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CS/CS/HB 991, Engrossed 1

2009 Legislature

1 A bill to be entitled
2 An act relating to school improvement and accountability;
3 providing a short title; amending s. 1001.42, F.S.;
4 revising provisions relating to the powers and duties of
5 district school boards to implement the state system of
6 school improvement and education accountability; amending
7 s. 1008.33, F.S.; requiring that the State Board of
8 Education comply with the federal Elementary and Secondary
9 Education Act (ESEA); authorizing the state board to adopt
10 rules in compliance with the ESEA and rules to maintain
11 such compliance; providing requirements for the state
12 system of school improvement and education accountability;
13 requiring that school districts be held accountable for
14 improving the academic achievement of all students and
15 identifying and turning around low-performing schools;
16 requiring that the Department of Education categorize
17 public schools annually based on school grade and the
18 level and rate of change in student performance; providing
19 that schools are subject to certain intervention and
20 support strategies; authorizing the state board to
21 prescribe reporting requirements to review and monitor the
22 progress of schools; requiring that the department create
23 a matrix reflecting which intervention and support
24 strategies to apply to schools in each category; providing
25 criteria for categorizing schools as the lowest-performing
26 schools; requiring that a school district submit a plan,
27 subject to state board approval, for implementing one of
28 four options to improve the performance of the lowest-

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29 performing schools; requiring that a school district
30 submit a plan, subject to state board approval, for
31 implementing another option under certain circumstances;
32 requiring that a school make significant progress by
33 improving its grade and increasing student performance in
34 mathematics and reading to advance to a higher category;
35 requiring the state board to adopt rules; amending s.
36 1008.345, F.S.; conforming provisions to changes made by
37 the act; amending s. 1012.2315, F.S.; revising legislative
38 findings and intent and provisions relating to the
39 assignment of teachers to conform to changes made by the
40 act; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. This act may be cited as "Florida's Equal
45 Opportunity in Education Act."

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

48 1001.42 Powers and duties of district school board.--The
49 district school board, acting as a board, shall exercise all
50 powers and perform all duties listed below:

51 (18) IMPLEMENT SCHOOL IMPROVEMENT AND
52 ACCOUNTABILITY.--Maintain a state system of school improvement
53 and education accountability as provided by statute and State
54 Board of Education rule. This system of school improvement and
55 education accountability shall be consistent with, and
56 implemented through, the district's continuing system of

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57 | planning and budgeting required by this section and ss.
 58 | 1008.385, 1010.01, and 1011.01. This system of school
 59 | improvement and education accountability shall comply with the
 60 | provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and
 61 | ~~include, but is not limited to,~~ the following:

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

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85 ~~1. Professional development that supports enhanced and~~
 86 ~~differentiated instructional strategies to improve teaching and~~
 87 ~~learning.~~

88 ~~2. Continuous use of disaggregated student achievement~~
 89 ~~data to determine effectiveness of instructional strategies.~~

90 ~~3. Ongoing informal and formal assessments to monitor~~
 91 ~~individual student progress, including progress toward mastery~~
 92 ~~of the Sunshine State Standards, and to redesign instruction if~~
 93 ~~needed.~~

94 ~~4. Alternative instructional delivery methods to support~~
 95 ~~remediation, acceleration, and enrichment strategies.~~

96 ~~(b) Approval process.-- Develop a process for approval of a~~
 97 ~~school improvement plan presented by an individual school and~~
 98 ~~its advisory council. In the event a district school board does~~
 99 ~~not approve a school improvement plan after exhausting this~~
 100 ~~process, the Department of Education shall be notified of the~~
 101 ~~need for assistance.~~

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

103 ~~1. Develop a 2-year plan of increasing individualized~~
 104 ~~assistance and intervention for each school in danger of not~~
 105 ~~meeting state standards or making adequate progress, as defined~~
 106 ~~pursuant to statute and State Board of Education rule, toward~~
 107 ~~meeting the goals and standards of its approved school~~
 108 ~~improvement plan.~~

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

112 ~~3. Develop a plan to encourage teachers with demonstrated~~

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113 ~~mastery in improving student performance to remain at or~~
 114 ~~transfer to a school with a grade of "D" or "F" or to an~~
 115 ~~alternative school that serves disruptive or violent youths. If~~
 116 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
 117 ~~the definition of teaching mastery developed according to the~~
 118 ~~provisions of this paragraph, requests assignment to a school~~
 119 ~~designated with a grade of "D" or "F" or to an alternative~~
 120 ~~school that serves disruptive or violent youths, the district~~
 121 ~~school board shall make every practical effort to grant the~~
 122 ~~request.~~

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

127 ~~(d) After 2 years. Notify the Commissioner of Education~~
 128 ~~and the State Board of Education in the event any school does~~
 129 ~~not make adequate progress toward meeting the goals and~~
 130 ~~standards of a school improvement plan by the end of 2 years of~~
 131 ~~failing to make adequate progress and proceed according to~~
 132 ~~guidelines developed pursuant to statute and State Board of~~
 133 ~~Education rule. School districts shall provide intervention and~~
 134 ~~assistance to schools in danger of being designated with a grade~~
 135 ~~of "F," failing to make adequate progress.~~

136 (b) ~~(e)~~ Public disclosure.--The district school board shall
 137 provide information regarding the performance of students and
 138 educational programs as required pursuant to ss. 1008.22 and
 139 1008.385 and implement a system of school reports as required by
 140 statute and State Board of Education rule which ~~that~~ shall

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141 include schools operating for the purpose of providing
 142 educational services to youth in Department of Juvenile Justice
 143 programs, and for those schools, report on the elements
 144 specified in s. 1003.52(19). Annual public disclosure reports
 145 shall be in an easy-to-read report card format and shall include
 146 the school's grade, high school graduation rate calculated
 147 without GED tests, disaggregated by student ethnicity, and
 148 performance data as specified in state board rule.

149 (c) ~~(f)~~ School improvement funds.--The district school
 150 board shall provide funds to schools for developing and
 151 implementing school improvement plans. Such funds shall include
 152 those funds appropriated for the purpose of school improvement
 153 pursuant to s. 24.121(5)(c).

154 Section 3. Section 1008.33, Florida Statutes, is amended
 155 to read:

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

158 1008.33 Authority to enforce public school improvement.--

159 (1) The State Board of Education shall comply with the
 160 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
 161 ss. 6301 et seq., and its implementing regulations. The State
 162 Board of Education is authorized to adopt rules in compliance
 163 with the ESEA and, after evaluating and determining that the
 164 ESEA and its implementing regulations are consistent with the
 165 statements of purpose set forth in the ESEA (2002), may adopt
 166 rules to maintain compliance with the ESEA.

167 (2)(a) Pursuant to subsection (1) and ss. 1008.34,
 168 1008.345, and 1008.385, the State Board of Education shall hold

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169 all school districts and public schools accountable for student
170 performance. The state board is responsible for a state system
171 of school improvement and education accountability that assesses
172 student performance by school, identifies schools in which
173 students are not making adequate progress toward state
174 standards, and institutes appropriate measures for enforcing
175 improvement.

176 (b) The state system of school improvement and education
177 accountability must provide for uniform accountability
178 standards, provide assistance of escalating intensity to low-
179 performing schools, direct support to schools in order to
180 improve and sustain performance, focus on the performance of
181 student subgroups, and enhance student performance.

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

185 (3) (a) The academic performance of all students has a
186 significant effect on the state school system. Pursuant to Art.
187 IX of the State Constitution, which prescribes the duty of the
188 State Board of Education to supervise Florida's public school
189 system, the State Board of Education shall equitably enforce the
190 accountability requirements of the state school system and may
191 impose state requirements on school districts in order to
192 improve the academic performance of all districts, schools, and
193 students based upon the provisions of the Florida K-20 Education
194 Code, chapters 1000-1013, and the federal Elementary and
195 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its
196 implementing regulations.

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197 (b) For the purpose of determining whether a public school
198 requires action to achieve a sufficient level of school
199 improvement, the Department of Education shall annually
200 categorize a public school in one of six categories based on the
201 school's grade, pursuant to s. 1008.34, and the level and rate
202 of change in student performance in the areas of reading and
203 mathematics, disaggregated into student subgroups as described
204 in the federal Elementary and Secondary Education Act, 20 U.S.C.
205 s. 6311(b)(2)(C)(v)(II).

206 (c) Appropriate intervention and support strategies shall
207 be applied to schools that require action to achieve a
208 sufficient level of improvement as described in paragraph (b).
209 The intervention and support strategies must address student
210 performance, including, but not limited to, improvement
211 planning, leadership quality improvement, educator quality
212 improvement, professional development, curriculum alignment and
213 pacing, and the use of continuous improvement and monitoring
214 plans and processes. The State Board of Education may prescribe
215 reporting requirements to review and monitor the progress of the
216 schools.

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

220 (a) Intervention and support strategies shall be applied
221 to schools based upon the school categorization. The Department
222 of Education shall apply the most intense intervention
223 strategies to the lowest-performing schools. For all but the
224 lowest category and "F" schools in the second lowest category,

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225 the intervention and support strategies shall be administered
 226 solely by the districts and the schools.

227 (b) The lowest-performing schools are schools that have
 228 received:

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

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

233 a. The percentage of students who are not proficient in
 234 reading has increased when compared to measurements taken 5
 235 years previously;

236 b. The percentage of students who are not proficient in
 237 mathematics has increased when compared to measurements taken 5
 238 years previously;

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

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

243 (5) (a) In the school year after a school is initially
 244 identified as a school in the lowest-performing category, the
 245 school district must submit a plan, which is subject to approval
 246 by the State Board of Education, for implementing one of the
 247 following options at the beginning of the next school year. The
 248 plan must be implemented unless the school moves from the
 249 lowest-performing category:

250 1. Convert the school to a district-managed turnaround
 251 school by means that include implementing a turnaround plan
 252 approved by the Commissioner of Education which shall become the

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253 school's improvement plan;
 254 2. Reassign students to another school and monitor the
 255 progress of each reassigned student;
 256 3. Close the school and reopen the school as one or more
 257 charter schools each with a governing board that has a
 258 demonstrated record of effectiveness; or
 259 4. Contract with an outside entity that has a demonstrated
 260 record of effectiveness to operate the school.
 261 (b) If a school does not move from the lowest-performing
 262 category during the initial year of implementing one of the
 263 options in paragraph (a), the school district must submit a
 264 plan, which is subject to approval by the State Board of
 265 Education, for implementing a different option in paragraph (a)
 266 at the beginning of the next school year, unless the State Board
 267 of Education determines that the school is likely to move from
 268 the lowest-performing category if additional time is provided to
 269 implement intervention and support strategies. The State Board
 270 of Education shall determine whether a school district may
 271 continue to implement an option beyond 1 year while a school
 272 remains in the lowest-performing category.
 273 (6) In order to advance to a higher category, a school
 274 must make significant progress by improving its school grade and
 275 by increasing student performance in mathematics and reading.
 276 Student performance must be evaluated for each student subgroup
 277 as set forth in paragraph (3) (b).
 278 (7) Beginning July 1, 2009, the Department of Education
 279 shall commence its duties under this section.
 280 (8) By July 1, 2010, the State Board of Education shall

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281 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
 282 this section. The state board shall consult with education
 283 stakeholders in developing the rules.

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

287 1008.345 Implementation of state system of school
 288 improvement and education accountability.--

289 (5) The commissioner shall report to the Legislature and
 290 recommend changes in state policy necessary to foster school
 291 improvement and education accountability. Included in the report
 292 shall be a list of the schools, including schools operating for
 293 the purpose of providing educational services to youth in
 294 Department of Juvenile Justice programs, for which district
 295 school boards have developed ~~assistance and intervention~~ and
 296 support strategies plans and an analysis of the various
 297 strategies used by the school boards. School reports shall be
 298 distributed pursuant to this subsection and s. 1001.42(18)(b) ~~s.~~
 299 ~~1001.42(16)(e)~~ and according to rules adopted by the State Board
 300 of Education.

301 (6)

302 (b) Upon request, the department shall provide technical
 303 assistance and training to any school, including any school
 304 operating for the purpose of providing educational services to
 305 youth in Department of Juvenile Justice programs, school
 306 advisory council, district, or district school board for
 307 conducting needs assessments, developing and implementing school
 308 improvement plans, ~~developing and implementing assistance and~~

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309 ~~intervention plans,~~ or implementing other components of school
 310 improvement and accountability. Priority for these services
 311 shall be given to schools designated with a grade of "D" or "F"
 312 and school districts in rural and sparsely populated areas of
 313 the state.

314 (d) The commissioner shall assign a community assessment
 315 team to each school district or governing board with a school
 316 graded "F" or a school in the lowest-performing category
 317 pursuant to s. 1008.33 to review the school performance data and
 318 determine causes for the low performance, including the role of
 319 school, area, and district administrative personnel. The
 320 community assessment team shall review a high school's
 321 graduation rate calculated without GED tests for the past 3
 322 years, disaggregated by student ethnicity. The team shall make
 323 recommendations to the school board or the governing board, ~~to~~
 324 ~~the department,~~ and to the State Board of Education which ~~for~~
 325 ~~implementing an assistance and intervention plan that will~~
 326 address the causes of the school's low performance and may be
 327 incorporated into the school improvement plan. The assessment
 328 team shall include, but not be limited to, a department
 329 representative, parents, business representatives, educators,
 330 representatives of local governments, and community activists,
 331 and shall represent the demographics of the community from which
 332 they are appointed.

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

335 1012.2315 Assignment of teachers.--

336 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature

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337 finds disparities between teachers assigned to teach in a
 338 majority of schools that do not need improvement and schools
 339 that do need improvement pursuant to s. 1008.33 "A" graded
 340 ~~schools and teachers assigned to teach in a majority of "F"~~
 341 ~~graded schools.~~ The disparities may ~~can~~ be found in the
 342 assignment of temporarily certified teachers, teachers in need
 343 of improvement, and out-of-field teachers and in average years
 344 ~~of experience, the median salary, and the performance of the~~
 345 ~~students teachers on teacher certification examinations.~~ It is
 346 the intent of the Legislature that district school boards have
 347 flexibility through the collective bargaining process to assign
 348 teachers more equitably across the schools in the district.

349 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
 350 IMPROVEMENT. GRADED "D" OR "F."--School districts may not assign
 351 a higher percentage than the school district average of ~~first-~~
 352 ~~time teachers,~~ temporarily certified teachers, teachers in need
 353 of improvement, or out-of-field teachers to schools in one of
 354 the three lowest-performing categories under s. 1008.33(3)(b).
 355 ~~with above the school district average of minority and~~
 356 ~~economically disadvantaged students or schools that are graded~~
 357 ~~"D" or "F."~~ Each school district shall annually certify to the
 358 Commissioner of Education that this requirement has been met. If
 359 the commissioner determines that a school district is not in
 360 compliance with this subsection, the State Board of Education
 361 shall be notified and shall take action pursuant to s. 1008.32
 362 in the next regularly scheduled meeting to require compliance.

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

364