



587640

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 1008.22, Florida
Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
design and implement a statewide program of educational
assessment that provides information for the improvement of the
operation and management of the public schools, including
schools operating for the purpose of providing educational



587640

13 services to youth in Department of Juvenile Justice programs.
14 The commissioner may enter into contracts for the continued
15 administration of the assessment, ~~testing, and evaluation~~
16 programs authorized and funded by the Legislature. Contracts may
17 be initiated in 1 fiscal year and continue into the next and may
18 be paid from the appropriations of either or both fiscal years.
19 The commissioner is authorized to negotiate for the sale or
20 lease of tests, scoring protocols, test scoring services, and
21 related materials developed pursuant to law. Pursuant to the
22 statewide assessment program, the commissioner shall:

23 (a) Submit proposed Next Generation Sunshine State
24 Standards to the State Board of Education for adoption and
25 periodic review and revision under s. 1003.41.

26 (b) Develop and implement a uniform system of indicators to
27 describe the performance of public school students and the
28 characteristics of the public school districts and the public
29 schools. These indicators must include, ~~without limitation,~~
30 information gathered by the comprehensive management information
31 system created pursuant to s. 1008.385 and student achievement
32 information obtained pursuant to this section.

33 (c) Develop and implement a student achievement assessment
34 ~~testing~~ program as follows:

35 1. The Florida Comprehensive Assessment Test (FCAT)
36 measures a student's content knowledge and skills in reading,
37 writing, science, and mathematics. The content knowledge and
38 skills assessed by the FCAT must be aligned to the core
39 curricular content established in the Next Generation Sunshine
40 State Standards. FCAT ~~Other content areas may be included as~~
41 ~~directed by the commissioner. Comprehensive assessments of~~



587640

42 reading and mathematics shall be administered annually in grades
43 3 through 10 except, beginning with the 2010-2011 school year,
44 the administration of grade 9 FCAT Mathematics shall be
45 discontinued, and beginning with the 2011-2012 school year, the
46 administration of grade 10 FCAT Mathematics shall be
47 discontinued, except as required for students who have not
48 attained minimum performance expectations for graduation as
49 provided in paragraph (9)(c). FCAT Writing and FCAT Science
50 shall be administered at least once at the elementary, middle,
51 and high school levels except, beginning with the 2011-2012
52 school year, the administration of FCAT Science at the high
53 school level shall be discontinued. Students enrolled in an
54 Algebra I, Geometry, or Biology I course or an equivalent course
55 with a statewide, standardized end-of-course assessment are not
56 required to take the corresponding grade-level FCAT assessment.

57 ~~2.a. End-of-course assessments for a subject shall be~~
58 ~~administered in addition to the comprehensive assessments~~
59 ~~required under subparagraph 1.~~ End-of-course assessments must be
60 rigorous, statewide, standardized, and developed or approved by
61 the department. The content knowledge and skills assessed by
62 end-of-course assessments must be aligned to the core curricular
63 content established in the Next Generation Sunshine State
64 Standards.

65 (I) Statewide, standardized end-of-course assessments in
66 mathematics shall be administered according to this sub-sub-
67 subparagraph. Beginning with the 2010-2011 school year, all
68 students enrolled in Algebra I or an equivalent course must take
69 the Algebra I end-of-course assessment. For students entering
70 grade 9 during the 2010-2011 school year and who are enrolled in



71 Algebra I or an equivalent, each student's performance on the
72 end-of-course assessment in Algebra I shall constitute 30
73 percent of the student's final course grade. Beginning with
74 students entering grade 9 in the 2011-2012 school year, a
75 student who is enrolled in Algebra I or an equivalent must earn
76 a passing score on the end-of-course assessment in Algebra I or
77 attain an equivalent score as described in subsection (11) in
78 order to earn course credit. Beginning with the 2011-2012 school
79 year, all students enrolled in geometry or an equivalent course
80 must take the geometry end-of-course assessment. For students
81 entering grade 9 during the 2011-2012 school year, each
82 student's performance on the end-of-course assessment in
83 geometry shall constitute 30 percent of the student's final
84 course grade. Beginning with students entering grade 9 during
85 the 2012-2013 school year, a student must earn a passing score
86 on the end-of-course assessment in geometry or attain an
87 equivalent score as described in subsection (11) in order to
88 earn course credit.

89 (II) Statewide, standardized end-of-course assessments in
90 science shall be administered according to this sub-sub-
91 subparagraph. Beginning with the 2011-2012 school year, all
92 students enrolled in Biology I or an equivalent course must take
93 the Biology I end-of-course assessment. For the 2011-2012 school
94 year, each student's performance on the end-of-course assessment
95 in Biology I shall constitute 30 percent of the student's final
96 course grade. Beginning with students entering grade 9 during
97 the 2012-2013 school year, a student must earn a passing score
98 on the end-of-course assessment in Biology I in order to earn
99 course credit.



587640

100 b. During the 2012-2013 school year, an end-of-course
101 assessment in civics education shall be administered as a field
102 test at the middle school level. During the 2013-2014 school
103 year, each student's performance on the statewide, standardized
104 end-of-course assessment in civics education shall constitute 30
105 percent of the student's final course grade. Beginning with the
106 2014-2015 school year, a student must earn a passing score on
107 the end-of-course assessment in civics education in order to
108 pass the course and be promoted from the middle grades. The
109 school principal of a middle school shall determine, in
110 accordance with State Board of Education rule, whether a student
111 who transfers to the middle school and who has successfully
112 completed a civics education course at the student's previous
113 school must take an end-of-course assessment in civics
114 education.

115 c. The commissioner may select one or more nationally
116 developed comprehensive examinations, which may include, but
117 need not be limited to, examinations for a College Board
118 Advanced Placement course, International Baccalaureate course,
119 or Advanced International Certificate of Education course, or
120 industry-approved examinations to earn national industry
121 certifications identified in the Industry Certification Funding
122 List, pursuant to rules adopted by the State Board of Education,
123 for use as end-of-course assessments under this paragraph, if
124 the commissioner determines that the content knowledge and
125 skills assessed by the examinations meet or exceed the grade
126 level expectations for the core curricular content established
127 for the course in the Next Generation Sunshine State Standards.
128 The commissioner may collaborate with the American Diploma



587640

129 Project in the adoption or development of rigorous end-of-course
130 assessments that are aligned to the Next Generation Sunshine
131 State Standards.

132 d. Contingent upon funding provided in the General
133 Appropriations Act, including the appropriation of funds
134 received through federal grants, the Commissioner of Education
135 shall establish an implementation schedule for the development
136 and administration of additional statewide, standardized end-of-
137 course assessments in English/Language Arts II, Algebra II,
138 chemistry, physics, earth/space science, United States history,
139 and world history. Priority shall be given to the development of
140 end-of-course assessments in English/Language Arts II. The
141 Commissioner of Education shall evaluate the feasibility and
142 effect of transitioning from the grade 9 and grade 10 FCAT
143 Reading and high school level FCAT Writing to an end-of-course
144 assessment in English/Language Arts II. The commissioner shall
145 report the results of the evaluation to the President of the
146 Senate and the Speaker of the House of Representatives no later
147 than July 1, 2011.

148 3. The testing program shall measure student content
149 knowledge and skills adopted by the State Board of Education as
150 specified in paragraph (a) and measure and report student
151 performance levels of all students assessed in reading, writing,
152 mathematics, and science. The commissioner shall provide for the
153 tests to be developed or obtained, as appropriate, through
154 contracts and project agreements with private vendors, public
155 vendors, public agencies, postsecondary educational
156 institutions, or school districts. The commissioner shall obtain
157 input with respect to the design and implementation of the



587640

158 testing program from state educators, assistive technology
159 experts, and the public.

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

165 5. FCAT Reading, Mathematics, and Science and all
166 statewide, standardized end-of-course assessments shall measure
167 the content knowledge and skills a student has attained on the
168 assessment by the use of scaled scores and achievement levels.
169 Achievement levels shall range from 1 through 5, with level 1
170 being the lowest achievement level, level 5 being the highest
171 achievement level, and level 3 indicating satisfactory
172 performance on an assessment. For purposes of FCAT Writing,
173 student achievement shall be scored using a scale of 1 through 6
174 and the score earned shall be used in calculating school grades.
175 A score shall be designated for each subject area tested, below
176 which score a student's performance is deemed inadequate. The
177 school districts shall provide appropriate remedial instruction
178 to students who score below these levels.

179 6. The State Board of Education shall, by rule, designate a
180 passing score for each part of the grade 10 assessment test and
181 end-of-course assessments. Any rule that has the effect of
182 raising the required passing scores may apply only to students
183 taking the assessment for the first time after the rule is
184 adopted by the State Board of Education. Except as otherwise
185 provided in this subparagraph and as provided in s.
186 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a



587640

187 passing score on grade 10 FCAT Reading and grade 10 FCAT
188 Mathematics or attain concordant scores as described in
189 subsection (10) in order to qualify for a standard high school
190 diploma.

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

197 8. Participation in the testing program is mandatory for
198 all students attending public school, including students served
199 in Department of Juvenile Justice programs, except as otherwise
200 prescribed by the commissioner. A student who has not earned
201 passing scores on the grade 10 FCAT as provided in subparagraph
202 6. must participate in each retake of the assessment until the
203 student earns passing scores or achieves scores on a
204 standardized assessment which are concordant with passing scores
205 pursuant to subsection (10). If a student does not participate
206 in the statewide assessment, the district must notify the
207 student's parent and provide the parent with information
208 regarding the implications of such nonparticipation. A parent
209 must provide signed consent for a student to receive classroom
210 instructional accommodations that would not be available or
211 permitted on the statewide assessments and must acknowledge in
212 writing that he or she understands the implications of such
213 instructional accommodations. The State Board of Education shall
214 adopt rules, based upon recommendations of the commissioner, for
215 the provision of test accommodations for students in exceptional



587640

216 education programs and for students who have limited English
217 proficiency. Accommodations that negate the validity of a
218 statewide assessment are not allowable in the administration of
219 the FCAT or an end-of-course assessment. However, instructional
220 accommodations are allowable in the classroom if included in a
221 student's individual education plan. Students using
222 instructional accommodations in the classroom that are not
223 allowable as accommodations on the FCAT or an end-of-course
224 assessment may have the FCAT or an end-of-course assessment
225 requirement waived pursuant to the requirements of s.
226 1003.428(8)(b) or s. 1003.43(11)(b).

227 9. A student seeking an adult high school diploma must meet
228 the same testing requirements that a regular high school student
229 must meet.

230 10. District school boards must provide instruction to
231 prepare students in the core curricular content established in
232 the Next Generation Sunshine State Standards adopted under s.
233 1003.41, including the core content knowledge and skills
234 necessary for successful grade-to-grade progression and high
235 school graduation. If a student is provided with instructional
236 accommodations in the classroom that are not allowable as
237 accommodations in the statewide assessment program, as described
238 in the test manuals, the district must inform the parent in
239 writing and must provide the parent with information regarding
240 the impact on the student's ability to meet expected performance
241 levels in reading, writing, mathematics, and science. The
242 commissioner shall conduct studies as necessary to verify that
243 the required core curricular content is part of the district
244 instructional programs.



587640

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

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

254 13. For students seeking a special diploma pursuant to s.
255 1003.438, the Department of Education must develop or select and
256 implement an alternate assessment tool that accurately measures
257 the core curricular content established in the Next Generation
258 Sunshine State Standards for students with disabilities under s.
259 1003.438.

260 14. The Commissioner of Education shall establish schedules
261 for the administration of statewide assessments and the
262 reporting of student test results. When establishing the
263 schedules for the administration of statewide assessments, the
264 commissioner shall consider the observance of religious and
265 school holidays. The commissioner shall, by August 1 of each
266 year, notify each school district in writing and publish on the
267 department's Internet website the testing and reporting
268 schedules for, at a minimum, the school year following the
269 upcoming school year. The testing and reporting schedules shall
270 require that:

271 a. There is the latest possible administration of statewide
272 assessments and the earliest possible reporting to the school
273 districts of student test results which is feasible within



274 available technology and specific appropriations; however, test
275 results for the FCAT must be made available no later than the
276 week of June 8. Student results for end-of-course assessments
277 must be provided no later than 1 week after the school district
278 completes testing for each course. The commissioner may extend
279 the reporting schedule under exigent circumstances.

280 b. FCAT Writing may not be administered earlier than the
281 week of March 1, and a comprehensive statewide assessment of any
282 other subject may not be administered earlier than the week of
283 April 15.

284 c. A statewide, standardized end-of-course assessment is
285 administered at the end of the course. The commissioner shall
286 select an administration period for assessments that meets the
287 intent of end-of-course assessments and provides student results
288 prior to the end of the course. School districts shall
289 administer tests in accordance with the schedule determined by
290 the commissioner. For an end-of-course assessment administered
291 at the end of the first semester, the commissioner shall
292 determine the most appropriate testing dates based on a review
293 of each school district's academic calendar.

294
295 The commissioner may, based on collaboration and input from
296 school districts, design and implement student testing programs,
297 for any grade level and subject area, necessary to effectively
298 monitor educational achievement in the state, including the
299 measurement of educational achievement of the Next Generation
300 Sunshine State Standards for students with disabilities.
301 Development and refinement of assessments shall include
302 universal design principles and accessibility standards that



587640

303 will prevent any unintended obstacles for students with
304 disabilities while ensuring the validity and reliability of the
305 test. These principles should be applicable to all technology
306 platforms and assistive devices available for the assessments.
307 The field testing process and psychometric analyses for the
308 statewide assessment program must include an appropriate
309 percentage of students with disabilities and an evaluation or
310 determination of the effect of test items on such students.

311 (d) Conduct ongoing research to develop improved methods of
312 assessing student performance, including, without limitation,
313 the use of technology to administer tests, score, or report the
314 results of, the use of electronic transfer of data, the
315 development of work-product assessments, and the development of
316 process assessments.

317 (e) Conduct ongoing research and analysis of student
318 achievement data, including, without limitation, monitoring
319 trends in student achievement by grade level and overall student
320 achievement, identifying school programs that are successful,
321 and analyzing correlates of school achievement.

322 (f) Provide technical assistance to school districts in the
323 implementation of state and district testing programs and the
324 use of the data produced pursuant to such programs.

325 (g) Beginning with the 2014-2015 school year, all statewide
326 end-of-course assessments shall be administered online.

327 Section 2. Section 1008.33, Florida Statutes, is amended to
328 read:

329 1008.33 Authority to enforce public school improvement.—

330 (1) The State Board of Education shall comply with the
331 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.



587640

332 ss. 6301 et seq., ~~and its implementing regulations,~~ and the ESEA
333 flexibility waiver approved for Florida by the United States
334 Secretary of Education. The state board may ~~State Board of~~
335 ~~Education is authorized to~~ adopt rules ~~in compliance with the~~
336 ~~ESEA and, after evaluating and determining that the ESEA and its~~
337 ~~implementing regulations are consistent with the statements of~~
338 ~~purpose set forth in the ESEA (2002), may adopt rules to~~
339 maintain compliance with the ESEA and the ESEA flexibility
340 waiver.

341 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
342 1008.345, and 1008.385, the State Board of Education shall hold
343 all school districts and public schools accountable for student
344 performance. The state board is responsible for a state system
345 of school improvement and education accountability that assesses
346 student performance by school, identifies schools in which
347 students are not making adequate progress toward state
348 standards, and institutes appropriate measures for enforcing
349 improvement.

350 (b) The state system of school improvement and education
351 accountability must provide for uniform accountability
352 standards, provide assistance of escalating intensity to low-
353 performing schools, direct support to schools in order to
354 improve and sustain performance, focus on the performance of
355 student subgroups, and enhance student performance.

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

359 (3) (a) The academic performance of all students has a
360 significant effect on the state school system. Pursuant to Art.



587640

361 IX of the State Constitution, which prescribes the duty of the
362 State Board of Education to supervise Florida's public school
363 system, the state board ~~of Education~~ shall equitably enforce the
364 accountability requirements of the state school system and may
365 impose state requirements on school districts in order to
366 improve the academic performance of all districts, schools, and
367 students based upon the provisions of the Florida K-20 Education
368 Code, chapters 1000-1013; ~~and the federal ESEA Elementary and~~
369 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~
370 ~~implementing regulations; and the ESEA flexibility waiver~~
371 ~~approved for Florida by the United States Secretary of~~
372 ~~Education.~~

373 (b) ~~For the purpose of determining whether a public school~~
374 ~~requires action to achieve a sufficient level of school~~
375 ~~improvement, Beginning with the 2011-2012 ~~2010-2011~~ school year,~~
376 the Department of Education shall annually identify each
377 ~~categerize a public school~~ in need of intervention and support
378 to improve student academic performance. A school earning a
379 grade of "D" or "F" pursuant to s. 1008.34 is a school in need
380 of intervention and support ~~in one of six categories based on~~
381 ~~the following:~~

382 1. ~~A school's grade based upon statewide assessments~~
383 ~~administered pursuant to s. 1008.22; and~~

384 2. ~~The level and rate of change in student performance in~~
385 ~~the areas of reading and mathematics, disaggregated into student~~
386 ~~subgroups as described in the federal Elementary and Secondary~~
387 ~~Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).~~

388 (c) The state board shall establish by rule a
389 differentiated matrix of intervention and support strategies for



587640

390 assisting traditional public schools identified under paragraph
391 (b) and charter schools as provided under s. 1002.33(9)(n).
392 ~~Appropriate intervention and support strategies shall be applied~~
393 ~~to schools that require action to achieve a sufficient level of~~
394 ~~improvement as described in paragraph (b).~~ The intervention and
395 support strategies must address student performance and may
396 include, including, but not limited to, improvement planning,
397 leadership quality improvement, educator quality improvement,
398 professional development, curriculum alignment and pacing, ~~and~~
399 the use of continuous improvement, and monitoring plans and
400 processes, and, for schools that have a grade of "F" or three
401 consecutive grades of "D," school turnaround options. In
402 addition, the state board ~~State Board of Education~~ may prescribe
403 reporting requirements to review and monitor the progress of the
404 schools. The rule that the state board establishes must define
405 the intervention and support strategies for school improvement
406 for schools earning a grade of "D" or "F" and the roles for the
407 district and department. The rule must differentiate among
408 schools earning consecutive grades of "D" or "F," or a
409 combination thereof, and provide more intense monitoring,
410 intervention, and support strategies for these schools.

411 ~~(4) The Department of Education shall create a matrix that~~
412 ~~reflects intervention and support strategies to address the~~
413 ~~particular needs of schools in each category.~~

414 ~~(a) Intervention and support strategies shall be applied to~~
415 ~~schools based upon the school categorization pursuant to~~
416 ~~paragraph (3)(b). The Department of Education shall apply the~~
417 ~~most intense intervention strategies to the lowest performing~~
418 ~~schools. For all but the lowest category and "F" schools in the~~



587640

419 ~~second lowest category, the intervention and support strategies~~
420 ~~shall be administered solely by the districts and the schools.~~

421 ~~(b) The lowest performing schools are schools that are~~
422 ~~categorized pursuant to paragraph (3) (b) and have received:~~

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

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

427 ~~a. The percentage of students who are not proficient in~~
428 ~~reading has increased when compared to measurements taken 5~~
429 ~~years previously;~~

430 ~~b. The percentage of students who are not proficient in~~
431 ~~mathematics has increased when compared to measurements taken 5~~
432 ~~years previously;~~

433 ~~c. At least 65 percent of the school's students are not~~
434 ~~proficient in reading; or~~

435 ~~d. At least 65 percent of the school's students are not~~
436 ~~proficient in mathematics.~~

437 (4) (5) (a) The state board shall apply the most intense
438 intervention and support strategies to schools earning a grade
439 of "F." In the first full school year after a school is
440 initially earns a grade of "F," identified as a school in the
441 lowest performing category, the school district must implement
442 intervention and support strategies prescribed by rule under
443 paragraph (3) (c), select a turnaround option from those provided
444 in subparagraphs (b) 1.-5., and submit a plan for implementing
445 the turnaround option to the department for approval by the
446 state board. Upon approval by the state board, the turnaround
447 option must be implemented in the following school year.



587640

448 (b) Except as provided in subsection (5), the turnaround
449 options that a school district must select from to address a
450 school that earns a grade of "F" are as follows a plan, which is
451 subject to approval by the State Board of Education, for
452 implementing one of the following options at the beginning of
453 the next school year. The plan must be implemented unless the
454 school moves from the lowest performing category:

455 1. Convert the school to a district-managed turnaround
456 school ~~by means that include implementing a turnaround plan~~
457 ~~approved by the Commissioner of Education which shall become the~~
458 ~~school's improvement plan;~~

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

461 3. Close the school and reopen the school as one or more
462 charter schools, each with a governing board that has a
463 demonstrated record of effectiveness; ~~or~~

464 4. Contract with an outside entity that has a demonstrated
465 record of effectiveness to operate the school; or

466 5. Implement a hybrid of turnaround options set forth in
467 subparagraphs 1.-4. or other turnaround models that have a
468 demonstrated record of effectiveness.

469 (c) A school earning a grade of "F" will have 2 full school
470 years after the full school year of planning to fully implement
471 the turnaround option. Implementation of the turnaround option
472 is no longer required if the school improves by at least one
473 letter grade, except as provided in paragraph (d).

474 (d) A school earning a grade of "F" which improves its
475 letter grade shall continue to implement strategies identified
476 in its school improvement plan pursuant to s. 1001.42(18)(a).



587640

477 The department shall annually review implementation of the
478 school improvement plan to ensure the school's continued
479 improvement.

480 ~~(e)(b)~~ If a school earning a grade of "F" does not improve
481 by at least one letter grade after two full school years of
482 implementing the turnaround option selected by the school
483 district under ~~move from the lowest-performing category during~~
484 ~~the initial year of implementing one of the options in paragraph~~
485 ~~(b) (a), the school district must select a different turnaround~~
486 ~~option and submit the new turnaround option implementation plan~~
487 ~~to the department for a plan, which is subject to approval by~~
488 ~~the state board of Education. Implementation of the approved~~
489 ~~turnaround option must begin in the, for implementing a~~
490 ~~different option in paragraph (a) at the beginning of the next~~
491 ~~school year following the implementation period of the existing~~
492 ~~turnaround option, unless the state board of Education~~
493 ~~determines that the school is likely to improve a letter grade~~
494 ~~move from the lowest-performing category if additional time is~~
495 ~~provided to implement the existing turnaround option~~
496 ~~intervention and support strategies. The State Board of~~
497 ~~Education shall determine whether a school district may continue~~
498 ~~to implement an option beyond 1 year while a school remains in~~
499 ~~the lowest-performing category.~~

500 ~~(6)~~ In order to advance to a higher category, a school must
501 make significant progress by improving its school grade and by
502 increasing student performance in mathematics and reading.
503 Student performance must be evaluated for each student subgroup
504 as set forth in paragraph (3) (b).

505 ~~(5)(7)~~ A school that earns a grade of "F" within 2 years



587640

506 after raising its grade from a grade of "F" or that earns a
507 grade of "F" within 2 years after exiting the lowest performing
508 category under s. 3, chapter 2009-144, Laws of Florida, must
509 implement one of the turnaround options in subparagraphs
510 (4) (b) 2.-5. ~~Beginning July 1, 2009, the Department of Education~~
511 ~~shall commence its duties under this section.~~

512 (6) A school that earns a grade of "D" for 3 consecutive
513 years or more must implement the district-managed turnaround
514 option pursuant to subparagraph (4) (b) 1. The school district
515 must submit an implementation plan to the department for
516 approval by the state board.

517 (7) A school classified in the lowest performing category
518 under s. 3, chapter 2009-144, Laws of Florida, before July 1,
519 2012, is not required to continue implementing any turnaround
520 option, unless the school earns a grade of "F" or a third
521 consecutive "D" for the 2011-2012 school year. A school earning
522 a grade of "F" or a third consecutive "D" for the 2011-2012
523 school year is not entitled to restart the number of years it
524 has been low performing by virtue of the 2012 amendments to this
525 section.

526 (8) ~~By July 1, 2010, The state board of Education shall~~
527 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
528 this section. The rules must include timelines for submission of
529 implementation plans, approval criteria for implementation
530 plans, and timelines for implementing intervention and support
531 strategies. The state board shall consult with education
532 stakeholders in developing the rules.

533 Section 3. Section 1008.34, Florida Statutes, is amended to
534 read:



587640

535 1008.34 School grading system; school report cards;
536 district grade.—

537 (1) ANNUAL REPORTS.—The Commissioner of Education shall
538 prepare annual reports of the results of the statewide
539 assessment program which describe student achievement in the
540 state, each district, and each school. The commissioner shall
541 prescribe the design and content of these reports, which must
542 include, ~~without limitation,~~ descriptions of the performance of
543 all schools participating in the assessment program and all of
544 their major student populations as determined by the
545 Commissioner. The report of Education, and must also include the
546 percent of students performing at or above grade level and
547 making a year's learning growth in a year's time for reading and
548 mathematics ~~the median scores of all eligible students who~~
549 ~~scored at or in the lowest 25th percentile of the state in the~~
550 ~~previous school year; provided,~~ however, that the provisions of
551 s. 1002.22 pertaining to student records apply to this section.

552 (2) SCHOOL GRADES.—The annual report shall identify schools
553 as having one of the following grades, defined according to
554 rules of the State Board of Education:

- 555 (a) "A," schools making excellent progress.
- 556 (b) "B," schools making above average progress.
- 557 (c) "C," schools making satisfactory progress.
- 558 (d) "D," schools making less than satisfactory progress.
- 559 (e) "F," schools failing to make adequate progress.

560
561 Each school that earns ~~designated with~~ a grade of "A," ~~making~~
562 ~~excellent progress,~~ or improves ~~having improved~~ at least two
563 letter grades ~~grade levels,~~ shall have greater authority over



587640

564 the allocation of the school's total budget generated from the
565 FEFP, state categoricals, lottery funds, grants, and local
566 funds, as specified in state board rule. The rule must provide
567 that the increased budget authority shall remain in effect until
568 the school's grade declines.

569 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

579 2. An alternative school may choose to receive a school
580 grade under this section or a school improvement rating under s.
581 1008.341. For charter schools that meet the definition of an
582 alternative school pursuant to State Board of Education rule,
583 the decision to receive a school grade is the decision of the
584 charter school governing board.

585 3. A school that serves any combination of students in
586 kindergarten through grade 3 which does not receive a school
587 grade because its students are not tested and included in the
588 school grading system shall receive the school grade designation
589 of a K-3 feeder pattern school identified by the Department of
590 Education and verified by the school district. A school feeder
591 pattern exists if at least 60 percent of the students in the
592 school serving a combination of students in kindergarten through



587640

593 grade 3 are scheduled to be assigned to the graded school.
594 (b)1. A school's grade shall be based on a combination of:
595 a. Student achievement scores, including achievement as
596 measured by ~~on all FCAT assessments administered~~ under s.
597 1008.22(3)(c)1., and statewide, standardized end-of-course
598 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b., and
599 achievement scores for students seeking a special diploma.
600 b. Student learning gains in reading and mathematics as
601 measured by FCAT and statewide, standardized end-of-course
602 assessments, as described in s. 1008.22(3)(c)1. and 2.a.,
603 including learning gains for students seeking a special diploma,
604 as measured by an alternate assessment ~~tool, shall be included~~
605 ~~not later than the 2009-2010 school year.~~
606 c. Improvement of the lowest 25th percentile of students in
607 the school in reading and mathematics on the FCAT or end-of-
608 course assessments described in s. 1008.22(3)(c)2.a., unless
609 these students are exhibiting satisfactory performance.
610 2. Beginning with the 2011-2012 school year, for schools
611 comprised of middle school grades 6 through 8 or grades 7 and 8,
612 the school's grade shall include the performance and
613 participation of its students enrolled in high school level
614 courses with end-of-course assessments administered under s.
615 1008.22(3)(c)2.a. Performance and participation must be weighted
616 equally. As valid data becomes available, the school grades
617 shall include the students' attainment of national industry
618 certification identified in the Industry Certification Funding
619 List pursuant to rules adopted by the state board ~~of Education.~~
620 3. Beginning with the 2009-2010 school year for schools
621 comprised of high school grades 9, 10, 11, and 12, or grades 10,



587640

622 11, and 12, 50 percent of the school grade shall be based on a
623 combination of the factors listed in sub-subparagraphs 1.a.-c.
624 and the remaining 50 percent on the following factors:

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

626 b. As valid data becomes available, the performance and
627 participation of the school's students in College Board Advanced
628 Placement courses, International Baccalaureate courses, dual
629 enrollment courses, and Advanced International Certificate of
630 Education courses; and the students' achievement of national
631 industry certification identified in the Industry Certification
632 Funding List, pursuant to rules adopted by the state board ~~State~~
633 ~~Board of Education~~;

634 c. Postsecondary readiness of all of the school's on time
635 graduates ~~students~~ as measured by the SAT, ACT, Postsecondary
636 Education Readiness Test, or the common placement test;

637 d. The high school graduation rate of at-risk students who
638 are students scoring ~~scored~~ at Level 1 or Level 2 ~~or lower~~ on
639 ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

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

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

645 (c) Student assessment data used in determining school
646 grades shall include:

647 1. The aggregate scores of all eligible students enrolled
648 in the school who have been assessed on the FCAT and statewide,
649 standardized end-of-course assessments in courses required for
650 high school graduation, including, beginning with the 2011-2012



587640

651 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
652 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
653 end-of-course assessments in Geometry and Biology; and beginning
654 with the 2014-2015 ~~2013-2014~~ school year, on the statewide,
655 standardized end-of-course assessment in Civics ~~civics~~ education
656 at the middle school level.

657 2. The aggregate scores of all eligible students enrolled
658 in the school who have been assessed on the FCAT and statewide,
659 standardized end-of-course assessments as described in s.
660 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
661 percentile of students in the school in reading and mathematics,
662 unless these students are exhibiting satisfactory performance.

663 3. The achievement scores and learning gains of eligible
664 students attending alternative schools that provide dropout
665 prevention and academic intervention services pursuant to s.
666 1003.53. The term "eligible students" in this subparagraph does
667 not include students attending an alternative school who are
668 subject to district school board policies for expulsion for
669 repeated or serious offenses, who are in dropout retrieval
670 programs serving students who have officially been designated as
671 dropouts, or who are in programs operated or contracted by the
672 Department of Juvenile Justice. The student performance data for
673 eligible students identified in this subparagraph shall be
674 included in the calculation of the home school's grade. As used
675 in this subparagraph and s. 1008.341, the term "home school"
676 means the school to which the student would be assigned if the
677 student were not assigned to an alternative school. If an
678 alternative school chooses to be graded under this section,
679 student performance data for eligible students identified in



587640

680 this subparagraph shall not be included in the home school's
681 grade but shall be included only in the calculation of the
682 alternative school's grade. A school district that fails to
683 assign the FCAT and statewide, standardized end-of-course
684 assessment as described in s. 1008.22(3)(c)2.a. scores of each
685 of its students to his or her home school or to the alternative
686 school that receives a grade shall forfeit Florida School
687 Recognition Program funds for 1 fiscal year. School districts
688 must require collaboration between the home school and the
689 alternative school in order to promote student success. This
690 collaboration must include an annual discussion between the
691 principal of the alternative school and the principal of each
692 student's home school concerning the most appropriate school
693 assignment of the student.

694 4. The achievement scores and learning gains of students
695 designated as hospital- or homebound. Student assessment data
696 for students designated as hospital- or homebound shall be
697 assigned to their home school for the purposes of school grades.
698 As used in this subparagraph, the term "home school" means the
699 school to which a student would be assigned if the student were
700 not assigned to a hospital- or homebound program.

701 5. For schools comprised of high school grades 9, 10, 11,
702 and 12, or grades 10, 11, and 12, the data listed in
703 subparagraphs 1.-3. and the following data as the Department of
704 Education determines such data are valid and available:

705 a. The high school graduation rate of the school as
706 calculated by the department ~~of Education;~~

707 b. The participation rate of all eligible students enrolled
708 in the school and enrolled in College Board Advanced Placement



587640

709 courses; International Baccalaureate courses; dual enrollment
710 courses; Advanced International Certificate of Education
711 courses; and courses or sequences of courses leading to national
712 industry certification identified in the Industry Certification
713 Funding List, pursuant to rules adopted by the State Board of
714 Education;

715 c. The aggregate scores of all eligible students enrolled
716 in the school in College Board Advanced Placement courses,
717 International Baccalaureate courses, and Advanced International
718 Certificate of Education courses;

719 d. Earning of college credit by all eligible students
720 enrolled in the school in dual enrollment programs under s.
721 1007.271;

722 e. Earning of a national industry certification identified
723 in the Industry Certification Funding List, pursuant to rules
724 adopted by the State Board of Education;

725 f. The aggregate scores of all eligible students enrolled
726 in the school in reading, mathematics, and other subjects as
727 measured by the SAT, the ACT, and the common placement test for
728 postsecondary readiness;

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

732 h. The performance of the school's students on statewide,
733 standardized end-of-course assessments administered under s.
734 1008.22(3)(c)2.c. and d.; and

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

737



587640

738 The State Board of Education shall adopt appropriate criteria
739 for each school grade. The criteria must also give added weight
740 to student achievement in reading. Schools designated with a
741 grade of "C," making satisfactory progress, shall be required to
742 demonstrate that adequate progress has been made by students in
743 the school who are in the lowest 25th percentile in reading and
744 mathematics on the FCAT and end-of-course assessments as
745 described in s. 1008.22(3)(c)2.a., unless these students are
746 exhibiting satisfactory performance. ~~Beginning with the 2009-~~
747 ~~2010 school year~~ For schools comprised of high school grades 9,
748 10, 11, and 12, or grades 10, 11, and 12, the criteria for
749 school grades must also give added weight to the graduation rate
750 of all eligible at-risk students, ~~as defined in this paragraph.~~
751 ~~Beginning in the 2009-2010 school year,~~ In order for a high
752 school to earn ~~be designated as having~~ a grade of "A," making
753 ~~excellent progress,~~ the school must demonstrate that its at-risk
754 students, as defined in this paragraph, ~~in the school~~ are making
755 adequate progress.

756 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
757 identify each school's performance as having improved, remained
758 the same, or declined. This school improvement rating shall be
759 based on a comparison of the current year's and previous year's
760 student and school performance data. Schools that improve their
761 rating by at least one ~~grade~~ level are eligible for school
762 recognition awards pursuant to s. 1008.36.

763 (5) SCHOOL REPORT CARD.—The Department of Education shall
764 annually develop, in collaboration with the school districts, a
765 school report card to be communicated by the school district
766 ~~delivered~~ to parents throughout each school district. The report



587640

767 card shall include the school's grade, information regarding
768 school improvement, an explanation of school performance as
769 evaluated by the federal Elementary and Secondary Education Act
770 (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left Behind Act of~~
771 ~~2001~~, and indicators of return on investment. Each school's
772 report card shall be published annually by the department on its
773 website, ~~and the school district shall provide the school report~~
774 ~~card to each parent.~~

775 (7) DISTRICT GRADE.—The annual report required by
776 subsection (1) shall include district grades, which shall
777 consist of weighted district average grades, by level, for all
778 elementary schools, middle schools, and high schools in the
779 district. A district's weighted average grade shall be
780 calculated by weighting individual school grades determined
781 pursuant to subsection (2) by school enrollment.

782 Section 4. Paragraph (a) of subsection (18) and subsection
783 (20) of section 1001.42, Florida Statutes, are amended to read:
784 1001.42 Powers and duties of district school board.—The
785 district school board, acting as a board, shall exercise all
786 powers and perform all duties listed below:

787 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
788 Maintain a state system of school improvement and education
789 accountability as provided by statute and State Board of
790 Education rule. This system of school improvement and education
791 accountability shall be consistent with, and implemented
792 through, the district's continuing system of planning and
793 budgeting required by this section and ss. 1008.385, 1010.01,
794 and 1011.01. This system of school improvement and education
795 accountability shall comply with the provisions of ss. 1008.33,



587640

796 1008.34, 1008.345, and 1008.385 and include the following:

797 (a) *School improvement plans.*—The district school board
798 shall annually approve and require implementation of a new,
799 amended, or continuation school improvement plan for each school
800 in the district. If a school has a significant gap in
801 achievement on statewide assessments under s. 1008.34(3)(b) by
802 one or more student subgroups, as described in the federal
803 Elementary and Secondary Education Act, 20 U.S.C. s.
804 6311(b)(2)(C)(v)(II); has not significantly decreased the
805 percentage of students scoring below satisfactory on statewide
806 assessments; or has significantly lower graduation rates for a
807 subgroup when compared to the state's graduation rate, that
808 school's improvement plan must include strategies for improving
809 these conditions. The state board shall adopt rules establishing
810 thresholds for determining compliance with this paragraph.

811 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
812 students attending schools that have earned ~~have been designated~~
813 ~~with~~ a grade of "D" or "F" pursuant to s. 1008.34 and are
814 required to implement a school turnaround option ~~that are in one~~
815 ~~of the two lowest-performing categories~~ pursuant to s. 1008.33
816 to attend a higher-performing school in the district or any
817 other district in the state, in conformance with s. 1002.38 and
818 State Board of Education rule.

819 Section 5. Paragraphs (n), (o), and (p) of subsection (9)
820 of section 1002.33, Florida Statutes, are amended to read:

821 1002.33 Charter schools.—

822 (9) CHARTER SCHOOL REQUIREMENTS.—

823 (n)1. The director and a representative of the governing
824 board ~~body~~ of a charter school that has earned ~~received~~ a school



587640

825 grade of "D" or "F" under s. 1008.34(2) shall appear before the
826 sponsor ~~or the sponsor's staff at least once a year~~ to present
827 information concerning each contract component having noted
828 deficiencies. ~~The sponsor shall communicate at the meeting, and~~
829 ~~in writing to the director, the services provided to the school~~
830 ~~to help the school address its deficiencies.~~

831 ~~(e) Upon notification that a charter school receives a~~
832 ~~school grade of "D" for 2 consecutive years or a school grade of~~
833 ~~"F" under s. 1008.34(2),~~ The charter school sponsor ~~or the~~
834 ~~sponsor's staff~~ shall require the director and a representative
835 of the governing board body to submit to the sponsor for
836 approval a school improvement plan to raise student achievement
837 ~~and to implement the plan.~~ Upon approval by the sponsor, the
838 charter school shall begin implementation of the ~~has the~~
839 ~~authority to approve a school improvement plan that the charter~~
840 ~~school will implement in the following school year. The sponsor~~
841 ~~may also consider the State Board of Education's recommended~~
842 ~~action pursuant to s. 1008.33(1) as part of the school~~
843 ~~improvement plan.~~ The department of Education shall offer
844 technical assistance and training to the charter school and its
845 governing board body and establish guidelines for developing,
846 submitting, and approving such plans.

847 ~~2.1.~~ If a the charter school earning a grade of "F" does
848 not fails to improve by at least one letter grade in its student
849 performance from the year following immediately prior to the
850 implementation of the school improvement plan, the sponsor ~~shall~~
851 ~~place the charter school on probation and shall require the~~
852 ~~charter school governing~~ board to choose ~~body to take~~ one of the
853 following corrective actions:



587640

854 a. Contract for the educational services of the charter
855 school;

856 b. Reorganize the school ~~at the end of the school year~~
857 under a new director or principal who is authorized to hire new
858 staff ~~and implement a plan that addresses the causes of~~
859 ~~inadequate progress~~; or

860 c. Voluntarily close ~~Reconstitute~~ the charter school.

861 3.2. A charter school is no longer required to implement
862 ~~that is placed on probation shall continue the corrective~~
863 ~~actions required under subparagraph 2. if it 1. until the~~
864 ~~charter school improves by at least one letter grade its student~~
865 ~~performance from the year prior to the implementation of the~~
866 ~~school improvement plan. However, the charter school must~~
867 ~~continue to implement strategies identified in the school~~
868 ~~improvement plan. The sponsor must annually review~~
869 ~~implementation of the school improvement plan for compliance~~
870 ~~with the plan and for addressing deficiencies in the school's~~
871 ~~continued improvement.~~

872 4. If a charter school earns a grade of "D" for 3
873 consecutive years, the sponsor shall require the charter school
874 governing board to choose one of the corrective actions in
875 subparagraph 2.

876 5. Any charter school implementing a corrective action
877 provided in subparagraph 2. which does not improve by at least
878 one letter grade after 2 full school years after implementing
879 the corrective action must select a different corrective action.
880 Implementation of the new corrective action must begin in the
881 school year following the implementation period of the existing
882 corrective action, unless the sponsor determines that the



587640

883 charter school is likely to improve a letter grade if additional
884 time is provided to implement the existing corrective action.

885 ~~6.3-~~ Notwithstanding any provision of this paragraph, the
886 sponsor may terminate the charter at any time pursuant to
887 subsection (8).

888 ~~7.(p)~~ The director and a representative of the governing
889 board body of a graded charter school that has implemented
890 ~~submitted~~ a school improvement plan ~~or has been placed on~~
891 ~~probation~~ under this paragraph ~~(o)~~ shall appear before the
892 sponsor ~~or the sponsor's staff~~ at least once a year to present
893 information regarding the progress of ~~corrective~~ strategies ~~that~~
894 ~~are being~~ implemented by the school pursuant to the school
895 improvement plan. The sponsor shall communicate at the meeting,
896 and in writing to the director, the services provided to the
897 school to help the school address its deficiencies.

898 Section 6. Subsection (1) of section 1002.332, Florida
899 Statutes, is amended to read:

900 1002.332 High-performing charter school system.-

901 (1) For purposes of this section, the term:

902 (a) "Entity" means a municipality or other public entity
903 that is authorized by law to operate a charter school; a
904 private, nonprofit corporation with tax-exempt status under s.
905 501(c)(3) of the Internal Revenue Code; or a private, for-profit
906 education management corporation.

907 (b) "High-performing charter school system" means an entity
908 that:

909 1. Operates at least three high-performing charter schools
910 in the state;

911 2. Operates a system of charter schools in which at least



587640

912 50 percent of the charter schools are high-performing charter
913 schools pursuant to s. 1002.331 and no charter school earned
914 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
915 except that:

916 a. If the entity has assumed operation of a public school
917 pursuant to s. 1008.33 (4) (b) (5) (a) 3. with a school grade of "~~D~~"
918 ~~or "F,"~~ that school's grade may ~~shall~~ not be considered in
919 determining high-performing charter school system status for a
920 period of 3 years.

921 b. If the entity establishes a new charter school that
922 serves a student population the majority of which resides in a
923 school zone served by a public school that is required to
924 implement a school turnaround option pursuant to ~~identified as~~
925 ~~lowest performing under~~ s. 1008.33 ~~(4) (b)~~, that charter school's
926 grade may ~~shall~~ not be considered in determining high-performing
927 charter school system status if it attains and maintains a
928 school grade that is higher than that of the public school
929 serving that school zone within 3 years after establishment; and

930 3. Has not received a financial audit that revealed one or
931 more of the financial emergency conditions set forth in s.
932 218.503(1) for any charter school assumed or established by the
933 entity.

934 Section 7. Subsection (2) of section 1002.38, Florida
935 Statutes, is amended to read:

936 1002.38 Opportunity Scholarship Program.—

937 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

938 (a) ~~For purposes of this section, a school's grade shall be~~
939 ~~based upon statewide assessments administered pursuant to s.~~
940 ~~1008.22.~~ A public school student's parent may request and



587640

941 receive an opportunity scholarship for the student to enroll in
942 and attend a public school in accordance with the provisions of
943 this section if:

944 1. By assigned school attendance area or by special
945 assignment, the student has spent the prior school year in
946 attendance at a public school that has earned a grade of ~~been~~
947 ~~designated as performance grade category~~ "D" or "F" pursuant to
948 s. 1008.34 and that is required to implement a school turnaround
949 option that is in one of the two lowest-performing categories
950 pursuant to s. 1008.33, and the student's attendance occurred
951 during a school year in which such designation was in effect;

952 2. The student has been in attendance elsewhere in the
953 public school system and has been assigned to such school for
954 the next school year; or

955 3. The student has been notified that he or she has been
956 assigned to such school for the next school year.

957 (b) This section does not apply to a student who is
958 enrolled in a school operating for the purpose of providing
959 educational services to youth in Department of Juvenile Justice
960 commitment programs. For purposes of continuity of educational
961 choice, the opportunity scholarship shall remain in force until
962 the student graduates from high school.

963 Section 8. Paragraph (d) of subsection (6) of section
964 1008.345, Florida Statutes, is amended to read:

965 1008.345 Implementation of state system of school
966 improvement and education accountability.—

967 (6)

968 (d) The commissioner shall assign a community assessment
969 team to each school district or governing board with a school



587640

970 graded "F" or a school that is required to implement a school
971 turnaround option in the lowest-performing category pursuant to
972 s. 1008.33 to review the school performance data and determine
973 causes for the low performance, including the role of school,
974 area, and district administrative personnel. The community
975 assessment team shall review a high school's graduation rate
976 calculated without GED tests for the past 3 years, disaggregated
977 by student ethnicity. The team shall make recommendations to the
978 school board or the governing board and to the State Board of
979 Education which address the causes of the school's low
980 performance and may be incorporated into the school improvement
981 plan. The assessment team shall include, but not be limited to,
982 a department representative, parents, business representatives,
983 educators, representatives of local governments, and community
984 activists, and shall represent the demographics of the community
985 from which they are appointed.

986 Section 9. Section 1012.07, Florida Statutes, is amended to
987 read:

988 1012.07 Identification of critical teacher shortage areas.—
989 The term "critical teacher shortage area" means high-need
990 content areas and high-priority location areas identified by the
991 State Board of Education. The State Board of Education shall
992 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
993 annually identify critical teacher shortage areas. The state
994 board must consider current and emerging educational
995 requirements and workforce demands in determining critical
996 teacher shortage areas. School grade levels may also be
997 designated critical teacher shortage areas. Individual district
998 school boards may identify and submit other critical teacher



587640

999 shortage areas. Such submissions must be aligned to current and
1000 emerging educational requirements and workforce demands in order
1001 to be approved by the State Board of Education. High-priority
1002 location areas shall be in high-density, low-economic urban
1003 schools; low-density, low-economic rural schools; and schools
1004 that are required to implement school turnaround options
1005 pursuant to identified as lowest performing under s. 1008.33
1006 ~~(4)(b).~~

1007 Section 10. Paragraph (c) of subsection (1) of section
1008 1012.22, Florida Statutes, is amended to read:

1009 1012.22 Public school personnel; powers and duties of the
1010 district school board.—The district school board shall:

1011 (1) Designate positions to be filled, prescribe
1012 qualifications for those positions, and provide for the
1013 appointment, compensation, promotion, suspension, and dismissal
1014 of employees as follows, subject to the requirements of this
1015 chapter:

1016 (c) *Compensation and salary schedules.*—

1017 1. Definitions.—As used in this paragraph:

1018 a. "Adjustment" means an addition to the base salary
1019 schedule that is not a bonus and becomes part of the employee's
1020 permanent base salary and shall be considered compensation under
1021 s. 121.021(22).

1022 b. "Grandfathered salary schedule" means the salary
1023 schedule or schedules adopted by a district school board before
1024 July 1, 2014, pursuant to subparagraph 4.

1025 c. "Instructional personnel" means instructional personnel
1026 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1027 teachers.



587640

1028 d. "Performance salary schedule" means the salary schedule
1029 or schedules adopted by a district school board pursuant to
1030 subparagraph 5.

1031 e. "Salary schedule" means the schedule or schedules used
1032 to provide the base salary for district school board personnel.

1033 f. "School administrator" means a school administrator as
1034 defined in s. 1012.01(3)(c).

1035 g. "Supplement" means an annual addition to the base salary
1036 for the term of the negotiated supplement as long as the
1037 employee continues his or her employment for the purpose of the
1038 supplement. A supplement does not become part of the employee's
1039 continuing base salary but shall be considered compensation
1040 under s. 121.021(22).

1041 2. Cost-of-living adjustment.—A district school board may
1042 provide a cost-of-living salary adjustment if the adjustment:

1043 a. Does not discriminate among comparable classes of
1044 employees based upon the salary schedule under which they are
1045 compensated.

1046 b. Does not exceed 50 percent of the annual adjustment
1047 provided to instructional personnel rated as effective.

1048 3. Advanced degrees.—A district school board may not use
1049 advanced degrees in setting a salary schedule for instructional
1050 personnel or school administrators hired on or after July 1,
1051 2011, unless the advanced degree is held in the individual's
1052 area of certification and is only a salary supplement.

1053 4. Grandfathered salary schedule.—

1054 a. The district school board shall adopt a salary schedule
1055 or salary schedules to be used as the basis for paying all
1056 school employees hired before July 1, 2014. Instructional



587640

1057 personnel on annual contract as of July 1, 2014, shall be placed
1058 on the performance salary schedule adopted under subparagraph 5.
1059 Instructional personnel on continuing contract or professional
1060 service contract may opt into the performance salary schedule if
1061 the employee relinquishes such contract and agrees to be
1062 employed on an annual contract under s. 1012.335. Such an
1063 employee shall be placed on the performance salary schedule and
1064 may not return to continuing contract or professional service
1065 contract status. Any employee who opts into the performance
1066 salary schedule may not return to the grandfathered salary
1067 schedule.

1068 b. In determining the grandfathered salary schedule for
1069 instructional personnel, a district school board must base a
1070 portion of each employee's compensation upon performance
1071 demonstrated under s. 1012.34 and shall provide differentiated
1072 pay for both instructional personnel and school administrators
1073 based upon district-determined factors, including, but not
1074 limited to, additional responsibilities, school demographics,
1075 critical shortage areas, and level of job performance
1076 difficulties.

1077 5. Performance salary schedule.—By July 1, 2014, the
1078 district school board shall adopt a performance salary schedule
1079 that provides annual salary adjustments for instructional
1080 personnel and school administrators based upon performance
1081 determined under s. 1012.34. Employees hired on or after July 1,
1082 2014, or employees who choose to move from the grandfathered
1083 salary schedule to the performance salary schedule shall be
1084 compensated pursuant to the performance salary schedule once
1085 they have received the appropriate performance evaluation for



587640

1086 this purpose. However, a classroom teacher whose performance
1087 evaluation utilizes student learning growth measures established
1088 under s. 1012.34(7)(e) shall remain under the grandfathered
1089 salary schedule until his or her teaching assignment changes to
1090 a subject for which there is an assessment or the school
1091 district establishes equally appropriate measures of student
1092 learning growth as defined under s. 1012.34 and rules of the
1093 State Board of Education.

1094 a. Base salary.—The base salary shall be established as
1095 follows:

1096 (I) The base salary for instructional personnel or school
1097 administrators who opt into the performance salary schedule
1098 shall be the salary paid in the prior year, including
1099 adjustments only.

1100 (II) Beginning July 1, 2014, instructional personnel or
1101 school administrators new to the district, returning to the
1102 district after a break in service without an authorized leave of
1103 absence, or appointed for the first time to a position in the
1104 district in the capacity of instructional personnel or school
1105 administrator shall be placed on the performance salary
1106 schedule.

1107 b. Salary adjustments.—Salary adjustments for highly
1108 effective or effective performance shall be established as
1109 follows:

1110 (I) The annual salary adjustment under the performance
1111 salary schedule for an employee rated as highly effective must
1112 be greater than the highest annual salary adjustment available
1113 to an employee of the same classification through any other
1114 salary schedule adopted by the district.



587640

1115 (II) The annual salary adjustment under the performance
1116 salary schedule for an employee rated as effective must be equal
1117 to at least 50 percent and no more than 75 percent of the annual
1118 adjustment provided for a highly effective employee of the same
1119 classification.

1120 (III) The performance salary schedule shall not provide an
1121 annual salary adjustment for an employee who receives a rating
1122 other than highly effective or effective for the year.

1123 c. Salary supplements.—In addition to the salary
1124 adjustments, each district school board shall provide for salary
1125 supplements for activities that must include, but are not
1126 limited to:

1127 (I) Assignment to a Title I eligible school.

1128 (II) Assignment to a school that is required to implement a
1129 school turnaround option pursuant to ~~in the bottom two~~
1130 ~~categories of the school improvement system under s. 1008.33~~
1131 such that the supplement remains in force for at least 1 year
1132 following improved performance in that school.

1133 (III) Certification and teaching in critical teacher
1134 shortage areas. Statewide critical teacher shortage areas shall
1135 be identified by the State Board of Education under s. 1012.07.
1136 However, the district school board may identify other areas of
1137 critical shortage within the school district for purposes of
1138 this sub-sub-subparagraph and may remove areas identified by the
1139 state board which do not apply within the school district.

1140 (IV) Assignment of additional academic responsibilities.

1141
1142 If budget constraints in any given year limit a district school
1143 board's ability to fully fund all adopted salary schedules, the



587640

1144 performance salary schedule shall not be reduced on the basis of
1145 total cost or the value of individual awards in a manner that is
1146 proportionally greater than reductions to any other salary
1147 schedules adopted by the district.

1148 Section 11. Subsection (2) of section 1012.2315, Florida
1149 Statutes, is amended to read:

1150 1012.2315 Assignment of teachers.-

1151 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
1152 ~~IN NEED OF IMPROVEMENT~~.-School districts may not assign a higher
1153 percentage than the school district average of temporarily
1154 certified teachers, teachers in need of improvement, or out-of-
1155 field teachers to schools graded "D" or "F" pursuant to s.
1156 1008.34 ~~in one of the three lowest performing categories under~~
1157 ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to
1158 the Commissioner of Education that this requirement has been
1159 met. If the commissioner determines that a school district is
1160 not in compliance with this subsection, the State Board of
1161 Education shall be notified and shall take action pursuant to s.
1162 1008.32 in the next regularly scheduled meeting to require
1163 compliance.

1164 Section 12. This act shall take effect July 1, 2012.

1165
1166 ===== T I T L E A M E N D M E N T =====

1167 And the title is amended as follows:

1168 Delete everything before the enacting clause
1169 and insert:

1170 A bill to be entitled
1171 An act relating to school improvement and
1172 accountability; amending s. 1008.22, F.S.; revising



587640

1173 the duties of the Commissioner of Education which
1174 relate to the statewide assessment program; revising
1175 provisions relating to the development and
1176 implementation of a student achievement assessment
1177 program; amending s. 1008.33, F.S.; requiring that the
1178 State Board of Education comply with the federal
1179 Elementary and Secondary Education Act flexibility
1180 waiver approved by the United States Secretary of
1181 Education; requiring that the Department of Education
1182 annually identify each public school in need of
1183 intervention and support to improve student academic
1184 performance; requiring that the State Board of
1185 Education establish by rule a matrix of intervention
1186 and support strategies for assisting public schools
1187 and charter schools; deleting provisions requiring the
1188 Department of Education to create a matrix reflecting
1189 intervention and support strategies for the lowest-
1190 performing schools; requiring that the state board
1191 apply the most intense intervention and support
1192 strategies to schools earning a grade of "F";
1193 providing turnaround options for school districts to
1194 address such schools; providing exceptions for schools
1195 classified in the lowest-performing category;
1196 requiring that the state board adopt rules that
1197 include timelines for submitting implementation plans;
1198 amending s. 1008.34, F.S.; revising provisions
1199 relating to the school grading system; requiring that
1200 the annual report of the results of the statewide
1201 assessment program prepared by the Commissioner of



587640

1202 Education include the percentage of students
1203 performing at or above grade level; revising
1204 provisions relating to the criteria for the
1205 designation of school grades; requiring that a school
1206 district communicate a school report card to parents
1207 throughout the school district; amending s. 1001.42,
1208 F.S.; revising the powers and duties of district
1209 school boards relating to school improvement plans and
1210 opportunity scholarships; amending s. 1002.33, F.S.;
1211 revising provisions relating to charter school
1212 requirements to conform to changes made by the act;
1213 amending s. 1002.332, F.S.; conforming cross-
1214 references and provisions to changes made by the act;
1215 amending s. 1002.38, F.S.; revising provisions
1216 relating to the eligibility for opportunity
1217 scholarships to conform to changes made by the act;
1218 amending ss. 1008.345, 1012.07, 1012.22, and
1219 1012.2315, F.S.; conforming provisions to changes made
1220 by the act; providing an effective date.