

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Bullard offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 186-1046 and insert:

5 4. The sponsor shall terminate a charter if the charter
6 school earns two consecutive grades of "F" or three consecutive
7 grades of "D."

8 ~~3. Notwithstanding any provision of this paragraph, the~~
9 ~~sponsor may terminate the charter at any time pursuant to~~
10 ~~subsection (8).~~

11 5.(p) The director and a representative of the governing
12 board body of a graded charter school that has implemented
13 ~~submitted~~ a school improvement plan ~~or has been placed on~~
14 ~~probation~~ under this paragraph (e) shall appear before the
15 sponsor ~~or the sponsor's staff~~ at least once a year to present
16 information regarding the progress of intervention and support

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17 ~~corrective~~ strategies ~~that are being~~ implemented by the school
18 pursuant to the school improvement plan and corrective actions,
19 if applicable. The sponsor shall communicate at the meeting, and
20 in writing to the director, the services provided to the school
21 to help the school address its deficiencies.

22 6. Notwithstanding any provision of this paragraph, the
23 sponsor may terminate the charter at any time pursuant to
24 subsection (8).

25 Section 3. Paragraph (b) of subsection (1) of section
26 1002.332, Florida Statutes, is amended to read:

27 1002.332 High-performing charter school system.—

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

29 (b) "High-performing charter school system" means an
30 entity that:

31 1. Operates at least three high-performing charter schools
32 in the state;

33 2. Operates a system of charter schools in which at least
34 50 percent of the charter schools are high-performing charter
35 schools pursuant to s. 1002.331 and no charter school earned
36 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
37 except that:

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

43 b. If the entity establishes a new charter school that
44 serves a student population the majority of which resides in a
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45 school zone served by a public school that earned a grade of "F"
46 or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~
47 ~~identified as lowest performing under s. 1008.33(4)(b), that~~
48 charter school's grade may ~~shall~~ not be considered in
49 determining high-performing charter school system status if it
50 attains and maintains a school grade that is higher than that of
51 the public school serving that school zone within 3 years after
52 establishment; and

53 3. Has not received a financial audit that revealed one or
54 more of the financial emergency conditions set forth in s.
55 218.503(1) for any charter school assumed or established by the
56 entity.

57 Section 4. Paragraph (a) of subsection (2) of section
58 1002.38, Florida Statutes, is amended to read:

59 1002.38 Opportunity Scholarship Program.—

60 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

61 (a) ~~For purposes of this section, a school's grade shall~~
62 ~~be based upon statewide assessments administered pursuant to s.~~
63 ~~1008.22.~~ A public school student's parent may request and
64 receive an opportunity scholarship for the student to enroll in
65 and attend a public school in accordance with the provisions of
66 this section if:

67 1. By assigned school attendance area or by special
68 assignment, the student has spent the prior school year in
69 attendance at a public school that has earned a grade of "F" or
70 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~
71 ~~designated as performance grade category "D" or "F" and that is~~
72 ~~in one of the two lowest-performing categories pursuant to s.~~
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73 ~~1008.33~~, and the student's attendance occurred during a school
74 year in which such designation was in effect;

75 2. The student has been in attendance elsewhere in the
76 public school system and has been assigned to such school for
77 the next school year; or

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

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

83 1008.22 Student assessment program for public schools.—

84 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
85 design and implement a statewide program of educational
86 assessment that provides information for the improvement of the
87 operation and management of the public schools, including
88 schools operating for the purpose of providing educational
89 services to youth in Department of Juvenile Justice programs.
90 The commissioner may enter into contracts for the continued
91 administration of the assessment, ~~testing, and evaluation~~
92 programs authorized and funded by the Legislature. Contracts may
93 be initiated in 1 fiscal year and continue into the next and may
94 be paid from the appropriations of either or both fiscal years.
95 The commissioner is authorized to negotiate for the sale or
96 lease of tests, scoring protocols, test scoring services, and
97 related materials developed pursuant to law. Pursuant to the
98 statewide assessment program, the commissioner shall:

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

102 (b) Develop and implement a uniform system of indicators
103 to describe the performance of public school students and the
104 characteristics of the public school districts and the public
105 schools. These indicators must include, ~~without limitation,~~
106 information gathered by the comprehensive management information
107 system created pursuant to s. 1008.385 and student achievement
108 information obtained pursuant to this section.

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

111 1. The Florida Comprehensive Assessment Test (FCAT)
112 measures a student's content knowledge and skills in reading,
113 writing, science, and mathematics. The content knowledge and
114 skills assessed by the FCAT must be aligned to the core
115 curricular content established in the Next Generation Sunshine
116 State Standards. FCAT ~~Other content areas may be included as~~
117 ~~directed by the commissioner. Comprehensive assessments of~~
118 Reading and FCAT Mathematics shall be administered annually in
119 grades 3 through 10 except, beginning with the 2010-2011 school
120 year, the administration of grade 9 FCAT Mathematics shall be
121 discontinued, and beginning with the 2011-2012 school year, the
122 administration of grade 10 FCAT Mathematics shall be
123 discontinued, except as required for students who have not
124 attained minimum performance expectations for graduation as
125 provided in paragraph (9) (c). FCAT Writing and FCAT Science
126 shall be administered at least once at the elementary, middle,

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127 and high school levels except, beginning with the 2011-2012
128 school year, the administration of FCAT Science at the high
129 school level shall be discontinued. Students enrolled in an
130 Algebra I, geometry, or Biology I course or an equivalent course
131 with a statewide, standardized end-of-course assessment are not
132 required to take the corresponding grade-level FCAT assessment.

133 2.a. ~~End-of-course assessments for a subject shall be~~
134 ~~administered in addition to the comprehensive assessments~~
135 ~~required under subparagraph 1.~~ End-of-course assessments must be
136 rigorous, statewide, standardized, and developed or approved by
137 the department. The content knowledge and skills assessed by
138 end-of-course assessments must be aligned to the core curricular
139 content established in the Next Generation Sunshine State
140 Standards.

141 (I) Statewide, standardized end-of-course assessments in
142 mathematics shall be administered according to this sub-sub-
143 subparagraph. Beginning with the 2010-2011 school year, all
144 students enrolled in Algebra I or an equivalent course must take
145 the Algebra I end-of-course assessment. For students entering
146 grade 9 during the 2010-2011 school year and who are enrolled in
147 Algebra I or an equivalent, each student's performance on the
148 end-of-course assessment in Algebra I shall constitute 30
149 percent of the student's final course grade. Beginning with
150 students entering grade 9 in the 2011-2012 school year, a
151 student who is enrolled in Algebra I or an equivalent must earn
152 a passing score on the end-of-course assessment in Algebra I or
153 attain an equivalent score as described in subsection (11) in
154 order to earn course credit. Beginning with the 2011-2012 school

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155 year, all students enrolled in geometry or an equivalent course
156 must take the geometry end-of-course assessment. For students
157 entering grade 9 during the 2011-2012 school year, each
158 student's performance on the end-of-course assessment in
159 geometry shall constitute 30 percent of the student's final
160 course grade. Beginning with students entering grade 9 during
161 the 2012-2013 school year, a student must earn a passing score
162 on the end-of-course assessment in geometry or attain an
163 equivalent score as described in subsection (11) in order to
164 earn course credit.

165 (II) Statewide, standardized end-of-course assessments in
166 science shall be administered according to this sub-sub-
167 subparagraph. Beginning with the 2011-2012 school year, all
168 students enrolled in Biology I or an equivalent course must take
169 the Biology I end-of-course assessment. For the 2011-2012 school
170 year, each student's performance on the end-of-course assessment
171 in Biology I shall constitute 30 percent of the student's final
172 course grade. Beginning with students entering grade 9 during
173 the 2012-2013 school year, a student must earn a passing score
174 on the end-of-course assessment in Biology I in order to earn
175 course credit.

176 b. During the 2012-2013 school year, an end-of-course
177 assessment in civics education shall be administered as a field
178 test at the middle school level. During the 2013-2014 school
179 year, each student's performance on the statewide, standardized
180 end-of-course assessment in civics education shall constitute 30
181 percent of the student's final course grade. Beginning with the
182 2014-2015 school year, a student must earn a passing score on
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183 the end-of-course assessment in civics education in order to
184 pass the course and be promoted from the middle grades. The
185 school principal of a middle school shall determine, in
186 accordance with State Board of Education rule, whether a student
187 who transfers to the middle school and who has successfully
188 completed a civics education course at the student's previous
189 school must take an end-of-course assessment in civics
190 education.

191 c. The commissioner may select one or more nationally
192 developed comprehensive examinations, which may include, but
193 need not be limited to, examinations for a College Board
194 Advanced Placement course, International Baccalaureate course,
195 or Advanced International Certificate of Education course, or
196 industry-approved examinations to earn national industry
197 certifications identified in the Industry Certification Funding
198 List, pursuant to rules adopted by the State Board of Education,
199 for use as end-of-course assessments under this paragraph, if
200 the commissioner determines that the content knowledge and
201 skills assessed by the examinations meet or exceed the grade
202 level expectations for the core curricular content established
203 for the course in the Next Generation Sunshine State Standards.
204 The commissioner may collaborate with the American Diploma
205 Project in the adoption or development of rigorous end-of-course
206 assessments that are aligned to the Next Generation Sunshine
207 State Standards.

208 d. Contingent upon funding provided in the General
209 Appropriations Act, including the appropriation of funds
210 received through federal grants, the Commissioner of Education
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211 shall establish an implementation schedule for the development
212 and administration of additional statewide, standardized end-of-
213 course assessments in English/Language Arts II, Algebra II,
214 chemistry, physics, earth/space science, United States history,
215 and world history. Priority shall be given to the development of
216 end-of-course assessments in English/Language Arts II. The
217 Commissioner of Education shall evaluate the feasibility and
218 effect of transitioning from the grade 9 and grade 10 FCAT
219 Reading and high school level FCAT Writing to an end-of-course
220 assessment in English/Language Arts II. The commissioner shall
221 report the results of the evaluation to the President of the
222 Senate and the Speaker of the House of Representatives no later
223 than July 1, 2011.

224 3. The assessment ~~testing~~ program shall measure student
225 content knowledge and skills adopted by the State Board of
226 Education as specified in paragraph (a) and measure and report
227 student performance levels of all students assessed in reading,
228 writing, mathematics, and science. The commissioner shall
229 provide for the tests to be developed or obtained, as
230 appropriate, through contracts and project agreements with
231 private vendors, public vendors, public agencies, postsecondary
232 educational institutions, or school districts. The commissioner
233 shall obtain input with respect to the design and implementation
234 of the assessment ~~testing~~ program from state educators,
235 assistive technology experts, and the public.

236 4. The assessment ~~testing~~ program shall be composed of
237 criterion-referenced tests that shall, to the extent determined
238 by the commissioner, include test items that require the student
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239 to produce information or perform tasks in such a way that the
240 core content knowledge and skills he or she uses can be
241 measured.

242 5. FCAT Reading, Mathematics, and Science and all
243 statewide, standardized end-of-course assessments shall measure
244 the content knowledge and skills a student has attained on the
245 assessment by the use of scaled scores and achievement levels.
246 Achievement levels shall range from 1 through 5, with level 1
247 being the lowest achievement level, level 5 being the highest
248 achievement level, and level 3 indicating satisfactory
249 performance on an assessment. For purposes of FCAT Writing,
250 student achievement shall be scored using a scale of 1 through 6
251 and the score earned shall be used in calculating school grades.
252 A score shall be designated for each subject area tested, below
253 which score a student's performance is deemed inadequate. The
254 school districts shall provide appropriate remedial instruction
255 to students who score below these levels.

256 6. The State Board of Education shall, by rule, designate
257 a passing score for each part of the grade 10 assessment test
258 and end-of-course assessments. Any rule that has the effect of
259 raising the required passing scores may apply only to students
260 taking the assessment for the first time after the rule is
261 adopted by the State Board of Education. Except as otherwise
262 provided in this subparagraph and as provided in s.
263 1003.428(8) (b) or s. 1003.43(11) (b), students must earn a
264 passing score on grade 10 FCAT Reading and grade 10 FCAT
265 Mathematics or attain concordant scores as described in

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266 subsection (10) in order to qualify for a standard high school
267 diploma.

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

274 8. Participation in the assessment ~~testing~~ program is
275 mandatory for all students attending public school, including
276 students served in Department of Juvenile Justice programs,
277 except as otherwise prescribed by the commissioner. A student
278 who has not earned passing scores on the grade 10 FCAT as
279 provided in subparagraph 6. must participate in each retake of
280 the assessment until the student earns passing scores or
281 achieves scores on a standardized assessment which are
282 concordant with passing scores pursuant to subsection (10). If a
283 student does not participate in the statewide assessment, the
284 district must notify the student's parent and provide the parent
285 with information regarding the implications of such
286 nonparticipation. A parent must provide signed consent for a
287 student to receive classroom instructional accommodations that
288 would not be available or permitted on the statewide assessments
289 and must acknowledge in writing that he or she understands the
290 implications of such instructional accommodations. The State
291 Board of Education shall adopt rules, based upon recommendations
292 of the commissioner, for the provision of test accommodations
293 for students in exceptional education programs and for students

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294 who have limited English proficiency. Accommodations that negate
295 the validity of a statewide assessment are not allowable in the
296 administration of the FCAT or an end-of-course assessment.
297 However, instructional accommodations are allowable in the
298 classroom if included in a student's individual education plan.
299 Students using instructional accommodations in the classroom
300 that are not allowable as accommodations on the FCAT or an end-
301 of-course assessment may have the FCAT or an end-of-course
302 assessment requirement waived pursuant to the requirements of s.
303 1003.428(8)(b) or s. 1003.43(11)(b).

304 9. A student seeking an adult high school diploma must
305 meet the same testing requirements that a regular high school
306 student must meet.

307 10. District school boards must provide instruction to
308 prepare students in the core curricular content established in
309 the Next Generation Sunshine State Standards adopted under s.
310 1003.41, including the core content knowledge and skills
311 necessary for successful grade-to-grade progression and high
312 school graduation. If a student is provided with instructional
313 accommodations in the classroom that are not allowable as
314 accommodations in the statewide assessment program, as described
315 in the test manuals, the district must inform the parent in
316 writing and must provide the parent with information regarding
317 the impact on the student's ability to meet expected performance
318 levels in reading, writing, mathematics, and science. The
319 commissioner shall conduct studies as necessary to verify that
320 the required core curricular content is part of the district
321 instructional programs.

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

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

331 13. For students seeking a special diploma pursuant to s.
332 1003.438, the Department of Education must develop or select and
333 implement an alternate assessment tool that accurately measures
334 the core curricular content established in the Next Generation
335 Sunshine State Standards for students with disabilities under s.
336 1003.438.

337 14. The Commissioner of Education shall establish
338 schedules for the administration of statewide assessments and
339 the reporting of student test results. When establishing the
340 schedules for the administration of statewide assessments, the
341 commissioner shall consider the observance of religious and
342 school holidays. The commissioner shall, by August 1 of each
343 year, notify each school district in writing and publish on the
344 department's Internet website the testing and reporting
345 schedules for, at a minimum, the school year following the
346 upcoming school year. The testing and reporting schedules shall
347 require that:

348 a. There is the latest possible administration of
349 statewide assessments and the earliest possible reporting to the
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350 school districts of student test results which is feasible
351 within available technology and specific appropriations;
352 however, test results for the FCAT must be made available no
353 later than the week of June 8. Student results for end-of-course
354 assessments must be provided no later than 1 week after the
355 school district completes testing for each course. The
356 commissioner may extend the reporting schedule under exigent
357 circumstances.

358 b. FCAT Writing may not be administered earlier than the
359 week of March 1, and a comprehensive statewide assessment of any
360 other subject may not be administered earlier than the week of
361 April 15.

362 c. A statewide, standardized end-of-course assessment is
363 administered at the end of the course. The commissioner shall
364 select an administration period for assessments that meets the
365 intent of end-of-course assessments and provides student results
366 prior to the end of the course. School districts shall
367 administer tests in accordance with the schedule determined by
368 the commissioner. For an end-of-course assessment administered
369 at the end of the first semester, the commissioner shall
370 determine the most appropriate testing dates based on a review
371 of each school district's academic calendar.

372
373 The commissioner may, based on collaboration and input from
374 school districts, design and implement student testing programs,
375 for any grade level and subject area, necessary to effectively
376 monitor educational achievement in the state, including the
377 measurement of educational achievement of the Next Generation

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378 Sunshine State Standards for students with disabilities.
379 Development and refinement of assessments shall include
380 universal design principles and accessibility standards that
381 will prevent any unintended obstacles for students with
382 disabilities while ensuring the validity and reliability of the
383 test. These principles should be applicable to all technology
384 platforms and assistive devices available for the assessments.
385 The field testing process and psychometric analyses for the
386 statewide assessment program must include an appropriate
387 percentage of students with disabilities and an evaluation or
388 determination of the effect of test items on such students.

389 (d) Conduct ongoing research to develop improved methods
390 of assessing student performance, including, without limitation,
391 the use of technology to administer tests, score, or report the
392 results of, the use of electronic transfer of data, the
393 development of work-product assessments, and the development of
394 process assessments.

395 (e) Conduct ongoing research and analysis of student
396 achievement data, including, without limitation, monitoring
397 trends in student achievement by grade level and overall student
398 achievement, identifying school programs that are successful,
399 and analyzing correlates of school achievement.

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

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

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

409 (a) The statistical system for the annual assessments
410 shall use measures of student learning, such as the FCAT, to
411 determine teacher, school, and school district statistical
412 distributions, which shall be determined using available data
413 from the FCAT, and other data collection as deemed appropriate
414 by the Department of Education, to measure the differences in
415 student prior year achievement compared to the current year
416 achievement for the purposes of accountability and recognition.

417 (b) The statistical system shall provide the best
418 estimates of teacher, school, and school district effects on
419 student progress. The approach used by the department shall be
420 approved by the commissioner before implementation.

421 (c) The annual assessment ~~testing~~ program shall be
422 administered to provide for valid statewide comparisons of
423 learning gains to be made for purposes of accountability and
424 recognition. District school boards shall not establish school
425 calendars that jeopardize or limit the valid testing and
426 comparison of student learning gains.

427 (8) LOCAL ASSESSMENTS.—

428 (a) Measurement of the learning gains of students in all
429 subjects and grade levels other than subjects and grade levels
430 required for the state student achievement assessment ~~testing~~
431 program is the responsibility of the school districts.

432 Section 6. Section 1008.33, Florida Statutes, is amended
433 to read:

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434 1008.33 Authority to enforce public school improvement.—

435 (1) The State Board of Education shall comply with the
436 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
437 ss. 6301 et seq., ~~and its implementing regulations, and the ESEA~~
438 flexibility waiver approved for Florida by the United States
439 Secretary of Education. ~~The state board of Education is~~
440 ~~authorized to adopt rules in compliance with the ESEA and, after~~
441 ~~evaluating and determining that the ESEA and its implementing~~
442 ~~regulations are consistent with the statements of purpose set~~
443 ~~forth in the ESEA (2002),~~ may adopt rules to maintain compliance
444 with the ESEA and the ESEA flexibility waiver.

445 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
446 1008.345, and 1008.385, the State Board of Education shall hold
447 all school districts and public schools accountable for student
448 performance. The state board is responsible for a state system
449 of school improvement and education accountability that assesses
450 student performance by school, identifies schools in which
451 students are not making adequate progress toward state
452 standards, and institutes appropriate measures for enforcing
453 improvement.

454 (b) The state system of school improvement and education
455 accountability must provide for uniform accountability
456 standards, provide assistance of escalating intensity to low-
457 performing schools, direct support to schools in order to
458 improve and sustain performance, focus on the performance of
459 student subgroups, and enhance student performance.

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

463 (3) (a) The academic performance of all students has a
464 significant effect on the state school system. Pursuant to Art.
465 IX of the State Constitution, which prescribes the duty of the
466 State Board of Education to supervise Florida's public school
467 system, the state board of ~~Education~~ shall equitably enforce the
468 accountability requirements of the state school system and may
469 impose state requirements on school districts in order to
470 improve the academic performance of all districts, schools, and
471 students based upon the provisions of the Florida K-20 Education
472 Code, chapters 1000-1013; ~~and the federal ESEA Elementary and~~
473 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~
474 ~~implementing regulations; and the ESEA flexibility waiver~~
475 approved for Florida by the United States Secretary of
476 Education.

477 (b) ~~For the purpose of determining whether a public school~~
478 ~~requires action to achieve a sufficient level of school~~
479 ~~improvement,~~ Beginning with the 2011-2012 ~~2010-2011~~ school year,
480 the Department of Education shall annually identify each
481 ~~categrize a public school~~ in need of intervention and support
482 to improve student academic performance. All schools earning a
483 grade of "D" or "F" pursuant to s. 1008.34 are schools in need
484 of intervention and support ~~in one of six categories based on~~
485 ~~the following:~~

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

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

492 (c) The state board shall adopt by rule a differentiated
493 matrix of intervention and support strategies for assisting
494 traditional public schools identified under this section and
495 rules for implementing s. 1002.33(9) (n), relating to charter
496 schools. Appropriate intervention and support strategies shall
497 be applied to schools that require action to achieve a
498 sufficient level of improvement as described in paragraph (b).
499 The intervention and support strategies must address student
500 performance and may include, including, but not limited to,
501 improvement planning, leadership quality improvement, educator
502 quality improvement, professional development, curriculum
503 alignment and pacing, and the use of continuous improvement and
504 monitoring plans and processes. In addition, the state board of
505 Education may prescribe reporting requirements to review and
506 monitor the progress of the schools. The rule must define the
507 intervention and support strategies for school improvement for
508 schools earning a grade of "D" or "F" and the roles for the
509 district and department. The rule shall differentiate among
510 schools earning consecutive grades of "D" or "F," or a
511 combination thereof, and provide for more intense monitoring,
512 intervention, and support strategies for these schools.

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

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516 ~~(a) Intervention and support strategies shall be applied~~
517 ~~to schools based upon the school categorization pursuant to~~
518 ~~paragraph (3) (b). The Department of Education shall apply the~~
519 ~~most intense intervention strategies to the lowest performing~~
520 ~~schools. For all but the lowest category and "F" schools in the~~
521 ~~second lowest category, the intervention and support strategies~~
522 ~~shall be administered solely by the districts and the schools.~~

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

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

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

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

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

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

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

539 (4)(5)(a) The state board shall apply the most intense
540 intervention and support strategies to schools earning a grade
541 of "F." In the first full school year after a school is
542 initially earns a grade of "F," identified as a school in the
543 lowest performing category, the school district must implement
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544 intervention and support strategies prescribed in rule under
545 paragraph (3)(c), select a turnaround option from those provided
546 in subparagraphs (b)1.-5., and submit a plan for implementing
547 the turnaround option to the department for approval by the
548 state board. Upon approval by the state board, the turnaround
549 option must be implemented in the following school year.

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

557 1. Convert the school to a district-managed turnaround
558 school ~~by means that include implementing a turnaround plan~~
559 ~~approved by the Commissioner of Education which shall become the~~
560 ~~school's improvement plan;~~

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

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

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

568 5. Implement a hybrid of turnaround options set forth in
569 subparagraphs 1.-4. or other turnaround models that have a
570 demonstrated record of effectiveness.

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571 (c) Except for schools required to implement a turnaround
572 option pursuant to subsection (5), a school earning a grade of
573 "F" shall have a planning year followed by 2 full school years
574 to implement the initial turnaround option selected by the
575 school district and approved by the state board. Implementation
576 of the turnaround option is no longer required if the school
577 improves by at least one letter grade.

578 (d) A school earning a grade of "F" that improves its
579 letter grade must continue to implement strategies identified in
580 its school improvement plan pursuant to s. 1001.42(18)(a). The
581 department must annually review implementation of the school
582 improvement plan for 3 years to monitor the school's continued
583 improvement.

584 (e) ~~(b)~~ If a school earning a grade of "F" does not improve
585 by at least one letter grade after 2 full school years of
586 implementing the turnaround option selected by the school
587 district under ~~move from the lowest performing category during~~
588 ~~the initial year of implementing one of the options in paragraph~~
589 ~~(b) (a),~~ the school district must select a different option and
590 submit another implementation a plan to the department for,
591 ~~which is subject to approval by the state board. Implementation~~
592 ~~of the approved plan must begin the State Board of Education,~~
593 ~~for implementing a different option in paragraph (a) at the~~
594 ~~beginning of the next school year~~ following the implementation
595 period of the existing turnaround option, unless the state board
596 ~~of Education~~ determines that the school is likely to improve a
597 letter grade ~~move from the lowest performing category if~~
598 additional time is provided to implement the existing turnaround

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599 ~~option intervention and support strategies. The State Board of~~
600 ~~Education shall determine whether a school district may continue~~
601 ~~to implement an option beyond 1 year while a school remains in~~
602 ~~the lowest performing category.~~

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

608 ~~(5)(7) A school that earns a grade of "F" within 2 years~~
609 ~~after raising its grade from a grade of "F" or that earns a~~
610 ~~grade of "F" within 2 years after exiting the lowest-performing~~
611 ~~category under s. 3, chapter 2009-144, Laws of Florida, must~~
612 ~~implement one of the turnaround options in subparagraphs~~
613 ~~(4)(b)2.-5. Beginning July 1, 2009, the Department of Education~~
614 ~~shall commence its duties under this section.~~

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

620 ~~(7) A school classified in the lowest-performing category~~
621 ~~under s. 3, chapter 2009-144, Laws of Florida, before July 1,~~
622 ~~2012, is not required to continue implementing any turnaround~~
623 ~~option unless the school earns a grade of "F" or a third~~
624 ~~consecutive "D" for the 2011-2012 school year. A school earning~~
625 ~~a grade of "F" or a third consecutive "D" for the 2011-2012~~

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626 school year may not restart the number of years it has been low
627 performing by virtue of the 2012 amendments to this section.

628 (8) ~~By July 1, 2010,~~ The state board of ~~Education~~ shall
629 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
630 this section. The rules shall include timelines for submission
631 of implementation plans, approval criteria for implementation
632 plans, and timelines for implementing intervention and support
633 strategies. The state board shall consult with education
634 stakeholders in developing the rules.

635 Section 7. Section 1008.34, Florida Statutes, is amended
636 to read:

637 1008.34 School grading system; school report cards;
638 district grade.-

639 (1) ANNUAL REPORTS.—The Commissioner of Education shall
640 prepare annual reports of the results of the statewide
641 assessment program which describe student achievement in the
642 state, each district, and each school. The commissioner shall
643 prescribe the design and content of these reports, which must
644 include, ~~without limitation,~~ descriptions of the performance of
645 all schools participating in the assessment program and all of
646 their major student populations as determined by the
647 commissioner. The report of Education, and must also include the
648 percent of students performing at or above grade level and
649 making a year's learning growth in a year's time in reading and
650 mathematics. the median scores of all eligible students who
651 scored at or in the lowest 25th percentile of the state in the
652 previous school year; provided, however, that The provisions of
653 s. 1002.22 pertaining to student records apply to this section.

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

- 657 (a) "A," schools making excellent progress.
658 (b) "B," schools making above average progress.
659 (c) "C," schools making satisfactory progress.
660 (d) "D," schools making less than satisfactory progress.
661 (e) "F," schools failing to make adequate progress.

662
663 Each school that earns designated with a grade of "A," ~~making~~
664 ~~excellent progress,~~ or improves ~~having improved~~ at least two
665 letter grades ~~grade levels,~~ shall have greater authority over
666 the allocation of the school's total budget generated from the
667 FEFP, state categoricals, lottery funds, grants, and local
668 funds, as specified in state board rule. The rule must provide
669 that the increased budget authority shall remain in effect until
670 the school's grade declines.

671 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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681 2. An alternative school may choose to receive a school
682 grade under this section or a school improvement rating under s.
683 1008.341. For charter schools that meet the definition of an
684 alternative school pursuant to State Board of Education rule,
685 the decision to receive a school grade is the decision of the
686 charter school governing board.

687 3. A school that serves any combination of students in
688 kindergarten through grade 3 which does not receive a school
689 grade because its students are not tested and included in the
690 school grading system shall receive the school grade designation
691 of a K-3 feeder pattern school identified by the Department of
692 Education and verified by the school district. A school feeder
693 pattern exists if at least 60 percent of the students in the
694 school serving a combination of students in kindergarten through
695 grade 3 are scheduled to be assigned to the graded school.

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

697 a. Student achievement scores, including achievement as
698 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.
699 1008.22(3)(c)1., statewide, standardized end-of-course
700 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b.
701 ~~1008.22(3)(c)2.a.~~, and achievement scores for students seeking a
702 special diploma.

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

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

713 2. Beginning with the 2011-2012 school year, for schools
714 comprised of middle school grades 6 through 8 or grades 7 and 8,
715 the school's grade shall include the performance and
716 participation of its students enrolled in high school level
717 courses with end-of-course assessments administered under s.
718 1008.22(3)(c)2.a. Performance and participation must be weighted
719 equally. As valid data becomes available, the school grades
720 shall include the students' attainment of national industry
721 certification identified in the Industry Certification Funding
722 List pursuant to rules adopted by the state board ~~of Education.~~

723 3. Beginning with the 2009-2010 school year for schools
724 comprised of high school grades 9, 10, 11, and 12, or grades 10,
725 11, and 12, 50 percent of the school grade shall be based on a
726 combination of the factors listed in sub-subparagraphs 1.a.-c.
727 and the remaining 50 percent on the following factors:

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

729 b. As valid data becomes available, the performance and
730 participation of the school's students in College Board Advanced
731 Placement courses, International Baccalaureate courses, dual
732 enrollment courses, and Advanced International Certificate of
733 Education courses; and the students' achievement of national
734 industry certification identified in the Industry Certification
735 Funding List, pursuant to rules adopted by the state board ~~of~~
736 ~~Education;~~

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

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

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

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

749 (c) Student assessment data used in determining school
750 grades shall include:

751 1. The aggregate scores of all eligible students enrolled
752 in the school who have been assessed on the FCAT and statewide,
753 standardized end-of-course assessments in courses required for
754 high school graduation, including, beginning with the 2011-2012
755 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
756 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
757 end-of-course assessments in geometry and Biology I; and
758 beginning with the 2014-2015 ~~2013-2014~~ school year, on the
759 statewide, standardized end-of-course assessment in civics
760 education at the middle school level.

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

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765 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
766 percentile of students in the school in reading and mathematics,
767 unless these students are exhibiting satisfactory performance.

768 3. The achievement scores and learning gains of eligible
769 students attending alternative schools that provide dropout
770 prevention and academic intervention services pursuant to s.
771 1003.53. The term "eligible students" in this subparagraph does
772 not include students attending an alternative school who are
773 subject to district school board policies for expulsion for
774 repeated or serious offenses, who are in dropout retrieval
775 programs serving students who have officially been designated as
776 dropouts, or who are in programs operated or contracted by the
777 Department of Juvenile Justice. The student performance data for
778 eligible students identified in this subparagraph shall be
779 included in the calculation of the home school's grade. As used
780 in this subparagraph and s. 1008.341, the term "home school"
781 means the school to which the student would be assigned if the
782 student were not assigned to an alternative school. If an
783 alternative school chooses to be graded under this section,
784 student performance data for eligible students identified in
785 this subparagraph shall not be included in the home school's
786 grade but shall be included only in the calculation of the
787 alternative school's grade. A school district that fails to
788 assign the FCAT and statewide, standardized end-of-course
789 assessment as described in s. 1008.22(3)(c)2.a. scores of each
790 of its students to his or her home school or to the alternative
791 school that receives a grade shall forfeit Florida School
792 Recognition Program funds for 1 fiscal year. School districts
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793 must require collaboration between the home school and the
794 alternative school in order to promote student success. This
795 collaboration must include an annual discussion between the
796 principal of the alternative school and the principal of each
797 student's home school concerning the most appropriate school
798 assignment of the student.

799 4. The achievement scores and learning gains of students
800 designated as hospital- or homebound. Student assessment data
801 for students designated as hospital- or homebound shall be
802 assigned to their home school for the purposes of school grades.
803 As used in this subparagraph, the term "home school" means the
804 school to which a student would be assigned if the student were
805 not assigned to a hospital- or homebound program.

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

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

812 b. The participation rate of all eligible students
813 enrolled in the school and enrolled in College Board Advanced
814 Placement courses; International Baccalaureate courses; dual
815 enrollment courses; Advanced International Certificate of
816 Education courses; and courses or sequences of courses leading
817 to national industry certification identified in the Industry
818 Certification Funding List, pursuant to rules adopted by the
819 State Board of Education;

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820 c. The aggregate scores of all eligible students enrolled
821 in the school in College Board Advanced Placement courses,
822 International Baccalaureate courses, and Advanced International
823 Certificate of Education courses;

824 d. Earning of college credit by all eligible students
825 enrolled in the school in dual enrollment programs under s.
826 1007.271;

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

830 f. The aggregate scores of all eligible students enrolled
831 in the school in reading, mathematics, and other subjects as
832 measured by the SAT, the ACT, the Postsecondary Education
833 Readiness Test, and the common placement test for postsecondary
834 readiness;

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

838 h. The performance of the school's students on statewide,
839 standardized end-of-course assessments administered under s.
840 1008.22(3)(c)2.c. and d.; and

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

843

844 When criteria are changed for the determination of school
845 grades, the State Board of Education shall provide a transition
846 year during which the school grades shall be designated under

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847 both the former criteria and the new criteria. The State Board
848 of Education shall adopt appropriate criteria

849

850

851 -----

852

T I T L E A M E N D M E N T

853

Remove lines 16-17 and insert:

854

making continuous improvement; amending s. 1002.332, F.S.;

855