



165802

576-02499-14

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to education accountability; amending s. 1008.34, F.S.; providing definitions for the statewide, standardized assessment program and school grading system; deleting annual reports; revising authority over allocation of a school's budget based on school grades; revising the basis for the calculation of school grades; revising the contents of the school report card; revising the basis for the calculation of district grades; requiring the Department of Education to develop a district report card; providing for transition to the revised school grading system; amending s. 1001.42, F.S.; revising criteria that necessitate a school's improvement plan to include certain strategies; amending s. 1002.33, F.S.; revising cross-references; amending s. 1003.621, F.S.; revising cross-references; amending s. 1008.31, F.S.; revising legislative intent for the K-20 education performance accountability system; amending s. 1008.33, F.S.; conforming provisions relating to school improvement and education accountability; amending s. 1008.341, F.S.; revising provisions relating to the school improvement rating for alternative schools; amending s. 1008.3415, F.S.; correcting cross-references; requiring the Commissioner of Education to exempt students from taking statewide, standardized assessments under



165802

576-02499-14

28 certain circumstances; authorizing a parent to request
29 that a student who is granted an exemption participate
30 in statewide, standardized assessments; requiring the
31 State Board of Education to adopt rules; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 1008.34, Florida Statutes, is amended to
37 read:

38 1008.34 School grading system; school report cards;
39 district grade.—

40 (1) DEFINITIONS.—For purposes of the statewide,
41 standardized assessment program and school grading system, the
42 following terms are defined:

43 (a) "Achievement level," "student achievement," or
44 "achievement" describes the level of content mastery a student
45 has acquired in a particular subject as measured by a statewide,
46 standardized assessment administered pursuant to s.
47 1008.22(3)(a) and (b). There are five achievement levels. Level
48 1 is the lowest achievement level, level 5 is the highest
49 achievement level, and level 3 indicates satisfactory
50 performance. A student passes an assessment if the student
51 achieves a level 3, level 4, or level 5. For purposes of the
52 Florida Alternate Assessment administered pursuant to s.
53 1008.22(3)(c), the state board shall provide, in rule, the
54 number of achievement levels and identify the achievement levels
55 that are considered passing.

56 (b) "Learning Gains," "annual learning gains," or "student



165802

576-02499-14

57 learning gains” means the degree of student learning growth
58 occurring from one school year to the next as required by state
59 board rule for purposes of calculating school grades under this
60 section.

61 (c) “Student performance,” “student academic performance,”
62 or “academic performance” includes, but is not limited to,
63 student learning growth, achievement levels, and Learning Gains
64 on statewide, standardized assessments administered pursuant to
65 s. 1008.22.

66 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~
67 ~~prepare annual reports of the results of the statewide~~
68 ~~assessment program which describe student achievement in the~~
69 ~~state, each district, and each school. The commissioner shall~~
70 ~~prescribe the design and content of these reports, which must~~
71 ~~include descriptions of the performance of all schools~~
72 ~~participating in the assessment program and all of their major~~
73 ~~student populations as determined by the commissioner. The~~
74 ~~report must also include the percent of students performing at~~
75 ~~or above grade level and making learning gains in reading and~~
76 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~
77 ~~records apply to this section.~~

78 ~~(2) SCHOOL GRADES. The annual report shall identify Schools~~
79 ~~shall be graded using as having one of the following grades,~~
80 ~~defined according to rules of the State Board of Education:~~

- 81 (a) “A,” schools making excellent progress.
- 82 (b) “B,” schools making above average progress.
- 83 (c) “C,” schools making satisfactory progress.
- 84 (d) “D,” schools making less than satisfactory progress.
- 85 (e) “F,” schools failing to make adequate progress.



165802

576-02499-14

86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114

Each school that earns a grade of "A" or improves at least two letter grades may ~~shall~~ have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, ~~as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's grade declines.~~

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school must assess at least 95 percent of its eligible students, except as provided under s. 1008.341 for alternative schools. Beginning with the 2013-2014 school year, Each school ~~that has students who are tested and included in the school grading system~~ shall receive a school grade based on the school's performance on the components listed in subparagraphs (b)1. and 2. If a school does not have at least 10 students with complete data for one or more of the components listed in subparagraphs (b)1. and 2., those components may not be used in calculating the school's grade. if the number of its students tested on statewide assessments pursuant to s. 1008.22 meets or exceeds the minimum sample size of 10, except as follows:

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

2. A school that serves any combination of students in kindergarten through grade 3 that ~~which~~ does not receive a



165802

576-02499-14

115 school grade because its students are not tested and included in
116 the school grading system shall receive the school grade
117 designation of a K-3 feeder pattern school identified by the
118 Department of Education and verified by the school district. A
119 school feeder pattern exists if at least 60 percent of the
120 students in the school serving a combination of students in
121 kindergarten through grade 3 are scheduled to be assigned to the
122 graded school.

123 3. If a collocated school does not earn a school grade or
124 school improvement rating for the performance of its students,
125 the student performance data of all schools operating at the
126 same facility must be aggregated to develop a school grade that
127 will be assigned to all schools at that location. A collocated
128 school is a school that has its own unique master school
129 identification number, provides for the education of each of its
130 enrolled students, and operates at the same facility as another
131 school that has its own unique master school identification
132 number and provides for the education of each of its enrolled
133 students.

134 (b)1. Beginning with the 2014-2015 school year, a school's
135 grade shall be based on the following components, each worth 100
136 points a combination of:

137 a. The percentage of eligible students passing ~~Student~~
138 ~~achievement scores on statewide, standardized assessments in~~
139 ~~English Language Arts under s. 1008.22(3) 1008.22 and~~
140 ~~achievement scores for students seeking a special diploma.~~

141 b. The percentage of eligible students passing statewide,
142 standardized assessments in mathematics under s. 1008.22(3).

143 c. The percentage of eligible students passing statewide,



165802

576-02499-14

144 standardized assessments in science under s. 1008.22(3).

145 d. The percentage of eligible students passing the
146 statewide, standardized assessments in social studies under s.
147 1008.22(3).

148 ~~e.b. The percentage of eligible students who make Student~~
149 ~~Learning Gains in FCAT Reading or, upon transition to common~~
150 ~~core assessments, the common core English Language Arts and~~
151 ~~Mathematics assessments as measured by statewide, standardized~~
152 ~~assessments administered under pursuant to s. 1008.22(3)~~
153 ~~1008.22, including learning gains for students seeking a special~~
154 ~~diploma, as measured by an alternate assessment.~~

155 f. The percentage of eligible students who make Learning
156 Gains in mathematics as measured by statewide, standardized
157 assessments administered under s. 1008.22(3).

158 ~~g.e. The percentage of eligible students in Improvement of~~
159 ~~the lowest 25 percent in English Language Arts, as identified by~~
160 ~~prior year performance on statewide, standardized assessments,~~
161 ~~who make Learning Gains as measured by statewide, standardized~~
162 ~~English Language Arts assessments administered under s.~~
163 ~~1008.22(3) 25th percentile of students in the school in reading~~
164 ~~or, upon transition to common core assessments, English Language~~
165 ~~Arts and Mathematics assessments administered pursuant to s.~~
166 ~~1008.22, unless these students are exhibiting satisfactory~~
167 ~~performance.~~

168 h. The percentage of eligible students in the lowest 25
169 percent in mathematics, as identified by prior year performance
170 on statewide, standardized assessments, who make Learning Gains
171 as measured by statewide, standardized mathematics assessments
172 administered under s. 1008.22(3).



165802

576-02499-14

173 i. For schools comprised of middle grades 6 through 8 or
174 grades 7 and 8, the school's grade shall include the percentage
175 of eligible students passing high school level courses with
176 statewide, standardized assessments required for high school
177 graduation. As valid data becomes available, the school grades
178 shall include the students' attainment of national industry
179 certifications that satisfy high school graduation requirements
180 and are identified in the Industry Certification Funding List
181 pursuant to rules adopted by the state board.

182
183 In calculating Learning Gains for the components listed in sub-
184 subparagraphs e.-i., the State Board of Education shall require
185 that learning growth toward achievement levels 3, 4, and 5 is
186 demonstrated by students who scored below each of those levels
187 in the prior year.

188 ~~2. Beginning with the 2011-2012 school year, for schools~~
189 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~
190 ~~school's grade shall include the performance and participation~~
191 ~~of its students enrolled in high school level courses with~~
192 ~~statewide, standardized assessments administered under s.~~
193 ~~1008.22. Performance and participation must be weighted equally.~~
194 ~~As valid data becomes available, the school grades shall include~~
195 ~~the students' attainment of national industry certification~~
196 ~~identified in the Industry Certification Funding List pursuant~~
197 ~~to rules adopted by the state board.~~

198 ~~2.3. Beginning with the 2009-2010 school year For a school~~
199 ~~schools comprised of high school grades 9, 10, 11, and 12, or~~
200 ~~grades 10, 11, and 12, the school's grade at least 50 percent of~~
201 ~~the school grade shall be based on sub-subparagraphs 1.a.-h. and~~



165802

576-02499-14

202 ~~a combination of the factors listed in sub-subparagraphs 1.a. c.~~
203 ~~and the remaining percentage on the following components, each~~
204 ~~worth 100 points factors:~~

205 a. The four-year high school graduation rate of the school,
206 as defined by state board rule.†

207 b. The percentage of students who were eligible to earn
208 college credit through ~~As valid data becomes available, the~~
209 ~~performance and participation of the school's students in~~
210 College Board Advanced Placement examinations courses,
211 International Baccalaureate examinations courses, dual
212 enrollment courses, or and Advanced International Certificate of
213 Education examinations courses; or who, at any time during high
214 school, earned and the students' achievement of national
215 industry certification for which there is a statewide
216 articulation agreement and that is identified in the Industry
217 Certification Funding List, pursuant to rules adopted by the
218 state board.†

219 (c)1. The calculation of a school grade shall be based on
220 the percentage of points earned from the components listed in
221 subparagraph (b)1. and, if applicable, subparagraph (b)2. The
222 State Board of Education shall adopt in rule a school grading
223 scale that sets the percentage of points needed to earn each of
224 the school grades listed in subsection (2). There shall be at
225 least 5 percentage points separating the percentage thresholds
226 needed to earn each of the school grades. Each school year, the
227 percentage of schools earning "A" and "B" grades shall be
228 reviewed to determine whether to adjust the school grading scale
229 upward for the following school year's calculation of school
230 grades. An adjustment must be made if the percentage of schools



165802

576-02499-14

231 earning an "A" and "B" in the current year represents 75 percent
232 or more of all graded schools within a particular school type
233 used for accountability. The adjustment must reset the minimum
234 required percentage of points for each grade at a percentage
235 threshold that would yield less than 75 percent of schools
236 earning an "A" and "B" if applied in the year mandating the
237 adjustment. The adjustments shall end when the following grade
238 scale is achieved:

- 239 a. Ninety percent or more of the points for an "A."
240 b. Eighty to 89 percent of the points for a "B."
241 c. Seventy to 79 percent of the points for a "C."
242 d. Sixty to 69 percent of the points for a "D."
243 e. Fifty-nine percent or less of the points for an "F."

244 2. The calculation of school grades may not include any
245 provision that would raise or lower the school's grade beyond
246 the percentage of points earned. Extra weight may not be added
247 in the calculation of any components.

248 ~~e. Postsecondary readiness of all of the school's on-time~~
249 ~~graduates as measured by the SAT, the ACT, the Postsecondary~~
250 ~~Education Readiness Test, or the common placement test;~~

251 ~~d. The high school graduation rate of at-risk students, who~~
252 ~~score Level 1 or Level 2 on grade 8 FCAT Reading or the English~~
253 ~~Language Arts and mathematics assessments administered under s.~~
254 ~~1008.22;~~

255 ~~e. As valid data becomes available, the performance of the~~
256 ~~school's students on statewide, standardized end-of-course~~
257 ~~assessments administered under s. 1008.22(3)(b)4. and 5.; and~~

258 ~~f. The growth or decline in the components listed in sub-~~
259 ~~subparagraphs a.-e. from year to year.~~



165802

576-02499-14

260 ~~(c) Student assessment data used in determining school~~
261 ~~grades shall include:~~

262 ~~1. The aggregate scores of all eligible students enrolled~~
263 ~~in the school who have been assessed on statewide, standardized~~
264 ~~assessments in courses required for high school graduation,~~
265 ~~including, beginning with the 2011-2012 school year, the end-of-~~
266 ~~course assessment in Algebra I; and beginning with the 2012-2013~~
267 ~~school year, the end-of-course assessments in Geometry and~~
268 ~~Biology I; and beginning with the 2014-2015 school year, on the~~
269 ~~statewide, standardized end-of-course assessment in civics~~
270 ~~education at the middle grades level.~~

271 ~~2. The aggregate scores of all eligible students enrolled~~
272 ~~in the school who have been assessed on statewide, standardized~~
273 ~~assessments under s. 1008.22 and who have scored at or in the~~
274 ~~lowest 25th percentile of students in the school in reading and~~
275 ~~mathematics, unless these students are exhibiting satisfactory~~
276 ~~performance.~~

277 (d) The performance of students attending alternative
278 schools and students designated as hospital or homebound shall
279 be factored into a school grade as follows:

280 ~~1.3.~~ The student performance data for achievement scores
281 and learning gains of eligible students attending alternative
282 schools that provide dropout prevention and academic
283 intervention services pursuant to s. 1003.53 shall be included
284 in the calculation of the home school's grade. The term
285 "eligible students" in this subparagraph does not include
286 students attending an alternative school who are subject to
287 district school board policies for expulsion for repeated or
288 serious offenses, who are in dropout retrieval programs serving



165802

576-02499-14

289 students who have officially been designated as dropouts, or who
290 are in programs operated or contracted by the Department of
291 Juvenile Justice. ~~The student performance data for eligible~~
292 ~~students identified in this subparagraph shall be included in~~
293 ~~the calculation of the home school's grade.~~ As used in this
294 subparagraph and s. 1008.341, the term "home school" means the
295 school to which the student would be assigned if the student
296 were not assigned to an alternative school. If an alternative
297 school chooses to be graded under this section, student
298 performance data for eligible students identified in this
299 subparagraph shall not be included in the home school's grade
300 but shall be included only in the calculation of the alternative
301 school's grade. A school district that fails to assign
302 statewide, standardized end-of-course assessment scores of each
303 of its students to his or her home school or to the alternative
304 school that receives a grade shall forfeit Florida School
305 Recognition Program funds for one ± fiscal year. School
306 districts must require collaboration between the home school and
307 the alternative school in order to promote student success. This
308 collaboration must include an annual discussion between the
309 principal of the alternative school and the principal of each
310 student's home school concerning the most appropriate school
311 assignment of the student.

312 2.4. Student performance data for ~~The achievement scores~~
313 ~~and learning gains of students designated as~~ hospital or
314 homebound hospital- or homebound. ~~Student assessment data for~~
315 ~~students designated as hospital- or homebound~~ shall be assigned
316 to their home school for the purposes of school grades. As used
317 in this subparagraph, the term "home school" means the school to



165802

576-02499-14

318 which a student would be assigned if the student were not
319 assigned to a hospital or homebound ~~hospital or homebound~~
320 program.

321 ~~5. For schools comprised of high school grades 9, 10, 11,~~
322 ~~and 12, or grades 10, 11, and 12, the data listed in~~
323 ~~subparagraphs 1.-3. and the following data as the Department of~~
324 ~~Education determines such data are valid and available:~~

325 ~~a. The high school graduation rate of the school as~~
326 ~~calculated by the department;~~

327 ~~b. The participation rate of all eligible students enrolled~~
328 ~~in the school and enrolled in College Board Advanced Placement~~
329 ~~courses; International Baccalaureate courses; dual enrollment~~
330 ~~courses; Advanced International Certificate of Education~~
331 ~~courses; and courses or sequences of courses leading to national~~
332 ~~industry certification identified in the Industry Certification~~
333 ~~Funding List, pursuant to rules adopted by the State Board of~~
334 ~~Education;~~

335 ~~e. The aggregate scores of all eligible students enrolled~~
336 ~~in the school in College Board Advanced Placement courses,~~
337 ~~International Baccalaureate courses, and Advanced International~~
338 ~~Certificate of Education courses;~~

339 ~~d. Earning of college credit by all eligible students~~
340 ~~enrolled in the school in dual enrollment programs under s.~~
341 ~~1007.271;~~

342 ~~e. Earning of a national industry certification identified~~
343 ~~in the Industry Certification Funding List, pursuant to rules~~
344 ~~adopted by the State Board of Education;~~

345 ~~f. The aggregate scores of all eligible students enrolled~~
346 ~~in the school in reading, mathematics, and other subjects as~~



165802

576-02499-14

347 ~~measured by the SAT, the ACT, the Postsecondary Education~~
348 ~~Readiness Test, and the common placement test for postsecondary~~
349 ~~readiness;~~

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

353 ~~h. The performance of the school's students on statewide,~~
354 ~~standardized end-of-course assessments administered under s.~~
355 ~~1008.22(3)(b)4. and 5.; and~~

356 ~~i. The growth or decline in the data components listed in~~
357 ~~sub-subparagraphs a.-h. from year to year.~~

358
359 ~~The State Board of Education shall adopt appropriate criteria~~
360 ~~for each school grade. The criteria must also give added weight~~
361 ~~to student achievement in reading. Schools earning a grade of~~
362 ~~"C," making satisfactory progress, shall be required to~~
363 ~~demonstrate that adequate progress has been made by students in~~
364 ~~the school who are in the lowest 25th percentile in reading and~~
365 ~~mathematics on statewide, standardized assessments under s.~~
366 ~~1008.22, unless these students are exhibiting satisfactory~~
367 ~~performance. For schools comprised of high school grades 9, 10,~~
368 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~
369 ~~grades must also give added weight to the graduation rate of all~~
370 ~~eligible at-risk students. In order for a high school to earn a~~
371 ~~grade of "A," the school must demonstrate that its at-risk~~
372 ~~students, as defined in this paragraph, are making adequate~~
373 ~~progress.~~

374 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~
375 ~~identify each school's performance as having improved, remained~~



165802

576-02499-14

376 ~~the same, or declined. This school improvement rating shall be~~
377 ~~based on a comparison of the current year's and previous year's~~
378 ~~student and school performance data. A school that improves its~~
379 ~~rating by at least one level is eligible for school recognition~~
380 ~~awards pursuant to s. 1008.36.~~

381 (4) ~~(5)~~ SCHOOL REPORT CARD.—The Department of Education
382 shall annually develop, in collaboration with the school
383 districts, a school report card to be provided by the school
384 district to parents within the district. The report card shall
385 include the school's grade; student performance in English
386 Language Arts, mathematics, science, and social studies; ~~;~~
387 information regarding school improvement; ~~;~~ an explanation of
388 school performance as evaluated by the federal Elementary and
389 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.; ~~;~~ and
390 indicators of return on investment. Each school's report card
391 shall be published annually by the department on its website
392 based upon the most recent data available.

393 ~~(6) PERFORMANCE-BASED FUNDING.—The Legislature may factor~~
394 ~~in the performance of schools in calculating any performance-~~
395 ~~based funding policy that is provided for annually in the~~
396 ~~General Appropriations Act.~~

397 (5) ~~(7)~~ DISTRICT GRADE.—The annual report required by
398 subsection (1) shall include the school district's grade.
399 Beginning with the 2014-2015 school year, a school district's
400 grade shall include a district-level calculation of the
401 components under paragraph (3) (b) be calculated using student
402 performance and learning gains data on statewide assessments
403 used for determining school grades under subparagraph (3) (b) 1.
404 ~~for each eligible student enrolled for a full school year in the~~



165802

576-02499-14

405 ~~district~~. This calculation methodology captures each eligible
406 student in the district who may have transferred among schools
407 within the district or is enrolled in a school that does not
408 receive a grade. The department shall develop a district report
409 card that includes the district's grade; measures of the
410 district's progress in closing the achievement gap between
411 higher-performing student subgroups and lower-performing student
412 subgroups; measures of the district's progress in demonstrating
413 Learning Gains of its highest-performing students; measures of
414 the district's success in improving student attendance; the
415 district's grade-level promotion of students scoring achievement
416 levels 1 and 2 on statewide, standardized English Language Arts
417 and mathematics assessments; and measures of the district's
418 performance in preparing students for the transition from
419 elementary to middle school, middle to high school, and high
420 school to postsecondary institutions and careers.

421 (6) ~~(8)~~ RULES.—The State Board of Education shall adopt
422 rules under ss. 120.536(1) and 120.54 to administer this
423 section.

424 (7) TRANSITION.—School grades and school improvement
425 ratings pursuant to s. 1008.341 for the 2013-2014 school year
426 shall be calculated based on statutes and rules in effect on
427 June 30, 2014. To assist in the transition to 2014-2015 school
428 grades, calculated based on new statewide, standardized
429 assessments administered pursuant to s. 1008.22, the 2014-2015
430 school grades shall serve as an informational baseline for
431 schools to work toward improved performance in future years.
432 Accordingly, notwithstanding any other provision of law:

433 (a) A school may not be required to select and implement a



165802

576-02499-14

434 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
435 year based on the school's 2014-2015 grade or school improvement
436 rating under s. 1008.341, as applicable.

437 (b)1. A school or approved provider under s. 1002.45 that
438 receives the same or a lower school grade or school improvement
439 rating for the 2014-2015 school year compared to the 2013-2014
440 school year is not subject to sanctions or penalties that would
441 otherwise occur as a result of the 2014-2015 school grade or
442 rating. A charter school system or a school district designated
443 as high performing may not lose the designation based on the
444 2014-2015 school grades of any of the schools within the charter
445 school system or school district, as applicable.

446 2. The Florida School Recognition Program established under
447 s. 1008.36 shall continue to be implemented as otherwise
448 provided in the General Appropriations Act.

449 (c) For purposes of determining grade 3 retention pursuant
450 to s. 1008.25(5) and high school graduation pursuant to s.
451 1003.4282, student performance on the 2014-2015 statewide,
452 standardized assessments shall be linked to 2013-2014 student
453 performance expectations.

454
455 This subsection is repealed July 1, 2017.

456 Section 2. Subsection (18) of section 1001.42, Florida
457 Statutes, is amended to read:

458 1001.42 Powers and duties of district school board.—The
459 district school board, acting as a board, shall exercise all
460 powers and perform all duties listed below:

461 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
462 Maintain a ~~state~~ system of school improvement and education



165802

576-02499-14

463 accountability as provided by statute and State Board of
464 Education rule. This system of school improvement and education
465 accountability shall be consistent with, and implemented
466 through, the district's continuing system of planning and
467 budgeting required by this section and ss. 1008.385, 1010.01,
468 and 1011.01. This system of school improvement and education
469 accountability shall comply with the provisions of ss. 1008.33,
470 1008.34, 1008.345, and 1008.385 and include the following:

471 (a) *School improvement plans.*—The district school board
472 shall annually approve and require implementation of a new,
473 amended, or continuation school improvement plan for each school
474 in the district. If a school has a significant gap in
475 achievement on statewide, standardized assessments administered
476 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student
477 subgroups, as defined in the federal Elementary and Secondary
478 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
479 significantly increased ~~decreased~~ the percentage of students
480 passing scoring below satisfactory on statewide, standardized
481 assessments; has not significantly increased the percentage of
482 students demonstrating Learning Gains, as defined in s. 1008.34
483 and as calculated under s. 1008.34(3)(b), who passed statewide,
484 standardized assessments; or has significantly lower graduation
485 rates for a subgroup when compared to the state's graduation
486 rate, that school's improvement plan shall include strategies
487 for improving these results. The state board shall adopt rules
488 establishing thresholds and for determining compliance with this
489 paragraph.

490 (b) *Public disclosure.*—The district school board shall
491 provide information regarding the performance of students and



165802

576-02499-14

492 educational programs as required pursuant to ss. 1008.22 and
493 1008.385 and implement a system of school reports as required by
494 statute and State Board of Education rule which shall include
495 schools operating for the purpose of providing educational
496 services to youth in Department of Juvenile Justice programs,
497 and for those schools, report on the elements specified in s.
498 1003.52(19). Annual public disclosure reports shall be in an
499 easy-to-read report card format and shall include the school's
500 grade, high school graduation rate calculated without GED tests,
501 disaggregated by student ethnicity, and performance data as
502 specified in state board rule.

503 (c) *School improvement funds.*—The district school board
504 shall provide funds to schools for developing and implementing
505 school improvement plans. Such funds shall include those funds
506 appropriated for the purpose of school improvement pursuant to
507 s. 24.121(5)(c).

508 Section 3. Paragraph (n) of subsection (9) and paragraph
509 (b) of subsection (21) of section 1002.33, Florida Statutes, are
510 amended to read:

511 1002.33 Charter schools.—

512 (9) CHARTER SCHOOL REQUIREMENTS.—

513 (n)1. The director and a representative of the governing
514 board of a charter school that has earned a grade of "D" or "F"
515 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the
516 sponsor to present information concerning each contract
517 component having noted deficiencies. The director and a
518 representative of the governing board shall submit to the
519 sponsor for approval a school improvement plan to raise student
520 performance achievement. Upon approval by the sponsor, the



165802

576-02499-14

521 charter school shall begin implementation of the school
522 improvement plan. The department shall offer technical
523 assistance and training to the charter school and its governing
524 board and establish guidelines for developing, submitting, and
525 approving such plans.

526 2.a. If a charter school earns three consecutive grades of
527 "D," two consecutive grades of "D" followed by a grade of "F,"
528 or two nonconsecutive grades of "F" within a 3-year period, the
529 charter school governing board shall choose one of the following
530 corrective actions:

531 (I) Contract for educational services to be provided
532 directly to students, instructional personnel, and school
533 administrators, as prescribed in state board rule;

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

536 (III) Reorganize the school under a new director or
537 principal who is authorized to hire new staff; or

538 (IV) Voluntarily close the charter school.

539 b. The charter school must implement the corrective action
540 in the school year following receipt of a third consecutive
541 grade of "D," a grade of "F" following two consecutive grades of
542 "D," or a second nonconsecutive grade of "F" within a 3-year
543 period.

544 c. The sponsor may annually waive a corrective action if it
545 determines that the charter school is likely to improve a letter
546 grade if additional time is provided to implement the
547 intervention and support strategies prescribed by the school
548 improvement plan. Notwithstanding this sub-subparagraph, a
549 charter school that earns a second consecutive grade of "F" is



165802

576-02499-14

550 subject to subparagraph 4.

551 d. A charter school is no longer required to implement a
552 corrective action if it improves by at least one letter grade.
553 However, the charter school must continue to implement
554 strategies identified in the school improvement plan. The
555 sponsor must annually review implementation of the school
556 improvement plan to monitor the school's continued improvement
557 pursuant to subparagraph 5.

558 e. A charter school implementing a corrective action that
559 does not improve by at least one letter grade after 2 full
560 school years of implementing the corrective action must select a
561 different corrective action. Implementation of the new
562 corrective action must begin in the school year following the
563 implementation period of the existing corrective action, unless
564 the sponsor determines that the charter school is likely to
565 improve a letter grade if additional time is provided to
566 implement the existing corrective action. Notwithstanding this
567 sub-subparagraph, a charter school that earns a second
568 consecutive grade of "F" while implementing a corrective action
569 is subject to subparagraph 4.

570 3. A charter school with a grade of "D" or "F" that
571 improves by at least one letter grade must continue to implement
572 the strategies identified in the school improvement plan. The
573 sponsor must annually review implementation of the school
574 improvement plan to monitor the school's continued improvement
575 pursuant to subparagraph 5.

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

578 a. The charter school is established to turn around the



165802

576-02499-14

579 performance of a district public school pursuant to s.
580 1008.33(4)(b)3. Such charter schools shall be governed by s.
581 1008.33;

582 b. The charter school serves a student population the
583 majority of which resides in a school zone served by a district
584 public school that earned a grade of "F" in the year before the
585 charter school opened and the charter school earns at least a
586 grade of "D" in its third year of operation. The exception
587 provided under this sub-subparagraph does not apply to a charter
588 school in its fourth year of operation and thereafter; or

589 c. The state board grants the charter school a waiver of
590 termination. The charter school must request the waiver within
591 15 days after the department's official release of school
592 grades. The state board may waive termination if the charter
593 school demonstrates that the Learning Gains of its students on
594 statewide assessments are comparable to or better than the
595 Learning Gains of similarly situated students enrolled in nearby
596 district public schools. The waiver is valid for 1 year and may
597 only be granted once. Charter schools that have been in
598 operation for more than 5 years are not eligible for a waiver
599 under this sub-subparagraph.

600 5. The director and a representative of the governing board
601 of a graded charter school that has implemented a school
602 improvement plan under this paragraph shall appear before the
603 sponsor at least once a year to present information regarding
604 the progress of intervention and support strategies implemented
605 by the school pursuant to the school improvement plan and
606 corrective actions, if applicable. The sponsor shall communicate
607 at the meeting, and in writing to the director, the services



165802

576-02499-14

608 provided to the school to help the school address its
609 deficiencies.

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

613 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

614 (b)1. The Department of Education shall report to each
615 charter school receiving a school grade pursuant to s. 1008.34
616 or a school improvement rating pursuant to s. 1008.341 the
617 school's student assessment data pursuant to s. 1008.34(3)(e)
618 ~~which is reported to schools that receive a school grade or~~
619 ~~student assessment data pursuant to s. 1008.341(3) which is~~
620 ~~reported to alternative schools that receive a school~~
621 ~~improvement rating to each charter school that:~~

622 ~~a. Does not receive a school grade pursuant to s. 1008.34~~
623 ~~or a school improvement rating pursuant to s. 1008.341; and~~

624 ~~b. Serves at least 10 students who are tested on the~~
625 ~~statewide assessment test pursuant to s. 1008.22.~~

626 2. The charter school shall report the information in
627 subparagraph 1. to each parent of a student at the charter
628 school, the parent of a child on a waiting list for the charter
629 school, the district in which the charter school is located, and
630 the governing board of the charter school. This paragraph does
631 not abrogate the provisions of s. 1002.22, relating to student
632 records, or the requirements of 20 U.S.C. s. 1232g, the Family
633 Educational Rights and Privacy Act.

634 3.a. Pursuant to this paragraph, the Department of
635 Education shall compare the charter school student performance
636 data for each charter school in subparagraph 1. with the student



165802

576-02499-14

637 performance data in traditional public schools in the district
638 in which the charter school is located and other charter schools
639 in the state. For alternative charter schools, the department
640 shall compare the student performance data described in this
641 paragraph with all alternative schools in the state. The
642 comparative data shall be provided by the following grade
643 groupings:

- 644 (I) Grades 3 through 5;
- 645 (II) Grades 6 through 8; and
- 646 (III) Grades 9 through 11.

647 b. Each charter school shall provide the information
648 specified in this paragraph on its Internet website and also
649 provide notice to the public at large in a manner provided by
650 the rules of the State Board of Education. The State Board of
651 Education shall adopt rules to administer the notice
652 requirements of this subparagraph pursuant to ss. 120.536(1) and
653 120.54. The website shall include, through links or actual
654 content, other information related to school performance.

655 Section 4. Paragraphs (a) and (d) of subsection (1) of
656 section 1003.621, Florida Statutes, are amended to read:

657 1003.621 Academically high-performing school districts.—It
658 is the intent of the Legislature to recognize and reward school
659 districts that demonstrate the ability to consistently maintain
660 or improve their high-performing status. The purpose of this
661 section is to provide high-performing school districts with
662 flexibility in meeting the specific requirements in statute and
663 rules of the State Board of Education.

664 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

665 (a) A school district is an academically high-performing



165802

576-02499-14

666 school district if it meets the following criteria:

667 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
668 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive
669 years; and

670 b. Has no district-operated school that earns a grade of
671 "F" under s. 1008.34;

672 2. Complies with all class size requirements in s. 1, Art.
673 IX of the State Constitution and s. 1003.03; and

674 3. Has no material weaknesses or instances of material
675 noncompliance noted in the annual financial audit conducted
676 pursuant to s. 11.45 or s. 218.39.

677 (d) In order to maintain the designation as an academically
678 high-performing school district pursuant to this section, a
679 school district must meet the following requirements:

680 1. Comply with the provisions of subparagraphs (a)2. and
681 3.; and

682 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2
683 years within a 3-year period.

684
685 However, a district in which a district-operated school earns a
686 grade of "F" under s. 1008.34 during the 3-year period may not
687 continue to be designated as an academically high-performing
688 school district during the remainder of that 3-year period. The
689 district must meet the criteria in paragraph (a) in order to be
690 redesignated as an academically high-performing school district.

691 Section 5. Paragraph (b) of subsection (1) of section
692 1008.31, Florida Statutes, is amended to read:

693 1008.31 Florida's K-20 education performance accountability
694 system; legislative intent; mission, goals, and systemwide



165802

576-02499-14

695 measures; data quality improvements.-

696 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
697 that:

698 (b) The K-20 education performance accountability system be
699 established as a single, unified accountability system with
700 multiple components, including, but not limited to, ~~measures of~~
701 ~~adequate yearly progress, individual~~ student performance
702 ~~learning gains~~ in public schools and, school and district
703 ~~grades, and return on investment.~~

704 Section 6. Subsection (2) of section 1008.33, Florida
705 Statutes, is amended to read:

706 1008.33 Authority to enforce public school improvement.-

707 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
708 1008.345, and 1008.385, the State Board of Education shall hold
709 all school districts and public schools accountable for student
710 performance. The state board is responsible for a state system
711 of school improvement and education accountability that assesses
712 student performance by school, identifies schools that in which
713 ~~students~~ are not meeting accountability ~~making adequate progress~~
714 ~~toward state~~ standards, and institutes appropriate measures for
715 enforcing improvement.

716 (b) The state system of school improvement and education
717 accountability must provide for uniform accountability
718 standards, provide assistance of escalating intensity to ~~low-~~
719 ~~performing~~ schools not meeting accountability standards, direct
720 support to schools in order to improve and sustain performance,
721 focus on the performance of student subgroups, and enhance
722 student performance.

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



165802

576-02499-14

724 the academic performance achievement of all students and for
725 identifying and improving ~~turning around low-performing~~ schools
726 that fail to meet accountability standards.

727 Section 7. Subsections (2), (3), and (4) of section
728 1008.341, Florida Statutes, are amended to read:

729 1008.341 School improvement rating for alternative
730 schools.-

731 (2) SCHOOL IMPROVEMENT RATING.-An alternative school is a
732 school that provides dropout prevention and academic
733 intervention services pursuant to s. 1003.53. An alternative
734 school shall receive a school improvement rating pursuant to
735 this section unless the school earns a school grade pursuant to
736 s. 1008.34. ~~Beginning with the 2013-2014 school year, each~~ An
737 alternative school that chooses to receive a school improvement
738 rating shall receive a school improvement rating if the number
739 of its students for whom student performance data on statewide,
740 standardized assessments pursuant to s. 1008.22 which is
741 available for the current year and previous year meets or
742 exceeds the minimum sample size of 10. If an alternative school
743 does not have at least 10 students with complete data for a
744 component listed in subsection (3), that component may not be
745 used in calculating the school's improvement rating. The
746 calculation of the school improvement rating shall be based on
747 the percentage of points earned from the components listed in
748 subsection (3). An alternative school that tests at least 80
749 percent of its students may receive a school improvement rating.
750 If an alternative school tests less than 90 percent of its
751 students, the school may not earn a rating higher than
752 "maintaining." Beginning with the 2016-2017 school year, if an



165802

576-02499-14

753 alternative school does not meet the requirements for the
754 issuance of a school improvement rating in the current year, and
755 has failed to receive a school improvement rating for the prior
756 2 consecutive years, the school shall receive a rating for the
757 current year based upon a compilation of all student Learning
758 Gains, for all grade levels, for those 3 years. Likewise, if the
759 school fails to meet the requirements for a rating the following
760 year or any year thereafter, the school's rating shall be based
761 on a compilation of student Learning Gains achieved during the
762 current and prior 2 years. The school improvement rating shall
763 identify an alternative school as having one of the following
764 ratings defined according to rules of the State Board of
765 Education:

766 (a) "Commendable" ~~"Improving"~~ means a significant
767 percentage of the students attending the school are making
768 Learning Gains ~~more academic progress than when the students~~
769 ~~were served in their home schools.~~

770 (b) "Maintaining" means a sufficient percentage of the
771 students attending the school are making Learning Gains ~~progress~~
772 ~~equivalent to the progress made when the students were served in~~
773 ~~their home schools.~~

774 (c) "Unsatisfactory" ~~"Declining"~~ means an insufficient
775 percentage of the students attending the school are making
776 Learning Gains ~~less academic progress than when the students~~
777 ~~were served in their home schools.~~

778
779 ~~The school improvement rating shall be based on a comparison of~~
780 ~~student performance data for the current year and previous year.~~
781 Schools that improve at least one level or maintain a a



165802

576-02499-14

782 "commendable" ~~an "improving"~~ rating pursuant to this section are
783 eligible for school recognition awards pursuant to s. 1008.36.

784 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—~~Student data~~
785 ~~used in determining an alternative school's school improvement~~
786 ~~rating shall include:~~

787 ~~(a) student~~ Learning Gains performance results based on
788 statewide, standardized assessments, including retakes,
789 administered under s. 1008.22 for all eligible students who were
790 assigned to and enrolled in the school during the October or
791 February FTE count and who have assessment scores or comparable
792 scores for the preceding school year shall be used in
793 determining an alternative school's school improvement rating.
794 An alternative school's rating shall be based on the following
795 components:

796 (a) The percentage of eligible students who make Learning
797 Gains in English Language Arts as measured by statewide,
798 standardized assessments under s. 1008.22(3).

799 (b) The percentage of eligible students who make Learning
800 Gains in mathematics as measured by statewide, standardized
801 assessments under s. 1008.22(3) ~~Student performance results~~
802 ~~based on statewide, standardized assessments, including retakes,~~
803 ~~administered under s. 1008.22 for all eligible students who were~~
804 ~~assigned to and enrolled in the school during the October or~~
805 ~~February FTE count and who have scored in the lowest 25th~~
806 ~~percentile of students in the state on FCAT Reading.~~

807
808 Student performance results of students who are subject to
809 district school board policies for expulsion for repeated or
810 serious offenses, who are in dropout retrieval programs serving



165802

576-02499-14

811 students who have officially been designated as dropouts, or who
812 are in programs operated or contracted by the Department of
813 Juvenile Justice may not be included in an alternative school's
814 school improvement rating.

815 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
816 alternative school receiving a school improvement rating, the
817 Department of Education shall annually identify the percentage
818 of students making Learning Gains consistent with the provisions
819 in s. 1008.34(3) as compared to the percentage of the same
820 students making learning gains in their home schools in the year
821 prior to being assigned to the alternative school.

822 Section 8. Subsection (2) of section 1008.3415, Florida
823 Statutes, is amended to read:

824 1008.3415 School grade or school improvement rating for
825 exceptional student education centers.—

826 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(c)3.~~, the
827 achievement levels ~~scores~~ and Learning Gains of a student with a
828 disability who attends an exceptional student education center
829 and has not been enrolled in or attended a public school other
830 than an exceptional student education center for grades K-12
831 within the school district shall not be included in the
832 calculation of the home school's grade if the student is
833 identified as an emergent student on the alternate assessment
834 tool described in s. 1008.22(3)(c) ~~1008.22(3)(c)13.~~

835 Section 9. (1) Based on documentation from a physician
836 licensed under chapter 458, Florida Statutes, and after
837 reviewing the district school board superintendent's
838 recommendation, the Commissioner of Education must grant:

839 (a) A permanent exemption from taking statewide,



165802

576-02499-14

840 standardized assessments to a student who, as determined by a
841 physician licensed pursuant to chapter 458, Florida Statutes, is
842 a "child with medical complexity." For purposes of this
843 paragraph, the term "child with medical complexity" means a
844 child who has medical fragility and intensive care needs due to
845 a congenital or acquired multisystem disease, a severe
846 neurologic condition with marked functional impairment, or
847 technology dependent for activities of daily living.

848 (b) A one-year exemption from taking statewide,
849 standardized assessments to a student who suffers from such a
850 significant cognitive or physical disability that the student
851 temporarily lacks the capacity to take statewide, standardized
852 assessments.

853 (2) A parent may request that the student participate in
854 statewide, standardized assessments, including, but not limited
855 to, the Florida Alternate Assessment, during the term of the
856 exemption.

857 (3) The State Board of Education shall adopt rules to
858 administer this section, including, but not limited to,
859 expediting the exemption process to demonstrate the utmost
860 compassion and consideration for meeting the parent's and
861 student's needs, and establishing deadlines for the
862 superintendent to provide a recommendation to the commissioner.

863 Section 10. This act shall take effect July 1, 2014.