

By the Committee on Education Pre-K - 12; and Senator Montford

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1 A bill to be entitled
2 An act relating to school improvement and
3 accountability; amending s. 1008.22, F.S.; revising
4 the duties of the Commissioner of Education which
5 relate to the statewide assessment program; revising
6 provisions relating to the development and
7 implementation of a student achievement assessment
8 program; amending s. 1008.33, F.S.; requiring that the
9 State Board of Education comply with the federal
10 Elementary and Secondary Education Act flexibility
11 waiver approved by the United States Secretary of
12 Education; requiring that the Department of Education
13 annually identify each public school in need of
14 intervention and support to improve student academic
15 performance; requiring that the State Board of
16 Education establish by rule a matrix of intervention
17 and support strategies for assisting public schools
18 and charter schools; deleting provisions requiring the
19 Department of Education to create a matrix reflecting
20 intervention and support strategies for the lowest-
21 performing schools; requiring that the state board
22 apply the most intense intervention and support
23 strategies to schools earning a grade of "F";
24 providing turnaround options for school districts to
25 address such schools; providing exceptions for schools
26 classified in the lowest-performing category;
27 requiring that the state board adopt rules that
28 include timelines for submitting implementation plans;
29 amending s. 1008.34, F.S.; revising provisions

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30 relating to the school grading system; requiring that
31 the annual report of the results of the statewide
32 assessment program prepared by the Commissioner of
33 Education include the percentage of students
34 performing at or above grade level; revising
35 provisions relating to the criteria for the
36 designation of school grades; requiring that a school
37 district communicate a school report card to parents
38 throughout the school district; amending s. 1001.42,
39 F.S.; revising the powers and duties of district
40 school boards relating to school improvement plans and
41 opportunity scholarships; amending s. 1002.33, F.S.;
42 revising provisions relating to charter school
43 requirements to conform to changes made by the act;
44 amending s. 1002.332, F.S.; conforming cross-
45 references and provisions to changes made by the act;
46 amending s. 1002.38, F.S.; revising provisions
47 relating to the eligibility for opportunity
48 scholarships to conform to changes made by the act;
49 amending ss. 1008.345, 1012.07, 1012.22, and
50 1012.2315, F.S.; conforming provisions to changes made
51 by the act; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsection (3) of section 1008.22, Florida
56 Statutes, is amended to read:

57 1008.22 Student assessment program for public schools.—

58 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall

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59 design and implement a statewide program of educational
60 assessment that provides information for the improvement of the
61 operation and management of the public schools, including
62 schools operating for the purpose of providing educational
63 services to youth in Department of Juvenile Justice programs.
64 The commissioner may enter into contracts for the continued
65 administration of the assessment, ~~testing, and evaluation~~
66 programs authorized and funded by the Legislature. Contracts may
67 be initiated in 1 fiscal year and continue into the next and may
68 be paid from the appropriations of either or both fiscal years.
69 The commissioner is authorized to negotiate for the sale or
70 lease of tests, scoring protocols, test scoring services, and
71 related materials developed pursuant to law. Pursuant to the
72 statewide assessment program, the commissioner shall:

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

76 (b) Develop and implement a uniform system of indicators to
77 describe the performance of public school students and the
78 characteristics of the public school districts and the public
79 schools. These indicators must include, ~~without limitation,~~
80 information gathered by the comprehensive management information
81 system created pursuant to s. 1008.385 and student achievement
82 information obtained pursuant to this section.

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

85 1. The Florida Comprehensive Assessment Test (FCAT)
86 measures a student's content knowledge and skills in reading,
87 writing, science, and mathematics. The content knowledge and

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88 skills assessed by the FCAT must be aligned to the core
89 curricular content established in the Next Generation Sunshine
90 State Standards. ~~FCAT Other content areas may be included as~~
91 ~~directed by the commissioner. Comprehensive assessments of~~
92 reading and mathematics shall be administered annually in grades
93 3 through 10 except, beginning with the 2010-2011 school year,
94 the administration of grade 9 FCAT Mathematics shall be
95 discontinued, and beginning with the 2011-2012 school year, the
96 administration of grade 10 FCAT Mathematics shall be
97 discontinued, except as required for students who have not
98 attained minimum performance expectations for graduation as
99 provided in paragraph (9) (c). FCAT Writing and FCAT Science
100 shall be administered at least once at the elementary, middle,
101 and high school levels except, beginning with the 2011-2012
102 school year, the administration of FCAT Science at the high
103 school level shall be discontinued. Students enrolled in an
104 Algebra I, Geometry, or Biology I course or an equivalent course
105 with a statewide, standardized end-of-course assessment are not
106 required to take the corresponding grade-level FCAT assessment.

107 ~~2.a. End-of-course assessments for a subject shall be~~
108 ~~administered in addition to the comprehensive assessments~~
109 ~~required under subparagraph 1.~~ End-of-course assessments must be
110 rigorous, statewide, standardized, and developed or approved by
111 the department. The content knowledge and skills assessed by
112 end-of-course assessments must be aligned to the core curricular
113 content established in the Next Generation Sunshine State
114 Standards.

115 (I) Statewide, standardized end-of-course assessments in
116 mathematics shall be administered according to this sub-sub-

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117 subparagraph. Beginning with the 2010-2011 school year, all
118 students enrolled in Algebra I or an equivalent course must take
119 the Algebra I end-of-course assessment. For students entering
120 grade 9 during the 2010-2011 school year and who are enrolled in
121 Algebra I or an equivalent, each student's performance on the
122 end-of-course assessment in Algebra I shall constitute 30
123 percent of the student's final course grade. Beginning with
124 students entering grade 9 in the 2011-2012 school year, a
125 student who is enrolled in Algebra I or an equivalent must earn
126 a passing score on the end-of-course assessment in Algebra I or
127 attain an equivalent score as described in subsection (11) in
128 order to earn course credit. Beginning with the 2011-2012 school
129 year, all students enrolled in geometry or an equivalent course
130 must take the geometry end-of-course assessment. For students
131 entering grade 9 during the 2011-2012 school year, each
132 student's performance on the end-of-course assessment in
133 geometry shall constitute 30 percent of the student's final
134 course grade. Beginning with students entering grade 9 during
135 the 2012-2013 school year, a student must earn a passing score
136 on the end-of-course assessment in geometry or attain an
137 equivalent score as described in subsection (11) in order to
138 earn course credit.

139 (II) Statewide, standardized end-of-course assessments in
140 science shall be administered according to this sub-sub-
141 subparagraph. Beginning with the 2011-2012 school year, all
142 students enrolled in Biology I or an equivalent course must take
143 the Biology I end-of-course assessment. For the 2011-2012 school
144 year, each student's performance on the end-of-course assessment
145 in Biology I shall constitute 30 percent of the student's final

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146 course grade. Beginning with students entering grade 9 during
147 the 2012-2013 school year, a student must earn a passing score
148 on the end-of-course assessment in Biology I in order to earn
149 course credit.

150 b. During the 2012-2013 school year, an end-of-course
151 assessment in civics education shall be administered as a field
152 test at the middle school level. During the 2013-2014 school
153 year, each student's performance on the statewide, standardized
154 end-of-course assessment in civics education shall constitute 30
155 percent of the student's final course grade. Beginning with the
156 2014-2015 school year, a student must earn a passing score on
157 the end-of-course assessment in civics education in order to
158 pass the course and be promoted from the middle grades. The
159 school principal of a middle school shall determine, in
160 accordance with State Board of Education rule, whether a student
161 who transfers to the middle school and who has successfully
162 completed a civics education course at the student's previous
163 school must take an end-of-course assessment in civics
164 education.

165 c. The commissioner may select one or more nationally
166 developed comprehensive examinations, which may include, but
167 need not be limited to, examinations for a College Board
168 Advanced Placement course, International Baccalaureate course,
169 or Advanced International Certificate of Education course, or
170 industry-approved examinations to earn national industry
171 certifications identified in the Industry Certification Funding
172 List, pursuant to rules adopted by the State Board of Education,
173 for use as end-of-course assessments under this paragraph, if
174 the commissioner determines that the content knowledge and

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175 skills assessed by the examinations meet or exceed the grade
176 level expectations for the core curricular content established
177 for the course in the Next Generation Sunshine State Standards.
178 The commissioner may collaborate with the American Diploma
179 Project in the adoption or development of rigorous end-of-course
180 assessments that are aligned to the Next Generation Sunshine
181 State Standards.

182 d. Contingent upon funding provided in the General
183 Appropriations Act, including the appropriation of funds
184 received through federal grants, the Commissioner of Education
185 shall establish an implementation schedule for the development
186 and administration of additional statewide, standardized end-of-
187 course assessments in English/Language Arts II, Algebra II,
188 chemistry, physics, earth/space science, United States history,
189 and world history. Priority shall be given to the development of
190 end-of-course assessments in English/Language Arts II. The
191 Commissioner of Education shall evaluate the feasibility and
192 effect of transitioning from the grade 9 and grade 10 FCAT
193 Reading and high school level FCAT Writing to an end-of-course
194 assessment in English/Language Arts II. The commissioner shall
195 report the results of the evaluation to the President of the
196 Senate and the Speaker of the House of Representatives no later
197 than July 1, 2011.

198 3. The testing program shall measure student content
199 knowledge and skills adopted by the State Board of Education as
200 specified in paragraph (a) and measure and report student
201 performance levels of all students assessed in reading, writing,
202 mathematics, and science. The commissioner shall provide for the
203 tests to be developed or obtained, as appropriate, through

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204 contracts and project agreements with private vendors, public
205 vendors, public agencies, postsecondary educational
206 institutions, or school districts. The commissioner shall obtain
207 input with respect to the design and implementation of the
208 testing program from state educators, assistive technology
209 experts, and the public.

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

215 5. FCAT Reading, Mathematics, and Science and all
216 statewide, standardized end-of-course assessments shall measure
217 the content knowledge and skills a student has attained on the
218 assessment by the use of scaled scores and achievement levels.
219 Achievement levels shall range from 1 through 5, with level 1
220 being the lowest achievement level, level 5 being the highest
221 achievement level, and level 3 indicating satisfactory
222 performance on an assessment. For purposes of FCAT Writing,
223 student achievement shall be scored using a scale of 1 through 6
224 and the score earned shall be used in calculating school grades.
225 A score shall be designated for each subject area tested, below
226 which score a student's performance is deemed inadequate. The
227 school districts shall provide appropriate remedial instruction
228 to students who score below these levels.

229 6. The State Board of Education shall, by rule, designate a
230 passing score for each part of the grade 10 assessment test and
231 end-of-course assessments. Any rule that has the effect of
232 raising the required passing scores may apply only to students

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233 taking the assessment for the first time after the rule is
234 adopted by the State Board of Education. Except as otherwise
235 provided in this subparagraph and as provided in s.
236 1003.428(8) (b) or s. 1003.43(11) (b), students must earn a
237 passing score on grade 10 FCAT Reading and grade 10 FCAT
238 Mathematics or attain concordant scores as described in
239 subsection (10) in order to qualify for a standard high school
240 diploma.

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

247 8. Participation in the testing program is mandatory for
248 all students attending public school, including students served
249 in Department of Juvenile Justice programs, except as otherwise
250 prescribed by the commissioner. A student who has not earned
251 passing scores on the grade 10 FCAT as provided in subparagraph
252 6. must participate in each retake of the assessment until the
253 student earns passing scores or achieves scores on a
254 standardized assessment which are concordant with passing scores
255 pursuant to subsection (10). If a student does not participate
256 in the statewide assessment, the district must notify the
257 student's parent and provide the parent with information
258 regarding the implications of such nonparticipation. A parent
259 must provide signed consent for a student to receive classroom
260 instructional accommodations that would not be available or
261 permitted on the statewide assessments and must acknowledge in

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262 writing that he or she understands the implications of such
263 instructional accommodations. The State Board of Education shall
264 adopt rules, based upon recommendations of the commissioner, for
265 the provision of test accommodations for students in exceptional
266 education programs and for students who have limited English
267 proficiency. Accommodations that negate the validity of a
268 statewide assessment are not allowable in the administration of
269 the FCAT or an end-of-course assessment. However, instructional
270 accommodations are allowable in the classroom if included in a
271 student's individual education plan. Students using
272 instructional accommodations in the classroom that are not
273 allowable as accommodations on the FCAT or an end-of-course
274 assessment may have the FCAT or an end-of-course assessment
275 requirement waived pursuant to the requirements of s.
276 1003.428(8)(b) or s. 1003.43(11)(b).

277 9. A student seeking an adult high school diploma must meet
278 the same testing requirements that a regular high school student
279 must meet.

280 10. District school boards must provide instruction to
281 prepare students in the core curricular content established in
282 the Next Generation Sunshine State Standards adopted under s.
283 1003.41, including the core content knowledge and skills
284 necessary for successful grade-to-grade progression and high
285 school graduation. If a student is provided with instructional
286 accommodations in the classroom that are not allowable as
287 accommodations in the statewide assessment program, as described
288 in the test manuals, the district must inform the parent in
289 writing and must provide the parent with information regarding
290 the impact on the student's ability to meet expected performance

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291 levels in reading, writing, mathematics, and science. The
292 commissioner shall conduct studies as necessary to verify that
293 the required core curricular content is part of the district
294 instructional programs.

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

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

304 13. For students seeking a special diploma pursuant to s.
305 1003.438, the Department of Education must develop or select and
306 implement an alternate assessment tool that accurately measures
307 the core curricular content established in the Next Generation
308 Sunshine State Standards for students with disabilities under s.
309 1003.438.

310 14. The Commissioner of Education shall establish schedules
311 for the administration of statewide assessments and the
312 reporting of student test results. When establishing the
313 schedules for the administration of statewide assessments, the
314 commissioner shall consider the observance of religious and
315 school holidays. The commissioner shall, by August 1 of each
316 year, notify each school district in writing and publish on the
317 department's Internet website the testing and reporting
318 schedules for, at a minimum, the school year following the
319 upcoming school year. The testing and reporting schedules shall

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320 require that:

321 a. There is the latest possible administration of statewide
322 assessments and the earliest possible reporting to the school
323 districts of student test results which is feasible within
324 available technology and specific appropriations; however, test
325 results for the FCAT must be made available no later than the
326 week of June 8. Student results for end-of-course assessments
327 must be provided no later than 1 week after the school district
328 completes testing for each course. The commissioner may extend
329 the reporting schedule under exigent circumstances.

330 b. FCAT Writing may not be administered earlier than the
331 week of March 1, and a comprehensive statewide assessment of any
332 other subject may not be administered earlier than the week of
333 April 15.

334 c. A statewide, standardized end-of-course assessment is
335 administered at the end of the course. The commissioner shall
336 select an administration period for assessments that meets the
337 intent of end-of-course assessments and provides student results
338 prior to the end of the course. School districts shall
339 administer tests in accordance with the schedule determined by
340 the commissioner. For an end-of-course assessment administered
341 at the end of the first semester, the commissioner shall
342 determine the most appropriate testing dates based on a review
343 of each school district's academic calendar.

344

345 The commissioner may, based on collaboration and input from
346 school districts, design and implement student testing programs,
347 for any grade level and subject area, necessary to effectively
348 monitor educational achievement in the state, including the

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349 measurement of educational achievement of the Next Generation
350 Sunshine State Standards for students with disabilities.
351 Development and refinement of assessments shall include
352 universal design principles and accessibility standards that
353 will prevent any unintended obstacles for students with
354 disabilities while ensuring the validity and reliability of the
355 test. These principles should be applicable to all technology
356 platforms and assistive devices available for the assessments.
357 The field testing process and psychometric analyses for the
358 statewide assessment program must include an appropriate
359 percentage of students with disabilities and an evaluation or
360 determination of the effect of test items on such students.

361 (d) Conduct ongoing research to develop improved methods of
362 assessing student performance, including, without limitation,
363 the use of technology to administer tests, score, or report the
364 results of, the use of electronic transfer of data, the
365 development of work-product assessments, and the development of
366 process assessments.

367 (e) Conduct ongoing research and analysis of student
368 achievement data, including, without limitation, monitoring
369 trends in student achievement by grade level and overall student
370 achievement, identifying school programs that are successful,
371 and analyzing correlates of school achievement.

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

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

377 Section 2. Section 1008.33, Florida Statutes, is amended to

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378 read:

379 1008.33 Authority to enforce public school improvement.—

380 (1) The State Board of Education shall comply with the
381 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
382 ss. 6301 et seq., ~~and its implementing regulations, and the ESEA~~
383 flexibility waiver approved for Florida by the United States
384 Secretary of Education. ~~The state board may State Board of~~
385 ~~Education is authorized to adopt rules in compliance with the~~
386 ~~ESEA and, after evaluating and determining that the ESEA and its~~
387 ~~implementing regulations are consistent with the statements of~~
388 ~~purpose set forth in the ESEA (2002), may adopt rules to~~
389 maintain compliance with the ESEA and the ESEA flexibility
390 wavier.

391 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
392 1008.345, and 1008.385, the State Board of Education shall hold
393 all school districts and public schools accountable for student
394 performance. The state board is responsible for a state system
395 of school improvement and education accountability that assesses
396 student performance by school, identifies schools in which
397 students are not making adequate progress toward state
398 standards, and institutes appropriate measures for enforcing
399 improvement.

400 (b) The state system of school improvement and education
401 accountability must provide for uniform accountability
402 standards, provide assistance of escalating intensity to low-
403 performing schools, direct support to schools in order to
404 improve and sustain performance, focus on the performance of
405 student subgroups, and enhance student performance.

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

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

409 (3) (a) The academic performance of all students has a
410 significant effect on the state school system. Pursuant to Art.
411 IX of the State Constitution, which prescribes the duty of the
412 State Board of Education to supervise Florida's public school
413 system, the state board ~~of Education~~ shall equitably enforce the
414 accountability requirements of the state school system and may
415 impose state requirements on school districts in order to
416 improve the academic performance of all districts, schools, and
417 students based upon the provisions of the Florida K-20 Education
418 Code, chapters 1000-1013; ~~and the federal ESEA Elementary and~~
419 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~
420 ~~implementing regulations; and the ESEA flexibility waiver~~
421 approved for Florida by the United States Secretary of
422 Education.

423 (b) ~~For the purpose of determining whether a public school~~
424 ~~requires action to achieve a sufficient level of school~~
425 ~~improvement,~~ Beginning with the 2011-2012 ~~2010-2011~~ school year,
426 the Department of Education shall annually identify each
427 ~~categorize a public school~~ in need of intervention and support
428 to improve student academic performance. A school earning a
429 grade of "D" or "F" pursuant to s. 1008.34 is a school in need
430 of intervention and support ~~in one of six categories based on~~
431 ~~the following:~~

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

434 2. ~~The level and rate of change in student performance in~~
435 ~~the areas of reading and mathematics, disaggregated into student~~

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436 ~~subgroups as described in the federal Elementary and Secondary~~
437 ~~Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).~~

438 (c) The state board shall establish by rule a
439 differentiated matrix of intervention and support strategies for
440 assisting traditional public schools identified under paragraph
441 (b) and charter schools as provided under s. 1002.33(9)(n).
442 ~~Appropriate intervention and support strategies shall be applied~~
443 ~~to schools that require action to achieve a sufficient level of~~
444 ~~improvement as described in paragraph (b).~~ The intervention and
445 support strategies must address student performance and may
446 include, including, but not limited to, improvement planning,
447 leadership quality improvement, educator quality improvement,
448 professional development, curriculum alignment and pacing, ~~and~~
449 the use of continuous improvement, and monitoring plans and
450 processes, and, for schools that have a grade of "F" or three
451 consecutive grades of "D," school turnaround options. In
452 addition, the state board ~~of Education~~ may prescribe reporting
453 requirements to review and monitor the progress of the schools.
454 The rule that the state board establishes must define the
455 intervention and support strategies for school improvement for
456 schools earning a grade of "D" or "F" and the roles for the
457 district and the department. The rule must differentiate among
458 schools earning consecutive grades of "D" or "F," or a
459 combination thereof, and provide more intense monitoring,
460 intervention, and support strategies for these schools.

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

464 ~~(a) Intervention and support strategies shall be applied to~~

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465 ~~schools based upon the school categorization pursuant to~~
466 ~~paragraph (3) (b). The Department of Education shall apply the~~
467 ~~most intense intervention strategies to the lowest-performing~~
468 ~~schools. For all but the lowest category and "F" schools in the~~
469 ~~second lowest category, the intervention and support strategies~~
470 ~~shall be administered solely by the districts and the schools.~~

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

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

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

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

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

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

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

487 (4) (5) (a) The state board shall apply the most intense
488 intervention and support strategies to schools earning a grade
489 of "F." In the first full school year after a school is
490 initially earns a grade of "F," identified as a school in the
491 lowest-performing category, the school district must implement
492 intervention and support strategies prescribed by rule under
493 paragraph (3) (c), select a turnaround option from those provided

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494 in subparagraphs (b)1.-5., and submit a plan for implementing
495 the turnaround option to the department for approval by the
496 state board. Upon approval by the state board, the turnaround
497 option must be implemented in the following school year.

498 (b) Except as provided in subsection (5), the turnaround
499 options that a school district must select from to address a
500 school that earns a grade of "F" are as follows ~~a plan, which is~~
501 ~~subject to approval by the State Board of Education, for~~
502 ~~implementing one of the following options at the beginning of~~
503 ~~the next school year. The plan must be implemented unless the~~
504 ~~school moves from the lowest-performing category:~~

505 1. Convert the school to a district-managed turnaround
506 school ~~by means that include implementing a turnaround plan~~
507 ~~approved by the Commissioner of Education which shall become the~~
508 ~~school's improvement plan;~~

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

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

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

516 5. Implement a hybrid of turnaround options set forth in
517 subparagraphs 1.-4. or other turnaround models that have a
518 demonstrated record of effectiveness.

519 (c) A school earning a grade of "F" will have 2 full school
520 years after the full school year of planning to fully implement
521 the turnaround option. Implementation of the turnaround option
522 is no longer required if the school improves by at least one

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523 letter grade, except as provided in paragraph (d).

524 (d) A school earning a grade of "F" which improves its
525 letter grade shall continue to implement strategies identified
526 in its school improvement plan pursuant to s. 1001.42(18)(a).
527 The department shall annually review implementation of the
528 school improvement plan to ensure the school's continued
529 improvement.

530 (e)-~~(b)~~ If a school earning a grade of "F" does not improve
531 by at least one letter grade after 2 full school years of
532 implementing the turnaround option selected by the school
533 district under ~~move from the lowest-performing category during~~
534 the initial year of implementing one of the options in paragraph
535 (b) ~~(a)~~, the school district must select a different turnaround
536 option and submit the new turnaround option implementation plan
537 to the department for a plan, which is subject to approval by
538 the state board of Education. Implementation of the approved
539 turnaround option must begin in the, ~~for implementing a~~
540 different option in paragraph (a) at the beginning of the next
541 school year following the implementation period of the existing
542 turnaround option, unless the state board of Education
543 determines that the school is likely to improve a letter grade
544 ~~move from the lowest-performing category~~ if additional time is
545 provided to implement the existing turnaround option
546 intervention and support strategies. The State Board of
547 Education shall determine whether a school district may continue
548 to implement an option beyond 1 year while a school remains in
549 the lowest-performing category.

550 ~~(6) In order to advance to a higher category, a school must~~
551 make significant progress by improving its school grade and by

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552 ~~increasing student performance in mathematics and reading.~~
553 ~~Student performance must be evaluated for each student subgroup~~
554 ~~as set forth in paragraph (3) (b).~~

555 (5)-(7) A school that earns a grade of "F" within 2 years
556 after raising its grade from a grade of "F" or that earns a
557 grade of "F" within 2 years after exiting the lowest-performing
558 category under s. 3, chapter 2009-144, Laws of Florida, must
559 implement one of the turnaround options in subparagraphs
560 (4) (b) 2.-5. Beginning July 1, 2009, the Department of Education
561 shall commence its duties under this section.

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

567 (7) A school classified in the lowest-performing category
568 under s. 3, chapter 2009-144, Laws of Florida, before July 1,
569 2012, is not required to continue implementing any turnaround
570 option unless the school earns a grade of "F" or a third
571 consecutive "D" for the 2011-2012 school year. A school earning
572 a grade of "F" or a third consecutive "D" for the 2011-2012
573 school year is not entitled to restart the number of years it
574 has been low performing by virtue of the 2012 amendments to this
575 section.

576 (8) By July 1, 2010, The state board of Education shall
577 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
578 this section. The rules must include timelines for submission of
579 implementation plans, approval criteria for implementation
580 plans, and timelines for implementing intervention and support

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581 strategies. The state board shall consult with education
582 stakeholders in developing the rules.

583 Section 3. Section 1008.34, Florida Statutes, is amended to
584 read:

585 1008.34 School grading system; school report cards;
586 district grade.—

587 (1) ANNUAL REPORTS.—The Commissioner of Education shall
588 prepare annual reports of the results of the statewide
589 assessment program which describe student achievement in the
590 state, each district, and each school. The commissioner shall
591 prescribe the design and content of these reports, which must
592 include, ~~without limitation,~~ descriptions of the performance of
593 all schools participating in the assessment program and all of
594 their major student populations as determined by the
595 Commissioner. The report of Education, and must also include the
596 percent of students performing at or above grade level and
597 making a year's learning growth in a year's time for reading and
598 mathematics ~~the median scores of all eligible students who~~
599 ~~scored at or in the lowest 25th percentile of the state in the~~
600 ~~previous school year; provided,~~ however, that the provisions of
601 s. 1002.22 pertaining to student records apply to this section.

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

- 605 (a) "A," schools making excellent progress.
606 (b) "B," schools making above average progress.
607 (c) "C," schools making satisfactory progress.
608 (d) "D," schools making less than satisfactory progress.
609 (e) "F," schools failing to make adequate progress.

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610
611 Each school that earns ~~designated with~~ a grade of "A", ~~making~~
612 ~~excellent progress,~~ or improves ~~having improved~~ at least two
613 letter grades ~~grade levels,~~ shall have greater authority over
614 the allocation of the school's total budget generated from the
615 FEFP, state categoricals, lottery funds, grants, and local
616 funds, as specified in state board rule. The rule must provide
617 that the increased budget authority shall remain in effect until
618 the school's grade declines.

619 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

629 2. An alternative school may choose to receive a school
630 grade under this section or a school improvement rating under s.
631 1008.341. For charter schools that meet the definition of an
632 alternative school pursuant to State Board of Education rule,
633 the decision to receive a school grade is the decision of the
634 charter school governing board.

635 3. A school that serves any combination of students in
636 kindergarten through grade 3 which does not receive a school
637 grade because its students are not tested and included in the
638 school grading system shall receive the school grade designation

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639 of a K-3 feeder pattern school identified by the Department of
640 Education and verified by the school district. A school feeder
641 pattern exists if at least 60 percent of the students in the
642 school serving a combination of students in kindergarten through
643 grade 3 are scheduled to be assigned to the graded school.

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

645 a. Student achievement scores, including achievement as
646 measured by ~~on all FCAT assessments administered~~ under s.
647 1008.22(3)(c)1., and statewide, standardized end-of-course
648 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b., and
649 achievement scores for students seeking a special diploma.

650 b. Student learning gains in reading and mathematics as
651 measured by FCAT and statewide, standardized end-of-course
652 assessments, as described in s. 1008.22(3)(c)1. and 2.a.,
653 including learning gains for students seeking a special diploma,
654 as measured by an alternate assessment ~~tool, shall be included~~
655 ~~not later than the 2009-2010 school year.~~

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

660 2. Beginning with the 2011-2012 school year, for schools
661 comprised of middle school grades 6 through 8 or grades 7 and 8,
662 the school's grade shall include the performance and
663 participation of its students enrolled in high school level
664 courses with end-of-course assessments administered under s.
665 1008.22(3)(c)2.a. Performance and participation must be weighted
666 equally. As valid data becomes available, the school grades
667 shall include the students' attainment of national industry

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668 certification identified in the Industry Certification Funding
669 List pursuant to rules adopted by the state board ~~of Education~~.

670 3. Beginning with the 2009-2010 school year for schools
671 comprised of high school grades 9, 10, 11, and 12, or grades 10,
672 11, and 12, 50 percent of the school grade shall be based on a
673 combination of the factors listed in sub-subparagraphs 1.a.-c.
674 and the remaining 50 percent on the following factors:

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

676 b. As valid data becomes available, the performance and
677 participation of the school's students in College Board Advanced
678 Placement courses, International Baccalaureate courses, dual
679 enrollment courses, and Advanced International Certificate of
680 Education courses; and the students' achievement of national
681 industry certification identified in the Industry Certification
682 Funding List, pursuant to rules adopted by the state board ~~State~~
683 ~~Board of Education~~;

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

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

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

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

695 (c) Student assessment data used in determining school
696 grades shall include:

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697 1. The aggregate scores of all eligible students enrolled
698 in the school who have been assessed on the FCAT and statewide,
699 standardized end-of-course assessments in courses required for
700 high school graduation, including, beginning with the 2011-2012
701 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
702 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
703 end-of-course assessments in Geometry and Biology; and beginning
704 with the 2014-2015 ~~2013-2014~~ school year, on the statewide,
705 standardized end-of-course assessment in Civics education at the
706 middle school level.

707 2. The aggregate scores of all eligible students enrolled
708 in the school who have been assessed on the FCAT and statewide,
709 standardized end-of-course assessments as described in s.
710 1008.22 (3) (c) 2.a., and who have scored at or in the lowest 25th
711 percentile of students in the school in reading and mathematics,
712 unless these students are exhibiting satisfactory performance.

713 3. The achievement scores and learning gains of eligible
714 students attending alternative schools that provide dropout
715 prevention and academic intervention services pursuant to s.
716 1003.53. The term "eligible students" in this subparagraph does
717 not include students attending an alternative school who are
718 subject to district school board policies for expulsion for
719 repeated or serious offenses, who are in dropout retrieval
720 programs serving students who have officially been designated as
721 dropouts, or who are in programs operated or contracted by the
722 Department of Juvenile Justice. The student performance data for
723 eligible students identified in this subparagraph shall be
724 included in the calculation of the home school's grade. As used
725 in this subparagraph and s. 1008.341, the term "home school"

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726 means the school to which the student would be assigned if the
727 student were not assigned to an alternative school. If an
728 alternative school chooses to be graded under this section,
729 student performance data for eligible students identified in
730 this subparagraph shall not be included in the home school's
731 grade but shall be included only in the calculation of the
732 alternative school's grade. A school district that fails to
733 assign the FCAT and statewide, standardized end-of-course
734 assessment as described in s. 1008.22(3)(c)2.a. scores of each
735 of its students to his or her home school or to the alternative
736 school that receives a grade shall forfeit Florida School
737 Recognition Program funds for 1 fiscal year. School districts
738 must require collaboration between the home school and the
739 alternative school in order to promote student success. This
740 collaboration must include an annual discussion between the
741 principal of the alternative school and the principal of each
742 student's home school concerning the most appropriate school
743 assignment of the student.

744 4. The achievement scores and learning gains of students
745 designated as hospital- or homebound. Student assessment data
746 for students designated as hospital- or homebound shall be
747 assigned to their home school for the purposes of school grades.
748 As used in this subparagraph, the term "home school" means the
749 school to which a student would be assigned if the student were
750 not assigned to a hospital- or homebound program.

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

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- 755 a. The high school graduation rate of the school as
756 calculated by the department ~~of Education~~;
- 757 b. The participation rate of all eligible students enrolled
758 in the school and enrolled in College Board Advanced Placement
759 courses; International Baccalaureate courses; dual enrollment
760 courses; Advanced International Certificate of Education
761 courses; and courses or sequences of courses leading to national
762 industry certification identified in the Industry Certification
763 Funding List, pursuant to rules adopted by the State Board of
764 Education;
- 765 c. The aggregate scores of all eligible students enrolled
766 in the school in College Board Advanced Placement courses,
767 International Baccalaureate courses, and Advanced International
768 Certificate of Education courses;
- 769 d. Earning of college credit by all eligible students
770 enrolled in the school in dual enrollment programs under s.
771 1007.271;
- 772 e. Earning of a national industry certification identified
773 in the Industry Certification Funding List, pursuant to rules
774 adopted by the State Board of Education;
- 775 f. The aggregate scores of all eligible students enrolled
776 in the school in reading, mathematics, and other subjects as
777 measured by the SAT, the ACT, and the common placement test for
778 postsecondary readiness;
- 779 g. The high school graduation rate of all eligible at-risk
780 students enrolled in the school who scored at Level 2 or lower
781 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;
- 782 h. The performance of the school's students on statewide,
783 standardized end-of-course assessments administered under s.

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784 1008.22(3)(c)2.c. and d.; and

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

787

788 The State Board of Education shall adopt appropriate criteria
789 for each school grade. The criteria must also give added weight
790 to student achievement in reading. Schools designated with a
791 grade of "C," making satisfactory progress, shall be required to
792 demonstrate that adequate progress has been made by students in
793 the school who are in the lowest 25th percentile in reading and
794 mathematics on the FCAT and end-of-course assessments as
795 described in s. 1008.22(3)(c)2.a., unless these students are
796 exhibiting satisfactory performance. ~~Beginning with the 2009-~~
797 ~~2010 school year~~ For schools comprised of high school grades 9,
798 10, 11, and 12, or grades 10, 11, and 12, the criteria for
799 school grades must also give added weight to the graduation rate
800 of all eligible at-risk students, ~~as defined in this paragraph.~~
801 ~~Beginning in the 2009-2010 school year,~~ In order for a high
802 school to earn ~~be designated as having~~ a grade of "A," making
803 ~~excellent progress,~~ the school must demonstrate that its at-risk
804 students, as defined in this paragraph, ~~in the school~~ are making
805 adequate progress.

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

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813 (5) SCHOOL REPORT CARD.—The Department of Education shall
814 annually develop, in collaboration with the school districts, a
815 school report card to be communicated by the school district
816 ~~delivered~~ to parents throughout each school district. The report
817 card shall include the school's grade, information regarding
818 school improvement, an explanation of school performance as
819 evaluated by the federal Elementary and Secondary Education Act
820 (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left Behind Act of~~
821 ~~2001~~, and indicators of return on investment. Each school's
822 report card shall be published annually by the department on its
823 website, ~~and the school district shall provide the school report~~
824 ~~card to each parent.~~

825 (7) DISTRICT GRADE.—The annual report required by
826 subsection (1) shall include district grades, which shall
827 consist of weighted district average grades, by level, for all
828 elementary schools, middle schools, and high schools in the
829 district. A district's weighted average grade shall be
830 calculated by weighting individual school grades determined
831 pursuant to subsection (2) by school enrollment.

832 Section 4. Paragraph (a) of subsection (18) and subsection
833 (20) of section 1001.42, Florida Statutes, are amended to read:

834 1001.42 Powers and duties of district school board.—The
835 district school board, acting as a board, shall exercise all
836 powers and perform all duties listed below:

837 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
838 Maintain a state system of school improvement and education
839 accountability as provided by statute and State Board of
840 Education rule. This system of school improvement and education
841 accountability shall be consistent with, and implemented

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842 through, the district's continuing system of planning and
843 budgeting required by this section and ss. 1008.385, 1010.01,
844 and 1011.01. This system of school improvement and education
845 accountability shall comply with the provisions of ss. 1008.33,
846 1008.34, 1008.345, and 1008.385 and include the following:

847 (a) *School improvement plans.*—The district school board
848 shall annually approve and require implementation of a new,
849 amended, or continuation school improvement plan for each school
850 in the district. If a school has a significant gap in
851 achievement on statewide assessments under s. 1008.34(3)(b) by
852 one or more student subgroups, as described in the federal
853 Elementary and Secondary Education Act, 20 U.S.C. s.
854 6311(b)(2)(C)(v)(II); has not significantly decreased the
855 percentage of students scoring below satisfactory on statewide
856 assessments; or has significantly lower graduation rates for a
857 subgroup when compared to the state's graduation rate, that
858 school's improvement plan must include strategies for improving
859 these conditions. The state board shall adopt rules establishing
860 thresholds for determining compliance with this paragraph.

861 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
862 students attending schools that have earned ~~have been designated~~
863 ~~with~~ a grade of "D" or "F" pursuant to s. 1008.34 and are
864 required to implement a school turnaround option ~~that are in one~~
865 ~~of the two lowest-performing categories~~ pursuant to s. 1008.33
866 to attend a higher-performing school in the district or any
867 other district in the state, in conformance with s. 1002.38 and
868 State Board of Education rule.

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

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871 1002.33 Charter schools.—

872 (9) CHARTER SCHOOL REQUIREMENTS.—

873 (n)1. The director and a representative of the governing
874 board body of a charter school that has earned ~~received~~ a school
875 grade of "D" or "F" under s. 1008.34(2) shall appear before the
876 sponsor ~~or the sponsor's staff at least once a year to present~~
877 information concerning each contract component having noted
878 deficiencies. ~~The sponsor shall communicate at the meeting, and~~
879 ~~in writing to the director, the services provided to the school~~
880 ~~to help the school address its deficiencies.~~

881 ~~(o) Upon notification that a charter school receives a~~
882 ~~school grade of "D" for 2 consecutive years or a school grade of~~
883 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~
884 ~~sponsor's staff shall require the director and a representative~~
885 of the governing board body to submit to the sponsor for
886 approval a school improvement plan to raise student achievement
887 and ~~to implement the plan. Upon approval by the sponsor, the~~
888 charter school shall begin implementation of the ~~has the~~
889 ~~authority to approve a school improvement plan that the charter~~
890 ~~school will implement in the following school year. The sponsor~~
891 ~~may also consider the State Board of Education's recommended~~
892 ~~action pursuant to s. 1008.33(1) as part of the school~~
893 ~~improvement plan. The department of Education shall offer~~
894 technical assistance and training to the charter school and its
895 governing board body and establish guidelines for developing,
896 submitting, and approving such plans.

897 2.1. ~~If a the~~ charter school earning a grade of "F" does
898 not fail to improve by at least one letter grade in its student
899 performance from the year following immediately prior to the

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900 implementation of the school improvement plan, the sponsor ~~shall~~
901 ~~place the charter school on probation and~~ shall require the
902 charter school governing board to choose ~~body to take~~ one of the
903 following corrective actions:

904 a. Contract for the educational services of the charter
905 school;

906 b. Reorganize the school ~~at the end of the school year~~
907 under a new director or principal who is authorized to hire new
908 staff ~~and implement a plan that addresses the causes of~~
909 ~~inadequate progress;~~ or

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

911 3.2. A charter school is no longer required to implement
912 ~~that is placed on probation shall continue the corrective~~
913 ~~actions required under subparagraph 2. if it 1. until the~~
914 ~~charter school improves by at least one letter grade its student~~
915 ~~performance from the year prior to the implementation of the~~
916 ~~school improvement plan. However, the charter school must~~
917 ~~continue to implement strategies identified in the school~~
918 ~~improvement plan. The sponsor must annually review~~
919 ~~implementation of the school improvement plan for compliance~~
920 ~~with the plan and for addressing deficiencies in the school's~~
921 ~~continued improvement.~~

922 4. If a charter school earns a grade of "D" for 3
923 consecutive years, the sponsor shall require the charter school
924 governing board to choose one of the corrective actions in
925 subparagraph 2.

926 5. Any charter school implementing a corrective action
927 provided in subparagraph 2. which does not improve by at least
928 one letter grade after 2 full school years after implementing

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929 the corrective action must select a different corrective action.
930 Implementation of the new corrective action must begin in the
931 school year following the implementation period of the existing
932 corrective action, unless the sponsor determines that the
933 charter school is likely to improve a letter grade if additional
934 time is provided to implement the existing corrective action.

935 ~~6.3.~~ Notwithstanding any provision of this paragraph, the
936 sponsor may terminate the charter at any time pursuant to
937 subsection (8).

938 ~~7.(p)~~ The director and a representative of the governing
939 board body of a graded charter school that has implemented
940 submitted a school improvement plan ~~or has been placed on~~
941 ~~probation~~ under this paragraph ~~(o)~~ shall appear before the
942 sponsor ~~or the sponsor's staff~~ at least once a year to present
943 information regarding the progress of corrective strategies ~~that~~
944 ~~are being~~ implemented by the school pursuant to the school
945 improvement plan. The sponsor shall communicate at the meeting,
946 and in writing to the director, the services provided to the
947 school to help the school address its deficiencies.

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

950 1002.332 High-performing charter school system.-

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

952 (a) "Entity" means a municipality or other public entity
953 that is authorized by law to operate a charter school; a
954 private, nonprofit corporation with tax-exempt status under s.
955 501(c)(3) of the Internal Revenue Code; or a private, for-profit
956 education management corporation.

957 (b) "High-performing charter school system" means an entity

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958 that:

959 1. Operates at least three high-performing charter schools
960 in the state;

961 2. Operates a system of charter schools in which at least
962 50 percent of the charter schools are high-performing charter
963 schools pursuant to s. 1002.331 and no charter school earned
964 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
965 except that:

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

971 b. If the entity establishes a new charter school that
972 serves a student population the majority of which resides in a
973 school zone served by a public school that is required to
974 implement a school turnaround option pursuant to ~~identified as~~
975 ~~lowest performing under~~ s. 1008.33 ~~(4) (b)~~, that charter school's
976 grade may ~~shall~~ not be considered in determining high-performing
977 charter school system status if it attains and maintains a
978 school grade that is higher than that of the public school
979 serving that school zone within 3 years after establishment; and

980 3. Has not received a financial audit that revealed one or
981 more of the financial emergency conditions set forth in s.
982 218.503(1) for any charter school assumed or established by the
983 entity.

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

986 1002.38 Opportunity Scholarship Program.—

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987 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

988 (a) ~~For purposes of this section, a school's grade shall be~~
989 ~~based upon statewide assessments administered pursuant to s.~~
990 ~~1008.22.~~ A public school student's parent may request and
991 receive an opportunity scholarship for the student to enroll in
992 and attend a public school in accordance with the provisions of
993 this section if:

994 1. By assigned school attendance area or by special
995 assignment, the student has spent the prior school year in
996 attendance at a public school that has earned a grade of ~~been~~
997 ~~designated as performance grade category "D" or "F" pursuant to~~
998 s. 1008.34 and that is required to implement a school turnaround
999 option that is in one of the two lowest performing categories
1000 pursuant to s. 1008.33, and the student's attendance occurred
1001 during a school year in which such designation was in effect;

1002 2. The student has been in attendance elsewhere in the
1003 public school system and has been assigned to such school for
1004 the next school year; or

1005 3. The student has been notified that he or she has been
1006 assigned to such school for the next school year.

1007 (b) This section does not apply to a student who is
1008 enrolled in a school operating for the purpose of providing
1009 educational services to youth in Department of Juvenile Justice
1010 commitment programs. For purposes of continuity of educational
1011 choice, the opportunity scholarship shall remain in force until
1012 the student graduates from high school.

1013 Section 8. Paragraph (d) of subsection (6) of section
1014 1008.345, Florida Statutes, is amended to read:

1015 1008.345 Implementation of state system of school

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1016 improvement and education accountability.—

1017 (6)

1018 (d) The commissioner shall assign a community assessment
1019 team to each school district or governing board with a school
1020 graded "F" or a school that is required to implement a school
1021 turnaround option ~~in the lowest-performing category~~ pursuant to
1022 s. 1008.33 to review the school performance data and determine
1023 causes for the low performance, including the role of school,
1024 area, and district administrative personnel. The community
1025 assessment team shall review a high school's graduation rate
1026 calculated without GED tests for the past 3 years, disaggregated
1027 by student ethnicity. The team shall make recommendations to the
1028 school board or the governing board and to the State Board of
1029 Education which address the causes of the school's low
1030 performance and may be incorporated into the school improvement
1031 plan. The assessment team shall include, but not be limited to,
1032 a department representative, parents, business representatives,
1033 educators, representatives of local governments, and community
1034 activists, and shall represent the demographics of the community
1035 from which they are appointed.

1036 Section 9. Section 1012.07, Florida Statutes, is amended to
1037 read:

1038 1012.07 Identification of critical teacher shortage areas.—
1039 The term "critical teacher shortage area" means high-need
1040 content areas and high-priority location areas identified by the
1041 State Board of Education. The State Board of Education shall
1042 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
1043 annually identify critical teacher shortage areas. The state
1044 board must consider current and emerging educational

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1045 requirements and workforce demands in determining critical
1046 teacher shortage areas. School grade levels may also be
1047 designated critical teacher shortage areas. Individual district
1048 school boards may identify and submit other critical teacher
1049 shortage areas. Such submissions must be aligned to current and
1050 emerging educational requirements and workforce demands in order
1051 to be approved by the State Board of Education. High-priority
1052 location areas shall be in high-density, low-economic urban
1053 schools; low-density, low-economic rural schools; and schools
1054 that are required to implement school turnaround options
1055 pursuant to ~~identified as lowest performing under~~ s. 1008.33
1056 ~~(4)(b)~~.

1057 Section 10. Paragraph (c) of subsection (1) of section
1058 1012.22, Florida Statutes, is amended to read:

1059 1012.22 Public school personnel; powers and duties of the
1060 district school board.—The district school board shall:

1061 (1) Designate positions to be filled, prescribe
1062 qualifications for those positions, and provide for the
1063 appointment, compensation, promotion, suspension, and dismissal
1064 of employees as follows, subject to the requirements of this
1065 chapter:

1066 (c) *Compensation and salary schedules.*—

1067 1. Definitions.—As used in this paragraph:

1068 a. "Adjustment" means an addition to the base salary
1069 schedule that is not a bonus and becomes part of the employee's
1070 permanent base salary and shall be considered compensation under
1071 s. 121.021(22).

1072 b. "Grandfathered salary schedule" means the salary
1073 schedule or schedules adopted by a district school board before

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1074 July 1, 2014, pursuant to subparagraph 4.

1075 c. "Instructional personnel" means instructional personnel
1076 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1077 teachers.

1078 d. "Performance salary schedule" means the salary schedule
1079 or schedules adopted by a district school board pursuant to
1080 subparagraph 5.

1081 e. "Salary schedule" means the schedule or schedules used
1082 to provide the base salary for district school board personnel.

1083 f. "School administrator" means a school administrator as
1084 defined in s. 1012.01(3)(c).

1085 g. "Supplement" means an annual addition to the base salary
1086 for the term of the negotiated supplement as long as the
1087 employee continues his or her employment for the purpose of the
1088 supplement. A supplement does not become part of the employee's
1089 continuing base salary but shall be considered compensation
1090 under s. 121.021(22).

1091 2. Cost-of-living adjustment.—A district school board may
1092 provide a cost-of-living salary adjustment if the adjustment:

1093 a. Does not discriminate among comparable classes of
1094 employees based upon the salary schedule under which they are
1095 compensated.

1096 b. Does not exceed 50 percent of the annual adjustment
1097 provided to instructional personnel rated as effective.

1098 3. Advanced degrees.—A district school board may not use
1099 advanced degrees in setting a salary schedule for instructional
1100 personnel or school administrators hired on or after July 1,
1101 2011, unless the advanced degree is held in the individual's
1102 area of certification and is only a salary supplement.

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1103 4. Grandfathered salary schedule.—

1104 a. The district school board shall adopt a salary schedule
1105 or salary schedules to be used as the basis for paying all
1106 school employees hired before July 1, 2014. Instructional
1107 personnel on annual contract as of July 1, 2014, shall be placed
1108 on the performance salary schedule adopted under subparagraph 5.
1109 Instructional personnel on continuing contract or professional
1110 service contract may opt into the performance salary schedule if
1111 the employee relinquishes such contract and agrees to be
1112 employed on an annual contract under s. 1012.335. Such an
1113 employee shall be placed on the performance salary schedule and
1114 may not return to continuing contract or professional service
1115 contract status. Any employee who opts into the performance
1116 salary schedule may not return to the grandfathered salary
1117 schedule.

1118 b. In determining the grandfathered salary schedule for
1119 instructional personnel, a district school board must base a
1120 portion of each employee's compensation upon performance
1121 demonstrated under s. 1012.34 and shall provide differentiated
1122 pay for both instructional personnel and school administrators
1123 based upon district-determined factors, including, but not
1124 limited to, additional responsibilities, school demographics,
1125 critical shortage areas, and level of job performance
1126 difficulties.

1127 5. Performance salary schedule.—By July 1, 2014, the
1128 district school board shall adopt a performance salary schedule
1129 that provides annual salary adjustments for instructional
1130 personnel and school administrators based upon performance
1131 determined under s. 1012.34. Employees hired on or after July 1,

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1132 2014, or employees who choose to move from the grandfathered
1133 salary schedule to the performance salary schedule shall be
1134 compensated pursuant to the performance salary schedule once
1135 they have received the appropriate performance evaluation for
1136 this purpose. However, a classroom teacher whose performance
1137 evaluation utilizes student learning growth measures established
1138 under s. 1012.34(7)(e) shall remain under the grandfathered
1139 salary schedule until his or her teaching assignment changes to
1140 a subject for which there is an assessment or the school
1141 district establishes equally appropriate measures of student
1142 learning growth as defined under s. 1012.34 and rules of the
1143 State Board of Education.

1144 a. Base salary.—The base salary shall be established as
1145 follows:

1146 (I) The base salary for instructional personnel or school
1147 administrators who opt into the performance salary schedule
1148 shall be the salary paid in the prior year, including
1149 adjustments only.

1150 (II) Beginning July 1, 2014, instructional personnel or
1151 school administrators new to the district, returning to the
1152 district after a break in service without an authorized leave of
1153 absence, or appointed for the first time to a position in the
1154 district in the capacity of instructional personnel or school
1155 administrator shall be placed on the performance salary
1156 schedule.

1157 b. Salary adjustments.—Salary adjustments for highly
1158 effective or effective performance shall be established as
1159 follows:

1160 (I) The annual salary adjustment under the performance

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1161 salary schedule for an employee rated as highly effective must
1162 be greater than the highest annual salary adjustment available
1163 to an employee of the same classification through any other
1164 salary schedule adopted by the district.

1165 (II) The annual salary adjustment under the performance
1166 salary schedule for an employee rated as effective must be equal
1167 to at least 50 percent and no more than 75 percent of the annual
1168 adjustment provided for a highly effective employee of the same
1169 classification.

1170 (III) The performance salary schedule shall not provide an
1171 annual salary adjustment for an employee who receives a rating
1172 other than highly effective or effective for the year.

1173 c. Salary supplements.—In addition to the salary
1174 adjustments, each district school board shall provide for salary
1175 supplements for activities that must include, but are not
1176 limited to:

1177 (I) Assignment to a Title I eligible school.

1178 (II) Assignment to a school that is required to implement a
1179 school turnaround option pursuant to ~~in the bottom two~~
1180 ~~categories of the school improvement system under s. 1008.33~~
1181 such that the supplement remains in force for at least 1 year
1182 following improved performance in that school.

1183 (III) Certification and teaching in critical teacher
1184 shortage areas. Statewide critical teacher shortage areas shall
1185 be identified by the State Board of Education under s. 1012.07.
1186 However, the district school board may identify other areas of
1187 critical shortage within the school district for purposes of
1188 this sub-sub-subparagraph and may remove areas identified by the
1189 state board which do not apply within the school district.

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1190 (IV) Assignment of additional academic responsibilities.

1191

1192 If budget constraints in any given year limit a district school
1193 board's ability to fully fund all adopted salary schedules, the
1194 performance salary schedule shall not be reduced on the basis of
1195 total cost or the value of individual awards in a manner that is
1196 proportionally greater than reductions to any other salary
1197 schedules adopted by the district.

1198 Section 11. Subsection (2) of section 1012.2315, Florida
1199 Statutes, is amended to read:

1200 1012.2315 Assignment of teachers.-

1201 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
1202 ~~IN NEED OF IMPROVEMENT~~.-School districts may not assign a higher
1203 percentage than the school district average of temporarily
1204 certified teachers, teachers in need of improvement, or out-of-
1205 field teachers to schools graded "D" or "F" pursuant to s.
1206 1008.34 ~~in one of the three lowest performing categories under~~
1207 ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to
1208 the Commissioner of Education that this requirement has been
1209 met. If the commissioner determines that a school district is
1210 not in compliance with this subsection, the State Board of
1211 Education shall be notified and shall take action pursuant to s.
1212 1008.32 in the next regularly scheduled meeting to require
1213 compliance.

1214 Section 12. This act shall take effect July 1, 2012.