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1                   A bill to be entitled  
2           An act relating to school improvement and education  
3           accountability; amending s. 1001.42, F.S.; requiring a  
4           school improvement plan to include strategies for  
5           improving student achievement under certain  
6           circumstances; revising provisions relating to  
7           eligibility for an opportunity scholarship; amending  
8           s. 1002.33, F.S.; revising provisions requiring a  
9           charter school to implement a school improvement plan  
10          to raise student achievement; revising corrective  
11          actions to be selected and implemented by a charter  
12          school; providing requirements for implementation of  
13          corrective actions and intervention and support  
14          strategies identified in a school improvement plan;  
15          providing for termination of a charter school not  
16          making continuous improvement unless it meets  
17          specified criteria; amending s. 1002.332, F.S.;  
18          conforming provisions; amending s. 1002.38, F.S.;  
19          revising provisions relating to eligibility for an  
20          opportunity scholarship; amending s. 1008.22, F.S.;  
21          revising provisions relating to the statewide student  
22          assessment program; providing that certain end-of-  
23          course assessments replace corresponding FCAT  
24          assessments; amending s. 1008.33, F.S.; revising  
25          provisions relating to the State Board of Education's  
26          authority to enforce public school improvement;  
27          requiring the state board to comply with the federal  
28          flexibility waiver approved by the United States

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 Secretary of Education; requiring the Department of  
30 Education to annually identify each school in need of  
31 intervention and support to improve student academic  
32 performance, basing the need for intervention and  
33 support on school grades; providing requirements for  
34 state board rules for intervention and support  
35 strategies for school improvement; deleting department  
36 duties relating to the categorization of low-  
37 performing schools; providing state board, school  
38 district, and school requirements for implementing  
39 strategies and turnaround options to improve school  
40 performance; revising turnaround options available to  
41 a school district and requiring state board approval  
42 of the option selected for implementation; providing  
43 certain exceptions; requiring the state board to adopt  
44 rules relating to plans for implementing turnaround  
45 options; amending s. 1008.34, F.S.; revising  
46 provisions relating to the school grading system;  
47 revising the contents of the annual report of the  
48 results of the statewide assessment program; revising  
49 certain criteria upon which school grades are based;  
50 revising the basis for calculating a school district's  
51 grade; amending ss. 1008.345, 1012.07, 1012.22, and  
52 1012.2315, F.S.; conforming provisions; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
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57 Section 1. Paragraph (a) of subsection (18) and subsection  
58 (20) of section 1001.42, Florida Statutes, are amended to read:

59 1001.42 Powers and duties of district school board.—The  
60 district school board, acting as a board, shall exercise all  
61 powers and perform all duties listed below:

62 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
63 Maintain a state system of school improvement and education  
64 accountability as provided by statute and State Board of  
65 Education rule. This system of school improvement and education  
66 accountability shall be consistent with, and implemented  
67 through, the district's continuing system of planning and  
68 budgeting required by this section and ss. 1008.385, 1010.01,  
69 and 1011.01. This system of school improvement and education  
70 accountability shall comply with the provisions of ss. 1008.33,  
71 1008.34, 1008.345, and 1008.385 and include the following:

72 (a) School improvement plans.—The district school board  
73 shall annually approve and require implementation of a new,  
74 amended, or continuation school improvement plan for each school  
75 in the district. If a school has a significant gap in  
76 achievement on statewide assessments pursuant to s.  
77 1008.34(3)(b) by one or more student subgroups, as defined in  
78 the federal Elementary and Secondary Education Act (ESEA), 20  
79 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased  
80 the percentage of students scoring below satisfactory on  
81 statewide assessments; or has significantly lower graduation  
82 rates for a subgroup when compared to the state's graduation  
83 rate, that school's improvement plan shall include strategies  
84 for improving these results. The state board shall adopt rules

85 establishing thresholds for determining compliance with this  
 86 paragraph.

87 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing  
 88 students attending schools that have earned a grade of "F" or  
 89 three consecutive grades ~~been designated with a grade of "D" or~~  
 90 ~~"F" pursuant to s. 1008.34 and that are in one of the two~~  
 91 ~~lowest-performing categories pursuant to s. 1008.33~~ to attend a  
 92 higher-performing school in the district or any other district  
 93 in the state, in conformance with s. 1002.38 and State Board of  
 94 Education rule.

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

97 1002.33 Charter schools.—

98 (9) CHARTER SCHOOL REQUIREMENTS.—

99 (n)1. The director and a representative of the governing  
 100 board body of a charter school that has earned ~~received~~ a ~~school~~  
 101 grade of "D" or "F" pursuant to ~~under~~ s. 1008.34(2) shall appear  
 102 before the sponsor ~~or the sponsor's staff at least once a year~~  
 103 to present information concerning each contract component having  
 104 noted deficiencies. ~~The sponsor shall communicate at the~~  
 105 ~~meeting, and in writing to the director, the services provided~~  
 106 ~~to the school to help the school address its deficiencies.~~

107 ~~(o) Upon notification that a charter school receives a~~  
 108 ~~school grade of "D" for 2 consecutive years or a school grade of~~  
 109 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~  
 110 ~~sponsor's staff shall require the director and a representative~~  
 111 of the governing board shall body ~~to~~ submit to the sponsor for  
 112 approval a school improvement plan to raise student achievement

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113 ~~and to implement the plan. Upon approval by the sponsor, the~~  
114 ~~charter school shall begin implementation of the~~ has the  
115 ~~authority to approve a school improvement plan that the charter~~  
116 ~~school will implement in the following school year. The sponsor~~  
117 ~~may also consider the State Board of Education's recommended~~  
118 ~~action pursuant to s. 1008.33(1) as part of the school~~  
119 ~~improvement plan. The department of Education shall offer~~  
120 technical assistance and training to the charter school and its  
121 governing board ~~body~~ and establish guidelines for developing,  
122 submitting, and approving such plans.

123 2.a.1. If a the charter school earns three consecutive  
124 grades of "D," two consecutive grades of "D" followed by a grade  
125 of "F," or two nonconsecutive grades of "F" within a 3-year  
126 period ~~fails to improve its student performance from the year~~  
127 ~~immediately prior to the implementation of the school~~  
128 ~~improvement plan, the sponsor shall place the charter school on~~  
129 ~~probation and shall require the charter school governing~~ board  
130 shall choose ~~body to take~~ one of the following corrective  
131 actions:

132 (I)a. Contract for the educational services to be provided  
133 directly to students, instructional personnel, and school  
134 administrators, as prescribed in state board rule ~~of the charter~~  
135 ~~school;~~

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

138 (III)b. ~~Reorganize the school at the end of the school~~  
139 ~~year~~ under a new director or principal who is authorized to hire  
140 new staff and ~~implement a plan that addresses the causes of~~

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141 ~~inadequate progress; or~~

142 ~~(IV)e.~~ Voluntarily close ~~Reconstitute~~ the charter school.

143 b. The charter school must implement the corrective action  
144 in the school year following receipt of a third consecutive  
145 grade of "D," a grade of "F" following two consecutive grades of  
146 "D," or a second nonconsecutive grade of "F" within a 3-year  
147 period.

148 c. The sponsor may annually waive a corrective action if  
149 it determines that the charter school is likely to improve a  
150 letter grade if additional time is provided to implement the  
151 intervention and support strategies prescribed by the school  
152 improvement plan. Notwithstanding this sub-subparagraph, a  
153 charter school that earns a second consecutive grade of "F" is  
154 subject to subparagraph 4.

155 ~~d.2.~~ A charter school is no longer required to implement a  
156 that is placed on probation shall continue the corrective action  
157 if it actions required under subparagraph 1. until the charter  
158 school improves by at least one letter grade its student  
159 performance from the year prior to the implementation of the  
160 school improvement plan. However, the charter school must  
161 continue to implement strategies identified in the school  
162 improvement plan. The sponsor must annually review  
163 implementation of the school improvement plan to monitor the  
164 school's continued improvement pursuant to subparagraph 5.

165 e. A charter school implementing a corrective action that  
166 does not improve by at least one letter grade after 2 full  
167 school years of implementing the corrective action must select a  
168 different corrective action. Implementation of the new

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169 corrective action must begin in the school year following the  
170 implementation period of the existing corrective action, unless  
171 the sponsor determines that the charter school is likely to  
172 improve a letter grade if additional time is provided to  
173 implement the existing corrective action. Notwithstanding this  
174 sub-subparagraph, a charter school that earns a second  
175 consecutive grade of "F" while implementing a corrective action  
176 is subject to subparagraph 4.

177 3. A charter school with a grade of "D" or "F" that  
178 improves by at least one letter grade must continue to implement  
179 the strategies identified in the school improvement plan. The  
180 sponsor must annually review implementation of the school  
181 improvement plan to monitor the school's continued improvement  
182 pursuant to subparagraph 5.

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

185 a. The charter school is established to turnaround the  
186 performance of a district public school pursuant to s.  
187 1008.33(4)(b)3. Such charter schools shall be governed by s.  
188 1008.33;

189 b. The charter school serves a student population the  
190 majority of which resides in a school zone served by a district  
191 public school that earned a grade of "F" in the year before the  
192 charter school opened and the charter school earns at least a  
193 grade of "D" in its third year of operation. The exception  
194 provided under this sub-subparagraph does not apply to a charter  
195 school in its fourth year of operation and thereafter; or

196 c. The state board grants the charter school a waiver of

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197 termination. The charter school must request the waiver within  
198 30 days after completion of school grade appeals. The state  
199 board may waive termination if the charter school demonstrates  
200 that the learning gains of its students on statewide assessments  
201 are comparable to or better than the learning gains of similarly  
202 situated students enrolled in nearby district public schools.  
203 The waiver is valid for 1 year and may only be granted once.  
204 Charter schools that have been in operation for more than 5  
205 years are not eligible for a waiver under this sub-subparagraph.

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

209 ~~5.(p)~~ The director and a representative of the governing  
210 board body of a graded charter school that has implemented  
211 ~~submitted~~ a school improvement plan ~~or has been placed on~~  
212 ~~probation~~ under this paragraph (e) shall appear before the  
213 ~~sponsor or the sponsor's staff~~ at least once a year to present  
214 information regarding the progress of intervention and support  
215 ~~corrective~~ strategies ~~that are being~~ implemented by the school  
216 pursuant to the school improvement plan and corrective actions,  
217 if applicable. The sponsor shall communicate at the meeting, and  
218 in writing to the director, the services provided to the school  
219 to help the school address its deficiencies.

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

223 Section 3. Paragraph (b) of subsection (1) of section  
224 1002.332, Florida Statutes, is amended to read:



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225 | 1002.332 High-performing charter school system.—  
 226 | (1) For purposes of this section, the term:  
 227 | (b) "High-performing charter school system" means an  
 228 | entity that:  
 229 | 1. Operates at least three high-performing charter schools  
 230 | in the state;  
 231 | 2. Operates a system of charter schools in which at least  
 232 | 50 percent of the charter schools are high-performing charter  
 233 | schools pursuant to s. 1002.331 and no charter school earned  
 234 | ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,  
 235 | except that:  
 236 | a. If the entity has assumed operation of a public school  
 237 | pursuant to s. 1008.33(4)(b)3. ~~1008.33(5)(a)3.~~ with a school  
 238 | grade of ~~"D" or "F,"~~ that school's grade may ~~shall~~ not be  
 239 | considered in determining high-performing charter school system  
 240 | status for a period of 3 years.  
 241 | b. If the entity establishes a new charter school that  
 242 | serves a student population the majority of which resides in a  
 243 | school zone served by a public school that earned a grade of "F"  
 244 | or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~  
 245 | ~~identified as lowest performing under s. 1008.33(4)(b),~~ that  
 246 | charter school's grade may ~~shall~~ not be considered in  
 247 | determining high-performing charter school system status if it  
 248 | attains and maintains a school grade that is higher than that of  
 249 | the public school serving that school zone within 3 years after  
 250 | establishment; and  
 251 | 3. Has not received a financial audit that revealed one or  
 252 | more of the financial emergency conditions set forth in s.

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253 218.503(1) for any charter school assumed or established by the  
 254 entity.

255 Section 4. Paragraph (a) of subsection (2) of section  
 256 1002.38, Florida Statutes, is amended to read:

257 1002.38 Opportunity Scholarship Program.—

258 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

259 (a) ~~For purposes of this section, a school's grade shall~~  
 260 ~~be based upon statewide assessments administered pursuant to s.~~  
 261 ~~1008.22.~~ A public school student's parent may request and  
 262 receive an opportunity scholarship for the student to enroll in  
 263 and attend a public school in accordance with the provisions of  
 264 this section if:

265 1. By assigned school attendance area or by special  
 266 assignment, the student has spent the prior school year in  
 267 attendance at a public school that has earned a grade of "F" or  
 268 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~  
 269 ~~designated as performance grade category "D" or "F" and that is~~  
 270 ~~in one of the two lowest-performing categories pursuant to s.~~  
 271 ~~1008.33,~~ and the student's attendance occurred during a school  
 272 year in which such designation was in effect;

273 2. The student has been in attendance elsewhere in the  
 274 public school system and has been assigned to such school for  
 275 the next school year; or

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

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

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281 | 1008.22 Student assessment program for public schools.—  
 282 | (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 283 | design and implement a statewide program of educational  
 284 | assessment that provides information for the improvement of the  
 285 | operation and management of the public schools, including  
 286 | schools operating for the purpose of providing educational  
 287 | services to youth in Department of Juvenile Justice programs.  
 288 | The commissioner may enter into contracts for the continued  
 289 | administration of the assessment, ~~testing, and evaluation~~  
 290 | programs authorized and funded by the Legislature. Contracts may  
 291 | be initiated in 1 fiscal year and continue into the next and may  
 292 | be paid from the appropriations of either or both fiscal years.  
 293 | The commissioner is authorized to negotiate for the sale or  
 294 | lease of tests, scoring protocols, test scoring services, and  
 295 | related materials developed pursuant to law. Pursuant to the  
 296 | statewide assessment program, the commissioner shall:  
 297 | (a) Submit proposed Next Generation Sunshine State  
 298 | Standards to the State Board of Education for adoption and  
 299 | periodic review and revision under s. 1003.41.  
 300 | (b) Develop and implement a uniform system of indicators  
 301 | to describe the performance of public school students and the  
 302 | characteristics of the public school districts and the public  
 303 | schools. These indicators must include, ~~without limitation,~~  
 304 | information gathered by the comprehensive management information  
 305 | system created pursuant to s. 1008.385 and student achievement  
 306 | information obtained pursuant to this section.  
 307 | (c) Develop and implement a student achievement assessment  
 308 | ~~testing~~ program as follows:

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309 1. The Florida Comprehensive Assessment Test (FCAT)  
310 measures a student's content knowledge and skills in reading,  
311 writing, science, and mathematics. The content knowledge and  
312 skills assessed by the FCAT must be aligned to the core  
313 curricular content established in the Next Generation Sunshine  
314 State Standards. ~~FCAT Other content areas may be included as~~  
315 ~~directed by the commissioner. Comprehensive assessments of~~  
316 Reading and FCAT Mathematics shall be administered annually in  
317 grades 3 through 10 except, beginning with the 2010-2011 school  
318 year, the administration of grade 9 FCAT Mathematics shall be  
319 discontinued, and beginning with the 2011-2012 school year, the  
320 administration of grade 10 FCAT Mathematics shall be  
321 discontinued, except as required for students who have not  
322 attained minimum performance expectations for graduation as  
323 provided in paragraph (9)(c). FCAT Writing and FCAT Science  
324 shall be administered at least once at the elementary, middle,  
325 and high school levels except, beginning with the 2011-2012  
326 school year, the administration of FCAT Science at the high  
327 school level shall be discontinued. Students enrolled in an  
328 Algebra I, geometry, or Biology I course or an equivalent course  
329 with a statewide, standardized end-of-course assessment are not  
330 required to take the corresponding grade-level FCAT assessment.

331 2.a. ~~End-of-course assessments for a subject shall be~~  
332 ~~administered in addition to the comprehensive assessments~~  
333 ~~required under subparagraph 1.~~ End-of-course assessments must be  
334 rigorous, statewide, standardized, and developed or approved by  
335 the department. The content knowledge and skills assessed by  
336 end-of-course assessments must be aligned to the core curricular

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337 content established in the Next Generation Sunshine State  
338 Standards.

339 (I) Statewide, standardized end-of-course assessments in  
340 mathematics shall be administered according to this sub-sub-  
341 subparagraph. Beginning with the 2010-2011 school year, all  
342 students enrolled in Algebra I or an equivalent course must take  
343 the Algebra I end-of-course assessment. For students entering  
344 grade 9 during the 2010-2011 school year and who are enrolled in  
345 Algebra I or an equivalent, each student's performance on the  
346 end-of-course assessment in Algebra I shall constitute 30  
347 percent of the student's final course grade. Beginning with  
348 students entering grade 9 in the 2011-2012 school year, a  
349 student who is enrolled in Algebra I or an equivalent must earn  
350 a passing score on the end-of-course assessment in Algebra I or  
351 attain an equivalent score as described in subsection (11) in  
352 order to earn course credit. Beginning with the 2011-2012 school  
353 year, all students enrolled in geometry or an equivalent course  
354 must take the geometry end-of-course assessment. For students  
355 entering grade 9 during the 2011-2012 school year, each  
356 student's performance on the end-of-course assessment in  
357 geometry shall constitute 30 percent of the student's final  
358 course grade. Beginning with students entering grade 9 during  
359 the 2012-2013 school year, a student must earn a passing score  
360 on the end-of-course assessment in geometry or attain an  
361 equivalent score as described in subsection (11) in order to  
362 earn course credit.

363 (II) Statewide, standardized end-of-course assessments in  
364 science shall be administered according to this sub-sub-

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365 subparagraph. Beginning with the 2011-2012 school year, all  
366 students enrolled in Biology I or an equivalent course must take  
367 the Biology I end-of-course assessment. For the 2011-2012 school  
368 year, each student's performance on the end-of-course assessment  
369 in Biology I shall constitute 30 percent of the student's final  
370 course grade. Beginning with students entering grade 9 during  
371 the 2012-2013 school year, a student must earn a passing score  
372 on the end-of-course assessment in Biology I in order to earn  
373 course credit.

374 b. During the 2012-2013 school year, an end-of-course  
375 assessment in civics education shall be administered as a field  
376 test at the middle school level. During the 2013-2014 school  
377 year, each student's performance on the statewide, standardized  
378 end-of-course assessment in civics education shall constitute 30  
379 percent of the student's final course grade. Beginning with the  
380 2014-2015 school year, a student must earn a passing score on  
381 the end-of-course assessment in civics education in order to  
382 pass the course and be promoted from the middle grades. The  
383 school principal of a middle school shall determine, in  
384 accordance with State Board of Education rule, whether a student  
385 who transfers to the middle school and who has successfully  
386 completed a civics education course at the student's previous  
387 school must take an end-of-course assessment in civics  
388 education.

389 c. The commissioner may select one or more nationally  
390 developed comprehensive examinations, which may include, but  
391 need not be limited to, examinations for a College Board  
392 Advanced Placement course, International Baccalaureate course,

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393 or Advanced International Certificate of Education course, or  
394 industry-approved examinations to earn national industry  
395 certifications identified in the Industry Certification Funding  
396 List, pursuant to rules adopted by the State Board of Education,  
397 for use as end-of-course assessments under this paragraph, if  
398 the commissioner determines that the content knowledge and  
399 skills assessed by the examinations meet or exceed the grade  
400 level expectations for the core curricular content established  
401 for the course in the Next Generation Sunshine State Standards.  
402 The commissioner may collaborate with the American Diploma  
403 Project in the adoption or development of rigorous end-of-course  
404 assessments that are aligned to the Next Generation Sunshine  
405 State Standards.

406 d. Contingent upon funding provided in the General  
407 Appropriations Act, including the appropriation of funds  
408 received through federal grants, the Commissioner of Education  
409 shall establish an implementation schedule for the development  
410 and administration of additional statewide, standardized end-of-  
411 course assessments in English/Language Arts II, Algebra II,  
412 chemistry, physics, earth/space science, United States history,  
413 and world history. Priority shall be given to the development of  
414 end-of-course assessments in English/Language Arts II. The  
415 Commissioner of Education shall evaluate the feasibility and  
416 effect of transitioning from the grade 9 and grade 10 FCAT  
417 Reading and high school level FCAT Writing to an end-of-course  
418 assessment in English/Language Arts II. The commissioner shall  
419 report the results of the evaluation to the President of the  
420 Senate and the Speaker of the House of Representatives no later

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421 than July 1, 2011.

422 3. The assessment ~~testing~~ program shall measure student  
423 content knowledge and skills adopted by the State Board of  
424 Education as specified in paragraph (a) and measure and report  
425 student performance levels of all students assessed in reading,  
426 writing, mathematics, and science. The commissioner shall  
427 provide for the tests to be developed or obtained, as  
428 appropriate, through contracts and project agreements with  
429 private vendors, public vendors, public agencies, postsecondary  
430 educational institutions, or school districts. The commissioner  
431 shall obtain input with respect to the design and implementation  
432 of the assessment ~~testing~~ program from state educators,  
433 assistive technology experts, and the public.

434 4. The assessment ~~testing~~ program shall be composed of  
435 criterion-referenced tests that shall, to the extent determined  
436 by the commissioner, include test items that require the student  
437 to produce information or perform tasks in such a way that the  
438 core content knowledge and skills he or she uses can be  
439 measured.

440 5. FCAT Reading, Mathematics, and Science and all  
441 statewide, standardized end-of-course assessments shall measure  
442 the content knowledge and skills a student has attained on the  
443 assessment by the use of scaled scores and achievement levels.  
444 Achievement levels shall range from 1 through 5, with level 1  
445 being the lowest achievement level, level 5 being the highest  
446 achievement level, and level 3 indicating satisfactory  
447 performance on an assessment. For purposes of FCAT Writing,  
448 student achievement shall be scored using a scale of 1 through 6



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449 and the score earned shall be used in calculating school grades.  
450 A score shall be designated for each subject area tested, below  
451 which score a student's performance is deemed inadequate. The  
452 school districts shall provide appropriate remedial instruction  
453 to students who score below these levels.

454 6. The State Board of Education shall, by rule, designate  
455 a passing score for each part of the grade 10 assessment test  
456 and end-of-course assessments. Any rule that has the effect of  
457 raising the required passing scores may apply only to students  
458 taking the assessment for the first time after the rule is  
459 adopted by the State Board of Education. Except as otherwise  
460 provided in this subparagraph and as provided in s.  
461 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
462 passing score on grade 10 FCAT Reading and grade 10 FCAT  
463 Mathematics or attain concordant scores as described in  
464 subsection (10) in order to qualify for a standard high school  
465 diploma.

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

472 8. Participation in the assessment ~~testing~~ program is  
473 mandatory for all students attending public school, including  
474 students served in Department of Juvenile Justice programs,  
475 except as otherwise prescribed by the commissioner. A student  
476 who has not earned passing scores on the grade 10 FCAT as

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477 provided in subparagraph 6. must participate in each retake of  
478 the assessment until the student earns passing scores or  
479 achieves scores on a standardized assessment which are  
480 concordant with passing scores pursuant to subsection (10). If a  
481 student does not participate in the statewide assessment, the  
482 district must notify the student's parent and provide the parent  
483 with information regarding the implications of such  
484 nonparticipation. A parent must provide signed consent for a  
485 student to receive classroom instructional accommodations that  
486 would not be available or permitted on the statewide assessments  
487 and must acknowledge in writing that he or she understands the  
488 implications of such instructional accommodations. The State  
489 Board of Education shall adopt rules, based upon recommendations  
490 of the commissioner, for the provision of test accommodations  
491 for students in exceptional education programs and for students  
492 who have limited English proficiency. Accommodations that negate  
493 the validity of a statewide assessment are not allowable in the  
494 administration of the FCAT or an end-of-course assessment.  
495 However, instructional accommodations are allowable in the  
496 classroom if included in a student's individual education plan.  
497 Students using instructional accommodations in the classroom  
498 that are not allowable as accommodations on the FCAT or an end-  
499 of-course assessment may have the FCAT or an end-of-course  
500 assessment requirement waived pursuant to the requirements of s.  
501 1003.428(8)(b) or s. 1003.43(11)(b).

502 9. A student seeking an adult high school diploma must  
503 meet the same testing requirements that a regular high school  
504 student must meet.

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505           10. District school boards must provide instruction to  
506 prepare students in the core curricular content established in  
507 the Next Generation Sunshine State Standards adopted under s.  
508 1003.41, including the core content knowledge and skills  
509 necessary for successful grade-to-grade progression and high  
510 school graduation. If a student is provided with instructional  
511 accommodations in the classroom that are not allowable as  
512 accommodations in the statewide assessment program, as described  
513 in the test manuals, the district must inform the parent in  
514 writing and must provide the parent with information regarding  
515 the impact on the student's ability to meet expected performance  
516 levels in reading, writing, mathematics, and science. The  
517 commissioner shall conduct studies as necessary to verify that  
518 the required core curricular content is part of the district  
519 instructional programs.

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

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

529           13. For students seeking a special diploma pursuant to s.  
530 1003.438, the Department of Education must develop or select and  
531 implement an alternate assessment tool that accurately measures  
532 the core curricular content established in the Next Generation

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533 Sunshine State Standards for students with disabilities under s.  
534 1003.438.

535 14. The Commissioner of Education shall establish  
536 schedules for the administration of statewide assessments and  
537 the reporting of student test results. When establishing the  
538 schedules for the administration of statewide assessments, the  
539 commissioner shall consider the observance of religious and  
540 school holidays. The commissioner shall, by August 1 of each  
541 year, notify each school district in writing and publish on the  
542 department's Internet website the testing and reporting  
543 schedules for, at a minimum, the school year following the  
544 upcoming school year. The testing and reporting schedules shall  
545 require that:

546 a. There is the latest possible administration of  
547 statewide assessments and the earliest possible reporting to the  
548 school districts of student test results which is feasible  
549 within available technology and specific appropriations;  
550 however, test results for the FCAT must be made available no  
551 later than the week of June 8. Student results for end-of-course  
552 assessments must be provided no later than 1 week after the  
553 school district completes testing for each course. The  
554 commissioner may extend the reporting schedule under exigent  
555 circumstances.

556 b. FCAT Writing may not be administered earlier than the  
557 week of March 1, and a comprehensive statewide assessment of any  
558 other subject may not be administered earlier than the week of  
559 April 15.

560 c. A statewide, standardized end-of-course assessment is

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561 administered at the end of the course. The commissioner shall  
562 select an administration period for assessments that meets the  
563 intent of end-of-course assessments and provides student results  
564 prior to the end of the course. School districts shall  
565 administer tests in accordance with the schedule determined by  
566 the commissioner. For an end-of-course assessment administered  
567 at the end of the first semester, the commissioner shall  
568 determine the most appropriate testing dates based on a review  
569 of each school district's academic calendar.

570

571 The commissioner may, based on collaboration and input from  
572 school districts, design and implement student testing programs,  
573 for any grade level and subject area, necessary to effectively  
574 monitor educational achievement in the state, including the  
575 measurement of educational achievement of the Next Generation  
576 Sunshine State Standards for students with disabilities.

577 Development and refinement of assessments shall include  
578 universal design principles and accessibility standards that  
579 will prevent any unintended obstacles for students with  
580 disabilities while ensuring the validity and reliability of the  
581 test. These principles should be applicable to all technology  
582 platforms and assistive devices available for the assessments.  
583 The field testing process and psychometric analyses for the  
584 statewide assessment program must include an appropriate  
585 percentage of students with disabilities and an evaluation or  
586 determination of the effect of test items on such students.

587 (d) Conduct ongoing research to develop improved methods  
588 of assessing student performance, including, without limitation,

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589 the use of technology to administer tests, score, or report the  
590 results of, the use of electronic transfer of data, the  
591 development of work-product assessments, and the development of  
592 process assessments.

593 (e) Conduct ongoing research and analysis of student  
594 achievement data, including, without limitation, monitoring  
595 trends in student achievement by grade level and overall student  
596 achievement, identifying school programs that are successful,  
597 and analyzing correlates of school achievement.

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

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

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

607 (a) The statistical system for the annual assessments  
608 shall use measures of student learning, such as the FCAT, to  
609 determine teacher, school, and school district statistical  
610 distributions, which shall be determined using available data  
611 from the FCAT, and other data collection as deemed appropriate  
612 by the Department of Education, to measure the differences in  
613 student prior year achievement compared to the current year  
614 achievement for the purposes of accountability and recognition.

615 (b) The statistical system shall provide the best  
616 estimates of teacher, school, and school district effects on

617 student progress. The approach used by the department shall be  
 618 approved by the commissioner before implementation.

619 (c) The annual assessment ~~testing~~ program shall be  
 620 administered to provide for valid statewide comparisons of  
 621 learning gains to be made for purposes of accountability and  
 622 recognition. District school boards shall not establish school  
 623 calendars that jeopardize or limit the valid testing and  
 624 comparison of student learning gains.

625 (8) LOCAL ASSESSMENTS.—

626 (a) Measurement of the learning gains of students in all  
 627 subjects and grade levels other than subjects and grade levels  
 628 required for the state student achievement assessment ~~testing~~  
 629 program is the responsibility of the school districts.

630 Section 6. Section 1008.33, Florida Statutes, is amended  
 631 to read:

632 1008.33 Authority to enforce public school improvement.—

633 (1) The State Board of Education shall comply with the  
 634 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.  
 635 ss. 6301 et seq., ~~and its implementing regulations, and the ESEA~~  
 636 flexibility waiver approved for Florida by the United States  
 637 Secretary of Education. ~~The state board of Education is~~  
 638 ~~authorized to adopt rules in compliance with the ESEA and, after~~  
 639 ~~evaluating and determining that the ESEA and its implementing~~  
 640 ~~regulations are consistent with the statements of purpose set~~  
 641 ~~forth in the ESEA (2002), may adopt rules to maintain compliance~~  
 642 with the ESEA and the ESEA flexibility waiver.

643 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
 644 1008.345, and 1008.385, the State Board of Education shall hold

645 all school districts and public schools accountable for student  
 646 performance. The state board is responsible for a state system  
 647 of school improvement and education accountability that assesses  
 648 student performance by school, identifies schools in which  
 649 students are not making adequate progress toward state  
 650 standards, and institutes appropriate measures for enforcing  
 651 improvement.

652 (b) The state system of school improvement and education  
 653 accountability must provide for uniform accountability  
 654 standards, provide assistance of escalating intensity to low-  
 655 performing schools, direct support to schools in order to  
 656 improve and sustain performance, focus on the performance of  
 657 student subgroups, and enhance student performance.

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

661 (3) (a) The academic performance of all students has a  
 662 significant effect on the state school system. Pursuant to Art.  
 663 IX of the State Constitution, which prescribes the duty of the  
 664 State Board of Education to supervise Florida's public school  
 665 system, the state board of ~~Education~~ shall equitably enforce the  
 666 accountability requirements of the state school system and may  
 667 impose state requirements on school districts in order to  
 668 improve the academic performance of all districts, schools, and  
 669 students based upon the provisions of the Florida K-20 Education  
 670 Code, chapters 1000-1013; and the federal ESEA ~~Elementary and~~  
 671 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~  
 672 implementing regulations; and the ESEA flexibility waiver



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673 approved for Florida by the United States Secretary of  
674 Education.

675 ~~(b) For the purpose of determining whether a public school~~  
676 ~~requires action to achieve a sufficient level of school~~  
677 ~~improvement, Beginning with the 2011-2012 ~~2010-2011~~ school year,~~  
678 ~~the Department of Education shall annually identify each~~  
679 ~~categorize a public school in need of intervention and support~~  
680 ~~to improve student academic performance. All schools earning a~~  
681 ~~grade of "D" or "F" pursuant to s. 1008.34 are schools in need~~  
682 ~~of intervention and support in one of six categories based on~~  
683 ~~the following:~~

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

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

690 ~~(c) The state board shall adopt by rule a differentiated~~  
691 ~~matrix of intervention and support strategies for assisting~~  
692 ~~traditional public schools identified under this section and~~  
693 ~~rules for implementing s. 1002.33(9)(n), relating to charter~~  
694 ~~schools. Appropriate intervention and support strategies shall~~  
695 ~~be applied to schools that require action to achieve a~~  
696 ~~sufficient level of improvement as described in paragraph (b).~~  
697 ~~The intervention and support strategies must address student~~  
698 ~~performance and may include, including, but not limited to,~~  
699 ~~improvement planning, leadership quality improvement, educator~~  
700 ~~quality improvement, professional development, curriculum~~

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701 alignment and pacing, and the use of continuous improvement and  
702 monitoring plans and processes. In addition, the state board of  
703 ~~Education~~ may prescribe reporting requirements to review and  
704 monitor the progress of the schools. The rule must define the  
705 intervention and support strategies for school improvement for  
706 schools earning a grade of "D" or "F" and the roles for the  
707 district and department. The rule shall differentiate among  
708 schools earning consecutive grades of "D" or "F," or a  
709 combination thereof, and provide for more intense monitoring,  
710 intervention, and support strategies for these schools.

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

714 ~~(a) Intervention and support strategies shall be applied~~  
715 ~~to schools based upon the school categorization pursuant to~~  
716 ~~paragraph (3) (b). The Department of Education shall apply the~~  
717 ~~most intense intervention strategies to the lowest performing~~  
718 ~~schools. For all but the lowest category and "F" schools in the~~  
719 ~~second lowest category, the intervention and support strategies~~  
720 ~~shall be administered solely by the districts and the schools.~~

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

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

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

727 ~~a. The percentage of students who are not proficient in~~  
728 ~~reading has increased when compared to measurements taken 5~~

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729 ~~years previously;~~

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

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

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

737 (4)(5)(a) The state board shall apply the most intense  
738 intervention and support strategies to schools earning a grade  
739 of "F." In the first full school year after a school is  
740 initially earns a grade of "F," identified as a school in the  
741 lowest-performing category, the school district must implement  
742 intervention and support strategies prescribed in rule under  
743 paragraph (3)(c), select a turnaround option from those provided  
744 in subparagraphs (b)1.-5., and submit a plan for implementing  
745 the turnaround option to the department for approval by the  
746 state board. Upon approval by the state board, the turnaround  
747 option must be implemented in the following school year.

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

755 1. Convert the school to a district-managed turnaround  
756 school by means that include implementing a turnaround plan

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757 ~~approved by the Commissioner of Education which shall become the~~  
758 ~~school's improvement plan;~~

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

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

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

766 5. Implement a hybrid of turnaround options set forth in  
767 subparagraphs 1.-4. or other turnaround models that have a  
768 demonstrated record of effectiveness.

769 (c) Except for schools required to implement a turnaround  
770 option pursuant to subsection (5), a school earning a grade of  
771 "F" shall have a planning year followed by 2 full school years  
772 to implement the initial turnaround option selected by the  
773 school district and approved by the state board. Implementation  
774 of the turnaround option is no longer required if the school  
775 improves by at least one letter grade.

776 (d) A school earning a grade of "F" that improves its  
777 letter grade must continue to implement strategies identified in  
778 its school improvement plan pursuant to s. 1001.42(18)(a). The  
779 department must annually review implementation of the school  
780 improvement plan for 3 years to monitor the school's continued  
781 improvement.

782 (e) ~~(b)~~ If a school earning a grade of "F" does not improve  
783 by at least one letter grade after 2 full school years of  
784 implementing the turnaround option selected by the school

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785 ~~district under~~ move from the lowest performing category during  
786 ~~the initial year of implementing one of the options in paragraph~~  
787 (b) (a), the school district must select a different option and  
788 submit another implementation a plan to the department for,  
789 ~~which is subject to approval by the~~ state board. Implementation  
790 of the approved plan must begin the State Board of Education,  
791 ~~for implementing a different option in paragraph (a) at the~~  
792 ~~beginning of the next~~ school year following the implementation  
793 period of the existing turnaround option, unless the state board  
794 ~~of Education~~ determines that the school is likely to improve a  
795 letter grade ~~move from the lowest performing category~~ if  
796 additional time is provided to implement the existing turnaround  
797 option ~~intervention and support strategies. The State Board of~~  
798 ~~Education shall determine whether a school district may continue~~  
799 ~~to implement an option beyond 1 year while a school remains in~~  
800 ~~the lowest performing category.~~

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

806 ~~(5)(7)~~ A school that earns a grade of "F" within 2 years  
807 after raising its grade from a grade of "F" or that earns a  
808 grade of "F" within 2 years after exiting the lowest-performing  
809 category under s. 3, chapter 2009-144, Laws of Florida, must  
810 implement one of the turnaround options in subparagraphs  
811 (4) (b) 2.-5. Beginning July 1, 2009, the Department of Education  
812 ~~shall commence its duties under this section.~~

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813       (6) A school that earns a grade of "D" for 3 consecutive  
814 years must implement the district-managed turnaround option  
815 pursuant to subparagraph (4) (b)1. The school district must  
816 submit an implementation plan to the department for approval by  
817 the state board.

818       (7) A school classified in the lowest-performing category  
819 under s. 3, chapter 2009-144, Laws of Florida, before July 1,  
820 2012, is not required to continue implementing any turnaround  
821 option unless the school earns a grade of "F" or a third  
822 consecutive "D" for the 2011-2012 school year. A school earning  
823 a grade of "F" or a third consecutive "D" for the 2011-2012  
824 school year may not restart the number of years it has been low  
825 performing by virtue of the 2012 amendments to this section.

826       ~~By July 1, 2010,~~ The state board ~~of Education~~ shall  
827 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
828 this section. The rules shall include timelines for submission  
829 of implementation plans, approval criteria for implementation  
830 plans, and timelines for implementing intervention and support  
831 strategies. The state board shall consult with education  
832 stakeholders in developing the rules.

833       Section 7. Section 1008.34, Florida Statutes, is amended  
834 to read:

835       1008.34 School grading system; school report cards;  
836 district grade.—

837       (1) ANNUAL REPORTS.—The Commissioner of Education shall  
838 prepare annual reports of the results of the statewide  
839 assessment program which describe student achievement in the  
840 state, each district, and each school. The commissioner shall

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841 prescribe the design and content of these reports, which must  
842 include, ~~without limitation,~~ descriptions of the performance of  
843 all schools participating in the assessment program and all of  
844 their major student populations as determined by the  
845 commissioner. The report of Education, and must also include the  
846 percent of students performing at or above grade level and  
847 making a year's learning growth in a year's time in reading and  
848 mathematics. ~~the median scores of all eligible students who~~  
849 ~~scored at or in the lowest 25th percentile of the state in the~~  
850 ~~previous school year; provided, however, that~~ The provisions of  
851 s. 1002.22 pertaining to student records apply to this section.

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

- 855 (a) "A," schools making excellent progress.  
856 (b) "B," schools making above average progress.  
857 (c) "C," schools making satisfactory progress.  
858 (d) "D," schools making less than satisfactory progress.  
859 (e) "F," schools failing to make adequate progress.

860  
861 Each school that earns ~~designated with~~ a grade of "A," ~~making~~  
862 ~~excellent progress,~~ or improves ~~having improved~~ at least two  
863 letter grades ~~grade levels,~~ shall have greater authority over  
864 the allocation of the school's total budget generated from the  
865 FEFP, state categoricals, lottery funds, grants, and local  
866 funds, as specified in state board rule. The rule must provide  
867 that the increased budget authority shall remain in effect until  
868 the school's grade declines.

869 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

879 2. An alternative school may choose to receive a school  
 880 grade under this section or a school improvement rating under s.  
 881 1008.341. For charter schools that meet the definition of an  
 882 alternative school pursuant to State Board of Education rule,  
 883 the decision to receive a school grade is the decision of the  
 884 charter school governing board.

885 3. A school that serves any combination of students in  
 886 kindergarten through grade 3 which does not receive a school  
 887 grade because its students are not tested and included in the  
 888 school grading system shall receive the school grade designation  
 889 of a K-3 feeder pattern school identified by the Department of  
 890 Education and verified by the school district. A school feeder  
 891 pattern exists if at least 60 percent of the students in the  
 892 school serving a combination of students in kindergarten through  
 893 grade 3 are scheduled to be assigned to the graded school.

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

895 a. Student achievement scores, including achievement as  
 896 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.



897 1008.22(3)(c)1., statewide, standardized end-of-course  
 898 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b.  
 899 ~~1008.22(3)(c)2.a.~~, and achievement scores for students seeking a  
 900 special diploma.

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

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

911 2. Beginning with the 2011-2012 school year, for schools  
 912 comprised of middle school grades 6 through 8 or grades 7 and 8,  
 913 the school's grade shall include the performance and  
 914 participation of its students enrolled in high school level  
 915 courses with end-of-course assessments administered under s.  
 916 1008.22(3)(c)2.a. Performance and participation must be weighted  
 917 equally. As valid data becomes available, the school grades  
 918 shall include the students' attainment of national industry  
 919 certification identified in the Industry Certification Funding  
 920 List pursuant to rules adopted by the state board ~~of Education.~~

921 3. Beginning with the 2009-2010 school year for schools  
 922 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 923 11, and 12, at least 50 percent of the school grade shall be  
 924 based on a combination of the factors listed in sub-

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925 subparagraphs 1.a.-c. and the remaining percentage ~~50 percent~~ on  
 926 the following factors:

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

928 b. As valid data becomes available, the performance and  
 929 participation of the school's students in College Board Advanced  
 930 Placement courses, International Baccalaureate courses, dual  
 931 enrollment courses, and Advanced International Certificate of  
 932 Education courses; and the students' achievement of national  
 933 industry certification identified in the Industry Certification  
 934 Funding List, pursuant to rules adopted by the state board ~~of~~  
 935 ~~Education;~~

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

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

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

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

949 (c) Student assessment data used in determining school  
 950 grades shall include:

951 1. The aggregate scores of all eligible students enrolled  
 952 in the school who have been assessed on the FCAT and statewide,

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953 standardized end-of-course assessments in courses required for  
954 high school graduation, including, beginning with the 2011-2012  
955 ~~2010-2011~~ school year, the end-of-course assessment in Algebra  
956 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the  
957 end-of-course assessments in geometry and Biology I; and  
958 beginning with the 2014-2015 ~~2013-2014~~ school year, on the  
959 statewide, standardized end-of-course assessment in civics  
960 education at the middle school level.

961 2. The aggregate scores of all eligible students enrolled  
962 in the school who have been assessed on the FCAT and statewide,  
963 standardized end-of-course assessments as described in s.  
964 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th  
965 percentile of students in the school in reading and mathematics,  
966 unless these students are exhibiting satisfactory performance.

967 3. The achievement scores and learning gains of eligible  
968 students attending alternative schools that provide dropout  
969 prevention and academic intervention services pursuant to s.  
970 1003.53. The term "eligible students" in this subparagraph does  
971 not include students attending an alternative school who are  
972 subject to district school board policies for expulsion for  
973 repeated or serious offenses, who are in dropout retrieval  
974 programs serving students who have officially been designated as  
975 dropouts, or who are in programs operated or contracted by the  
976 Department of Juvenile Justice. The student performance data for  
977 eligible students identified in this subparagraph shall be  
978 included in the calculation of the home school's grade. As used  
979 in this subparagraph and s. 1008.341, the term "home school"  
980 means the school to which the student would be assigned if the

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981 student were not assigned to an alternative school. If an  
982 alternative school chooses to be graded under this section,  
983 student performance data for eligible students identified in  
984 this subparagraph shall not be included in the home school's  
985 grade but shall be included only in the calculation of the  
986 alternative school's grade. A school district that fails to  
987 assign the FCAT and statewide, standardized end-of-course  
988 assessment as described in s. 1008.22(3)(c)2.a. scores of each  
989 of its students to his or her home school or to the alternative  
990 school that receives a grade shall forfeit Florida School  
991 Recognition Program funds for 1 fiscal year. School districts  
992 must require collaboration between the home school and the  
993 alternative school in order to promote student success. This  
994 collaboration must include an annual discussion between the  
995 principal of the alternative school and the principal of each  
996 student's home school concerning the most appropriate school  
997 assignment of the student.

998 4. The achievement scores and learning gains of students  
999 designated as hospital- or homebound. Student assessment data  
1000 for students designated as hospital- or homebound shall be  
1001 assigned to their home school for the purposes of school grades.  
1002 As used in this subparagraph, the term "home school" means the  
1003 school to which a student would be assigned if the student were  
1004 not assigned to a hospital- or homebound program.

1005 5. For schools comprised of high school grades 9, 10, 11,  
1006 and 12, or grades 10, 11, and 12, the data listed in  
1007 subparagraphs 1.-3. and the following data as the Department of  
1008 Education determines such data are valid and available:

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- 1009           a. The high school graduation rate of the school as  
 1010 calculated by the department ~~of Education~~;
- 1011           b. The participation rate of all eligible students  
 1012 enrolled in the school and enrolled in College Board Advanced  
 1013 Placement courses; International Baccalaureate courses; dual  
 1014 enrollment courses; Advanced International Certificate of  
 1015 Education courses; and courses or sequences of courses leading  
 1016 to national industry certification identified in the Industry  
 1017 Certification Funding List, pursuant to rules adopted by the  
 1018 State Board of Education;
- 1019           c. The aggregate scores of all eligible students enrolled  
 1020 in the school in College Board Advanced Placement courses,  
 1021 International Baccalaureate courses, and Advanced International  
 1022 Certificate of Education courses;
- 1023           d. Earning of college credit by all eligible students  
 1024 enrolled in the school in dual enrollment programs under s.  
 1025 1007.271;
- 1026           e. Earning of a national industry certification identified  
 1027 in the Industry Certification Funding List, pursuant to rules  
 1028 adopted by the State Board of Education;
- 1029           f. The aggregate scores of all eligible students enrolled  
 1030 in the school in reading, mathematics, and other subjects as  
 1031 measured by the SAT, the ACT, the Postsecondary Education  
 1032 Readiness Test, and the common placement test for postsecondary  
 1033 readiness;
- 1034           g. The high school graduation rate of all eligible at-risk  
 1035 students enrolled in the school who scored at Level 2 or lower  
 1036 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

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1037 h. The performance of the school's students on statewide,  
 1038 standardized end-of-course assessments administered under s.  
 1039 1008.22(3)(c)2.c. and d.; and

1040 i. The growth or decline in the data components listed in  
 1041 sub-subparagraphs a.-h. from year to year.

1042  
 1043 The State Board of Education shall adopt appropriate criteria  
 1044 for each school grade. The criteria must also give added weight  
 1045 to student achievement in reading. Schools earning ~~designated~~  
 1046 ~~with~~ a grade of "C," making satisfactory progress, shall be  
 1047 required to demonstrate that adequate progress has been made by  
 1048 students in the school who are in the lowest 25th percentile in  
 1049 reading and mathematics on the FCAT and end-of-course  
 1050 assessments as described in s. 1008.22(3)(c)2.a., unless these  
 1051 students are exhibiting satisfactory performance. ~~Beginning with~~  
 1052 ~~the 2009-2010 school year~~ For schools comprised of high school  
 1053 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria  
 1054 for school grades must also give added weight to the graduation  
 1055 rate of all eligible at-risk students, ~~as defined in this~~  
 1056 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for  
 1057 a high school to earn ~~be designated as having~~ a grade of "A,"  
 1058 ~~making excellent progress,~~ the school must demonstrate that its  
 1059 at-risk students, as defined in this paragraph, ~~in the school~~  
 1060 are making adequate progress.

1061 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall  
 1062 identify each school's performance as having improved, remained  
 1063 the same, or declined. This school improvement rating shall be  
 1064 based on a comparison of the current year's and previous year's

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1065 student and school performance data. A school ~~Schools~~ that  
 1066 improves its rating by ~~improve~~ at least one ~~grade~~ level is ~~are~~  
 1067 eligible for school recognition awards pursuant to s. 1008.36.

1068 (5) SCHOOL REPORT CARD.—The Department of Education shall  
 1069 annually develop, in collaboration with the school districts, a  
 1070 school report card to be provided by the school district  
 1071 ~~delivered~~ to parents within the ~~throughout each school~~ district.  
 1072 The report card shall include the school's grade, information  
 1073 regarding school improvement, an explanation of school  
 1074 performance as evaluated by the federal Elementary and Secondary  
 1075 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~  
 1076 ~~Behind Act of 2001~~, and indicators of return on investment. Each  
 1077 school's report card shall be published annually by the  
 1078 department on its website, ~~and the school district shall provide~~  
 1079 ~~the school report card to each parent.~~

1080 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor  
 1081 in the performance of schools in calculating any performance-  
 1082 based funding policy that is provided for annually in the  
 1083 General Appropriations Act.

1084 (7) DISTRICT GRADE.—The annual report required by  
 1085 subsection (1) shall include the school district's grade. A  
 1086 school district's grade shall be calculated using student  
 1087 performance and learning gains data on statewide assessments  
 1088 used for determining school grades under subparagraph (3)(b)1.  
 1089 for each eligible student enrolled for a full school year in the  
 1090 district. This calculation methodology captures each eligible  
 1091 student in the district who may have transferred among schools  
 1092 within the district or is enrolled in a school that does not

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1093 ~~receive a grade district grades, which shall consist of weighted~~  
 1094 ~~district average grades, by level, for all elementary schools,~~  
 1095 ~~middle schools, and high schools in the district. A district's~~  
 1096 ~~weighted average grade shall be calculated by weighting~~  
 1097 ~~individual school grades determined pursuant to subsection (2)~~  
 1098 ~~by school enrollment.~~

1099 (8) RULES.—The State Board of Education shall adopt rules  
 1100 under ss. 120.536(1) and 120.54 to administer this section.

1101 Section 8. Paragraph (d) of subsection (6) and paragraph  
 1102 (b) of subsection (7) of section 1008.345, Florida Statutes, are  
 1103 amended to read:

1104 1008.345 Implementation of state system of school  
 1105 improvement and education accountability.—

1106 (6)

1107 (d) The commissioner shall assign a community assessment  
 1108 team to each school district or governing board with a school  
 1109 that earned a grade of graded "F" or three consecutive grades of  
 1110 "D" pursuant to s. 1008.34 ~~a school in the lowest-performing~~  
 1111 ~~category pursuant to s. 1008.33~~ to review the school performance  
 1112 data and determine causes for the low performance, including the  
 1113 role of school, area, and district administrative personnel. The  
 1114 community assessment team shall review a high school's  
 1115 graduation rate calculated without GED tests for the past 3  
 1116 years, disaggregated by student ethnicity. The team shall make  
 1117 recommendations to the school board or the governing board and  
 1118 to the State Board of Education which address the causes of the  
 1119 school's low performance and may be incorporated into the school  
 1120 improvement plan. The assessment team shall include, but not be



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1121 limited to, a department representative, parents, business  
 1122 representatives, educators, representatives of local  
 1123 governments, and community activists, and shall represent the  
 1124 demographics of the community from which they are appointed.

1125 (7) As a part of the system of educational accountability,  
 1126 the Department of Education shall:

1127 (b) Administer the statewide assessment ~~testing~~ program  
 1128 created by s. 1008.22.

1129 Section 9. Section 1012.07, Florida Statutes, is amended  
 1130 to read:

1131 1012.07 Identification of critical teacher shortage  
 1132 areas.—The term "critical teacher shortage area" means high-need  
 1133 content areas and high-priority location areas identified by the  
 1134 State Board of Education. The State Board of Education shall  
 1135 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
 1136 annually identify critical teacher shortage areas. The state  
 1137 board must consider current and emerging educational  
 1138 requirements and workforce demands in determining critical  
 1139 teacher shortage areas. School grade levels may also be  
 1140 designated critical teacher shortage areas. Individual district  
 1141 school boards may identify and submit other critical teacher  
 1142 shortage areas. Such submissions must be aligned to current and  
 1143 emerging educational requirements and workforce demands in order  
 1144 to be approved by the State Board of Education. High-priority  
 1145 location areas shall be in high-density, low-economic urban  
 1146 schools; low-density, low-economic rural schools; and schools  
 1147 that earned a grade of "F" or three consecutive grades of "D"  
 1148 pursuant to s. 1008.34 ~~identified as lowest performing under s.~~

1149 ~~1008.33 (4) (b).~~

1150 Section 10. Paragraph (c) of subsection (1) of section  
1151 1012.22, Florida Statutes, is amended to read:

1152 1012.22 Public school personnel; powers and duties of the  
1153 district school board.—The district school board shall:

1154 (1) Designate positions to be filled, prescribe  
1155 qualifications for those positions, and provide for the  
1156 appointment, compensation, promotion, suspension, and dismissal  
1157 of employees as follows, subject to the requirements of this  
1158 chapter:

1159 (c) Compensation and salary schedules.—

1160 1. Definitions.—As used in this paragraph:

1161 a. "Adjustment" means an addition to the base salary  
1162 schedule that is not a bonus and becomes part of the employee's  
1163 permanent base salary and shall be considered compensation under  
1164 s. 121.021(22).

1165 b. "Grandfathered salary schedule" means the salary  
1166 schedule or schedules adopted by a district school board before  
1167 July 1, 2014, pursuant to subparagraph 4.

1168 c. "Instructional personnel" means instructional personnel  
1169 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
1170 teachers.

1171 d. "Performance salary schedule" means the salary schedule  
1172 or schedules adopted by a district school board pursuant to  
1173 subparagraph 5.

1174 e. "Salary schedule" means the schedule or schedules used  
1175 to provide the base salary for district school board personnel.

1176 f. "School administrator" means a school administrator as

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1177 defined in s. 1012.01(3)(c).

1178 g. "Supplement" means an annual addition to the base  
1179 salary for the term of the negotiated supplement as long as the  
1180 employee continues his or her employment for the purpose of the  
1181 supplement. A supplement does not become part of the employee's  
1182 continuing base salary but shall be considered compensation  
1183 under s. 121.021(22).

1184 2. Cost-of-living adjustment.—A district school board may  
1185 provide a cost-of-living salary adjustment if the adjustment:

1186 a. Does not discriminate among comparable classes of  
1187 employees based upon the salary schedule under which they are  
1188 compensated.

1189 b. Does not exceed 50 percent of the annual adjustment  
1190 provided to instructional personnel rated as effective.

1191 3. Advanced degrees.—A district school board may not use  
1192 advanced degrees in setting a salary schedule for instructional  
1193 personnel or school administrators hired on or after July 1,  
1194 2011, unless the advanced degree is held in the individual's  
1195 area of certification and is only a salary supplement.

1196 4. Grandfathered salary schedule.—

1197 a. The district school board shall adopt a salary schedule  
1198 or salary schedules to be used as the basis for paying all  
1199 school employees hired before July 1, 2014. Instructional  
1200 personnel on annual contract as of July 1, 2014, shall be placed  
1201 on the performance salary schedule adopted under subparagraph 5.  
1202 Instructional personnel on continuing contract or professional  
1203 service contract may opt into the performance salary schedule if  
1204 the employee relinquishes such contract and agrees to be

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1205 employed on an annual contract under s. 1012.335. Such an  
1206 employee shall be placed on the performance salary schedule and  
1207 may not return to continuing contract or professional service  
1208 contract status. Any employee who opts into the performance  
1209 salary schedule may not return to the grandfathered salary  
1210 schedule.

1211 b. In determining the grandfathered salary schedule for  
1212 instructional personnel, a district school board must base a  
1213 portion of each employee's compensation upon performance  
1214 demonstrated under s. 1012.34 and shall provide differentiated  
1215 pay for both instructional personnel and school administrators  
1216 based upon district-determined factors, including, but not  
1217 limited to, additional responsibilities, school demographics,  
1218 critical shortage areas, and level of job performance  
1219 difficulties.

1220 5. Performance salary schedule.—By July 1, 2014, the  
1221 district school board shall adopt a performance salary schedule  
1222 that provides annual salary adjustments for instructional  
1223 personnel and school administrators based upon performance  
1224 determined under s. 1012.34. Employees hired on or after July 1,  
1225 2014, or employees who choose to move from the grandfathered  
1226 salary schedule to the performance salary schedule shall be  
1227 compensated pursuant to the performance salary schedule once  
1228 they have received the appropriate performance evaluation for  
1229 this purpose. However, a classroom teacher whose performance  
1230 evaluation utilizes student learning growth measures established  
1231 under s. 1012.34(7)(e) shall remain under the grandfathered  
1232 salary schedule until his or her teaching assignment changes to

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1233 a subject for which there is an assessment or the school  
 1234 district establishes equally appropriate measures of student  
 1235 learning growth as defined under s. 1012.34 and rules of the  
 1236 State Board of Education.

1237 a. Base salary.—The base salary shall be established as  
 1238 follows:

1239 (I) The base salary for instructional personnel or school  
 1240 administrators who opt into the performance salary schedule  
 1241 shall be the salary paid in the prior year, including  
 1242 adjustments only.

1243 (II) Beginning July 1, 2014, instructional personnel or  
 1244 school administrators new to the district, returning to the  
 1245 district after a break in service without an authorized leave of  
 1246 absence, or appointed for the first time to a position in the  
 1247 district in the capacity of instructional personnel or school  
 1248 administrator shall be placed on the performance salary  
 1249 schedule.

1250 b. Salary adjustments.—Salary adjustments for highly  
 1251 effective or effective performance shall be established as  
 1252 follows:

1253 (I) The annual salary adjustment under the performance  
 1254 salary schedule for an employee rated as highly effective must  
 1255 be greater than the highest annual salary adjustment available  
 1256 to an employee of the same classification through any other  
 1257 salary schedule adopted by the district.

1258 (II) The annual salary adjustment under the performance  
 1259 salary schedule for an employee rated as effective must be equal  
 1260 to at least 50 percent and no more than 75 percent of the annual

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1261 adjustment provided for a highly effective employee of the same  
 1262 classification.

1263 (III) The performance salary schedule shall not provide an  
 1264 annual salary adjustment for an employee who receives a rating  
 1265 other than highly effective or effective for the year.

1266 c. Salary supplements.—In addition to the salary  
 1267 adjustments, each district school board shall provide for salary  
 1268 supplements for activities that must include, but are not  
 1269 limited to:

1270 (I) Assignment to a Title I eligible school.

1271 (II) Assignment to a school that earned a grade of "F" or  
 1272 three consecutive grades of "D" pursuant to s. 1008.34 in the  
 1273 ~~bottom two categories of the school improvement system under s.~~  
 1274 ~~1008.33~~ such that the supplement remains in force for at least 1  
 1275 year following improved performance in that school.

1276 (III) Certification and teaching in critical teacher  
 1277 shortage areas. Statewide critical teacher shortage areas shall  
 1278 be identified by the State Board of Education under s. 1012.07.  
 1279 However, the district school board may identify other areas of  
 1280 critical shortage within the school district for purposes of  
 1281 this sub-sub-subparagraph and may remove areas identified by the  
 1282 state board which do not apply within the school district.

1283 (IV) Assignment of additional academic responsibilities.

1284  
 1285 If budget constraints in any given year limit a district school  
 1286 board's ability to fully fund all adopted salary schedules, the  
 1287 performance salary schedule shall not be reduced on the basis of  
 1288 total cost or the value of individual awards in a manner that is

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1289 | proportionally greater than reductions to any other salary  
 1290 | schedules adopted by the district.

1291 | Section 11. Subsection (2) of section 1012.2315, Florida  
 1292 | Statutes, is amended to read:

1293 | 1012.2315 Assignment of teachers.—

1294 | (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~  
 1295 | ~~IN NEED OF IMPROVEMENT~~.—School districts may not assign a higher  
 1296 | percentage than the school district average of temporarily  
 1297 | certified teachers, teachers in need of improvement, or out-of-  
 1298 | field teachers to schools graded "D" or "F" pursuant to s.  
 1299 | 1008.34 ~~in one of the three lowest performing categories under~~  
 1300 | ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to  
 1301 | the Commissioner of Education that this requirement has been  
 1302 | met. If the commissioner determines that a school district is  
 1303 | not in compliance with this subsection, the State Board of  
 1304 | Education shall be notified and shall take action pursuant to s.  
 1305 | 1008.32 in the next regularly scheduled meeting to require  
 1306 | compliance.

1307 | Section 12. This act shall take effect July 1, 2012.