

By Senator Montford

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1 A bill to be entitled
2 An act relating to accountability in public schools;
3 amending s. 1002.332, F.S., relating to the high-
4 performing charter school system; conforming
5 provisions and cross-references to changes made by the
6 act; amending s. 1008.22, F.S.; providing that
7 students who are enrolled in high school courses
8 requiring end-of-course assessments are not required
9 to take the corresponding statewide comprehensive
10 assessments; deleting an obsolete date; amending s.
11 1008.33, F.S.; requiring that the State Board of
12 Education comply with the federal Elementary and
13 Secondary Education Act, including any waivers
14 approved under that act; requiring that the Department
15 of Education annually identify a public school based
16 on the school's grade designated pursuant to s.
17 1008.34, F.S., for the purpose of determining whether
18 the school requires intervention and support
19 strategies for improvement; requiring that the
20 department apply the most intense intervention
21 strategies to schools that are identified as having a
22 grade of "F" or schools that are consistently
23 performing below the acceptable standards; requiring
24 that a school district implement the district-managed
25 turnaround plan and meet the plan's requirements if
26 the school district has a school identified as having
27 a grade of "D" for 3 consecutive years; deleting
28 provisions categorizing the lowest-performing schools;
29 requiring that a school district select a turnaround

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30 plan option and submit a plan for approval by the
31 State Board of Education; requiring that the school
32 district implement the approved plan within 2 school
33 years after the school has been identified as having a
34 grade of "F"; providing that a school district may
35 implement a combination of the available options or
36 select another turnaround plan that has a demonstrated
37 record of effectiveness; requiring that a school
38 district submit another plan if a school does not
39 improve and achieve a grade of "C" or does not meet
40 the performance targets adopted by the State Board of
41 Education; requiring that the plan be implemented at
42 the beginning of the next school year after the
43 implementation period of the previous option;
44 providing exceptions; providing that implementation of
45 the turnaround option is no longer required when a
46 school achieves a grade of "C" and meets the
47 performance targets; requiring that the State Board of
48 Education establish and adopt performance targets in
49 reading and mathematics; authorizing a school district
50 to submit a request to the Department of Education for
51 a hold status to implement a turnaround plan option in
52 a school beyond the 2-year implementation period;
53 requiring that the department grant the request if
54 certain conditions are met; prohibiting a school from
55 remaining in a hold status for more than 2 years;
56 requiring that a school identified as having a grade
57 of "F" before July 1, 2012, continue to implement the
58 turnaround option; amending s. 1008.34, F.S.; revising

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59 provisions relating to the designation of school
60 grades; deleting obsolete dates for including the
61 learning gains of students seeking special diplomas;
62 extending dates relating to student assessment data;
63 requiring that a high school demonstrate that the
64 graduation rate of its at-risk students is increasing
65 in order to be designated as having a grade of "A";
66 requiring that district grades be calculated based on
67 the student achievement and learning gains data used
68 for calculating school grades, including students who
69 are enrolled for a full school year in each school
70 district and who meet other criteria for purposes of
71 designating school grades; amending ss. 1012.07 and
72 1012.2315, F.S.; conforming provisions and cross-
73 references to changes made by the act; providing an
74 effective date.

75

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

77

78 Section 1. Paragraph (b) of subsection (1) of section
79 1002.332, Florida Statutes, is amended to read:

80 1002.332 High-performing charter school system.—

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

82 (b) "High-performing charter school system" means an entity
83 that:

84 1. Operates at least three high-performing charter schools
85 in the state;

86 2. Operates a system of charter schools in which at least
87 50 percent of the charter schools are high-performing charter

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88 schools pursuant to s. 1002.331 and in which none have been
 89 designated as having no charter school received a school grade
 90 of "D" or "F" pursuant to s. 1008.34, except that:

91 a. If the entity has assumed operation of a public school
 92 pursuant to s. 1008.33(5)(b)3. which has been identified as
 93 having 1008.33(5)(a)3. with a school grade of "D" or "F," the
 94 public that school's grade may shall not be considered in
 95 determining high-performing charter school system status for a
 96 period of 3 years.

97 b. If the entity establishes a new charter school that
 98 serves a student population the majority of which resides in a
 99 school zone served by a public school that is identified as
 100 having a grade of "F" or is consistently performing below the
 101 acceptable standards as provided in lowest-performing under s.
 102 1008.33(4) 1008.33(4)(b), that charter school's grade may shall
 103 not be considered in determining high-performing charter school
 104 system status if it attains and maintains a school grade that is
 105 higher than that of the public school serving that school zone
 106 within 3 years after establishment; and

107 3. Has not received a financial audit that revealed one or
 108 more of the financial emergency conditions set forth in s.
 109 218.503(1) for any charter school assumed or established by the
 110 entity.

111 Section 2. Paragraph (c) of subsection (3) of section
 112 1008.22, Florida Statutes, is amended to read:

113 1008.22 Student assessment program for public schools.—

114 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 115 design and implement a statewide program of educational
 116 assessment that provides information for the improvement of the

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117 operation and management of the public schools, including
118 schools operating for the purpose of providing educational
119 services to youth in Department of Juvenile Justice programs.
120 The commissioner may enter into contracts for the continued
121 administration of the assessment, testing, and evaluation
122 programs authorized and funded by the Legislature. Contracts may
123 be initiated in 1 fiscal year and continue into the next and may
124 be paid from the appropriations of either or both fiscal years.
125 The commissioner is authorized to negotiate for the sale or
126 lease of tests, scoring protocols, test scoring services, and
127 related materials developed pursuant to law. Pursuant to the
128 statewide assessment program, the commissioner shall:

129 (c) Develop and implement a student achievement testing
130 program as follows:

131 1. The Florida Comprehensive Assessment Test (FCAT)
132 measures a student's content knowledge and skills in reading,
133 writing, science, and mathematics. The content knowledge and
134 skills assessed by the FCAT must be aligned to the core
135 curricular content established in the Next Generation Sunshine
136 State Standards. Other content areas may be included as directed
137 by the commissioner. Comprehensive assessments of reading and
138 mathematics shall be administered annually in grades 3 through
139 10 except, beginning with the 2010-2011 school year, the
140 administration of grade 9 FCAT Mathematics shall be
141 discontinued, and beginning with the 2011-2012 school year, the
142 administration of grade 10 FCAT Mathematics shall be
143 discontinued, except as required for students who have not
144 attained minimum performance expectations for graduation as
145 provided in paragraph (9) (c). FCAT Writing and FCAT Science

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146 shall be administered at least once at the elementary, middle,
147 and high school levels except, beginning with the 2011-2012
148 school year, the administration of FCAT Science at the high
149 school level shall be discontinued.

150 2.a. End-of-course assessments for a subject shall be
151 administered in addition to the comprehensive assessments
152 required under subparagraph 1. However, students who are
153 enrolled in high school courses requiring end-of-course
154 assessments are not required to take the corresponding statewide
155 comprehensive assessments. End-of-course assessments must be
156 rigorous, statewide, standardized, and developed or approved by
157 the department. The content knowledge and skills assessed by
158 end-of-course assessments must be aligned to the core curricular
159 content established in the Next Generation Sunshine State
160 Standards.

161 (I) Statewide, standardized end-of-course assessments in
162 mathematics shall be administered according to this sub-sub-
163 subparagraph. Beginning with the 2010-2011 school year, all
164 students enrolled in Algebra I or an equivalent course must take
165 the Algebra I end-of-course assessment. For students entering
166 grade 9 during the 2010-2011 school year and who are enrolled in
167 Algebra I or an equivalent course, each student's performance on
168 the end-of-course assessment in Algebra I shall constitute 30
169 percent of the student's final course grade. Beginning with
170 students entering grade 9 in the 2011-2012 school year, a
171 student who is enrolled in Algebra I or an equivalent course
172 must earn a passing score on the end-of-course assessment in
173 Algebra I or attain an equivalent score as described in
174 subsection (11) in order to earn course credit. Beginning with

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175 the 2011-2012 school year, all students enrolled in geometry or
176 an equivalent course must take the geometry end-of-course
177 assessment. For students entering grade 9 during the 2011-2012
178 school year, each student's performance on the end-of-course
179 assessment in geometry shall constitute 30 percent of the
180 student's final course grade. Beginning with students entering
181 grade 9 during the 2012-2013 school year, a student must earn a
182 passing score on the end-of-course assessment in geometry or
183 attain an equivalent score as described in subsection (11) in
184 order to earn course credit.

185 (II) Statewide, standardized end-of-course assessments in
186 science shall be administered according to this sub-sub-
187 subparagraph. Beginning with the 2011-2012 school year, all
188 students enrolled in Biology I or an equivalent course must take
189 the Biology I end-of-course assessment. For the 2011-2012 school
190 year, each student's performance on the end-of-course assessment
191 in Biology I shall constitute 30 percent of the student's final
192 course grade. Beginning with students entering grade 9 during
193 the 2012-2013 school year, a student must earn a passing score
194 on the end-of-course assessment in Biology I in order to earn
195 course credit.

196 b. During the 2012-2013 school year, an end-of-course
197 assessment in civics education shall be administered as a field
198 test at the middle school level. During the 2013-2014 school
199 year, each student's performance on the statewide, standardized
200 end-of-course assessment in civics education shall constitute 30
201 percent of the student's final course grade. Beginning with the
202 2014-2015 school year, a student must earn a passing score on
203 the end-of-course assessment in civics education in order to

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204 pass the course and be promoted from the middle grades. The
205 school principal of a middle school shall determine, in
206 accordance with State Board of Education rule, whether a student
207 who transfers to the middle school and who has successfully
208 completed a civics education course at the student's previous
209 school must take an end-of-course assessment in civics
210 education.

211 c. The commissioner may select one or more nationally
212 developed comprehensive examinations, which may include, but
213 need not be limited to, examinations for a College Board
214 Advanced Placement course, International Baccalaureate course,
215 or Advanced International Certificate of Education course, or
216 industry-approved examinations to earn national industry
217 certifications identified in the Industry Certification Funding
218 List, pursuant to rules adopted by the State Board of Education,
219 for use as end-of-course assessments under this paragraph, if
220 the commissioner determines that the content knowledge and
221 skills assessed by the examinations meet or exceed the grade
222 level expectations for the core curricular content established
223 for the course in the Next Generation Sunshine State Standards.
224 The commissioner may collaborate with the American Diploma
225 Project in the adoption or development of rigorous end-of-course
226 assessments that are aligned to the Next Generation Sunshine
227 State Standards.

228 d. Contingent upon funding provided in the General
229 Appropriations Act, including the appropriation of funds
230 received through federal grants, the Commissioner of Education
231 shall establish an implementation schedule for the development
232 and administration of additional statewide, standardized end-of-

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233 course assessments in English/Language Arts II, Algebra II,
234 chemistry, physics, earth/space science, United States history,
235 and world history. Priority shall be given to the development of
236 end-of-course assessments in English/Language Arts II. The
237 Commissioner of Education shall evaluate the feasibility and
238 effect of transitioning from the grade 9 and grade 10 FCAT
239 Reading and high school level FCAT Writing to an end-of-course
240 assessment in English/Language Arts II. The commissioner shall
241 report the results of the evaluation to the President of the
242 Senate and the Speaker of the House of Representatives ~~no later~~
243 ~~than July 1, 2011.~~

244 3. The testing program shall measure student content
245 knowledge and skills adopted by the State Board of Education as
246 specified in paragraph (a) and measure and report student
247 performance levels of all students assessed in reading, writing,
248 mathematics, and science. The commissioner shall provide for the
249 tests to be developed or obtained, as appropriate, through
250 contracts and project agreements with private vendors, public
251 vendors, public agencies, postsecondary educational
252 institutions, or school districts. The commissioner shall obtain
253 input with respect to the design and implementation of the
254 testing program from state educators, assistive technology
255 experts, and the public.

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

261 5. FCAT Reading, Mathematics, and Science and all

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262 statewide, standardized end-of-course assessments shall measure
263 the content knowledge and skills a student has attained on the
264 assessment by the use of scaled scores and achievement levels.
265 Achievement levels shall range from 1 through 5, with level 1
266 being the lowest achievement level, level 5 being the highest
267 achievement level, and level 3 indicating satisfactory
268 performance on an assessment. For purposes of FCAT Writing,
269 student achievement shall be scored using a scale of 1 through 6
270 and the score earned shall be used in calculating school grades.
271 A score shall be designated for each subject area tested, below
272 which score a student's performance is deemed inadequate. The
273 school districts shall provide appropriate remedial instruction
274 to students who score below these levels.

275 6. The State Board of Education shall, by rule, designate a
276 passing score for each part of the grade 10 assessment test and
277 end-of-course assessments. Any rule that has the effect of
278 raising the required passing scores may apply only to students
279 taking the assessment for the first time after the rule is
280 adopted by the State Board of Education. Except as otherwise
281 provided in this subparagraph and as provided in s.

282 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
283 passing score on grade 10 FCAT Reading and grade 10 FCAT
284 Mathematics or attain concordant scores as described in
285 subsection (10) in order to qualify for a standard high school
286 diploma.

287 7. In addition to designating a passing score under
288 subparagraph 6., the State Board of Education shall also
289 designate, by rule, a score for each statewide, standardized
290 end-of-course assessment which indicates that a student is high

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291 achieving and has the potential to meet college-readiness
292 standards by the time the student graduates from high school.

293 8. Participation in the testing program is mandatory for
294 all students attending public school, including students served
295 in Department of Juvenile Justice programs, except as otherwise
296 prescribed by the commissioner. A student who has not earned
297 passing scores on the grade 10 FCAT as provided in subparagraph
298 6. must participate in each retake of the assessment until the
299 student earns passing scores or achieves scores on a
300 standardized assessment which are concordant with passing scores
301 pursuant to subsection (10). If a student does not participate
302 in the statewide assessment, the district must notify the
303 student's parent and provide the parent with information
304 regarding the implications of such nonparticipation. A parent
305 must provide signed consent for a student to receive classroom
306 instructional accommodations that would not be available or
307 permitted on the statewide assessments and must acknowledge in
308 writing that he or she understands the implications of such
309 instructional accommodations. The State Board of Education shall
310 adopt rules, based upon recommendations of the commissioner, for
311 the provision of test accommodations for students in exceptional
312 education programs and for students who have limited English
313 proficiency. Accommodations that negate the validity of a
314 statewide assessment are not allowable in the administration of
315 the FCAT or an end-of-course assessment. However, instructional
316 accommodations are allowable in the classroom if included in a
317 student's individual education plan. Students using
318 instructional accommodations in the classroom which ~~that~~ are not
319 allowable as accommodations on the FCAT or an end-of-course

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320 assessment may have the FCAT or an end-of-course assessment
321 requirement waived pursuant to the requirements of s.
322 1003.428(8)(b) or s. 1003.43(11)(b).

323 9. A student seeking an adult high school diploma must meet
324 the same testing requirements that a regular high school student
325 must meet.

326 10. District school boards must provide instruction to
327 prepare students in the core curricular content established in
328 the Next Generation Sunshine State Standards adopted under s.
329 1003.41, including the core content knowledge and skills
330 necessary for successful grade-to-grade progression and high
331 school graduation. If a student is provided with instructional
332 accommodations in the classroom which ~~that~~ are not allowable as
333 accommodations in the statewide assessment program, as described
334 in the test manuals, the district must inform the parent in
335 writing and must provide the parent with information regarding
336 the impact on the student's ability to meet expected performance
337 levels in reading, writing, mathematics, and science. The
338 commissioner shall conduct studies as necessary to verify that
339 the required core curricular content is part of the district
340 instructional programs.

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

345 12. The Department of Education must develop, or select,
346 and implement a common battery of assessment tools that will be
347 used in all juvenile justice programs in the state. These tools
348 must accurately measure the core curricular content established

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349 in the Next Generation Sunshine State Standards.

350 13. For students seeking a special diploma pursuant to s.
351 1003.438, the Department of Education must develop or select and
352 implement an alternate assessment tool that accurately measures
353 the core curricular content established in the Next Generation
354 Sunshine State Standards for students with disabilities under s.
355 1003.438.

356 14. The Commissioner of Education shall establish schedules
357 for the administration of statewide assessments and the
358 reporting of student test results. When establishing the
359 schedules for the administration of statewide assessments, the
360 commissioner shall consider the observance of religious and
361 school holidays. The commissioner shall, by August 1 of each
362 year, notify each school district in writing and publish on the
363 department's Internet website the testing and reporting
364 schedules for, at a minimum, the school year following the
365 upcoming school year. The testing and reporting schedules shall
366 require that:

367 a. There is the latest possible administration of statewide
368 assessments and the earliest possible reporting to the school
369 districts of student test results which is feasible within
370 available technology and specific appropriations; however, test
371 results for the FCAT must be made available no later than the
372 week of June 8. Student results for end-of-course assessments
373 must be provided no later than 1 week after the school district
374 completes testing for each course. The commissioner may extend
375 the reporting schedule under exigent circumstances.

376 b. FCAT Writing may not be administered earlier than the
377 week of March 1, and a comprehensive statewide assessment of any

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378 other subject may not be administered earlier than the week of
379 April 15.

380 c. A statewide, standardized end-of-course assessment is
381 administered at the end of the course. The commissioner shall
382 select an administration period for assessments that meets the
383 intent of end-of-course assessments and provides student results
384 prior to the end of the course. School districts shall
385 administer tests in accordance with the schedule determined by
386 the commissioner. For an end-of-course assessment administered
387 at the end of the first semester, the commissioner shall
388 determine the most appropriate testing dates based on a review
389 of each school district's academic calendar.

390

391 The commissioner may, based on collaboration and input from
392 school districts, design and implement student testing programs,
393 for any grade level and subject area, necessary to effectively
394 monitor educational achievement in the state, including the
395 measurement of educational achievement of the Next Generation
396 Sunshine State Standards for students with disabilities.

397 Development and refinement of assessments shall include
398 universal design principles and accessibility standards that
399 will prevent any unintended obstacles for students with
400 disabilities while ensuring the validity and reliability of the
401 test. These principles shall ~~should~~ be applicable to all
402 technology platforms and assistive devices available for the
403 assessments. The field testing process and psychometric analyses
404 for the statewide assessment program must include an appropriate
405 percentage of students with disabilities and an evaluation or
406 determination of the effect of test items on such students.

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407 Section 3. Section 1008.33, Florida Statutes, is amended to
408 read:

409 1008.33 Authority to enforce public school improvement.—

410 (1) The State Board of Education shall comply with the
411 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
412 ss. 6301 et seq., including any waivers approved under the act,
413 and its implementing regulations. The State Board of Education
414 is authorized to adopt rules in compliance with the ESEA and,
415 after evaluating and determining that the ESEA and its
416 implementing regulations are consistent with the statements of
417 purpose set forth in the ESEA (2002), may adopt rules to
418 maintain compliance with the ESEA, including any waivers
419 approved under the act.

420 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
421 1008.345, and 1008.385, the State Board of Education shall hold
422 all school districts and public schools accountable for student
423 performance. The state board is responsible for a state system
424 of school improvement and education accountability that assesses
425 student performance by school, identifies schools in which
426 students are not making adequate progress toward state
427 standards, and institutes appropriate measures for enforcing
428 improvement.

429 (b) The state system of school improvement and education
430 accountability must provide for uniform accountability
431 standards, provide assistance of escalating intensity to low-
432 performing schools, direct support to schools in order to
433 improve and sustain performance, focus on the performance of
434 student subgroups, and enhance student performance.

435 (c) School districts must be held accountable for improving

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436 the academic achievement of all students and for identifying and
437 turning around low-performing schools.

438 (3) (a) The academic performance of all students has a
439 significant effect on the state school system. Pursuant to Art.
440 IX of the State Constitution, which prescribes the duty of the
441 State Board of Education to supervise Florida's public school
442 system, the State Board of Education shall equitably enforce the
443 accountability requirements of the state school system and may
444 impose state requirements on school districts in order to
445 improve the academic performance of all districts, schools, and
446 students based upon the provisions of the Florida K-20 Education
447 Code, chapters 1000-1013, and the federal Elementary and
448 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., including
449 any waivers approved under the act, and its implementing
450 regulations.

451 (b) For the purpose of determining whether a public school
452 requires action to achieve a sufficient level of school
453 improvement, beginning with the 2012-2013 ~~2010-2011~~ school year,
454 the Department of Education shall annually identify ~~Categorize~~ a
455 public school ~~in one of six categories~~ based on the following:

456 ~~1. a school's grade based upon statewide assessments~~
457 ~~administered pursuant to s. 1008.34 1008.22; and~~

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

462 (c) Appropriate intervention and support strategies shall
463 be applied to schools that require action to achieve a
464 sufficient level of improvement ~~as described in paragraph (b).~~

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465 The intervention and support strategies must address student
466 performance, including, but not limited to, improvement
467 planning, leadership quality improvement, educator quality
468 improvement, professional development, curriculum alignment and
469 pacing, and the use of continuous improvement and monitoring
470 plans and processes. The State Board of Education may prescribe
471 reporting requirements to review and monitor the progress of the
472 schools.

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

476 ~~(a)~~ Intervention and support strategies shall be applied to
477 a school ~~schools~~ based upon the school's grade ~~school~~
478 ~~categorization~~ pursuant to s. 1008.34 ~~paragraph (3)(b)~~. The
479 Department of Education shall apply the most intense
480 intervention strategies to ~~the lowest-performing~~ schools that
481 are identified as having a grade of "F" and are consistently
482 performing below the acceptable standards. A school district
483 that has a school identified as having a grade of "D" for 3
484 consecutive years must implement the district-managed turnaround
485 plan and must meet all of the plan's requirements pursuant to a
486 timeline prescribed by rule. For all but the lowest category and
487 "F" schools in the second lowest category, the intervention and
488 support strategies shall be administered solely by the districts
489 and the schools.

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

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

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

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

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

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

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

506 (5) (a) If ~~In~~ the school year after a school is initially
507 identified as having a grade of "F" ~~a school in the lowest-~~
508 ~~performing category~~, the school district must select one of the
509 options in paragraph (b) and submit a plan, which is subject to
510 approval by the State Board of Education, pursuant to a timeline
511 prescribed by rule ~~for implementing one of the following options~~
512 ~~at the beginning of the next school year.~~ The school district
513 shall implement the approved plan in the school within 2 school
514 years after being identified as having a grade of "F." ~~The plan~~
515 ~~must be implemented unless the school moves from the lowest-~~
516 ~~performing category:~~

517 (b) A school district shall select one of the following
518 options to address a school identified as having a grade of "F":

519 1. Convert the school to a district-managed turnaround
520 school by means that include implementing a turnaround plan
521 approved by the Commissioner of Education which shall become the
522 school's improvement plan;

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

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

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

530 5. Implement a combination of the options in subparagraphs
531 1.-4. or another turnaround plan that has a demonstrated record
532 of effectiveness.

533 ~~(c) (b)~~ If a school does not improve so that it is
534 identified as having a grade of "C" and does not meet the
535 performance targets in reading and mathematics adopted by the
536 State Board of Education during the implementation of the
537 turnaround plan ~~move from the lowest-performing category during~~
538 ~~the initial year of implementing one of the options in paragraph~~
539 ~~(a),~~ the school district must submit another a plan, which is
540 subject to approval by the State Board of Education, for
541 implementing a different option in paragraph (b) ~~(a)~~. The
542 approved plan must be implemented at the beginning of the next
543 school year after the implementation period of the previous
544 option, unless the school qualifies for a hold status pursuant
545 to subsection (7) or the State Board of Education determines
546 that the school is likely to improve so that it is identified as
547 having a grade of "C" and will meet the performance targets in
548 reading and mathematics adopted by the State Board of Education
549 ~~move from the lowest-performing category~~ if additional time is
550 provided to implement intervention and support strategies. ~~The~~
551 ~~State Board of Education shall determine whether a school~~

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552 ~~district may continue to implement an option beyond 1 year while~~
553 ~~a school remains in the lowest performing category.~~

554 (6) (a) Implementation of a turnaround plan option as
555 provided in paragraph (5) (b) is no longer required when a school
556 identified as having a grade of "F" achieves a grade of "C" and
557 meets the performance targets in reading and mathematics. In
558 ~~order to advance to a higher category, a school must make~~
559 ~~significant progress by improving its school grade and by~~
560 ~~increasing student performance in mathematics and reading.~~
561 ~~Student performance must be evaluated for each student subgroup~~
562 ~~as set forth in paragraph (3) (b).~~

563 (b) The State Board of Education shall establish and adopt
564 performance targets in reading and mathematics which a school
565 must meet in order to achieve a higher grade.

566 (c) The performance targets in reading and mathematics
567 shall be established and adopted in the year during which a
568 school is identified as having a grade of "F." The performance
569 targets may not change until the school is identified as having
570 a grade of "C" and meets the performance targets.

571 (7) (a) A school district may submit a request to the
572 Department of Education for a hold status authorizing the school
573 district to implement a turnaround plan option in a school
574 beyond the 2-year implementation period.

575 (b) The department shall grant a school district's request
576 for a hold status when:

- 577 1. The school improves a letter grade; or
578 2. The performance targets in reading and mathematics are
579 met.

580 (c) A school may not remain in a hold status for more than

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581 2 school years. The school district must implement the approved
582 plan in the school at the beginning of the school year after the
583 expiration of the hold status, unless the State Board of
584 Education determines that the school is likely to improve so
585 that it is identified as having a grade of "C" and will meet the
586 performance targets in reading and mathematics adopted by the
587 State Board of Education if additional time is provided to
588 implement intervention and support strategies.

589 (8) A school identified as having a grade of "F" before
590 July 1, 2012, shall continue to implement a turnaround plan
591 option provided in paragraph (5) (b), unless the school improves
592 so that it is identified as having a grade of "C" and meets the
593 performance targets in reading and mathematics adopted for the
594 2012 school year or it meets the exit criteria previously set
595 forth in administrative rule.

596 (9)~~(7)~~ Beginning July 1, 2009, the Department of Education
597 shall commence its duties under this section.

598 (10)~~(8)~~ ~~By July 1, 2010,~~ The State Board of Education shall
599 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
600 this section. The state board shall consult with education
601 stakeholders in developing the rules.

602 Section 4. Paragraphs (b) and (c) of subsection (3) and
603 subsection (7) of section 1008.34, Florida Statutes, are amended
604 to read:

605 1008.34 School grading system; school report cards;
606 district grade.—

607 (3) DESIGNATION OF SCHOOL GRADES.—

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

609 a. Student achievement scores, including achievement on all

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610 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-
611 course assessments administered under s. 1008.22(3)(c)2.a., and
612 achievement scores for students seeking a special diploma.

613 b. Student learning gains in reading and mathematics as
614 measured by FCAT and end-of-course assessments, as described in
615 s. 1008.22(3)(c)1. and 2.a. The learning gains for students
616 seeking a special diplomas ~~diploma~~, as measured by an alternate
617 assessment tool, shall be included ~~not later than the 2009-2010~~
618 ~~school year~~.

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

623 2. Beginning with the 2011-2012 school year, for schools
624 comprised of middle school grades 6 through 8 or grades 7 and 8,
625 the school's grade shall include the performance and
626 participation of its students enrolled in high school level
627 courses with end-of-course assessments administered under s.
628 1008.22(3)(c)2.a. Performance and participation must be weighted
629 equally. As valid data becomes available, the school grades
630 shall include the students' attainment of national industry
631 certification identified in the Industry Certification Funding
632 List pursuant to rules adopted by the State Board of Education.

633 3. Beginning with the 2009-2010 school year for schools
634 comprised of high school grades 9, 10, 11, and 12, or grades 10,
635 11, and 12, 50 percent of the school grade shall be based on a
636 combination of the factors listed in sub-subparagraphs 1.a.-c.
637 and the remaining 50 percent on the following factors:

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

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639 b. As valid data becomes available, the performance and
640 participation of the school's students in College Board Advanced
641 Placement courses, International Baccalaureate courses, dual
642 enrollment courses, and Advanced International Certificate of
643 Education courses; and the students' achievement of national
644 industry certification identified in the Industry Certification
645 Funding List, pursuant to rules adopted by the State Board of
646 Education;

647 c. The postsecondary readiness of the school's students who
648 graduate on time as measured by the SAT, ACT, or the common
649 placement test;

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

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

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

658 (c) Student assessment data used in determining school
659 grades shall include:

660 1. The aggregate scores of all eligible students enrolled
661 in the school who have been assessed on the FCAT and statewide,
662 standardized end-of-course assessments in courses required for
663 high school graduation, including, beginning with the 2011-2012
664 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
665 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
666 end-of-course assessments in geometry and Biology; and beginning
667 with the 2014-2015 ~~2013-2014~~ school year, on the statewide,

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668 standardized end-of-course assessment in civics education at the
669 middle school level.

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

676 3. The achievement scores and learning gains of eligible
677 students attending alternative schools that provide dropout
678 prevention and academic intervention services pursuant to s.
679 1003.53. The term "eligible students" in this subparagraph does
680 not include students attending an alternative school who are
681 subject to district school board policies for expulsion for
682 repeated or serious offenses, who are in dropout retrieval
683 programs serving students who have officially been designated as
684 dropouts, or who are in programs operated or contracted by the
685 Department of Juvenile Justice. The student performance data for
686 eligible students identified in this subparagraph shall be
687 included in the calculation of the home school's grade. As used
688 in this subparagraph and s. 1008.341, the term "home school"
689 means the school to which the student would be assigned if the
690 student were not assigned to an alternative school. If an
691 alternative school chooses to be graded under this section,
692 student performance data for eligible students identified in
693 this subparagraph shall not be included in the home school's
694 grade but shall be included only in the calculation of the
695 alternative school's grade. A school district that fails to
696 assign the FCAT and end-of-course assessment as described in s.

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697 1008.22(3)(c)2.a. scores of each of its students to his or her
698 home school or to the alternative school that receives a grade
699 shall forfeit Florida School Recognition Program funds for 1
700 fiscal year. School districts must require collaboration between
701 the home school and the alternative school in order to promote
702 student success. This collaboration must include an annual
703 discussion between the principal of the alternative school and
704 the principal of each student's home school concerning the most
705 appropriate school assignment of the student.

706 4. The achievement scores and learning gains of students
707 designated as hospital- or homebound. Student assessment data
708 for students designated as hospital- or homebound shall be
709 assigned to their home school for the purposes of school grades.
710 As used in this subparagraph, the term "home school" means the
711 school to which a student would be assigned if the student were
712 not assigned to a hospital- or homebound program.

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

717 a. The high school graduation rate of the school as
718 calculated by the Department of Education;

719 b. The participation rate of all eligible students enrolled
720 in the school and enrolled in College Board Advanced Placement
721 courses; International Baccalaureate courses; dual enrollment
722 courses; Advanced International Certificate of Education
723 courses; and courses or sequences of courses leading to national
724 industry certification identified in the Industry Certification
725 Funding List, pursuant to rules adopted by the State Board of

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726 Education;

727 c. The aggregate scores of all eligible students enrolled
728 in the school in College Board Advanced Placement courses,
729 International Baccalaureate courses, and Advanced International
730 Certificate of Education courses;

731 d. Earning of college credit by all eligible students
732 enrolled in the school in dual enrollment programs under s.
733 1007.271;

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

737 f. The aggregate scores of all eligible students enrolled
738 in the school in reading, mathematics, and other subjects as
739 measured by the SAT, the ACT, and the common placement test for
740 postsecondary readiness;

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

744 h. The performance of the school's students on statewide
745 standardized end-of-course assessments administered under s.
746 1008.22(3)(c)2.c. and d.; and

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

749

750 The State Board of Education shall adopt appropriate criteria
751 for each school grade. The criteria must also give added weight
752 to student achievement in reading. Schools designated with a
753 grade of "C," making satisfactory progress, shall be required to
754 demonstrate that adequate progress has been made by students in

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755 the school who are in the lowest 25th percentile in reading and
756 mathematics on the FCAT and end-of-course assessments as
757 described in s. 1008.22(3)(c)2.a., unless these students are
758 exhibiting satisfactory performance. Beginning with the 2009-
759 2010 school year for schools comprised of high school grades 9,
760 10, 11, and 12, or grades 10, 11, and 12, the criteria for
761 school grades must also give added weight to the graduation rate
762 of all eligible at-risk students, as defined in rule this
763 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for
764 a high school to be designated as having a grade of "A," making
765 excellent progress, the school must demonstrate that the
766 graduation rate of its at-risk students, as defined in rule this
767 ~~paragraph, is increasing in the school are making adequate~~
768 ~~progress.~~

769 (7) DISTRICT GRADE.—The annual report required by
770 subsection (1) shall include district grades that, which shall
771 be calculated based on the student achievement and learning
772 gains data used for calculating school grades, including
773 students who are enrolled for a full school year in each school
774 district and who meet other criteria for purposes of designating
775 school grades consist of weighted district average grades, by
776 level, for all elementary schools, middle schools, and high
777 schools in the district. A district's weighted average grade
778 shall be calculated by weighting individual school grades
779 determined pursuant to subsection (2) by school enrollment.

780 Section 5. Section 1012.07, Florida Statutes, is amended to
781 read:

782 1012.07 Identification of critical teacher shortage areas.—
783 The term "critical teacher shortage area" means high-need

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784 content areas and high-priority location areas identified by the
785 State Board of Education. The State Board of Education shall
786 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
787 annually identify critical teacher shortage areas. The state
788 board must consider current and emerging educational
789 requirements and workforce demands in determining critical
790 teacher shortage areas. School grade levels may also be
791 designated critical teacher shortage areas. Individual district
792 school boards may identify and submit other critical teacher
793 shortage areas. Such submissions must be aligned to current and
794 emerging educational requirements and workforce demands in order
795 to be approved by the State Board of Education. High-priority
796 location areas shall be in high-density, low-economic urban
797 schools; low-density, low-economic rural schools; and schools
798 identified as having a grade of "F" or schools that are
799 consistently performing below the acceptable standards ~~lowest~~
800 ~~performing~~ under s. 1008.33(4) ~~1008.33(4)(b)~~.

801 Section 6. Subsection (2) of section 1012.2315, Florida
802 Statutes, is amended to read:

803 1012.2315 Assignment of teachers.—

804 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
805 IMPROVEMENT.—School districts may not assign a higher percentage
806 than the school district average of temporarily certified
807 teachers, teachers in need of improvement, or out-of-field
808 teachers to schools based upon the schools' grades designated
809 pursuant to ~~in one of the three lowest performing categories~~
810 ~~under~~ s. 1008.34 ~~1008.33(3)(b)~~. Each school district shall
811 annually certify to the Commissioner of Education that this
812 requirement has been met. If the commissioner determines that a

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813 school district is not in compliance with this subsection, the
814 State Board of Education shall be notified and shall take action
815 pursuant to s. 1008.32 in the next regularly scheduled meeting
816 to require compliance.

817 Section 7. This act shall take effect upon becoming a law.