

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grady offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as "Florida's Equal  
6 Opportunity in Education Act."

7 Section 2. Subsection (18) of section 1001.42, Florida  
8 Statutes, is amended to read:

9 1001.42 Powers and duties of district school board.--The  
10 district school board, acting as a board, shall exercise all  
11 powers and perform all duties listed below:

12 (18) IMPLEMENT SCHOOL IMPROVEMENT AND  
13 ACCOUNTABILITY.--Maintain a state system of school improvement  
14 and education accountability as provided by statute and State  
15 Board of Education rule. This system of school improvement and  
16 education accountability shall be consistent with, and

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17 implemented through, the district's continuing system of  
18 planning and budgeting required by this section and ss.  
19 1008.385, 1010.01, and 1011.01. This system of school  
20 improvement and education accountability shall comply with the  
21 provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and  
22 ~~include, but is not limited to,~~ the following:

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

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

49 ~~2. Continuous use of disaggregated student achievement~~  
50 ~~data to determine effectiveness of instructional strategies.~~

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

55 ~~4. Alternative instructional delivery methods to support~~  
56 ~~remediation, acceleration, and enrichment strategies.~~

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

63 ~~(c) Assistance and intervention.--~~

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

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

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

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

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

97           ~~(b)(e) Public disclosure.--~~The district school board shall  
98 provide information regarding the performance of students and  
99 educational programs as required pursuant to ss. 1008.22 and  
100 1008.385 and implement a system of school reports as required by  
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101 statute and State Board of Education rule which ~~that~~ shall  
102 include schools operating for the purpose of providing  
103 educational services to youth in Department of Juvenile Justice  
104 programs, and for those schools, report on the elements  
105 specified in s. 1003.52(19). Annual public disclosure reports  
106 shall be in an easy-to-read report card format and shall include  
107 the school's grade, high school graduation rate calculated  
108 without GED tests, disaggregated by student ethnicity, and  
109 performance data as specified in state board rule.

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

115 Section 3. Section 1008.33, Florida Statutes, is amended  
116 to read:

117 (Substantial rewording of section. See

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

119 1008.33 Authority to enforce public school improvement.--

120 (1) The State Board of Education shall comply with the  
121 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.  
122 ss. 6301 et seq., and its implementing regulations. The State  
123 Board of Education is authorized to adopt rules in compliance  
124 with the ESEA and, after evaluating and determining that the  
125 ESEA and its implementing regulations are consistent with the  
126 statements of purpose set forth in the ESEA (2002), may adopt  
127 rules to maintain compliance with the ESEA.

128 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
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129 | 1008.345, and 1008.385, the State Board of Education shall hold  
130 | all school districts and public schools accountable for student  
131 | performance. The state board is responsible for a state system  
132 | of school improvement and education accountability that assesses  
133 | student performance by school, identifies schools in which  
134 | students are not making adequate progress toward state  
135 | standards, and institutes appropriate measures for enforcing  
136 | improvement.

137 | (b) The state system of school improvement and education  
138 | accountability must provide for uniform accountability  
139 | standards, provide assistance of escalating intensity to low-  
140 | performing schools, direct support to schools in order to  
141 | improve and sustain performance, focus on the performance of  
142 | student subgroups, and enhance student performance.

143 | (c) School districts must be held accountable for  
144 | improving the academic achievement of all students and for  
145 | identifying and turning around low-performing schools.

146 | (3) (a) The academic performance of all students has a  
147 | significant effect on the state school system. Pursuant to Art.  
148 | IX of the State Constitution, which prescribes the duty of the  
149 | State Board of Education to supervise Florida's public school  
150 | system, the State Board of Education shall equitably enforce the  
151 | accountability requirements of the state school system and may  
152 | impose state requirements on school districts in order to  
153 | improve the academic performance of all districts, schools, and  
154 | students based upon the provisions of the Florida K-20 Education  
155 | Code, chapters 1000-1013, and the federal Elementary and  
156 | Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its

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157 implementing regulations.

158 (b) For the purpose of determining whether a public school  
159 requires action to achieve a sufficient level of school  
160 improvement, the Department of Education shall annually  
161 categorize a public school in one of six categories based on the  
162 school's grade, pursuant to s. 1008.34, and the level and rate  
163 of change in student performance in the areas of reading and  
164 mathematics, disaggregated into student subgroups as described  
165 in the federal Elementary and Secondary Education Act, 20 U.S.C.  
166 s. 6311 (b) (2) (C) (v) (II).

167 (c) Appropriate intervention and support strategies shall  
168 be applied to schools that require action to achieve a  
169 sufficient level of improvement as described in paragraph (b).  
170 The intervention and support strategies must address student  
171 performance, including, but not limited to, improvement  
172 planning, leadership quality improvement, educator quality  
173 improvement, professional development, curriculum alignment and  
174 pacing, and the use of continuous improvement and monitoring  
175 plans and processes. The State Board of Education may prescribe  
176 reporting requirements to review and monitor the progress of the  
177 schools.

178 (4) The Department of Education shall create a matrix that  
179 reflects intervention and support strategies to address the  
180 particular needs of schools in each category.

181 (a) Intervention and support strategies shall be applied  
182 to schools based upon the school categorization. The Department  
183 of Education shall apply the most intense intervention  
184 strategies to the lowest-performing schools. For all but the

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185 lowest category and "F" schools in the second lowest category,  
186 the intervention and support strategies shall be administered  
187 solely by the districts and the schools.

188 (b) The lowest-performing schools are schools that have  
189 received:

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

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

194 a. The percentage of students who are not proficient in  
195 reading has increased when compared to measurements taken 5  
196 years previously;

197 b. The percentage of students who are not proficient in  
198 mathematics has increased when compared to measurements taken 5  
199 years previously;

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

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

204 (5) (a) In the school year after a school is initially  
205 identified as a school in the lowest-performing category, the  
206 school district must submit a plan, which is subject to approval  
207 by the State Board of Education, for implementing one of the  
208 following options at the beginning of the next school year. The  
209 plan must be implemented unless the school moves from the  
210 lowest-performing category:

211 1. Convert the school to a district-managed turnaround  
212 school by means that include implementing a turnaround plan

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213 approved by the Commissioner of Education which shall become the  
214 school's improvement plan;

215 2. Reassign students to another school and monitor the  
216 progress of each reassigned student;

217 3. Close the school and reopen the school as one or more  
218 charter schools each with a governing board that has a  
219 demonstrated record of effectiveness; or

220 4. Contract with an outside entity that has a demonstrated  
221 record of effectiveness to operate the school.

222 (b) If a school does not move from the lowest-performing  
223 category during the initial year of implementing one of the  
224 options in paragraph (a), the school district must submit a  
225 plan, which is subject to approval by the State Board of  
226 Education, for implementing a different option in paragraph (a)  
227 at the beginning of the next school year, unless the State Board  
228 of Education determines that the school is likely to move from  
229 the lowest-performing category if additional time is provided to  
230 implement intervention and support strategies. The State Board  
231 of Education shall determine whether a school district may  
232 continue to implement an option beyond 1 year while a school  
233 remains in the lowest-performing category.

234 (6) In order to advance to a higher category, a school  
235 must make significant progress by improving its school grade and  
236 by increasing student performance in mathematics and reading.  
237 Student performance must be evaluated for each student subgroup  
238 as set forth in paragraph (3) (b).

239 (7) Beginning July 1, 2009, the Department of Education  
240 shall commence its duties under this section.

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241       (8) By July 1, 2010, the State Board of Education shall  
242 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
243 this section. The state board shall consult with education  
244 stakeholders in developing the rules.

245       Section 4. Subsection (5) and paragraphs (b) and (d) of  
246 subsection (6) of section 1008.345, Florida Statutes, are  
247 amended to read:

248       1008.345 Implementation of state system of school  
249 improvement and education accountability.--

250       (5) The commissioner shall report to the Legislature and  
251 recommend changes in state policy necessary to foster school  
252 improvement and education accountability. Included in the report  
253 shall be a list of the schools, including schools operating for  
254 the purpose of providing educational services to youth in  
255 Department of Juvenile Justice programs, for which district  
256 school boards have developed ~~assistance and intervention~~ and  
257 support strategies ~~plans~~ and an analysis of the various  
258 strategies used by the school boards. School reports shall be  
259 distributed pursuant to this subsection and s. 1001.42(18)(b) ~~s.~~  
260 ~~1001.42(16)(e)~~ and according to rules adopted by the State Board  
261 of Education.

262       (6)

263       (b) Upon request, the department shall provide technical  
264 assistance and training to any school, including any school  
265 operating for the purpose of providing educational services to  
266 youth in Department of Juvenile Justice programs, school  
267 advisory council, district, or district school board for  
268 conducting needs assessments, developing and implementing school  
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269 improvement plans, ~~developing and implementing assistance and~~  
270 ~~intervention plans,~~ or implementing other components of school  
271 improvement and accountability. Priority for these services  
272 shall be given to schools designated with a grade of "D" or "F"  
273 and school districts in rural and sparsely populated areas of  
274 the state.

275 (d) The commissioner shall assign a community assessment  
276 team to each school district or governing board with a school  
277 graded "F" or a school in the lowest-performing category  
278 pursuant to s. 1008.33 to review the school performance data and  
279 determine causes for the low performance, including the role of  
280 school, area, and district administrative personnel. The  
281 community assessment team shall review a high school's  
282 graduation rate calculated without GED tests for the past 3  
283 years, disaggregated by student ethnicity. The team shall make  
284 recommendations to the school board or the governing board, ~~to~~  
285 ~~the department,~~ and to the State Board of Education which for  
286 ~~implementing an assistance and intervention plan that will~~  
287 address the causes of the school's low performance and may be  
288 incorporated into the school improvement plan. The assessment  
289 team shall include, but not be limited to, a department  
290 representative, parents, business representatives, educators,  
291 representatives of local governments, and community activists,  
292 and shall represent the demographics of the community from which  
293 they are appointed.

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

296 1012.2315 Assignment of teachers.--

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297 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
298 finds disparities between teachers assigned to teach in a  
299 majority of schools that do not need improvement and schools  
300 that do need improvement pursuant to s. 1008.33 "A" graded  
301 ~~schools and teachers assigned to teach in a majority of "F"~~  
302 ~~graded schools.~~ The disparities may ~~can~~ be found in the  
303 assignment of temporarily certified teachers, teachers in need  
304 of improvement, and out-of-field teachers and in average years  
305 ~~of experience, the median salary, and the performance of the~~  
306 students teachers on teacher certification examinations. It is  
307 the intent of the Legislature that district school boards have  
308 flexibility through the collective bargaining process to assign  
309 teachers more equitably across the schools in the district.

310 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
311 IMPROVEMENT. GRADED "D" OR "F."--School districts may not assign  
312 a higher percentage than the school district average of ~~first-~~  
313 ~~time teachers,~~ temporarily certified teachers, teachers in need  
314 of improvement, or out-of-field teachers to schools in one of  
315 the three lowest-performing categories under s. 1008.33(3)(b).  
316 ~~with above the school district average of minority and~~  
317 ~~economically disadvantaged students or schools that are graded~~  
318 ~~"D" or "F."~~ Each school district shall annually certify to the  
319 Commissioner of Education that this requirement has been met. If  
320 the commissioner determines that a school district is not in  
321 compliance with this subsection, the State Board of Education  
322 shall be notified and shall take action pursuant to s. 1008.32  
323 in the next regularly scheduled meeting to require compliance.

324 Section 6. This act shall take effect July 1, 2009.

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to school improvement and accountability;  
providing a short title; amending s. 1001.42, F.S.;  
revising provisions relating to the powers and duties of  
district school boards to implement the state system of  
school improvement and education accountability; amending  
s. 1008.33, F.S.; requiring that the State Board of  
Education comply with the federal Elementary and Secondary  
Education Act (ESEA); authorizing the state board to adopt  
rules in compliance with the ESEA and rules to maintain  
such compliance; providing requirements for the state  
system of school improvement and education accountability;  
requiring that school districts be held accountable for  
improving the academic achievement of all students and  
identifying and turning around low-performing schools;  
requiring that the Department of Education categorize  
public schools annually based on school grade and the  
level and rate of change in student performance; providing  
that schools are subject to certain intervention and  
support strategies; authorizing the state board to  
prescribe reporting requirements to review and monitor the  
progress of schools; requiring that the department create  
a matrix reflecting which intervention and support

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353 strategies to apply to schools in each category; providing  
354 criteria for categorizing schools as the lowest-performing  
355 schools; requiring that a school district submit a plan,  
356 subject to state board approval, for implementing one of  
357 four options to improve the performance of the lowest-  
358 performing schools; requiring that a school district  
359 submit a plan, subject to state board approval, for  
360 implementing another option under certain circumstances;  
361 requiring that a school make significant progress by  
362 improving its grade and increasing student performance in  
363 mathematics and reading to advance to a higher category;  
364 requiring the state board to adopt rules; amending s.  
365 1008.345, F.S.; conforming provisions to changes made by  
366 the act; amending s. 1012.2315, F.S.; revising legislative  
367 findings and intent and provisions relating to the  
368 assignment of teachers to conform to changes made by the  
369 act; providing an effective date.