

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

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1 A bill to be entitled
2 An act relating to school improvement and
3 accountability; amending s. 1001.42, F.S.; revising
4 provisions relating to the powers and duties of
5 district school boards to implement the state system
6 of school improvement and education accountability;
7 amending s. 1002.33, F.S.; revising provisions
8 relating to charter schools to conform to changes made
9 by the act; amending s. 1003.413, F.S.; redefining the
10 term "secondary school" to no longer include an
11 elementary school serving students through grade 6
12 only; repealing s. 1003.413(5), F.S., relating to a
13 requirement that the Commissioner of Education create
14 and implement the Secondary School Improvement Award
15 Program; amending s. 1003.4156, F.S.; revising
16 provisions relating to the general requirements for
17 middle grades promotion; providing an exception;
18 amending s. 1003.428, F.S.; revising provisions
19 relating to the general requirements for high school
20 graduation; providing exceptions; amending s.
21 1003.429, F.S.; revising provisions relating to
22 accelerated high school graduation; revising the
23 credits for certain courses required under the 3-year
24 standard college preparatory program beginning with
25 students who enter grade 9 in the 2009-2010 school
26 year; amending s. 1003.433, F.S.; providing that a
27 student who enters middle school at the eighth grade
28 from out of state or from a foreign country is not
29 required to spend additional time in school to meet

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30 the requirements for middle grades promotion under
31 certain circumstances; requiring that such student
32 receive immediate and intensive instruction in English
33 language acquisition under specified circumstances;
34 amending s. 1003.621, F.S.; requiring that the State
35 Board of Education annually designate school districts
36 as academically high-performing school districts if
37 certain criteria are met; requiring that such
38 designation occur at the next meeting of the State
39 Board of Education on or after a specified date each
40 year; providing that the designation is effective
41 beginning the following school year; revising the
42 information that an academically high-performing
43 school district must include in its annual report to
44 the State Board of Education and the Legislature;
45 amending s. 1008.22, F.S.; providing that concordant
46 scores that are earned before taking the grade 10
47 Florida Comprehensive Assessment Test may not be used
48 to qualify for a standard high school diploma;
49 requiring that a student who has not earned passing
50 scores on the grade 10 FCAT participate in each retake
51 of the assessment until he or she earns a passing
52 score or achieves a passing score on a standardized
53 assessment which is concordant with FCAT passing
54 scores; deleting certain provisions relating to
55 concordant scores for the FCAT; amending s. 1008.25,
56 F.S.; requiring that each district school board
57 annually post certain information on its Internet
58 website; revising the date that each district school

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59 board is required to report certain information to the
60 State Board of Education; amending s. 1008.33, F.S.;
61 requiring that the state system of educational
62 accountability comply with the federal Elementary and
63 Secondary Act after the State Board of Education
64 evaluates and determines that it is consistent with
65 certain principles; providing that school districts
66 and public schools are accountable to the State Board
67 of Education; providing responsibilities for the State
68 Board of Education regarding the system of school
69 improvement and accountability; requiring that the
70 Department of Education categorize public schools
71 annually based on school grade and the level and rate
72 of change in student performance; providing that
73 schools are subject to intervention and support
74 strategies; authorizing the State Board of Education
75 to prescribe reporting requirements to review and
76 monitor the progress of schools; requiring that the
77 Department of Education create a matrix reflecting
78 which intervention and support strategies to apply to
79 schools in each category; providing criteria for
80 categorizing schools as the lowest performing schools;
81 requiring that a district improve the performance of
82 the lowest performing schools so that the schools
83 advance to another category; providing that school
84 districts be allowed no more than 3 years to move such
85 schools to another category; requiring that school
86 districts levy an additional millage rate if
87 improvements are insufficient after 3 years; requiring

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88 that the State Board of Education adopt rules;
89 amending s. 1008.34, F.S.; revising provisions
90 relating to the designation of school grades; amending
91 s. 1008.345, F.S.; conforming provisions to changes
92 made by the act; amending s. 1008.36, F.S.; revising
93 the date that school staff and the school advisory
94 council are required to reach an agreement regarding
95 the distribution of financial awards under the Florida
96 School Recognition Program; amending s. 1012.2315,
97 F.S.; revising legislative findings and intent;
98 revising provisions relating to the assignment of
99 teachers to conform to changes made by the act;
100 creating s. 1011.626, F.S.; providing legislative
101 findings and intent; requiring that a school district
102 levy an additional millage rate if it fails to improve
103 the lowest performing schools in its district;
104 requiring that the Commissioner of Education calculate
105 the amount of the additional millage rate; requiring
106 that the Commissioner of Education withhold funds from
107 school districts in an amount equal to the additional
108 millage rate; providing for the use of revenues
109 generated from the additional millage; requiring
110 public notice of proposed property taxes; specifying
111 the contents of such notice; amending s. 200.065,
112 F.S.; specifying the form of the notice, which must
113 include an explanation of the additional millage rate
114 required by the act; providing an effective date.

115

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

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

120 1001.42 Powers and duties of district school board.—The
121 district school board, acting as a board, shall exercise all
122 powers and perform all duties listed below:

123 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
124 Maintain a state system of school improvement and education
125 accountability as provided by statute and State Board of
126 Education rule. This system of school improvement and education
127 accountability shall be consistent with, and implemented
128 through, the district's continuing system of planning and
129 budgeting required by this section and ss. 1008.385, 1010.01,
130 and 1011.01. This system of school improvement and education
131 accountability shall comply with the provisions of ss. 1008.33,
132 1008.34, 1008.345, and 1008.385 and include, ~~but is not limited~~
133 ~~to,~~ the following:

134 (a) School improvement plans.—The district school board
135 shall annually approve and require implementation of a new,
136 amended, or continuation school improvement plan for each school
137 in the district. ~~A district school board may establish a~~
138 ~~district school improvement plan that includes all schools in~~
139 ~~the district operating for the purpose of providing educational~~
140 ~~services to youth in Department of Juvenile Justice programs.~~
141 ~~The school improvement plan shall be designed to achieve the~~
142 ~~state education priorities pursuant to s. 1000.03(5) and student~~
143 ~~proficiency on the Sunshine State Standards pursuant to s.~~
144 ~~1003.41. Each plan shall address student achievement goals and~~
145 ~~strategies based on state and school district proficiency~~

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146 ~~standards. The plan may also address issues relative to other~~
147 ~~academic-related matters, as determined by district school board~~
148 ~~policy, and shall include an accurate, data-based analysis of~~
149 ~~student achievement and other school performance data. Beginning~~
150 ~~with plans approved for implementation in the 2007-2008 school~~
151 ~~year, each secondary school plan must include a redesign~~
152 ~~component based on the principles established in s. 1003.413.~~
153 ~~For each school in the district that earns a school grade of "C"~~
154 ~~or below, or is required to have a school improvement plan under~~
155 ~~federal law, the school improvement plan shall, at a minimum,~~
156 ~~also include:~~

157 ~~1. Professional development that supports enhanced and~~
158 ~~differentiated instructional strategies to improve teaching and~~
159 ~~learning.~~

160 ~~2. Continuous use of disaggregated student achievement data~~
161 ~~to determine effectiveness of instructional strategies.~~

162 ~~3. Ongoing informal and formal assessments to monitor~~
163 ~~individual student progress, including progress toward mastery~~
164 ~~of the Sunshine State Standards, and to redesign instruction if~~
165 ~~needed.~~

166 ~~4. Alternative instructional delivery methods to support~~
167 ~~remediation, acceleration, and enrichment strategies.~~

168 ~~(b) Approval process. Develop a process for approval of a~~
169 ~~school improvement plan presented by an individual school and~~
170 ~~its advisory council. In the event a district school board does~~
171 ~~not approve a school improvement plan after exhausting this~~
172 ~~process, the Department of Education shall be notified of the~~
173 ~~need for assistance.~~

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

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175 ~~1. Develop a 2-year plan of increasing individualized~~
176 ~~assistance and intervention for each school in danger of not~~
177 ~~meeting state standards or making adequate progress, as defined~~
178 ~~pursuant to statute and State Board of Education rule, toward~~
179 ~~meeting the goals and standards of its approved school~~
180 ~~improvement plan.~~

181 ~~2. Provide assistance and intervention to a school that is~~
182 ~~designated with a grade of "D" pursuant to s. 1008.34 and is in~~
183 ~~danger of failing.~~

184 ~~3. Develop a plan to encourage teachers with demonstrated~~
185 ~~mastery in improving student performance to remain at or~~
186 ~~transfer to a school with a grade of "D" or "F" or to an~~
187 ~~alternative school that serves disruptive or violent youths. If~~
188 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
189 ~~the definition of teaching mastery developed according to the~~
190 ~~provisions of this paragraph, requests assignment to a school~~
191 ~~designated with a grade of "D" or "F" or to an alternative~~
192 ~~school that serves disruptive or violent youths, the district~~
193 ~~school board shall make every practical effort to grant the~~
194 ~~request.~~

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

199 ~~(d) After 2 years. Notify the Commissioner of Education and~~
200 ~~the State Board of Education in the event any school does not~~
201 ~~make adequate progress toward meeting the goals and standards of~~
202 ~~a school improvement plan by the end of 2 years of failing to~~
203 ~~make adequate progress and proceed according to guidelines~~

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204 ~~developed pursuant to statute and State Board of Education rule.~~
205 ~~School districts shall provide intervention and assistance to~~
206 ~~schools in danger of being designated with a grade of "F,"~~
207 ~~failing to make adequate progress.~~

208 (b) ~~(e)~~ *Public disclosure.*—The district school board shall
209 provide information regarding the performance of students and
210 educational programs as required pursuant to ss. 1008.22 and
211 1008.385 and implement a system of school reports as required by
212 statute and State Board of Education rule which ~~that~~ shall
213 include schools operating for the purpose of providing
214 educational services to youth in Department of Juvenile Justice
215 programs, and for those schools, report on the elements
216 specified in s. 1003.52(19). Annual public disclosure reports
217 shall be in an easy-to-read report card format and shall include
218 the school's grade, high school graduation rate calculated
219 without GED tests, disaggregated by student ethnicity, and
220 performance data as specified in state board rule.

221 (c) ~~(f)~~ *School improvement funds.*—The district school board
222 shall provide funds to schools for developing and implementing
223 school improvement plans. Such funds shall include those funds
224 appropriated for the purpose of school improvement pursuant to
225 s. 24.121(5)(c).

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

229 1002.33 Charter schools.—

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

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

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233 1. Failure to participate in the state's education
234 accountability system created in ss. 1008.31, 1008.32, and
235 1008.33 ~~s. 1008.31~~, as required in this section, or failure to
236 meet the requirements for student performance stated in the
237 charter.

238 2. Failure to meet generally accepted standards of fiscal
239 management.

240 3. Violation of law.

241 4. Other good cause shown.

242 (9) CHARTER SCHOOL REQUIREMENTS.—

243 (p) Upon notification that a charter school receives a
244 school grade of "D" for 2 consecutive years or a school grade of
245 "F" under s. 1008.34(2), the charter school sponsor or the
246 sponsor's staff shall require the director and a representative
247 of the governing body to submit to the sponsor for approval a
248 school improvement plan to raise student achievement and to
249 implement the plan. The sponsor has the authority to approve a
250 school improvement plan that the charter school will implement
251 in the following school year. The sponsor shall include the
252 actions recommended by ~~may also consider~~ the State Board of
253 Education ~~Education's recommended action~~ pursuant to s.
254 1008.33(1) as part of the school improvement plan. The
255 Department of Education shall offer technical assistance and
256 training to the charter school and its governing body and
257 establish guidelines for developing, submitting, and approving
258 such plans.

259 1. If the charter school fails to improve its student
260 performance from the year immediately prior to the
261 implementation of the school improvement plan, the sponsor shall

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262 place the charter school on probation and shall require the
263 charter school governing body to take one of the following
264 corrective actions:

265 a. Contract for the educational services of the charter
266 school;

267 b. Reorganize the school at the end of the school year
268 under a new director or principal who is authorized to hire new
269 staff and implement a plan that addresses the causes of
270 inadequate progress; or

271 c. Reconstitute the charter school.

272 2. A charter school that is placed on probation shall
273 continue the corrective actions required under subparagraph 1.
274 until the charter school improves its student performance from
275 the year prior to the implementation of the school improvement
276 plan.

277 3. Notwithstanding any provision of this paragraph, the
278 sponsor may terminate the charter at any time pursuant to the
279 provisions of subsection (8).

280 (16) EXEMPTION FROM STATUTES.—

281 (a) A charter school shall operate in accordance with its
282 charter and shall be exempt from all statutes in chapters 1000-
283 1013. However, a charter school shall be in compliance with the
284 following statutes in chapters 1000-1013:

285 1. Those statutes specifically applying to charter schools,
286 including this section.

287 2. Those statutes pertaining to the student assessment
288 program and school grading system.

289 3. Those statutes pertaining to the provision of services
290 to students with disabilities.

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291 4. Those statutes pertaining to civil rights, including s.
292 1000.05, relating to discrimination.

293 5. Those statutes pertaining to student health, safety, and
294 welfare.

295 6. Those statutes pertaining to school improvement and
296 education accountability, including s. 1008.33.

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

299 1003.413 Florida Secondary School Redesign Act.—

300 (1) For purposes of this section, the term "secondary
301 school" means a school that serves ~~Secondary schools are schools~~
302 ~~that primarily serve~~ students in grades 6 through 12. A
303 secondary school does not include an elementary school serving
304 students only through grade 6. It is the intent of the
305 Legislature to provide for secondary school redesign so that
306 students promoted from the 8th grade have the necessary academic
307 skills for success in high school and students graduating from
308 high school have the necessary skills for success in the
309 workplace and postsecondary education.

310 Section 4. Subsection (5) of section 1003.413, Florida
311 Statutes, is repealed.

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

314 1003.4156 General requirements for middle grades
315 promotion.—

316 (1) Beginning with students entering grade 6 in the 2006-
317 2007 school year, promotion from a school composed of middle
318 grades 6, 7, and 8 requires that:

319 (a) The student must successfully complete academic courses

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320 as follows:

321 1. Three middle school or higher courses in English. These
322 courses shall emphasize literature, composition, and technical
323 text.

324 2. Three middle school or higher courses in mathematics.
325 Each middle school must offer at least one high school level
326 mathematics course for which students may earn high school
327 credit.

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

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

332 5. One course in career and education planning to be
333 completed in 7th or 8th grade. The course may be taught by any
334 member of the instructional staff; must include career
335 exploration using Florida CHOICES ~~for the 21st Century~~ or a
336 comparable cost-effective program; must include educational
337 planning using the online student advising system known as
338 Florida Academic Counseling and Tracking for Students at the
339 Internet website FACTS.org; and shall result in the completion
340 of a personalized academic and career plan.

341
342 Each school must hold a parent meeting either in the evening or
343 on a weekend to inform parents about the course curriculum and
344 activities. Each student shall complete an electronic personal
345 education plan that must be signed by the student; the student's
346 instructor, guidance counselor, or academic advisor; and the
347 student's parent. ~~By January 1, 2007,~~ The Department of
348 Education shall develop course frameworks and professional

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349 development materials for the career exploration and education
350 planning course. The course may be implemented as a stand-alone
351 course or integrated into another course or courses. The
352 Commissioner of Education shall collect longitudinal high school
353 course enrollment data by student ethnicity in order to analyze
354 course-taking patterns.

355 (b) For each year in which a student scores at Level 1 on
356 FCAT Reading, the student must be enrolled in and complete an
357 intensive reading course the following year. Placement of Level
358 2 readers in either an intensive reading course or a content
359 area course in which reading strategies are delivered shall be
360 determined by diagnosis of reading needs. The department shall
361 provide guidance on appropriate strategies for diagnosing and
362 meeting the varying instructional needs of students reading
363 below grade level. Reading courses shall be designed and offered
364 pursuant to the comprehensive reading plan required by s.
365 1011.62(9). A student who scores at Level 1 or Level 2 on FCAT
366 Reading but who did not score below Level 3 on FCAT Reading in
367 the prior 3 school years, may be exempt from the requirement in
368 this paragraph if the student demonstrates acceptable
369 performance on an alternative standardized reading assessment
370 approved by the State Board of Education.

371 Section 6. Paragraph (b) of subsection (2) of section
372 1003.428, Florida Statutes, is amended to read:

373 1003.428 General requirements for high school graduation;
374 revised.—

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

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

379 1. Four credits in a major area of interest, such as
380 sequential courses in a career and technical program, fine and
381 performing arts, or academic content area, selected by the
382 student as part of the education plan required by s. 1003.4156.
383 Students may revise major areas of interest each year as part of
384 annual course registration processes and should update their
385 education plan to reflect such revisions. Annually by October 1,
386 the district school board shall approve major areas of interest
387 and submit the list of majors to the Commissioner of Education
388 for approval. Each major area of interest shall be deemed
389 approved unless specifically rejected by the commissioner within
390 60 days. Upon approval, each district's major areas of interest
391 shall be available for use by all school districts and shall be
392 posted on the department's website.

393 2. Four credits in elective courses selected by the student
394 as part of the education plan required by s. 1003.4156. These
395 credits may be combined to allow for a second major area of
396 interest pursuant to subparagraph 1., a minor area of interest,
397 elective courses, or intensive reading or mathematics
398 intervention courses as described in this subparagraph.

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

402 b. Elective courses are selected by the student in order to
403 pursue a complete education program as described in s.
404 1001.41(3) and to meet eligibility requirements for
405 scholarships.

406 c. For each year in which a student scores at Level 1 on

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407 FCAT Reading, the student must be enrolled in and complete an
408 intensive reading course the following year. Placement of Level
409 2 readers in either an intensive reading course or a content
410 area course in which reading strategies are delivered shall be
411 determined by diagnosis of reading needs. The department shall
412 provide guidance on appropriate strategies for diagnosing and
413 meeting the varying instructional needs of students reading
414 below grade level. Reading courses shall be designed and offered
415 pursuant to the comprehensive reading plan required by s.
416 1011.62(9). A student who scores at Level 1 or Level 2 on FCAT
417 Reading but who did not score below Level 3 on FCAT Reading in
418 the prior 3 school years, may be exempt from the requirement in
419 this sub-subparagraph if the student demonstrates acceptable
420 performance on an alternative standardized reading assessment
421 approved by the State Board of Education. The requirements in
422 this sub-subparagraph do not apply to a student who has earned a
423 passing score on the grade 10 FCAT Reading pursuant to s.
424 1008.22(3)(c) or who has achieved a score on a standardized test
425 which is concordant with a passing score on the grade 10 FCAT
426 Reading pursuant to s. 1008.22(10).

427 d. For each year in which a student scores at Level 1 or
428 Level 2 on FCAT Mathematics, the student must receive
429 remediation the following year. These courses may be taught
430 through applied, integrated, or combined courses and are subject
431 to approval by the department for inclusion in the Course Code
432 Directory. The requirements in this sub-subparagraph do not
433 apply to a student who has earned a passing score on the grade
434 10 FCAT Mathematics pursuant to s. 1008.22(3)(c) or who has
435 achieved a score on a standardized test which is concordant with

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436 a passing score on the grade 10 FCAT Mathematics pursuant to s.
437 1008.22(10).

438 Section 7. Subsection (1), paragraph (c) of subsection (7),
439 and subsection (8) of section 1003.429, Florida Statutes, are
440 amended to read:

441 1003.429 Accelerated high school graduation options.—

442 (1) Students who enter grade 9 in the 2006-2007 school year
443 and thereafter may select, upon receipt of each consent required
444 by this section, one of the following three high school
445 graduation options:

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

448 (b) Completion of a 3-year standard college preparatory
449 program requiring successful completion of a minimum of 18
450 academic credits in grades 9 through 12. At least 6 of the 18
451 credits required for completion of this program must be received
452 in classes that are offered pursuant to the International
453 Baccalaureate Program, the Advanced Placement Program, dual
454 enrollment, Advanced International Certificate of Education, or
455 specifically listed or identified by the Department of Education
456 as rigorous pursuant to s. 1009.531(3). The 18 credits required
457 for completion of this program shall be primary requirements and
458 shall be distributed as follows:

459 1. Four credits in English, with major concentration in
460 composition and literature;

461 2. Three credits in mathematics at the Algebra I level or
462 higher from the list of courses that qualify for state
463 university admission. Beginning with students who enter grade 9
464 in the 2009-2010 school year, four credits in mathematics at the

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465 Algebra I level or higher from the list of courses that qualify
466 for state university admission;

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

469 4. Three credits in social sciences, which must include one
470 credit in American history, one credit in world history, one-
471 half credit in American government, and one-half credit in
472 economics;

473 5. Two credits in the same second language unless the
474 student is a native speaker of or can otherwise demonstrate
475 competency in a language other than English. If the student
476 demonstrates competency in another language, the student may
477 replace the language requirement with two credits in other
478 academic courses; and

479 6. Three credits in electives. Beginning with students who
480 enter grade 9 in the 2009-2010 school year, two credits in
481 electives; or

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

486 1. Four credits in English, with major concentration in
487 composition and literature;

488 2. Three credits in mathematics, one of which must be
489 Algebra I;

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

492 4. Three credits in social sciences, which must include one
493 credit in American history, one credit in world history, one-

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494 half credit in American government, and one-half credit in
495 economics;

496 5. Three credits in a single vocational or career education
497 program, three credits in career and technical certificate dual
498 enrollment courses, or five credits in vocational or career
499 education courses; and

500 6. Two credits in electives unless five credits are earned
501 pursuant to subparagraph 5.

502

503 Any student who selected an accelerated graduation program
504 before July 1, 2004, may continue that program, and all
505 statutory program requirements that were applicable when the
506 student made the program choice shall remain applicable to the
507 student as long as the student continues that program.

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

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

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

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

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

522 (c) Does not achieve a score of 3 or higher on the grade 10

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523 FCAT Writing assessment; or

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

526 Section 8. Section 1003.433, Florida Statutes, is amended
527 to read:

528 1003.433 Learning opportunities for out-of-state and out-
529 of-country transfer students and students needing additional
530 instruction to meet middle grades promotion or high school
531 graduation requirements.—

532 (1) Students who enter a Florida public middle school at
533 the eighth grade from out of state or from a foreign country
534 shall not be required to spend additional time in a Florida
535 public school in order to meet the middle grades promotion
536 requirements if the student has met all requirements of the
537 school district, state, or country from which he or she is
538 transferring. Such students who are not proficient in English
539 should receive immediate and intensive instruction in English
540 language acquisition.

541 (2)~~(1)~~ Students who enter a Florida public school at the
542 eleventh or twelfth grade from out of state or from a foreign
543 country shall not be required to spend additional time in a
544 Florida public school in order to meet the high school course
545 requirements if the student has met all requirements of the
546 school district, state, or country from which he or she is
547 transferring. Such students who are not proficient in English
548 should receive immediate and intensive instruction in English
549 language acquisition. However, to receive a standard high school
550 diploma, a transfer student must earn a 2.0 grade point average
551 and pass the grade 10 FCAT required in s. 1008.22(3) or an

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552 alternate assessment as described in s. 1008.22(10).

553 (3)~~(2)~~ Students who have met all requirements for the
554 standard high school diploma except for passage of the grade 10
555 FCAT or an alternate assessment by the end of grade 12 must be
556 provided the following learning opportunities:

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

559 (b) Upon receipt of a certificate of completion, be allowed
560 to take the College Placement Test and be admitted to remedial
561 or credit courses at a state community college, as appropriate.

562 (c) Participation in an adult general education program as
563 provided in s. 1004.93 for such time as the student requires to
564 master English, reading, mathematics, or any other subject
565 required for high school graduation. Students attending adult
566 basic, adult secondary, or vocational-preparatory instruction
567 are exempt from any requirement for the payment of tuition and
568 fees, including lab fees, pursuant to s. 1009.25. A student
569 attending an adult general education program shall have the
570 opportunity to take the grade 10 FCAT an unlimited number of
571 times in order to receive a standard high school diploma.

572 (4)~~(3)~~ Students who have been enrolled in an ESOL program
573 for less than 2 school years and have met all requirements for
574 the standard high school diploma except for passage of the grade
575 10 FCAT or alternate assessment may receive immersion English
576 language instruction during the summer following their senior
577 year. Students receiving such instruction are eligible to take
578 the FCAT or alternate assessment and receive a standard high
579 school diploma upon passage of the grade 10 FCAT or the
580 alternate assessment. This subsection shall be implemented to

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581 the extent funding is provided in the General Appropriations
582 Act.

583 (5)~~(4)~~ The district school superintendent shall be
584 responsible for notifying all students of the consequences of
585 failure to receive a standard high school diploma, including the
586 potential ineligibility for financial assistance at
587 postsecondary educational institutions.

588 (6)~~(5)~~ The State Board of Education may adopt rules
589 pursuant to ss. 120.536(1) and 120.54 to administer this
590 section.

591 Section 9. Subsection (1) and paragraph (f) of subsection
592 (4) of section 1003.621, Florida Statutes, are amended to read:
593 1003.621 Academically high-performing school districts.—It
594 is the intent of the Legislature to recognize and reward school
595 districts that demonstrate the ability to consistently maintain
596 or improve their high-performing status. The purpose of this
597 section is to provide high-performing school districts with
598 flexibility in meeting the specific requirements in statute and
599 rules of the State Board of Education.

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

601 (a) The State Board of Education shall annually designate a
602 school district as is an academically high-performing school
603 district if the district ~~it~~ meets the following criteria:

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

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

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

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610 3. Has no material weaknesses or instances of material
611 noncompliance noted in the annual financial audit conducted
612 pursuant to s. 218.39.

613 ~~(b) Each school district that satisfies the eligibility~~
614 ~~criteria in this subsection shall be designated by The State~~
615 ~~Board of Education shall designate a school district as an~~
616 ~~academically high-performing school district at the next State~~
617 ~~Board of Education meeting occurring on or after February 1 of~~
618 ~~each year. The designation is effective beginning with the~~
619 ~~following school year and remains effective through the entire~~
620 ~~school year.~~ With the exception of the statutes listed in
621 subsection (2), upon designation as an academically high-
622 performing school district, each such district is exempt from
623 the provisions in chapters 1000-1013 which pertain to school
624 districts and rules of the State Board of Education which
625 implement these exempt provisions. ~~This exemption remains in~~
626 ~~effect during the time of the designation if the district~~
627 ~~continues to meet all eligibility criteria.~~

628 ~~(c) The academically high-performing school district shall~~
629 ~~retain the designation as a high-performing school district for~~
630 ~~3 years, at the end of which time the district may renew the~~
631 ~~designation if the district meets the requirements in this~~
632 ~~section. A school district that fails to meet the requirements~~
633 ~~in this section shall provide written notification to the State~~
634 ~~Board of Education that the district is no longer eligible to be~~
635 ~~designated as an academically high-performing school district.~~

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

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639 1. Comply with the provisions of sub-subparagraph (a)1.b.
640 and subparagraphs (a)2. and 3.; and

641 2. Earn a grade of "A" under s. 1008.34(7) for 2 years
642 within a 3-year period.

643

644 ~~However, a district in which a district-operated school earns a~~
645 ~~grade of "F" under s. 1008.34 during the 3-year period may not~~
646 ~~continue to be designated as an academically high-performing~~
647 ~~school district during the remainder of that 3-year period. The~~
648 ~~district must meet the criteria in paragraph (a) in order to be~~
649 ~~redesignated as an academically high-performing school district.~~

650 (4) REPORTS.—The academically high-performing school
651 district shall submit to the State Board of Education and the
652 Legislature an annual report on December 1 which delineates the
653 performance of the school district relative to the academic
654 performance of students at each grade level in reading, writing,
655 mathematics, science, and any other subject that is included as
656 a part of the statewide assessment program in s. 1008.22. The
657 annual report shall be submitted in a format prescribed by the
658 Department of Education and shall include, but need not be
659 limited to, the following:

660 (f) A list of each statute and rule that the district did
661 not comply with, pursuant to paragraph (1)(b) ~~description of~~
662 ~~each waiver and the status of each waiver.~~

663 Section 10. Paragraph (c) of subsection (3) and paragraphs
664 (b) and (c) of subsection (10) of section 1008.22, Florida
665 Statutes, are amended to read:

666 1008.22 Student assessment program for public schools.—

667 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall

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668 design and implement a statewide program of educational
669 assessment that provides information for the improvement of the
670 operation and management of the public schools, including
671 schools operating for the purpose of providing educational
672 services to youth in Department of Juvenile Justice programs.
673 The commissioner may enter into contracts for the continued
674 administration of the assessment, testing, and evaluation
675 programs authorized and funded by the Legislature. Contracts may
676 be initiated in 1 fiscal year and continue into the next and may
677 be paid from the appropriations of either or both fiscal years.
678 The commissioner is authorized to negotiate for the sale or
679 lease of tests, scoring protocols, test scoring services, and
680 related materials developed pursuant to law. Pursuant to the
681 statewide assessment program, the commissioner shall:

682 (c) Develop and implement a student achievement testing
683 program known as the Florida Comprehensive Assessment Test
684 (FCAT) as part of the statewide assessment program to measure a
685 student's content knowledge and skills in reading, writing,
686 science, and mathematics. Other content areas may be included as
687 directed by the commissioner. Comprehensive assessments of
688 reading and mathematics shall be administered annually in grades
689 3 through 10. Comprehensive assessments of writing and science
690 shall be administered at least once at the elementary, middle,
691 and high school levels. End-of-course assessments for a subject
692 may be administered in addition to the comprehensive assessments
693 required for that subject under this paragraph. An end-of-course
694 assessment must be rigorous, statewide, standardized, and
695 developed or approved by the department. The content knowledge
696 and skills assessed by comprehensive and end-of-course

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697 assessments must be aligned to the core curricular content
698 established in the Sunshine State Standards. The commissioner
699 may select one or more nationally developed comprehensive
700 examinations, which may include, but need not be limited to,
701 examinations for a College Board Advanced Placement course,
702 International Baccalaureate course, or Advanced International
703 Certificate of Education course or industry-approved
704 examinations to earn national industry certifications as defined
705 in s. 1003.492, for use as end-of-course assessments under this
706 paragraph, if the commissioner determines that the content
707 knowledge and skills assessed by the examinations meet or exceed
708 the grade level expectations for the core curricular content
709 established for the course in the Next Generation Sunshine State
710 Standards. The commissioner may collaborate with the American
711 Diploma Project in the adoption or development of rigorous end-
712 of-course assessments that are aligned to the Next Generation
713 Sunshine State Standards. The testing program must be designed
714 as follows:

715 1. The tests shall measure student skills and competencies
716 adopted by the State Board of Education as specified in
717 paragraph (a). The tests must measure and report student
718 proficiency levels of all students assessed in reading, writing,
719 mathematics, and science. The commissioner shall provide for the
720 tests to be developed or obtained, as appropriate, through
721 contracts and project agreements with private vendors, public
722 vendors, public agencies, postsecondary educational
723 institutions, or school districts. The commissioner shall obtain
724 input with respect to the design and implementation of the
725 testing program from state educators, assistive technology

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726 experts, and the public.

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

732 3. Beginning with the 2008-2009 school year, the
733 commissioner shall discontinue administration of the selected-
734 response test items on the comprehensive assessments of writing.
735 Beginning with the 2012-2013 school year, the comprehensive
736 assessments of writing shall be composed of a combination of
737 selected-response test items, short-response performance tasks,
738 and extended-response performance tasks, which shall measure a
739 student's content knowledge of writing, including, but not
740 limited to, paragraph and sentence structure, sentence
741 construction, grammar and usage, punctuation, capitalization,
742 spelling, parts of speech, verb tense, irregular verbs, subject-
743 verb agreement, and noun-pronoun agreement.

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

748 5. Except as provided in s. 1003.428(8)(b) or s.
749 1003.43(11)(b), students must earn a passing score on the grade
750 10 assessment test described in this paragraph or attain
751 concordant scores as described in subsection (10) in reading,
752 writing, and mathematics to qualify for a standard high school
753 diploma. Concordant scores earned before taking the grade 10
754 FCAT for the first time in grade 10 may not be used to satisfy

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755 the requirement in this subparagraph. The State Board of
756 Education shall designate a passing score for each part of the
757 grade 10 assessment test. In establishing passing scores, the
758 state board shall consider any possible negative impact of the
759 test on minority students. The State Board of Education shall
760 adopt rules which specify the passing scores for the grade 10
761 FCAT. Any such rules, which have the effect of raising the
762 required passing scores, shall apply only to students taking the
763 grade 10 FCAT for the first time after such rules are adopted by
764 the State Board of Education.

765 6. Participation in the testing program is mandatory for
766 all students attending public school, including students served
767 in Department of Juvenile Justice programs, except as otherwise
768 prescribed by the commissioner. A student who has not earned
769 passing scores on the grade 10 assessment as provided in
770 subparagraph 5. must participate in each retake of the
771 assessment until the student earns a passing score or achieves a
772 score on a standardized assessment which is concordant with
773 passing scores pursuant to subsection (10). If a student does
774 not participate in the statewide assessment, the district must
775 notify the student's parent and provide the parent with
776 information regarding the implications of such nonparticipation.
777 A parent must provide signed consent for a student to receive
778 classroom instructional accommodations that would not be
779 available or permitted on the statewide assessments and must
780 acknowledge in writing that he or she understands the
781 implications of such instructional accommodations. The State
782 Board of Education shall adopt rules, based upon recommendations
783 of the commissioner, for the provision of test accommodations

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784 for students in exceptional education programs and for students
785 who have limited English proficiency. Accommodations that negate
786 the validity of a statewide assessment are not allowable in the
787 administration of the FCAT. However, instructional
788 accommodations are allowable in the classroom if included in a
789 student's individual education plan. Students using
790 instructional accommodations in the classroom that are not
791 allowable as accommodations on the FCAT may have the FCAT
792 requirement waived pursuant to the requirements of s.
793 1003.428(8)(b) or s. 1003.43(11)(b).

794 7. A student seeking an adult high school diploma must meet
795 the same testing requirements that a regular high school student
796 must meet.

797 8. District school boards must provide instruction to
798 prepare students to demonstrate proficiency in the core
799 curricular content established in the Next Generation Sunshine
800 State Standards adopted under s. 1003.41, including the core
801 content knowledge and skills necessary for successful grade-to-
802 grade progression and high school graduation. If a student is
803 provided with instructional accommodations in the classroom that
804 are not allowable as accommodations in the statewide assessment
805 program, as described in the test manuals, the district must
806 inform the parent in writing and must provide the parent with
807 information regarding the impact on the student's ability to
808 meet expected proficiency levels in reading, writing, and
809 mathematics. The commissioner shall conduct studies as necessary
810 to verify that the required core curricular content is part of
811 the district instructional programs.

812 9. District school boards must provide opportunities for

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813 students to demonstrate an acceptable level of performance on an
814 alternative standardized assessment approved by the State Board
815 of Education following enrollment in summer academies.

816 10. The Department of Education must develop, or select,
817 and implement a common battery of assessment tools that will be
818 used in all juvenile justice programs in the state. These tools
819 must accurately measure the core curricular content established
820 in the Sunshine State Standards.

821 11. For students seeking a special diploma pursuant to s.
822 1003.438, the Department of Education must develop or select and
823 implement an alternate assessment tool that accurately measures
824 the core curricular content established in the Sunshine State
825 Standards for students with disabilities under s. 1003.438.

826 12. The Commissioner of Education shall establish schedules
827 for the administration of statewide assessments and the
828 reporting of student test results. The commissioner shall, by
829 August 1 of each year, notify each school district in writing
830 and publish on the department's Internet website the testing and
831 reporting schedules for, at a minimum, the school year following
832 the upcoming school year. The testing and reporting schedules
833 shall require that:

834 a. There is the latest possible administration of statewide
835 assessments and the earliest possible reporting to the school
836 districts of student test results which is feasible within
837 available technology and specific appropriations; however, test
838 results must be made available no later than the final day of
839 the regular school year for students.

840 b. Beginning with the 2010-2011 school year, a
841 comprehensive statewide assessment of writing is not

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842 administered earlier than the week of March 1 and a
843 comprehensive statewide assessment of any other subject is not
844 administered earlier than the week of April 15.

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

847

848 The commissioner may, based on collaboration and input from
849 school districts, design and implement student testing programs,
850 for any grade level and subject area, necessary to effectively
851 monitor educational achievement in the state, including the
852 measurement of educational achievement of the Sunshine State
853 Standards for students with disabilities. Development and
854 refinement of assessments shall include universal design
855 principles and accessibility standards that will prevent any
856 unintended obstacles for students with disabilities while
857 ensuring the validity and reliability of the test. These
858 principles should be applicable to all technology platforms and
859 assistive devices available for the assessments. The field
860 testing process and psychometric analyses for the statewide
861 assessment program must include an appropriate percentage of
862 students with disabilities and an evaluation or determination of
863 the effect of test items on such students.

864 (10) CONCORDANT SCORES FOR THE FCAT.—

865 ~~(b) In order to use a concordant subject area score~~
866 ~~pursuant to this subsection to satisfy the assessment~~
867 ~~requirement for a standard high school diploma as provided in s.~~
868 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
869 ~~take each subject area of the grade 10 FCAT a total of three~~
870 ~~times without earning a passing score. The requirements of this~~

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871 ~~paragraph shall not apply to a new student who enters the~~
872 ~~Florida public school system in grade 12, who may either achieve~~
873 ~~a passing score on the FCAT or use an approved subject area~~
874 ~~concordant score to fulfill the graduation requirement.~~

875 (b) ~~(e)~~ The State Board of Education may define by rule the
876 allowable uses, other than to satisfy the high school graduation
877 requirement, for concordant scores as described in this
878 subsection. Such uses may include, but need not be limited to,
879 achieving appropriate standardized test scores required for the
880 awarding of Florida Bright Futures Scholarships and college
881 placement.

882 Section 11. Paragraph (b) of subsection (8) of section
883 1008.25, Florida Statutes, is amended to read:

884 1008.25 Public school student progression; remedial
885 instruction; reporting requirements.-

886 (8) ANNUAL REPORT.-

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

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

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

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

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

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

905 Section 12. Section 1008.33, Florida Statutes, is amended
906 to read:

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

909 1008.33 Authority to enforce public school improvement.-

910 (1) The state system of educational accountability
911 requirements for public schools shall comply with the federal
912 Elementary and Secondary Education Act, 20 U.S.C. s. 6301, et
913 seq., and its implementing regulations if the State Board of
914 Education evaluates and determines that the Elementary and
915 Secondary Education Act, as amended, and its implementing
916 regulations are consistent with the following principles:

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

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

922 (c) The Department of Education provides the assurances
923 required by the federal Elementary and Secondary Education Act
924 in order to maintain federal funding and achieve federal program
925 authorization;

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

928 (e) All children have a fair, equal, and significant

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929 opportunity to obtain a high-quality education and reach, at a
930 minimum, proficiency on challenging academic achievement
931 standards and academic assessments;

932 (f) Schools are responsible for improving the academic
933 achievement of all students and for identifying and turning
934 around low-performing schools;

935 (g) Resources are distributed and directed so as to make a
936 difference to school districts and schools in which needs are
937 the greatest;

938 (h) State assessments are improved and strengthened to
939 ensure that students are meeting academic achievement and
940 content standards and increasing achievement overall; and

941 (i) Student academic achievement is increased through
942 strategies, including, but not limited to, improving teacher and
943 principal quality and increasing the number of highly qualified
944 teachers in the classroom and highly qualified principals and
945 assistant principals in schools.

946 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
947 1008.345, and 1008.385, the State Board of Education shall hold
948 all school districts and public schools, including charter
949 schools, accountable for student performance. The state board is
950 responsible for a state system of school improvement and
951 education accountability that assesses student performance by
952 school, identifies schools in which students are not making
953 adequate progress toward state standards, and institutes
954 appropriate measures for enforcing improvement.

955 (b) The state system of school improvement and education
956 accountability must provide for uniform accountability
957 standards, provide assistance of escalating intensity to low-

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958 performing schools, direct support to schools in order to
959 improve and sustain performance, focus on the performance of
960 student subgroups, and enhance student performance.

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

964 (3) (a) The academic performance of all students has a
965 significant effect on the state school system. Pursuant to Art.
966 IX of the State Constitution, which prescribes the duty of the
967 State Board of Education to supervise Florida's public school
968 system, the State Board of Education shall equitably enforce the
969 accountability requirements of the state school system and may
970 impose state requirements on school districts in order to
971 improve the academic performance of all districts, schools,
972 charter schools, and students based upon the provisions of the
973 Florida K-20 Education Code, chapters 1000-1013, and the federal
974 Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et
975 seq., and its implementing regulations.

976 (b) For the purpose of determining whether a public school
977 requires action to achieve a sufficient level of school
978 improvement, the Department of Education shall annually
979 categorize a public school in one of six categories based on the
980 school's grade, pursuant to s. 1008.34, and the level and rate
981 of change in student performance in the areas of reading and
982 mathematics, disaggregated into student subgroups as described
983 in the federal Elementary and Secondary Education Act, 20 U.S.C.
984 s. 6311 (b) (2) (C) (v) (II).

985 (c) Appropriate intervention and support strategies shall
986 be applied to schools that require action to achieve a

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987 sufficient level of improvement as described in paragraph (b).
988 The intervention and support strategies must address student
989 performance, including, but not limited to, improvement
990 planning, leadership quality improvement, educator quality
991 improvement, professional development, curriculum alignment and
992 pacing, and use of continuous improvement and monitoring plans
993 and processes. The State Board of Education may prescribe
994 reporting requirements to review and monitor the progress of the
995 schools.

996 (4) The Department of Education shall create a matrix that
997 reflects which intervention and support strategies may be
998 applied to address the particular needs of schools in each
999 category.

1000 (a) Intervention and support strategies shall be applied to
1001 schools based upon the school categorization. The Department of
1002 Education shall apply the most intense intervention strategies
1003 to the lowest performing schools. The lowest performing schools
1004 are schools that have received:

1005 1. A grade of "F" in the most recent school year and in 4
1006 of the last 6 years; or

1007 2. A grade of "D" or "F" in the most recent year and meet
1008 at least three of the following criteria:

1009 a. The percentage of students who are not proficient in
1010 reading has increased when compared to measurements taken 5
1011 years previously;

1012 b. The percentage of students who are not proficient in
1013 mathematics has increased when compared to measurements taken 5
1014 years previously;

1015 c. At least 65 percent of the school's students are not

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1016 proficient in reading; or

1017 d. At least 65 percent of the school's students are not
1018 proficient in mathematics.

1019 (b) For a school identified in the category of lowest
1020 performing schools, the school district must improve the
1021 performance of the school to the extent that it is no longer in
1022 the category of lowest performing schools.

1023 (5) A school district shall be allowed no more than 3 years
1024 to move the school from the lowest performing category. If
1025 improvements to the school are not sufficient to move it from
1026 the lowest performing category after 3 years, the school
1027 district must comply with ss. 1011.626 and 200.065(3)(m).

1028 (6) Beginning July 1, 2009, the Department of Education
1029 shall commence its duties under this section.

1030 (7) By July 1, 2010, the State Board of Education shall
1031 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
1032 this section.

1033 Section 13. Paragraph (b) of subsection (3) of section
1034 1008.34, Florida Statutes, is amended to read:

1035 1008.34 School grading system; school report cards;
1036 district grade.—

1037 (3) DESIGNATION OF SCHOOL GRADES.—

1038 (b)1. A school's grade shall be based on a combination of:

1039 a. Student achievement scores, including achievement scores
1040 for students seeking a special diploma; performance of
1041 disaggregated student subgroups shall be included by the 2010-
1042 2011 school year.

1043 b. Student learning gains as measured by annual FCAT
1044 assessments in grades 3 through 10; learning gains for students

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1045 seeking a special diploma, as measured by an alternate
1046 assessment tool, shall be included not later than the 2009-2010
1047 school year.

1048 c. Improvement of the lowest 25th percentile of students in
1049 the school in reading, mathematics, or writing on the FCAT,
1050 unless these students are exhibiting satisfactory performance.

1051 2. Beginning with the 2009-2010 school year for schools
1052 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1053 11, and 12, 50 percent of the school grade shall be based on a
1054 combination of the factors listed in sub-subparagraphs 1.a.-c.
1055 and the remaining 50 percent on the following factors:

1056 a. The high school graduation rate of the school;

1057 b. As valid data becomes available, the performance and
1058 participation of the school's students in College Board Advanced
1059 Placement courses, International Baccalaureate courses, dual
1060 enrollment courses, and Advanced International Certificate of
1061 Education courses; and the students' achievement of industry
1062 certification, as determined by the Agency for Workforce
1063 Innovation under s. 1003.492(2) in a career and professional
1064 academy, as described in s. 1003.493;

1065 c. Postsecondary readiness of the school's students as
1066 measured by the SAT, ACT, or the common placement test;

1067 d. The high school graduation rate of at-risk students who
1068 scored at Level 2 or lower on the grade 8 FCAT Reading and
1069 Mathematics examinations;

1070 e. As valid data becomes available, the performance of the
1071 school's students on statewide standardized end-of-course
1072 assessments administered under s. 1008.22; and

1073 f. The growth or decline in the components listed in sub-

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1074 subparagraphs a.-e. from year to year.

1075 Section 14. Subsection (5) and paragraphs (b) and (d) of
1076 subsection (6) of section 1008.345, Florida Statutes, are
1077 amended to read:

1078 1008.345 Implementation of state system of school
1079 improvement and education accountability.—

1080 (5) The commissioner shall report to the Legislature and
1081 recommend changes in state policy necessary to foster school
1082 improvement and education accountability. Included in the report
1083 shall be a list of the schools, including schools operating for
1084 the purpose of providing educational services to youth in
1085 Department of Juvenile Justice programs, for which district
1086 school boards have developed school improvement assistance and
1087 ~~intervention~~ plans and an analysis of the various strategies
1088 used by the school boards. School reports shall be distributed
1089 pursuant to this subsection and s. 1001.42(18)(b) ~~s.~~
1090 ~~1001.42(16)(e)~~ and according to rules adopted by the State Board
1091 of Education.

1092 (6)

1093 (b) Upon request, the department shall provide technical
1094 assistance and training to any school, including any school
1095 operating for the purpose of providing educational services to
1096 youth in Department of Juvenile Justice programs, school
1097 advisory council, district, or district school board for
1098 conducting needs assessments, developing and implementing school
1099 improvement plans, ~~developing and implementing assistance and~~
1100 ~~intervention plans,~~ or implementing other components of school
1101 improvement and accountability. Priority for these services
1102 shall be given to schools designated with a grade of "D" or "F"

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1103 and school districts in rural and sparsely populated areas of
1104 the state.

1105 (d) The commissioner shall assign a community assessment
1106 team to each school district or governing board with a school
1107 graded "F" to review the school performance data and determine
1108 causes for the low performance, including the role of school,
1109 area, and district administrative personnel. The community
1110 assessment team shall review a high school's graduation rate
1111 calculated without GED tests for the past 3 years, disaggregated
1112 by student ethnicity. The team shall make recommendations to the
1113 school board or the governing board, ~~to the department,~~ and to
1114 the State Board of Education which ~~for implementing an~~
1115 ~~assistance and intervention plan that will~~ address the causes of
1116 the school's low performance and may be incorporated into the
1117 school's improvement plan. The assessment team shall include,
1118 but not be limited to, a department representative, parents,
1119 business representatives, educators, representatives of local
1120 governments, and community activists, and shall represent the
1121 demographics of the community from which they are appointed.

1122 Section 15. Subsection (4) of section 1008.36, Florida
1123 Statutes, is amended to read:

1124 1008.36 Florida School Recognition Program.—

1125 (4) All selected schools shall receive financial awards
1126 depending on the availability of funds appropriated and the
1127 number and size of schools selected to receive an award. Funds
1128 must be distributed to the school's fiscal agent and placed in
1129 the school's account and must be used for purposes listed in
1130 subsection (5) as determined jointly by the school's staff and
1131 school advisory council. If school staff and the school advisory

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1132 council cannot reach agreement by February 1 ~~November 1~~, the
1133 awards must be equally distributed to all classroom teachers
1134 currently teaching in the school.

1135
1136 Notwithstanding statutory provisions to the contrary, incentive
1137 awards are not subject to collective bargaining.

1138 Section 16. Subsections (1) and (2) of section 1012.2315,
1139 Florida Statutes, are amended to read:

1140 1012.2315 Assignment of teachers.—

1141 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
1142 disparities between teachers assigned to teach in a majority of
1143 schools that do not need improvement and schools that do need
1144 improvement pursuant to s. 1008.33 ~~"A" graded schools and~~
1145 ~~teachers assigned to teach in a majority of "F" graded schools.~~
1146 The disparities may ~~can~~ be found in the assignment of
1147 temporarily certified teachers, teachers in need of improvement,
1148 and out-of-field teachers and in average years of experience,
1149 the median salary, and the performance of the students teachers
1150 on teacher certification examinations. It is the intent of the
1151 Legislature that district school boards have flexibility through
1152 the collective bargaining process to assign teachers more
1153 equitably across the schools in the district.

1154 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
1155 IMPROVEMENT. GRADED "D" OR "F."—School districts may not assign
1156 a higher percentage than the school district average of ~~first-~~
1157 ~~time teachers,~~ temporarily certified teachers, teachers in need
1158 of improvement, or out-of-field teachers to schools categorized
1159 as needing improvement pursuant to s. 1008.33. ~~with above the~~
1160 ~~school district average of minority and economically~~

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1161 ~~disadvantaged students or schools that are graded "D" or "F."~~
1162 Each school district shall annually certify to the Commissioner
1163 of Education that this requirement has been met. If the
1164 commissioner determines that a school district is not in
1165 compliance with this subsection, the State Board of Education
1166 shall be notified and shall take action pursuant to s. 1008.32
1167 in the next regularly scheduled meeting to require compliance.

1168 Section 17. Section 1011.626, Florida Statutes, is created
1169 to read:

1170 1011.626 School district accountability millage
1171 adjustment.-

1172 (1) INTENT.-The Legislature finds that certain school
1173 districts have failed to improve the performance of the lowest
1174 performing schools. The Legislature also finds that current
1175 accountability requirements do not sufficiently encourage these
1176 school districts to focus their efforts on improving these
1177 schools. A school district's failure to improve the performance
1178 of the lowest performing schools over a significant period of
1179 years penalizes students in those schools for the acts or
1180 omissions of district school boards or district school
1181 superintendents. The Legislature intends, therefore, to provide
1182 for the levy of an additional millage rate on school districts
1183 that fail to improve the performance of the lowest performing
1184 schools.

1185 (2) FAILURE REQUIRING ADDITIONAL MILLAGE.-School districts
1186 that fail to improve the lowest performing schools so that the
1187 schools are no longer the lowest performing schools, as
1188 identified by the Commissioner of Education pursuant to s.
1189 1008.33, must levy an additional millage in order to generate

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1190 revenue in an amount equal to the school district's state funds
1191 in the Florida Education Finance Program for FTE generated by
1192 students at the lowest performing schools.

1193 (3) CALCULATION OF MILLAGE RATE.—The Commissioner of
1194 Education shall, in the fiscal year following the determination
1195 under s. 1008.33 that a school district has failed to improve
1196 the performance of the lowest performing schools, calculate the
1197 additional millage rate for each school district subject to
1198 subsection (2) as provided in that subsection. The commissioner
1199 shall certify the additional millage rate to be levied as part
1200 of the required local effort for that school district for that
1201 year. The additional millage rate is exempt from the 90 percent
1202 calculation of the total Florida Education Finance Program
1203 entitlement under s. 1011.62(4)(a)1.b. The commissioner shall
1204 report the calculated additional millage for each fiscal year by
1205 March 1.

1206 (4) WITHHOLDING OF STATE FUNDS.—For each school district
1207 that is subject to subsection (2) and that is required to levy
1208 an additional millage rate, the Commissioner of Education shall
1209 withhold an amount equivalent to the revenue generated by the
1210 levy of the additional millage rate from the school district's
1211 state funds in the Florida Education Finance Program.

1212 (5) USE OF ADDITIONAL MILLAGE.—The revenue generated by the
1213 levy of the additional millage under this section may be used
1214 only to cover the cost of each failure to improve the lowest
1215 performing school as described in subsection (2).

1216 (6) PUBLIC NOTICE.—

1217 (a) The public notice of proposed property taxes required
1218 in s. 200.065(3)(m) must include a statement that the school

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1219 district failed to improve the lowest performing schools as
1220 provided in subsection (2) and that the penalty for
1221 noncompliance is to require the district school board to levy an
1222 additional property tax millage to generate revenues equal to
1223 the noncompliance amount. The notice must also state that the
1224 school district's share of state funds from the Florida
1225 Education Finance Program will be reduced in an amount
1226 equivalent to the additional levy.

1227 (b) The district school board must include in the notice of
1228 public hearing to adopt its annual budget that it failed to
1229 improve the lowest performing schools and that the district
1230 school board is required to levy an additional rate to satisfy
1231 its failure. The district school board must also provide notice
1232 at its public hearing that the school district's share of state
1233 funds from the Florida Education Finance program will be reduced
1234 in an amount equivalent to the additional levy.

1235 Section 18. Paragraph (m) is added to subsection (3) of
1236 section 200.065, Florida Statutes, to read:

1237 200.065 Method of fixing millage.—

1238 (3) The advertisement shall be no less than one-quarter
1239 page in size of a standard size or a tabloid size newspaper, and
1240 the headline in the advertisement shall be in a type no smaller
1241 than 18 point. The advertisement shall not be placed in that
1242 portion of the newspaper where legal notices and classified
1243 advertisements appear. The advertisement shall be published in a
1244 newspaper of general paid circulation in the county or in a
1245 geographically limited insert of such newspaper. The geographic
1246 boundaries in which such insert is circulated shall include the
1247 geographic boundaries of the taxing authority. It is the

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1248 legislative intent that, whenever possible, the advertisement
 1249 appear in a newspaper that is published at least 5 days a week
 1250 unless the only newspaper in the county is published less than 5
 1251 days a week, or that the advertisement appear in a
 1252 geographically limited insert of such newspaper which insert is
 1253 published throughout the taxing authority's jurisdiction at
 1254 least twice each week. It is further the legislative intent that
 1255 the newspaper selected be one of general interest and readership
 1256 in the community and not one of limited subject matter, pursuant
 1257 to chapter 50.

1258 (m) For school districts that have proposed a millage rate
 1259 pursuant to s. 1011.626 and propose to levy nonvoted millage,
 1260 the advertisement must be in the following form:

1261
 1262 NOTICE OF PROPOSED TAX INCREASE

1263
 1264 The ...(name of school district)... will soon consider a measure
 1265 to increase its property tax levy. This increase is necessary
 1266 because the school district failed to improve the performance of
 1267 the lowest performing schools so that these schools are no
 1268 longer the lowest performing. The district school board's share
 1269 of state funds from the Florida Education Finance Program for
 1270 ...(fiscal year)... will be reduced in an amount equivalent to
 1271 the additional levy because of the school district's failure to
 1272 improve the performance of the lowest performing schools. The
 1273 taxes are proposed solely to pay penalties related to the
 1274 following:

1275 Failure to improve the lowest performing schools
 1276\$XX,XXX,XXX

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1277 All concerned citizens are invited to a public hearing on
1278 the tax increase to be held on ...(date and time)... at
1279 ...(meeting place)....

1280 A DECISION on the proposed tax increase and the budget will
1281 be made at this hearing.

1282 Section 19. This act shall take effect July 1, 2009.