

By the Committees on Budget Subcommittee on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Wise

602-04498-11

20111696c2

1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1001.20, F.S.; deleting a provision that requires
4 the Florida Virtual School to be administratively
5 housed within the Office of Technology and Information
6 Services within the Office of the Commissioner of
7 Education; amending s. 1001.42, F.S.; revising the
8 powers and duties of district school boards relating
9 to student access to Florida Virtual School courses;
10 creating s. 1001.421, F.S.; prohibiting district
11 school board members and their relatives from
12 soliciting or accepting certain gifts; amending s.
13 1002.37, F.S.; conforming provisions to changes made
14 by the act; amending s. 1002.38, F.S.; requiring that
15 a school's grade be based on statewide assessments for
16 purposes of the Opportunity Scholarship Program;
17 amending s. 1002.39, F.S.; providing requirements for
18 determining the end of the term of a John M. McKay
19 Scholarship; amending s. 1002.45, F.S.; revising
20 provisions relating to virtual instruction program
21 provider qualifications; amending s. 1002.66, F.S.;
22 providing an additional instructional service for
23 children with disabilities in the Voluntary
24 Prekindergarten Education Program; amending s.
25 1002.67, F.S.; requiring that the State Board of
26 Education periodically review and revise the
27 performance standards for the statewide kindergarten
28 screening; amending s. 1002.69, F.S.; authorizing
29 nonpublic schools to administer the statewide

602-04498-11

20111696c2

30 kindergarten screening to kindergarten students who
31 were enrolled in the Voluntary Prekindergarten
32 Education Program; revising provisions relating to the
33 minimum kindergarten readiness rate and criteria for
34 good cause exemptions from meeting the requirement;
35 requiring prekindergarten enrollment screening and
36 post-assessment under certain circumstances; amending
37 s. 1002.71, F.S.; providing that a child may reenroll
38 more than once in a prekindergarten program if granted
39 a good cause exemption; amending s. 1002.73, F.S.;
40 requiring the Department of Education to adopt
41 procedures relating to prekindergarten enrollment
42 screening, the standardized post-assessment, and
43 reporting of the results of readiness measures;
44 amending s. 1003.01, F.S.; providing an additional
45 special education service; amending s. 1003.4156,
46 F.S.; revising the general requirements for middle
47 grades promotion; providing that a student with a
48 disability may have end-of-course assessment results
49 waived under certain circumstances; providing that a
50 middle grades student may be exempt from reading
51 remediation requirements under certain circumstances;
52 creating s. 1003.4203, F.S.; authorizing each district
53 school board to develop and implement a digital
54 curriculum for students in grades 6 through 12;
55 requiring the Department of Education to develop a
56 model digital curriculum; authorizing partnerships
57 with private businesses and consultants; amending s.
58 1003.428, F.S.; revising provisions relating to the

602-04498-11

20111696c2

59 general requirements for high school graduation;
60 providing that a high school student may be exempt
61 from reading remediation requirements under certain
62 circumstances; amending s. 1003.491, F.S.; revising
63 provisions relating to the development, contents, and
64 approval of the strategic plan to address workforce
65 needs; amending s. 1003.493, F.S.; revising
66 requirements for career and professional academies and
67 enrollment of students; creating s. 1003.4935, F.S.;
68 requiring each district school board to develop a plan
69 to implement a career and professional academy in at
70 least one middle school; providing requirements for
71 middle school career and professional academies and
72 academy courses; amending s. 1003.573, F.S.; revising
73 provisions relating to the use of restraint and
74 seclusion on students with disabilities; requiring
75 that certain information be included in incident
76 reports; removing an obsolete date; requiring that the
77 Department of Education maintain certain data of
78 incidents of manual or physical restraint and
79 seclusion and establish standards for documenting,
80 reporting, and monitoring the use of restraint and
81 seclusion; requiring that the department provide these
82 standards to school districts by a specified date;
83 revising provisions relating to school district
84 policies and procedures to include monitoring,
85 training, selecting personnel to be trained, and
86 planning for reducing the use of restraint and
87 seclusion; extending the date that such policies and

602-04498-11

20111696c2

88 procedures must be revised and filed with the bureau
89 chief of the Bureau of Exceptional Education and
90 Student Services within the Department of Education;
91 amending s. 1003.575, F.S.; providing requirements for
92 completion of an assistive technology assessment;
93 amending s. 1008.22, F.S.; revising provisions
94 relating to the student assessment program for public
95 schools; requiring that the Commissioner of Education
96 direct school districts to participate in certain
97 international assessment programs; authorizing a
98 school principal to exempt certain students from the
99 end-of-course assessment in civics education; revising
100 provisions relating to administration and reporting of
101 results of assessments; amending s. 1008.30, F.S.;
102 revising provisions relating to evaluation of college
103 readiness and providing for postsecondary preparatory
104 instruction; requiring the State Board of Education to
105 adopt certain rules; amending s. 1008.33, F.S.;
106 revising provisions relating to public school
107 improvement; requiring the Department of Education to
108 categorize public schools based on a school's grade
109 that relies on statewide assessments; amending s.
110 1008.331, F.S., relating to supplemental educational
111 services in Title I schools; providing that a school
112 board may include in its district contract with a
113 provider a requirement to use a uniform standardized
114 assessment if the Department of Education is notified
115 of such intent before services are provided to the
116 student; amending s. 1008.34, F.S.; revising the basis

602-04498-11

20111696c2

117 for the designation of school grades; including
118 achievement scores and learning gains for students who
119 are hospital or homebound; amending s. 1011.01, F.S.;
120 revising provisions relating to the annual operating
121 budgets of district school boards and Florida College
122 System institution boards of trustees; amending s.
123 1011.03, F.S.; revising provisions relating to adopted
124 district school board budgets; creating s. 1011.035,
125 F.S.; requiring each school district to post budgetary
126 information on its website; amending s. 1011.62, F.S.;
127 revising provisions relating to the funding model for
128 exceptional student education programs; requiring the
129 Department of Education to revise the descriptions of
130 services and to implement the revisions; amending s.
131 1012.39, F.S.; revising provisions relating to the
132 qualifications for nondegreed teachers of career
133 education; providing effective dates.

134

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

136

137 Section 1. Paragraph (a) of subsection (4) of section
138 1001.20, Florida Statutes, is amended to read:

139 1001.20 Department under direction of state board.—

140 (4) The Department of Education shall establish the
141 following offices within the Office of the Commissioner of
142 Education which shall coordinate their activities with all other
143 divisions and offices:

144 (a) *Office of Technology and Information Services.*—

145 Responsible for developing a systemwide technology plan, making

602-04498-11

20111696c2

146 budget recommendations to the commissioner, providing data
147 collection and management for the system, assisting school
148 districts in securing Internet access and telecommunications
149 services, including those eligible for funding under the Schools
150 and Libraries Program of the federal Universal Service Fund, and
151 coordinating services with other state, local, and private
152 agencies. The office shall develop a method to address the need
153 for a statewide approach to planning and operations of library
154 and information services to achieve a single K-20 education
155 system library information portal and a unified higher education
156 library management system. ~~The Florida Virtual School shall be~~
157 ~~administratively housed within the office.~~

158 Section 2. Subsection (23) of section 1001.42, Florida
159 Statutes, is amended to read:

160 1001.42 Powers and duties of district school board.—The
161 district school board, acting as a board, shall exercise all
162 powers and perform all duties listed below:

163 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access
164 to ~~enroll in~~ courses available through the Florida Virtual
165 School and award credit for successful completion of such
166 courses. Access shall be available to students during and ~~or~~
167 after the normal school day and through summer school
168 enrollment.

169 Section 3. Section 1001.421, Florida Statutes, is created
170 to read:

171 1001.421 Gifts.—Notwithstanding any other provision of law
172 to the contrary, district school board members and their
173 relatives, as defined in s. 112.312(21), may not directly or
174 indirectly solicit any gift, or directly or indirectly accept

602-04498-11

20111696c2

175 any gift in excess of \$50, from any person, vendor, potential
176 vendor, or other entity doing business with the school district.
177 The term "gift" has the same meaning as in s. 112.312(12).

178 Section 4. Paragraph (a) of subsection (1) of section
179 1002.37, Florida Statutes, is amended to read:

180 1002.37 The Florida Virtual School.—

181 (1) (a) The Florida Virtual School is established for the
182 development and delivery of online and distance learning
183 education ~~and shall be administratively housed within the~~
184 ~~Commissioner of Education's Office of Technology and Information~~
185 ~~Services~~. The Commissioner of Education shall monitor the
186 school's performance and report its performance to the State
187 Board of Education and the Legislature.

188
189 The board of trustees of the Florida Virtual School shall
190 identify appropriate performance measures and standards based on
191 student achievement that reflect the school's statutory mission
192 and priorities, and shall implement an accountability system for
193 the school that includes assessment of its effectiveness and
194 efficiency in providing quality services that encourage high
195 student achievement, seamless articulation, and maximum access.

196 Section 5. Subsection (2) and paragraph (a) of subsection
197 (3) of section 1002.38, Florida Statutes, are amended to read:

198 1002.38 Opportunity Scholarship Program.—

199 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—For purposes of
200 this section, a school's grade shall be based upon statewide
201 assessments administered pursuant to s. 1008.22. A public school
202 student's parent may request and receive from the state an
203 opportunity scholarship for the student to enroll in and attend

602-04498-11

20111696c2

204 a private school in accordance with the provisions of this
205 section if:

206 (a)1. By assigned school attendance area or by special
207 assignment, the student has spent the prior school year in
208 attendance at a public school that has been designated pursuant
209 to ~~s. 1008.34~~ as performance grade category "F," failing to make
210 adequate progress, and that has had 2 school years in a 4-year
211 period of such low performance, and the student's attendance
212 occurred during a school year in which such designation was in
213 effect;

214 2. The student has been in attendance elsewhere in the
215 public school system and has been assigned to such school for
216 the next school year; or

217 3. The student is entering kindergarten or first grade and
218 has been notified that the student has been assigned to such
219 school for the next school year.

220 (b) The parent has obtained acceptance for admission of the
221 student to a private school eligible for the program pursuant to
222 subsection (4), and has notified the Department of Education and
223 the school district of the request for an opportunity
224 scholarship no later than July 1 of the first year in which the
225 student intends to use the scholarship.

226

227 The provisions of this section do ~~shall~~ not apply to a student
228 who is enrolled in a school operating for the purpose of
229 providing educational services to youth in Department of
230 Juvenile Justice commitment programs. For purposes of continuity
231 of educational choice, the opportunity scholarship shall remain
232 in force until the student returns to a public school or, if the

602-04498-11

20111696c2

233 student chooses to attend a private school the highest grade of
234 which is grade 8, until the student matriculates to high school
235 and the public high school to which the student is assigned is
236 an accredited school with a performance grade category
237 designation of "C" or better. However, at any time upon
238 reasonable notice to the Department of Education and the school
239 district, the student's parent may remove the student from the
240 private school and place the student in a public school, as
241 provided in subparagraph (3) (a)2.

242 (3) SCHOOL DISTRICT OBLIGATIONS.—

243 (a) A school district shall, for each student enrolled in
244 or assigned to a school that has been designated as performance
245 grade category "F" for 2 school years in a 4-year period:

246 1. Timely notify the parent of the student as soon as such
247 designation is made of all options available pursuant to this
248 section.

249 2. Offer that student's parent an opportunity to enroll the
250 student in the public school within the district that has been
251 designated by the state ~~pursuant to s. 1008.34~~ as a school
252 performing higher than that in which the student is currently
253 enrolled or to which the student has been assigned, but not less
254 than performance grade category "C." The parent is not required
255 to accept this offer in lieu of requesting a state opportunity
256 scholarship to a private school. The opportunity to continue
257 attending the higher performing public school shall remain in
258 force until the student graduates from high school.

259 Section 6. Paragraph (a) of subsection (4) of section
260 1002.39, Florida Statutes, is amended to read:

261 1002.39 The John M. McKay Scholarships for Students with

602-04498-11

20111696c2

262 Disabilities Program.—There is established a program that is
263 separate and distinct from the Opportunity Scholarship Program
264 and is named the John M. McKay Scholarships for Students with
265 Disabilities Program.

266 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

267 (a) For purposes of continuity of educational choice, a
268 John M. McKay Scholarship shall remain in force until the
269 student returns to a public school, graduates from high school,
270 or reaches the age of 22, whichever occurs first. A scholarship
271 student who enrolls in a public school or public school program
272 is considered to have returned to a public school for the
273 purpose of determining the end of the scholarship's term.
274 However, if a student enters a Department of Juvenile Justice
275 detention center for a period of no more than 21 days, the
276 student is not considered to have returned to a public school
277 for that purpose.

278 Section 7. Paragraph (b) of subsection (2) of section
279 1002.45, Florida Statutes, is amended to read:

280 1002.45 School district virtual instruction programs.—

281 (2) PROVIDER QUALIFICATIONS.—

282 (b) An approved provider shall retain its approved status
283 during the 3 school years ~~for a period of 3 years~~ after the date
284 of the department's approval under paragraph (a) as long as the
285 provider continues to comply with all requirements of this
286 section.

287 Section 8. Paragraph (e) is added to subsection (2) of
288 section 1002.66, Florida Statutes, to read:

289 1002.66 Specialized instructional services for children
290 with disabilities.—

602-04498-11

20111696c2

291 (2) The parent of a child who is eligible for the
292 prekindergarten program for children with disabilities may
293 select one or more specialized instructional services that are
294 consistent with the child's individual educational plan. These
295 specialized instructional services may include, but are not
296 limited to:

297 (e) Listening and Spoken Language specialists for any child
298 who is deaf or hard of hearing and who has received an implant
299 or assistive hearing device.

300 Section 9. Subsection (1) and paragraph (c) of subsection
301 (3) of section 1002.67, Florida Statutes, are amended to read:
302 1002.67 Performance standards; curricula and
303 accountability.—

304 (1) (a) By April 1, 2005, the department shall develop and
305 adopt performance standards for students in the Voluntary
306 Prekindergarten Education Program. The performance standards
307 must address the age-appropriate progress of students in the
308 development of:

309 1. ~~(a)~~ The capabilities, capacities, and skills required
310 under s. 1(b), Art. IX of the State Constitution; and

311 2. ~~(b)~~ Emergent literacy skills, including oral
312 communication, knowledge of print and letters, phonemic and
313 phonological awareness, and vocabulary and comprehension
314 development.

315 (b) The State Board of Education shall periodically review
316 and revise the performance standards for the statewide
317 kindergarten screening administered under s. 1002.69 and align
318 the standards to the standards established by the state board
319 for student performance on the statewide assessments

602-04498-11

20111696c2

320 administered pursuant to s. 1008.22.

321 (3)

322 (c)1. If the kindergarten readiness rate of a private
323 prekindergarten provider or public school falls below the
324 minimum rate adopted by the State Board of Education as
325 satisfactory under s. 1002.69(6), the early learning coalition
326 or school district, as applicable, shall require the provider or
327 school to submit an improvement plan for approval by the
328 coalition or school district, as applicable, and to implement
329 the plan.

330 2. If a private prekindergarten provider or public school
331 fails to meet the minimum rate adopted by the State Board of
332 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
333 ~~years~~, the early learning coalition or school district, as
334 applicable, shall place the provider or school on probation and
335 must require the provider or school to take certain corrective
336 actions, including the use of a curriculum approved by the
337 department under paragraph (2)(c).

338 3. A private prekindergarten provider or public school that
339 is placed on probation must continue the corrective actions
340 required under subparagraph 2., including the use of a
341 curriculum approved by the department, until the provider or
342 school meets the minimum rate adopted by the State Board of
343 Education as satisfactory under s. 1002.69(6).

344 4. If a private prekindergarten provider or public school
345 remains on probation for 2 consecutive years and fails to meet
346 the minimum rate adopted by the State Board of Education as
347 satisfactory under s. 1002.69(6) and is not granted a good cause
348 exemption by the department pursuant to s. 1002.69(7), the

602-04498-11

20111696c2

349 Agency for Workforce Innovation shall require the early learning
350 coalition or the Department of Education shall require the
351 school district to remove, as applicable, the provider or school
352 from eligibility to deliver the Voluntary Prekindergarten
353 Education Program and receive state funds for the program.

354 Section 10. Subsections (1), (5), and (6) and paragraphs
355 (b) and (c) of subsection (7) of section 1002.69, Florida
356 Statutes, are amended to read:

357 1002.69 Statewide kindergarten screening; kindergarten
358 readiness rates; state-approved prekindergarten enrollment
359 screening; good cause exemption.—

360 (1) The department shall adopt a statewide kindergarten
361 screening that assesses the readiness of each student for
362 kindergarten based upon the performance standards adopted by the
363 department under s. 1002.67(1) for the Voluntary Prekindergarten
364 Education Program. The department shall require that each school
365 district administer the statewide kindergarten screening to each
366 kindergarten student in the school district within the first 30
367 school days of each school year. Nonpublic schools may
368 administer the statewide kindergarten screening to each
369 kindergarten student in a nonpublic school who was enrolled in
370 the Voluntary Prekindergarten Education Program.

371 (5) The State Board of Education shall adopt procedures for
372 the department to annually calculate each private
373 prekindergarten provider's and public school's kindergarten
374 readiness rate, which must be expressed as the percentage of the
375 provider's or school's students who are assessed as ready for
376 kindergarten. The kindergarten readiness rates must be based
377 exclusively upon the results of the statewide kindergarten

602-04498-11

20111696c2

378 screening for students completing the Voluntary Prekindergarten
379 Education Program, beginning with students completing the
380 program during the 2005-2006 school year who are administered
381 the statewide kindergarten screening during the 2006-2007 school
382 year. The methodology for calculating each provider's
383 kindergarten readiness rate must include the percentage of
384 students who meet all state readiness measures. The rates must
385 not include students who are not administered the statewide
386 kindergarten screening.

387 (6) ~~(a)~~ The State Board of Education shall periodically
388 adopt a minimum kindergarten readiness rate that, if achieved by
389 a private prekindergarten provider or public school, would
390 demonstrate the provider's or school's satisfactory delivery of
391 the Voluntary Prekindergarten Education Program.

392 ~~(b) The minimum rate must not exceed the rate at which more~~
393 ~~than 15 percent of the kindergarten readiness rates of all~~
394 ~~private prekindergarten providers and public schools delivering~~
395 ~~the Voluntary Prekindergarten Education Program in the state~~
396 ~~would fall below the minimum rate.~~

397 (7)

398 (b) A private prekindergarten provider's or public school's
399 request for a good cause exemption, or renewal of such an
400 exemption, must be submitted to the state board in the manner
401 and within the timeframes prescribed by the state board and must
402 include the following:

403 1. Submission of data by the private prekindergarten
404 provider or public school which documents ~~on a standardized~~
405 ~~assessment~~ the achievement and progress of the children served
406 as measured by the state-approved prekindergarten enrollment

602-04498-11

20111696c2

407 screening and the standardized post-assessment approved by the
408 department pursuant to subparagraph (c)1.

409 2. Submission and review of data available from the
410 respective early learning coalition or district school board,
411 the Department of Children and Family Services, local licensing
412 authority, or an accrediting association, as applicable,
413 relating to the private prekindergarten provider's or public
414 school's compliance with state and local health and safety
415 standards.

416 3. Submission and review of data available to the
417 department on the performance of the children served and the
418 calculation of the private prekindergarten provider's or public
419 school's kindergarten readiness rate.

420 (c) The State Board of Education shall adopt criteria for
421 granting good cause exemptions. Such criteria shall include, but
422 are not limited to:

423 1. Learning gains of children served in the Voluntary
424 Prekindergarten Education Program by the private prekindergarten
425 provider or public school. A provider seeking a good cause
426 exemption shall have the early learning coalition or a
427 department-approved second party administer the state-approved
428 prekindergarten enrollment screening to each child in the
429 prekindergarten provider's program within the first 30 days of
430 each school year for which a good cause exemption is sought, and
431 the provider shall administer the standardized post-assessment
432 approved by the department to measure the student's learning
433 gains for the year or summer, as appropriate. All data must be
434 submitted to the department within 30 days after the
435 administration of each assessment. Each parent who enrolls his

602-04498-11

20111696c2

436 or her child in a Voluntary Prekindergarten Education Program
437 offered by a provider seeking a good cause exemption must submit
438 the child for the state-approved prekindergarten enrollment
439 screening.

440 ~~2. Verification that the private prekindergarten provider~~
441 ~~or public school serves at least twice the statewide percentage~~
442 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
443 ~~children identified as limited English proficient as defined in~~
444 ~~s. 1003.56.~~

445 ~~2.3.~~ Verification that local and state health and safety
446 requirements are met.

447 Section 11. Subsection (4) of section 1002.71, Florida
448 Statutes, is amended to read:

449 1002.71 Funding; financial and attendance reporting.—

450 (4) Notwithstanding s. 1002.53(3) and subsection (2):

451 (a) A child who, for any of the prekindergarten programs
452 listed in s. 1002.53(3), has not completed more than 70 percent
453 of the hours authorized to be reported for funding under
454 subsection (2), or has not expended more than 70 percent of the
455 funds authorized for the child under s. 1002.66, may withdraw
456 from the program for good cause and reenroll in one of the
457 programs. The total funding for a child who reenrolls in one of
458 the programs for good cause may not exceed one full-time
459 equivalent student. Funding for a child who withdraws and
460 reenrolls in one of the programs for good cause shall be issued
461 in accordance with the agency's uniform attendance policy
462 adopted pursuant to paragraph (6)(d).

463 (b) A child who has not substantially completed any of the
464 prekindergarten programs listed in s. 1002.53(3) may withdraw

602-04498-11

20111696c2

465 from the program due to an extreme hardship that is beyond the
466 child's or parent's control, reenroll in one of the summer
467 programs, and be reported for funding purposes as a full-time
468 equivalent student in the summer program for which the child is
469 reenrolled.

470

471 A child may reenroll only once in a prekindergarten program
472 under this section. A child who reenrolls in a prekindergarten
473 program under this subsection may not subsequently withdraw from
474 the program and reenroll, unless the child is granted a good
475 cause exemption under this subsection. The Agency for Workforce
476 Innovation shall establish criteria specifying whether a good
477 cause exists for a child to withdraw from a program under
478 paragraph (a), whether a child has substantially completed a
479 program under paragraph (b), and whether an extreme hardship
480 exists which is beyond the child's or parent's control under
481 paragraph (b).

482 Section 12. Subsection (2) of section 1002.73, Florida
483 Statutes, is amended to read:

484 1002.73 Department of Education; powers and duties;
485 accountability requirements.—

486 (2) The department shall adopt procedures for its:

487 (a) Approval of prekindergarten director credentials under
488 ss. 1002.55 and 1002.57.

489 (b) Approval of emergent literacy training courses under
490 ss. 1002.55 and 1002.59.

491 (c) Administration of the statewide kindergarten screening
492 and calculation of kindergarten readiness rates under s.
493 1002.69.

602-04498-11

20111696c2

494 (d) Implementation of, and determination of costs
495 associated with, the state-approved prekindergarten enrollment
496 screening and the standardized post-assessment approved by the
497 department, and determination of the learning gains of students
498 who complete the state-approved prekindergarten enrollment
499 screening and the standardized post-assessment approved by the
500 department.

501 (e)~~(d)~~ Approval of specialized instructional services
502 providers under s. 1002.66.

503 (f) Annual reporting of the percentage of kindergarten
504 students who meet all state readiness measures.

505 (g)~~(e)~~ Granting of a private prekindergarten provider's or
506 public school's request for a good cause exemption under s.
507 1002.69(7).

508 Section 13. Paragraph (b) of subsection (3) of section
509 1003.01, Florida Statutes, is amended to read:

510 1003.01 Definitions.—As used in this chapter, the term:

511 (3)

512 (b) "Special education services" means specially designed
513 instruction and such related services as are necessary for an
514 exceptional student to benefit from education. Such services may
515 include: transportation; diagnostic and evaluation services;
516 social services; physical and occupational therapy; speech and
517 language pathology services; job placement; orientation and
518 mobility training; braillists, typists, and readers for the
519 blind; interpreters and auditory amplification; services
520 provided by a certified Listening and Spoken Language
521 specialist; rehabilitation counseling; transition services;
522 mental health services; guidance and career counseling;

602-04498-11

20111696c2

523 specified materials, assistive technology devices, and other
524 specialized equipment; and other such services as approved by
525 rules of the state board.

526 Section 14. Subsection (1) of section 1003.4156, Florida
527 Statutes, is amended to read:

528 1003.4156 General requirements for middle grades
529 promotion.—

530 (1) ~~Beginning with students entering grade 6 in the 2006-~~
531 ~~2007 school year,~~ Promotion from a school composed of middle
532 grades 6, 7, and 8 requires that:

533 (a) The student must successfully complete academic courses
534 as follows:

535 1. Three middle school or higher courses in English. These
536 courses shall emphasize literature, composition, and technical
537 text.

538 2. Three middle school or higher courses in mathematics.
539 Each middle school must offer at least one high school level
540 mathematics course for which students may earn high school
541 credit. Successful completion of a high school level Algebra I
542 or geometry course is not contingent upon the student's
543 performance on the end-of-course assessment required under s.
544 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
545 school year, to earn high school credit for an Algebra I course,
546 a middle school student must pass the Algebra I end-of-course
547 assessment, and beginning with the 2012-2013 school year, to
548 earn high school credit for a geometry course, a middle school
549 student must pass the geometry end-of-course assessment.

550 3. Three middle school or higher courses in social studies,
551 one semester of which must include the study of state and

602-04498-11

20111696c2

552 federal government and civics education. Beginning with students
553 entering grade 6 in the 2012-2013 school year, one of these
554 courses must be at least a one-semester civics education course
555 that a student successfully completes in accordance with s.
556 1008.22(3)(c) and that includes the roles and responsibilities
557 of federal, state, and local governments; the structures and
558 functions of the legislative, executive, and judicial branches
559 of government; and the meaning and significance of historic
560 documents, such as the Articles of Confederation, the
561 Declaration of Independence, and the Constitution of the United
562 States.

563 4. Three middle school or higher courses in science.
564 Successful completion of a high school level Biology I course is
565 not contingent upon the student's performance on the end-of-
566 course assessment required under s. 1008.22(3)(c)2.a.(II).
567 However, beginning with the 2012-2013 school year, to earn high
568 school credit for a Biology I course, a middle school student
569 must pass the Biology I end-of-course assessment.

570 5. One course in career and education planning to be
571 completed in 7th or 8th grade. The course may be taught by any
572 member of the instructional staff; must include career
573 exploration using Florida CHOICES or a comparable cost-effective
574 program; must include educational planning using the online
575 student advising system known as Florida Academic Counseling and
576 Tracking for Students at the Internet website FACTS.org; and
577 shall result in the completion of a personalized academic and
578 career plan. The required personalized academic and career plan
579 must inform students of high school graduation requirements,
580 high school assessment and college entrance test requirements,

602-04498-11

20111696c2

581 Florida Bright Futures Scholarship Program requirements, state
582 university and Florida college admission requirements, and
583 programs through which a high school student can earn college
584 credit, including Advanced Placement, International
585 Baccalaureate, Advanced International Certificate of Education,
586 dual enrollment, career academy opportunities, and courses that
587 lead to national industry certification.

588

589 A student with a disability, as defined in s. 1007.02(2), for
590 whom the individual education plan team determines that an end-
591 of-course assessment cannot accurately measure the student's
592 abilities, taking into consideration all allowable
593 accommodations, shall have the end-of-course assessment results
594 waived for purposes of determining the student's course grade
595 and completing the requirements for middle grades promotion.

596 Each school must hold a parent meeting either in the evening or
597 on a weekend to inform parents about the course curriculum and
598 activities. Each student shall complete an electronic personal
599 education plan that must be signed by the student; the student's
600 instructor, guidance counselor, or academic advisor; and the
601 student's parent. The Department of Education shall develop
602 course frameworks and professional development materials for the
603 career exploration and education planning course. The course may
604 be implemented as a stand-alone course or integrated into
605 another course or courses. The Commissioner of Education shall
606 collect longitudinal high school course enrollment data by
607 student ethnicity in order to analyze course-taking patterns.

608 (b) For each year in which a student scores at Level 1 on
609 FCAT Reading, the student must be enrolled in and complete an

602-04498-11

20111696c2

610 intensive reading course the following year. Placement of Level
611 2 readers in either an intensive reading course or a content
612 area course in which reading strategies are delivered shall be
613 determined by diagnosis of reading needs. The department shall
614 provide guidance on appropriate strategies for diagnosing and
615 meeting the varying instructional needs of students reading
616 below grade level. Reading courses shall be designed and offered
617 pursuant to the comprehensive reading plan required by s.
618 1011.62(9). A middle grades student who scores at Level 1 or
619 Level 2 on FCAT Reading but who did not score below Level 3 in
620 the previous 3 years may be granted a 1-year exemption from the
621 reading remediation requirement; however, the student must have
622 an approved academic improvement plan already in place, signed
623 by the appropriate school staff and the student's parent, for
624 the year for which the exemption is granted.

625 (c) For each year in which a student scores at Level 1 or
626 Level 2 on FCAT Mathematics, the student must receive
627 remediation the following year, which may be integrated into the
628 student's required mathematics course.

629 Section 15. Section 1003.4203, Florida Statutes, is created
630 to read:

631 1003.4203 Digital curriculum.—

632 (1) Each district school board, in consultation with the
633 district school superintendent, may develop and implement a
634 digital curriculum for students in grades 6 through 12 in order
635 to enable students to attain competencies in web communications
636 and web design. A digital curriculum may include web-based
637 skills, web-based core technologies, web design, use of digital
638 technologies and markup language to show competency in computer

602-04498-11

20111696c2

639 skills, and use of web-based core technologies to design
640 creative, informational, and content standards for web-based
641 digital products that demonstrate proficiency in creating,
642 publishing, testing, monitoring, and maintaining a website.

643 (2) The digital curriculum instruction may be integrated
644 into middle school and high school subject area curricula or
645 offered as a separate course, subject to available funding.

646 (3) The Department of Education shall develop a model
647 digital curriculum to serve as a guide for district school
648 boards in the development of a digital curriculum.

649 (4) A district school board may seek partnerships with
650 private businesses and consultants to offer classes and
651 instruction to teachers and students to assist the school
652 district in providing digital curriculum instruction.

653 Section 16. Paragraph (b) of subsection (2) of section
654 1003.428, Florida Statutes, is amended to read:

655 1003.428 General requirements for high school graduation;
656 revised.—

657 (2) The 24 credits may be earned through applied,
658 integrated, and combined courses approved by the Department of
659 Education. The 24 credits shall be distributed as follows:

660 (b) Eight credits in electives.

661 1. For each year in which a student scores at Level 1 on
662 FCAT Reading, the student must be enrolled in and complete an
663 intensive reading course the following year. Placement of Level
664 2 readers in either an intensive reading course or a content
665 area course in which reading strategies are delivered shall be
666 determined by diagnosis of reading needs. The department shall
667 provide guidance on appropriate strategies for diagnosing and

602-04498-11

20111696c2

668 meeting the varying instructional needs of students reading
669 below grade level. Reading courses shall be designed and offered
670 pursuant to the comprehensive reading plan required by s.
671 1011.62(9). A high school student who scores at Level 1 or Level
672 2 on FCAT Reading but who did not score below Level 3 in the
673 previous 3 years may be granted a 1-year exemption from the
674 reading remediation requirement; however, the student must have
675 an approved academic improvement plan already in place, signed
676 by the appropriate school staff and the student's parent, for
677 the year for which the exemption is granted.

678 2. For each year in which a student scores at Level 1 or
679 Level 2 on FCAT Mathematics, the student must receive
680 remediation the following year. These courses may be taught
681 through applied, integrated, or combined courses and are subject
682 to approval by the department for inclusion in the Course Code
683 Directory.

684 Section 17. Subsections (2), (3), and (5) of section
685 1003.491, Florida Statutes, are amended to read:

686 1003.491 Florida Career and Professional Education Act.—The
687 Florida Career and Professional Education Act is created to
688 provide a statewide planning partnership between the business
689 and education communities in order to attract, expand, and
690 retain targeted, high-value industry and to sustain a strong,
691 knowledge-based economy.

692 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
693 school board shall develop, in collaboration with regional local
694 workforce boards, economic development agencies, and
695 postsecondary institutions approved to operate in the state, a
696 strategic 5-year plan to address and meet local and regional

602-04498-11

20111696c2

697 workforce demands. If involvement of a regional ~~the local~~
698 workforce board or an economic development agency in the
699 strategic plan development is not feasible, the local school
700 board, with the approval of the Agency for Workforce Innovation,
701 shall collaborate with the most appropriate regional ~~local~~
702 business leadership board. Two or more school districts may
703 collaborate in the development of the strategic plan and offer a
704 career and professional academy as a joint venture. The
705 strategic plan ~~Such plans~~ must describe in detail provisions for
706 the efficient transportation of students, the maximum use of
707 shared resources, and access to courses aligned to state
708 curriculum standards through virtual education providers
709 legislatively authorized to provide part-time instruction to
710 middle school students, and an objective review of career and
711 professional academy courses to determine if the courses will
712 lead to the attainment of industry certifications included on
713 the Industry Certified Funding List pursuant to rules adopted by
714 the State Board of Education ~~the Florida Virtual School when~~
715 ~~appropriate~~. Each strategic plan shall be reviewed, updated, and
716 jointly approved every 5 years by the local school district,
717 regional workforce boards, economic development agencies, and
718 state-approved postsecondary institutions ~~completed no later~~
719 ~~than June 30, 2008, and shall include provisions to have in~~
720 ~~place at least one operational career and professional academy,~~
721 ~~pursuant to s. 1003.492, no later than the beginning of the~~
722 ~~2008-2009 school year.~~

723 (3) The strategic 5-year plan developed jointly by ~~between~~
724 the local school district, regional ~~local~~ workforce boards,
725 economic development agencies, and state-approved postsecondary

602-04498-11

20111696c2

726 institutions shall be constructed and based on:

727 (a) Research conducted to objectively determine local and
728 regional workforce needs for the ensuing 5 years, using labor
729 projections of the United States Department of Labor and the
730 Agency for Workforce Innovation;

731 (b) Strategies to develop and implement career academies
732 based on those careers determined to be in high demand;

733 (c) Maximum use of private sector facilities and personnel;

734 (d) Strategies that ensure instruction by industry-
735 certified faculty and standards and strategies to maintain
736 current industry credentials and for recruiting and retaining
737 faculty to meet those standards;

738 (e) Alignment of ~~to~~ requirements for middle school career
739 exploration, middle and high school career and professional
740 academies leading to industry certification, and high school
741 graduation requirements ~~redesign~~;

742 (f) Provisions to ensure that courses offered through
743 career and professional academies are academically rigorous,
744 meet or exceed appropriate state-adopted subject area standards,
745 result in attainment of industry certification, and, when
746 appropriate, result in postsecondary credit;

747 (g) Strategies to improve the passage rate for industry
748 certification examinations if the rate falls below 50 percent;

749 (h) ~~(g)~~ Establishment of student eligibility criteria in
750 career and professional academies which include opportunities
751 for students who have been unsuccessful in traditional
752 classrooms but who show aptitude to participate in academies.
753 School boards shall address the analysis of eighth grade student
754 achievement data to provide opportunities for students who may

602-04498-11

20111696c2

755 be deemed as potential dropouts to participate in career and
756 professional academies;

757 (i) ~~(h)~~ Strategies to provide sufficient space within
758 academies to meet workforce needs and to provide access to all
759 interested and qualified students;

760 (j) ~~(i)~~ Strategies to implement ~~engage Department of~~
761 ~~Juvenile Justice students in~~ career and professional academy
762 training that leads to industry certification at Department of
763 Juvenile Justice facilities;

764 (k) ~~(j)~~ Opportunities for high school students to earn
765 weighted or dual enrollment credit for higher-level career and
766 technical courses;

767 (l) ~~(k)~~ Promotion of the benefits of the Gold Seal Bright
768 Futures Scholarship;

769 (m) ~~(l)~~ Strategies to ensure the review of district pupil-
770 progression plans and to amend such plans to include career and
771 professional courses and to include courses that may qualify as
772 substitute courses for core graduation requirements and those
773 that may be counted as elective courses; and

774 (n) ~~(m)~~ Strategies to provide professional development for
775 secondary guidance counselors on the benefits of career and
776 professional academies.

777 (5) The submission and review of newly proposed core
778 courses shall be conducted electronically, and each proposed
779 core course shall be approved or denied within 60 days. All
780 courses approved as core courses for purposes of middle school
781 promotion and high school graduation ~~purposes~~ shall be
782 immediately added to the Course Code Directory. Approved core
783 courses shall also be reviewed and considered for approval for

602-04498-11

20111696c2

784 dual enrollment credit. The Board of Governors and the
785 Commissioner of Education shall jointly recommend an annual
786 deadline for approval of new core courses to be included for
787 purposes of postsecondary admissions and dual enrollment credit
788 the following academic year. The State Board of Education shall
789 establish an appeals process in the event that a proposed course
790 is denied which shall require a consensus ruling by the Agency
791 for Workforce Innovation and the Commissioner of Education
792 within 15 days. The curriculum review committee must be
793 established and operational no later than September 1, 2007.

794 Section 18. Subsections (2), (4), (5), and (6) of section
795 1003.493, Florida Statutes, are amended to read:

796 1003.493 Career and professional academies.—

797 (2) The goals of a career and professional academy are to:

798 (a) Increase student academic achievement and graduation
799 rates through integrated academic and career curricula.

800 (b) Prepare graduating high school students to make
801 appropriate choices relative to employment and future
802 educational experiences.

803 (c) Focus on career preparation through rigorous academics
804 and industry certification.

805 (d) Raise student aspiration and commitment to academic
806 achievement and work ethics through relevant coursework.

807 ~~(e) Support graduation requirements pursuant to s. 1003.428~~
808 ~~by providing creative, applied major areas of interest.~~

809 (e) ~~(f)~~ Promote acceleration mechanisms, such as dual
810 enrollment, articulated credit, or occupational completion
811 points, so that students may earn postsecondary credit while in
812 high school.

602-04498-11

20111696c2

813 (f) ~~(g)~~ Support the state's economy by meeting industry
814 needs for skilled employees in high-demand occupations.

815 (4) Each career and professional academy must:

816 (a) Provide a rigorous standards-based academic curriculum
817 integrated with a career curriculum. The curriculum must take
818 into consideration multiple styles of student learning; promote
819 learning by doing through application and adaptation; maximize
820 relevance of the subject matter; enhance each student's capacity
821 to excel; and include an emphasis on work habits and work
822 ethics.

823 (b) Include one or more partnerships with postsecondary
824 institutions, businesses, industry, employers, economic
825 development organizations, or other appropriate partners from
826 the local community. Such partnerships shall be delineated in
827 articulation agreements to provide for career-based courses that
828 earn postsecondary credit. Such agreements may include
829 articulation between the academy and public or private 2-year
830 and 4-year postsecondary institutions and technical centers. The
831 Department of Education, in consultation with the Board of
832 Governors, shall establish a mechanism to ensure articulation
833 and transfer of credits to postsecondary institutions in this
834 state. Such partnerships must provide opportunities for:

- 835 1. Instruction from highly skilled professionals who
836 possess industry-certification credentials for courses they are
837 teaching.
- 838 2. Internships, externships, and on-the-job training.
- 839 3. A postsecondary degree, diploma, or certificate.
- 840 4. The highest available level of industry certification.
- 841 5. Maximum articulation of credits pursuant to s. 1007.23

602-04498-11

20111696c2

842 upon program completion.

843 (c) Provide shared, maximum use of private sector
844 facilities and personnel.

845 (d) Provide personalized student advisement, including a
846 parent-participation component, and coordination with middle
847 schools to promote and support career exploration and education
848 planning as required under s. 1003.4156. Coordination with
849 middle schools must provide information to middle school
850 students about secondary and postsecondary career education
851 programs and academies.

852 (e) Promote and provide opportunities for career and
853 professional academy students to attain, at minimum, the Florida
854 Gold Seal Vocational Scholars award pursuant to s. 1009.536.

855 (f) Provide instruction in careers designated as high
856 growth, high demand, and high pay by the regional ~~local~~
857 workforce development board, the chamber of commerce, economic
858 development agencies, or the Agency for Workforce Innovation.

859 (g) Deliver academic content through instruction relevant
860 to the career, including intensive reading and mathematics
861 intervention required by s. 1003.428, with an emphasis on
862 strengthening reading for information skills.

863 (h) Offer applied courses that combine academic content
864 with technical skills.

865 (i) Provide instruction resulting in competency,
866 certification, or credentials in workplace skills, including,
867 but not limited to, communication skills, interpersonal skills,
868 decisionmaking skills, the importance of attendance and
869 timeliness in the work environment, and work ethics.

870 (j) Include a plan to sustain career and professional

602-04498-11

20111696c2

871 academies ~~Provide opportunities for students to obtain the~~
872 ~~Florida Ready to Work Certification pursuant to s. 1004.99.~~

873 ~~(k) Include an evaluation plan developed jointly with the~~
874 ~~Department of Education and the local workforce board. The~~
875 ~~evaluation plan must include an assessment tool based on~~
876 ~~national industry standards, such as the Career Academy National~~
877 ~~Standards of Practice, and outcome measures, including, but not~~
878 ~~limited to, achievement of national industry certifications~~
879 ~~identified in the Industry Certification Funding List, pursuant~~
880 ~~to rules adopted by the State Board of Education, graduation~~
881 ~~rates, enrollment in postsecondary education, business and~~
882 ~~industry satisfaction, employment and earnings, awards of~~
883 ~~postsecondary credit and scholarships, and student achievement~~
884 ~~levels and learning gains on statewide assessments administered~~
885 ~~under s. 1008.22(3)(c). The Department of Education shall use~~
886 ~~Workforce Florida, Inc., and Enterprise Florida, Inc., in~~
887 ~~identifying industry experts to participate in developing and~~
888 ~~implementing such assessments.~~

889 ~~(k)(m)~~ Redirect appropriated career funding to career and
890 professional academies.

891 (5) All career courses offered in a career and professional
892 academy must lead to industry certification or college credit
893 linked directly to the career theme of the course. If the
894 passage rate on an industry certification examination that is
895 associated with the career and professional academy falls below
896 50 percent, the academy must discontinue enrollment of new
897 students the following school year and each year thereafter
898 until such time as the passage rate is above 50 percent or the
899 academy is discontinued. At least 50 percent of students

602-04498-11

20111696c2

900 ~~enrolled in a career course must achieve industry certifications~~
901 ~~or college credits during the second year the course is offered~~
902 ~~in order for the course to be offered a third year. At least 66~~
903 ~~percent of students enrolled in such a course must achieve~~
904 ~~industry certifications or college credits during the third year~~
905 ~~the course is offered in order for it to be offered a fourth~~
906 ~~year and thereafter.~~

907 (6) Workforce Florida, Inc., through the secondary career
908 academies initiatives, The Okaloosa County School District
909 ~~CHOICE Institutes~~ shall serve in an advisory role and shall
910 offer technical assistance in the development and deployment of
911 newly established career and professional academies ~~for a 3-year~~
912 ~~period beginning July 1, 2007.~~

913 Section 19. Section 1003.4935, Florida Statutes, is created
914 to read:

915 1003.4935 Middle school career and professional academy
916 courses.-

917 (1) Beginning with the 2011-2012 school year, each district
918 school board, in collaboration with regional workforce boards,
919 economic development agencies, and state-approved postsecondary
920 institutions, shall include plans to implement a career and
921 professional academy in at least one middle school in the
922 district as part of the strategic 5-year plan pursuant to s.
923 1003.491(2). The middle school career and professional academy
924 component of the strategic plan must ensure the transition of
925 middle school career and professional academy students to a high
926 school career and professional academy currently operating
927 within the school district. Students who complete a middle
928 school career and professional academy must have the opportunity

602-04498-11

20111696c2

929 to earn an industry certificate and high school credit and
930 participate in career planning, job shadowing, and business
931 leadership development activities.

932 (2) Each middle school career and professional academy must
933 be aligned with at least one high school career and professional
934 academy offered in the district and maintain partnerships with
935 local business and industry and economic development boards.
936 Middle school career and professional academies must:

937 (a) Provide instruction in courses leading to careers in
938 occupations designated as high growth, high demand, and high pay
939 in the Industry Certification Funding List approved under rules
940 adopted by the State Board of Education;

941 (b) Offer career and professional academy courses that
942 integrate content from core subject areas;

943 (c) Offer courses that integrate career and professional
944 academy content with intensive reading and mathematics pursuant
945 to s. 1003.428;

946 (d) Coordinate with high schools to maximize opportunities
947 for middle school career and professional academy students to
948 earn high school credit;

949 (e) Provide access to virtual instruction courses provided
950 by virtual education providers legislatively authorized to
951 provide part-time instruction to middle school students which
952 are aligned to state curriculum standards for middle school
953 career and professional academy students, with priority given to
954 students who have required course deficits;

955 (f) Provide instruction from highly skilled professionals
956 who hold industry certificates in the career area in which they
957 teach;

602-04498-11

20111696c2

958 (g) Offer externships; and

959 (h) Provide personalized student advisement that includes a
960 parent-participation component.

961 (3) Beginning with the 2012-2013 school year, if a school
962 district implements a middle school career and professional
963 academy, the Department of Education shall collect and report
964 student achievement data pursuant to performance factors
965 identified under s. 1003.492(3) for academy students.

966 Section 20. Section 1003.573, Florida Statutes, is amended
967 to read:

968 1003.573 Use of ~~seclusion and restraint~~ and seclusion on
969 students with disabilities.—

970 (1) DOCUMENTATION AND REPORTING.—

971 (a) A school shall prepare an incident report within 24
972 hours after a student is released from restraint or seclusion.
973 If the student's release occurs on a day before the school
974 closes for the weekend, a holiday, or another reason, the
975 incident report must be completed by the end of the school day
976 on the day the school reopens.

977 (b) The following must be included in the incident report:

978 1. The name of the student restrained or secluded.

979 2. The age and ethnicity and the eligibility of the student
980 restrained or secluded.

981 3.2. The date and time of the event and the duration of the
982 restraint or seclusion.

983 4.3. The location at which the restraint or seclusion
984 occurred.

985 5.4. A description of the type of restraint used in terms
986 established by the Department of Education.

602-04498-11

20111696c2

987 ~~6.5.~~ The name of the person using or assisting in the
988 restraint or seclusion of the student.

989 ~~7.6.~~ The name of any nonstudent who was present to witness
990 the restraint or seclusion.

991 ~~8.7.~~ A description of the incident, including:

992 a. The context in which the restraint or seclusion
993 occurred.

994 b. The student's behavior leading up to and precipitating
995 the decision to use manual or physical restraint or seclusion,
996 including an indication as to why there was an imminent risk of
997 serious injury or death to the student or others.

998 c. The specific positive behavioral strategies used to
999 prevent and deescalate the behavior.

1000 d. What occurred with the student immediately after the
1001 termination of the restraint or seclusion.

1002 e. Any injuries, visible marks, or possible medical
1003 emergencies that may have occurred during the restraint or
1004 seclusion, documented according to district policies.

1005 f. Evidence of steps taken to notify the student's parent
1006 or guardian.

1007 (c) A school shall notify the parent or guardian of a
1008 student each time manual or physical restraint or seclusion is
1009 used. Such notification must be in writing and provided before
1010 the end of the school day on which the restraint or seclusion
1011 occurs. Reasonable efforts must also be taken to notify the
1012 parent or guardian by telephone or computer e-mail, or both, and
1013 these efforts must be documented. The school shall obtain, and
1014 keep in its records, the parent's or guardian's signed
1015 acknowledgment that he or she was notified of his or her child's

602-04498-11

20111696c2

1016 restraint or seclusion.

1017 (d) A school shall also provide the parent or guardian with
1018 the completed incident report in writing by mail within 3 school
1019 days after a student was manually or physically restrained or
1020 secluded. The school shall obtain, and keep in its records, the
1021 parent's or guardian's signed acknowledgment that he or she
1022 received a copy of the incident report.

1023 (2) MONITORING.—

1024 (a) Monitoring of the use of manual or physical restraint
1025 or seclusion on students shall occur at the classroom, building,
1026 district, and state levels.

1027 (b) ~~Beginning July 1, 2010,~~ Documentation prepared as
1028 required in subsection (1) shall be provided to the school
1029 principal, the district director of Exceptional Student
1030 Education, and the bureau chief of the Bureau of Exceptional
1031 Education and Student Services electronically each month that
1032 the school is in session.

1033 (c) The department shall maintain aggregate data of
1034 incidents of manual or physical restraint and seclusion and
1035 disaggregate the data for analysis by county, school, student
1036 exceptionality, and other variables, including the type and
1037 method of restraint or seclusion used. This information shall be
1038 updated monthly.

1039 (d) The department shall establish standards for
1040 documenting, reporting, and monitoring the use of manual or
1041 physical restraint or mechanical restraint, and occurrences of
1042 seclusion. These standards shall be provided to school districts
1043 by October 1, 2011.

1044 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

602-04498-11

20111696c2

1045 (a) Each school district shall develop policies and
1046 procedures that are consistent with this section and that govern
1047 the following:

1048 1. Incident-reporting procedures.

1049 2. Data collection and monitoring, including when, where,
1050 and why students are restrained or secluded; the frequency of
1051 occurrences of such restraint or seclusion; and the prone or
1052 mechanical restraint that is most used.

1053 3. Monitoring and reporting of data collected.

1054 4. Training programs relating to manual or physical
1055 restraint and seclusion.

1056 5. The district's plan for selecting personnel to be
1057 trained.

1058 6. The district's plan for reducing the use of restraint
1059 and seclusion particularly in settings in which it occurs
1060 frequently or with students who are restrained repeatedly, and
1061 for reducing the use of prone restraint and mechanical
1062 restraint. The plan must include a goal for reducing the use of
1063 restraint and seclusion and must include activities, skills, and
1064 resources needed to achieve that goal. Activities may include,
1065 but are not limited to:

1066 a. Additional training in positive behavioral support and
1067 crisis management;

1068 b. Parental involvement;

1069 c. Data review;

1070 d. Updates of students' functional behavioral analysis and
1071 positive behavior intervention plans;

1072 e. Additional student evaluations;

1073 f. Debriefing with staff;

602-04498-11

20111696c2

1074 g. Use of schoolwide positive behavior support; and

1075 h. Changes to the school environment.

1076 (b) Any revisions to the district's ~~such~~ policies and
1077 procedures, which must be prepared as part of its ~~the school~~
1078 ~~district's~~ special policies and procedures, must be filed with
1079 the bureau chief of the Bureau of Exceptional Education and
1080 Student Services no later than January 31, 2012 ~~2011~~.

1081 (4) PROHIBITED RESTRAINT.—School personnel may not use a
1082 mechanical restraint or a manual or physical restraint that
1083 restricts a student's breathing.

1084 (5) SECLUSION.—School personnel may not close, lock, or
1085 physically block a student in a room that is unlit and does not
1086 meet the rules of the State Fire Marshal for seclusion time-out
1087 rooms.

1088 Section 21. Section 1003.575, Florida Statutes, is amended
1089 to read:

1090 1003.575 Assistive technology devices; findings;
1091 interagency agreements.—Accessibility, utilization, and
1092 coordination of appropriate assistive technology devices and
1093 services are essential as a young person with disabilities moves
1094 from early intervention to preschool, from preschool to school,
1095 from one school to another, and from school to employment or
1096 independent living. If an individual education plan team makes a
1097 recommendation in accordance with State Board of Education rule
1098 for a student with a disability, as defined in s. 1003.01(3), to
1099 receive an assistive technology assessment, that assessment must
1100 be completed within 60 school days after the team's
1101 recommendation. To ensure that an assistive technology device
1102 issued to a young person as part of his or her individualized

602-04498-11

20111696c2

1103 family support plan, individual support plan, or an individual
1104 education plan remains with the individual through such
1105 transitions, the following agencies shall enter into interagency
1106 agreements, as appropriate, to ensure the transaction of
1107 assistive technology devices:

1108 (1) The Florida Infants and Toddlers Early Intervention
1109 Program in the Division of Children's Medical Services of the
1110 Department of Health.

1111 (2) The Division of Blind Services, the Bureau of
1112 Exceptional Education and Student Services, and the Division of
1113 Vocational Rehabilitation of the Department of Education.

1114 (3) The Voluntary Prekindergarten Education Program
1115 administered by the Department of Education and the Agency for
1116 Workforce Innovation.

1117
1118 Interagency agreements entered into pursuant to this section
1119 shall provide a framework for ensuring that young persons with
1120 disabilities and their families, educators, and employers are
1121 informed about the utilization and coordination of assistive
1122 technology devices and services that may assist in meeting
1123 transition needs, and shall establish a mechanism by which a
1124 young person or his or her parent may request that an assistive
1125 technology device remain with the young person as he or she
1126 moves through the continuum from home to school to postschool.

1127 Section 22. Effective upon this act becoming a law,
1128 subsection (2) and paragraph (c) of subsection (3) of section
1129 1008.22, Florida Statutes, are amended to read:

1130 1008.22 Student assessment program for public schools.—

1131 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It is

602-04498-11

20111696c2

1132 Florida's intent to participate in the measurement of national
1133 educational goals. The Commissioner of Education shall direct
1134 Florida school districts to participate in the administration of
1135 the National Assessment of Educational Progress, or ~~a~~ similar
1136 national or international assessment program, both for the
1137 national sample and for any state-by-state comparison programs
1138 which may be initiated. The assessments must be conducted using
1139 the data collection procedures, the student surveys, the
1140 educator surveys, and other instruments included in the National
1141 Assessment of Educational Progress or similar national or
1142 international assessment program being administered in Florida.
1143 The results of these assessments shall be included in the annual
1144 report of the Commissioner of Education specified in this
1145 section, as applicable. The administration of the National
1146 Assessment of Educational Progress or similar national or
1147 international assessment program shall be in addition to and
1148 separate from the administration of the statewide assessment
1149 program.

1150 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
1151 design and implement a statewide program of educational
1152 assessment that provides information for the improvement of the
1153 operation and management of the public schools, including
1154 schools operating for the purpose of providing educational
1155 services to youth in Department of Juvenile Justice programs.
1156 The commissioner may enter into contracts for the continued
1157 administration of the assessment, testing, and evaluation
1158 programs authorized and funded by the Legislature. Contracts may
1159 be initiated in 1 fiscal year and continue into the next and may
1160 be paid from the appropriations of either or both fiscal years.

602-04498-11

20111696c2

1161 The commissioner is authorized to negotiate for the sale or
1162 lease of tests, scoring protocols, test scoring services, and
1163 related materials developed pursuant to law. Pursuant to the
1164 statewide assessment program, the commissioner shall:

1165 (c) Develop and implement a student achievement testing
1166 program as follows:

1167 1. The Florida Comprehensive Assessment Test (FCAT)
1168 measures a student's content knowledge and skills in reading,
1169 writing, science, and mathematics. The content knowledge and
1170 skills assessed by the FCAT must be aligned to the core
1171 curricular content established in the Next Generation Sunshine
1172 State Standards. Other content areas may be included as directed
1173 by the commissioner. Comprehensive assessments of reading and
1174 mathematics shall be administered annually in grades 3 through
1175 10 except, beginning with the 2010-2011 school year, the
1176 administration of grade 9 FCAT Mathematics shall be
1177 discontinued, and beginning with the 2011-2012 school year, the
1178 administration of grade 10 FCAT Mathematics shall be
1179 discontinued, except as required for students who have not
1180 attained minimum performance expectations for graduation as
1181 provided in paragraph (9) (c). FCAT Writing and FCAT Science
1182 shall be administered at least once at the elementary, middle,
1183 and high school levels except, beginning with the 2011-2012
1184 school year, the administration of FCAT Science at the high
1185 school level shall be discontinued.

1186 2.a. End-of-course assessments for a subject shall be
1187 administered in addition to the comprehensive assessments
1188 required under subparagraph 1. End-of-course assessments must be
1189 rigorous, statewide, standardized, and developed or approved by

602-04498-11

20111696c2

1190 the department. The content knowledge and skills assessed by
1191 end-of-course assessments must be aligned to the core curricular
1192 content established in the Next Generation Sunshine State
1193 Standards.

1194 (I) Statewide, standardized end-of-course assessments in
1195 mathematics shall be administered according to this sub-sub-
1196 subparagraph. Beginning with the 2010-2011 school year, all
1197 students enrolled in Algebra I or an equivalent course must take
1198 the Algebra I end-of-course assessment. ~~Students who earned high~~
1199 ~~school credit in Algebra I while in grades 6 through 8 during~~
1200 ~~the 2007-2008 through 2009-2010 school years and who have not~~
1201 ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~
1202 ~~course assessment during the 2010-2011 school year.~~ For students
1203 entering grade 9 during the 2010-2011 school year and who are
1204 enrolled in Algebra I or an equivalent, each student's
1205 performance on the end-of-course assessment in Algebra I shall
1206 constitute 30 percent of the student's final course grade.
1207 Beginning with students entering grade 9 in the 2011-2012 school
1208 year, a student who is enrolled in Algebra I or an equivalent
1209 must earn a passing score on the end-of-course assessment in
1210 Algebra I or attain an equivalent score as described in
1211 subsection (11) in order to earn course credit. Beginning with
1212 the 2011-2012 school year, all students enrolled in geometry or
1213 an equivalent course must take the geometry end-of-course
1214 assessment. For students entering grade 9 during the 2011-2012
1215 school year, each student's performance on the end-of-course
1216 assessment in geometry shall constitute 30 percent of the
1217 student's final course grade. Beginning with students entering
1218 grade 9 during the 2012-2013 school year, a student must earn a

602-04498-11

20111696c2

1219 passing score on the end-of-course assessment in geometry or
1220 attain an equivalent score as described in subsection (11) in
1221 order to earn course credit.

1222 (II) Statewide, standardized end-of-course assessments in
1223 science shall be administered according to this sub-sub-
1224 subparagraph. Beginning with the 2011-2012 school year, all
1225 students enrolled in Biology I or an equivalent course must take
1226 the Biology I end-of-course assessment. For the 2011-2012 school
1227 year, each student's performance on the end-of-course assessment
1228 in Biology I shall constitute 30 percent of the student's final
1229 course grade. Beginning with students entering grade 9 during
1230 the 2012-2013 school year, a student must earn a passing score
1231 on the end-of-course assessment in Biology I in order to earn
1232 course credit.

1233 b. During the 2012-2013 school year, an end-of-course
1234 assessment in civics education shall be administered as a field
1235 test at the middle school level. During the 2013-2014 school
1236 year, each student's performance on the statewide, standardized
1237 end-of-course assessment in civics education shall constitute 30
1238 percent of the student's final course grade. Beginning with the
1239 2014-2015 school year, a student must earn a passing score on
1240 the end-of-course assessment in civics education in order to
1241 pass the course and be promoted from the middle grades ~~receive~~
1242 ~~course credit.~~ The school principal of a middle school shall
1243 determine, in accordance with State Board of Education rule,
1244 whether a student who transfers to the middle school and who has
1245 successfully completed a civics education course at the
1246 student's previous school must take an end-of-course assessment
1247 in civics education.

602-04498-11

20111696c2

1248 c. The commissioner may select one or more nationally
1249 developed comprehensive examinations, which may include, but
1250 need not be limited to, examinations for a College Board
1251 Advanced Placement course, International Baccalaureate course,
1252 or Advanced International Certificate of Education course, or
1253 industry-approved examinations to earn national industry
1254 certifications identified in the Industry Certification Funding
1255 List, pursuant to rules adopted by the State Board of Education,
1256 for use as end-of-course assessments under this paragraph, if
1257 the commissioner determines that the content knowledge and
1258 skills assessed by the examinations meet or exceed the grade
1259 level expectations for the core curricular content established
1260 for the course in the Next Generation Sunshine State Standards.
1261 The commissioner may collaborate with the American Diploma
1262 Project in the adoption or development of rigorous end-of-course
1263 assessments that are aligned to the Next Generation Sunshine
1264 State Standards.

1265 d. Contingent upon funding provided in the General
1266 Appropriations Act, including the appropriation of funds
1267 received through federal grants, the Commissioner of Education
1268 shall establish an implementation schedule for the development
1269 and administration of additional statewide, standardized end-of-
1270 course assessments in English/Language Arts II, Algebra II,
1271 chemistry, physics, earth/space science, United States history,
1272 and world history. Priority shall be given to the development of
1273 end-of-course assessments in English/Language Arts II. The
1274 Commissioner of Education shall evaluate the feasibility and
1275 effect of transitioning from the grade 9 and grade 10 FCAT
1276 Reading and high school level FCAT Writing to an end-of-course

602-04498-11

20111696c2

1277 assessment in English/Language Arts II. The commissioner shall
1278 report the results of the evaluation to the President of the
1279 Senate and the Speaker of the House of Representatives no later
1280 than July 1, 2011.

1281 3. The testing program shall measure student content
1282 knowledge and skills adopted by the State Board of Education as
1283 specified in paragraph (a) and measure and report student
1284 performance levels of all students assessed in reading, writing,
1285 mathematics, and science. The commissioner shall provide for the
1286 tests to be developed or obtained, as appropriate, through
1287 contracts and project agreements with private vendors, public
1288 vendors, public agencies, postsecondary educational
1289 institutions, or school districts. The commissioner shall obtain
1290 input with respect to the design and implementation of the
1291 testing program from state educators, assistive technology
1292 experts, and the public.

1293 4. The testing program shall be composed of criterion-
1294 referenced tests that shall, to the extent determined by the
1295 commissioner, include test items that require the student to
1296 produce information or perform tasks in such a way that the core
1297 content knowledge and skills he or she uses can be measured.

1298 5. FCAT Reading, Mathematics, and Science and all
1299 statewide, standardized end-of-course assessments shall measure
1300 the content knowledge and skills a student has attained on the
1301 assessment by the use of scaled scores and achievement levels.
1302 Achievement levels shall range from 1 through 5, with level 1
1303 being the lowest achievement level, level 5 being the highest
1304 achievement level, and level 3 indicating satisfactory
1305 performance on an assessment. For purposes of FCAT Writing,

602-04498-11

20111696c2

1306 student achievement shall be scored using a scale of 1 through 6
1307 and the score earned shall be used in calculating school grades.
1308 A score shall be designated for each subject area tested, below
1309 which score a student's performance is deemed inadequate. The
1310 school districts shall provide appropriate remedial instruction
1311 to students who score below these levels.

1312 6. The State Board of Education shall, by rule, designate a
1313 passing score for each part of the grade 10 assessment test and
1314 end-of-course assessments. Any rule that has the effect of
1315 raising the required passing scores may apply only to students
1316 taking the assessment for the first time after the rule is
1317 adopted by the State Board of Education. Except as otherwise
1318 provided in this subparagraph and as provided in s.
1319 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
1320 passing score on grade 10 FCAT Reading and grade 10 FCAT
1321 Mathematics or attain concordant scores as described in
1322 subsection (10) in order to qualify for a standard high school
1323 diploma.

1324 7. In addition to designating a passing score under
1325 subparagraph 6., the State Board of Education shall also
1326 designate, by rule, a score for each statewide, standardized
1327 end-of-course assessment which indicates that a student is high
1328 achieving and has the potential to meet college-readiness
1329 standards by the time the student graduates from high school.

1330 8. Participation in the testing program is mandatory for
1331 all students attending public school, including students served
1332 in Department of Juvenile Justice programs, except as otherwise
1333 prescribed by the commissioner. A student who has not earned
1334 passing scores on the grade 10 FCAT as provided in subparagraph

602-04498-11

20111696c2

1335 6. must participate in each retake of the assessment until the
1336 student earns passing scores or achieves scores on a
1337 standardized assessment which are concordant with passing scores
1338 pursuant to subsection (10). If a student does not participate
1339 in the statewide assessment, the district must notify the
1340 student's parent and provide the parent with information
1341 regarding the implications of such nonparticipation. A parent
1342 must provide signed consent for a student to receive classroom
1343 instructional accommodations that would not be available or
1344 permitted on the statewide assessments and must acknowledge in
1345 writing that he or she understands the implications of such
1346 instructional accommodations. The State Board of Education shall
1347 adopt rules, based upon recommendations of the commissioner, for
1348 the provision of test accommodations for students in exceptional
1349 education programs and for students who have limited English
1350 proficiency. Accommodations that negate the validity of a
1351 statewide assessment are not allowable in the administration of
1352 the FCAT or an end-of-course assessment. However, instructional
1353 accommodations are allowable in the classroom if included in a
1354 student's individual education plan. Students using
1355 instructional accommodations in the classroom that are not
1356 allowable as accommodations on the FCAT or an end-of-course
1357 assessment may have the FCAT or an end-of-course assessment
1358 requirement waived pursuant to the requirements of s.
1359 1003.428(8)(b) or s. 1003.43(11)(b).

1360 9. A student seeking an adult high school diploma must meet
1361 the same testing requirements that a regular high school student
1362 must meet.

1363 10. District school boards must provide instruction to

602-04498-11

20111696c2

1364 prepare students in the core curricular content established in
1365 the Next Generation Sunshine State Standards adopted under s.
1366 1003.41, including the core content knowledge and skills
1367 necessary for successful grade-to-grade progression and high
1368 school graduation. If a student is provided with instructional
1369 accommodations in the classroom that are not allowable as
1370 accommodations in the statewide assessment program, as described
1371 in the test manuals, the district must inform the parent in
1372 writing and must provide the parent with information regarding
1373 the impact on the student's ability to meet expected performance
1374 levels in reading, writing, mathematics, and science. The
1375 commissioner shall conduct studies as necessary to verify that
1376 the required core curricular content is part of the district
1377 instructional programs.

1378 11. District school boards must provide opportunities for
1379 students to demonstrate an acceptable performance level on an
1380 alternative standardized assessment approved by the State Board
1381 of Education following enrollment in summer academies.

1382 12. The Department of Education must develop, or select,
1383 and implement a common battery of assessment tools that will be
1384 used in all juvenile justice programs in the state. These tools
1385 must accurately measure the core curricular content established
1386 in the Next Generation Sunshine State Standards.

1387 13. For students seeking a special diploma pursuant to s.
1388 1003.438, the Department of Education must develop or select and
1389 implement an alternate assessment tool that accurately measures
1390 the core curricular content established in the Next Generation
1391 Sunshine State Standards for students with disabilities under s.
1392 1003.438.

602-04498-11

20111696c2

1393 14. The Commissioner of Education shall establish schedules
1394 for the administration of statewide assessments and the
1395 reporting of student test results. When establishing the
1396 schedules for the administration of statewide assessments, the
1397 commissioner shall consider the observance of religious and
1398 school holidays. The commissioner shall, by August 1 of each
1399 year, notify each school district in writing and publish on the
1400 department's Internet website the testing and reporting
1401 schedules for, at a minimum, the school year following the
1402 upcoming school year. The testing and reporting schedules shall
1403 require that:

1404 a. There is the latest possible administration of statewide
1405 assessments and the earliest possible reporting to the school
1406 districts of student test results which is feasible within
1407 available technology and specific appropriations; however, test
1408 results for the FCAT must be made available no later than the
1409 week of June 8. Student results for end-of-course assessments
1410 must be provided no later than 1 week after the school district
1411 completes testing for each course. The commissioner may extend
1412 the reporting schedule under exigent circumstances.

1413 b. ~~Beginning with the 2010-2011 school year,~~ FCAT Writing
1414 may is not be administered earlier than the week of March 1 and
1415 a comprehensive statewide assessment of any other subject may is
1416 not be administered earlier than the week of April 15.

1417 c. A statewide, standardized end-of-course assessment is
1418 administered ~~during a 3-week period~~ at the end of the course.
1419 The commissioner shall select an a 3-week administration period
1420 for assessments that meets the intent of end-of-course
1421 assessments and provides student results prior to the end of the

602-04498-11

20111696c2

1422 course. School districts shall administer tests in accordance
1423 with the schedule determined by the commissioner ~~select 1~~
1424 ~~testing week within the 3-week administration period for each~~
1425 ~~end-of-course assessment~~. For an end-of-course assessment
1426 administered at the end of the first semester, the commissioner
1427 shall determine the most appropriate testing dates based on a
1428 review of each school district's academic calendar.

1429

1430 The commissioner may, based on collaboration and input from
1431 school districts, design and implement student testing programs,
1432 for any grade level and subject area, necessary to effectively
1433 monitor educational achievement in the state, including the
1434 measurement of educational achievement of the Next Generation
1435 Sunshine State Standards for students with disabilities.
1436 Development and refinement of assessments shall include
1437 universal design principles and accessibility standards that
1438 will prevent any unintended obstacles for students with
1439 disabilities while ensuring the validity and reliability of the
1440 test. These principles should be applicable to all technology
1441 platforms and assistive devices available for the assessments.
1442 The field testing process and psychometric analyses for the
1443 statewide assessment program must include an appropriate
1444 percentage of students with disabilities and an evaluation or
1445 determination of the effect of test items on such students.

1446 Section 23. Subsection (3) of section 1008.30, Florida
1447 Statutes, is amended to read:

1448 1008.30 Common placement testing for public postsecondary
1449 education.—

1450 (3) The State Board of Education shall adopt rules that

602-04498-11

20111696c2

1451 require high schools to evaluate before the beginning of grade
1452 12 the college readiness of each student who ~~indicates an~~
1453 ~~interest in postsecondary education and~~ scores at Level 2 or
1454 Level 3 on the reading portion of the grade 10 FCAT or Level 2,
1455 Level 3, or Level 4 on the mathematics assessments under s.
1456 1008.22(3)(c). High schools shall perform this evaluation using
1457 results from the corresponding component of the common placement
1458 test prescribed in this section, or an equivalent test
1459 identified by the State Board of Education. The State Board
1460 ~~Department~~ of Education shall identify in rule ~~purchase or~~
1461 ~~develop~~ the assessments necessary to perform the evaluations
1462 required by this subsection and shall work with the school
1463 districts to administer the assessments. The State Board of
1464 Education shall establish by rule the minimum test scores a
1465 student must achieve to demonstrate readiness. Students who
1466 demonstrate readiness by achieving the minimum test scores
1467 established by the state board and enroll in a community college
1468 within 2 years of achieving such scores shall not be required to
1469 retest or enroll in remediation when admitted ~~courses as a~~
1470 ~~condition of acceptance~~ to any community college. The high
1471 school shall use the results of the test to advise the students
1472 of any identified deficiencies and to ~~the maximum extent~~
1473 ~~practicable~~ provide 12th grade students, and require them to
1474 complete, access to appropriate postsecondary preparatory
1475 ~~remedial~~ instruction prior to high school graduation. The
1476 curriculum ~~remedial instruction~~ provided under this subsection
1477 shall be identified in rule by the State Board of Education and
1478 encompass Florida's Postsecondary Readiness Competencies. Other
1479 elective courses may not be substituted for the selected

602-04498-11

20111696c2

1480 postsecondary reading, mathematics, or writing preparatory
1481 course unless the elective course covers the same competencies
1482 included in the postsecondary reading, mathematics, or writing
1483 preparatory course ~~a collaborative effort between secondary and~~
1484 ~~postsecondary educational institutions. To the extent courses~~
1485 ~~are available, the Florida Virtual School may be used to provide~~
1486 ~~the remedial instruction required by this subsection.~~

1487 Section 24. Paragraph (b) of subsection (3) and subsection
1488 (4) of section 1008.33, Florida Statutes, are amended to read:

1489 1008.33 Authority to enforce public school improvement.—

1490 (3)

1491 (b) For the purpose of determining whether a public school
1492 requires action to achieve a sufficient level of school
1493 improvement, beginning with the 2010-2011 school year, the
1494 Department of Education shall annually categorize a public
1495 school in one of six categories based on the following:

1496 1. A school's grade based upon statewide assessments
1497 administered pursuant to s. 1008.22; and

1498 2. ~~school's grade, pursuant to s. 1008.34,~~ and The level
1499 and rate of change in student performance in the areas of
1500 reading and mathematics, disaggregated into student subgroups as
1501 described in the federal Elementary and Secondary Education Act,
1502 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

1503 (4) The Department of Education shall create a matrix that
1504 reflects intervention and support strategies to address the
1505 particular needs of schools in each category.

1506 (a) Intervention and support strategies shall be applied to
1507 schools based upon the school categorization pursuant to
1508 paragraph (3)(b). The Department of Education shall apply the

602-04498-11

20111696c2

1509 most intense intervention strategies to the lowest-performing
1510 schools. For all but the lowest category and "F" schools in the
1511 second lowest category, the intervention and support strategies
1512 shall be administered solely by the districts and the schools.

1513 (b) The lowest-performing schools are schools that are
1514 categorized pursuant to paragraph (3) (b) and have received:

1515 1. A grade of "F" in the most recent school year and in 4
1516 of the last 6 years; or

1517 2. A grade of "D" or "F" in the most recent school year and
1518 meet at least three of the following criteria:

1519 a. The percentage of students who are not proficient in
1520 reading has increased when compared to measurements taken 5
1521 years previously;

1522 b. The percentage of students who are not proficient in
1523 mathematics has increased when compared to measurements taken 5
1524 years previously;

1525 c. At least 65 percent of the school's students are not
1526 proficient in reading; or

1527 d. At least 65 percent of the school's students are not
1528 proficient in mathematics.

1529 Section 25. Paragraph (h) is added to subsection (2) of
1530 section 1008.331, Florida Statutes, to read:

1531 1008.331 Supplemental educational services in Title I
1532 schools; school district, provider, and department
1533 responsibilities.—

1534 (2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.—

1535 (h) Notwithstanding a provider's submission to the
1536 department regarding the premethods and postmethods to be used
1537 to determine student learning gains, beginning with the 2011-

602-04498-11

20111696c2

1538 2012 school year, a school board may include in its district
1539 contract with a provider a requirement to use a uniform
1540 standardized assessment, if the department is notified of such
1541 intent before services are provided to the student.

1542 Section 26. Paragraphs (b) and (c) of subsection (3) of
1543 section 1008.34, Florida Statutes, are amended to read:

1544 1008.34 School grading system; school report cards;
1545 district grade.—

1546 (3) DESIGNATION OF SCHOOL GRADES.—

1547 (b)1. A school's grade shall be based on a combination of:

1548 a. Student achievement scores, including achievement on all
1549 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-
1550 course assessments administered under s. 1008.22(3)(c)2.a., and
1551 achievement scores for students seeking a special diploma.

1552 b. Student learning gains in reading and mathematics as
1553 measured by FCAT and end-of-course assessments, as described in
1554 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
1555 a special diploma, as measured by an alternate assessment tool,
1556 shall be included not later than the 2009-2010 school year.

1557 c. Improvement of the lowest 25th percentile of students in
1558 the school in reading and mathematics on the FCAT or end-of-
1559 course assessments described in s. 1008.22(3)(c)2.a., unless
1560 these students are exhibiting satisfactory performance.

1561 2. Beginning with the 2011-2012 school year, for schools
1562 comprised of middle school grades 6 through 8 or grades 7 and 8,
1563 the school's grade shall include the performance and
1564 participation of its students enrolled in high school level
1565 courses with end-of-course assessments administered under s.
1566 1008.22(3)(c)2.a. Performance and participation must be weighted

602-04498-11

20111696c2

1567 equally. As valid data becomes available, the school grades
1568 shall include the students' attainment of national industry
1569 certification identified in the Industry Certification Funding
1570 List pursuant to rules adopted by the State Board of Education.

1571 ~~3.2.~~ Beginning with the 2009-2010 school year for schools
1572 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1573 11, and 12, 50 percent of the school grade shall be based on a
1574 combination of the factors listed in sub-subparagraphs 1.a.-c.
1575 and the remaining 50 percent on the following factors:

1576 a. The high school graduation rate of the school;

1577 b. As valid data becomes available, the performance and
1578 participation of the school's students in College Board Advanced
1579 Placement courses, International Baccalaureate courses, dual
1580 enrollment courses, and Advanced International Certificate of
1581 Education courses; and the students' achievement of national
1582 industry certification identified in the Industry Certification
1583 Funding List, pursuant to rules adopted by the State Board of
1584 Education;

1585 c. Postsecondary readiness of the school's students as
1586 measured by the SAT, ACT, or the common placement test;

1587 d. The high school graduation rate of at-risk students who
1588 scored at Level 2 or lower on the grade 8 FCAT Reading and
1589 Mathematics examinations;

1590 e. As valid data becomes available, the performance of the
1591 school's students on statewide standardized end-of-course
1592 assessments administered under s. 1008.22(3)(c)2.b. and c.; and

1593 f. The growth or decline in the components listed in sub-
1594 subparagraphs a.-e. from year to year.

1595 (c) Student assessment data used in determining school

602-04498-11

20111696c2

1596 grades shall include:

1597 1. The aggregate scores of all eligible students enrolled
1598 in the school who have been assessed on the FCAT and statewide,
1599 standardized end-of-course assessments in courses required for
1600 high school graduation, including, beginning with the 2010-2011
1601 school year, the end-of-course assessment in Algebra I; and
1602 beginning with the 2011-2012 school year, the end-of-course
1603 assessments in geometry and Biology; and beginning with the
1604 2013-2014 school year, on the statewide, standardized end-of-
1605 course assessment in civics education at the middle school
1606 level.

1607 2. The aggregate scores of all eligible students enrolled
1608 in the school who have been assessed on the FCAT and end-of-
1609 course assessments as described in s. 1008.22(3)(c)2.a., and who
1610 have scored at or in the lowest 25th percentile of students in
1611 the school in reading and mathematics, unless these students are
1612 exhibiting satisfactory performance.

1613 3. The achievement scores and learning gains of eligible
1614 students attending alternative schools that provide dropout
1615 prevention and academic intervention services pursuant to s.
1616 1003.53. The term "eligible students" in this subparagraph does
1617 not include students attending an alternative school who are
1618 subject to district school board policies for expulsion for
1619 repeated or serious offenses, who are in dropout retrieval
1620 programs serving students who have officially been designated as
1621 dropouts, or who are in programs operated or contracted by the
1622 Department of Juvenile Justice. The student performance data for
1623 eligible students identified in this subparagraph shall be
1624 included in the calculation of the home school's grade. As used

602-04498-11

20111696c2

1625 in this subparagraph ~~section~~ and s. 1008.341, the term "home
1626 school" means the school to which the student would be assigned
1627 if the student were not assigned to an alternative school. If an
1628 alternative school chooses to be graded under this section,
1629 student performance data for eligible students identified in
1630 this subparagraph shall not be included in the home school's
1631 grade but shall be included only in the calculation of the
1632 alternative school's grade. A school district that fails to
1633 assign the FCAT and end-of-course assessment as described in s.
1634 1008.22(3)(c)2.a. scores of each of its students to his or her
1635 home school or to the alternative school that receives a grade
1636 shall forfeit Florida School Recognition Program funds for 1
1637 fiscal year. School districts must require collaboration between
1638 the home school and the alternative school in order to promote
1639 student success. This collaboration must include an annual
1640 discussion between the principal of the alternative school and
1641 the principal of each student's home school concerning the most
1642 appropriate school assignment of the student.

1643 4. The achievement scores and learning gains of students
1644 designated as hospital or homebound. Student assessment data for
1645 students designated as hospital or homebound shall be assigned
1646 to their home school for the purposes of school grades. As used
1647 in this subparagraph, the term "home school" means the school to
1648 which a student would be assigned if the student were not
1649 assigned to a hospital or homebound program.

1650 ~~5.4.~~ For schools comprised of high school grades 9, 10, 11,
1651 and 12, or grades 10, 11, and 12, the data listed in
1652 subparagraphs 1.-3. and the following data as the Department of
1653 Education determines such data are valid and available:

602-04498-11

20111696c2

- 1654 a. The high school graduation rate of the school as
1655 calculated by the Department of Education;
- 1656 b. The participation rate of all eligible students enrolled
1657 in the school and enrolled in College Board Advanced Placement
1658 courses; International Baccalaureate courses; dual enrollment
1659 courses; Advanced International Certificate of Education
1660 courses; and courses or sequence of courses leading to national
1661 industry certification identified in the Industry Certification
1662 Funding List, pursuant to rules adopted by the State Board of
1663 Education;
- 1664 c. The aggregate scores of all eligible students enrolled
1665 in the school in College Board Advanced Placement courses,
1666 International Baccalaureate courses, and Advanced International
1667 Certificate of Education courses;
- 1668 d. Earning of college credit by all eligible students
1669 enrolled in the school in dual enrollment programs under s.
1670 1007.271;
- 1671 e. Earning of a national industry certification identified
1672 in the Industry Certification Funding List, pursuant to rules
1673 adopted by the State Board of Education;
- 1674 f. The aggregate scores of all eligible students enrolled
1675 in the school in reading, mathematics, and other subjects as
1676 measured by the SAT, the ACT, and the common placement test for
1677 postsecondary readiness;
- 1678 g. The high school graduation rate of all eligible at-risk
1679 students enrolled in the school who scored at Level 2 or lower
1680 on the grade 8 FCAT Reading and Mathematics examinations;
- 1681 h. The performance of the school's students on statewide
1682 standardized end-of-course assessments administered under s.

602-04498-11

20111696c2

1683 1008.22(3)(c)2.b. and c.; and

1684 i. The growth or decline in the data components listed in
1685 sub-subparagraphs a.-h. from year to year.

1686

1687 The State Board of Education shall adopt appropriate criteria
1688 for each school grade. The criteria must also give added weight
1689 to student achievement in reading. Schools designated with a
1690 grade of "C," making satisfactory progress, shall be required to
1691 demonstrate that adequate progress has been made by students in
1692 the school who are in the lowest 25th percentile in reading and
1693 mathematics on the FCAT and end-of-course assessments as
1694 described in s. 1008.22(3)(c)2.a., unless these students are
1695 exhibiting satisfactory performance. Beginning with the 2009-
1696 2010 school year for schools comprised of high school grades 9,
1697 10, 11, and 12, or grades 10, 11, and 12, the criteria for
1698 school grades must also give added weight to the graduation rate
1699 of all eligible at-risk students, as defined in this paragraph.
1700 Beginning in the 2009-2010 school year, in order for a high
1701 school to be designated as having a grade of "A," making
1702 excellent progress, the school must demonstrate that at-risk
1703 students, as defined in this paragraph, in the school are making
1704 adequate progress.

1705 Section 27. Paragraph (a) of subsection (3) of section
1706 1011.01, Florida Statutes, is amended to read:

1707 1011.01 Budget system established.—

1708 (3)(a) Each district school board and each community
1709 college board of trustees shall prepare, adopt, and submit to
1710 the Commissioner of Education ~~for review~~ an annual operating
1711 budget. Operating budgets shall be prepared and submitted in

602-04498-11

20111696c2

1712 accordance with the provisions of law, rules of the State Board
1713 of Education, the General Appropriations Act, and for district
1714 school boards in accordance with the provisions of ss. 200.065
1715 and 1011.64.

1716 Section 28. Subsection (4) of section 1011.03, Florida
1717 Statutes, is amended to read:

1718 1011.03 Public hearings; budget to be submitted to
1719 Department of Education.-

1720 (4) The board shall hold public hearings to adopt tentative
1721 and final budgets pursuant to s. 200.065. The hearings shall be
1722 primarily for the purpose of hearing requests and complaints
1723 from the public regarding the budgets and the proposed tax
1724 levies and for explaining the budget and proposed or adopted
1725 amendments thereto, if any. The district school board shall then
1726 require the superintendent to transmit forthwith two copies of
1727 the adopted budget to the Department of Education ~~for approval~~
1728 as prescribed by law and rules of the State Board of Education.

1729 Section 29. Section 1011.035, Florida Statutes, is created
1730 to read:

1731 1011.035 School district budget transparency.-

1732 (1) It is important for school districts to provide
1733 budgetary transparency to enable taxpayers, parents, and
1734 education advocates to obtain school district budget and related
1735 information in a manner that is simply explained and easily
1736 understandable. Budgetary transparency leads to more responsible
1737 spending, more citizen involvement, and improved accountability.
1738 A budget that is not transparent, accessible, and accurate
1739 cannot be properly analyzed, its implementation thoroughly
1740 monitored, or its outcomes evaluated.

602-04498-11

20111696c2

1741 (2) Each district school board shall post on its website a
1742 plain language version of each proposed, tentative, and official
1743 budget which describes each budget item in terms that are easily
1744 understandable to the public. This information must be
1745 prominently posted on the school district's website in a manner
1746 that is readily accessible to the public.

1747 (3) Each district school board is encouraged to post the
1748 following information on its website:

1749 (a) Timely information as to when a budget hearing will be
1750 conducted.

1751 (b) Each contract between the district school board and the
1752 teachers' union.

1753 (c) Each contract between the district school board and
1754 noninstructional staff.

1755 (d) Each contract exceeding \$35,000 between the school
1756 board and a vendor of services, supplies, or programs or for the
1757 purchase or lease of lands, facilities, or properties.

1758 (e) Each contract exceeding \$35,000 that is an emergency
1759 procurement or is with a single source as authorized under s.
1760 287.057(3).

1761 (f) Recommendations of the citizens' budget advisory
1762 committee.

1763 (g) Current and archived video recordings of each district
1764 school board meeting and workshop.

1765 (4) The website should contain links to:

1766 (a) Help explain or provide background information on
1767 various budget items that are required by state or federal law.

1768 (b) Allow users to navigate to related sites to view
1769 supporting details.

602-04498-11

20111696c2

1770 (c) Enable taxpayers, parents, and education advocates to
1771 send e-mails asking questions about the budget and enable others
1772 to view the questions and responses.

1773 Section 30. Paragraph (e) of subsection (1) of section
1774 1011.62, Florida Statutes, is amended to read:

1775 1011.62 Funds for operation of schools.—If the annual
1776 allocation from the Florida Education Finance Program to each
1777 district for operation of schools is not determined in the
1778 annual appropriations act or the substantive bill implementing
1779 the annual appropriations act, it shall be determined as
1780 follows:

1781 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1782 OPERATION.—The following procedure shall be followed in
1783 determining the annual allocation to each district for
1784 operation:

1785 (e) *Funding model for exceptional student education*
1786 *programs.*—

1787 1.a. The funding model uses basic, at-risk, support levels
1788 IV and V for exceptional students and career Florida Education
1789 Finance Program cost factors, and a guaranteed allocation for
1790 exceptional student education programs. Exceptional education
1791 cost factors are determined by using a matrix of services to
1792 document the services that each exceptional student will
1793 receive. The nature and intensity of the services indicated on
1794 the matrix shall be consistent with the services described in
1795 each exceptional student's individual educational plan. The
1796 Department of Education shall review and revise the descriptions
1797 of the services and supports included in the matrix of services
1798 for exceptional students and shall implement those revisions

602-04498-11

20111696c2

1799 before the beginning of the 2012-2013 school year.

1800 b. In order to generate funds using one of the two weighted
1801 cost factors, a matrix of services must be completed at the time
1802 of the student's initial placement into an exceptional student
1803 education program and at least once every 3 years by personnel
1804 who have received approved training. Nothing listed in the
1805 matrix shall be construed as limiting the services a school
1806 district must provide in order to ensure that exceptional
1807 students are provided a free, appropriate public education.

1808 c. Students identified as exceptional, in accordance with
1809 chapter 6A-6, Florida Administrative Code, who do not have a
1810 matrix of services as specified in sub-subparagraph b. shall
1811 generate funds on the basis of full-time-equivalent student
1812 membership in the Florida Education Finance Program at the same
1813 funding level per student as provided for basic students.
1814 Additional funds for these exceptional students will be provided
1815 through the guaranteed allocation designated in subparagraph 2.

1816 2. For students identified as exceptional who do not have a
1817 matrix of services and students who are gifted in grades K
1818 through 8, there is created a guaranteed allocation to provide
1819 these students with a free appropriate public education, in
1820 accordance with s. 1001.42(4)(m) and rules of the State Board of
1821 Education, which shall be allocated annually to each school
1822 district in the amount provided in the General Appropriations
1823 Act. These funds shall be in addition to the funds appropriated
1824 on the basis of FTE student membership in the Florida Education
1825 Finance Program, and the amount allocated for each school
1826 district shall not be recalculated during the year. These funds
1827 shall be used to provide special education and related services

602-04498-11

20111696c2

1828 for exceptional students and students who are gifted in grades K
1829 through 8. Beginning with the 2007-2008 fiscal year, a
1830 district's expenditure of funds from the guaranteed allocation
1831 for students in grades 9 through 12 who are gifted may not be
1832 greater than the amount expended during the 2006-2007 fiscal
1833 year for gifted students in grades 9 through 12.

1834 Section 31. Paragraph (c) of subsection (1) of section
1835 1012.39, Florida Statutes, is amended to read:

1836 1012.39 Employment of substitute teachers, teachers of
1837 adult education, nondegreed teachers of career education, and
1838 career specialists; students performing clinical field
1839 experience.—

1840 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
1841 1012.57, or any other provision of law or rule to the contrary,
1842 each district school board shall establish the minimal
1843 qualifications for:

1844 (c) Part-time and full-time nondegreed teachers of career
1845 programs. Qualifications shall be established for nondegreed
1846 teachers of career and technical education courses for program
1847 clusters that are recognized in the state and are ~~agriculture,~~
1848 ~~business, health occupations, family and consumer sciences,~~
1849 ~~industrial, marketing, career specialist, and public service~~
1850 ~~education teachers,~~ based primarily on successful occupational
1851 experience rather than academic training. The qualifications for
1852 such teachers shall require:

1853 1. The filing of a complete set of fingerprints in the same
1854 manner as required by s. 1012.32. Faculty employed solely to
1855 conduct postsecondary instruction may be exempted from this
1856 requirement.

602-04498-11

20111696c2

1857 2. Documentation of education and successful occupational
1858 experience including documentation of:

1859 a. A high school diploma or the equivalent.

1860 b. Completion of 6 years of full-time successful
1861 occupational experience or the equivalent of part-time
1862 experience in the teaching specialization area. The district
1863 school board may establish alternative qualifications for
1864 teachers with an industry certification in the career area in
1865 which they teach. ~~Alternate means of determining successful~~
1866 ~~occupational experience may be established by the district~~
1867 ~~school board.~~

1868 c. Completion of career education training conducted
1869 through the local school district inservice master plan.

1870 d. For full-time teachers, completion of professional
1871 education training in teaching methods, course construction,
1872 lesson planning and evaluation, and teaching special needs
1873 students. This training may be completed through coursework from
1874 an accredited or approved institution or an approved district
1875 teacher education program.

1876 e. Demonstration of successful teaching performance.

1877 f. Documentation of industry certification when state or
1878 national industry certifications are available and applicable.

1879 Section 32. Except as otherwise expressly provided in this
1880 act and except for this section, which shall take effect upon
1881 this act becoming a law, this act shall take effect July 1,
1882 2011.