

By Senator Wilson

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1 A bill to be entitled
2 An act relating to the school grading system; amending
3 s. 1008.34, F.S.; removing letter grades from the
4 performance grade categories by which schools must be
5 identified in the Commissioner of Education's annual
6 report of the results of the statewide assessment
7 program; amending ss. 1001.42, 1002.33, 1002.38,
8 1002.415, 1003.62, 1008.33, 1008.345, 1008.36, and
9 1011.62, F.S.; conforming provisions to changes made
10 by the act; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsections (2) and (3) of section 1008.34,
15 Florida Statutes, are amended to read:

16 1008.34 School grading system; school report cards;
17 district grade.—

18 (2) SCHOOL GRADES.—The annual report must ~~shall~~ identify
19 schools as having one of the following performance grades,
20 defined according to rules of the State Board of Education:

- 21 (a) ~~"A,"~~ Schools making excellent progress.
22 (b) ~~"B,"~~ Schools making above average progress.
23 (c) ~~"C,"~~ Schools making satisfactory progress.
24 (d) ~~"D,"~~ Schools making less than satisfactory progress.
25 (e) ~~"F,"~~ Schools failing to make adequate progress.

26
27 Each school ~~designated with a grade of "A,"~~ making excellent
28 progress, or having improved at least two grade levels, shall
29 have greater authority over the allocation of the school's total

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30 budget generated from the FEFP, state categoricals, lottery
31 funds, grants, and local funds, as specified in state board
32 rule. The rule must provide that the increased budget authority
33 shall remain in effect until the school's grade declines.

34 (3) DESIGNATION OF SCHOOL GRADES.—

35 (a) Each school that has students who are tested and
36 included in the school grading system shall receive a school
37 grade, except as follows:

38 1. A school shall not receive a school grade if the number
39 of its students tested and included in the school grading system
40 is less than the minimum sample size necessary, based on
41 accepted professional practice, for statistical reliability and
42 prevention of the unlawful release of personally identifiable
43 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

44 2. An alternative school may choose to receive a school
45 grade under this section or a school improvement rating under s.
46 1008.341.

47 3. A school that serves any combination of students in
48 kindergarten through grade 3 which does not receive a school
49 grade because its students are not tested and included in the
50 school grading system shall receive the school grade designation
51 of a K-3 feeder pattern school identified by the Department of
52 Education and verified by the school district. A school feeder
53 pattern exists if at least 60 percent of the students in the
54 school serving a combination of students in kindergarten through
55 grade 3 are scheduled to be assigned to the graded school.

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

57 a. Student achievement scores, including achievement scores
58 for students seeking a special diploma.

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

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

67 2. Beginning with the 2009-2010 school year for schools
68 comprised of high school grades 9, 10, 11, and 12, or grades 10,
69 11, and 12, 50 percent of the school grade shall be based on a
70 combination of the factors listed in sub-subparagraphs 1.a.-c.
71 and the remaining 50 percent on the following factors:

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

73 b. As valid data becomes available, the performance and
74 participation of the school's students in College Board Advanced
75 Placement courses, International Baccalaureate courses, dual
76 enrollment courses, and Advanced International Certificate of
77 Education courses; and the students' achievement of industry
78 certification, as determined by the Agency for Workforce
79 Innovation under s. 1003.492(2) in a career and professional
80 academy, as described in s. 1003.493;

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

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

86 e. As valid data becomes available, the performance of the
87 school's students on statewide standardized end-of-course

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88 assessments administered under s. 1008.22; and

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

91 (c) Student assessment data used in determining school
92 grades shall include:

93 1. The aggregate scores of all eligible students enrolled
94 in the school who have been assessed on the FCAT.

95 2. The aggregate scores of all eligible students enrolled
96 in the school who have been assessed on the FCAT and who have
97 scored at or in the lowest 25th percentile of students in the
98 school in reading, mathematics, or writing, unless these
99 students are exhibiting satisfactory performance.

100 3. Effective with the 2005-2006 school year, the
101 achievement scores and learning gains of eligible students
102 attending alternative schools that provide dropout prevention
103 and academic intervention services pursuant to s. 1003.53. The
104 term "eligible students" in this subparagraph does not include
105 students attending an alternative school who are subject to
106 district school board policies for expulsion for repeated or
107 serious offenses, who are in dropout retrieval programs serving
108 students who have officially been designated as dropouts, or who
109 are in programs operated or contracted by the Department of
110 Juvenile Justice. The student performance data for eligible
111 students identified in this subparagraph shall be included in
112 the calculation of the home school's grade. As used in this
113 section and s. 1008.341, the term "home school" means the school
114 to which the student would be assigned if the student were not
115 assigned to an alternative school. If an alternative school
116 chooses to be graded under this section, student performance

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117 data for eligible students identified in this subparagraph shall
118 not be included in the home school's grade but shall be included
119 only in the calculation of the alternative school's grade. A
120 school district that fails to assign the FCAT scores of each of
121 its students to his or her home school or to the alternative
122 school that receives a grade shall forfeit Florida School
123 Recognition Program funds for 1 fiscal year. School districts
124 must require collaboration between the home school and the
125 alternative school in order to promote student success. This
126 collaboration must include an annual discussion between the
127 principal of the alternative school and the principal of each
128 student's home school concerning the most appropriate school
129 assignment of the student.

130 4. Beginning with the 2009-2010 school year for schools
131 comprised of high school grades 9, 10, 11, and 12, or grades 10,
132 11, and 12, the data listed in subparagraphs 1.-3. and the
133 following data as the Department of Education determines such
134 data are valid and available:

135 a. The high school graduation rate of the school as
136 calculated by the Department of Education;

137 b. The participation rate of all eligible students enrolled
138 in the school and enrolled in College Board Advanced Placement
139 courses; International Baccalaureate courses; dual enrollment
140 courses; Advanced International Certificate of Education
141 courses; and courses or sequence of courses leading to industry
142 certification, as determined by the Agency for Workforce
143 Innovation under s. 1003.492(2) in a career and professional
144 academy, as described in s. 1003.493;

145 c. The aggregate scores of all eligible students enrolled

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146 in the school in College Board Advanced Placement courses,
147 International Baccalaureate courses, and Advanced International
148 Certificate of Education courses;

149 d. Earning of college credit by all eligible students
150 enrolled in the school in dual enrollment programs under s.
151 1007.271;

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

155 f. The aggregate scores of all eligible students enrolled
156 in the school in reading, mathematics, and other subjects as
157 measured by the SAT, the ACT, and the common placement test for
158 postsecondary readiness;

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

162 h. The performance of the school's students on statewide
163 standardized end-of-course assessments administered under s.
164 1008.22; and

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

167
168 The State Board of Education shall adopt appropriate criteria
169 for each school grade. The criteria must also give added weight
170 to student achievement in reading. Schools designated as ~~with a~~
171 ~~grade of "C,"~~ making satisfactory progress, shall be required to
172 demonstrate that adequate progress has been made by students in
173 the school who are in the lowest 25th percentile in reading,
174 mathematics, or writing on the FCAT, unless these students are

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175 exhibiting satisfactory performance. Beginning with the 2009-
176 2010 school year for schools comprised of high school grades 9,
177 10, 11, and 12, or grades 10, 11, and 12, the criteria for
178 school grades must also give added weight to the graduation rate
179 of all eligible at-risk students, as defined in this paragraph.
180 Beginning in the 2009-2010 school year, in order for a high
181 school to be designated as ~~having a grade of "A,"~~ making
182 excellent progress, the school must demonstrate that at-risk
183 students, as defined in this paragraph, in the school are making
184 adequate progress.

185 Section 2. Paragraphs (c) and (d) of subsection (18),
186 paragraph (d) of subsection (19), and subsection (20) of section
187 1001.42, Florida Statutes, are amended to read:

188 1001.42 Powers and duties of district school board.—The
189 district school board, acting as a board, shall exercise all
190 powers and perform all duties listed below:

191 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
192 Maintain a system of school improvement and education
193 accountability as provided by statute and State Board of
194 Education rule. This system of school improvement and education
195 accountability shall be consistent with, and implemented
196 through, the district's continuing system of planning and
197 budgeting required by this section and ss. 1008.385, 1010.01,
198 and 1011.01. This system of school improvement and education
199 accountability shall include, but is not limited to, the
200 following:

201 (c) *Assistance and intervention.*—

202 1. Develop a 2-year plan of increasing individualized
203 assistance and intervention for each school in danger of not

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204 meeting state standards or making adequate progress, as defined
205 pursuant to statute and State Board of Education rule, toward
206 meeting the goals and standards of its approved school
207 improvement plan.

208 2. Provide assistance and intervention to a school that is
209 designated as making less than satisfactory progress ~~with a~~
210 ~~grade of "D"~~ pursuant to s. 1008.34 and is in danger of failing.

211 3. Develop a plan to encourage teachers with demonstrated
212 mastery in improving student performance to remain at or
213 transfer to a school designated as making less than satisfactory
214 progress or failing to make adequate progress ~~with a grade of~~
215 ~~"D" or "F"~~ or to an alternative school that serves disruptive or
216 violent youths. If a classroom teacher, as defined by s.
217 1012.01(2)(a), who meets the definition of teaching mastery
218 developed according to the provisions of this paragraph,
219 requests assignment to a school designated as making less than
220 satisfactory progress or failing to make adequate progress ~~with~~
221 ~~a grade of "D" or "F"~~ or to an alternative school that serves
222 disruptive or violent youths, the district school board shall
223 make every practical effort to grant the request.

224 4. Prioritize, to the extent possible, the expenditures of
225 funds received from the supplemental academic instruction
226 categorical fund under s. 1011.62(1)(f) to improve student
227 performance in schools designated as making less than
228 satisfactory progress or failing to make adequate progress. ~~that~~
229 ~~receive a grade of "D" or "F."~~

230 (d) *After 2 years.*—Notify the Commissioner of Education and
231 the State Board of Education in the event any school does not
232 make adequate progress toward meeting the goals and standards of

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233 a school improvement plan by the end of 2 years of failing to
234 make adequate progress and proceed according to guidelines
235 developed pursuant to statute and State Board of Education rule.
236 School districts shall provide intervention and assistance to
237 schools in danger of being designated as ~~with a grade of "F,"~~
238 failing to make adequate progress.

239 (19) LOCAL-LEVEL DECISIONMAKING.—

240 (d) Adopt policies that assist in giving greater autonomy,
241 including authority over the allocation of the school's budget,
242 to schools designated as ~~with a grade of "A,"~~ making excellent
243 progress, and schools rated as having improved at least two
244 grades.

245 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
246 students attending schools that have been designated as ~~with a~~
247 ~~grade of "F,"~~ failing to make adequate progress, for 2 school
248 years in a 4-year period to attend a higher performing school in
249 the district or an adjoining district or be granted a state
250 opportunity scholarship to a private school, in conformance with
251 s. 1002.38 and State Board of Education rule.

252 Section 3. Paragraph (b) of subsection (7) and paragraphs
253 (o) and (p) of subsection (9) of section 1002.33, Florida
254 Statutes, are amended to read:

255 1002.33 Charter schools.—

256 (7) CHARTER.—The major issues involving the operation of a
257 charter school shall be considered in advance and written into
258 the charter. The charter shall be signed by the governing body
259 of the charter school and the sponsor, following a public
260 hearing to ensure community input.

261 (b)1. A charter may be renewed if ~~provided that~~ a program

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262 review demonstrates that the criteria in paragraph (a) have been
263 successfully accomplished and that none of the grounds for
264 nonrenewal established by paragraph (8)(a) has been documented.
265 In order to facilitate long-term financing for charter school
266 construction, charter schools operating for a minimum of 3 years
267 and demonstrating exemplary academic programming and fiscal
268 management are eligible for a 15-year charter renewal. Such
269 long-term charter is subject to annual review and may be
270 terminated during the term of the charter.

271 2. The 15-year charter renewal that may be granted pursuant
272 to subparagraph 1. shall be granted to a charter school that is
273 designated as making excellent progress or making above average
274 progress ~~has received a school grade of "A" or "B"~~ pursuant to
275 s. 1008.34 in 3 of the past 4 years and is not in a state of
276 financial emergency or deficit position as defined by this
277 section. Such long-term charter is subject to annual review and
278 may be terminated during the term of the charter pursuant to
279 subsection (8).

280 (9) CHARTER SCHOOL REQUIREMENTS.—

281 (o) The director and a representative of the governing body
282 of a charter school that is designated as making less than
283 satisfactory progress ~~has received a school grade of "D"~~ under
284 s. 1008.34(2) shall appear before the sponsor or the sponsor's
285 staff at least once a year to present information concerning
286 each contract component having noted deficiencies. The sponsor
287 shall communicate at the meeting, and in writing to the
288 director, the services provided to the school to help the school
289 address its deficiencies.

290 (p) Upon notification that a charter school has been

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291 designated as making less than satisfactory progress ~~receives a~~
292 ~~school grade of "D"~~ for 2 consecutive years or is designated as
293 failing to make adequate progress ~~a school grade of "F"~~ under s.
294 1008.34(2), the charter school sponsor or the sponsor's staff
295 shall require the director and a representative of the governing
296 body to submit to the sponsor for approval a school improvement
297 plan to raise student achievement and to implement the plan. The
298 sponsor has the authority to approve a school improvement plan
299 that the charter school will implement in the following school
300 year. The sponsor may also consider the State Board of
301 Education's recommended action pursuant to s. 1008.33(1) as part
302 of the school improvement plan. The Department of Education
303 shall offer technical assistance and training to the charter
304 school and its governing body and establish guidelines for
305 developing, submitting, and approving such plans.

306 1. If the charter school fails to improve its student
307 performance from the year immediately prior to the
308 implementation of the school improvement plan, the sponsor shall
309 place the charter school on probation and shall require the
310 charter school governing body to take one of the following
311 corrective actions:

312 a. Contract for the educational services of the charter
313 school;

314 b. Reorganize the school at the end of the school year
315 under a new director or principal who is authorized to hire new
316 staff and implement a plan that addresses the causes of
317 inadequate progress; or

318 c. Reconstitute the charter school.

319 2. A charter school that is placed on probation shall

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320 continue the corrective actions required under subparagraph 1.
321 until the charter school improves its student performance from
322 the year prior to the implementation of the school improvement
323 plan.

324 3. Notwithstanding any provision in ~~of~~ this paragraph, the
325 sponsor may terminate the charter at any time pursuant to the
326 provisions of subsection (8).

327 Section 4. Subsection (2) and paragraphs (a) and (b) of
328 subsection (3) of section 1002.38, Florida Statutes, are amended
329 to read:

330 1002.38 Opportunity Scholarship Program.—

331 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—A public school
332 student's parent may request and receive from the state an
333 opportunity scholarship for the student to enroll in and attend
334 a private school in accordance with the provisions of this
335 section if:

336 (a)1. By assigned school attendance area or by special
337 assignment, the student has spent the prior school year in
338 attendance at a public school that has been designated pursuant
339 to s. 1008.34 as ~~performance grade category "F,"~~ failing to make
340 adequate progress, and that has had 2 school years in a 4-year
341 period of such low performance, and the student's attendance
342 occurred during a school year in which such designation was in
343 effect;

344 2. The student has been in attendance elsewhere in the
345 public school system and has been assigned to such school for
346 the next school year; or

347 3. The student is entering kindergarten or first grade and
348 has been notified that the student has been assigned to such

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349 school for the next school year.

350 (b) The parent has obtained acceptance for admission of the
351 student to a private school eligible for the program pursuant to
352 subsection (4), and has notified the Department of Education and
353 the school district of the request for an opportunity
354 scholarship no later than July 1 of the first year in which the
355 student intends to use the scholarship.

356

357 This section does ~~The provisions of this section shall~~ not apply
358 to a student who is enrolled in a school operating for the
359 purpose of providing educational services to youth in Department
360 of Juvenile Justice commitment programs. For purposes of
361 continuity of educational choice, the opportunity scholarship
362 shall remain in force until the student returns to a public
363 school or, if the student chooses to attend a private school the
364 highest grade of which is grade 8, until the student
365 matriculates to high school and the public high school to which
366 the student is assigned is an accredited school with a
367 performance grade category designation as making satisfactory
368 progress of "C" or better. However, at any time upon reasonable
369 notice to the Department of Education and the school district,
370 the student's parent may remove the student from the private
371 school and place the student in a public school, as provided in
372 subparagraph (3) (a) 2.

373 (3) SCHOOL DISTRICT OBLIGATIONS.—

374 (a) A school district shall, for each student enrolled in
375 or assigned to a school that has been designated as failing to
376 make adequate progress ~~performance grade category "F" for 2~~
377 school years in a 4-year period:

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378 1. Timely notify the parent of the student as soon as such
379 designation is made of all options available pursuant to this
380 section.

381 2. Offer that student's parent an opportunity to enroll the
382 student in the public school within the district that has been
383 designated by the state pursuant to s. 1008.34 as a school
384 performing higher than that in which the student is currently
385 enrolled or to which the student has been assigned, but not less
386 than the performance grade category of "schools making
387 satisfactory progress." ~~"C."~~ The parent is not required to
388 accept this offer in lieu of requesting a state opportunity
389 scholarship to a private school. The opportunity to continue
390 attending the higher performing public school shall remain in
391 force until the student graduates from high school.

392 (b) The parent of a student enrolled in or assigned to a
393 school that has been designated as failing to make adequate
394 progress ~~performance grade category "F"~~ for 2 school years in a
395 4-year period may choose as an alternative to enroll the student
396 in and transport the student to a higher-performing public
397 school that has available space in an adjacent school district,
398 and that school district shall accept the student and report the
399 student for purposes of the district's funding pursuant to the
400 Florida Education Finance Program.

401 Section 5. Paragraph (a) of subsection (8) of section
402 1002.415, Florida Statutes, is amended to read:

403 1002.415 K-8 Virtual School Program.—Subject to annual
404 legislative appropriation, a kindergarten through grade 8
405 virtual school program is established within the Department of
406 Education for the purpose of making academic instruction

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407 available to full-time students in kindergarten through grade 8
408 using online and distance learning technology. The department
409 shall use an application process to select schools to deliver
410 program instruction.

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

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

415 1. Failure to participate in the state's education
416 accountability system created in s. 1008.31, as required in this
417 section;

418 2. Failure to receive a designation as making satisfactory
419 progress ~~school performance grade of "C"~~ or better under the
420 school grading system created by s. 1008.34 for any 2 years in a
421 consecutive 4-year period;

422 3. Failure to meet generally accepted standards of fiscal
423 management;

424 4. Violation of law;

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

426 6. Other good cause shown.

427 Section 6. Paragraph (a) of subsection (1) of section
428 1003.62, Florida Statutes, is amended to read:

429 1003.62 Academic performance-based charter school
430 districts.—The State Board of Education may enter into a
431 performance contract with district school boards as authorized
432 in this section for the purpose of establishing them as academic
433 performance-based charter school districts. The purpose of this
434 section is to examine a new relationship between the State Board
435 of Education and district school boards that will produce

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436 significant improvements in student achievement, while complying
437 with constitutional and statutory requirements assigned to each
438 entity.

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

440 (a) A school district is ~~shall be~~ eligible for designation
441 as an academic performance-based charter school district if it
442 is a high-performing school district in which a minimum of 50
443 percent of the schools are designated as making excellent
444 progress or making above average progress ~~earn a grade of "A" or~~
445 ~~"B"~~ and in which no school is designated as making less than
446 satisfactory progress or failing to make adequate progress ~~earns~~
447 ~~a grade of "D" or "F"~~ for 2 consecutive years pursuant to s.
448 1008.34. Schools that receive a grade of "I" or "N" shall not be
449 included in this calculation. The performance contract for a
450 school district that earns a charter based on school grades
451 shall be predicated on maintenance of at least 50 percent of the
452 schools in the school district being designated as making
453 excellent progress or making above average progress ~~earning a~~
454 ~~grade of "A" or "B"~~ with no school in the school district being
455 designated as making less than satisfactory progress or failing
456 to make adequate progress ~~earning a grade of "D" or "F"~~ for 2
457 consecutive years. A school district in which the percentage
458 ~~number~~ of schools designated as making excellent progress or
459 making above average progress ~~that earn a grade of "A" or "B"~~ is
460 less than 50 percent may have its charter renewed for 1 year;
461 however, if the percentage of ~~"A" or "B"~~ schools designated as
462 making excellent progress or making above average progress is
463 less than 50 percent for 2 consecutive years, the charter may
464 ~~shall~~ not be renewed.

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465 Section 7. Subsections (1) and (2) of section 1008.33,
466 Florida Statutes, are amended to read:

467 1008.33 Authority to enforce public school improvement.—It
468 is the intent of the Legislature that all public schools be held
469 accountable for students performing at acceptable levels. A
470 system of school improvement and accountability that assesses
471 student performance by school, identifies schools in which
472 students are not making adequate progress toward state
473 standards, institutes appropriate measures for enforcing
474 improvement, and provides rewards and sanctions based on
475 performance shall be the responsibility of the State Board of
476 Education.

477 (1) Pursuant to Art. IX of the State Constitution
478 prescribing the duty of the State Board of Education to
479 supervise Florida's public school system and notwithstanding any
480 other statutory provisions to the contrary, the State Board of
481 Education shall intervene in the operation of a district school
482 system when one or more schools in the school district have
483 failed to make adequate progress for 2 school years in a 4-year
484 period. For purposes of determining when a school is eligible
485 for state board action and opportunity scholarships for its
486 students, the terms "2 years in any 4-year period" and "2 years
487 in a 4-year period" mean that in any year that a school is
488 designated as failing to make adequate progress, ~~has a grade of~~
489 ~~"F,"~~ the school is eligible for state board action and
490 opportunity scholarships for its students if it also has been
491 designated as failing to make adequate progress ~~had a grade of~~
492 ~~"F"~~ in any of the previous 3 school years. The State Board of
493 Education may determine that the school district or school has

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494 not taken steps sufficient for students in the school to be
495 academically well served. Considering recommendations of the
496 Commissioner of Education, the State Board of Education shall
497 recommend action to a district school board intended to improve
498 educational services to students in each school that is
499 designated as failing to make adequate progress. ~~with a grade of~~
500 ~~"F."~~ Recommendations for actions to be taken in the school
501 district shall be made only after thorough consideration of the
502 unique characteristics of a school, which shall include student
503 mobility rates, the number and type of exceptional students
504 enrolled in the school, and the availability of options for
505 improved educational services. The state board shall adopt by
506 rule steps to follow in this process. Such steps shall provide
507 school districts sufficient time to improve student performance
508 in schools and the opportunity to present evidence of assistance
509 and interventions that the district school board has
510 implemented.

511 (2) The State Board of Education may recommend one or more
512 of the following actions to district school boards to enable
513 students in schools designated as failing to make adequate
514 progress ~~with a grade of "F"~~ to be academically well served by
515 the public school system:

516 (a) Provide additional resources, change certain practices,
517 and provide additional assistance if the state board determines
518 the causes of inadequate progress to be related to school
519 district policy or practice;

520 (b) Implement a plan that satisfactorily resolves the
521 education equity problems in the school;

522 (c) Contract for the educational services of the school, or

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523 reorganize the school at the end of the school year under a new
524 school principal who is authorized to hire new staff and
525 implement a plan that addresses the causes of inadequate
526 progress. A contract to administer an alternative school may not
527 be entered into with a private entity which contract changes the
528 character of the alternative school population as it existed
529 when the alternative school was administered by the public
530 school system. The term "character of the alternative school
531 population" means the percentage of students having learning
532 disabilities, physical disabilities, emotional disabilities, or
533 developmental disabilities, as well as the percentage of
534 students having discipline problems;

535 (d) Allow parents of students in the school to send their
536 children to another district school of their choice; or

537 (e) Other action appropriate to improve the school's
538 performance, including, if the school is a high school,
539 requiring annual publication of the school's graduation rate
540 calculated without GED tests for the past 3 years, disaggregated
541 by student ethnicity.

542 Section 8. Paragraphs (b) and (d) of subsection (6) and
543 paragraph (a) of subsection (7) of section 1008.345, Florida
544 Statutes, are amended to read:

545 1008.345 Implementation of state system of school
546 improvement and education accountability.—

547 (6)

548 (b) Upon request, the department shall provide technical
549 assistance and training to any school, including any school
550 operating for the purpose of providing educational services to
551 youth in Department of Juvenile Justice programs, school

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552 advisory council, district, or district school board for
553 conducting needs assessments, developing and implementing school
554 improvement plans, developing and implementing assistance and
555 intervention plans, or implementing other components of school
556 improvement and accountability. Priority for these services
557 shall be given to schools designated as making less than
558 satisfactory progress or failing to make adequate progress ~~with~~
559 ~~a grade of "D" or "F"~~ and school districts in rural and sparsely
560 populated areas of the state.

561 (d) The commissioner shall assign a community assessment
562 team to each school district or governing board with a school
563 designated as failing to make adequate progress ~~graded "F"~~ to
564 review the school performance data and determine causes for the
565 low performance, including the role of school, area, and
566 district administrative personnel. The community assessment team
567 shall review a high school's graduation rate calculated without
568 GED tests for the past 3 years, disaggregated by student
569 ethnicity. The team shall make recommendations to the school
570 board or the governing board, to the department, and to the
571 State Board of Education for implementing an assistance and
572 intervention plan that will address the causes of the school's
573 low performance. The assessment team shall include, but not be
574 limited to, a department representative, parents, business
575 representatives, educators, representatives of local
576 governments, and community activists, and shall represent the
577 demographics of the community from which they are appointed.

578 (7) (a) Schools designated as ~~with a grade of "A,"~~ making
579 excellent progress, shall, if requested by the school, be given
580 deregulated status as specified in s. 1003.63(5), (7), (8), (9),

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581 and (10).

582 Section 9. Subsection (2) of section 1008.36, Florida
583 Statutes, is amended to read:

584 1008.36 Florida School Recognition Program.—

585 (2) The Florida School Recognition Program is created to
586 provide financial awards to public schools that:

587 (a) Sustain high performance by being designated as
588 ~~receiving a school grade of "A,"~~ making excellent progress; or

589 (b) Demonstrate exemplary improvement due to innovation and
590 effort by improving at least one letter grade or by improving
591 more than one letter grade and sustaining the improvement the
592 following school year.

593

594 Notwithstanding statutory provisions to the contrary, incentive
595 awards are not subject to collective bargaining.

596 Section 10. Paragraphs (h), (l), (m), and (n) of subsection
597 (1) of section 1011.62, Florida Statutes, are amended to read:

598 1011.62 Funds for operation of schools.—If the annual
599 allocation from the Florida Education Finance Program to each
600 district for operation of schools is not determined in the
601 annual appropriations act or the substantive bill implementing
602 the annual appropriations act, it shall be determined as
603 follows:

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

608 (h) *Small, isolated high schools.*—Districts that ~~which~~ levy
609 the maximum nonvoted discretionary millage, exclusive of millage

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610 for capital outlay purposes levied pursuant to s. 1011.71(2),
611 may calculate full-time equivalent students for small, isolated
612 high schools by multiplying the number of unweighted full-time
613 equivalent students times 2.75; provided the school has been
614 designated as making satisfactory progress ~~attained a grade of~~
615 ~~"C"~~ or better, pursuant to s. 1008.34, for the previous school
616 year. For the purpose of this section, the term "small, isolated
617 high school" means any high school that ~~which~~ is located no less
618 than 28 miles by the shortest route from another high school;
619 that ~~which~~ has been serving students primarily in basic studies
620 provided by sub-subparagraphs (c)1.b. and c. and may include
621 subparagraph (c)4.; and that ~~which~~ has a membership of no more
622 than 100 students, but no fewer than 28 students, in grades 9
623 through 12.

624 (1) *Calculation of additional full-time equivalent*
625 *membership based on international baccalaureate examination*
626 *scores of students.*—A value of 0.16 full-time equivalent student
627 membership shall be calculated for each student enrolled in an
628 international baccalaureate course who receives a score of 4 or
629 higher on a subject examination. A value of 0.3 full-time
630 equivalent student membership shall be calculated for each
631 student who receives an international baccalaureate diploma.
632 Such value shall be added to the total full-time equivalent
633 student membership in basic programs for grades 9 through 12 in
634 the subsequent fiscal year. The school district shall distribute
635 to each classroom teacher who provided international
636 baccalaureate instruction:

637 1. A bonus in the amount of \$50 for each student taught by
638 the International Baccalaureate teacher in each international

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639 baccalaureate course who receives a score of 4 or higher on the
640 international baccalaureate examination.

641 2. An additional bonus of \$500 to each International
642 Baccalaureate teacher in a school designated as making less than
643 satisfactory progress or failing to make adequate progress ~~with~~
644 ~~a grade of "D" or "F"~~ who has at least one student scoring 4 or
645 higher on the international baccalaureate examination,
646 regardless of the number of classes taught or of the number of
647 students scoring a 4 or higher on the international
648 baccalaureate examination.

649
650 Bonuses awarded to a teacher according to this paragraph may
651 ~~shall~~ not exceed \$2,000 in any given school year and shall be in
652 addition to any regular wage or other bonus the teacher received
653 or is scheduled to receive.

654 (m) *Calculation of additional full-time equivalent*
655 *membership based on Advanced International Certificate of*
656 *Education examination scores of students.*—A value of 0.16 full-
657 time equivalent student membership shall be calculated for each
658 student enrolled in a full-credit Advanced International
659 Certificate of Education course who receives a score of E or
660 higher on a subject examination. A value of 0.08 full-time
661 equivalent student membership shall be calculated for each
662 student enrolled in a half-credit Advanced International
663 Certificate of Education course who receives a score of E or
664 higher on a subject examination. A value of 0.3 full-time
665 equivalent student membership shall be calculated for each
666 student who receives an Advanced International Certificate of
667 Education diploma. Such value shall be added to the total full-

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668 time equivalent student membership in basic programs for grades
669 9 through 12 in the subsequent fiscal year. The school district
670 shall distribute to each classroom teacher who provided Advanced
671 International Certificate of Education instruction:

672 1. A bonus in the amount of \$50 for each student taught by
673 the Advanced International Certificate of Education teacher in
674 each full-credit Advanced International Certificate of Education
675 course who receives a score of E or higher on the Advanced
676 International Certificate of Education examination. A bonus in
677 the amount of \$25 for each student taught by the Advanced
678 International Certificate of Education teacher in each half-
679 credit Advanced International Certificate of Education course
680 who receives a score of E or higher on the Advanced
681 International Certificate of Education examination.

682 2. An additional bonus of \$500 to each Advanced
683 International Certificate of Education teacher in a school
684 designated as making less than satisfactory progress or failing
685 to make adequate progress ~~with a grade of "D" or "F"~~ who has at
686 least one student scoring E or higher on the full-credit
687 Advanced International Certificate of Education examination,
688 regardless of the number of classes taught or of the number of
689 students scoring an E or higher on the full-credit Advanced
690 International Certificate of Education examination.

691 3. Additional bonuses of \$250 each to teachers of half-
692 credit Advanced International Certificate of Education classes
693 in a school designated as making less than satisfactory progress
694 or failing to make adequate progress ~~with a grade of "D" or "F"~~
695 which has at least one student scoring an E or higher on the
696 half-credit Advanced International Certificate of Education

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697 examination in that class. The maximum additional bonus for a
698 teacher awarded in accordance with this subparagraph shall not
699 exceed \$500 in any given school year. Teachers receiving an
700 award under subparagraph 2. are not eligible for a bonus under
701 this subparagraph.

702

703 Bonuses awarded to a teacher according to this paragraph may
704 ~~shall~~ not exceed \$2,000 in any given school year and shall be in
705 addition to any regular wage or other bonus the teacher received
706 or is scheduled to receive.

707 (n) *Calculation of additional full-time equivalent*
708 *membership based on college board advanced placement scores of*
709 *students.*—A value of 0.16 full-time equivalent student
710 membership shall be calculated for each student in each advanced
711 placement course who receives a score of 3 or higher on the
712 College Board Advanced Placement Examination for the prior year
713 and added to the total full-time equivalent student membership
714 in basic programs for grades 9 through 12 in the subsequent
715 fiscal year. Each district must allocate at least 80 percent of
716 the funds provided to the district for advanced placement
717 instruction, in accordance with this paragraph, to the high
718 school that generates the funds. The school district shall
719 distribute to each classroom teacher who provided advanced
720 placement instruction:

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

725 2. An additional bonus of \$500 to each Advanced Placement

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726 teacher in a school designated as making less than satisfactory
727 progress or failing to make adequate progress ~~with a grade of~~
728 ~~"D" or "F"~~ who has at least one student scoring 3 or higher on
729 the College Board Advanced Placement Examination, regardless of
730 the number of classes taught or of the number of students
731 scoring a 3 or higher on the College Board Advanced Placement
732 Examination.

733

734 Bonuses awarded to a teacher according to this paragraph may
735 ~~shall~~ not exceed \$2,000 in any given school year and shall be in
736 addition to any regular wage or other bonus the teacher received
737 or is scheduled to receive.

738 Section 11. This act shall take effect July 1, 2009.