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LEGISLATIVE ACTION

Senate

House

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03/09/2012 11:14 AM

Senator Montford moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (18) and subsection
(20) of section 1001.42, Florida Statutes, are amended to read:

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
Maintain a state system of school improvement and education
accountability as provided by statute and State Board of
Education rule. This system of school improvement and education



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14 accountability shall be consistent with, and implemented
15 through, the district's continuing system of planning and
16 budgeting required by this section and ss. 1008.385, 1010.01,
17 and 1011.01. This system of school improvement and education
18 accountability shall comply with the provisions of ss. 1008.33,
19 1008.34, 1008.345, and 1008.385 and include the following:

20 (a) *School improvement plans.*—The district school board
21 shall annually approve and require implementation of a new,
22 amended, or continuation school improvement plan for each school
23 in the district. If a school has a significant gap in
24 achievement on statewide assessments pursuant to s.
25 1008.34(3)(b) by one or more student subgroups, as defined in
26 the federal Elementary and Secondary Education Act (ESEA), 20
27 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased
28 the percentage of students scoring below satisfactory on
29 statewide assessments; or has significantly lower graduation
30 rates for a subgroup when compared to the state's graduation
31 rate, that school's improvement plan shall include strategies,
32 including tutoring or other supplemental academic enrichment
33 services, for improving these results. For a Title I school, the
34 plan shall include supplemental educational services offered by
35 multiple providers approved under and in compliance with s.
36 1008.331. The state board shall adopt rules establishing
37 thresholds and for determining compliance with this paragraph.

38 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
39 students attending schools that have earned a grade of "F" or
40 three consecutive grades ~~been designated with a grade of "D" or~~
41 ~~"F"~~ pursuant to s. 1008.34 ~~and that are in one of the two~~
42 ~~lowest-performing categories pursuant to s. 1008.33~~ to attend a



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43 higher-performing school in the district or any other district
44 in the state, in conformance with s. 1002.38 and State Board of
45 Education rule.

46 Section 2. Paragraphs (n), (o), and (p) of subsection (9)
47 of section 1002.33, Florida Statutes, are amended to read:

48 1002.33 Charter schools.—

49 (9) CHARTER SCHOOL REQUIREMENTS.—

50 (n)1. The director and a representative of the governing
51 ~~board body~~ of a charter school that has earned ~~received~~ a school
52 grade of "D" or "F" pursuant to ~~under~~ s. 1008.34(2) shall appear
53 before the sponsor ~~or the sponsor's staff at least once a year~~
54 to present information concerning each contract component having
55 noted deficiencies. ~~The sponsor shall communicate at the~~
56 ~~meeting, and in writing to the director, the services provided~~
57 ~~to the school to help the school address its deficiencies.~~

58 ~~(o) Upon notification that a charter school receives a~~
59 ~~school grade of "D" for 2 consecutive years or a school grade of~~
60 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~
61 ~~sponsor's staff shall require the director and a representative~~
62 of the governing board shall ~~body to~~ submit to the sponsor for
63 approval a school improvement plan to raise student achievement
64 ~~and to implement the plan. Upon approval by the sponsor, the~~
65 charter school shall begin implementation of the ~~has the~~
66 ~~authority to approve a school improvement plan that the charter~~
67 ~~school will implement in the following school year. The sponsor~~
68 ~~may also consider the State Board of Education's recommended~~
69 ~~action pursuant to s. 1008.33(1) as part of the school~~
70 ~~improvement plan. The department of Education shall offer~~
71 technical assistance and training to the charter school and its



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72 governing board ~~body~~ and establish guidelines for developing,
73 submitting, and approving such plans.

74 2.a.1. ~~If a the charter school earns three consecutive~~
75 grades of "D," two consecutive grades of "D" followed by a grade
76 of "F," or two nonconsecutive grades of "F" within a 3-year
77 period fails to improve its student performance from the year
78 immediately prior to the implementation of the school
79 improvement plan, the sponsor shall place the charter school on
80 probation and shall require the charter school governing board
81 shall choose body to take one of the following corrective
82 actions:

83 (I)a. ~~Contract for the educational services to be provided~~
84 directly to students, instructional personnel, and school
85 administrators, as prescribed in state board rule of the charter
86 school;

87 (II) Contract with an outside entity that has a
88 demonstrated record of effectiveness to operate the school;

89 (III)b. ~~Reorganize the school at the end of the school year~~
90 under a new director or principal who is authorized to hire new
91 staff and implement a plan that addresses the causes of
92 inadequate progress; or

93 (IV)e. Voluntarily close Reconstitute the charter school.

94 b. The charter school must implement the corrective action
95 in the school year following receipt of a third consecutive
96 grade of "D," a grade of "F" following two consecutive grades of
97 "D," or a second nonconsecutive grade of "F" within a 3-year
98 period.

99 c. The sponsor may annually waive a corrective action if it
100 determines that the charter school is likely to improve a letter



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101 grade if additional time is provided to implement the
102 intervention and support strategies prescribed by the school
103 improvement plan. Notwithstanding this sub-subparagraph, a
104 charter school that earns a second consecutive grade of "F" is
105 subject to subparagraph 4.

106 d.2. A charter school is no longer required to implement a
107 that is placed on probation shall continue the corrective action
108 if it actions required under subparagraph 1. until the charter
109 school improves by at least one letter grade its student
110 performance from the year prior to the implementation of the
111 school improvement plan. However, the charter school must
112 continue to implement strategies identified in the school
113 improvement plan. The sponsor must annually review
114 implementation of the school improvement plan to monitor the
115 school's continued improvement pursuant to subparagraph 5.

116 e. A charter school implementing a corrective action that
117 does not improve by at least one letter grade after 2 full
118 school years of implementing the corrective action must select a
119 different corrective action. Implementation of the new
120 corrective action must begin in the school year following the
121 implementation period of the existing corrective action, unless
122 the sponsor determines that the charter school is likely to
123 improve a letter grade if additional time is provided to
124 implement the existing corrective action. Notwithstanding this
125 sub-subparagraph, a charter school that earns a second
126 consecutive grade of "F" while implementing a corrective action
127 is subject to subparagraph 4.

128 3. A charter school with a grade of "D" or "F" that
129 improves by at least one letter grade must continue to implement



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130 the strategies identified in the school improvement plan. The
131 sponsor must annually review implementation of the school
132 improvement plan to monitor the school's continued improvement
133 pursuant to subparagraph 5.

134 4. The sponsor shall terminate a charter if the charter
135 school earns two consecutive grades of "F" unless:

136 a. The charter school is established to turnaround the
137 performance of a district public school pursuant to s.
138 1008.33(4)(b)3. Such charter schools shall be governed by s.
139 1008.33;

140 b. The charter school serves a student population the
141 majority of which resides in a school zone served by a district
142 public school that earned a grade of "F" in the year before the
143 charter school opened and the charter school earns at least a
144 grade of "D" in its third year of operation. The exception
145 provided under this sub-subparagraph does not apply to a charter
146 school in its fourth year of operation and thereafter; or

147 c. The state board grants the charter school a waiver of
148 termination. The charter school must request the waiver within
149 30 days after completion of school grade appeals. The state
150 board may waive termination if the charter school demonstrates
151 that the learning gains of its students on statewide assessments
152 are comparable to or better than the learning gains of similarly
153 situated students enrolled in nearby district public schools.
154 The waiver is valid for 1 year and may only be granted once.
155 Charter schools that have been in operation for more than 5
156 years are not eligible for a waiver under this sub-subparagraph.

157 ~~3. Notwithstanding any provision of this paragraph, the~~
158 ~~sponsor may terminate the charter at any time pursuant to~~



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159 ~~subsection (8).~~

160 5. (p) The director and a representative of the governing
161 board body of a graded charter school that has implemented
162 submitted a school improvement plan ~~or has been placed on~~
163 ~~probation~~ under this paragraph (e) shall appear before the
164 sponsor ~~or the sponsor's staff~~ at least once a year to present
165 information regarding the progress of intervention and support
166 ~~corrective~~ strategies ~~that are being~~ implemented by the school
167 pursuant to the school improvement plan and corrective actions,
168 if applicable. The sponsor shall communicate at the meeting, and
169 in writing to the director, the services provided to the school
170 to help the school address its deficiencies.

171 6. Notwithstanding any provision of this paragraph except
172 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
173 at any time pursuant to subsection (8).

174 Section 3. Paragraph (b) of subsection (1) of section
175 1002.332, Florida Statutes, is amended to read:

176 1002.332 High-performing charter school system.-

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

178 (b) "High-performing charter school system" means an entity
179 that:

180 1. Operates at least three high-performing charter schools
181 in the state;

182 2. Operates a system of charter schools in which at least
183 50 percent of the charter schools are high-performing charter
184 schools pursuant to s. 1002.331 and no charter school earned
185 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
186 except that:

187 a. If the entity has assumed operation of a public school



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188 pursuant to s. 1008.33(4)(b)3. ~~1008.33(5)(a)3.~~ with a school
189 grade of ~~"D" or~~ "F," that school's grade may ~~shall~~ not be
190 considered in determining high-performing charter school system
191 status for a period of 3 years.

192 b. If the entity establishes a new charter school that
193 serves a student population the majority of which resides in a
194 school zone served by a public school that earned a grade of "F"
195 or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~
196 ~~identified as lowest performing under s. 1008.33(4)(b),~~ that
197 charter school's grade may ~~shall~~ not be considered in
198 determining high-performing charter school system status if it
199 attains and maintains a school grade that is higher than that of
200 the public school serving that school zone within 3 years after
201 establishment; and

202 3. Has not received a financial audit that revealed one or
203 more of the financial emergency conditions set forth in s.
204 218.503(1) for any charter school assumed or established by the
205 entity.

206 Section 4. Paragraph (a) of subsection (2) of section
207 1002.38, Florida Statutes, is amended to read:

208 1002.38 Opportunity Scholarship Program.—

209 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

210 (a) ~~For purposes of this section, a school's grade shall be~~
211 ~~based upon statewide assessments administered pursuant to s.~~
212 ~~1008.22.~~ A public school student's parent may request and
213 receive an opportunity scholarship for the student to enroll in
214 and attend a public school in accordance with the provisions of
215 this section if:

216 1. By assigned school attendance area or by special



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217 assignment, the student has spent the prior school year in
218 attendance at a public school that has earned a grade of "F" or
219 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~
220 ~~designated as performance grade category "D" or "F" and that is~~
221 ~~in one of the two lowest-performing categories pursuant to s.~~
222 ~~1008.33,~~ and the student's attendance occurred during a school
223 year in which such designation was in effect;

224 2. The student has been in attendance elsewhere in the
225 public school system and has been assigned to such school for
226 the next school year; or

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

229 Section 5. Subsections (3) and (7) and paragraph (a) of
230 subsection (8) of section 1008.22, Florida Statutes, are amended
231 to read:

232 1008.22 Student assessment program for public schools.—

233 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
234 design and implement a statewide program of educational
235 assessment that provides information for the improvement of the
236 operation and management of the public schools, including
237 schools operating for the purpose of providing educational
238 services to youth in Department of Juvenile Justice programs.
239 The commissioner may enter into contracts for the continued
240 administration of the assessment, ~~testing, and evaluation~~
241 programs authorized and funded by the Legislature. Contracts may
242 be initiated in 1 fiscal year and continue into the next and may
243 be paid from the appropriations of either or both fiscal years.
244 The commissioner is authorized to negotiate for the sale or
245 lease of tests, scoring protocols, test scoring services, and



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246 related materials developed pursuant to law. Pursuant to the
247 statewide assessment program, the commissioner shall:

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

251 (b) Develop and implement a uniform system of indicators to
252 describe the performance of public school students and the
253 characteristics of the public school districts and the public
254 schools. These indicators must include, ~~without limitation,~~
255 information gathered by the comprehensive management information
256 system created pursuant to s. 1008.385 and student achievement
257 information obtained pursuant to this section.

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

260 1. The Florida Comprehensive Assessment Test (FCAT)
261 measures a student's content knowledge and skills in reading,
262 writing, science, and mathematics. The content knowledge and
263 skills assessed by the FCAT must be aligned to the core
264 curricular content established in the Next Generation Sunshine
265 State Standards. FCAT ~~Other content areas may be included as~~
266 ~~directed by the commissioner. Comprehensive assessments of~~
267 Reading and FCAT Mathematics shall be administered annually in
268 grades 3 through 10 except, beginning with the 2010-2011 school
269 year, the administration of grade 9 FCAT Mathematics shall be
270 discontinued, and beginning with the 2011-2012 school year, the
271 administration of grade 10 FCAT Mathematics shall be
272 discontinued, except as required for students who have not
273 attained minimum performance expectations for graduation as
274 provided in paragraph (9)(c). FCAT Writing and FCAT Science



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275 shall be administered at least once at the elementary, middle,
276 and high school levels except, beginning with the 2011-2012
277 school year, the administration of FCAT Science at the high
278 school level shall be discontinued. Students enrolled in an
279 Algebra I, geometry, or Biology I course or an equivalent course
280 with a statewide, standardized end-of-course assessment are not
281 required to take the corresponding grade-level FCAT assessment.

282 ~~2.a. End-of-course assessments for a subject shall be~~
283 ~~administered in addition to the comprehensive assessments~~
284 ~~required under subparagraph 1.~~ End-of-course assessments must be
285 rigorous, statewide, standardized, and developed or approved by
286 the department. The content knowledge and skills assessed by
287 end-of-course assessments must be aligned to the core curricular
288 content established in the Next Generation Sunshine State
289 Standards.

290 (I) Statewide, standardized end-of-course assessments in
291 mathematics shall be administered according to this sub-sub-
292 subparagraph. Beginning with the 2010-2011 school year, all
293 students enrolled in Algebra I or an equivalent course must take
294 the Algebra I end-of-course assessment. For students entering
295 grade 9 during the 2010-2011 school year and who are enrolled in
296 Algebra I or an equivalent, each student's performance on the
297 end-of-course assessment in Algebra I shall constitute 30
298 percent of the student's final course grade. Beginning with
299 students entering grade 9 in the 2011-2012 school year, a
300 student who is enrolled in Algebra I or an equivalent must earn
301 a passing score on the end-of-course assessment in Algebra I or
302 attain an equivalent score as described in subsection (11) in
303 order to earn course credit. Beginning with the 2011-2012 school



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304 year, all students enrolled in geometry or an equivalent course
305 must take the geometry end-of-course assessment. For students
306 entering grade 9 during the 2011-2012 school year, each
307 student's performance on the end-of-course assessment in
308 geometry shall constitute 30 percent of the student's final
309 course grade. Beginning with students entering grade 9 during
310 the 2012-2013 school year, a student must earn a passing score
311 on the end-of-course assessment in geometry or attain an
312 equivalent score as described in subsection (11) in order to
313 earn course credit.

314 (II) Statewide, standardized end-of-course assessments in
315 science shall be administered according to this sub-sub-
316 subparagraph. Beginning with the 2011-2012 school year, all
317 students enrolled in Biology I or an equivalent course must take
318 the Biology I end-of-course assessment. For the 2011-2012 school
319 year, each student's performance on the end-of-course assessment
320 in Biology I shall constitute 30 percent of the student's final
321 course grade. Beginning with students entering grade 9 during
322 the 2012-2013 school year, a student must earn a passing score
323 on the end-of-course assessment in Biology I in order to earn
324 course credit.

325 b. During the 2012-2013 school year, an end-of-course
326 assessment in civics education shall be administered as a field
327 test at the middle school level. During the 2013-2014 school
328 year, each student's performance on the statewide, standardized
329 end-of-course assessment in civics education shall constitute 30
330 percent of the student's final course grade. Beginning with the
331 2014-2015 school year, a student must earn a passing score on
332 the end-of-course assessment in civics education in order to



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333 pass the course and be promoted from the middle grades. The
334 school principal of a middle school shall determine, in
335 accordance with State Board of Education rule, whether a student
336 who transfers to the middle school and who has successfully
337 completed a civics education course at the student's previous
338 school must take an end-of-course assessment in civics
339 education.

340 c. The commissioner may select one or more nationally
341 developed comprehensive examinations, which may include, but
342 need not be limited to, examinations for a College Board
343 Advanced Placement course, International Baccalaureate course,
344 or Advanced International Certificate of Education course, or
345 industry-approved examinations to earn national industry
346 certifications identified in the Industry Certification Funding
347 List, pursuant to rules adopted by the State Board of Education,
348 for use as end-of-course assessments under this paragraph, if
349 the commissioner determines that the content knowledge and
350 skills assessed by the examinations meet or exceed the grade
351 level expectations for the core curricular content established
352 for the course in the Next Generation Sunshine State Standards.
353 The commissioner may collaborate with the American Diploma
354 Project in the adoption or development of rigorous end-of-course
355 assessments that are aligned to the Next Generation Sunshine
356 State Standards.

357 d. Contingent upon funding provided in the General
358 Appropriations Act, including the appropriation of funds
359 received through federal grants, the Commissioner of Education
360 shall establish an implementation schedule for the development
361 and administration of additional statewide, standardized end-of-



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362 course assessments in English/Language Arts II, Algebra II,
363 chemistry, physics, earth/space science, United States history,
364 and world history. Priority shall be given to the development of
365 end-of-course assessments in English/Language Arts II. The
366 Commissioner of Education shall evaluate the feasibility and
367 effect of transitioning from the grade 9 and grade 10 FCAT
368 Reading and high school level FCAT Writing to an end-of-course
369 assessment in English/Language Arts II. The commissioner shall
370 report the results of the evaluation to the President of the
371 Senate and the Speaker of the House of Representatives no later
372 than July 1, 2011.

373 3. The assessment ~~testing~~ program shall measure student
374 content knowledge and skills adopted by the State Board of
375 Education as specified in paragraph (a) and measure and report
376 student performance levels of all students assessed in reading,
377 writing, mathematics, and science. The commissioner shall
378 provide for the tests to be developed or obtained, as
379 appropriate, through contracts and project agreements with
380 private vendors, public vendors, public agencies, postsecondary
381 educational institutions, or school districts. The commissioner
382 shall obtain input with respect to the design and implementation
383 of the assessment ~~testing~~ program from state educators,
384 assistive technology experts, and the public.

385 4. The assessment ~~testing~~ program shall be composed of
386 criterion-referenced tests that shall, to the extent determined
387 by the commissioner, include test items that require the student
388 to produce information or perform tasks in such a way that the
389 core content knowledge and skills he or she uses can be
390 measured.



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391 5. FCAT Reading, Mathematics, and Science and all
392 statewide, standardized end-of-course assessments shall measure
393 the content knowledge and skills a student has attained on the
394 assessment by the use of scaled scores and achievement levels.
395 Achievement levels shall range from 1 through 5, with level 1
396 being the lowest achievement level, level 5 being the highest
397 achievement level, and level 3 indicating satisfactory
398 performance on an assessment. For purposes of FCAT Writing,
399 student achievement shall be scored using a scale of 1 through 6
400 and the score earned shall be used in calculating school grades.
401 A score shall be designated for each subject area tested, below
402 which score a student's performance is deemed inadequate. The
403 school districts shall provide appropriate remedial instruction
404 to students who score below these levels.

405 6. The State Board of Education shall, by rule, designate a
406 passing score for each part of the grade 10 assessment test and
407 end-of-course assessments. Any rule that has the effect of
408 raising the required passing scores may apply only to students
409 taking the assessment for the first time after the rule is
410 adopted by the State Board of Education. Except as otherwise
411 provided in this subparagraph and as provided in s.
412 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
413 passing score on grade 10 FCAT Reading and grade 10 FCAT
414 Mathematics or attain concordant scores as described in
415 subsection (10) in order to qualify for a standard high school
416 diploma.

417 7. In addition to designating a passing score under
418 subparagraph 6., the State Board of Education shall also
419 designate, by rule, a score for each statewide, standardized



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420 end-of-course assessment which indicates that a student is high
421 achieving and has the potential to meet college-readiness
422 standards by the time the student graduates from high school.

423 8. Participation in the assessment ~~testing~~ program is
424 mandatory for all students attending public school, including
425 students served in Department of Juvenile Justice programs,
426 except as otherwise prescribed by the commissioner. A student
427 who has not earned passing scores on the grade 10 FCAT as
428 provided in subparagraph 6. must participate in each retake of
429 the assessment until the student earns passing scores or
430 achieves scores on a standardized assessment which are
431 concordant with passing scores pursuant to subsection (10). If a
432 student does not participate in the statewide assessment, the
433 district must notify the student's parent and provide the parent
434 with information regarding the implications of such
435 nonparticipation. A parent must provide signed consent for a
436 student to receive classroom instructional accommodations that
437 would not be available or permitted on the statewide assessments
438 and must acknowledge in writing that he or she understands the
439 implications of such instructional accommodations. The State
440 Board of Education shall adopt rules, based upon recommendations
441 of the commissioner, for the provision of test accommodations
442 for students in exceptional education programs and for students
443 who have limited English proficiency. Accommodations that negate
444 the validity of a statewide assessment are not allowable in the
445 administration of the FCAT or an end-of-course assessment.
446 However, instructional accommodations are allowable in the
447 classroom if included in a student's individual education plan.
448 Students using instructional accommodations in the classroom



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449 that are not allowable as accommodations on the FCAT or an end-
450 of-course assessment may have the FCAT or an end-of-course
451 assessment requirement waived pursuant to the requirements of s.
452 1003.428(8)(b) or s. 1003.43(11)(b).

453 9. A student seeking an adult high school diploma must meet
454 the same testing requirements that a regular high school student
455 must meet.

456 10. District school boards must provide instruction to
457 prepare students in the core curricular content established in
458 the Next Generation Sunshine State Standards adopted under s.
459 1003.41, including the core content knowledge and skills
460 necessary for successful grade-to-grade progression and high
461 school graduation. If a student is provided with instructional
462 accommodations in the classroom that are not allowable as
463 accommodations in the statewide assessment program, as described
464 in the test manuals, the district must inform the parent in
465 writing and must provide the parent with information regarding
466 the impact on the student's ability to meet expected performance
467 levels in reading, writing, mathematics, and science. The
468 commissioner shall conduct studies as necessary to verify that
469 the required core curricular content is part of the district
470 instructional programs.

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

475 12. The Department of Education must develop, or select,
476 and implement a common battery of assessment tools that will be
477 used in all juvenile justice programs in the state. These tools



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478 must accurately measure the core curricular content established
479 in the Next Generation Sunshine State Standards.

480 13. For students seeking a special diploma pursuant to s.
481 1003.438, the Department of Education must develop or select and
482 implement an alternate assessment tool that accurately measures
483 the core curricular content established in the Next Generation
484 Sunshine State Standards for students with disabilities under s.
485 1003.438.

486 14. The Commissioner of Education shall establish schedules
487 for the administration of statewide assessments and the
488 reporting of student test results. When establishing the
489 schedules for the administration of statewide assessments, the
490 commissioner shall consider the observance of religious and
491 school holidays. The commissioner shall, by August 1 of each
492 year, notify each school district in writing and publish on the
493 department's Internet website the testing and reporting
494 schedules for, at a minimum, the school year following the
495 upcoming school year. The testing and reporting schedules shall
496 require that:

497 a. There is the latest possible administration of statewide
498 assessments and the earliest possible reporting to the school
499 districts of student test results which is feasible within
500 available technology and specific appropriations; however, test
501 results for the FCAT must be made available no later than the
502 week of June 8. Student results for end-of-course assessments
503 must be provided no later than 1 week after the school district
504 completes testing for each course. The commissioner may extend
505 the reporting schedule under exigent circumstances.

506 b. FCAT Writing may not be administered earlier than the



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507 week of March 1, and a comprehensive statewide assessment of any
508 other subject may not be administered earlier than the week of
509 April 15.

510 c. A statewide, standardized end-of-course assessment is
511 administered at the end of the course. The commissioner shall
512 select an administration period for assessments that meets the
513 intent of end-of-course assessments and provides student results
514 prior to the end of the course. School districts shall
515 administer tests in accordance with the schedule determined by
516 the commissioner. For an end-of-course assessment administered
517 at the end of the first semester, the commissioner shall
518 determine the most appropriate testing dates based on a review
519 of each school district's academic calendar.

520
521 The commissioner may, based on collaboration and input from
522 school districts, design and implement student testing programs,
523 for any grade level and subject area, necessary to effectively
524 monitor educational achievement in the state, including the
525 measurement of educational achievement of the Next Generation
526 Sunshine State Standards for students with disabilities.
527 Development and refinement of assessments shall include
528 universal design principles and accessibility standards that
529 will prevent any unintended obstacles for students with
530 disabilities while ensuring the validity and reliability of the
531 test. These principles should be applicable to all technology
532 platforms and assistive devices available for the assessments.
533 The field testing process and psychometric analyses for the
534 statewide assessment program must include an appropriate
535 percentage of students with disabilities and an evaluation or



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536 determination of the effect of test items on such students.

537 (d) Conduct ongoing research to develop improved methods of
538 assessing student performance, including, without limitation,
539 the use of technology to administer tests, score, or report the
540 results of, the use of electronic transfer of data, the
541 development of work-product assessments, and the development of
542 process assessments.

543 (e) Conduct ongoing research and analysis of student
544 achievement data, including, without limitation, monitoring
545 trends in student achievement by grade level and overall student
546 achievement, identifying school programs that are successful,
547 and analyzing correlates of school achievement.

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

551 (g) Beginning with the 2014-2015 school year, require that
552 all statewide end-of-course assessments ~~shall~~ be administered
553 online.

554 (7) REQUIRED ANALYSES.—The commissioner shall provide, at a
555 minimum, for the following analyses of data produced by the
556 student achievement assessment ~~testing~~ program:

557 (a) The statistical system for the annual assessments shall
558 use measures of student learning, such as the FCAT, to determine
559 teacher, school, and school district statistical distributions,
560 which shall be determined using available data from the FCAT,
561 and other data collection as deemed appropriate by the
562 Department of Education, to measure the differences in student
563 prior year achievement compared to the current year achievement
564 for the purposes of accountability and recognition.



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565 (b) The statistical system shall provide the best estimates
566 of teacher, school, and school district effects on student
567 progress. The approach used by the department shall be approved
568 by the commissioner before implementation.

569 (c) The annual assessment ~~testing~~ program shall be
570 administered to provide for valid statewide comparisons of
571 learning gains to be made for purposes of accountability and
572 recognition. District school boards shall not establish school
573 calendars that jeopardize or limit the valid testing and
574 comparison of student learning gains.

575 (8) LOCAL ASSESSMENTS.—

576 (a) Measurement of the learning gains of students in all
577 subjects and grade levels other than subjects and grade levels
578 required for the state student achievement assessment ~~testing~~
579 program is the responsibility of the school districts.

580 Section 6. Section 1008.33, Florida Statutes, is amended to
581 read:

582 1008.33 Authority to enforce public school improvement.—

583 (1) The State Board of Education shall comply with the
584 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
585 ss. 6301 et seq., ~~and its implementing regulations, and the ESEA~~
586 flexibility waiver approved for Florida by the United States
587 Secretary of Education. ~~The state board of Education is~~
588 ~~authorized to adopt rules in compliance with the ESEA and, after~~
589 ~~evaluating and determining that the ESEA and its implementing~~
590 ~~regulations are consistent with the statements of purpose set~~
591 ~~forth in the ESEA (2002), may adopt rules to maintain compliance~~
592 with the ESEA and the ESEA flexibility waiver.

593 (2) (a) Pursuant to subsection (1) and ss. 1008.34,



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594 1008.345, and 1008.385, the State Board of Education shall hold
595 all school districts and public schools accountable for student
596 performance. The state board is responsible for a state system
597 of school improvement and education accountability that assesses
598 student performance by school, identifies schools in which
599 students are not making adequate progress toward state
600 standards, and institutes appropriate measures for enforcing
601 improvement.

602 (b) The state system of school improvement and education
603 accountability must provide for uniform accountability
604 standards, provide assistance of escalating intensity to low-
605 performing schools, direct support to schools in order to
606 improve and sustain performance, focus on the performance of
607 student subgroups, and enhance student performance.

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

611 (3) (a) The academic performance of all students has a
612 significant effect on the state school system. Pursuant to Art.
613 IX of the State Constitution, which prescribes the duty of the
614 State Board of Education to supervise Florida's public school
615 system, the state board of ~~Education~~ shall equitably enforce the
616 accountability requirements of the state school system and may
617 impose state requirements on school districts in order to
618 improve the academic performance of all districts, schools, and
619 students based upon the provisions of the Florida K-20 Education
620 Code, chapters 1000-1013; ~~and the federal ESEA Elementary and~~
621 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~
622 ~~implementing regulations; and the ESEA flexibility waiver~~



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623 approved for Florida by the United States Secretary of
624 Education.

625 ~~(b) For the purpose of determining whether a public school~~
626 ~~requires action to achieve a sufficient level of school~~
627 ~~improvement, Beginning with the 2011-2012 2010-2011 school year,~~
628 ~~the Department of Education shall annually identify each~~
629 ~~category a public school in need of intervention and support~~
630 ~~to improve student academic performance. All schools earning a~~
631 ~~grade of "D" or "F" pursuant to s. 1008.34 are schools in need~~
632 ~~of intervention and support in one of six categories based on~~
633 ~~the following:~~

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

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

640 (c) The state board shall adopt by rule a differentiated
641 matrix of intervention and support strategies for assisting
642 traditional public schools identified under this section and
643 rules for implementing s. 1002.33(9)(n), relating to charter
644 schools. Appropriate intervention and support strategies shall
645 ~~be applied to schools that require action to achieve a~~
646 ~~sufficient level of improvement as described in paragraph (b).~~
647 The intervention and support strategies must address student
648 performance and may include, including, but not limited to,
649 improvement planning, leadership quality improvement, educator
650 quality improvement, professional development, curriculum
651 alignment and pacing, and the use of continuous improvement and



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652 monitoring plans and processes. In addition, the state board of ~~of~~
653 ~~Education~~ may prescribe reporting requirements to review and
654 monitor the progress of the schools. The rule must define the
655 intervention and support strategies for school improvement for
656 schools earning a grade of "D" or "F" and the roles for the
657 district and department. The rule shall differentiate among
658 schools earning consecutive grades of "D" or "F," or a
659 combination thereof, and provide for more intense monitoring,
660 intervention, and support strategies for these schools.

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

664 ~~(a) Intervention and support strategies shall be applied to~~
665 ~~schools based upon the school categorization pursuant to~~
666 ~~paragraph (3)(b). The Department of Education shall apply the~~
667 ~~most intense intervention strategies to the lowest performing~~
668 ~~schools. For all but the lowest category and "F" schools in the~~
669 ~~second lowest category, the intervention and support strategies~~
670 ~~shall be administered solely by the districts and the schools.~~

671 ~~(b) The lowest-performing schools are schools that are~~
672 ~~categorized pursuant to paragraph (3)(b) and have received:~~

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

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

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

680 ~~b. The percentage of students who are not proficient in~~



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681 ~~mathematics has increased when compared to measurements taken 5~~
682 ~~years previously;~~

683 ~~e. At least 65 percent of the school's students are not~~
684 ~~proficient in reading; or~~

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

687 (4)(5)(a) The state board shall apply the most intense
688 intervention and support strategies to schools earning a grade
689 of "F." In the first full school year after a school is
690 initially earns a grade of "F," identified as a school in the
691 lowest-performing category, the school district must implement
692 intervention and support strategies prescribed in rule under
693 paragraph (3)(c), select a turnaround option from those provided
694 in subparagraphs (b)1.-5., and submit a plan for implementing
695 the turnaround option to the department for approval by the
696 state board. Upon approval by the state board, the turnaround
697 option must be implemented in the following school year.

698 (b) Except as provided in subsection (5), the turnaround
699 options available to a school district to address a school that
700 earns a grade of "F" are a plan, which is subject to approval by
701 the State Board of Education, for implementing one of the
702 following options at the beginning of the next school year. The
703 plan must be implemented unless the school moves from the
704 lowest-performing category:

705 1. Convert the school to a district-managed turnaround
706 school by means that include implementing a turnaround plan
707 approved by the Commissioner of Education which shall become the
708 school's improvement plan;

709 2. Reassign students to another school and monitor the



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710 progress of each reassigned student;

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

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

716 5. Implement a hybrid of turnaround options set forth in
717 subparagraphs 1.-4. or other turnaround models that have a
718 demonstrated record of effectiveness.

719 (c) Except for schools required to implement a turnaround
720 option pursuant to subsection (5), a school earning a grade of
721 "F" shall have a planning year followed by 2 full school years
722 to implement the initial turnaround option selected by the
723 school district and approved by the state board. Implementation
724 of the turnaround option is no longer required if the school
725 improves by at least one letter grade.

726 (d) A school earning a grade of "F" that improves its
727 letter grade must continue to implement strategies identified in
728 its school improvement plan pursuant to s. 1001.42(18)(a). The
729 department must annually review implementation of the school
730 improvement plan for 3 years to monitor the school's continued
731 improvement.

732 (e) ~~(b)~~ If a school earning a grade of "F" does not improve
733 by at least one letter grade after 2 full school years of
734 implementing the turnaround option selected by the school
735 district under ~~move from the lowest-performing category during~~
736 the initial year of implementing one of the options in paragraph
737 (b) ~~(a)~~, the school district must select a different option and
738 submit another implementation a plan to the department for



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739 ~~which is subject to approval by the state board. Implementation~~
740 ~~of the approved plan must begin the State Board of Education,~~
741 ~~for implementing a different option in paragraph (a) at the~~
742 ~~beginning of the next school year following the implementation~~
743 ~~period of the existing turnaround option, unless the state board~~
744 ~~of Education determines that the school is likely to improve a~~
745 ~~letter grade move from the lowest-performing category if~~
746 ~~additional time is provided to implement the existing turnaround~~
747 ~~option intervention and support strategies. The State Board of~~
748 ~~Education shall determine whether a school district may continue~~
749 ~~to implement an option beyond 1 year while a school remains in~~
750 ~~the lowest-performing category.~~

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

756 ~~(5)(7) A school that earns a grade of "F" within 2 years~~
757 ~~after raising its grade from a grade of "F" or that earns a~~
758 ~~grade of "F" within 2 years after exiting the lowest-performing~~
759 ~~category under s. 3, chapter 2009-144, Laws of Florida, must~~
760 ~~implement one of the turnaround options in subparagraphs~~
761 ~~(4)(b)2.-5. Beginning July 1, 2009, the Department of Education~~
762 ~~shall commence its duties under this section.~~

763 ~~(6) A school that earns a grade of "D" for 3 consecutive~~
764 ~~years must implement the district-managed turnaround option~~
765 ~~pursuant to subparagraph (4)(b)1. The school district must~~
766 ~~submit an implementation plan to the department for approval by~~
767 ~~the state board.~~



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768 (7) A school classified in the lowest-performing category
769 under s. 3, chapter 2009-144, Laws of Florida, before July 1,
770 2012, is not required to continue implementing any turnaround
771 option unless the school earns a grade of "F" or a third
772 consecutive "D" for the 2011-2012 school year. A school earning
773 a grade of "F" or a third consecutive "D" for the 2011-2012
774 school year may not restart the number of years it has been low
775 performing by virtue of the 2012 amendments to this section.

776 ~~(8) By July 1, 2010, The state board of Education shall~~
777 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to administer~~
778 ~~this section. The rules shall include timelines for submission~~
779 ~~of implementation plans, approval criteria for implementation~~
780 ~~plans, and timelines for implementing intervention and support~~
781 ~~strategies. The state board shall consult with education~~
782 ~~stakeholders in developing the rules.~~

783 Section 7. Section 1008.34, Florida Statutes, is amended to
784 read:

785 1008.34 School grading system; school report cards;
786 district grade.-

787 (1) ANNUAL REPORTS.—The Commissioner of Education shall
788 prepare annual reports of the results of the statewide
789 assessment program which describe student achievement in the
790 state, each district, and each school. The commissioner shall
791 prescribe the design and content of these reports, which must
792 ~~include, without limitation,~~ descriptions of the performance of
793 all schools participating in the assessment program and all of
794 their major student populations as determined by the
795 commissioner. ~~The report of Education, and~~ must also include the
796 percent of students performing at or above grade level and



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797 making a year's learning growth in a year's time in reading and
798 mathematics. ~~the median scores of all eligible students who~~
799 scored at or in the lowest 25th percentile of the state in the
800 previous school year; provided, however, that The provisions of
801 s. 1002.22 pertaining to student records apply to this section.

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

- 805 (a) "A," schools making excellent progress.
- 806 (b) "B," schools making above average progress.
- 807 (c) "C," schools making satisfactory progress.
- 808 (d) "D," schools making less than satisfactory progress.
- 809 (e) "F," schools failing to make adequate progress.

810
811 Each school that earns ~~designated with~~ a grade of "A," ~~making~~
812 ~~excellent progress,~~ or improves ~~having improved~~ at least two
813 letter grades ~~grade levels,~~ shall have greater authority over
814 the allocation of the school's total budget generated from the
815 FEFP, state categoricals, lottery funds, grants, and local
816 funds, as specified in state board rule. The rule must provide
817 that the increased budget authority shall remain in effect until
818 the school's grade declines.

819 (3) DESIGNATION OF SCHOOL GRADES.—

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

- 823 1. A school shall not receive a school grade if the number
824 of its students tested and included in the school grading system
825 is less than the minimum sample size necessary, based on



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826 accepted professional practice, for statistical reliability and
827 prevention of the unlawful release of personally identifiable
828 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

829 2. An alternative school may choose to receive a school
830 grade under this section or a school improvement rating under s.
831 1008.341. For charter schools that meet the definition of an
832 alternative school pursuant to State Board of Education rule,
833 the decision to receive a school grade is the decision of the
834 charter school governing board.

835 3. A school that serves any combination of students in
836 kindergarten through grade 3 which does not receive a school
837 grade because its students are not tested and included in the
838 school grading system shall receive the school grade designation
839 of a K-3 feeder pattern school identified by the Department of
840 Education and verified by the school district. A school feeder
841 pattern exists if at least 60 percent of the students in the
842 school serving a combination of students in kindergarten through
843 grade 3 are scheduled to be assigned to the graded school.

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

845 a. Student achievement scores, including achievement as
846 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.
847 1008.22(3)(c)1., statewide, standardized end-of-course
848 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b.
849 ~~1008.22(3)(c)2.a.,~~ and achievement scores for students seeking a
850 special diploma.

851 b. Student learning gains in reading and mathematics as
852 measured by FCAT and statewide, standardized end-of-course
853 assessments, as described in s. 1008.22(3)(c)1. and 2.a.,
854 including learning gains for students seeking a special diploma,



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855 as measured by an alternate assessment tool, ~~shall be included~~
856 ~~not later than the 2009-2010 school year.~~

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

861 2. Beginning with the 2011-2012 school year, for schools
862 comprised of middle school grades 6 through 8 or grades 7 and 8,
863 the school's grade shall include the performance and
864 participation of its students enrolled in high school level
865 courses with end-of-course assessments administered under s.
866 1008.22(3)(c)2.a. Performance and participation must be weighted
867 equally. As valid data becomes available, the school grades
868 shall include the students' attainment of national industry
869 certification identified in the Industry Certification Funding
870 List pursuant to rules adopted by the state board of ~~Education.~~

871 3. Beginning with the 2009-2010 school year for schools
872 comprised of high school grades 9, 10, 11, and 12, or grades 10,
873 11, and 12, at least 50 percent of the school grade shall be
874 based on a combination of the factors listed in sub-
875 subparagraphs 1.a.-c. and the remaining percentage ~~50 percent~~ on
876 the following factors:

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

878 b. As valid data becomes available, the performance and
879 participation of the school's students in College Board Advanced
880 Placement courses, International Baccalaureate courses, dual
881 enrollment courses, and Advanced International Certificate of
882 Education courses; and the students' achievement of national
883 industry certification identified in the Industry Certification



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884 Funding List, pursuant to rules adopted by the state board of
885 ~~Education;~~

886 c. Postsecondary readiness of all of the school's on-time
887 graduates ~~students~~ as measured by the SAT, the ACT, the
888 Postsecondary Education Readiness Test, or the common placement
889 test;

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

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

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

898 (c) Student assessment data used in determining school
899 grades shall include:

900 1. The aggregate scores of all eligible students enrolled
901 in the school who have been assessed on the FCAT and statewide,
902 standardized end-of-course assessments in courses required for
903 high school graduation, including, beginning with the 2011-2012
904 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
905 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
906 end-of-course assessments in geometry and Biology I; and
907 beginning with the 2014-2015 ~~2013-2014~~ school year, on the
908 statewide, standardized end-of-course assessment in civics
909 education at the middle school level.

910 2. The aggregate scores of all eligible students enrolled
911 in the school who have been assessed on the FCAT and statewide,
912 standardized end-of-course assessments as described in s.



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913 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
914 percentile of students in the school in reading and mathematics,
915 unless these students are exhibiting satisfactory performance.

916 3. The achievement scores and learning gains of eligible
917 students attending alternative schools that provide dropout
918 prevention and academic intervention services pursuant to s.
919 1003.53. The term "eligible students" in this subparagraph does
920 not include students attending an alternative school who are
921 subject to district school board policies for expulsion for
922 repeated or serious offenses, who are in dropout retrieval
923 programs serving students who have officially been designated as
924 dropouts, or who are in programs operated or contracted by the
925 Department of Juvenile Justice. The student performance data for
926 eligible students identified in this subparagraph shall be
927 included in the calculation of the home school's grade. As used
928 in this subparagraph and s. 1008.341, the term "home school"
929 means the school to which the student would be assigned if the
930 student were not assigned to an alternative school. If an
931 alternative school chooses to be graded under this section,
932 student performance data for eligible students identified in
933 this subparagraph shall not be included in the home school's
934 grade but shall be included only in the calculation of the
935 alternative school's grade. A school district that fails to
936 assign the FCAT and statewide, standardized end-of-course
937 assessment as described in s. 1008.22(3)(c)2.a. scores of each
938 of its students to his or her home school or to the alternative
939 school that receives a grade shall forfeit Florida School
940 Recognition Program funds for 1 fiscal year. School districts
941 must require collaboration between the home school and the



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942 alternative school in order to promote student success. This
943 collaboration must include an annual discussion between the
944 principal of the alternative school and the principal of each
945 student's home school concerning the most appropriate school
946 assignment of the student.

947 4. The achievement scores and learning gains of students
948 designated as hospital- or homebound. Student assessment data
949 for students designated as hospital- or homebound shall be
950 assigned to their home school for the purposes of school grades.
951 As used in this subparagraph, the term "home school" means the
952 school to which a student would be assigned if the student were
953 not assigned to a hospital- or homebound program.

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

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

960 b. The participation rate of all eligible students enrolled
961 in the school and enrolled in College Board Advanced Placement
962 courses; International Baccalaureate courses; dual enrollment
963 courses; Advanced International Certificate of Education
964 courses; and courses or sequences of courses leading to national
965 industry certification identified in the Industry Certification
966 Funding List, pursuant to rules adopted by the State Board of
967 Education;

968 c. The aggregate scores of all eligible students enrolled
969 in the school in College Board Advanced Placement courses,
970 International Baccalaureate courses, and Advanced International



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971 Certificate of Education courses;

972 d. Earning of college credit by all eligible students

973 enrolled in the school in dual enrollment programs under s.

974 1007.271;

975 e. Earning of a national industry certification identified

976 in the Industry Certification Funding List, pursuant to rules

977 adopted by the State Board of Education;

978 f. The aggregate scores of all eligible students enrolled

979 in the school in reading, mathematics, and other subjects as

980 measured by the SAT, the ACT, the Postsecondary Education

981 Readiness Test, and the common placement test for postsecondary

982 readiness;

983 g. The high school graduation rate of all eligible at-risk

984 students enrolled in the school who scored at Level 2 or lower

985 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

986 h. The performance of the school's students on statewide,

987 standardized end-of-course assessments administered under s.

988 1008.22(3)(c)2.c. and d.; and

989 i. The growth or decline in the data components listed in

990 sub-subparagraphs a.-h. from year to year.

991

992 The State Board of Education shall adopt appropriate criteria

993 for each school grade. The criteria must also give added weight

994 to student achievement in reading. Schools earning designated

995 ~~with~~ a grade of "C," making satisfactory progress, shall be

996 required to demonstrate that adequate progress has been made by

997 students in the school who are in the lowest 25th percentile in

998 reading and mathematics on the FCAT and end-of-course

999 assessments as described in s. 1008.22(3)(c)2.a., unless these



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1000 students are exhibiting satisfactory performance. ~~Beginning with~~
1001 ~~the 2009-2010 school year~~ For schools comprised of high school
1002 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria
1003 for school grades must also give added weight to the graduation
1004 rate of all eligible at-risk students, ~~as defined in this~~
1005 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for
1006 a high school to earn ~~be designated as having~~ a grade of "A,"
1007 ~~making excellent progress,~~ the school must demonstrate that its
1008 at-risk students, as defined in this paragraph, ~~in the school~~
1009 are making adequate progress.

1010 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
1011 identify each school's performance as having improved, remained
1012 the same, or declined. This school improvement rating shall be
1013 based on a comparison of the current year's and previous year's
1014 student and school performance data. A school ~~Schools~~ that
1015 improves its rating by ~~improve~~ at least one ~~grade~~ level is ~~are~~
1016 eligible for school recognition awards pursuant to s. 1008.36.

1017 (5) SCHOOL REPORT CARD.—The Department of Education shall
1018 annually develop, in collaboration with the school districts, a
1019 school report card to be provided by the school district
1020 ~~delivered~~ to parents within the ~~throughout each school~~ district.
1021 The report card shall include the school's grade, information
1022 regarding school improvement, an explanation of school
1023 performance as evaluated by the federal Elementary and Secondary
1024 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~
1025 ~~Behind Act of 2001~~, and indicators of return on investment. Each
1026 school's report card shall be published annually by the
1027 department on its website, ~~and the school district shall provide~~
1028 ~~the school report card to each parent.~~



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1029 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor
1030 in the performance of schools in calculating any performance-
1031 based funding policy that is provided for annually in the
1032 General Appropriations Act.

1033 (7) DISTRICT GRADE.—The annual report required by
1034 subsection (1) shall include the school district's grade. A
1035 school district's grade shall be calculated using student
1036 performance and learning gains data on statewide assessments
1037 used for determining school grades under subparagraph (3)(b)1.
1038 for each eligible student enrolled for a full school year in the
1039 district. This calculation methodology captures each eligible
1040 student in the district who may have transferred among schools
1041 within the district or is enrolled in a school that does not
1042 receive a grade district grades, which shall consist of weighted
1043 district average grades, by level, for all elementary schools,
1044 middle schools, and high schools in the district. A district's
1045 weighted average grade shall be calculated by weighting
1046 individual school grades determined pursuant to subsection (2)
1047 by school enrollment.

1048 (8) RULES.—The State Board of Education shall adopt rules
1049 under ss. 120.536(1) and 120.54 to administer this section.

1050 Section 8. Paragraph (d) of subsection (6) and paragraph
1051 (b) of subsection (7) of section 1008.345, Florida Statutes, are
1052 amended to read:

1053 1008.345 Implementation of state system of school
1054 improvement and education accountability.—

1055 (6)

1056 (d) The commissioner shall assign a community assessment
1057 team to each school district or governing board with a school



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1058 that earned a grade of ~~graded~~ "F" or three consecutive grades of
1059 "D" pursuant to s. 1008.34 ~~a school in the lowest-performing~~
1060 ~~category pursuant to s. 1008.33~~ to review the school performance
1061 data and determine causes for the low performance, including the
1062 role of school, area, and district administrative personnel. The
1063 community assessment team shall review a high school's
1064 graduation rate calculated without GED tests for the past 3
1065 years, disaggregated by student ethnicity. The team shall make
1066 recommendations to the school board or the governing board and
1067 to the State Board of Education which address the causes of the
1068 school's low performance and may be incorporated into the school
1069 improvement plan. The assessment team shall include, but not be
1070 limited to, a department representative, parents, business
1071 representatives, educators, representatives of local
1072 governments, and community activists, and shall represent the
1073 demographics of the community from which they are appointed.

1074 (7) As a part of the system of educational accountability,
1075 the Department of Education shall:

1076 (b) Administer the statewide assessment ~~testing~~ program
1077 created by s. 1008.22.

1078 Section 9. Section 1012.07, Florida Statutes, is amended to
1079 read:

1080 1012.07 Identification of critical teacher shortage areas.-
1081 The term "critical teacher shortage area" means high-need
1082 content areas and high-priority location areas identified by the
1083 State Board of Education. The State Board of Education shall
1084 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
1085 annually identify critical teacher shortage areas. The state
1086 board must consider current and emerging educational



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1087 requirements and workforce demands in determining critical
1088 teacher shortage areas. School grade levels may also be
1089 designated critical teacher shortage areas. Individual district
1090 school boards may identify and submit other critical teacher
1091 shortage areas. Such submissions must be aligned to current and
1092 emerging educational requirements and workforce demands in order
1093 to be approved by the State Board of Education. High-priority
1094 location areas shall be in high-density, low-economic urban
1095 schools; low-density, low-economic rural schools; and schools
1096 that earned a grade of "F" or three consecutive grades of "D"
1097 pursuant to s. 1008.34 ~~identified as lowest performing under s.~~
1098 ~~1008.33 (4) (b).~~

1099 Section 10. Paragraph (c) of subsection (1) of section
1100 1012.22, Florida Statutes, is amended to read:

1101 1012.22 Public school personnel; powers and duties of the
1102 district school board.—The district school board shall:

1103 (1) Designate positions to be filled, prescribe
1104 qualifications for those positions, and provide for the
1105 appointment, compensation, promotion, suspension, and dismissal
1106 of employees as follows, subject to the requirements of this
1107 chapter:

1108 (c) *Compensation and salary schedules.*—

1109 1. Definitions.—As used in this paragraph:

1110 a. "Adjustment" means an addition to the base salary
1111 schedule that is not a bonus and becomes part of the employee's
1112 permanent base salary and shall be considered compensation under
1113 s. 121.021(22).

1114 b. "Grandfathered salary schedule" means the salary
1115 schedule or schedules adopted by a district school board before



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1116 July 1, 2014, pursuant to subparagraph 4.
1117 c. "Instructional personnel" means instructional personnel
1118 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1119 teachers.
1120 d. "Performance salary schedule" means the salary schedule
1121 or schedules adopted by a district school board pursuant to
1122 subparagraph 5.
1123 e. "Salary schedule" means the schedule or schedules used
1124 to provide the base salary for district school board personnel.
1125 f. "School administrator" means a school administrator as
1126 defined in s. 1012.01(3)(c).
1127 g. "Supplement" means an annual addition to the base salary
1128 for the term of the negotiated supplement as long as the
1129 employee continues his or her employment for the purpose of the
1130 supplement. A supplement does not become part of the employee's
1131 continuing base salary but shall be considered compensation
1132 under s. 121.021(22).
1133 2. Cost-of-living adjustment.—A district school board may
1134 provide a cost-of-living salary adjustment if the adjustment:
1135 a. Does not discriminate among comparable classes of
1136 employees based upon the salary schedule under which they are
1137 compensated.
1138 b. Does not exceed 50 percent of the annual adjustment
1139 provided to instructional personnel rated as effective.
1140 3. Advanced degrees.—A district school board may not use
1141 advanced degrees in setting a salary schedule for instructional
1142 personnel or school administrators hired on or after July 1,
1143 2011, unless the advanced degree is held in the individual's
1144 area of certification and is only a salary supplement.



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1145 4. Grandfathered salary schedule.—

1146 a. The district school board shall adopt a salary schedule
1147 or salary schedules to be used as the basis for paying all
1148 school employees hired before July 1, 2014. Instructional
1149 personnel on annual contract as of July 1, 2014, shall be placed
1150 on the performance salary schedule adopted under subparagraph 5.
1151 Instructional personnel on continuing contract or professional
1152 service contract may opt into the performance salary schedule if
1153 the employee relinquishes such contract and agrees to be
1154 employed on an annual contract under s. 1012.335. Such an
1155 employee shall be placed on the performance salary schedule and
1156 may not return to continuing contract or professional service
1157 contract status. Any employee who opts into the performance
1158 salary schedule may not return to the grandfathered salary
1159 schedule.

1160 b. In determining the grandfathered salary schedule for
1161 instructional personnel, a district school board must base a
1162 portion of each employee's compensation upon performance
1163 demonstrated under s. 1012.34 and shall provide differentiated
1164 pay for both instructional personnel and school administrators
1165 based upon district-determined factors, including, but not
1166 limited to, additional responsibilities, school demographics,
1167 critical shortage areas, and level of job performance
1168 difficulties.

1169 5. Performance salary schedule.—By July 1, 2014, the
1170 district school board shall adopt a performance salary schedule
1171 that provides annual salary adjustments for instructional
1172 personnel and school administrators based upon performance
1173 determined under s. 1012.34. Employees hired on or after July 1,



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1174 2014, or employees who choose to move from the grandfathered
1175 salary schedule to the performance salary schedule shall be
1176 compensated pursuant to the performance salary schedule once
1177 they have received the appropriate performance evaluation for
1178 this purpose. However, a classroom teacher whose performance
1179 evaluation utilizes student learning growth measures established
1180 under s. 1012.34(7)(e) shall remain under the grandfathered
1181 salary schedule until his or her teaching assignment changes to
1182 a subject for which there is an assessment or the school
1183 district establishes equally appropriate measures of student
1184 learning growth as defined under s. 1012.34 and rules of the
1185 State Board of Education.

1186 a. Base salary.—The base salary shall be established as
1187 follows:

1188 (I) The base salary for instructional personnel or school
1189 administrators who opt into the performance salary schedule
1190 shall be the salary paid in the prior year, including
1191 adjustments only.

1192 (II) Beginning July 1, 2014, instructional personnel or
1193 school administrators new to the district, returning to the
1194 district after a break in service without an authorized leave of
1195 absence, or appointed for the first time to a position in the
1196 district in the capacity of instructional personnel or school
1197 administrator shall be placed on the performance salary
1198 schedule.

1199 b. Salary adjustments.—Salary adjustments for highly
1200 effective or effective performance shall be established as
1201 follows:

1202 (I) The annual salary adjustment under the performance



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1203 salary schedule for an employee rated as highly effective must
1204 be greater than the highest annual salary adjustment available
1205 to an employee of the same classification through any other
1206 salary schedule adopted by the district.

1207 (II) The annual salary adjustment under the performance
1208 salary schedule for an employee rated as effective must be equal
1209 to at least 50 percent and no more than 75 percent of the annual
1210 adjustment provided for a highly effective employee of the same
1211 classification.

1212 (III) The performance salary schedule shall not provide an
1213 annual salary adjustment for an employee who receives a rating
1214 other than highly effective or effective for the year.

1215 c. Salary supplements.—In addition to the salary
1216 adjustments, each district school board shall provide for salary
1217 supplements for activities that must include, but are not
1218 limited to:

1219 (I) Assignment to a Title I eligible school.

1220 (II) Assignment to a school that earned a grade of "F" or
1221 three consecutive grades of "D" pursuant to s. 1008.34 ~~in the~~
1222 ~~bottom two categories of the school improvement system under s.~~
1223 ~~1008.33~~ such that the supplement remains in force for at least 1
1224 year following improved performance in that school.

1225 (III) Certification and teaching in critical teacher
1226 shortage areas. Statewide critical teacher shortage areas shall
1227 be identified by the State Board of Education under s. 1012.07.
1228 However, the district school board may identify other areas of
1229 critical shortage within the school district for purposes of
1230 this sub-sub-subparagraph and may remove areas identified by the
1231 state board which do not apply within the school district.



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1232 (IV) Assignment of additional academic responsibilities.

1233
1234 If budget constraints in any given year limit a district school
1235 board's ability to fully fund all adopted salary schedules, the
1236 performance salary schedule shall not be reduced on the basis of
1237 total cost or the value of individual awards in a manner that is
1238 proportionally greater than reductions to any other salary
1239 schedules adopted by the district.

1240 Section 11. Subsection (2) of section 1012.2315, Florida
1241 Statutes, is amended to read:

1242 1012.2315 Assignment of teachers.-

1243 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
1244 ~~IN NEED OF IMPROVEMENT~~.-School districts may not assign a higher
1245 percentage than the school district average of temporarily
1246 certified teachers, teachers in need of improvement, or out-of-
1247 field teachers to schools graded "D" or "F" pursuant to s.
1248 1008.34 ~~in one of the three lowest-performing categories under~~
1249 ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to
1250 the Commissioner of Education that this requirement has been
1251 met. If the commissioner determines that a school district is
1252 not in compliance with this subsection, the State Board of
1253 Education shall be notified and shall take action pursuant to s.
1254 1008.32 in the next regularly scheduled meeting to require
1255 compliance.

1256 Section 12. This act shall take effect July 1, 2012.

1257
1258 ===== T I T L E A M E N D M E N T =====

1259 And the title is amended as follows:

1260 Delete everything before the enacting clause



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1261 and insert:

1262 A bill to be entitled
1263 An act relating to school improvement and education
1264 accountability; amending s. 1001.42, F.S.; requiring a
1265 school improvement plan to include strategies for
1266 improving student achievement under certain
1267 circumstances; revising provisions relating to
1268 eligibility for an opportunity scholarship; amending
1269 s. 1002.33, F.S.; revising provisions requiring a
1270 charter school to implement a school improvement plan
1271 to raise student achievement; revising corrective
1272 actions to be selected and implemented by a charter
1273 school; providing requirements for implementation of
1274 corrective actions and intervention and support
1275 strategies identified in a school improvement plan;
1276 providing for termination of a charter school not
1277 making continuous improvement unless it meets
1278 specified criteria; amending s. 1002.332, F.S.;
1279 conforming provisions; amending s. 1002.38, F.S.;
1280 revising provisions relating to eligibility for an
1281 opportunity scholarship; amending s. 1008.22, F.S.;
1282 revising provisions relating to the statewide student
1283 assessment program; providing that certain end-of-
1284 course assessments replace corresponding FCAT
1285 assessments; amending s. 1008.33, F.S.; revising
1286 provisions relating to the State Board of Education's
1287 authority to enforce public school improvement;
1288 requiring the state board to comply with the federal
1289 flexibility waiver approved by the United States



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1290 Secretary of Education; requiring the Department of
1291 Education to annually identify each school in need of
1292 intervention and support to improve student academic
1293 performance, basing the need for intervention and
1294 support on school grades; providing requirements for
1295 state board rules for intervention and support
1296 strategies for school improvement; deleting department
1297 duties relating to the categorization of low-
1298 performing schools; providing state board, school
1299 district, and school requirements for implementing
1300 strategies and turnaround options to improve school
1301 performance; revising turnaround options available to
1302 a school district and requiring state board approval
1303 of the option selected for implementation; providing
1304 certain exceptions; requiring the state board to adopt
1305 rules relating to plans for implementing turnaround
1306 options; amending s. 1008.34, F.S.; revising
1307 provisions relating to the school grading system;
1308 revising the contents of the annual report of the
1309 results of the statewide assessment program; revising
1310 certain criteria upon which school grades are based;
1311 revising the basis for calculating a school district's
1312 grade; amending ss. 1008.345, 1012.07, 1012.22, and
1313 1012.2315, F.S.; conforming provisions; providing an
1314 effective date.