

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Pre-K - 12 Education

**BILL:** PCS/CS/SB 1552 (558178)

**INTRODUCER:** Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senator Simmons

**SUBJECT:** Florida Best and Brightest Teacher and Principal Scholar Award Program

**DATE:** April 20, 2017      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	<b>Fav/CS</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

PCS/CS/SB 1552 establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals to student success and performance outcomes and provides criteria for the Award Program.

The bill also revises school improvement and accountability measures that apply to public schools, including charter schools, in order improve struggling and low-performing schools. Specifically, the bill:

- Requires school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”
- Expands the grade levels, indicators, and interventions addressed in a school district’s early warning system to support student academic performance and engagement.
- Specifies educational emergency conditions under which a school district may negotiate provisions of its contract with appropriate bargaining units, which must result in a memorandum of understanding regarding personnel decisions.
- Clarifies conditions and establishes definitions that apply to schools subject to differentiated accountability.
- Accelerates, by at least one school year, the timing and implementation of turnaround options specified in law.

- Revises the options and requirements applied to turnaround traditional public schools and turnaround charter schools.

Funding for the Florida Best and Brightest Teacher and Principal Scholar Award Program is contingent upon an appropriation in the General Appropriations Act. SB 2500, the Senate General Appropriations Act, does not provide an appropriation for the program.

The bill takes effect on July 1, 2017.

## II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of the bill analysis.

## III. Effect of Proposed Changes:

### Florida Best and Brightest Teacher and Principal Scholar Award Program (Section 6)

#### *Present Situation*

The Florida Best and Brightest Teacher Scholarship Program provides categorical funding for scholarships to be awarded to classroom teachers<sup>1</sup> who have demonstrated a high level of academic achievement.<sup>2</sup>

To be eligible for a scholarship, a classroom teacher must have:<sup>3</sup>

- Achieved a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks<sup>4</sup> in effect when the classroom teacher took the assessment.
- An evaluation of highly effective<sup>5</sup> in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated.

<sup>1</sup> A classroom teacher is defined as a staff member assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers. Includes classroom teachers in school districts, the Florida School for the Deaf and the Blind, and charter schools. Section 1012.731(7), F.S.

<sup>2</sup> Section 1012.731(2), F.S. *See also* s. 25, ch. 2016-62, L.O.F.

<sup>3</sup> Section 1012.731(3)(a), F.S.

<sup>4</sup> Percentile ranks represent the percentage of students who score equal to or below the score the student obtained.

<sup>5</sup> Instructional personnel are assigned among four levels of performance, as “highly effective,” “effective,” “needs improvement” (or “developing” for instructional personnel in the first three years of employment), or “unsatisfactory.” Section 1012.34(2)(e), F.S. All instructional personnel and school administrators employed by Florida’s public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices. Evaluations occur annually, except that newly hired classroom teachers are evaluated twice in their first year of teaching in a school district. Section 1012.34(3)(a), F.S. The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities. Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S. Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities.

The schedule for the scholarship award is:

- No later than November 1, an eligible classroom teacher must submit to the school district an official record of his or her SAT or ACT score demonstrating a score at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment.<sup>6</sup>
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of eligible classroom teachers who qualify for the scholarship.
- Annually, by February 1, the DOE must disburse scholarship funds to each school district for each eligible classroom teacher to receive a scholarship as provided in the General Appropriations Act. A scholarship in the amount provided in the General Appropriations Act must be awarded to every eligible classroom teacher. If the number of eligible classroom teachers exceeds the total appropriation authorized in the General Appropriations Act, the department must prorate the per-teacher scholarship amount.<sup>7</sup>
- Annually, by April 1, each school district must award the scholarship to each eligible classroom teacher.

The current statute is scheduled to expire on July 1, 2017.<sup>8</sup>

For the 2016-2017 fiscal year, the Legislature appropriated \$49 million for the Florida Best and Brightest Teacher Scholarship Program.<sup>9</sup> According to proviso in the 2016 General Appropriations Act, the scholarship award may be up to \$10,000 to every eligible classroom teacher.<sup>10</sup>

### *Effect of Proposed Changes*

**Section 6** establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals to student success and performance outcomes. The bill provides eligibility criteria:

- For a full-time classroom teacher and a full-time school administrator to qualify for the Award Program scholarship; and
- For a newly hired full-time classroom teacher and full-time school administrator to qualify for a one-time hiring bonus.

Specifically, section 6 requires that to qualify for the Award Program a teacher or an administrator must:

- Be employed on an annual contract or probationary contract;

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Section 1012.34(3)(a)1. and 4, F.S. Instructional leadership practices are also included in school administrator evaluations. Section 1012.34(3)(a)3., F.S.

<sup>6</sup> Once a classroom teacher is deemed eligible by the school district, the teacher remains eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective. Section 1012.731(3)(b), F.S.

<sup>7</sup> Section 1012.731(5), F.S.

<sup>8</sup> Section 1012.731(8), F.S.

<sup>9</sup> Specific Appropriation 103, ch. 2016-66, L.O.F.

<sup>10</sup> *Id.* There were 7,188 total eligible teachers in 2016-2017. Florida Department of Education, *Florida's Best & Brightest Teacher Scholarship Program*, presentation to The Florida Senate Appropriations Subcommittee on Pre-K-12 (January 25, 2017). This would equate to a prorated award of \$6,817 per eligible teacher.

- Participate in the school district’s performance salary schedule;
- Meet one of the achievement requirements specified in the bill; and
- Meet one of the performance requirements specified in the bill, which include:
  - For existing teachers and administrators, a “highly effective” rating or commitment to working in a low-performing school for 3 years and a “highly effective” rating for 2 out of 3 years.
  - For newly hired teachers and administrators, graduation from or completion of a specified undergraduate program with a 3.0 grade point average, and commitment to working for three years in a Florida public school or critical teacher shortage area.

***Eligibility Requirements and Awards for Existing Teachers and School Administrators***

Section 6 provides that, to receive an Award Program scholarship, a full-time classroom teacher or full-time administrator must:

- Be employed on an annual contract or probationary contract<sup>11</sup> and participate in the school district’s performance salary schedule.<sup>12</sup>
- Meet one of the following achievement requirements:
  - For a classroom teacher, a score at or above the 90<sup>th</sup> percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
  - For a school administrator, a score at or above the 90<sup>th</sup> percentile on the Florida Educational Leadership Examination.
  - For a classroom teacher or school administrator, a composite score at or above the 80<sup>th</sup> percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
  - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the State Board of Education (SBE).<sup>13</sup>
  - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher’s or administrator’s official final college transcript.
- Meet one of the following performance requirements:
  - Received a rating of highly effective in the school year immediately preceding the year in which the scholarship will be awarded.
  - If he or she works in a low-performing school<sup>14</sup> or a school that was designated by the department as low-performing within the previous 2 years and commits to working at the

<sup>11</sup> An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause. Section 1012.335(1)(a), F.S. As of July 1, 2011, all new hires of instructional personnel are under annual contract basis, but does not include substitute teachers. *Id.* and (1) and (2). The first annual contract for a newly hired instructional personnel is a one-year probationary contract. *Id.*

<sup>12</sup> The performance salary schedule predicates adjustments to an instructional personnel’s base salary upon his or her annual performance evaluation. Section 1012.34, F.S. Instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014, must be placed on the performance salary schedule. Section 1012.22(1)(c)4. and 5., F.S. Under the performance salary schedule, annual salary adjustments may only be given to employees rated highly effective or effective on annual performance evaluations. Section 1012.22(1)(c)5.b., F.S.

<sup>13</sup> The GRE is the Graduate Record Examination; the LSAT is the Law School Admissions Test; the GMAT is the Graduate Management Admission Test; and the MCAT is the Medical College Admission Test.

<sup>14</sup> The Department of Education must annually identify each public school in need of intervention and support to improve student academic performance; school earning a grade of “D” or “F” under the school grading system are schools in need of intervention and support. Section 1008.33(3)(b), F.S.

school for at least 3 years, must have been received a rating of highly effective in the school year immediately preceding the first year in which the scholarship is awarded and maintain a highly effective evaluation rating in at least 2 of every 3 annual performance evaluations, based on a rolling 3-year period.

***Eligibility Requirements and Awards for Newly Hired Teachers and School Administrators***

Section 6 creates a separate eligibility category for newly hired classroom teachers and school administrators. A newly hired teacher and school administrator, who has not been evaluated, is not eligible for the Award Program scholarship but may receive a one-time hiring bonus of up to \$10,000 if he or she:

- Is employed on an annual contract or probationary contract<sup>15</sup> and participates in the school district's performance salary schedule.<sup>16</sup>
- Meets one of the following achievement requirements:
  - For a classroom teacher, a score at or above the 90<sup>th</sup> percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
  - For a school administrator, a score at or above the 90<sup>th</sup> percentile on the Florida Educational Leadership Examination.
  - For a classroom teacher or school administrator, a composite score at or above the 80<sup>th</sup> percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
  - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the SBE.<sup>17</sup>
  - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher's or administrator's official final college transcript.
- Meets one of the following performance requirements:
  - Recipient of the Florida Prepaid Tuition Scholarship Program<sup>18</sup> who graduated with a minimum 3.0 grade point average and commit, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
  - Completed the college reach-out program<sup>19</sup> and graduated with a minimum 3.0 grade point average, and commit, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
  - Graduate from an approved Florida teacher preparation program<sup>20</sup> at a Florida college or university, with a minimum 3.0 grade point average, and commit, pursuant to SBE rule, to working in a critical teacher shortage area<sup>21</sup> at a Florida public school for at least 3 years.

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<sup>15</sup> *Supra* note 14

<sup>16</sup> *Supra* note 15

<sup>17</sup> *Supra* note 16

<sup>18</sup> Section 1009.984, F.S.

<sup>19</sup> Section 1007.34, F.S.

<sup>20</sup> Section 1004.04, F.S.

<sup>21</sup> The term "critical teacher shortage area" means high-need content areas and high-priority location areas identified by the State Board of Education. Section 1012.07, F.S.

In subsequent school years, a newly hired classroom teacher or school administrator may earn a scholarship award if he or she meets the eligibility requirements for an existing teacher or administrator and maintains his or her initial commitment.

### ***Prioritization of Awards***

Section 6 requires that a scholarship in the amount provided in the General Appropriations Act (GAA) be awarded to every eligible classroom teacher and administrator. If the number of eligible classroom teachers and school administrators exceeds the total appropriation authorized in the GAA, the bill requires the department to prorate the per-scholar scholarship award amount, except that prior to the distribution of funds, the following priorities apply:

- Classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a low-performing school and meet the specified eligibility criteria, must receive an award equal to a full scholarship award amount.
- Newly hired classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a Florida public school and specified eligibility criteria must receive a one-time hiring bonus of up to \$10,000.

### ***Award Program Implementation***

Similar to the current Florida Best and Brightest Teacher Scholarship Program, section 6 establishes the following schedule:

- By November 1, an eligible classroom teacher or school administrator must submit an official record of his or her achievement of the specified eligibility criteria. After a classroom teacher or school administrator is deemed eligible by the school district, including a teacher deemed eligible for the Florida Best and Brightest Teacher Scholarship Program in fiscal years 2015-2016 and 2016-2017, such classroom teacher or school administrator remains eligible as long as he or she maintains employment by the school district and meets other specified requirements.
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of classroom teachers or school administrators who qualify for the scholarship.
- Annually, by February 1, the DOE must distribute scholarship funds to each school district.
- Annually, by April 1, each school district must distribute the scholarship awards to eligible classroom teachers and school administrators.

Section 6 requires the SBE to expeditiously adopt rules to implement the Award Program.

Section 6 may assist with recruiting and retaining qualified classroom teachers and school administrators in Florida.

### ***School Improvement and Education Accountability***

The SBE is responsible for holding all school districts and public schools accountable for student performance<sup>22</sup> through a state system of school improvement and education accountability that

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<sup>22</sup> Sections 1008.33(1) and (2)(a), 1008.34, and 1008.345, F.S.

assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement.<sup>23</sup>

The state system of school improvement and education accountability must:<sup>24</sup>

- Provide for uniform accountability standards;
- Provide assistance of escalating intensity to schools not meeting accountability standards;
- Direct support to schools in order to improve and sustain performance;
- Focus on the performance of student subgroups; and
- Enhance student performance.

### **Early Warning Systems (Section 1)**

#### *Present Situation*

Currently, schools that serve any of grades 6, 7, or 8 must implement an early warning system (EWS) to identify students who need additional support to improve academic performance.<sup>25</sup> The EWS must include the following early warning indicators:<sup>26</sup>

- Attendance below 90 percent.
- One or more suspensions.
- Course failure in English Language Arts or mathematics.
- A Level 1 score on the statewide, standardized assessment in English Language Arts or mathematics.
- Additional indicators deemed appropriate by the school district.

The schools' child study team or a school-based team must convene to determine appropriate intervention strategies when a student exhibits two or more early warning indicators.<sup>27</sup> The school must provide 10 days' written notice of the meeting to the student's parent and the notice must include the meeting's purpose, time and location, and provide the parent the opportunity to participate.<sup>28</sup>

Schools offering grades 6, 7, or 8 must include data and information in its school improvement plan regarding the schools early warning system. The information must include:<sup>29</sup>

- A list of the early warning indicators used;
- The number of students who have two or more early warning indicators;
- The number of students in each grade that exhibits each early warning indicator; and
- A description of all intervention strategies used to improve academic performance of students identified by the early warning system.

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<sup>23</sup> Section 1008.33(2)(a), F.S.

<sup>24</sup> Section 1008.33(2)(b), F.S.

<sup>25</sup> Section 1001.42(18)(a)2., F.S.

<sup>26</sup> Section 1001.42(18)(b)1., F.S.

<sup>27</sup> Section 1001.42(18)(b)2., F.S.

<sup>28</sup> Section 1001.42(18)(b), F.S.

<sup>29</sup> Section 1001.42(18)(a)2., F.S.

The school must also describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system.<sup>30</sup>

### *Effect of Proposed Changes*

**Section 1** expands the schools that must implement an EWS to schools that serve any students in grades 1 through 8 and clarifies that the EWS indicators include:

- A course failure in English Language Arts or math during any grading period; and
- A substantial reading deficiency for a student in grades 1 through 3.

This section requires the school's child study team to consult with the student's parent to determine appropriate intervention strategies for the student when a student exhibits two or more EWS indicators. The data and information relating to the student's EWS indicators must be used by the team to inform any intervention strategies provided to the student.<sup>31</sup>

Beginning in the 2018-2019 academic year, each school's EWS to include data on:

- The number of students identified by the EWS as exhibiting two or more EWS indicators,
- The number of students by grade level who exhibit each EWS indicator, and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the EWS.

Section 1 may result in the identification of additional students in need of support, which may help such students receive the appropriate intervention to improve the academic performance of such students.

### **Differentiated Accountability (Section 4)**

#### *Present Situation*

Current law holds school districts accountable for improving the academic performance of all students and for identifying and improving schools that fail to meet accountability standards.<sup>32</sup> The academic performance of all students has a significant effect on the state school system and SBE is required to equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students.<sup>33</sup>

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<sup>30</sup> Section 1001.42(18)(a), F.S.

<sup>31</sup> Early warning system is already a component of the school improvement plan for schools with a grade of "D" or "F." See Florida Department of Education, *Form SIP-1, School Improvement Plan* (Dec. 2014), available at [https://www.flrules.org/gateway/readRefFile.asp?refId=4622&filename=SIP-1\\_2014-15.pdf](https://www.flrules.org/gateway/readRefFile.asp?refId=4622&filename=SIP-1_2014-15.pdf) (incorporated by reference in rule 6A-1.099811, F.A.C.).

<sup>32</sup> Section 1008.33(2)(c), F.S.

<sup>33</sup> Section 1008.33(3)(a), F.S., Art. IX, Fla. Const.

The DOE must annually identify each public school in need of intervention and support to improve student academic performance.<sup>34</sup> All schools earning a grade of “D” or “F” are schools in need of intervention and support.<sup>35</sup>

The SBE must adopt a differentiated matrix of intervention and support strategies for assisting public schools identified as in need of intervention.<sup>36</sup> The intervention and support strategies must address student performance and may include improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes.<sup>37</sup> In addition, the SBE may prescribe reporting requirements to review and monitor the progress of the schools.<sup>38</sup> The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the district and department.<sup>39</sup> The rule shall differentiate among schools earning consecutive grades of “D” or “F,” or a combination thereof, and provide for more intense monitoring, intervention, and support strategies for these schools.<sup>40</sup>

### *Effect of Proposed Changes*

**Section 4** requires school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”

This section clarifies conditions and establishes definitions that apply to schools subject to differentiated accountability. The bill requires the SBE rule regarding a differentiated matrix of intervention and support strategies for assisting public schools to define and clearly differentiate among:

- A “school-in-need”, which means a school with a grade of “D,” or which is in danger of earning a grade of “F,” and which is in need of intervention and support.
- A “turnaround school”, which means a school with a grade of “F” or two consecutive grades below a “C,” and which is in need of intensive intervention and support, and which is implementing a district-managed turnaround or a different turnaround option.
- A “persistently low-performing school”, which means a turnaround school that has been subject to a differentiated matrix of intensive intervention and support strategies for more than 3 consecutive years or a turnaround school that was closed within 2 years after submitting a notice of intent. The bill specifies that the SBE rule must define low-performing school to include, at a minimum, any school meeting the requirements of differentiated accountability.

Accordingly, the specified differentiation may assist schools in receiving appropriate supports and implementing relevant strategies to improve student performance outcomes.

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<sup>34</sup> Section 1008.33(3)(b), F.S.

<sup>35</sup> Sections 1008.33(3)(b) and 1008.34, F.S.

<sup>36</sup> Section 1008.33(3)(c), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

## Turnaround Options (Sections 3, 4 and 5)

### *Present Situation*

The SBE must apply the most intense intervention and support strategies to schools earning an “F.”<sup>41</sup> Within a year after receiving the first “F,” the school district must implement a differentiated matrix of intervention and support strategies, select a turnaround option, and submit a plan for implementing the turnaround option to the DOE.<sup>42</sup> The plan must be approved by the SBE and once approved, the turnaround option must be implemented in the following school year.<sup>43</sup>

Turnaround options available to school districts in current law include:<sup>44</sup>

- Converting the school to a district-managed turnaround school;<sup>45</sup>
- Reassigning students to another school and monitor the progress of each reassigned student;
- Closing the school and reopening the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;
- Contracting with an outside entity that has a demonstrated record of effectiveness to operate the school; or
- Implementing a hybrid of the above turnaround options or other turnaround models that have a demonstrated record of effectiveness.

The Commissioner of Education is required to assign a community assessment team to each school district or governing board with a school that earned a grade of “F,” or 2 consecutive grades of “D.”<sup>46</sup> The team is directed to review certain school performance data and make recommendations to the school district, the governing board, or to the SBE, about how to address low performance causes in the school improvement plan.<sup>47</sup>

### *Effect of Proposed Changes*

**Section 4** modifies turnaround options available to school districts by adding new options and revising existing options, giving priority to the first three new options. Section 4 adds the following first three options:

- Implement an extended school day with at least 1 hour of additional learning time.
- Enter into a formal agreement with a nonprofit organization with tax exempt status under the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to specified wrap-around services. Districts implementing this option may be eligible for additional funding as provided in the General Appropriations Act. The wrap-around services must include, but are not limited to:
  - Health services;
  - After-school programs;

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<sup>41</sup> Section 1008.33(4)(a), F.S.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Section 1008.33(4)(b), F.S.

<sup>45</sup> A school that earns a grade of “D” for 3 consecutive years must implement the district-managed turnaround option. Section 1008.33(5), F.S.

<sup>46</sup> Section 1008.345(6)(d), F.S.

<sup>47</sup> *Id.*

- Drug prevention programs;
- College and career readiness; and
- Food and clothing banks.
- Implement a principal autonomy program school under a performance based contract and in accordance with proposal elements, criteria, and timelines established by the SBE and specifically tailored for a turnaround school. A school district using this option for its turnaround school is eligible to participate in, and receive the benefits of, the principal autonomy program for only the turnaround school.

Section 4 also creates an option to contract as a conversion charter school and deletes the existing hybrid turnaround option. However, school districts are authorized to implement a combination of the specified turnaround options.

**Section 5** modifies an existing requirement for the Commissioner of Education to assign a community assessment team to a low-performing school by specifying that such team must be assigned to each school district or governing board with a turnaround school. The team must include intervention and support strategies in the recommendations that the team makes to the school board or the governing board, as applicable, and to the SBE.

Accordingly, section 5 provides turnaround schools with additional options to implement turnaround strategies.

**Section 3** conforms a cross reference in s. 1002.332, F.S., resulting from changes made to s. 1008.33, F.S.

#### **Implementation Schedule (Section 4)**

##### *Present Situation*

Currently, a school that earns a grade of “F,” or 3 consecutive grades of “D,” must have a planning year followed by 2 full school years to implement the initial turnaround. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade during the planning year.<sup>48</sup>

A school earning a grade of “F” or 3 consecutive grades of “D” that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to law. The department must annually review implementation of the school improvement plan for 3 years to monitor the school’s continued improvement.<sup>49</sup>

If a school with an “F” or 3 consecutive grades of “D” does not improve by at least one letter grade after 2 full years of implementing the turnaround option, the school district must select a different option and submit another implementation plan to the department for state board approval. Implementation of the new plan must begin the school year following the implementation period of the existing turnaround option, unless the SBE determines that the

<sup>48</sup> Section 1008.33(4)(c), F.S. *But see* 6A-1.099811(9)(a), F.A.C. (providing that a school district may discontinue implementing a turnaround plan only if it earns a school grade of “C” or higher).

<sup>49</sup> Section 1001.42(18)(a) and 1008.33(4)(d), F.S.

school is likely to improve a letter grade if additional time is provided to implement the existing turnaround option.<sup>50</sup>

### *Effect of Proposed Changes*

**Section 4** accelerates, by at least one school year, the timing and implementation of specific turnaround options. Specifically, section 4 requires a turnaround school to immediately, during its first full year after receiving the designation:

- Implement required intensive intervention and support strategies.
- Provide to DOE the negotiated memorandum of understanding with the bargaining agent in educational emergency circumstances, described below.
- Provide to DOE, by September 1, a district-managed turnaround plan that has been submitted to the SBE for approval and must be implemented for the remainder of the current school year and continue for one additional school year.

The modified timeframe for implementation of turnaround options may assist struggling schools implement appropriate intervention strategies timely.

### **Educational Emergency (Section 1)**

#### *Present Situation*

Florida law authorizes district school boards to declare an emergency in cases in which one or more schools in the district are failing or are in danger of failing and negotiate special provisions of its contract with the appropriate bargaining units to free these failing schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.<sup>51</sup>

#### *Effect of Proposed Changes*

**Section 1** specifies educational emergency conditions under which a district school board may negotiate provisions of its contract with appropriate bargaining units that must result in a memorandum of understanding regarding personnel decisions. The district school board is authorized to negotiate in cases in which one or more schools in the district have a grade of "D" or "F." Section 1 also permits a district school board, beginning in the 2018-2019 academic year, to negotiate in cases in which one or more schools in the district are currently subject to, or in danger of being subject to, a differentiated matrix of intervention and support strategies as a turnaround school consistent with Florida law.

This may strengthen the authority and flexibility of school districts facing certain circumstances.

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<sup>50</sup> Section 1008.33(4)(e), F.S.

<sup>51</sup> Section 1001.42(21), F.S.

## Charter School Requirements (Section 2)

### *Present Situation*

Charter schools that earn a grade of “D” or “F” must develop a school improvement plan, which must be approved by the sponsor.<sup>52</sup> Corrective actions are required for charter schools earning three consecutive grades of “D,” two consecutive grades of “D” followed by a grade of “F,” or two nonconsecutive grades of “F” within a three-year period. Such a charter school may choose one of the following corrective actions:<sup>53</sup>

- Contract for educational services to be provided directly to students, instructional personnel, and school administrators;
- Contract with an outside entity with a track record of effectiveness to operate the school;
- Reorganize the school under a new director or principal who is authorized to hire new staff; or
- Voluntarily close the school.

The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of “D,” a grade of “F” following two consecutive grades of “D,” or a second nonconsecutive grade of “F” within a 3-year period.<sup>54</sup> A corrective action is no longer required if the charter school improves by at least one letter grade. However, the school must continue to implement its school improvement plan.<sup>55</sup> If a charter school does not improve by at least one letter grade after two full school years of implementing a corrective action, the school must choose another action.<sup>56</sup>

### *Effect of Proposed Changes*

**Section 2** aligns charter school corrective action provisions with actions applied to traditional public schools. Specifically, this section:

- Defines a turnaround charter school as a charter school earning a grade of “F” or two consecutive grades below a “C.”
- Requires each turnaround charter school to take corrective action.
- Requires a turnaround charter school to immediately implement its approved school improvement plan for the remainder of the current school year and continue implementing the plan for at least 1 full school year and select a corrective action specified in law, unless the sponsor waives the corrective action subject to condition as specified in law.<sup>57</sup>

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<sup>52</sup> Section 1002.33(9)(n)1., F.S.

<sup>53</sup> Section 1002.33(9)(n)2.a., F.S.

<sup>54</sup> Section 1002.33(9)(n)2.b., F.S.

<sup>55</sup> Section 1002.33(9)(n)2.d., F.S.

<sup>56</sup> Section 1002.33(9)(n)2.c. and e., F.S. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action. The sponsor may waive corrective actions if it determines that the charter school is likely to improve its grade if additional time is given to implement the school improvement plan. The sponsor may also extend the implementation period for a corrective action based upon a similar standard. The sponsor may not waive or extend corrective actions if the charter school earns a second consecutive grade of “F” while in corrective action. *Id.* Unless an exception applies, such a charter school must be terminated by the sponsor. Section 1002.33(9)(n) 4, F.S.

<sup>57</sup> Section 1002.33(9)(n)2.c., F.S.

This may streamline the application of differentiated accountability to turnaround schools and turnaround charter schools.

The bill takes effect on July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill modifies the current Florida Best and Brightest Teacher Scholarship Program by revising classroom teacher eligibility, adding school administrators and establishing eligibility criteria, and creating a one-time hiring bonus for newly hired teachers and administrators. This may increase the number of educators eligible for the award.

Funding for the Florida Best and Brightest Teacher and Principal Scholar Award Program is contingent upon an appropriation in the General Appropriations Act. SB 2500, the Senate General Appropriations Act, does not provide an appropriation for the program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.33, 1002.332, 1008.33, and 1008.345.

This bill creates section 1012.732 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Pre-K - 12 Education on April 18, 2017:**

The committee substitute modifies school improvement and accountability measures that apply to public schools, including charter schools to:

- Require school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”
- Expand the grade levels, indicators, and interventions addressed in a school district’s early warning system to support student academic performance and engagement.
- Specify educational emergency conditions under which a school district may negotiate provisions of its contract with appropriate bargaining units, which must result in a memorandum of understanding regarding personnel decisions.
- Clarify conditions and establishing definitions that apply to schools subject to differentiated accountability.
- Accelerate by at least one school year, the timing and implementation of turnaround options specified in law.
- Revise the options and requirements that apply to turnaround traditional public schools and turnaround charter schools.

**CS by Education on April 3, 2017:**

The committee substitute modifies the eligibility requirements for the Florida Best and Brightest Teacher and Principal Scholar Award Program by adding a way by which a classroom teacher and school administrator may satisfy the achievement eligibility requirement for the program award or bonus, as applicable. Specifically, the committee substitute authorizes a classroom teacher and school administrator to satisfy the achievement eligibility requirement by achieving a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher’s or administrator’s official final transcript.

**B. Amendments:**

None.