

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

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:
56

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 including tutoring or other supplemental academic enrichment

85 services, for improving these results. For a Title I school, the
 86 plan shall include supplemental educational services offered by
 87 multiple providers approved under and in compliance with s.
 88 1008.331. The state board shall adopt rules establishing
 89 thresholds and for determining compliance with this paragraph.

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

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

100 1002.33 Charter schools.—

101 (9) CHARTER SCHOOL REQUIREMENTS.—

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

110 ~~(o) Upon notification that a charter school receives a~~
 111 ~~school grade of "D" for 2 consecutive years or a school grade of~~
 112 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~

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

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

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

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

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

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

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

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

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

168 e. A charter school implementing a corrective action that

169 does not improve by at least one letter grade after 2 full
170 school years of implementing the corrective action must select a
171 different corrective action. Implementation of the new
172 corrective action must begin in the school year following the
173 implementation period of the existing corrective action, unless
174 the sponsor determines that the charter school is likely to
175 improve a letter grade if additional time is provided to
176 implement the existing corrective action. Notwithstanding this
177 sub-subparagraph, a charter school that earns a second
178 consecutive grade of "F" while implementing a corrective action
179 is subject to subparagraph 4.

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

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

188 a. The charter school is established to turnaround the
189 performance of a district public school pursuant to s.
190 1008.33(4)(b)3. Such charter schools shall be governed by s.
191 1008.33;

192 b. The charter school serves a student population the
193 majority of which resides in a school zone served by a district
194 public school that earned a grade of "F" in the year before the
195 charter school opened and the charter school earns at least a
196 grade of "D" in its third year of operation. The exception

197 provided under this sub-subparagraph does not apply to a charter
 198 school in its fourth year of operation and thereafter; or

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

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

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

223 6. Notwithstanding any provision of this paragraph except
 224 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter

225 at any time pursuant to subsection (8).

226 Section 3. Paragraph (b) of subsection (1) of section
227 1002.332, Florida Statutes, is amended to read:

228 1002.332 High-performing charter school system.—

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

230 (b) "High-performing charter school system" means an
231 entity that:

232 1. Operates at least three high-performing charter schools
233 in the state;

234 2. Operates a system of charter schools in which at least
235 50 percent of the charter schools are high-performing charter
236 schools pursuant to s. 1002.331 and no charter school earned
237 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
238 except that:

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

244 b. If the entity establishes a new charter school that
245 serves a student population the majority of which resides in a
246 school zone served by a public school that earned a grade of "F"
247 or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~
248 ~~identified as lowest performing under s. 1008.33(4)(b),~~ that
249 charter school's grade may ~~shall~~ not be considered in
250 determining high-performing charter school system status if it
251 attains and maintains a school grade that is higher than that of
252 the public school serving that school zone within 3 years after

253 establishment; and

254 3. Has not received a financial audit that revealed one or
 255 more of the financial emergency conditions set forth in s.
 256 218.503(1) for any charter school assumed or established by the
 257 entity.

258 Section 4. Paragraph (a) of subsection (2) of section
 259 1002.38, Florida Statutes, is amended to read:

260 1002.38 Opportunity Scholarship Program.—

261 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

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

268 1. By assigned school attendance area or by special
 269 assignment, the student has spent the prior school year in
 270 attendance at a public school that has earned a grade of "F" or
 271 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~
 272 ~~designated as performance grade category "D" or "F" and that is~~
 273 ~~in one of the two lowest-performing categories pursuant to s.~~
 274 ~~1008.33,~~ and the student's attendance occurred during a school
 275 year in which such designation was in effect;

276 2. The student has been in attendance elsewhere in the
 277 public school system and has been assigned to such school for
 278 the next school year; or

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

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

284 1008.22 Student assessment program for public schools.—

285 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 286 design and implement a statewide program of educational
 287 assessment that provides information for the improvement of the
 288 operation and management of the public schools, including
 289 schools operating for the purpose of providing educational
 290 services to youth in Department of Juvenile Justice programs.
 291 The commissioner may enter into contracts for the continued
 292 administration of the assessment, ~~testing, and evaluation~~
 293 programs authorized and funded by the Legislature. Contracts may
 294 be initiated in 1 fiscal year and continue into the next and may
 295 be paid from the appropriations of either or both fiscal years.
 296 The commissioner is authorized to negotiate for the sale or
 297 lease of tests, scoring protocols, test scoring services, and
 298 related materials developed pursuant to law. Pursuant to the
 299 statewide assessment program, the commissioner shall:

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

303 (b) Develop and implement a uniform system of indicators
 304 to describe the performance of public school students and the
 305 characteristics of the public school districts and the public
 306 schools. These indicators must include, ~~without limitation,~~
 307 information gathered by the comprehensive management information
 308 system created pursuant to s. 1008.385 and student achievement

309 information obtained pursuant to this section.

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

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

334 2.a. ~~End-of-course assessments for a subject shall be~~
335 ~~administered in addition to the comprehensive assessments~~
336 ~~required under subparagraph 1.~~ End-of-course assessments must be

337 rigorous, statewide, standardized, and developed or approved by
338 the department. The content knowledge and skills assessed by
339 end-of-course assessments must be aligned to the core curricular
340 content established in the Next Generation Sunshine State
341 Standards.

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

365 | earn course credit.

366 | (II) Statewide, standardized end-of-course assessments in
367 | science shall be administered according to this sub-sub-
368 | subparagraph. Beginning with the 2011-2012 school year, all
369 | students enrolled in Biology I or an equivalent course must take
370 | the Biology I end-of-course assessment. For the 2011-2012 school
371 | year, each student's performance on the end-of-course assessment
372 | in Biology I shall constitute 30 percent of the student's final
373 | course grade. Beginning with students entering grade 9 during
374 | the 2012-2013 school year, a student must earn a passing score
375 | on the end-of-course assessment in Biology I in order to earn
376 | course credit.

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

392 | c. The commissioner may select one or more nationally

393 developed comprehensive examinations, which may include, but
394 need not be limited to, examinations for a College Board
395 Advanced Placement course, International Baccalaureate course,
396 or Advanced International Certificate of Education course, or
397 industry-approved examinations to earn national industry
398 certifications identified in the Industry Certification Funding
399 List, pursuant to rules adopted by the State Board of Education,
400 for use as end-of-course assessments under this paragraph, if
401 the commissioner determines that the content knowledge and
402 skills assessed by the examinations meet or exceed the grade
403 level expectations for the core curricular content established
404 for the course in the Next Generation Sunshine State Standards.
405 The commissioner may collaborate with the American Diploma
406 Project in the adoption or development of rigorous end-of-course
407 assessments that are aligned to the Next Generation Sunshine
408 State Standards.

409 d. Contingent upon funding provided in the General
410 Appropriations Act, including the appropriation of funds
411 received through federal grants, the Commissioner of Education
412 shall establish an implementation schedule for the development
413 and administration of additional statewide, standardized end-of-
414 course assessments in English/Language Arts II, Algebra II,
415 chemistry, physics, earth/space science, United States history,
416 and world history. Priority shall be given to the development of
417 end-of-course assessments in English/Language Arts II. The
418 Commissioner of Education shall evaluate the feasibility and
419 effect of transitioning from the grade 9 and grade 10 FCAT
420 Reading and high school level FCAT Writing to an end-of-course

421 assessment in English/Language Arts II. The commissioner shall
422 report the results of the evaluation to the President of the
423 Senate and the Speaker of the House of Representatives no later
424 than July 1, 2011.

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

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

443 5. FCAT Reading, Mathematics, and Science and all
444 statewide, standardized end-of-course assessments shall measure
445 the content knowledge and skills a student has attained on the
446 assessment by the use of scaled scores and achievement levels.
447 Achievement levels shall range from 1 through 5, with level 1
448 being the lowest achievement level, level 5 being the highest

449 achievement level, and level 3 indicating satisfactory
450 performance on an assessment. For purposes of FCAT Writing,
451 student achievement shall be scored using a scale of 1 through 6
452 and the score earned shall be used in calculating school grades.
453 A score shall be designated for each subject area tested, below
454 which score a student's performance is deemed inadequate. The
455 school districts shall provide appropriate remedial instruction
456 to students who score below these levels.

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

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

475 8. Participation in the assessment ~~testing~~ program is
476 mandatory for all students attending public school, including

477 | students served in Department of Juvenile Justice programs,
478 | except as otherwise prescribed by the commissioner. A student
479 | who has not earned passing scores on the grade 10 FCAT as
480 | provided in subparagraph 6. must participate in each retake of
481 | the assessment until the student earns passing scores or
482 | achieves scores on a standardized assessment which are
483 | concordant with passing scores pursuant to subsection (10). If a
484 | student does not participate in the statewide assessment, the
485 | district must notify the student's parent and provide the parent
486 | with information regarding the implications of such
487 | nonparticipation. A parent must provide signed consent for a
488 | student to receive classroom instructional accommodations that
489 | would not be available or permitted on the statewide assessments
490 | and must acknowledge in writing that he or she understands the
491 | implications of such instructional accommodations. The State
492 | Board of Education shall adopt rules, based upon recommendations
493 | of the commissioner, for the provision of test accommodations
494 | for students in exceptional education programs and for students
495 | who have limited English proficiency. Accommodations that negate
496 | the validity of a statewide assessment are not allowable in the
497 | administration of the FCAT or an end-of-course assessment.
498 | However, instructional accommodations are allowable in the
499 | classroom if included in a student's individual education plan.
500 | Students using instructional accommodations in the classroom
501 | that are not allowable as accommodations on the FCAT or an end-
502 | of-course assessment may have the FCAT or an end-of-course
503 | assessment requirement waived pursuant to the requirements of s.
504 | 1003.428(8)(b) or s. 1003.43(11)(b).

505 9. A student seeking an adult high school diploma must
506 meet the same testing requirements that a regular high school
507 student must meet.

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

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

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

532 13. For students seeking a special diploma pursuant to s.

533 1003.438, the Department of Education must develop or select and
534 implement an alternate assessment tool that accurately measures
535 the core curricular content established in the Next Generation
536 Sunshine State Standards for students with disabilities under s.
537 1003.438.

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

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

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

561 other subject may not be administered earlier than the week of
562 April 15.

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

573

574 The commissioner may, based on collaboration and input from
575 school districts, design and implement student testing programs,
576 for any grade level and subject area, necessary to effectively
577 monitor educational achievement in the state, including the
578 measurement of educational achievement of the Next Generation
579 Sunshine State Standards for students with disabilities.
580 Development and refinement of assessments shall include
581 universal design principles and accessibility standards that
582 will prevent any unintended obstacles for students with
583 disabilities while ensuring the validity and reliability of the
584 test. These principles should be applicable to all technology
585 platforms and assistive devices available for the assessments.
586 The field testing process and psychometric analyses for the
587 statewide assessment program must include an appropriate
588 percentage of students with disabilities and an evaluation or

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

590 (d) Conduct ongoing research to develop improved methods
591 of assessing student performance, including, without limitation,
592 the use of technology to administer tests, score, or report the
593 results of, the use of electronic transfer of data, the
594 development of work-product assessments, and the development of
595 process assessments.

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

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

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

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

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

617 achievement for the purposes of accountability and recognition.

618 (b) The statistical system shall provide the best
 619 estimates of teacher, school, and school district effects on
 620 student progress. The approach used by the department shall be
 621 approved by the commissioner before implementation.

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

628 (8) LOCAL ASSESSMENTS.—

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

633 Section 6. Section 1008.33, Florida Statutes, is amended
 634 to read:

635 1008.33 Authority to enforce public school improvement.—

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

645 with the ESEA and the ESEA flexibility waiver.

646 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
 647 1008.345, and 1008.385, the State Board of Education shall hold
 648 all school districts and public schools accountable for student
 649 performance. The state board is responsible for a state system
 650 of school improvement and education accountability that assesses
 651 student performance by school, identifies schools in which
 652 students are not making adequate progress toward state
 653 standards, and institutes appropriate measures for enforcing
 654 improvement.

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

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

664 (3) (a) The academic performance of all students has a
 665 significant effect on the state school system. Pursuant to Art.
 666 IX of the State Constitution, which prescribes the duty of the
 667 State Board of Education to supervise Florida's public school
 668 system, the state board ~~of Education~~ shall equitably enforce the
 669 accountability requirements of the state school system and may
 670 impose state requirements on school districts in order to
 671 improve the academic performance of all districts, schools, and
 672 students based upon the provisions of the Florida K-20 Education

673 Code, chapters 1000-1013;~~;~~ and the federal ESEA ~~Elementary and~~
 674 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq.,~~ and its
 675 implementing regulations; and the ESEA flexibility waiver
 676 approved for Florida by the United States Secretary of
 677 Education.

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

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

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

693 (c) The state board shall adopt by rule a differentiated
 694 matrix of intervention and support strategies for assisting
 695 traditional public schools identified under this section and
 696 rules for implementing s. 1002.33(9)(n), relating to charter
 697 schools. Appropriate intervention and support strategies shall
 698 ~~be applied to schools that require action to achieve a~~
 699 ~~sufficient level of improvement as described in paragraph (b).~~
 700 The intervention and support strategies must address student

701 performance and may include, ~~including, but not limited to,~~
702 improvement planning, leadership quality improvement, educator
703 quality improvement, professional development, curriculum
704 alignment and pacing, and the use of continuous improvement and
705 monitoring plans and processes. In addition, the state board of
706 ~~Education~~ may prescribe reporting requirements to review and
707 monitor the progress of the schools. The rule must define the
708 intervention and support strategies for school improvement for
709 schools earning a grade of "D" or "F" and the roles for the
710 district and department. The rule shall differentiate among
711 schools earning consecutive grades of "D" or "F," or a
712 combination thereof, and provide for more intense monitoring,
713 intervention, and support strategies for these schools.

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

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

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

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

728 ~~2. A grade of "D" or "F" in the most recent school year~~

729 ~~and meet at least three of the following criteria:~~

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

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

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

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

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

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

757 ~~lowest performing category:~~

758 1. Convert the school to a district-managed turnaround
 759 school ~~by means that include implementing a turnaround plan~~
 760 ~~approved by the Commissioner of Education which shall become the~~
 761 ~~school's improvement plan;~~

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

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

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

769 5. Implement a hybrid of turnaround options set forth in
 770 subparagraphs 1.-4. or other turnaround models that have a
 771 demonstrated record of effectiveness.

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

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

785 (e) (b) If a school earning a grade of "F" does not improve
786 by at least one letter grade after 2 full school years of
787 implementing the turnaround option selected by the school
788 district under ~~move from the lowest performing category during~~
789 ~~the initial year of implementing one of the options in paragraph~~
790 (b) (a), the school district must select a different option and
791 submit another implementation a plan to the department for
792 ~~which is subject to approval by the~~ state board. Implementation
793 of the approved plan must begin the ~~State Board of Education,~~
794 ~~for implementing a different option in paragraph (a) at the~~
795 ~~beginning of the next school year~~ following the implementation
796 period of the existing turnaround option, unless the state board
797 ~~of Education~~ determines that the school is likely to improve a
798 letter grade ~~move from the lowest performing category~~ if
799 additional time is provided to implement the existing turnaround
800 option ~~intervention and support strategies. The State Board of~~
801 ~~Education shall determine whether a school district may continue~~
802 ~~to implement an option beyond 1 year while a school remains in~~
803 ~~the lowest performing category.~~

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

809 (5) (7) A school that earns a grade of "F" within 2 years
810 after raising its grade from a grade of "F" or that earns a
811 grade of "F" within 2 years after exiting the lowest-performing
812 category under s. 3, chapter 2009-144, Laws of Florida, must

813 implement one of the turnaround options in subparagraphs
814 (4) (b) 2.-5. Beginning July 1, 2009, the Department of Education
815 shall commence its duties under this section.

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

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

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

836 Section 7. Section 1008.34, Florida Statutes, is amended
837 to read:

838 1008.34 School grading system; school report cards;
839 district grade.—

840 (1) ANNUAL REPORTS.—The Commissioner of Education shall

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

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

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

863 |
864 | Each school that earns ~~designated with~~ a grade of "A," ~~making~~
865 | ~~excellent progress,~~ or improves ~~having improved~~ at least two
866 | letter grades ~~grade levels,~~ shall have greater authority over
867 | the allocation of the school's total budget generated from the
868 | FEFP, state categoricals, lottery funds, grants, and local

869 funds, as specified in state board rule. The rule must provide
870 that the increased budget authority shall remain in effect until
871 the school's grade declines.

872 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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

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

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

898 a. Student achievement scores, including achievement as
899 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.
900 1008.22(3)(c)1., statewide, standardized end-of-course
901 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b.
902 ~~1008.22(3)(c)2.a.~~, and achievement scores for students seeking a
903 special diploma.

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

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

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

924 3. Beginning with the 2009-2010 school year for schools

925 | comprised of high school grades 9, 10, 11, and 12, or grades 10,
 926 | 11, and 12, at least 50 percent of the school grade shall be
 927 | based on a combination of the factors listed in sub-
 928 | subparagraphs 1.a.-c. and the remaining percentage ~~50 percent~~ on
 929 | the following factors:

- 930 | a. The high school graduation rate of the school;
- 931 | b. As valid data becomes available, the performance and
 932 | participation of the school's students in College Board Advanced
 933 | Placement courses, International Baccalaureate courses, dual
 934 | enrollment courses, and Advanced International Certificate of
 935 | Education courses; and the students' achievement of national
 936 | industry certification identified in the Industry Certification
 937 | Funding List, pursuant to rules adopted by the state board ~~of~~
 938 | ~~Education~~;
- 939 | c. Postsecondary readiness of all of the school's on-time
 940 | graduates ~~students~~ as measured by the SAT, the ACT, the
 941 | Postsecondary Education Readiness Test, or the common placement
 942 | test;
- 943 | d. The high school graduation rate of at-risk students,
 944 | who are students scoring ~~who scored~~ at Level 1 or Level 2 ~~or~~
 945 | ~~lower~~ on the grade 8 FCAT Reading and FCAT Mathematics
 946 | ~~examinations~~;
- 947 | e. As valid data becomes available, the performance of the
 948 | school's students on statewide, standardized end-of-course
 949 | assessments administered under s. 1008.22(3)(c)2.c. and d.; and
- 950 | f. The growth or decline in the components listed in sub-
 951 | subparagraphs a.-e. from year to year.

952 | (c) Student assessment data used in determining school

953 | grades shall include:

954 | 1. The aggregate scores of all eligible students enrolled
 955 | in the school who have been assessed on the FCAT and statewide,
 956 | standardized end-of-course assessments in courses required for
 957 | high school graduation, including, beginning with the 2011-2012
 958 | ~~2010-2011~~ school year, the end-of-course assessment in Algebra
 959 | I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
 960 | end-of-course assessments in geometry and Biology I; and
 961 | beginning with the 2014-2015 ~~2013-2014~~ school year, on the
 962 | statewide, standardized end-of-course assessment in civics
 963 | education at the middle school level.

964 | 2. The aggregate scores of all eligible students enrolled
 965 | in the school who have been assessed on the FCAT and statewide,
 966 | standardized end-of-course assessments as described in s.
 967 | 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
 968 | percentile of students in the school in reading and mathematics,
 969 | unless these students are exhibiting satisfactory performance.

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

981 included in the calculation of the home school's grade. As used
982 in this subparagraph and s. 1008.341, the term "home school"
983 means the school to which the student would be assigned if the
984 student were not assigned to an alternative school. If an
985 alternative school chooses to be graded under this section,
986 student performance data for eligible students identified in
987 this subparagraph shall not be included in the home school's
988 grade but shall be included only in the calculation of the
989 alternative school's grade. A school district that fails to
990 assign the FCAT and statewide, standardized end-of-course
991 assessment as described in s. 1008.22(3)(c)2.a. scores of each
992 of its students to his or her home school or to the alternative
993 school that receives a grade shall forfeit Florida School
994 Recognition Program funds for 1 fiscal year. School districts
995 must require collaboration between the home school and the
996 alternative school in order to promote student success. This
997 collaboration must include an annual discussion between the
998 principal of the alternative school and the principal of each
999 student's home school concerning the most appropriate school
1000 assignment of the student.

1001 4. The achievement scores and learning gains of students
1002 designated as hospital- or homebound. Student assessment data
1003 for students designated as hospital- or homebound shall be
1004 assigned to their home school for the purposes of school grades.
1005 As used in this subparagraph, the term "home school" means the
1006 school to which a student would be assigned if the student were
1007 not assigned to a hospital- or homebound program.

1008 5. For schools comprised of high school grades 9, 10, 11,

1009 and 12, or grades 10, 11, and 12, the data listed in
 1010 subparagraphs 1.-3. and the following data as the Department of
 1011 Education determines such data are valid and available:

1012 a. The high school graduation rate of the school as
 1013 calculated by the department ~~of Education~~;

1014 b. The participation rate of all eligible students
 1015 enrolled in the school and enrolled in College Board Advanced
 1016 Placement courses; International Baccalaureate courses; dual
 1017 enrollment courses; Advanced International Certificate of
 1018 Education courses; and courses or sequences of courses leading
 1019 to national industry certification identified in the Industry
 1020 Certification Funding List, pursuant to rules adopted by the
 1021 State Board of Education;

1022 c. The aggregate scores of all eligible students enrolled
 1023 in the school in College Board Advanced Placement courses,
 1024 International Baccalaureate courses, and Advanced International
 1025 Certificate of Education courses;

1026 d. Earning of college credit by all eligible students
 1027 enrolled in the school in dual enrollment programs under s.
 1028 1007.271;

1029 e. Earning of a national industry certification identified
 1030 in the Industry Certification Funding List, pursuant to rules
 1031 adopted by the State Board of Education;

1032 f. The aggregate scores of all eligible students enrolled
 1033 in the school in reading, mathematics, and other subjects as
 1034 measured by the SAT, the ACT, the Postsecondary Education
 1035 Readiness Test, and the common placement test for postsecondary
 1036 readiness;

1037 g. The high school graduation rate of all eligible at-risk
 1038 students enrolled in the school who scored at Level 2 or lower
 1039 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations;~~

1040 h. The performance of the school's students on statewide,
 1041 standardized end-of-course assessments administered under s.
 1042 1008.22(3)(c)2.c. and d.; and

1043 i. The growth or decline in the data components listed in
 1044 sub-subparagraphs a.-h. from year to year.

1045
 1046 The State Board of Education shall adopt appropriate criteria
 1047 for each school grade. The criteria must also give added weight
 1048 to student achievement in reading. Schools earning ~~designated~~
 1049 ~~with~~ a grade of "C," making satisfactory progress, shall be
 1050 required to demonstrate that adequate progress has been made by
 1051 students in the school who are in the lowest 25th percentile in
 1052 reading and mathematics on the FCAT and end-of-course
 1053 assessments as described in s. 1008.22(3)(c)2.a., unless these
 1054 students are exhibiting satisfactory performance. ~~Beginning with~~
 1055 ~~the 2009-2010 school year~~ For schools comprised of high school
 1056 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria
 1057 for school grades must also give added weight to the graduation
 1058 rate of all eligible at-risk students, ~~as defined in this~~
 1059 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for
 1060 a high school to earn ~~be designated as having~~ a grade of "A,"
 1061 ~~making excellent progress,~~ the school must demonstrate that its
 1062 at-risk students, as defined in this paragraph, ~~in the school~~
 1063 are making adequate progress.

1064 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall

1065 identify each school's performance as having improved, remained
 1066 the same, or declined. This school improvement rating shall be
 1067 based on a comparison of the current year's and previous year's
 1068 student and school performance data. A school ~~Schools~~ that
 1069 improves its rating by ~~improve~~ at least one ~~grade~~ level is are
 1070 eligible for school recognition awards pursuant to s. 1008.36.

1071 (5) SCHOOL REPORT CARD.—The Department of Education shall
 1072 annually develop, in collaboration with the school districts, a
 1073 school report card to be provided by the school district
 1074 ~~delivered~~ to parents within the ~~throughout each school~~ district.
 1075 The report card shall include the school's grade, information
 1076 regarding school improvement, an explanation of school
 1077 performance as evaluated by the federal Elementary and Secondary
 1078 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~
 1079 ~~Behind Act of 2001~~, and indicators of return on investment. Each
 1080 school's report card shall be published annually by the
 1081 department on its website, ~~and the school district shall provide~~
 1082 ~~the school report card to each parent.~~

1083 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor
 1084 in the performance of schools in calculating any performance-
 1085 based funding policy that is provided for annually in the
 1086 General Appropriations Act.

1087 (7) DISTRICT GRADE.—The annual report required by
 1088 subsection (1) shall include the school district's grade. A
 1089 school district's grade shall be calculated using student
 1090 performance and learning gains data on statewide assessments
 1091 used for determining school grades under subparagraph (3) (b) 1.
 1092 for each eligible student enrolled for a full school year in the

1093 district. This calculation methodology captures each eligible
 1094 student in the district who may have transferred among schools
 1095 within the district or is enrolled in a school that does not
 1096 receive a grade ~~district grades, which shall consist of weighted~~
 1097 ~~district average grades, by level, for all elementary schools,~~
 1098 ~~middle schools, and high schools in the district. A district's~~
 1099 ~~weighted average grade shall be calculated by weighting~~
 1100 ~~individual school grades determined pursuant to subsection (2)~~
 1101 ~~by school enrollment.~~

1102 (8) RULES.—The State Board of Education shall adopt rules
 1103 under ss. 120.536(1) and 120.54 to administer this section.

1104 Section 8. Paragraph (d) of subsection (6) and paragraph
 1105 (b) of subsection (7) of section 1008.345, Florida Statutes, are
 1106 amended to read:

1107 1008.345 Implementation of state system of school
 1108 improvement and education accountability.—

1109 (6)

1110 (d) The commissioner shall assign a community assessment
 1111 team to each school district or governing board with a school
 1112 that earned a grade of ~~graded~~ "F" or three consecutive grades of
 1113 "D" pursuant to s. 1008.34 ~~a school in the lowest-performing~~
 1114 ~~category pursuant to s. 1008.33~~ to review the school performance
 1115 data and determine causes for the low performance, including the
 1116 role of school, area, and district administrative personnel. The
 1117 community assessment team shall review a high school's
 1118 graduation rate calculated without GED tests for the past 3
 1119 years, disaggregated by student ethnicity. The team shall make
 1120 recommendations to the school board or the governing board and

1121 to the State Board of Education which address the causes of the
1122 school's low performance and may be incorporated into the school
1123 improvement plan. The assessment team shall include, but not be
1124 limited to, a department representative, parents, business
1125 representatives, educators, representatives of local
1126 governments, and community activists, and shall represent the
1127 demographics of the community from which they are appointed.

1128 (7) As a part of the system of educational accountability,
1129 the Department of Education shall:

1130 (b) Administer the statewide assessment ~~testing~~ program
1131 created by s. 1008.22.

1132 Section 9. Section 1012.07, Florida Statutes, is amended
1133 to read:

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

1149 schools; low-density, low-economic rural schools; and schools
 1150 that earned a grade of "F" or three consecutive grades of "D"
 1151 pursuant to s. 1008.34 ~~identified as lowest performing under s.~~
 1152 ~~1008.33 (4) (b).~~

1153 Section 10. Paragraph (c) of subsection (1) of section
 1154 1012.22, Florida Statutes, is amended to read:

1155 1012.22 Public school personnel; powers and duties of the
 1156 district school board.—The district school board shall:

1157 (1) Designate positions to be filled, prescribe
 1158 qualifications for those positions, and provide for the
 1159 appointment, compensation, promotion, suspension, and dismissal
 1160 of employees as follows, subject to the requirements of this
 1161 chapter:

1162 (c) Compensation and salary schedules.—

1163 1. Definitions.—As used in this paragraph:

1164 a. "Adjustment" means an addition to the base salary
 1165 schedule that is not a bonus and becomes part of the employee's
 1166 permanent base salary and shall be considered compensation under
 1167 s. 121.021(22).

1168 b. "Grandfathered salary schedule" means the salary
 1169 schedule or schedules adopted by a district school board before
 1170 July 1, 2014, pursuant to subparagraph 4.

1171 c. "Instructional personnel" means instructional personnel
 1172 as defined in s. 1012.01(2)(a)-(d), excluding substitute
 1173 teachers.

1174 d. "Performance salary schedule" means the salary schedule
 1175 or schedules adopted by a district school board pursuant to
 1176 subparagraph 5.

1177 e. "Salary schedule" means the schedule or schedules used
 1178 to provide the base salary for district school board personnel.

1179 f. "School administrator" means a school administrator as
 1180 defined in s. 1012.01(3)(c).

1181 g. "Supplement" means an annual addition to the base
 1182 salary for the term of the negotiated supplement as long as the
 1183 employee continues his or her employment for the purpose of the
 1184 supplement. A supplement does not become part of the employee's
 1185 continuing base salary but shall be considered compensation
 1186 under s. 121.021(22).

1187 2. Cost-of-living adjustment.—A district school board may
 1188 provide a cost-of-living salary adjustment if the adjustment:

1189 a. Does not discriminate among comparable classes of
 1190 employees based upon the salary schedule under which they are
 1191 compensated.

1192 b. Does not exceed 50 percent of the annual adjustment
 1193 provided to instructional personnel rated as effective.

1194 3. Advanced degrees.—A district school board may not use
 1195 advanced degrees in setting a salary schedule for instructional
 1196 personnel or school administrators hired on or after July 1,
 1197 2011, unless the advanced degree is held in the individual's
 1198 area of certification and is only a salary supplement.

1199 4. Grandfathered salary schedule.—

1200 a. The district school board shall adopt a salary schedule
 1201 or salary schedules to be used as the basis for paying all
 1202 school employees hired before July 1, 2014. Instructional
 1203 personnel on annual contract as of July 1, 2014, shall be placed
 1204 on the performance salary schedule adopted under subparagraph 5.

1205 Instructional personnel on continuing contract or professional
1206 service contract may opt into the performance salary schedule if
1207 the employee relinquishes such contract and agrees to be
1208 employed on an annual contract under s. 1012.335. Such an
1209 employee shall be placed on the performance salary schedule and
1210 may not return to continuing contract or professional service
1211 contract status. Any employee who opts into the performance
1212 salary schedule may not return to the grandfathered salary
1213 schedule.

1214 b. In determining the grandfathered salary schedule for
1215 instructional personnel, a district school board must base a
1216 portion of each employee's compensation upon performance
1217 demonstrated under s. 1012.34 and shall provide differentiated
1218 pay for both instructional personnel and school administrators
1219 based upon district-determined factors, including, but not
1220 limited to, additional responsibilities, school demographics,
1221 critical shortage areas, and level of job performance
1222 difficulties.

1223 5. Performance salary schedule.—By July 1, 2014, the
1224 district school board shall adopt a performance salary schedule
1225 that provides annual salary adjustments for instructional
1226 personnel and school administrators based upon performance
1227 determined under s. 1012.34. Employees hired on or after July 1,
1228 2014, or employees who choose to move from the grandfathered
1229 salary schedule to the performance salary schedule shall be
1230 compensated pursuant to the performance salary schedule once
1231 they have received the appropriate performance evaluation for
1232 this purpose. However, a classroom teacher whose performance

1233 evaluation utilizes student learning growth measures established
1234 under s. 1012.34(7)(e) shall remain under the grandfathered
1235 salary schedule until his or her teaching assignment changes to
1236 a subject for which there is an assessment or the school
1237 district establishes equally appropriate measures of student
1238 learning growth as defined under s. 1012.34 and rules of the
1239 State Board of Education.

1240 a. Base salary.—The base salary shall be established as
1241 follows:

1242 (I) The base salary for instructional personnel or school
1243 administrators who opt into the performance salary schedule
1244 shall be the salary paid in the prior year, including
1245 adjustments only.

1246 (II) Beginning July 1, 2014, instructional personnel or
1247 school administrators new to the district, returning to the
1248 district after a break in service without an authorized leave of
1249 absence, or appointed for the first time to a position in the
1250 district in the capacity of instructional personnel or school
1251 administrator shall be placed on the performance salary
1252 schedule.

1253 b. Salary adjustments.—Salary adjustments for highly
1254 effective or effective performance shall be established as
1255 follows:

1256 (I) The annual salary adjustment under the performance
1257 salary schedule for an employee rated as highly effective must
1258 be greater than the highest annual salary adjustment available
1259 to an employee of the same classification through any other
1260 salary schedule adopted by the district.

1261 (II) The annual salary adjustment under the performance
 1262 salary schedule for an employee rated as effective must be equal
 1263 to at least 50 percent and no more than 75 percent of the annual
 1264 adjustment provided for a highly effective employee of the same
 1265 classification.

1266 (III) The performance salary schedule shall not provide an
 1267 annual salary adjustment for an employee who receives a rating
 1268 other than highly effective or effective for the year.

1269 c. Salary supplements.—In addition to the salary
 1270 adjustments, each district school board shall provide for salary
 1271 supplements for activities that must include, but are not
 1272 limited to:

1273 (I) Assignment to a Title I eligible school.

1274 (II) Assignment to a school that earned a grade of "F" or
 1275 three consecutive grades of "D" pursuant to s. 1008.34 ~~in the~~
 1276 ~~bottom two categories of the school improvement system under s.~~
 1277 ~~1008.33~~ such that the supplement remains in force for at least 1
 1278 year following improved performance in that school.

1279 (III) Certification and teaching in critical teacher
 1280 shortage areas. Statewide critical teacher shortage areas shall
 1281 be identified by the State Board of Education under s. 1012.07.
 1282 However, the district school board may identify other areas of
 1283 critical shortage within the school district for purposes of
 1284 this sub-sub-subparagraph and may remove areas identified by the
 1285 state board which do not apply within the school district.

1286 (IV) Assignment of additional academic responsibilities.

1287
 1288 If budget constraints in any given year limit a district school

1289 board's ability to fully fund all adopted salary schedules, the
 1290 performance salary schedule shall not be reduced on the basis of
 1291 total cost or the value of individual awards in a manner that is
 1292 proportionally greater than reductions to any other salary
 1293 schedules adopted by the district.

1294 Section 11. Subsection (2) of section 1012.2315, Florida
 1295 Statutes, is amended to read:

1296 1012.2315 Assignment of teachers.—

1297 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
 1298 ~~IN NEED OF IMPROVEMENT~~.—School districts may not assign a higher
 1299 percentage than the school district average of temporarily
 1300 certified teachers, teachers in need of improvement, or out-of-
 1301 field teachers to schools graded "D" or "F" pursuant to s.
 1302 1008.34 ~~in one of the three lowest-performing categories under~~
 1303 ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to
 1304 the Commissioner of Education that this requirement has been
 1305 met. If the commissioner determines that a school district is
 1306 not in compliance with this subsection, the State Board of
 1307 Education shall be notified and shall take action pursuant to s.
 1308 1008.32 in the next regularly scheduled meeting to require
 1309 compliance.

1310 Section 12. This act shall take effect July 1, 2012.