



475992

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
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Appropriations Subcommittee on Pre-K - 12 Education (Simmons)  
recommended the following:

**Senate Amendment (with title amendment)**

Before line 18

insert:

Section 1. Paragraphs (a) and (b) of subsection (18) and  
subsection (21) of section 1001.42, Florida Statutes, are  
amended to read:

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



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11 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
12 Maintain a system of school improvement and education  
13 accountability as provided by statute and State Board of  
14 Education rule. This system of school improvement and education  
15 accountability shall be consistent with, and implemented  
16 through, the district's continuing system of planning and  
17 budgeting required by this section and ss. 1008.385, 1010.01,  
18 and 1011.01. This system of school improvement and education  
19 accountability shall comply with the provisions of ss. 1008.33,  
20 1008.34, 1008.345, and 1008.385 and include the following:

21 (a) *School improvement plans.*—

22 ~~1.~~ The district school board shall annually approve and  
23 require implementation of a new, amended, or continuation school  
24 improvement plan for each school in the district which has a  
25 school grade of "D" or "F"; ~~— If a school~~ has a significant gap  
26 in achievement on statewide, standardized assessments  
27 administered pursuant to s. 1008.22 by one or more student  
28 subgroups, as defined in the federal Elementary and Secondary  
29 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
30 significantly increased the percentage of students passing  
31 statewide, standardized assessments; has not significantly  
32 increased the percentage of students demonstrating Learning  
33 Gains, as defined in s. 1008.34 and as calculated under s.  
34 1008.34(3)(b), who passed statewide, standardized assessments;  
35 or has significantly lower graduation rates for a subgroup when  
36 compared to the state's graduation rate. The, that school's  
37 improvement plan of a school that meets the requirements of this  
38 paragraph shall include strategies for improving these results.  
39 The state board shall adopt rules establishing thresholds and



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40 for determining compliance with this paragraph ~~subparagraph~~.

41 ~~2. A school that includes any of grades 6, 7, or 8 shall~~  
42 ~~include annually in its school improvement plan information and~~  
43 ~~data on the school's early warning system required under~~  
44 ~~paragraph (b), including a list of the early warning indicators~~  
45 ~~used in the system, the number of students identified by the~~  
46 ~~system as exhibiting two or more early warning indicators, the~~  
47 ~~number of students by grade level that exhibit each early~~  
48 ~~warning indicator, and a description of all intervention~~  
49 ~~strategies employed by the school to improve the academic~~  
50 ~~performance of students identified by the early warning system.~~  
51 ~~In addition, a school that includes any of grades 6, 7, or 8~~  
52 ~~shall describe in its school improvement plan the strategies~~  
53 ~~used by the school to implement the instructional practices for~~  
54 ~~middle grades emphasized by the district's professional~~  
55 ~~development system pursuant to s. 1012.98(4)(b)9.~~

56 (b) *Early warning system.*—

57 1. A school that serves any students in grade 1 through  
58 grade ~~includes any of grades 6, 7, or 8~~ shall implement an early  
59 warning system to identify students in such ~~grades 6, 7, and 8~~  
60 who need additional support to improve academic performance and  
61 stay engaged in school. The early warning system must include  
62 the following early warning indicators:

63 a. Attendance below 90 percent, regardless of whether  
64 absence is excused or a result of out-of-school suspension.

65 b. One or more suspensions, whether in school or out of  
66 school.

67 c. Course failure in English Language Arts or mathematics  
68 during any grading period.



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69 d. A Level 1 score on the statewide, standardized  
70 assessments in English Language Arts or mathematics or, for  
71 students in grade 1 through grade 3, a substantial deficiency in  
72 reading under s. 1008.25(5) (a).

73

74 A school district may identify additional early warning  
75 indicators for use in a school's early warning system. Beginning  
76 in the 2018-2019 academic year, the system must include data on  
77 the number of students identified by the system as exhibiting  
78 two or more early warning indicators, the number of students by  
79 grade level who exhibit each early warning indicator, and a  
80 description of all intervention strategies employed by the  
81 school to improve the academic performance of students  
82 identified by the early warning system.

83 2. When a student exhibits two or more early warning  
84 indicators, the school's child study team under s. 1003.02 or a  
85 school-based team formed for the purpose of implementing the  
86 requirements of this paragraph, in consultation with the  
87 student's parent, shall convene to determine appropriate  
88 intervention strategies for the student. The team must use data  
89 and information relating to a student's early warning indicators  
90 to inform any intervention strategies provided to the student.

91 The school shall provide at least 10 days' written notice of the  
92 meeting to the student's parent, indicating the meeting's  
93 purpose, time, and location, and provide the parent the  
94 opportunity to participate.

95 (21) ~~EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY.—Pursue~~  
96 ~~negotiations of~~ ~~May declare an emergency in cases in which one~~  
97 ~~or more schools in the district are failing or are in danger of~~



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98 ~~failing and negotiate~~ special provisions of its contract with  
99 the appropriate bargaining units to free ~~these~~ schools meeting  
100 specified conditions from contract restrictions that limit a the  
101 school's ability to implement programs and strategies needed to  
102 improve student performance. The negotiations must result in a  
103 memorandum of understanding that addresses the selection,  
104 placement, and expectations of instructional personnel and  
105 school administrators. For purposes of this subsection, an  
106 educational emergency exists in a school district under the  
107 following conditions, and the school board must act accordingly:

108 (a) A school board may negotiate in cases in which one or  
109 more schools in the district have a school grade of "D" or in  
110 which a school is in danger of earning a grade of "F."

111 (b) Beginning in the 2018-2019 academic year, a school  
112 board may negotiate in cases in which one or more schools in the  
113 district are currently subject to, or are in danger of being  
114 subject to, a differentiated matrix of intervention and support  
115 strategies as a turnaround school or turnaround schools under s.  
116 1008.33(3)(c).

117 Section 2. Paragraph (n) of subsection (9) of section  
118 1002.33, Florida Statutes, is amended to read:

119 1002.33 Charter schools.—

120 (9) CHARTER SCHOOL REQUIREMENTS.—

121 (n)1. The director and a representative of the governing  
122 board of a charter school that has earned a grade of "D" or is  
123 in danger of earning a grade of "F" pursuant to s. 1008.34 shall  
124 appear before the sponsor to present information concerning each  
125 contract component having noted deficiencies. The director and a  
126 representative of the governing board shall submit to the



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127 sponsor for approval a school improvement plan to raise student  
128 performance. Upon approval by the sponsor, the charter school  
129 shall begin implementation of the school improvement plan. The  
130 department shall offer technical assistance and training to the  
131 charter school and its governing board and establish guidelines  
132 for developing, submitting, and approving such plans.

133 2.a. If a charter school earns a grade of "F" or two three  
134 consecutive grades below a "C," ~~of "D," two consecutive grades~~  
135 ~~of "D" followed by a grade of "F," or two nonconsecutive grades~~  
136 ~~of "F" within a 3-year period,~~ the turnaround charter school  
137 governing board must immediately implement its approved school  
138 improvement plan for the remainder of the school year and  
139 continue implementation for at least 1 school year, and shall  
140 choose one of the following corrective actions:

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

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

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

148 (IV) Voluntarily close the charter school.

149 b. The turnaround charter school must implement the  
150 corrective action in the school year following receipt of a  
151 grade of "F" or a second third consecutive grade below a "C." ~~of~~  
152 ~~"D," a grade of "F" following two consecutive grades of "D," or~~  
153 ~~a second nonconsecutive grade of "F" within a 3-year period.~~

154 c. The sponsor may annually waive a corrective action if it  
155 determines that the turnaround charter school is likely to



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156 improve a letter grade if additional time is provided to  
157 implement the intervention and support strategies prescribed by  
158 the school improvement plan. Notwithstanding this sub-  
159 subparagraph, a charter school that earns a second consecutive  
160 grade of "F" is subject to subparagraph 3. ~~4.~~

161 d. A turnaround charter school is no longer required to  
162 implement a corrective action if it improves to a grade of "C"  
163 or higher ~~by at least one letter grade~~. However, the charter  
164 school must continue to implement strategies identified in the  
165 school improvement plan. The sponsor must annually review  
166 implementation of the school improvement plan to monitor the  
167 school's continued improvement pursuant to subparagraph 4. ~~5.~~

168 e. A turnaround charter school implementing a corrective  
169 action that does not improve to a grade of "C" or higher ~~by at~~  
170 ~~least one letter grade~~ after 2 full school years of implementing  
171 the corrective action must select a different corrective action.  
172 Implementation of the new corrective action must begin in the  
173 school year following the implementation period of the existing  
174 corrective action, unless the sponsor determines that the  
175 charter school is likely to improve to a grade of "C" or higher  
176 ~~a letter grade~~ if additional time is provided to implement the  
177 existing corrective action. Notwithstanding this sub-  
178 subparagraph, a charter school that earns a second consecutive  
179 grade of "F" while implementing a corrective action is subject  
180 to subparagraph 3. ~~4.~~

181 ~~3. A charter school with a grade of "D" or "F" that~~  
182 ~~improves by at least one letter grade must continue to implement~~  
183 ~~the strategies identified in the school improvement plan. The~~  
184 ~~sponsor must annually review implementation of the school~~



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185 ~~improvement plan to monitor the school's continued improvement~~  
186 ~~pursuant to subparagraph 5.~~

187 ~~3.4.~~ A charter school's charter contract is automatically  
188 terminated if the school earns two consecutive grades of "F"  
189 after all school grade appeals are final unless:

190 a. The charter school is established to turn around the  
191 performance of a district public school pursuant to s.  
192 1008.33(4)(b)6. ~~s. 1008.33(4)(b)3.~~ Such charter schools shall be  
193 governed by s. 1008.33;

194 b. The charter school serves a student population the  
195 majority of which resides in a school zone served by a district  
196 public school subject to s. 1008.33(4) ~~that earned a grade of~~  
197 ~~"F" in the year before the charter school opened~~ and the charter  
198 school earns at least a grade of "D" in its third year of  
199 operation. The exception provided under this sub-subparagraph  
200 does not apply to a charter school in its fourth year of  
201 operation and thereafter; or

202 c. The state board grants the charter school a waiver of  
203 termination. The charter school must request the waiver within  
204 15 days after the department's official release of school  
205 grades. The state board may waive termination if the charter  
206 school demonstrates that the Learning Gains of its students on  
207 statewide assessments are comparable to or better than the  
208 Learning Gains of similarly situated students enrolled in nearby  
209 district public schools. The waiver is valid for 1 year and may  
210 only be granted once. Charter schools that have been in  
211 operation for more than 5 years are not eligible for a waiver  
212 under this sub-subparagraph.

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214 The sponsor shall notify the charter school's governing board,  
215 the charter school principal, and the department in writing when  
216 a charter contract is terminated under this subparagraph. The  
217 letter of termination must meet the requirements of paragraph  
218 (8) (c). A charter terminated under this subparagraph must follow  
219 the procedures for dissolution and reversion of public funds  
220 pursuant to paragraphs (8) (e)-(g) and (9) (o).

221 ~~4.5.~~ The director and a representative of the governing  
222 board of a graded charter school that has implemented a school  
223 improvement plan under this paragraph shall appear before the  
224 sponsor at least once a year to present information regarding  
225 the progress of intervention and support strategies implemented  
226 by the school pursuant to the school improvement plan and  
227 corrective actions, if applicable. The sponsor shall communicate  
228 at the meeting, and in writing to the director, the services  
229 provided to the school to help the school address its  
230 deficiencies.

231 ~~5.6.~~ Notwithstanding any provision of this paragraph except  
232 sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may terminate the  
233 charter at any time pursuant to subsection (8).

234 Section 3. Paragraph (b) of subsection (1) of section  
235 1002.332, Florida Statutes, is amended to read:

236 1002.332 High-performing charter school system.-

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

238 (b) "High-performing charter school system" means an entity  
239 that:

240 1. Operated at least three high-performing charter schools  
241 in the state during each of the previous 3 school years;

242 2. Operated a system of charter schools in which at least



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243 50 percent of the charter schools were high-performing charter  
244 schools pursuant to s. 1002.331 and no charter school earned a  
245 school grade of "D" or "F" pursuant to s. 1008.34 in any of the  
246 previous 3 school years regardless of whether the entity  
247 currently operates the charter school, except that:

248 a. If the entity assumed operation of a public school  
249 pursuant to s. 1008.33(4)(b)6. ~~s. 1008.33(4)(b)3.~~ with a school  
250 grade of "F," that school's grade may not be considered in  
251 determining high-performing charter school system status for a  
252 period of 3 years.

253 b. If the entity established a new charter school that  
254 served a student population the majority of which resided in a  
255 school zone served by a public school that earned a grade of "F"  
256 or three consecutive grades of "D" pursuant to s. 1008.34, that  
257 charter school's grade may not be considered in determining  
258 high-performing charter school system status if it attained and  
259 maintained a school grade that was higher than that of the  
260 public school serving that school zone within 3 years after  
261 establishment; and

262 3. Did not receive a financial audit that revealed one or  
263 more of the financial emergency conditions set forth in s.  
264 218.503(1) for any charter school assumed or established by the  
265 entity in the most recent 3 fiscal years for which such audits  
266 are available.

267 Section 4. Subsections (3), (4), and (5) of section  
268 1008.33, Florida Statutes, are amended to read:

269 1008.33 Authority to enforce public school improvement.—

270 (3)(a) The academic performance of all students has a  
271 significant effect on the state school system. Pursuant to Art.



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272 IX of the State Constitution, which prescribes the duty of the  
273 State Board of Education to supervise Florida's public school  
274 system, the state board shall equitably enforce the  
275 accountability requirements of the state school system and may  
276 impose state requirements on school districts in order to  
277 improve the academic performance of all districts, schools, and  
278 students based upon the provisions of the Florida K-20 Education  
279 Code, chapters 1000-1013; the federal ESEA and its implementing  
280 regulations; and the ESEA flexibility waiver approved for  
281 Florida by the United States Secretary of Education.

282 (b) ~~Beginning with the 2011-2012 school year,~~ The  
283 Department of Education shall annually identify each public  
284 school in need of intervention and support to improve student  
285 academic performance. All schools earning a grade of "D" or in  
286 danger of earning a grade of "F" pursuant to s. 1008.34 are  
287 considered schools in need of intervention and support.

288 (c) To assist in implementing paragraph (4) (a) and (b), the  
289 state board shall adopt by rule a differentiated matrix of  
290 intervention and support strategies for assisting traditional  
291 public schools identified under this section and rules for  
292 implementing s. 1002.33(9) (n), relating to charter schools. The  
293 intervention and support strategies must address student  
294 performance and include extended learning by at least 1 extra  
295 hour, and may include improvement planning, leadership quality  
296 improvement, educator quality improvement, professional  
297 development, curriculum alignment and pacing, and the use of  
298 continuous improvement and monitoring plans and processes. In  
299 addition, the state board may prescribe reporting requirements  
300 to review and monitor the progress of the schools. The rule must



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301 define the intervention and support strategies for school  
302 improvement for schools earning a grade of "D" or "F" and the  
303 roles for the district and department. The rule shall define and  
304 differentiate among schools as follows: ~~earning consecutive~~  
305 ~~grades of "D" or "F," or a combination thereof, and provide for~~  
306 ~~more intense monitoring, intervention, and support strategies~~  
307 ~~for these schools.~~

308 1. A "school-in-need" means a school that has a grade of  
309 "D" or that is in danger of earning a grade of "F," and that is  
310 in need of intervention and support under paragraph (b);

311 2. A "turnaround school" means a school with a grade of "F"  
312 or two consecutive grades below a "C" which is in need of  
313 intensive intervention and support and which is implementing a  
314 district-managed turnaround plan or a different turnaround  
315 option approved pursuant to subsection (4). A "turnaround  
316 charter school" is a charter school subject to the requirements  
317 of s. 1002.33(9)(n); and

318 3. A "persistently low-performing school" means a  
319 turnaround school that has been subject to a differentiated  
320 matrix of intensive intervention and support strategies for more  
321 than 3 consecutive years, or a turnaround school that was closed  
322 pursuant to s. 1008.33(4) within 2 years after the submission of  
323 a notice of intent.

324  
325 The rule must also define a "low-performing school" to include,  
326 at minimum, any school meeting the requirements of this  
327 subsection.

328 (4) (a) The state board shall apply intensive ~~the most~~  
329 ~~intense~~ intervention and support strategies to turnaround



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330 schools earning a grade of "F" or two consecutive grades below a  
331 "C." ~~"F."~~ In the first full school year after a school initially  
332 receives ~~earns~~ a turnaround school designation, ~~grade of "F,"~~  
333 the school district must immediately implement intensive  
334 intervention and support strategies prescribed in rule under  
335 paragraph (3)(c) and, by September 1, provide, ~~select a~~  
336 ~~turnaround option from those provided in subparagraphs (b)1-5.,~~  
337 ~~and submit a plan for implementing the turnaround option to the~~  
338 department with the memorandum of understanding negotiated  
339 pursuant to s. 1001.42(21) and with a district-managed  
340 turnaround plan for approval by the state board. Upon approval  
341 by the state board, the school district must implement the plan  
342 for the remainder of the school year and continue the plan for 1  
343 full school year for approval by the state board. Upon approval  
344 ~~by the state board, the turnaround option must be implemented in~~  
345 ~~the following school year.~~

346 (b) The ~~turnaround~~ options available to the turnaround a  
347 ~~school district to address a school~~ include one or a combination  
348 of the following turnaround options, giving priority to the  
349 first three options ~~that earns a grade of "F" are:~~

350 1. Implement an extended school day with at least 1 hour of  
351 additional learning time. ~~Convert the school to a district-~~  
352 ~~managed turnaround school;~~

353 2. Enter into a formal agreement with a nonprofit  
354 organization with tax exempt status under s. 501(c)(3) of the  
355 Internal Revenue Code to implement an integrated student support  
356 service model that provides students and families with access to  
357 wrap-around services, including, but not limited to, health  
358 services, after-school programs, drug-prevention programs,



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359 college and career readiness, and food and clothing banks.  
360 Districts implementing this option may be eligible for  
361 additional funding as provided in the General Appropriations  
362 Act.

363 3. Implement a principal autonomy program school, through a  
364 performance contract and in accordance with proposal elements,  
365 criteria, and timelines established by the state board pursuant  
366 to s. 1011.6202(2)(b) specifically tailored for a turnaround  
367 school. For purposes of this section, a school district using  
368 this option for its turnaround school is eligible to participate  
369 in, and receive the benefits of, the principal autonomy program,  
370 pursuant to s. 1011.6202(1) for only the turnaround school.

371 ~~5.2. Reassign students to another school and monitor the~~  
372 ~~progress of each reassigned student.~~

373 ~~6.3. Close the school and reopen the school as one or more~~  
374 ~~charter schools, each with a governing board that has a~~  
375 ~~demonstrated record of effectiveness.~~

376 4. Contract as a conversion charter school or with an  
377 outside entity that has a demonstrated record of effectiveness  
378 to operate the school. ~~or~~

379 ~~5. Implement a hybrid of turnaround options set forth in~~  
380 ~~subparagraphs 1.-4. or other turnaround models that have a~~  
381 ~~demonstrated record of effectiveness.~~

382 ~~(c) A school earning a grade of "F" shall have a planning~~  
383 ~~year followed by 2 full school years to implement the initial~~  
384 ~~turnaround option selected by the school district and approved~~  
385 ~~by the state board. Implementation of the turnaround option is~~  
386 no longer required if the school improves to a grade of "C" or  
387 higher by at least one letter grade.



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388 ~~(d) A school earning a grade of "F" that improves its~~  
389 ~~letter grade must continue to implement strategies identified in~~  
390 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~  
391 ~~department must annually review implementation of the school~~  
392 ~~improvement plan for 3 years to monitor the school's continued~~  
393 ~~improvement.~~

394 ~~(d)(e) If a turnaround school earning a grade of "F" does~~  
395 ~~not improve to a grade of "C" or higher by at least one letter~~  
396 ~~grade after 2 full school years of implementing the turnaround~~  
397 ~~option selected by the school district under paragraph (b), the~~  
398 ~~school district must implement ~~select a different option and~~~~  
399 ~~submit another turnaround option ~~implementation plan to the~~~~  
400 ~~department for approval by the state board. Implementation of~~  
401 ~~the turnaround option ~~approved plan~~ must begin the school year~~  
402 ~~following the implementation period of the existing turnaround~~  
403 ~~option, unless the state board determines that the school is~~  
404 ~~likely to improve to a grade of "C" or higher a letter grade if~~  
405 ~~additional time is provided to implement the existing turnaround~~  
406 ~~option.~~

407 ~~(5) A school that earns a grade of "D" for 3 consecutive~~  
408 ~~years must implement the district-managed turnaround option~~  
409 ~~pursuant to subparagraph (4)(b)1. The school district must~~  
410 ~~submit an implementation plan to the department for approval by~~  
411 ~~the state board.~~

412 Section 5. Paragraph (d) of subsection (6) of section  
413 1008.345, Florida Statutes, is amended to read:

414 1008.345 Implementation of state system of school  
415 improvement and education accountability.—

416 (6)



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417 (d) The commissioner shall assign a community assessment  
418 team to each school district or governing board with a  
419 turnaround school ~~that earned a grade of "F" or three~~  
420 ~~consecutive grades of "D"~~ pursuant to s. 1008.34 to review the  
421 school performance data and determine causes for the low  
422 performance, including the role of school, area, and district  
423 administrative personnel. The community assessment team shall  
424 review a high school's graduation rate calculated without high  
425 school equivalency diploma recipients for the past 3 years,  
426 disaggregated by student ethnicity. The team shall make  
427 recommendations to the school board or the governing board and  
428 to the State Board of Education based on the interventions and  
429 support strategies identified pursuant to subsection (5) to  
430 ~~which~~ address the causes of the school's low performance and to  
431 incorporate the strategies and may be incorporated into the  
432 school improvement plan. The assessment team shall include, but  
433 not be limited to, a department representative, parents,  
434 business representatives, educators, representatives of local  
435 governments, and community activists, and shall represent the  
436 demographics of the community from which they are appointed.

437  
438 ===== T I T L E A M E N D M E N T =====

439 And the title is amended as follows:

440 Delete lines 2 - 3

441 and insert:

442 An act relating to K-12 education; amending s.  
443 1001.42, F.S.; revising provisions relating to school  
444 improvements plans; requiring only specified schools  
445 to submit a school improvement plan; deleting a





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446 requirement that certain information be included in  
447 the improvement plans of certain schools; revising the  
448 grade levels required to implement an early warning  
449 system; revising the required content of an early  
450 warning system; requiring a specified team to monitor  
451 specified data; revising what constitutes an  
452 educational emergency and establishing duties of  
453 district school boards relating to such emergency;  
454 amending s. 1002.33, F.S.; revising the criteria a  
455 charter school must meet to require corrective action;  
456 revising requirements for corrective action by charter  
457 schools; revising criteria for waiver of automatic  
458 charter termination; amending s. 1002.332, F.S.;  
459 conforming a cross-reference; amending s. 1008.33,  
460 F.S.; providing that intervention and support services  
461 apply consistently to any school meeting specified  
462 criteria; revising the required timeline for the  
463 implementation of a district-managed turnaround plan;  
464 providing turnaround options available to school  
465 districts meeting specified criteria; amending s.  
466 1008.345, F.S.; revising the criteria a school must  
467 meet to have a community assessment team; revising the  
468 duties of a community assessment team; creating