

1 A bill to be entitled
2 An act relating to school improvement and education
3 accountability; providing a short title; amending s.
4 1001.42, F.S.; requiring the state system of school
5 improvement and education accountability to comply with
6 specified accountability requirements; deleting certain
7 district school board duties relating to school
8 improvement plans and assistance and intervention;
9 amending s. 1008.33, F.S.; requiring the state system of
10 school improvement and education accountability to comply
11 with accountability requirements of federal law; providing
12 duties of school districts to improve student academic
13 achievement and to improve low-performing schools;
14 providing State Board of Education responsibility for the
15 state system and enforcement of its accountability
16 requirements; providing requirements for the state system;
17 providing duties of the Department of Education for
18 determining the need for action to achieve school
19 improvement; providing for intervention and support
20 strategies to meet school needs; requiring State Board of
21 Education approval of options for the lowest performing
22 schools; providing penalties for deviation from or failure
23 to implement certain school improvement provisions;
24 requiring Department of Education commencement of duties
25 and State Board of Education adoption of rules; amending
26 s. 1008.34, F.S.; revising provisions relating to the
27 designation of school grades; amending s. 1008.345, F.S.;
28 conforming provisions; amending s. 1012.2315, F.S.;

29 | revising and conforming provisions relating to the
 30 | assignment of teachers; amending s. 1002.33, F.S.;
 31 | conforming provisions; providing an effective date.

32 |
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |
 35 | Section 1. This act may be cited as "Florida's Equal
 36 | Opportunity in Education Act."

37 | Section 2. Subsection (18) of section 1001.42, Florida
 38 | Statutes, is amended to read:

39 | 1001.42 Powers and duties of district school board.--The
 40 | district school board, acting as a board, shall exercise all
 41 | powers and perform all duties listed below:

42 | (18) IMPLEMENT SCHOOL IMPROVEMENT AND
 43 | ACCOUNTABILITY.--Maintain a state system of school improvement
 44 | and education accountability as provided by statute and State
 45 | Board of Education rule. This system of school improvement and
 46 | education accountability shall be consistent with, and
 47 | implemented through, the district's continuing system of
 48 | planning and budgeting required by this section and ss.
 49 | 1008.385, 1010.01, and 1011.01. This system of school
 50 | improvement and education accountability shall comply with the
 51 | provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and
 52 | include, but is not limited to, the following:

53 | (a) School improvement plans.--The district school board
 54 | shall annually approve and require implementation of a new,
 55 | amended, or continuation school improvement plan for each school
 56 | in the district. ~~A district school board may establish a~~

57 ~~district school improvement plan that includes all schools in~~
58 ~~the district operating for the purpose of providing educational~~
59 ~~services to youth in Department of Juvenile Justice programs.~~
60 ~~The school improvement plan shall be designed to achieve the~~
61 ~~state education priorities pursuant to s. 1000.03(5) and student~~
62 ~~proficiency on the Sunshine State Standards pursuant to s.~~
63 ~~1003.41. Each plan shall address student achievement goals and~~
64 ~~strategies based on state and school district proficiency~~
65 ~~standards. The plan may also address issues relative to other~~
66 ~~academic-related matters, as determined by district school board~~
67 ~~policy, and shall include an accurate, data-based analysis of~~
68 ~~student achievement and other school performance data. Beginning~~
69 ~~with plans approved for implementation in the 2007-2008 school~~
70 ~~year, each secondary school plan must include a redesign~~
71 ~~component based on the principles established in s. 1003.413.~~
72 ~~For each school in the district that earns a school grade of "C"~~
73 ~~or below, or is required to have a school improvement plan under~~
74 ~~federal law, the school improvement plan shall, at a minimum,~~
75 ~~also include:~~

- 76 ~~1. Professional development that supports enhanced and~~
77 ~~differentiated instructional strategies to improve teaching and~~
78 ~~learning.~~
- 79 ~~2. Continuous use of disaggregated student achievement~~
80 ~~data to determine effectiveness of instructional strategies.~~
- 81 ~~3. Ongoing informal and formal assessments to monitor~~
82 ~~individual student progress, including progress toward mastery~~
83 ~~of the Sunshine State Standards, and to redesign instruction if~~
84 ~~needed.~~

85 ~~4. Alternative instructional delivery methods to support~~
86 ~~remediation, acceleration, and enrichment strategies.~~

87 ~~(b) Approval process.--Develop a process for approval of a~~
88 ~~school improvement plan presented by an individual school and~~
89 ~~its advisory council. In the event a district school board does~~
90 ~~not approve a school improvement plan after exhausting this~~
91 ~~process, the Department of Education shall be notified of the~~
92 ~~need for assistance.~~

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

94 ~~1. Develop a 2-year plan of increasing individualized~~
95 ~~assistance and intervention for each school in danger of not~~
96 ~~meeting state standards or making adequate progress, as defined~~
97 ~~pursuant to statute and State Board of Education rule, toward~~
98 ~~meeting the goals and standards of its approved school~~
99 ~~improvement plan.~~

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

103 ~~3. Develop a plan to encourage teachers with demonstrated~~
104 ~~mastery in improving student performance to remain at or~~
105 ~~transfer to a school with a grade of "D" or "F" or to an~~
106 ~~alternative school that serves disruptive or violent youths. If~~
107 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
108 ~~the definition of teaching mastery developed according to the~~
109 ~~provisions of this paragraph, requests assignment to a school~~
110 ~~designated with a grade of "D" or "F" or to an alternative~~
111 ~~school that serves disruptive or violent youths, the district~~

CS/HB 991

2009

112 ~~school board shall make every practical effort to grant the~~
113 ~~request.~~

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

118 ~~(d) After 2 years. Notify the Commissioner of Education~~
119 ~~and the State Board of Education in the event any school does~~
120 ~~not make adequate progress toward meeting the goals and~~
121 ~~standards of a school improvement plan by the end of 2 years of~~
122 ~~failing to make adequate progress and proceed according to~~
123 ~~guidelines developed pursuant to statute and State Board of~~
124 ~~Education rule. School districts shall provide intervention and~~
125 ~~assistance to schools in danger of being designated with a grade~~
126 ~~of "F," failing to make adequate progress.~~

127 ~~(b)(e)~~ Public disclosure.--The district school board shall
128 provide information regarding performance of students and
129 educational programs as required pursuant to ss. 1008.22 and
130 1008.385 and implement a system of school reports as required by
131 statute and State Board of Education rule that shall include
132 schools operating for the purpose of providing educational
133 services to youth in Department of Juvenile Justice programs,
134 and for those schools, report on the elements specified in s.
135 1003.52(19). Annual public disclosure reports shall be in an
136 easy-to-read report card format and shall include the school's
137 grade, high school graduation rate calculated without GED tests,
138 disaggregated by student ethnicity, and performance data as
139 specified in state board rule.

CS/HB 991

2009

140 (c) ~~(f)~~ School improvement funds.--The district school
141 board shall provide funds to schools for developing and
142 implementing school improvement plans. Such funds shall include
143 those funds appropriated for the purpose of school improvement
144 pursuant to s. 24.121(5)(c).

145 Section 3. Section 1008.33, Florida Statutes, is amended
146 to read:

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

149 1008.33 Authority to enforce public school improvement.--

150 (1) The state system of school improvement and education
151 accountability shall comply with the education accountability
152 requirements of the federal Elementary and Secondary Education
153 Act, 20 U.S.C. ss. 6301 et seq., and its implementing
154 regulations, subject to evaluation and enforcement by the State
155 Board of Education.

156 (2) School districts must be held accountable for
157 improving the academic achievement of all students and for
158 identifying and turning around low-performing schools that have
159 failed to provide a high-quality education to their students,
160 while providing alternatives to students in such schools, to
161 enable the students to receive a high-quality education.

162 (3) (a) Pursuant to ss. 1008.34, 1008.345, and 1008.385 and
163 subsections (1) and (2), the State Board of Education shall hold
164 all school districts and public schools accountable for
165 facilitating student performance at acceptable levels. The state
166 board is responsible for a state system of school improvement
167 and education accountability that assesses student performance

168 by school, identifies schools in which students are not making
169 adequate progress toward state standards, institutes appropriate
170 measures for enforcing improvement, and provides rewards and
171 sanctions based on performance.

172 (b) The state system of school improvement and education
173 accountability must provide for uniform accountability
174 standards, provide assistance of escalating intensity to low-
175 performing schools, direct support to schools in order to
176 improve and sustain performance, focus on the performance of
177 student subgroups, and provide options for equal opportunities
178 for students to obtain a high-quality education.

179 (4) The academic performance of all students has a
180 significant effect on the education accountability of the state
181 school system. Pursuant to Art. IX of the State Constitution,
182 which prescribes the duty of the State Board of Education to
183 supervise Florida's public school system, the State Board of
184 Education shall equitably enforce the accountability
185 requirements of the state school system and may impose state
186 requirements on school districts in order to improve the
187 academic performance of all districts, schools, and students
188 based upon the provisions in ss. 1008.34, 1008.345, and 1008.385
189 and the education accountability requirements of the federal
190 Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et
191 seq., and its implementing regulations.

192 (a) For the purpose of determining whether a public school
193 requires action to achieve a sufficient level of school
194 improvement, the Department of Education shall annually
195 categorize a public school in one of six categories based on the

196 school's grade, pursuant to the education accountability
 197 requirements of the state school grading system under s.
 198 1008.34, and the level and rate of change in student performance
 199 in the areas of reading and mathematics, disaggregated into
 200 student subgroups according to the education accountability
 201 requirements for meeting adequate yearly progress under federal
 202 law. Student subgroups as set forth in the education
 203 accountability requirements of the federal Elementary and
 204 Secondary Education Act, 20 U.S.C. s. 6311(b) (2) (C) (v) (II),
 205 include economically disadvantaged students, students from major
 206 racial and ethnic groups, students with disabilities, and
 207 students with limited English proficiency.

208 (b) Schools in need of improvement must be targeted with
 209 appropriate intervention and support strategies that address
 210 student performance, including, but not limited to, improvement
 211 planning, leadership quality improvement, educator quality
 212 improvement, professional development, curriculum alignment and
 213 pacing, and use of continuous improvement and monitoring plans
 214 and processes. The State Board of Education may prescribe
 215 reporting requirements to review and monitor the progress of the
 216 schools.

217 (5) The Department of Education shall create a matrix that
 218 reflects which intervention and support strategies may be
 219 applied to address the particular needs of schools in each
 220 category.

221 (a) Intervention and support strategies shall be applied
 222 to schools based upon the school categorization. The most

CS/HB 991

2009

223 intense intervention and support strategies shall be applied to
224 schools in the lowest performing category.

225 (b) For a school identified in the category of lowest
226 performing schools, the school district must select one of the
227 following options and submit a plan to the State Board of
228 Education for implementing the option by the beginning of the
229 second year after such identification, unless the school
230 advances to a higher category pursuant to subsection (6) before
231 such time:

232 1. Convert the school to a district-managed turnaround
233 school by means that include implementation of a turnaround plan
234 approved by the Commissioner of Education that becomes the
235 school's improvement plan;

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

238 3. Close the school and authorize a sponsor to reopen the
239 school as a charter school or multiple charter schools; or

240 4. Contract with an outside entity to operate the school.

241
242 Implementation of the option requires State Board of Education
243 approval. Once implemented, continuation of the option shall be
244 based on the school moving from the lowest performing category
245 or on approval by the State Board of Education upon finding that
246 it is likely that the school will move from the lowest
247 performing category if provided additional time to implement
248 intervention and support strategies.

249 (6) In order to advance to a higher category, a school
250 must make significant progress by improving its school grade and

251 by increasing student performance in mathematics and reading.
 252 Student performance must be evaluated for each student subgroup
 253 as set forth in subsection (4).

254 (7) (a) The State Board of Education may impose a public
 255 reprimand upon a school district if a school within the district
 256 deviates from or fails to implement any of the provisions of its
 257 school improvement plan or this section.

258 (b) If the deviation or failure is repeated, continuous,
 259 or serious, the State Board of Education may withhold the
 260 transfer of state funds generated by the students assigned to
 261 the school and allowable federal funds.

262 (8) Beginning July 1, 2009, the Department of Education
 263 shall commence its duties under this section.

264 (9) By July 1, 2010, the State Board of Education shall
 265 adopt rules pursuant to ss. 120.536(1) and 120.54 for
 266 implementation of this section.

267 Section 4. Paragraph (b) of subsection (3) of section
 268 1008.34, Florida Statutes, is amended to read:

269 1008.34 School grading system; school report cards;
 270 district grade.--

271 (3) DESIGNATION OF SCHOOL GRADES.--

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

273 a. Student achievement scores, including achievement
 274 scores for students seeking a special diploma. Performance of
 275 disaggregated student subgroups shall be included by the 2010-
 276 2011 school year.

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

CS/HB 991

2009

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

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

285 2. Beginning with the 2009-2010 school year for schools
286 comprised of high school grades 9, 10, 11, and 12, or grades 10,
287 11, and 12, 50 percent of the school grade shall be based on a
288 combination of the factors listed in sub-subparagraphs 1.a.-c.
289 and the remaining 50 percent on the following factors:

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

291 b. As valid data becomes available, the performance and
292 participation of the school's students in College Board Advanced
293 Placement courses, International Baccalaureate courses, dual
294 enrollment courses, and Advanced International Certificate of
295 Education courses; and the students' achievement of industry
296 certification, as determined by the Agency for Workforce
297 Innovation under s. 1003.492(2) in a career and professional
298 academy, as described in s. 1003.493;

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

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

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

CS/HB 991

2009

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

309 Section 5. Subsection (5) and paragraphs (b) and (d) of
310 subsection (6) of section 1008.345, Florida Statutes, are
311 amended to read:

312 1008.345 Implementation of state system of school
313 improvement and education accountability.--

314 (5) The commissioner shall report to the Legislature and
315 recommend changes in state policy necessary to foster school
316 improvement and education accountability. Included in the report
317 shall be a list of the schools, including schools operating for
318 the purpose of providing educational services to youth in
319 Department of Juvenile Justice programs, for which district
320 school boards have developed school improvement ~~assistance and~~
321 ~~intervention~~ plans and an analysis of the various strategies
322 used by the school boards. School reports shall be distributed
323 pursuant to this subsection and s. 1001.42 (18) (b) (16) (e) and
324 according to rules adopted by the State Board of Education.

325 (6)

326 (b) Upon request, the department shall provide technical
327 assistance and training to any school, including any school
328 operating for the purpose of providing educational services to
329 youth in Department of Juvenile Justice programs, school
330 advisory council, district, or district school board for
331 conducting needs assessments, developing and implementing school
332 improvement plans, ~~developing and implementing assistance and~~
333 ~~intervention plans,~~ or implementing other components of school
334 improvement and accountability. Priority for these services

335 shall be given to schools designated with a grade of "D" or "F"
 336 and school districts in rural and sparsely populated areas of
 337 the state.

338 (d) The commissioner shall assign a community assessment
 339 team to each school district or governing board with a school
 340 graded "F" to review the school performance data and determine
 341 causes for the low performance, including the role of school,
 342 area, and district administrative personnel. The community
 343 assessment team shall review a high school's graduation rate
 344 calculated without GED tests for the past 3 years, disaggregated
 345 by student ethnicity. The team shall make recommendations to the
 346 school board or the governing board, to the commissioner
 347 ~~department~~, and to the State Board of Education ~~for implementing~~
 348 ~~an assistance and intervention plan~~ that will address the causes
 349 of the school's low performance and may be incorporated into the
 350 school's improvement plan. The assessment team shall include,
 351 but not be limited to, a department representative, parents,
 352 business representatives, educators, representatives of local
 353 governments, and community activists, and shall represent the
 354 demographics of the community from which they are appointed.

355 Section 6. Subsections (1) and (2) of section 1012.2315,
 356 Florida Statutes, are amended to read:

357 1012.2315 Assignment of teachers.--

358 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 359 finds disparities between teachers assigned to teach in a
 360 majority of schools that do not need improvement and schools
 361 that do need improvement pursuant to s. 1008.33 "A" graded
 362 ~~schools and teachers assigned to teach in a majority of "F"~~

CS/HB 991

2009

363 ~~graded schools.~~ The disparities may ~~can~~ be found in the
 364 assignment of temporarily certified teachers, teachers in need
 365 of improvement, and out-of-field teachers and in average years
 366 ~~of experience, the median salary, and the performance of the~~
 367 students of a teacher ~~teachers on teacher certification~~
 368 ~~examinations.~~ It is the intent of the Legislature that district
 369 school boards have flexibility through the collective bargaining
 370 process to assign teachers more equitably across the schools in
 371 the district.

372 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
 373 IMPROVEMENT. ~~GRADED "D" OR "F."~~--School districts may not assign
 374 a higher percentage than the school district average of ~~first-~~
 375 ~~time teachers,~~ temporarily certified teachers, teachers in need
 376 of improvement, or out-of-field teachers to schools categorized
 377 as needing improvement pursuant to s. 1008.33. ~~with above the~~
 378 ~~school district average of minority and economically~~
 379 ~~disadvantaged students or schools that are graded "D" or "F."~~
 380 Each school district shall annually certify to the Commissioner
 381 of Education that this requirement has been met. If the
 382 commissioner determines that a school district is not in
 383 compliance with this subsection, the State Board of Education
 384 shall be notified and shall take action pursuant to s. 1008.32
 385 in the next regularly scheduled meeting to require compliance.

386 Section 7. Paragraph (p) of subsection (9) of section
 387 1002.33, Florida Statutes, is amended to read:

388 1002.33 Charter schools.--

389 (9) CHARTER SCHOOL REQUIREMENTS.--

CS/HB 991

2009

390 (p) Upon notification that a charter school receives a
391 school grade of "D" for 2 consecutive years or a school grade of
392 "F" under s. 1008.34(2), the charter school sponsor or the
393 sponsor's staff shall require the director and a representative
394 of the governing body to submit to the sponsor for approval a
395 school improvement plan to raise student achievement and to
396 implement the plan. The sponsor has the authority to approve a
397 school improvement plan that the charter school will implement
398 in the following school year. ~~The sponsor may also consider the~~
399 ~~State Board of Education's recommended action pursuant to s.~~
400 ~~1008.33(1) as part of the school improvement plan.~~ The
401 Department of Education shall offer technical assistance and
402 training to the charter school and its governing body and
403 establish guidelines for developing, submitting, and approving
404 such plans.

405 1. If the charter school fails to improve its student
406 performance from the year immediately prior to the
407 implementation of the school improvement plan, the sponsor shall
408 place the charter school on probation and shall require the
409 charter school governing body to take one of the following
410 corrective actions:

411 a. Contract for the educational services of the charter
412 school;

413 b. Reorganize the school at the end of the school year
414 under a new director or principal who is authorized to hire new
415 staff and implement a plan that addresses the causes of
416 inadequate progress; or

417 c. Reconstitute the charter school.

CS/HB 991

2009

418 2. A charter school that is placed on probation shall
419 continue the corrective actions required under subparagraph 1.
420 until the charter school improves its student performance from
421 the year prior to the implementation of the school improvement
422 plan.

423 3. Notwithstanding any provision of this paragraph, the
424 sponsor may terminate the charter at any time pursuant to the
425 provisions of subsection (8).

426 Section 8. This act shall take effect July 1, 2009.