976 pursuant to this subsection and s. 1001.42(18)(b) ~~s.~~
977 ~~1001.42(16)(e)~~ and according to rules adopted by the State Board
978 of Education.

979 (6)

980 (b) Upon request, the department shall provide technical
981 assistance and training to any school, including any school
982 operating for the purpose of providing educational services to
983 youth in Department of Juvenile Justice programs, school
984 advisory council, district, or district school board for
985 conducting needs assessments, developing and implementing school
986 improvement plans, ~~developing and implementing assistance and~~
987 ~~intervention plans,~~ or implementing other components of school
988 improvement and accountability. Priority for these services
989 shall be given to schools designated with a grade of "D" or "F"
990 and school districts in rural and sparsely populated areas of
991 the state.

992 (d) The commissioner shall assign a community assessment
993 team to each school district or governing board with a school
994 graded "F" to review the school performance data and determine
995 causes for the low performance, including the role of school,
996 area, and district administrative personnel. The community
997 assessment team shall review a high school's graduation rate



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998 calculated without GED tests for the past 3 years, disaggregated
999 by student ethnicity. The team shall make recommendations to the
1000 school board or the governing board, ~~to the department,~~ and to
1001 the State Board of Education which ~~for implementing an~~
1002 ~~assistance and intervention plan that will~~ address the causes of
1003 the school's low performance and may be incorporated into the
1004 school's improvement plan. The assessment team shall include,
1005 but not be limited to, a department representative, parents,
1006 business representatives, educators, representatives of local
1007 governments, and community activists, and shall represent the
1008 demographics of the community from which they are appointed.

1009 Section 15. Subsection (4) of section 1008.36, Florida
1010 Statutes, is amended to read:

1011 1008.36 Florida School Recognition Program.—

1012 (4) All selected schools shall receive financial awards
1013 depending on the availability of funds appropriated and the
1014 number and size of schools selected to receive an award. Funds
1015 must be distributed to the school's fiscal agent and placed in
1016 the school's account and must be used for purposes listed in
1017 subsection (5) as determined jointly by the school's staff and
1018 school advisory council. If school staff and the school advisory
1019 council cannot reach agreement by February 1 ~~November 1~~, the
1020 awards must be equally distributed to all classroom teachers
1021 currently teaching in the school.

1022
1023 Notwithstanding statutory provisions to the contrary, incentive
1024 awards are not subject to collective bargaining.

1025 Section 16. Subsections (1) and (2) of section 1012.2315,
1026 Florida Statutes, are amended to read:



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1027 1012.2315 Assignment of teachers.-

1028 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
1029 disparities between teachers assigned to teach in a majority of
1030 schools that do not need improvement and schools that do need
1031 improvement pursuant to s. 1008.33 ~~"A" graded schools and~~
1032 ~~teachers assigned to teach in a majority of "F" graded schools.~~
1033 The disparities ~~may~~ can be found in the assignment of
1034 temporarily certified teachers, teachers in need of improvement,
1035 and out-of-field teachers and in average years of experience,
1036 the median salary, and the performance of the students teachers
1037 ~~on teacher certification examinations.~~ It is the intent of the
1038 Legislature that district school boards have flexibility through
1039 the collective bargaining process to assign teachers more
1040 equitably across the schools in the district.

1041 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
1042 IMPROVEMENT. GRADED "D" OR "F." School districts may not assign
1043 a higher percentage than the school district average of ~~first-~~
1044 ~~time teachers,~~ temporarily certified teachers, teachers in need
1045 of improvement, or out-of-field teachers to schools categorized
1046 as needing improvement pursuant to s. 1008.33. ~~with above the~~
1047 ~~school district average of minority and economically~~
1048 ~~disadvantaged students or schools that are graded "D" or "F."~~
1049 Each school district shall annually certify to the Commissioner
1050 of Education that this requirement has been met. If the
1051 commissioner determines that a school district is not in
1052 compliance with this subsection, the State Board of Education
1053 shall be notified and shall take action pursuant to s. 1008.32
1054 in the next regularly scheduled meeting to require compliance.

1055 Section 17. Section 1011.626, Florida Statutes, is created



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1056 to read:

1057 1011.626 School district accountability millage
1058 adjustment.-

1059 (1) INTENT.-The Legislature finds that certain school
1060 districts have failed to improve the performance of the lowest
1061 performing schools. The Legislature also finds that current
1062 accountability requirements do not sufficiently encourage these
1063 school districts to focus their efforts on improving these
1064 schools. A school district's failure to improve the performance
1065 of the lowest performing schools over a significant period of
1066 years penalizes students in those schools for the acts or
1067 omissions of district school boards or district school
1068 superintendents. The Legislature intends, therefore, to provide
1069 for the levy of an additional millage rate on school districts
1070 that fail to improve the performance of the lowest performing
1071 schools.

1072 (2) FAILURE REQUIRING ADDITIONAL MILLAGE.-School districts
1073 that fail to improve the lowest performing schools so that the
1074 schools are no longer the lowest performing schools, as
1075 identified by the Commissioner of Education pursuant to s.
1076 1008.33, must levy an additional millage in order to generate
1077 revenue in an amount equal to the school district's state funds
1078 in the Florida Education Finance Program for FTE generated by
1079 students at the lowest performing schools.

1080 (3) CALCULATION OF MILLAGE RATE.-The Commissioner of
1081 Education shall, in the fiscal year following the determination
1082 under s. 1008.33 that a school district has failed to improve
1083 the performance of the lowest performing schools, calculate the
1084 additional millage rate for each school district subject to



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1085 subsection (2) as provided in that subsection. The commissioner
1086 shall certify the additional millage rate to be levied as part
1087 of the required local effort for that school district for that
1088 year. The additional millage rate is exempt from the 90 percent
1089 calculation of the total Florida Education Finance Program
1090 entitlement under s. 1011.62(4)(a)1.b. The commissioner shall
1091 report the calculated additional millage for each fiscal year by
1092 March 1.

1093 (4) WITHHOLDING OF STATE FUNDS.—For each school district
1094 that is subject to subsection (2) and that is required to levy
1095 an additional millage rate, the Commissioner of Education shall
1096 withhold an amount equivalent to the revenue generated by the
1097 levy of the additional millage rate from the school district's
1098 state funds in the Florida Education Finance Program.

1099 (5) USE OF ADDITIONAL MILLAGE.—The revenue generated by the
1100 levy of the additional millage under this section may be used
1101 only to cover the cost of each failure to improve the lowest
1102 performing school as described in subsection (2).

1103 (6) PUBLIC NOTICE.—

1104 (a) The public notice of proposed property taxes required
1105 in s. 200.065(3)(m) must include a statement that the school
1106 district failed to improve the lowest performing schools as
1107 provided in subsection (2) and that the penalty for
1108 noncompliance is to require the district school board to levy an
1109 additional property tax millage to generate revenues equal to
1110 the noncompliance amount. The notice must also state that the
1111 school district's share of state funds from the Florida
1112 Education Finance Program will be reduced in an amount
1113 equivalent to the additional levy.



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1114 (b) The district school board must include in the notice of
1115 public hearing to adopt its annual budget that it failed to
1116 improve the lowest performing schools and that the district
1117 school board is required to levy an additional rate to satisfy
1118 its failure. The district school board must also provide notice
1119 at its public hearing that the school district's share of state
1120 funds from the Florida Education Finance program will be reduced
1121 in an amount equivalent to the additional levy.

1122 Section 18. Paragraph (m) is added to subsection (3) of
1123 section 200.065, Florida Statutes, to read:

1124 200.065 Method of fixing millage.-

1125 (3) The advertisement shall be no less than one-quarter
1126 page in size of a standard size or a tabloid size newspaper, and
1127 the headline in the advertisement shall be in a type no smaller
1128 than 18 point. The advertisement shall not be placed in that
1129 portion of the newspaper where legal notices and classified
1130 advertisements appear. The advertisement shall be published in a
1131 newspaper of general paid circulation in the county or in a
1132 geographically limited insert of such newspaper. The geographic
1133 boundaries in which such insert is circulated shall include the
1134 geographic boundaries of the taxing authority. It is the
1135 legislative intent that, whenever possible, the advertisement
1136 appear in a newspaper that is published at least 5 days a week
1137 unless the only newspaper in the county is published less than 5
1138 days a week, or that the advertisement appear in a
1139 geographically limited insert of such newspaper which insert is
1140 published throughout the taxing authority's jurisdiction at
1141 least twice each week. It is further the legislative intent that
1142 the newspaper selected be one of general interest and readership



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1143 in the community and not one of limited subject matter, pursuant
1144 to chapter 50.

1145 (m) For school districts that have proposed a millage rate
1146 pursuant to s. 1011.626 and propose to levy nonvoted millage,
1147 the advertisement must be in the following form:

1148
1149 NOTICE OF PROPOSED TAX INCREASE

1150
1151 The ...(name of school district)... will soon consider a measure
1152 to increase its property tax levy. This increase is necessary
1153 because the school district failed to improve the performance of
1154 the lowest performing schools so that these schools are no
1155 longer the lowest performing. The district school board's share
1156 of state funds from the Florida Education Finance Program for
1157 ...(fiscal year)... will be reduced in an amount equivalent to
1158 the additional levy because of the school district's failure to
1159 improve the performance of the lowest performing schools. The
1160 taxes are proposed solely to pay penalties related to the
1161 following:

1162 Failure to improve the lowest performing schools
1163\$XX,XXX,XXX

1164 All concerned citizens are invited to a public hearing on
1165 the tax increase to be held on ...(date and time)... at
1166 ...(meeting place)....

1167 A DECISION on the proposed tax increase and the budget will
1168 be made at this hearing.

1169 Section 19. This act shall take effect July 1, 2009.

1170

1171 ===== T I T L E A M E N D M E N T =====



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1172 And the title is amended as follows:

1173 Delete everything before the enacting clause
1174 and insert:

1175 A bill to be entitled

1176 An act relating to school improvement and
1177 accountability; amending s. 1001.42, F.S.; revising
1178 provisions relating to the powers and duties of
1179 district school boards to implement the state system
1180 of school improvement and education accountability;
1181 amending s. 1002.33, F.S.; revising provisions
1182 relating to charter schools to conform to changes made
1183 by the act; amending s. 1003.413, F.S.; redefining the
1184 term "secondary school" to no longer include an
1185 elementary school serving students through grade 6
1186 only; repealing s. 1003.413(5), F.S., relating to a
1187 requirement that the Commissioner of Education create
1188 and implement the Secondary School Improvement Award
1189 Program; amending s. 1003.4156, F.S.; revising
1190 provisions relating to the general requirements for
1191 middle grades promotion; providing an exception;
1192 amending s. 1003.428, F.S.; revising provisions
1193 relating to the general requirements for high school
1194 graduation; providing exceptions; amending s.
1195 1003.429, F.S.; revising provisions relating to
1196 accelerated high school graduation; revising the
1197 credits for certain courses required under the 3-year
1198 standard college preparatory program beginning with
1199 students who enter grade 9 in the 2009-2010 school
1200 year; amending s. 1003.433, F.S.; providing that a



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1201 student who enters middle school at the eighth grade
1202 from out of state or from a foreign country is not
1203 required to spend additional time in school to meet
1204 the requirements for middle grades promotion under
1205 certain circumstances; requiring that such student
1206 receive immediate and intensive instruction in English
1207 language acquisition under specified circumstances;
1208 amending s. 1003.621, F.S.; requiring that the State
1209 Board of Education annually designate school districts
1210 as academically high-performing school districts if
1211 certain criteria are met; requiring that such
1212 designation occur at the next meeting of the State
1213 Board of Education on or after a specified date each
1214 year; providing that the designation is effective
1215 beginning the following school year; revising the
1216 information that an academically high-performing
1217 school district must include in its annual report to
1218 the State Board of Education and the Legislature;
1219 amending s. 1008.22, F.S.; providing that concordant
1220 scores that are earned before taking the grade 10
1221 Florida Comprehensive Assessment Test may not be used
1222 to qualify for a standard high school diploma;
1223 requiring that a student who has not earned passing
1224 scores on the grade 10 FCAT participate in each retake
1225 of the assessment until he or she earns a passing
1226 score or achieves a passing score on a standardized
1227 assessment which is concordant with FCAT passing
1228 scores; deleting certain provisions relating to
1229 concordant scores for the FCAT; amending s. 1008.25,



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1230 F.S.; requiring that each district school board
1231 annually post certain information on its Internet
1232 website; revising the date that each district school
1233 board is required to report certain information to the
1234 State Board of Education; amending s. 1008.33, F.S.;
1235 requiring that the state system of educational
1236 accountability comply with the federal Elementary and
1237 Secondary Act after the State Board of Education
1238 evaluates and determines that it is consistent with
1239 certain principles; providing that school districts
1240 and public schools are accountable to the State Board
1241 of Education; providing responsibilities for the State
1242 Board of Education regarding the system of school
1243 improvement and accountability; requiring that the
1244 Department of Education categorize public schools
1245 annually based on school grade and the level and rate
1246 of change in student performance; providing that
1247 schools are subject to intervention and support
1248 strategies; authorizing the State Board of Education
1249 to prescribe reporting requirements to review and
1250 monitor the progress of schools; requiring that the
1251 Department of Education create a matrix reflecting
1252 which intervention and support strategies to apply to
1253 schools in each category; providing criteria for
1254 categorizing schools as the lowest performing schools;
1255 requiring that a district improve the performance of
1256 the lowest performing schools so that the schools
1257 advance to another category; providing that school
1258 districts be allowed no more than 3 years to move such



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1259 schools to another category; requiring that school
1260 districts levy an additional millage rate if
1261 improvements are insufficient after 3 years; requiring
1262 that the State Board of Education adopt rules;
1263 amending s. 1008.34, F.S.; revising provisions
1264 relating to the designation of school grades; amending
1265 s. 1008.345, F.S.; conforming provisions to changes
1266 made by the act; amending s. 1008.36, F.S.; revising
1267 the date that school staff and the school advisory
1268 council are required to reach an agreement regarding
1269 the distribution of financial awards under the Florida
1270 School Recognition Program; amending s. 1012.2315,
1271 F.S.; revising legislative findings and intent;
1272 revising provisions relating to the assignment of
1273 teachers to conform to changes made by the act;
1274 creating s. 1011.626, F.S.; providing legislative
1275 findings and intent; requiring that a school district
1276 levy an additional millage rate if it fails to improve
1277 the lowest performing schools in its district;
1278 requiring that the Commissioner of Education calculate
1279 the amount of the additional millage rate; requiring
1280 that the Commissioner of Education withhold funds from
1281 school districts in an amount equal to the additional
1282 millage rate; providing for the use of revenues
1283 generated from the additional millage; requiring
1284 public notice of proposed property taxes; specifying
1285 the contents of such notice; amending s. 200.065,
1286 F.S.; specifying the form of the notice, which must
1287 include an explanation of the additional millage rate



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1288

required by the act; providing an effective date.