

By Senator Galvano

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1                                   A bill to be entitled  
2           An act relating to education accountability; amending  
3           s. 1002.22, F.S.; requiring the State Board of  
4           Education to notify the Legislature of any major  
5           changes in federal law which may affect the state's K-  
6           20 education performance accountability system;  
7           amending s. 1004.015, F.S.; providing that one of the  
8           purposes of the Higher Education Coordinating Council  
9           is to facilitate solutions to data issues identified  
10          by the Articulation Coordinating Committee to improve  
11          the K-20 education performance accountability system;  
12          revising the guiding principles for recommendations of  
13          the Higher Education Coordinating Council; amending s.  
14          1005.22, F.S.; revising the duties of the Commission  
15          for Independent Education with regard to collecting  
16          and distributing current data regarding institutions  
17          licensed by the commission; providing reporting  
18          requirements; requiring the commission to annually  
19          report the data to the department by a specified date;  
20          amending s. 1007.01, F.S.; requiring the Articulation  
21          Coordinating Committee to make recommendations related  
22          to statewide policies and issues regarding access,  
23          quality, and reporting of data maintained by the K-20  
24          data warehouse; revising the committee's duties  
25          related to collecting and reporting of statewide  
26          education data; amending s. 1008.31, F.S.; revising  
27          the legislative intent with regard to the state's K-20  
28          education performance accountability system; requiring  
29          the Board of Governors to make available to the

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30 Department of Education all data within the State  
31 University Database System which is to be integrated  
32 into the K-20 data warehouse; requiring the  
33 Commissioner of Education to have access to certain  
34 data for the added purpose of providing data to  
35 organizations and certain authorized representatives;  
36 requiring all public educational institutions to  
37 annually provide data from the prior year to the K-20  
38 data warehouse in a format based on data elements  
39 identified by the commissioner; requiring colleges and  
40 universities eligible to participate in the William L.  
41 Boyd, IV, Florida Resident Access Grant Program to  
42 report current data from the prior year for each  
43 student who receives state funds in a format  
44 prescribed by the Department of Education; providing  
45 reporting requirements; requiring these colleges and  
46 universities to annually report the data to the  
47 department by a specified date; requiring the  
48 commissioner to collaborate with the Department of  
49 Economic Opportunity to develop procedures for the  
50 ability to tie student-level data to student and  
51 workforce outcome data contained in the Wage Record  
52 Interchange System; requiring the commissioner to  
53 improve and streamline by a specified date access to  
54 data maintained by the K-20 data warehouse by creating  
55 and fully implementing a web-based interface and a  
56 self-service, restricted access component of the K-20  
57 data warehouse called the "Research Engine"; providing  
58 requirements for the Research Engine; providing

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59 requirements for a written agreement to access the  
60 Research Engine; requiring the adoption of rules and  
61 procedures; requiring the Department of Education to  
62 share education records of students which may contain  
63 students' personally identifiable information with  
64 organizations and authorized representatives pursuant  
65 to the studies and audit and evaluation exceptions  
66 under the Family Educational Rights and Privacy Act;  
67 amending s. 1008.34, F.S.; requiring a school that is  
68 eligible to receive a school grade to be a fully  
69 functioning, stand-alone school; requiring each  
70 district school board to identify schools within  
71 schools operating at the same physical location if  
72 such schools have different school identification  
73 numbers; requiring each district school board to  
74 report to the Department of Education the appropriate  
75 accountability school type during the department's  
76 annual review of accountability school types;  
77 requiring that a school must be reported as the home  
78 school and the other schools reported as schools-  
79 within-a-school if more than one school serving the  
80 same grade levels is operating in the same physical  
81 location; providing that performance data for students  
82 enrolled at schools within schools must be assigned to  
83 the reported home school for inclusion in the home  
84 school's grade; providing an effective date.

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

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88 Section 1. Paragraph (b) of subsection (3) of section  
89 1002.22, Florida Statutes, is amended to read:

90 1002.22 Education records and reports of K-12 students;  
91 rights of parents and students; notification; penalty.—

92 (3) DUTIES AND RESPONSIBILITIES.—The State Board of  
93 Education shall:

94 (b) Monitor the FERPA and notify the Legislature of any  
95 significant change to the requirements of the FERPA or other  
96 major changes in federal law which may impact this section or s.  
97 1008.31.

98 Section 2. Subsection (1) of section 1004.015, Florida  
99 Statutes, is amended, and paragraph (f) is added to subsection  
100 (3) of that section, to read:

101 1004.015 Higher Education Coordinating Council.—

102 (1) The Higher Education Coordinating Council is created  
103 for the purposes of identifying unmet needs; ~~and~~ facilitating  
104 solutions to disputes regarding the creation of new degree  
105 programs and the establishment of new institutes, campuses, or  
106 centers; and facilitating solutions to data issues identified by  
107 the Articulation Coordinating Committee pursuant to s. 1007.01  
108 to improve the K-20 education performance accountability system.

109 (3) The council shall serve as an advisory board to the  
110 Legislature, the State Board of Education, and the Board of  
111 Governors. Recommendations of the council shall be consistent  
112 with the following guiding principles:

113 (f) To promote adoption by the members of the council a  
114 common set of data elements identified by the National Center  
115 for Education Statistics to support the effective exchange of  
116 data within and across states.

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117 Section 3. Paragraph (i) of subsection (1) of section  
118 1005.22, Florida Statutes, is amended to read:

119 1005.22 Powers and duties of commission.—

120 (1) The commission shall:

121 (i) Serve as a central agency for collecting and  
122 distributing current information regarding institutions licensed  
123 by the commission. The commission shall annually collect, and  
124 all institutions licensed by the commission shall annually  
125 report, student-level data from the prior year for each student  
126 who receives state funds, in a format prescribed by the  
127 Department of Education. At a minimum, data from the prior year  
128 must shall be reported annually and include retention rates,  
129 transfer rates, completion rates, graduation rates, employment  
130 and placement rates, and earnings of graduates. By December 31,  
131 2013, the commission shall report the data for the 2012-2013  
132 academic year to the Department of Education. By October 1 of  
133 each year thereafter, the commission shall report the data to  
134 the department.

135 Section 4. Subsection (3) of section 1007.01, Florida  
136 Statutes, is amended to read:

137 1007.01 Articulation; legislative intent; purpose; role of  
138 the State Board of Education and the Board of Governors;  
139 Articulation Coordinating Committee.—

140 (3) The Commissioner of Education, in consultation with the  
141 Chancellor of the State University System, shall establish the  
142 Articulation Coordinating Committee which shall make  
143 recommendations related to statewide articulation policies and  
144 issues regarding access, quality, and reporting of data  
145 maintained by the K-20 data warehouse established pursuant to

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146 ss. 1001.10 and 1008.31, to the Higher Education Coordination  
147 Council, the State Board of Education, and the Board of  
148 Governors. The committee shall consist of two members each  
149 representing the State University System, the Florida College  
150 System, public career and technical education, public K-12  
151 education, and nonpublic education and one member representing  
152 students. The chair shall be elected from the membership. The  
153 committee shall:

154 (a) Monitor the alignment between the exit requirements of  
155 one education system and the admissions requirements of another  
156 education system into which students typically transfer and make  
157 recommendations for improvement.

158 (b) Propose guidelines for interinstitutional agreements  
159 between and among public schools, career and technical education  
160 centers, Florida College System institutions, state  
161 universities, and nonpublic postsecondary institutions.

162 (c) Annually recommend dual enrollment course and high  
163 school subject area equivalencies for approval by the State  
164 Board of Education and the Board of Governors.

165 (d) Annually review the statewide articulation agreement  
166 pursuant to s. 1007.23 and make recommendations for revisions.

167 (e) Annually review the statewide course numbering system,  
168 the levels of courses, and the application of transfer credit  
169 requirements among public and nonpublic institutions  
170 participating in the statewide course numbering system and  
171 identify instances of student transfer and admissions  
172 difficulties.

173 (f) Annually publish a list of courses that meet common  
174 general education and common degree program prerequisite

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175 requirements at public postsecondary institutions identified  
176 pursuant to s. 1007.25.

177 (g) Foster timely collection and reporting of statewide  
178 education data ~~Examine statewide data regarding articulation to~~  
179 ~~identify issues and make recommendations to improve articulation~~  
180 ~~throughout~~ the K-20 education performance accountability system  
181 by:-

182 1. Facilitating timely reporting of data by all educational  
183 delivery systems to the K-20 data warehouse established pursuant  
184 to ss. 1001.10 and 1008.31.

185 2. Facilitating timely reporting of data by the K-20 data  
186 warehouse to organizations and authorized representatives  
187 pursuant to s. 1008.31.

188 3. Identifying data issues including, but not limited to,  
189 data quality and accessibility.

190 (h) Recommend roles and responsibilities of public  
191 education entities in interfacing with the single, statewide  
192 computer-assisted student advising system established pursuant  
193 to s. 1006.73.

194 Section 5. Paragraph (f) is added to subsection (1) of  
195 section 1008.31, Florida Statutes, subsection (3) is amended,  
196 present subsection (4) is redesignated as subsection (5), and a  
197 new subsection (4) is added to that section, to read:

198 1008.31 Florida's K-20 education performance accountability  
199 system; legislative intent; mission, goals, and systemwide  
200 measures; data quality improvements.-

201 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature  
202 that:

203 (f) The Commissioner of Education interpret the Family

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204 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,  
205 in the least restrictive manner possible to allow data linkage  
206 across all educational delivery systems and to provide to  
207 organizations and authorized representatives pursuant to  
208 subsection (4) access to data maintained by the K-20 data  
209 warehouse in a manner consistent with ss. 1002.22, 1002.221, and  
210 1006.52 and FERPA.

211 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide  
212 data required to implement education performance accountability  
213 measures in state and federal law, the commissioner ~~of Education~~  
214 shall initiate and maintain strategies to improve data quality  
215 and timeliness. The Board of Governors shall make available to  
216 the department all data within the State University Database  
217 System to collected from state universities shall, as determined  
218 by the commissioner, be integrated into the K-20 data warehouse.  
219 The commissioner shall have unlimited access to such data ~~solely~~  
220 for the purposes of conducting studies, reporting annual and  
221 longitudinal student outcomes, ~~and~~ improving college readiness  
222 and articulation, and providing data to organizations and  
223 authorized representatives pursuant to subsection (4). All  
224 public educational institutions shall annually provide data from  
225 the prior year to the K-20 data warehouse in a format based on  
226 data elements identified ~~specified~~ by the commissioner.

227 (a) School districts and public postsecondary educational  
228 institutions shall maintain information systems that will  
229 provide the State Board of Education, the Board of Governors of  
230 the State University System, and the Legislature with  
231 information and reports necessary to address the specifications  
232 of the accountability system. The level of comprehensiveness and



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233 quality must ~~shall~~ be no less than that which was available as  
234 of June 30, 2001.

235 (b) Colleges and universities eligible to participate in  
236 the William L. Boyd, IV, Florida Resident Access Grant Program  
237 shall annually report student-level data from the prior year for  
238 each student who receives state funds in a format prescribed by  
239 the Department of Education. At a minimum, data from the prior  
240 year must ~~shall be reported annually to the department and~~  
241 include retention rates, transfer rates, completion rates,  
242 graduation rates, employment and placement rates, and earnings  
243 of graduates. By December 31, 2013, the colleges and  
244 universities described in this paragraph shall report the data  
245 for the 2012-2013 academic year to the department. By October 1  
246 of each year thereafter, the colleges and universities described  
247 in this paragraph shall report the data to the department.

248 (c) The Commissioner of Education shall determine the  
249 standards for the required data, monitor data quality, and  
250 measure improvements. The commissioner shall report annually to  
251 the State Board of Education, the Board of Governors of the  
252 State University System, the President of the Senate, and the  
253 Speaker of the House of Representatives data quality indicators  
254 and ratings for all school districts and public postsecondary  
255 educational institutions.

256 (d) The commissioner shall continuously monitor and review  
257 the collection of paperwork, data, and reports by school  
258 districts and complete an annual review of such collection by ~~no~~  
259 ~~later than~~ June 1 of each year. The annual review must include  
260 recommendations for consolidating paperwork, data, and reports,  
261 wherever feasible, in order to reduce the burdens on school

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262 districts.

263 (e) By July 1 of each year, the commissioner shall prepare  
264 a report assisting the school districts in eliminating or  
265 consolidating paperwork, data, and reports by providing  
266 suggestions, technical assistance, and guidance.

267 (f) Before establishing any new reporting or data  
268 collection requirements, the commissioner ~~of Education~~ shall use  
269 ~~utilize~~ existing data being collected to reduce duplication and  
270 minimize paperwork.

271 (g) The commissioner shall collaborate with the executive  
272 director of the Department of Economic Opportunity to develop  
273 procedures for the ability to tie student-level data to student  
274 and workforce outcome data contained in the Wage Record  
275 Interchange System.

276 (h) By June 30, 2014, the commissioner shall improve and  
277 streamline access to data maintained by the K-20 data warehouse  
278 by creating and fully implementing:

279 1. A web-based interface for parents, students, teachers,  
280 principals, local educational agency leaders, community members,  
281 researchers, policymakers, and other constituents which is  
282 engaging, informative, and customer-friendly.

283 a. The web-based interface must provide a single location  
284 for public access to aggregated data from the K-20 data  
285 warehouse which do not contain personally identifiable  
286 information or any other information that is confidential  
287 pursuant to applicable law.

288 b. Personally identifiable information from education  
289 records of students, or any other information that is  
290 confidential pursuant to applicable law, must be redacted or

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291 aggregated, or the confidentiality otherwise protected by de-  
292 identification, anonymization, or any combination thereof.

293 2. A self-service, restricted access component of the K-20  
294 data warehouse, called the "Research Engine," which is:

295 a. Restricted to organizations and authorized  
296 representatives pursuant to subsection (4). The commissioner  
297 shall create a website for organizations and authorized  
298 representatives to submit data requests. The website shall  
299 generate an automated acknowledgement of each data request. Each  
300 acknowledgement of a data request must include a username and  
301 password to view the order and status of completion of the data  
302 request and a link to the directory of data elements which  
303 provides a detailed description of each data element. Within 90  
304 days after acknowledging each data request, the department shall  
305 provide to organizations or authorized representatives technical  
306 assistance regarding the written agreement required under sub-  
307 paragraph d. However, organizations and authorized  
308 representatives may execute the written agreement with the  
309 department at any time after submitting a data request. Data  
310 requests must be completed within 90 days after the written  
311 agreement is executed, unless the written agreement specifies  
312 otherwise.

313 b. Capable of providing access to education records of  
314 students which may contain students' personally identifiable  
315 information in the K-20 data warehouse.

316 c. Accessible at the department's headquarters or by other  
317 secure means as agreed upon in writing by the parties.

318 d. Accessible after an organization or an authorized  
319 representative executes a written agreement with the

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320 commissioner. The written agreement must include, but need not  
321 be limited to:

322 (I) Identification of the purpose, scope, and duration of  
323 the activity with sufficient specificity to make clear that the  
324 activity falls within permissible uses authorized by FERPA and  
325 does not further a commercial, trade, or profit interest.

326 (II) Identification of the data elements necessary to  
327 complete a study, an audit, or an evaluation. The department  
328 shall provide assistance to organizations and authorized  
329 representatives regarding selection of data elements to fulfill  
330 data requests. Requests for additional data by an organization  
331 or an authorized representative may be made by amending the  
332 written agreement. The deadline for fulfilling a data request  
333 may be adjusted accordingly.

334 (III) Identification of the FERPA exception relied upon to  
335 obtain education records of students which may contain students'  
336 personally identifiable information.

337 (IV) Requirements regarding procedures for securing data,  
338 including, but not limited to, a data security plan. The  
339 Department of Education shall reserve the right to conduct  
340 security audits or reviews as necessary.

341 (V) Requirements limiting the use of education records of  
342 students which contain students' personally identifiable  
343 information to meet only the purpose stated in the written  
344 agreement.

345 (VI) Requirements establishing disciplinary policies for  
346 organizations and authorized representatives which violate FERPA  
347 or the written agreement.

348 (VII) Prohibitions regarding access to or use of education

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349 records of students which contain students' personally  
350 identifiable information obtained pursuant to the written  
351 agreement by anyone not authorized to have such access or use by  
352 the department.

353 (VIII) Requirements regarding destruction of all personally  
354 identifiable information from education records of students  
355 which are received pursuant to the written agreement and  
356 specification of when the information must be destroyed.

357 (IX) Requirements regarding background screening of  
358 organizations and authorized representatives.

359 (X) Requirements regarding the assessment of liquidated  
360 damages for unauthorized disclosure of education records of  
361 students which contain students' personally identifiable  
362 information or for violation of terms and conditions of the  
363 written agreement.

364 (XI) Identification of deliverables to be provided by the  
365 organization or authorized representative. The deliverables must  
366 include, but are not limited to, as appropriate: a copy of the  
367 final study, audit, or evaluation; or if no study, audit, or  
368 evaluation is completed, a report identifying such with a copy  
369 of unfinished research; a copy of reports, publications, papers,  
370 theses, or similar documents; and certification by the  
371 organization or authorized representative stating the final  
372 status of deliverables and confirming compliance with all  
373 provisions of the written agreement. The deliverables shall be  
374 provided to the department within 1 year after the date of  
375 execution of the written agreement, unless the written agreement  
376 specifies otherwise. The Commissioner of Education may assess  
377 liquidated damages specified in the written agreement if all

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378 deliverables are not timely provided to the Department of  
379 Education.

380 (XII) Requirements regarding maintaining the  
381 confidentiality of any information that is exempt from s.  
382 119.071(1) and s. 24(a), Art. I of the State Constitution, or  
383 that is otherwise made confidential by state or federal law.

384 (XIII) Requirements regarding a service charge identified  
385 in sub-subparagraph e.

386  
387 The Department of Education shall develop and the State Board of  
388 Education shall adopt rules regarding the written agreement.

389 e. Funded by creating and implementing a pricing structure  
390 that is self-sustainable with the goal that the service charge  
391 for use of the Research Engine recovers actual costs to fulfill  
392 a data request. The commissioner may waive or reduce the service  
393 charge for fulfilling a data request. Funds collected from the  
394 service charge shall be deposited into the Operating Trust Fund.  
395 The department shall develop and the State Board of Education  
396 shall adopt rules regarding the service charge.

397 f. Linked to a list of organizations and authorized  
398 representatives that obtain data from the Research Engine on the  
399 web-based interface in subparagraph 1. The list must include,  
400 but need not be limited to, the date of receipt of each data  
401 request, response time to address each data request, and current  
402 status of each data request. The department shall continually  
403 update the list and maintain a copy of reports prepared and  
404 submitted by the organizations and authorized representatives.

405  
406 The department shall adopt procedures to implement the web-based

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407 interface and the Research Engine established pursuant to this  
408 subsection.

409 (4) ACCESS TO THE K-20 DATA WAREHOUSE.—Pursuant to the  
410 studies exception under FERPA, and the federal regulations  
411 issued pursuant thereto, specifically, including, but not  
412 limited to, organizations conducting studies for, or on behalf  
413 of, educational agencies and institutions as provided in 34  
414 C.F.R. 99.31(a) (6), shall be given access to data maintained by  
415 the K-20 data warehouse in a manner consistent with ss. 1002.22,  
416 1002.221, and 1006.52 and FERPA. Pursuant to the audit or  
417 evaluation exception under FERPA, specifically including, but  
418 not limited to, authorized representatives conducting an audit  
419 or an evaluation of a Federal- or state-supported education  
420 program as provided in 34 C.F.R. 99.31(a) (3), shall be given  
421 access to the data maintained by the K-20 data warehouse in a  
422 manner consistent with ss. 1002.22, 1002.221, and 1006.52 and  
423 FERPA.

424 (a) Requests by organizations or authorized representatives  
425 for access to education records of students which may contain  
426 students' personally identifiable information, with the  
427 exception of requests from the Executive Office of the Governor,  
428 the Florida Legislature, the Florida Auditor General, and the  
429 Office of Program Policy Analysis and Government Accountability,  
430 shall be submitted through the Research Engine established  
431 pursuant to subparagraph (3) (h)2. Access to the Research Engine  
432 is not conditioned upon or limited to studies, audits, or  
433 evaluations that support the research agenda, interests, or  
434 priorities of the State Board of Education, the commissioner, or  
435 the department.

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436 (b) Authorized representatives include, but are not limited  
437 to, the Executive Office of the Governor, the Florida  
438 Legislature, the Florida Auditor General, the Office of Program  
439 Policy Analysis and Government Accountability, the Florida  
440 district school boards, Florida College System institutions, and  
441 Florida state universities.

442 (c) Requests for data from the Executive Office of the  
443 Governor, the Florida Legislature, the Florida Auditor General,  
444 and the Office of Program Policy Analysis and Government  
445 Accountability, shall be given a priority over other data  
446 requests and shall be provided free of charge.

447 Section 6. Present subsections (3) through (8) of section  
448 1008.34, Florida Statutes, are redesignated as subsections (4)  
449 through (9), respectively, a new subsection (3) is added, and  
450 present subsection (3) is amended to read:

451 1008.34 School grading system; school report cards;  
452 district grade.—

453 (3) SCHOOLS FOR ACCOUNTABILITY PURPOSES AND SCHOOLS WITHIN  
454 SCHOOLS.—A school that is eligible to receive a school grade  
455 must be a fully functioning, stand-alone school that provides  
456 for the education of each of the students served. Each district  
457 must annually identify each school-within-a-school operating at  
458 the same physical location if those schools have different  
459 school identification numbers. For accountability purposes, each  
460 district shall report to the Department of Education the  
461 appropriate accountability school type for these schools during  
462 the department's annual review of accountability school types.  
463 If more than one school is serving the same grade levels and  
464 operating in the same location, one of the schools must be



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465 reported as the home school and each other school reported as a  
466 school-within-a-school. Performance data for students enrolled  
467 at a school-within-a-school must be assigned to the reported  
468 home school as described in this section for inclusion in the  
469 home school's grade.

470 (4)~~(3)~~ DESIGNATION OF SCHOOL GRADES.—

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

474 1. A school may ~~shall~~ not receive a school grade if the  
475 number of its students tested and included in the school grading  
476 system is less than the minimum sample size necessary, based on  
477 accepted professional practice, for statistical reliability and  
478 prevention of the unlawful release of personally identifiable  
479 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

480 2. An alternative school may choose to receive a school  
481 grade under this section or a school improvement rating under s.  
482 1008.341. For charter schools that meet the definition of an  
483 alternative school pursuant to State Board of Education rule,  
484 the decision to receive a school grade is the decision of the  
485 charter school governing board.

486 3. A school that serves any combination of students in  
487 kindergarten through grade 3 which does not receive a school  
488 grade because its students are not tested and included in the  
489 school grading system shall receive the school grade designation  
490 of a K-3 feeder pattern school identified by the Department of  
491 Education and verified by the school district. A school feeder  
492 pattern exists if at least 60 percent of the students in the  
493 school serving a combination of students in kindergarten through

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494 grade 3 are scheduled to be assigned to the graded school.

495 4. Performance data for students attending a reported  
496 school-within-a-school must be assigned to the home school for  
497 inclusion in the home school's grade as described in this  
498 paragraph, and the school-within-a-school must not be graded  
499 separately.

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

501 a. Student achievement scores, including achievement as  
502 measured by FCAT assessments under s. 1008.22(3)(c)1.,  
503 statewide, standardized end-of-course assessments under s.  
504 1008.22(3)(c)2.a. and b., and achievement scores for students  
505 seeking a special diploma.

506 b. Student learning gains in reading and mathematics as  
507 measured by FCAT and statewide, standardized end-of-course  
508 assessments, as described in s. 1008.22(3)(c)1. and 2.a.,  
509 including learning gains for students seeking a special diploma,  
510 as measured by an alternate assessment.

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

515 2. Beginning with the 2011-2012 school year, for schools  
516 comprised of middle school grades 6 through 8 or grades 7 and 8,  
517 the school's grade shall include the performance and  
518 participation of its students enrolled in high school level  
519 courses with end-of-course assessments administered under s.  
520 1008.22(3)(c)2.a. Performance and participation must be weighted  
521 equally. As valid data becomes available, the school grades  
522 shall include the students' attainment of national industry

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523 certification identified in the Industry Certification Funding  
524 List pursuant to rules adopted by the state board.

525 3. Beginning with the 2009-2010 school year for schools  
526 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
527 11, and 12, at least 50 percent of the school grade shall be  
528 based on a combination of the factors listed in sub-  
529 subparagraphs 1.a.-c. and the remaining percentage on the  
530 following factors:

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

532 b. As valid data becomes available, the performance and  
533 participation of the school's students in College Board Advanced  
534 Placement courses, International Baccalaureate courses, dual  
535 enrollment courses, and Advanced International Certificate of  
536 Education courses; and the students' achievement of national  
537 industry certification identified in the Industry Certification  
538 Funding List, pursuant to rules adopted by the state board;

539 c. Postsecondary readiness of all of the school's on-time  
540 graduates as measured by the SAT, the ACT, the Postsecondary  
541 Education Readiness Test, or the common placement test;

542 d. The high school graduation rate of at-risk students, who  
543 are students scoring at Level 1 or Level 2 on grade 8 FCAT  
544 Reading and FCAT Mathematics;

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

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

550 (c) Student assessment data used in determining school  
551 grades must ~~shall~~ include:

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552 1. The aggregate scores of all eligible students enrolled  
553 in the school who have been assessed on the FCAT and statewide,  
554 standardized end-of-course assessments in courses required for  
555 high school graduation, including, beginning with the 2011-2012  
556 school year, the end-of-course assessment in Algebra I; and  
557 beginning with the 2012-2013 school year, the end-of-course  
558 assessments in geometry and Biology I; and beginning with the  
559 2014-2015 school year, on the statewide, standardized end-of-  
560 course assessment in civics education at the middle school  
561 level.

562 2. The aggregate scores of all eligible students enrolled  
563 in the school who have been assessed on the FCAT and statewide,  
564 standardized end-of-course assessments as described in s.  
565 1008.22 (3) (c) 2.a., and who have scored at or in the lowest 25th  
566 percentile of students in the school in reading and mathematics,  
567 unless these students are exhibiting satisfactory performance.

568 3. The achievement scores and learning gains of eligible  
569 students attending alternative schools that provide dropout  
570 prevention and academic intervention services pursuant to s.  
571 1003.53. The term "eligible students" in this subparagraph does  
572 not include students attending an alternative school who are  
573 subject to district school board policies for expulsion for  
574 repeated or serious offenses, who are in dropout retrieval  
575 programs serving students who have officially been designated as  
576 dropouts, or who are in programs operated or contracted by the  
577 Department of Juvenile Justice. The student performance data for  
578 eligible students identified in this subparagraph shall be  
579 included in the calculation of the home school's grade. As used  
580 in this subparagraph and s. 1008.341, the term "home school"

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581 means the school to which the student would be assigned if the  
582 student were not assigned to an alternative school. If an  
583 alternative school chooses to be graded under this section,  
584 student performance data for eligible students identified in  
585 this subparagraph shall not be included in the home school's  
586 grade but shall be included only in the calculation of the  
587 alternative school's grade. A school district that fails to  
588 assign the FCAT and statewide, standardized end-of-course  
589 assessment as described in s. 1008.22(3)(c)2.a. scores of each  
590 of its students to his or her home school or to the alternative  
591 school that receives a grade shall forfeit Florida School  
592 Recognition Program funds for 1 fiscal year. School districts  
593 must require collaboration between the home school and the  
594 alternative school in order to promote student success. This  
595 collaboration must include an annual discussion between the  
596 principal of the alternative school and the principal of each  
597 student's home school concerning the most appropriate school  
598 assignment of the student.

599 4. The achievement scores and learning gains of students  
600 designated as hospital- or homebound. Student assessment data  
601 for students designated as hospital- or homebound shall be  
602 assigned to their home school for the purposes of school grades.  
603 As used in this subparagraph, the term "home school" means the  
604 school to which a student would be assigned if the student were  
605 not assigned to a hospital- or homebound program.

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

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- 610           a. The high school graduation rate of the school as  
611           calculated by the department;
- 612           b. The participation rate of all eligible students enrolled  
613           in the school and enrolled in College Board Advanced Placement  
614           courses; International Baccalaureate courses; dual enrollment  
615           courses; Advanced International Certificate of Education  
616           courses; and courses or sequences of courses leading to national  
617           industry certification identified in the Industry Certification  
618           Funding List, pursuant to rules adopted by the State Board of  
619           Education;
- 620           c. The aggregate scores of all eligible students enrolled  
621           in the school in College Board Advanced Placement courses,  
622           International Baccalaureate courses, and Advanced International  
623           Certificate of Education courses;
- 624           d. Earning of college credit by all eligible students  
625           enrolled in the school in dual enrollment programs under s.  
626           1007.271;
- 627           e. Earning of a national industry certification identified  
628           in the Industry Certification Funding List, pursuant to rules  
629           adopted by the State Board of Education;
- 630           f. The aggregate scores of all eligible students enrolled  
631           in the school in reading, mathematics, and other subjects as  
632           measured by the SAT, the ACT, the Postsecondary Education  
633           Readiness Test, and the common placement test for postsecondary  
634           readiness;
- 635           g. The high school graduation rate of all eligible at-risk  
636           students enrolled in the school who scored at Level 2 or lower  
637           on grade 8 FCAT Reading and FCAT Mathematics;
- 638           h. The performance of the school's students on statewide,

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639 standardized end-of-course assessments administered under s.  
640 1008.22(3)(c)2.c. and d.; and

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

643

644 The State Board of Education shall adopt appropriate criteria  
645 for each school grade. The criteria must also give added weight  
646 to student achievement in reading. Schools earning a grade of  
647 "C," making satisfactory progress, shall be required to  
648 demonstrate that adequate progress has been made by students in  
649 the school who are in the lowest 25th percentile in reading and  
650 mathematics on the FCAT and end-of-course assessments as  
651 described in s. 1008.22(3)(c)2.a., unless these students are  
652 exhibiting satisfactory performance. For schools comprised of  
653 high school grades 9, 10, 11, and 12, or grades 10, 11, and 12,  
654 the criteria for school grades must also give added weight to  
655 the graduation rate of all eligible at-risk students. In order  
656 for a high school to earn a grade of "A," the school must  
657 demonstrate that its at-risk students, as defined in this  
658 paragraph, are making adequate progress.

659 Section 7. This act shall take effect July 1, 2013.