

1 A bill to be entitled
2 An act relating to public school accountability; amending
3 s. 1001.20, F.S.; deleting a provision that requires the
4 Florida Virtual School to be administratively housed
5 within the Office of Technology and Information Services
6 within the Department of Education; amending s. 1001.42,
7 F.S.; revising the powers and duties of district school
8 boards to require that students be provided with access to
9 Florida Virtual School courses; amending s. 1002.33, F.S.;
10 revising provisions relating to charter schools to
11 authorize a community college to work with the school
12 district or school districts in its designated service
13 area to operate charter schools; authorizing such charter
14 schools to include an option for secondary students to
15 receive an associate degree upon high school graduation;
16 amending s. 1002.37, F.S.; conforming provisions to
17 changes made by the act; amending s. 1002.38, F.S.;
18 revising provisions relating to the Opportunity
19 Scholarship Program to provide that school grades for all
20 schools be based on statewide assessments; amending s.
21 1002.45, F.S.; revising qualification requirements for
22 virtual instruction program providers; providing that an
23 approved provider retain its approved status for 3 school
24 years after approval; amending s. 1002.67, F.S.; requiring
25 that the State Board of Education periodically review and
26 revise the performance standards for the statewide
27 kindergarten screening and align to student performance
28 standards for statewide assessments; requiring that newly

29 admitted voluntary prekindergarten program students
30 complete the statewide voluntary prekindergarten
31 enrollment screening; requiring that the provider pay for
32 screening; amending s. 1002.69, F.S.; requiring that the
33 Department of Education adopt a statewide voluntary
34 prekindergarten enrollment screening; requiring that each
35 Early Learning Coalition administer the enrollment
36 screening; requiring that each parent or guardian
37 enrolling his or her child in a voluntary prekindergarten
38 education program submit the child for enrollment
39 screening if required by the provider; amending s.
40 1002.73, F.S.; requiring that the Department of Education
41 adopt procedures for the statewide voluntary
42 prekindergarten enrollment screening, fee schedule, and
43 the process for determining learning gains of students who
44 complete the voluntary prekindergarten and kindergarten
45 screenings; amending s. 1003.03, F.S.; providing that if a
46 district school board produces evidence that it was unable
47 to meet class size requirements despite efforts to do so,
48 the reduction of an alternative amount of funds from the
49 district's class size categorical may be recommended by
50 the State Board of Education for approval by the
51 Legislative Budget Commission; amending s. 1003.4156,
52 F.S.; revising the general requirements for middle grades
53 promotion; providing that a student with a disability may
54 have his or her end-of-course assessment results waived
55 under certain circumstances; providing that a middle
56 grades student is exempt from the reading remediation

requirements under certain circumstances; creating s.
1003.4203, F.S.; requiring each district school board to
develop and implement a digital curriculum for students in
grades 5 through 12; specifying certain components of a
digital curriculum; requiring student participation unless
exempt due to written parental request; requiring
curriculum standards and measures to assess student
content knowledge and skills and learning gains;
authorizing the Department of Education to develop a model
to serve as a guide for school districts; providing for
funding for a school district's digital curriculum;
providing that a school district that demonstrates high
achievement in student competency in web communications
and web design is eligible for certain financial
incentives; requiring that the department and the
Commissioner of Education establish procedures for
statewide recognition of school districts and individual
students; authorizing partnerships with private businesses
and consultants; requiring that school district digital
curriculum advisory committees be established; amending s.
1003.428, F.S.; revising provisions relating to the
general requirements for high school graduation; providing
that a high school student may be exempt from intensive
reading under certain circumstances; amending s. 1003.492,
F.S.; revising provisions relating to industry-certified
career education programs; requiring that rules adopted by
the State Board of Education establish a process for
weighing the value of industry certifications based on the

85 rigor of the certification and its employment value to
86 state businesses and industry; amending s. 1003.493, F.S.;
87 revising provisions relating to career and professional
88 academies to include middle schools; requiring that
89 students who are completing a middle school career and
90 professional academy program have an opportunity to earn
91 an industry certification, high school credit, and
92 participate in career planning, job shadowing, and
93 leadership development opportunities; requiring that
94 middle school career and professional academies align with
95 high school career and professional academies; providing
96 for partnerships with high schools, businesses, industry,
97 employers, economic development organizations, and other
98 local community partners; amending s. 1003.575, F.S.;
99 revising provisions relating to assistive technology
100 devices for young persons with disabilities to require
101 that any school having an individualized education plan
102 team arrange to complete an assistive technology
103 assessment within a specified number of days after
104 receiving a request for such assessment; amending s.
105 1003.621, F.S.; removing an exemption provided for high-
106 performing school districts from compliance with
107 requirements to requisition instructional materials from
108 the publisher's depository; amending s. 1006.28, F.S.;
109 revising provisions relating to the duties of district
110 school boards to conform provisions to changes made by the
111 act; amending s. 1006.29, F.S.; revising provisions
112 relating to state instructional materials; replacing

113 references to state instructional materials committees
114 with state instructional materials reviewers; requiring
115 that the Commissioner of Education appoint state or
116 national experts to review and evaluate instructional
117 materials; amending s. 1006.30, F.S.; revising provisions
118 relating to the affidavit of state instructional materials
119 reviewers to conform to changes made by the act; amending
120 s. 1006.31, F.S.; revising provisions relating to the
121 duties of each state instructional materials reviewer to
122 conform to changes made by the act; amending s. 1006.32,
123 F.S.; conforming provisions to changes made by the act;
124 amending s. 1006.33, F.S.; revising provisions relating to
125 bids or proposals of instructional materials to conform
126 provisions to changes made by the act; amending s.
127 1006.34, F.S.; revising provisions relating to the
128 commissioner's powers and duties in selecting and adopting
129 instructional materials; providing an exemption from the
130 requirement that a rule having certain regulatory costs be
131 ratified by the Legislature; providing for the Department
132 of Education rather than the Department of Legal Affairs
133 to prepare contracts for instructional materials;
134 requiring that the contracts be executed by the
135 Commissioner of Education rather than by the Governor and
136 Secretary of State; amending s. 1006.35, F.S.; conforming
137 provisions relating to the accuracy of instructional
138 materials to changes made by the act; amending s. 1006.36,
139 F.S.; revising the term of adoption of any instructional
140 materials from a 6-year period to a 5-year period;

141 repealing s. 1006.37, F.S., relating to the requisition of
142 instructional materials from a publisher's depository;
143 amending s. 1006.38, F.S.; revising provisions relating to
144 the duties, responsibilities, and requirements of
145 instructional materials publishers and manufacturers;
146 requiring electronic delivery of copies to the Department
147 of Education in accordance with procedures adopted by the
148 State Board of Education; authorizing publishers to offer
149 digital or electronic versions of instructional materials
150 at reduced rates; amending s. 1006.39, F.S.; revising
151 provisions relating to the production and dissemination of
152 educational materials and products by the Department of
153 Education to conform to changes made by the act; amending
154 s. 1006.40, F.S.; revising provisions relating to the
155 annual allocation for the purchase of digital, electronic,
156 or web-based instructional materials; authorizing a
157 district school board to purchase technology hardware
158 using categorical funds for instructional materials under
159 specified circumstances; amending s. 1006.43, F.S.;
160 revising provisions relating to Department of Education's
161 expenses and annual legislative budget requests to conform
162 to changes made by the act; amending s. 1008.22, F.S.;
163 revising provisions relating to the student assessment
164 program for public schools; requiring that the
165 Commissioner of Education direct school districts to
166 participate in the administration of the National
167 Assessment of Educational Progress or similar national or
168 international assessment program;_providing for future

169 expiration of the requirement that school districts
170 participate in international assessment programs;
171 authorizing the school principal to exempt certain
172 students from the end-of-course assessment in civics
173 education; amending s. 1008.33, F.S.; revising provisions
174 relating to public school improvement; requiring that the
175 Department of Education categorize public schools based on
176 the portion of a school's grade that relies on statewide
177 assessments; revising the categorization of the lowest-
178 performing schools; amending s. 1008.34, F.S.; revising
179 provisions relating to the designation of school grades to
180 conform to changes made by the act; providing for
181 assigning achievement scores and learning gains for
182 students who are hospital or homebound; requiring that a
183 school that does not meet minimal proficiency standards
184 established by the State Board of Education receive a
185 school grade of "F"; amending s. 1011.01, F.S.; revising
186 provisions relating to the annual operating budgets of
187 district school boards and community college boards of
188 trustees; amending s. 1011.03, F.S.; revising provisions
189 relating to tentative and final district school board
190 budgets; requiring that an adopted budget be transmitted
191 to the Department of Education; amending s. 1011.61, F.S.;
192 redefining the term "full-time equivalent student" as it
193 relates to students in virtual instruction programs;
194 amending s. 1011.62, F.S.; revising provisions relating to
195 funds for the operation of schools; providing that the
196 value of the full-time equivalent student membership be

HB 1255

2011

determined by weights adopted by the State Board of Education; conforming provisions; amending s. 1012.39, F.S.; revising provisions relating to the employment of nondegreed teachers of career education; requiring that qualifications be established for nondegreed teachers of career and technical education courses for state-recognized program clusters; providing effective dates.

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

Section 1. Paragraph (a) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.*— Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education

HB 1255

2011

225 system library information portal and a unified higher education
226 library management system. ~~The Florida Virtual School shall be~~
227 ~~administratively housed within the office.~~

228 Section 2. Subsection (23) of section 1001.42, Florida
229 Statutes, is amended to read:

230 1001.42 Powers and duties of district school board.—The
231 district school board, acting as a board, shall exercise all
232 powers and perform all duties listed below:

233 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access
234 to ~~enroll in~~ courses available through the Florida Virtual
235 School and award credit for successful completion of such
236 courses. Access shall be available to students during and ~~or~~
237 after the normal school day and through summer school
238 enrollment.

239 Section 3. Paragraph (b) of subsection (5) of section
240 1002.33, Florida Statutes, is amended to read:

241 1002.33 Charter schools.—

242 (5) SPONSOR; DUTIES.—

243 (b) *Sponsor duties*.—

244 1.a. The sponsor shall monitor and review the charter
245 school in its progress toward the goals established in the
246 charter.

247 b. The sponsor shall monitor the revenues and expenditures
248 of the charter school and perform the duties provided in s.
249 1002.345.

250 c. The sponsor may approve a charter for a charter school
251 before the applicant has identified space, equipment, or
252 personnel, if the applicant indicates approval is necessary for

HB 1255

2011

it to raise working funds.

d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

HB 1255

2011

281 3. This paragraph does not waive a district school board's
282 sovereign immunity.

283 4. A community college may work with the school district
284 or school districts in its designated service area to operate
285 ~~develop~~ charter schools ~~that offer secondary education~~. These
286 Charter schools may ~~must~~ include an option for secondary
287 students to receive an associate degree upon high school
288 graduation. District school boards shall cooperate with and
289 assist the community college on the charter application.
290 Community college applications for charter schools are not
291 subject to the time deadlines outlined in subsection (6) and may
292 be approved by the district school board at any time during the
293 year. Community colleges may not report FTE for any students who
294 receive FTE funding through the Florida Education Finance
295 Program.

296 Section 4. Paragraph (a) of subsection (1) of section
297 1002.37, Florida Statutes, is amended to read:

298 1002.37 The Florida Virtual School.—

299 (1)(a) The Florida Virtual School is established for the
300 development and delivery of online and distance learning
301 education ~~and shall be administratively housed within the~~
302 ~~Commissioner of Education's Office of Technology and Information~~
303 ~~Services~~. The Commissioner of Education shall monitor the
304 school's performance and report its performance to the State
305 Board of Education and the Legislature.

306
307 The board of trustees of the Florida Virtual School shall
308 identify appropriate performance measures and standards based on

HB 1255

2011

student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

Section 5. Paragraph (f) is added to subsection (3) of section 1002.38, Florida Statutes, to read:

1002.38 Opportunity Scholarship Program.—

(3) SCHOOL DISTRICT OBLIGATIONS.—

(f) For purposes of this subsection, school grades for all schools shall be based upon statewide assessments administered pursuant to s. 1008.22.

Section 6. Paragraph (b) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 School district virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(b) An approved provider shall retain its approved status during the 3 school years ~~for a period of 3 years~~ after the date of the department's approval under paragraph (a) as long as the provider continues to comply with all requirements of this section.

Section 7. Subsection (1) and paragraph (c) of subsection (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) By April 1, 2005, the department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards

HB 1255

2011

337 must address the age-appropriate progress of students in the
338 development of:

339 (a) The capabilities, capacities, and skills required
340 under s. 1(b), Art. IX of the State Constitution; and

341 (b) Emergent literacy skills, including oral
342 communication, knowledge of print and letters, phonemic and
343 phonological awareness, and vocabulary and comprehension
344 development.

345 (c) The State Board of Education shall periodically review
346 and revise the performance standards for the statewide
347 kindergarten screening administered under s. 1002.69 and align
348 the standards to the standards established by the board for the
349 expectations of student performance on the statewide assessments
350 administered pursuant to s. 1008.22.

351 (3)

352 (c)1. If the kindergarten readiness rate of a private
353 prekindergarten provider or public school falls below the
354 minimum rate adopted by the State Board of Education as
355 satisfactory under s. 1002.69(6), the early learning coalition
356 or school district, as applicable, shall require the provider or
357 school to submit an improvement plan for approval by the
358 coalition or school district, as applicable, and to implement
359 the plan.

360 2. If a private prekindergarten provider or public school
361 fails to meet the minimum rate adopted by the State Board of
362 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
363 ~~years~~, the early learning coalition or school district, as
364 applicable, shall place the provider or school on probation and

HB 1255

2011

365 must require the provider or school to take certain corrective
366 actions, including the use of a curriculum approved by the
367 department under paragraph (2)(c) and requiring newly admitted
368 voluntary prekindergarten program students to complete the
369 statewide voluntary prekindergarten enrollment screening, for
370 which the provider must pay.

371 3. A private prekindergarten provider or public school
372 that is placed on probation must continue the corrective actions
373 required under subparagraph 2., including the use of a
374 curriculum approved by the department, until the provider or
375 school meets the minimum rate adopted by the State Board of
376 Education as satisfactory under s. 1002.69(6).

377 4. If a private prekindergarten provider or public school
378 remains on probation for 2 consecutive years and fails to meet
379 the minimum rate adopted by the State Board of Education as
380 satisfactory under s. 1002.69(6) and is not granted a good cause
381 exemption by the department pursuant to s. 1002.69(7), the
382 Agency for Workforce Innovation shall require the early learning
383 coalition or the Department of Education shall require the
384 school district to remove, as applicable, the provider or school
385 from eligibility to deliver the Voluntary Prekindergarten
386 Education Program and receive state funds for the program.

387 Section 8. Subsections (1), (2), (3), (4), and (6) and
388 paragraph (c) of subsection (7) of section 1002.69, Florida
389 Statutes, are amended to read:

390 1002.69 Statewide kindergarten screening; kindergarten
391 readiness rates.—

392 (1) The department shall adopt a statewide kindergarten

393 screening that assesses the readiness of each student for
394 kindergarten based upon the performance standards adopted by the
395 department under s. 1002.67(1) for the Voluntary Prekindergarten
396 Education Program. The department shall also adopt a statewide
397 voluntary prekindergarten enrollment screening that assesses the
398 readiness of each student for kindergarten upon entry into a
399 voluntary prekindergarten program, for which the voluntary
400 prekindergarten provider must pay. The department shall require
401 that each school district administer the statewide kindergarten
402 screening to each kindergarten student in the school district
403 within the first 30 school days of each school year and shall
404 require each early learning coalition to administer the
405 statewide voluntary prekindergarten enrollment screening in
406 accordance with this section.

407 (2) The statewide voluntary prekindergarten enrollment
408 screening and the kindergarten screening shall provide objective
409 data concerning each student's readiness for kindergarten and
410 progress in attaining the performance standards adopted by the
411 department under s. 1002.67(1).

412 (3) The statewide voluntary prekindergarten enrollment
413 screening and the kindergarten screening shall incorporate
414 mechanisms for recognizing potential variations in kindergarten
415 readiness rates for students with disabilities.

416 (4) Each parent who enrolls his or her child in the
417 Voluntary Prekindergarten Education Program must submit the
418 child for the statewide kindergarten screening, regardless of
419 whether the child is admitted to kindergarten in a public school
420 or nonpublic school. Each parent who enrolls his or her child in

HB 1255

2011

421 a voluntary prekindergarten education program must submit the
422 child for statewide voluntary prekindergarten enrollment
423 screening if required by the provider. Each school district
424 shall designate sites to administer the statewide kindergarten
425 screening for children admitted to kindergarten in a nonpublic
426 school.

427 (6) ~~(a)~~ The State Board of Education shall periodically
428 adopt a minimum kindergarten readiness rate that, if achieved by
429 a private prekindergarten provider or public school, would
430 demonstrate the provider's or school's satisfactory delivery of
431 the Voluntary Prekindergarten Education Program.

432 ~~(b) The minimum rate must not exceed the rate at which~~
433 ~~more than 15 percent of the kindergarten readiness rates of all~~
434 ~~private prekindergarten providers and public schools delivering~~
435 ~~the Voluntary Prekindergarten Education Program in the state~~
436 ~~would fall below the minimum rate.~~

437 (7)

438 (c) The State Board of Education shall adopt criteria for
439 granting good cause exemptions. Such criteria shall include, but
440 are not limited to:

441 1. Learning gains of children served in the Voluntary
442 Prekindergarten Education Program by the private prekindergarten
443 provider or public school.

444 ~~2. Verification that the private prekindergarten provider~~
445 ~~or public school serves at least twice the statewide percentage~~
446 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
447 ~~children identified as limited English proficient as defined in~~
448 ~~s. 1003.56.~~

HB 1255

2011

449 ~~2.3.~~ Verification that local and state health and safety
450 requirements are met.

451 Section 9. Subsection (2) of section 1002.73, Florida
452 Statutes, is amended to read:

453 1002.73 Department of Education; powers and duties;
454 accountability requirements.—

455 (2) The department shall adopt procedures for its:

456 (a) Approval of prekindergarten director credentials under
457 ss. 1002.55 and 1002.57.

458 (b) Approval of emergent literacy training courses under
459 ss. 1002.55 and 1002.59.

460 (c) Administration of the statewide kindergarten screening
461 and calculation of kindergarten readiness rates under s.
462 1002.69.

463 (d) Adoption of the statewide voluntary prekindergarten
464 enrollment screening, associated fee schedule, and the process
465 for determining learning gains of students who complete the
466 statewide voluntary prekindergarten enrollment screening and the
467 statewide kindergarten screening.

468 (e)~~(d)~~ Approval of specialized instructional services
469 providers under s. 1002.66.

470 (f)~~(e)~~ Granting of a private prekindergarten provider's or
471 public school's request for a good cause exemption under s.
472 1002.69(7).

473 Section 10. Paragraph (c) of subsection (4) of section
474 1003.03, Florida Statutes, is amended to read:

475 1003.03 Maximum class size.—

476 (4) ACCOUNTABILITY.—

HB 1255

2011

477 (c) In lieu of the reduction calculation in paragraph (a),
478 if a district school board produces ~~the Commissioner of~~
479 ~~Education has~~ evidence that it ~~a district~~ was unable to meet the
480 class size requirements despite appropriate efforts to do so or
481 because of an ~~extreme~~ emergency, the reduction of an alternate
482 amount of funds from the district's class size categorical
483 allocation may be recommended by the State Board of Education
484 ~~commissioner may recommend~~ by February 15, for approval by
485 ~~subject to approval of~~ the Legislative Budget Commission, ~~the~~
486 ~~reduction of an alternate amount of funds from the district's~~
487 ~~class size categorical allocation.~~

488 Section 11. Subsection (1) of section 1003.4156, Florida
489 Statutes, is amended to read:

490 1003.4156 General requirements for middle grades
491 promotion.—

492 (1) Beginning with students entering grade 6 in the 2006-
493 2007 school year, promotion from a school composed of middle
494 grades 6, 7, and 8 requires that:

495 (a) The student must successfully complete academic
496 courses as follows:

497 1. Three middle school or higher courses in English. These
498 courses shall emphasize literature, composition, and technical
499 text.

500 2. Three middle school or higher courses in mathematics.
501 Each middle school must offer at least one high school level
502 mathematics course for which students may earn high school
503 credit. Successful completion of a high school level Algebra I
504 or geometry course is not contingent upon the student's

HB 1255

2011

performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be

HB 1255

2011

completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan committee determines that the end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal

HB 1255

2011

561 education plan that must be signed by the student; the student's
562 instructor, guidance counselor, or academic advisor; and the
563 student's parent. The Department of Education shall develop
564 course frameworks and professional development materials for the
565 career exploration and education planning course. The course may
566 be implemented as a stand-alone course or integrated into
567 another course or courses. The Commissioner of Education shall
568 collect longitudinal high school course enrollment data by
569 student ethnicity in order to analyze course-taking patterns.

570 (b) For each year in which a student scores at Level 1 on
571 FCAT Reading, the student must be enrolled in and complete an
572 intensive reading course the following year. Placement of Level
573 2 readers in either an intensive reading course or a content
574 area course in which reading strategies are delivered shall be
575 determined by diagnosis of reading needs. The department shall
576 provide guidance on appropriate strategies for diagnosing and
577 meeting the varying instructional needs of students reading
578 below grade level. Reading courses shall be designed and offered
579 pursuant to the comprehensive reading plan required by s.
580 1011.62(9). A middle grades student who scores at Level 1 or
581 Level 2 on FCAT Reading, but who did not score below Level 3 the
582 year before may be granted an exemption from the reading
583 remediation requirements. A student may be granted a 1-year
584 exemption from intensive reading; however, the student must have
585 an approved academic improvement plan already in place and
586 signed by the school and a parent or guardian for the year that
587 the exemption is granted.

588 (c) For each year in which a student scores at Level 1 or

HB 1255

2011

Level 2 on FCAT Mathematics, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

Section 12. Section 1003.4203, Florida Statutes, is created to read:

1003.4203 Digital curriculum.—

(1) Each district school board, in consultation with the district school superintendent, shall develop and implement a digital curriculum for students in grades 5 through 12 to enable students to attain competencies in web communications and web design. For purposes of this section, a digital curriculum includes, but is not limited to, instruction in:

(a) Web-based skills, web-based core technologies, and web design.

(b) Hypertext markup language, ColdFusion, and JavaScript as core elements in web design.

(2)(a) The digital curriculum shall be required instruction for each student in grades 5 through 12 but may not be a requirement for high school graduation. Instruction may be integrated into middle school and high school subject area curricula or offered as a separate course subject to available funding.

(b) A student is exempt from participation in the digital curriculum required under this section if the student's parent submits to the district school board and the school principal a written request for the exemption.

(3) Each district school board shall establish:

(a) Digital curriculum standards and measures to assess

617 student content knowledge and skills and learning gains.

618 (b) Innovative approaches to help students achieve
619 competency and master design.

620 (4) The Department of Education may develop a model
621 digital curriculum to serve as a guide for district school
622 boards in the development of a digital curriculum.

623 (5)(a) School improvement funds allocated to a school
624 district and other funds available to the district shall be used
625 to fund the digital curriculum.

626 (b) Capital improvement funds allocated to a school
627 district may be used to purchase equipment or software and to
628 hire technical consultants to meet the requirements of this
629 section.

630 (c) A school district that demonstrates high achievement
631 in student competency in web communications and web design based
632 on assessment of student content knowledge and skills and
633 learning gains is eligible for financial incentives as
634 determined by the Legislature.

635 (6) The Department of Education shall establish an annual
636 statewide competition between school districts to recognize
637 innovative web designs and innovative use of web-based
638 technologies to improve communication and commerce. The
639 Commissioner of Education shall develop a procedure for
640 statewide recognition of school district winners and individual
641 students who have demonstrated high achievement in web-based
642 knowledge and skills.

643 (7) A district school board may seek partnerships with
644 private businesses and consultants to offer classes and

HB 1255

2011

instruction to teachers and students to assist the school district in meeting the requirements of this section.

(8) Each district school board shall establish a digital curriculum advisory committee that includes professionals from the community who are knowledgeable in web design and related technologies, school principals, teachers, students, and parents. The advisory committee shall evaluate ongoing school district efforts to comply with this section and make recommendations to the district school superintendent and district school board.

Section 13. Subsection (2) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education. The 24 credits shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school

HB 1255

2011

year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education.

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as determined by the State Board of Education.

4. Three credits in social studies as follows: one credit

HB 1255

2011

701 in United States history; one credit in world history; one-half
702 credit in economics; and one-half credit in United States
703 government.

704 5. One credit in fine or performing arts, speech and
705 debate, or a practical arts course that incorporates artistic
706 content and techniques of creativity, interpretation, and
707 imagination. Eligible practical arts courses shall be identified
708 through the Course Code Directory.

709 6. One credit in physical education to include integration
710 of health. Participation in an interscholastic sport at the
711 junior varsity or varsity level for two full seasons shall
712 satisfy the one-credit requirement in physical education if the
713 student passes a competency test on personal fitness with a
714 score of "C" or better. The competency test on personal fitness
715 must be developed by the Department of Education. A district
716 school board may not require that the one credit in physical
717 education be taken during the 9th grade year. Completion of one
718 semester with a grade of "C" or better in a marching band class,
719 in a physical activity class that requires participation in
720 marching band activities as an extracurricular activity, or in a
721 dance class shall satisfy one-half credit in physical education
722 or one-half credit in performing arts. This credit may not be
723 used to satisfy the personal fitness requirement or the
724 requirement for adaptive physical education under an individual
725 education plan (IEP) or 504 plan. Completion of 2 years in a
726 Reserve Officer Training Corps (R.O.T.C.) class, a significant
727 component of which is drills, shall satisfy the one-credit
728 requirement in physical education and the one-credit requirement

HB 1255

2011

in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.

(b) Eight credits in electives.

1. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9).

2. For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

A high school student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 the year before may be granted an exemption from intensive reading. A student may be granted a 1-year exemption from intensive reading; however, the student must have an approved academic improvement plan already

HB 1255

2011

757 in place and signed by the school and a parent or guardian for
758 the year the exemption is granted.

759 Section 14. Subsection (1) of section 1003.492, Florida
760 Statutes, is amended to read:

761 1003.492 Industry-certified career education programs.—

762 (2) The State Board of Education shall use the expertise
763 of Workforce Florida, Inc., and Enterprise Florida, Inc., to
764 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
765 for implementing an industry certification process. The rules
766 must establish a process for weighing the value of industry
767 certifications based on the rigor of the certification and its
768 employment value to state businesses and industry. Industry
769 certification shall be defined by the Agency for Workforce
770 Innovation, based upon the highest available national standards
771 for specific industry certification, to ensure student skill
772 proficiency and to address emerging labor market and industry
773 trends. A regional workforce board or a career and professional
774 academy may apply to Workforce Florida, Inc., to request
775 additions to the approved list of industry certifications based
776 on high-demand job requirements in the regional economy. The
777 list of industry certifications approved by Workforce Florida,
778 Inc., and the Department of Education shall be published and
779 updated annually by a date certain, to be included in the
780 adopted rule.

781 Section 15. Section 1003.493, Florida Statutes, is amended
782 to read:

783 1003.493 Career and professional academies.—

784 (1) A "career and professional academy" is a research-

based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board. Career and professional academies shall be offered by public schools and school districts. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing high school career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state. Students completing a middle school career and professional academy program must have the opportunity to earn an industry certification, earn high school credit, and participate in career planning, job shadowing, and leadership-development opportunities.

(2) The goals of a career and professional academy are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(c) Focus on career preparation through rigorous academics and industry certification.

(d) Raise student aspiration and commitment to academic achievement and work ethics through relevant coursework.

(e) Support graduation requirements pursuant to s. 1003.428 by providing creative, applied major areas of interest.

HB 1255

2011

(f) Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

(g) Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.

(3) Existing career education courses may serve as a foundation for the creation of a career and professional academy. A career and professional academy may be offered as one of the following small learning communities:

(a) A school-within-a-school career academy, as part of an existing middle school or high school, that provides courses in one occupational cluster. Students in the middle school or high school are not required to be students in the academy.

(b) A total school configuration providing multiple academies, each structured around an occupational cluster. Every student in the school is in an academy.

(4) Each middle school or high school career and professional academy must:

~~(a)~~ provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

~~(b)~~ Each middle school or high school career and professional academy must include one or more partnerships with

HB 1255

2011

841 postsecondary institutions, businesses, industry, employers,
842 economic development organizations, or other appropriate
843 partners from the local community. Such partnerships shall be
844 delineated in articulation agreements to provide for career-
845 based courses that earn postsecondary credit. Such agreements
846 may include articulation between the academy and public or
847 private 2-year and 4-year postsecondary institutions and
848 technical centers. The Department of Education, in consultation
849 with the Board of Governors, shall establish a mechanism to
850 ensure articulation and transfer of credits to postsecondary
851 institutions in this state. Such partnerships must provide
852 opportunities for:

853 (a)~~1.~~ Instruction from highly skilled professionals who
854 possess industry-certification credentials for courses they are
855 teaching.

856 (b)~~2.~~ Internships, externships, and on-the-job training.

857 (c)~~3.~~ A postsecondary degree, diploma, or certificate.

858 (d)~~4.~~ The highest available level of industry
859 certification.

860 (e)~~5.~~ Maximum articulation of credits pursuant to s.
861 1007.23 upon program completion.

862 (6)~~(e)~~ Each middle school or high school career and
863 professional academy must:

864 (a) Provide shared, maximum use of private sector
865 facilities and personnel.

866 (b)~~(d)~~ Provide personalized student advisement, including
867 a parent-participation component, and coordination with middle
868 schools to promote and support career exploration and education

HB 1255

2011

869 planning as required under s. 1003.4156. Coordination with
870 middle schools must provide information to middle school
871 students about secondary and postsecondary career education
872 programs and academies.

873 (c)~~(e)~~ Promote and provide opportunities for career and
874 professional academy students to attain, at minimum, the Florida
875 Gold Seal Vocational Scholars award pursuant to s. 1009.536.

876 (d)~~(f)~~ Provide instruction in careers designated as high
877 growth, high demand, and high pay by the local workforce
878 development board, the chamber of commerce, or the Agency for
879 Workforce Innovation.

880 (e)~~(g)~~ Deliver academic content through instruction
881 relevant to the career, including intensive reading and
882 mathematics intervention required by s. 1003.428, with an
883 emphasis on strengthening reading for information skills.

884 (f)~~(h)~~ Offer applied courses that combine academic content
885 with technical skills.

886 (g)~~(i)~~ Provide instruction resulting in competency,
887 certification, or credentials in workplace skills, including,
888 but not limited to, communication skills, interpersonal skills,
889 decisionmaking skills, the importance of attendance and
890 timeliness in the work environment, and work ethics.

891 (h)~~(j)~~ Provide opportunities for students to obtain the
892 Florida Ready to Work Certification pursuant to s. 1004.99, if
893 available.

894 (i)~~(k)~~ Include an evaluation plan developed jointly with
895 the Department of Education and the local workforce board. The
896 evaluation plan must include an assessment tool based on

national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., and Enterprise Florida, Inc., in identifying industry experts to participate in developing and implementing such assessments.

(j)~~(1)~~ Include a plan to sustain career and professional academies.

(k)~~(m)~~ Redirect appropriated career funding to career and professional academies.

(7)~~(5)~~ All high school career courses offered in a career and professional academy must lead to industry certification or college credit linked directly to the career theme of the course. Fifty ~~At least 50~~ percent of students enrolled in a career course must achieve industry certifications or college credits during the second year the course is offered in order for the course to be offered a third year. At least 66 percent of students enrolled in such a course must achieve industry certifications or college credits during the third year the course is offered in order for it to be offered a fourth year and thereafter.

925 (8) Each middle school career and professional academy
926 must be aligned with high school career and professional
927 academies offered in the school district and include one or more
928 partnerships with high schools, businesses, industry, employers,
929 economic development organizations, or other appropriate
930 partners from the local community. Such partnerships must
931 provide opportunities for:

932 (a) Instruction from highly skilled professionals who
933 possess industry-certification credentials for courses they are
934 teaching.

935 (b) Internships and externships

936 (c) Maximum articulation of high school dual enrollment
937 credits upon program completion.

938 (d) Personalized student advisement, including a parent-
939 participation component, and coordination with high schools to
940 promote accelerated course credit

941 (e) Instruction in careers designated as high growth, high
942 demand, and high pay by the local workforce development board,
943 the chamber of commerce, or the Agency for Workforce Innovation.

944 (f) The delivery of academic content through instruction
945 that is relevant to a career, including intensive reading and
946 mathematics intervention required by s. 1003.428, along with an
947 emphasis on strengthening reading for information skills.

948 (g) Applied courses that combine academic content with
949 technical skills.

950 (h) Instruction resulting in competency, including, but
951 not limited to, communication skills, interpersonal skills,
952 decisionmaking skills, the importance of attendance and

HB 1255

2011

timeliness in the work environment, and work ethics.

(i) An evaluation plan developed jointly with the Department of Education and the local workforce board. The Department of Education shall use Workforce Florida, Inc., and Enterprise Florida, Inc., in identifying industry experts to participate in developing and implementing such assessments.

(9)~~(6)~~ The Okaloosa County School District CHOICE Institutes shall serve in an advisory role and shall offer technical assistance in the development of newly established career and professional academies for a 3-year period beginning July 1, 2007.

Section 16. Section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. Within 60 to 90 days after receiving a request for an assistive technology assessment, any school that has an individualized education plan team shall arrange to complete the assessment. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the

HB 1255

2011

transaction of assistive technology devices:

(1) The Florida Infants and Toddlers Early Intervention Program in the Division of Children's Medical Services of the Department of Health.

(2) The Division of Blind Services, the Bureau of Exceptional Education and Student Services, and the Division of Vocational Rehabilitation of the Department of Education.

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 17. Subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and

HB 1255

2011

rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(a) Those statutes pertaining to the provision of services to students with disabilities.

(b) Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

(c) Those statutes pertaining to student health, safety, and welfare.

(d) Those statutes governing the election or compensation of district school board members.

(e) Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.

(f) Those statutes pertaining to financial matters, including chapter 1010, except that s. 1010.20(3)(a)1., 2., and 3., relating to the required program expenditure levels, are eligible for exemption.

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1011.62(9)(d), relating to the requirement for a comprehensive reading plan. A district that is exempt from submitting this plan shall be deemed approved to receive the research-based reading instruction allocation.

(h) Sections 1012.22(1)(c) and 1012.27(2), relating to differentiated pay and performance-pay policies for school administrators and instructional personnel. Professional service

HB 1255

2011

contracts are subject to the provisions of ss. 1012.33 and 1012.34.

(i) Those statutes pertaining to educational facilities, including chapter 1013, except that s. 1013.20, relating to covered walkways for portables, and s. 1013.21, relating to the use of relocatable facilities that exceed 20 years of age, are eligible for exemption.

(j) Those statutes relating to instructional materials, except that ~~s. 1006.37, relating to the requisition of state-adopted materials from the depository under contract with the publisher, and~~ s. 1006.40(3)(a), relating to the use of 50 percent of the instructional materials allocation, shall be eligible for exemption.

(k) This section.

Section 18. Subsection (1), paragraph (a) of subsection (2), and paragraphs (b) and (e) of subsection (3) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses ~~textbooks~~ or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories,

HB 1255

2011

manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) *Courses of study; adoption.*—Adopt courses of study for use in the schools of the district.

(b) *Instructional materials* ~~*Textbooks*~~.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation

HB 1255

2011

of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials ~~textbooks~~ and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

(3) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of instructional materials at the school:

(b) *Money collected for lost or damaged instructional materials ~~books~~; enforcement.*—The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money

HB 1255

2011

collected to the district school superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

(e) *Accounting for instructional materials ~~textbooks~~.*— Principals shall see that all instructional materials ~~books~~ are fully and properly accounted for as prescribed by adopted rules of the district school board.

Section 19. Section 1006.29, Florida Statutes, is amended to read:

1006.29 State instructional materials reviewers ~~committees~~.—

(1) ~~Each school year, not later than April 15, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to subsection (5) in competencies related to the evaluation and selection of instructional materials.~~

~~(a) There shall be 10 or more members on each committee: At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic~~

HB 1255

2011

1149 ~~area or level being considered for adoption, 2 shall be~~
1150 ~~laypersons, 1 shall be a district school board member, and 2~~
1151 ~~shall be supervisors of teachers. The committee must have the~~
1152 ~~capacity or expertise to address the broad racial, ethnic,~~
1153 ~~socioeconomic, and cultural diversity of the state's student~~
1154 ~~population. Personnel selected as teachers of the year at the~~
1155 ~~school, district, regional, or state level are encouraged to~~
1156 ~~serve on instructional materials committees.~~

1157 ~~(b) The membership of each committee must reflect the~~
1158 ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~
1159 ~~the state, including a balanced representation from the state's~~
1160 ~~geographic regions.~~

1161 (a)(e) The commissioner shall determine annually the areas
1162 in which instructional materials shall be submitted for
1163 adoption, taking into consideration the desires of the district
1164 school boards. The commissioner shall also determine the number
1165 of titles to be adopted in each area.

1166 (b) By April 15 of each school year, the commissioner
1167 shall appoint three state or national experts in the content
1168 areas to review instructional materials and evaluate the content
1169 for alignment with the applicable Sunshine State Standards or
1170 Next Generation Sunshine State Standards. The expert reviewers
1171 shall review the materials selected for adoption for the level
1172 of instructional support and the accuracy and appropriateness of
1173 progression of introduced content. Instructional materials shall
1174 be made available to reviewers in electronic form. The initial
1175 review of the materials shall be made by only two of the three
1176 expert reviewers. If the two reviewers reach opposing results,

HB 1255

2011

1177 the third reviewer shall break the tie. Expert reviewers shall
1178 independently make recommendations to the commissioner and shall
1179 use an electronic feedback review system for making
1180 recommendations regarding materials that should be placed on
1181 Florida's list of adopted materials. The expert reviewers may
1182 receive a fee for their services.

1183 (c) The commissioner shall request each school district
1184 superintendent to nominate one classroom teacher or district-
1185 level content supervisor to review two or three of the
1186 submissions recommended by the university expert reviewers.
1187 School districts shall ensure that these nominees are provided
1188 with the support and time necessary to accomplish a thorough
1189 review at no cost to the state. District reviewers shall
1190 independently rate the recommended submissions on the
1191 instructional usability of the resources.

1192 ~~(2)(a) All appointments shall be as prescribed in this~~
1193 ~~section. No member shall serve more than two consecutive terms~~
1194 ~~on any committee. All appointments shall be for 18-month terms.~~
1195 ~~All vacancies shall be filled in the manner of the original~~
1196 ~~appointment for only the time remaining in the unexpired term.~~
1197 ~~At no time may a district school board have more than one~~
1198 ~~representative on a committee. The commissioner and a member of~~
1199 ~~the department whom he or she shall designate shall be~~
1200 ~~additional and ex officio members of each committee.~~

1201 ~~(b) The names and mailing addresses of the members of the~~
1202 ~~state instructional materials committees shall be made public~~
1203 ~~when appointments are made.~~

1204 ~~(c) The district school board shall be reimbursed for the~~

HB 1255

2011

~~actual cost of substitute teachers for each workday that a member of its instructional staff is absent from his or her assigned duties for the purpose of rendering service to the state instructional materials committee. In addition, committee members shall be reimbursed for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings of committees called by the commissioner. Payment of such travel expenses shall be made from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Chief Financial Officer upon requisition approved by the commissioner.~~

~~(d) Any member of a committee may be removed by the commissioner for cause.~~

~~(3) All references in the law to the state instructional materials committee shall apply to each committee created by this section.~~

(2)~~(4)~~ For purposes of state adoption, "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted in ~~after~~ 2012-2013 for students in grades 9 through 12

HB 1255

2011

shall ~~also~~ be provided only in an electronic format. Beginning with the 2013-2014 school year, any instructional materials adopted for grades 5 through 12 shall be provided only in an electronic format. Beginning with the 2014-2015 school year, any instructional materials adopted for grades kindergarten through 12 shall be provided only in an electronic format. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

~~(3)(5)~~ The department shall develop a training program for persons selected as expert and school district reviewers, which shall include instruction on reviewing standards-based content and reviewing digital materials using an electronic feedback review system ~~to serve on state instructional materials committees~~. The program shall be structured to assist reviewers ~~committee members~~ in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons serving as ~~on~~ instructional materials reviewers ~~committees~~ must complete the training program prior to beginning the review and selection process.

Section 20. Section 1006.30, Florida Statutes, is amended to read:

1006.30 Affidavit of state instructional materials reviewers ~~committee members~~.—Before transacting any business, each reviewer ~~member of a state committee~~ shall make an affidavit, to be filed with the department ~~commissioner~~, that:

(1) The reviewer ~~member~~ will faithfully discharge the

HB 1255

2011

1261 duties imposed upon him or her ~~as a member of the committee.~~

1262 (2) The reviewer ~~member~~ has no interest, ~~and while a~~
1263 ~~member of the committee he or she will assume no interest,~~ in
1264 any publishing or manufacturing organization that ~~which~~ produces
1265 or sells instructional materials.

1266 (3) The reviewer ~~member~~ is in no way connected, ~~and while~~
1267 ~~a member of the committee he or she will assume no connection,~~
1268 with the distribution of the instructional materials.

1269 (4) The reviewer does not have any direct or indirect
1270 pecuniary interest ~~member is not pecuniarily interested, and~~
1271 ~~while a member of the committee he or she will assume no~~
1272 ~~pecuniary interest, directly or indirectly,~~ in the business or
1273 profits of any person engaged in manufacturing, publishing, or
1274 selling instructional materials designed for use in the public
1275 schools.

1276 (5) The reviewer ~~member~~ will not accept any emolument or
1277 promise of future reward of any kind from any publisher or
1278 manufacturer of instructional materials or his or her agent or
1279 anyone interested in, or intending to bias his or her judgment
1280 in any way in, the selection of any materials to be adopted.

1281 (6) The reviewer understands that it is unlawful ~~for any~~
1282 ~~member of a state instructional materials committee~~ to discuss
1283 matters relating to instructional materials submitted for
1284 adoption with any agent of a publisher or manufacturer of
1285 instructional materials, either directly or indirectly, except
1286 during the period when the publisher or manufacturer is
1287 providing a presentation for the reviewer during his or her
1288 review of ~~committee has been called into session for the purpose~~

HB 1255

2011

~~of evaluating instructional materials submitted for adoption.
Such discussions shall be limited to official meetings of the
committee and in accordance with procedures prescribed by the
commissioner for that purpose.~~

Section 21. Section 1006.31, Florida Statutes, is amended
to read:

1006.31 Duties of each state instructional materials
reviewers ~~committee~~.—The duties of each state instructional
materials reviewer ~~committee~~ are:

~~(1) PLACE AND TIME OF MEETING.—To meet at the call of the
commissioner, at a place in the state designated by him or her,
for the purpose of evaluating and recommending instructional
materials for adoption by the state. All meetings of state
instructional materials committees shall be announced publicly
in the Florida Administrative Weekly at least 2 weeks prior to
the date of convening. All meetings of the committees shall be
open to the public.~~

~~(2) ORGANIZATION.—To elect a chair and vice chair for each
adoption. An employee of the department shall serve as secretary
to the committee and keep an accurate record of its proceedings.
All records of committee motions and votes, and summaries of
committee debate shall be incorporated into a publishable
document and shall be available for public inspection and
duplication.~~

(1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
the commissioner for evaluating instructional materials
submitted by publishers and manufacturers in each adoption.

(2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate

HB 1255

2011

1317 carefully all instructional materials submitted, to ascertain
1318 which instructional materials, if any, submitted for
1319 consideration ~~best~~ implement the selection criteria developed by
1320 the department ~~commissioner~~ and those curricular objectives
1321 included within applicable performance standards provided for in
1322 s. 1001.03(1).

1323 (a) When recommending instructional materials for use in
1324 the schools, each reviewer ~~committee~~ shall include only
1325 instructional materials that accurately portray the ethnic,
1326 socioeconomic, cultural, and racial diversity of our society,
1327 including men and women in professional, career, and executive
1328 roles, and the role and contributions of the entrepreneur and
1329 labor in the total development of this state and the United
1330 States.

1331 (b) When recommending instructional materials for use in
1332 the schools, each reviewer ~~committee~~ shall include only
1333 materials which accurately portray, whenever appropriate,
1334 humankind's place in ecological systems, including the necessity
1335 for the protection of our environment and conservation of our
1336 natural resources and the effects on the human system of the use
1337 of tobacco, alcohol, controlled substances, and other dangerous
1338 substances.

1339 (c) When recommending instructional materials for use in
1340 the schools, each reviewer ~~committee~~ shall require such
1341 materials as he or she ~~it~~ deems necessary and proper to
1342 encourage thrift, fire prevention, and humane treatment of
1343 people and animals.

1344 (d) When recommending instructional materials for use in

HB 1255

2011

1345 the schools, each reviewer ~~committee~~ shall require, when
1346 appropriate to the comprehension of students, that materials for
1347 social science, history, or civics classes contain the
1348 Declaration of Independence and the Constitution of the United
1349 States. A reviewer may not recommend any ~~No~~ instructional
1350 materials ~~shall be recommended by any committee~~ for use in the
1351 schools which contain any matter reflecting unfairly upon
1352 persons because of their race, color, creed, national origin,
1353 ancestry, gender, or occupation.

1354 (e) Any ~~All~~ instructional materials recommended by a ~~each~~
1355 reviewer ~~committee~~ for use in the schools shall be, to the
1356 satisfaction of each reviewer ~~committee~~, accurate, objective,
1357 and current and suited to the needs and comprehension of
1358 students at their respective grade levels. Instructional
1359 materials reviewers ~~committees~~ shall consider for adoption
1360 materials developed for academically talented students such as
1361 those enrolled in advanced placement courses.

1362 ~~(3)-(5)~~ REPORT OF EXPERT REVIEWERS COMMITTEE.—Each expert
1363 reviewer ~~committee~~, after a thorough study of all data submitted
1364 on each instructional material, ~~and after each member has~~
1365 ~~carefully evaluated each instructional material,~~ shall submit an
1366 electronic ~~present a written~~ report to the department
1367 ~~commissioner~~. The ~~Such~~ report shall be made public, and must
1368 ~~shall~~ include responses to each section of the report format
1369 prescribed by the department.÷

1370 ~~(a) A description of the procedures used in determining~~
1371 ~~the instructional materials to be recommended to the~~
1372 ~~commissioner.~~

HB 1255

2011

~~(b) Recommendations of instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are to be made. If deemed advisable, the committee may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.~~

~~The findings of the committees, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the committees shall be by roll call vote, and at no time will a secret ballot be permitted.~~

Section 22. Section 1006.32, Florida Statutes, is amended to read:

1006.32 Prohibited acts.—

(1) A ~~No~~ publisher or manufacturer of instructional material, or any representative thereof, may not ~~shall~~ offer to give any emolument, money, or other valuable thing, or any inducement, to any district school board official or state member of a state-level instructional materials reviewer committee to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

(2) A ~~No~~ district school board official or ~~member of a state instructional materials reviewer may not~~ committee shall

HB 1255

2011

1401 solicit or accept any emolument, money, or other valuable thing,
1402 or any inducement, to directly or indirectly introduce,
1403 recommend, vote for, or otherwise influence the adoption or
1404 purchase of any instructional material.

1405 (3) A ~~No~~ district school board or publisher may not
1406 participate in a pilot program of materials being considered for
1407 adoption during the 18-month period before the official adoption
1408 of the materials by the commissioner. Any pilot program during
1409 the first 2 years of the adoption period must have the prior
1410 approval of the commissioner.

1411 (4) Any publisher or manufacturer of instructional
1412 materials or representative thereof or any district school board
1413 official or state instructional materials reviewer ~~committee~~
1414 ~~member~~, who violates any provision of this section commits a
1415 misdemeanor of the second degree, punishable as provided in s.
1416 775.082 or s. 775.083. Any representative of a publisher or
1417 manufacturer who violates any provision of this section, in
1418 addition to any other penalty, shall be banned from practicing
1419 business in the state for a period of 1 calendar year. ~~Any~~
1420 ~~district school board official or state instructional materials~~
1421 ~~committee member who violates any provision of this section, in~~
1422 ~~addition to any other penalty, shall be removed from his or her~~
1423 ~~official position.~~

1424 (5) This section does not prohibit ~~Nothing in this section~~
1425 ~~shall be construed to prevent~~ any publisher, manufacturer, or
1426 agent from supplying, for purposes of examination, necessary
1427 sample copies of instructional materials to any district school
1428 board official or state instructional materials reviewer

HB 1255

2011

~~committee member.~~

(6) This section does not prohibit ~~Nothing in this section shall be construed to prevent~~ a district school board official or state instructional materials reviewer ~~committee member~~ from receiving sample copies of instructional materials.

(7) This section does not ~~Nothing contained in this section shall be construed to~~ prohibit or restrict a district school board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official, and adopted by the commissioner or purchased by any district school board. No district school board official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

(8) A ~~No~~ district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools may not ~~shall~~ receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any school book, map, or chart in any public school, or be an agent for the sale or the publisher of any school textbook or reference work, or be directly or indirectly pecuniarily interested in the introduction of any such textbook, and any such agency or interest shall disqualify any person so

HB 1255

2011

1457 acting or interested from holding any district school board
1458 employment whatsoever, and the person commits a misdemeanor of
1459 the second degree, punishable as provided in s. 775.082 or s.
1460 775.083; however, ~~provided that~~ this subsection does ~~shall~~ not
1461 prevent ~~be construed as preventing~~ the adoption of any book
1462 written in whole or in part by a Florida author.

1463 Section 23. Paragraphs (b) and (e) of subsection (1) and
1464 subsections (2) and (4) of section 1006.33, Florida Statutes,
1465 are amended to read:

1466 1006.33 Bids or proposals; advertisement and its
1467 contents.—

1468 (1)

1469 (b) The advertisement shall state that, beginning in 2010-
1470 2011, each bidder shall furnish electronic specimen copies of
1471 all instructional materials submitted, at a time designated by
1472 the department, which specimen copies shall be identical with
1473 the copies approved and accepted by ~~the members of the state~~
1474 instructional materials reviewers committee, as prescribed in
1475 this section, and with the copies furnished to the department
1476 and district school superintendents, as provided in this part.
1477 Any district school superintendent who requires samples in
1478 addition to the electronic format must request those samples
1479 through the department.

1480 (e) The advertisement shall give information as to ~~how~~
1481 specifications that ~~which~~ have been adopted by the department in
1482 regard to digital specifications, including the capabilities for
1483 searching by state standards, site and student-level licensing,
1484 and format requirements ~~paper, binding, cover boards, and~~

HB 1255

2011

1485 ~~mechanical makeup can be secured.~~ In adopting specifications,
1486 the department shall make an exception for instructional
1487 materials that are college-level texts and that do not meet
1488 department ~~physical~~ specifications for secondary materials, if
1489 the publisher guarantees replacement during the term of the
1490 contract.

1491 (2) The bids submitted shall be for furnishing the
1492 designated materials in accordance with specifications of the
1493 department. The bid shall state the lowest wholesale price at
1494 which the materials will be furnished, at the time the adoption
1495 period provided in the contract begins, ~~delivered f.o.b. to the~~
1496 ~~Florida depository of the publisher, manufacturer, or bidder.~~

1497 (4) Specimen copies of all instructional materials that
1498 have been made the bases of contracts under this part shall,
1499 upon request for the purpose of public inspection, be made
1500 available by the publisher to the department and the district
1501 school superintendent of each district school board that adopts
1502 the instructional materials from the state list upon request for
1503 the purpose of public inspection. ~~All contracts and bonds~~
1504 ~~executed under this part shall be signed in triplicate. One copy~~
1505 ~~of each contract and an original of each bid, whether accepted~~
1506 ~~or rejected, shall be preserved with the department for at least~~
1507 ~~3 years after termination of the contract.~~

1508 Section 24. Subsections (1), (2), (3), and (7) of section
1509 1006.34, Florida Statutes, are amended to read:

1510 1006.34 Powers and duties of the commissioner and the
1511 department in selecting and adopting instructional materials.—

1512 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The

HB 1255

2011

1513 State Board of Education shall adopt rules prescribing
1514 ~~commissioner shall prescribe~~ the procedures by which the
1515 department shall evaluate instructional materials submitted by
1516 publishers and manufacturers in each adoption. The rules shall
1517 be exempt from the legislative ratification requirement in s.
1518 120.541(3). Included in these procedures shall be provisions
1519 affording ~~which afford~~ each publisher or manufacturer or his or
1520 her representative an opportunity to provide a virtual
1521 presentation to expert reviewers on ~~present to members of the~~
1522 ~~state instructional materials committees~~ the merits of each
1523 instructional material submitted in each adoption.

1524 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

1525 (a) The department shall notify all publishers and
1526 manufacturers of instructional materials who have submitted bids
1527 that within 3 weeks after the deadline for receiving bids, at a
1528 designated time and place, it will open the bids submitted and
1529 deposited with it. At the time and place designated, the bids
1530 shall be opened, read, and tabulated in the presence of the
1531 bidders or their representatives. No one may revise his or her
1532 bid after the bids have been filed. When all bids have been
1533 carefully considered, the commissioner shall, from the list of
1534 suitable, usable, and desirable instructional materials reported
1535 by the state instructional materials reviewers ~~committee~~, select
1536 and adopt instructional materials for each grade and subject
1537 field in the curriculum of public elementary, middle, and high
1538 schools in which adoptions are made and in the subject areas
1539 designated in the advertisement. The adoption shall continue for
1540 the period specified in the advertisement, beginning on the

HB 1255

2011

1541 ensuing April 1. The adoption shall not prevent the extension of
1542 a contract as provided in subsection (3). The commissioner shall
1543 always reserve the right to reject any and all bids. The
1544 commissioner may ask for new sealed bids from publishers or
1545 manufacturers whose instructional materials were recommended by
1546 the state instructional materials reviewers ~~committee~~ as
1547 suitable, usable, and desirable; specify the dates for filing
1548 such bids and the date on which they shall be opened; and
1549 proceed in all matters regarding the opening of bids and the
1550 awarding of contracts as required by this part. In all cases,
1551 bids shall be accompanied by a cash deposit or certified check
1552 of from \$500 to \$2,500, as the department ~~commissioner~~ may
1553 direct. The department, in adopting instructional materials,
1554 shall give due consideration both to the prices bid for
1555 furnishing instructional materials and to the report and
1556 recommendations of the state instructional materials reviewers
1557 ~~committee~~. When the commissioner has finished with the report of
1558 the state instructional materials reviewers ~~committee~~, the
1559 report shall be filed and preserved with the department and
1560 shall be available at all times for public inspection.

1561 (b) In the selection of instructional materials, library
1562 media ~~books~~, and other reading material used in the public
1563 school system, the standards used to determine the propriety of
1564 the material shall include:

1565 1. The age of the students who normally could be expected
1566 to have access to the material.

1567 2. The educational purpose to be served by the material.
1568 In considering instructional materials for classroom use,

HB 1255

2011

1569 priority shall be given to the selection of materials which
1570 encompass the state and district school board performance
1571 standards provided for in s. 1001.03(1) and which include the
1572 instructional objectives contained within the curriculum
1573 frameworks approved by rule of the State Board of Education.

1574 3. The degree to which the material would be supplemented
1575 and explained by mature classroom instruction as part of a
1576 normal classroom instructional program.

1577 4. The consideration of the broad racial, ethnic,
1578 socioeconomic, and cultural diversity of the students of this
1579 state.

1580
1581 Any ~~no~~ book or other material containing hard-core pornography
1582 or otherwise prohibited by s. 847.012 may not ~~shall~~ be used or
1583 made available within any public school district.

1584 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
1585 soon as practicable after the commissioner has adopted any
1586 instructional materials and all bidders that have secured the
1587 adoption of any instructional materials have been notified
1588 thereof by registered letter, the department ~~Department of Legal~~
1589 ~~Affairs~~ shall prepare a contract in proper form with every
1590 bidder awarded the adoption of any instructional materials. Each
1591 contract shall be executed by the commissioner ~~Governor and~~
1592 ~~Secretary of State under the seal of the state~~, one copy to be
1593 kept by the contractor, ~~one copy to be filed with the Department~~
1594 ~~of State~~, and one copy to be filed with the department. After
1595 giving due consideration to comments by the district school
1596 boards, the commissioner, with the agreement of the publisher,

HB 1255

2011

1597 may extend or shorten a contract period for a period not to
1598 exceed 2 years; and the terms of any such contract shall remain
1599 the same as in the original contract. Any publisher or
1600 manufacturer to whom any contract is let under this part must
1601 give bond in such amount as the department ~~commissioner~~
1602 requires, payable to the state, conditioned for the faithful,
1603 honest, and exact performance of the contract. The bond must
1604 provide for the payment of reasonable attorney's fees in case of
1605 recovery in any suit thereon. The surety on the bond must be a
1606 guaranty or surety company lawfully authorized to do business in
1607 the state; however, the bond shall not be exhausted by a single
1608 recovery but may be sued upon from time to time until the full
1609 amount thereof is recovered, and the department may at any time,
1610 after giving 30 days' notice, require additional security or
1611 additional bond. The form of any bond or bonds or contract or
1612 contracts under this part shall be prepared and approved by the
1613 department ~~Department of Legal Affairs~~. At the discretion of the
1614 commissioner, a publisher or manufacturer to whom any contract
1615 is let under this part may be allowed a cash deposit in lieu of
1616 a bond, conditioned for the faithful, honest, and exact
1617 performance of the contract. The cash deposit, payable to the
1618 department, shall be placed in the Textbook Bid Trust Fund. The
1619 department may recover damages on the cash deposit given by the
1620 contractor for failure to furnish instructional materials, the
1621 sum recovered to inure to the General Revenue Fund.

1622 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
1623 manufacturer of instructional materials fails or refuses to
1624 furnish ~~a book, or books, or other~~ instructional materials as

HB 1255

2011

provided in the contract, the publisher's or manufacturer's ~~his~~
~~or her~~ bond is forfeited and the commissioner must ~~department~~
~~shall~~ make another contract containing ~~on such~~ terms as
determined by it may find desirable, after giving due
~~consideration to the recommendations of the commissioner.~~

Section 25. Subsection (2) of section 1006.35, Florida
Statutes, is amended to read:

1006.35 Accuracy of instructional materials.—

(2) When errors in state-adopted materials are confirmed,
the publisher of the materials shall provide to each district
school board that has purchased the materials the corrections in
a format approved by the department ~~commissioner~~.

Section 26. Section 1006.36, Florida Statutes, is amended
to read:

1006.36 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials
must be a 5-year ~~6-year~~ period beginning on April 1 following
the adoption, except that the commissioner may approve terms of
adoption of less than 5 ~~6~~ years for materials in content areas
which require more frequent revision. Any contract for
instructional materials may be extended as prescribed in s.
1006.34(3).

(2) The department shall publish annually an official
schedule of subject areas to be called for adoption for each of
the succeeding 2 years, and a tentative schedule for years 3, 4,
and 5, ~~and 6~~. If extenuating circumstances warrant, the
commissioner may ~~order the department to~~ add one or more subject
areas to the official schedule, in which event the commissioner

HB 1255

2011

shall develop criteria for such additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 27. Section 1006.37, Florida Statutes, is repealed.

Section 28. Subsections (2), (3), (5), and (6) and subsections (11) through (17) of section 1006.38, Florida Statutes, are amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(2) Electronically deliver fully developed specimen copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education ~~each member of a state instructional materials committee. At the conclusion of the review process, manufacturers submitting samples of instructional materials are entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers are entitled to reimbursement by the individual committee members for the retail value of the samples.~~

(3) Submit, at a time designated in s. 1006.33, the following information:

HB 1255

2011

(a) Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use of the instructional tool by the district, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) Evidence ~~Written proof~~ that the publisher has provided materials that the user can vertically search, electronically gather, and organize by specific written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of electronic transmission ~~transportation to their depositories~~, may ~~shall~~ not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

(6) Reduce automatically the price of the instructional materials to any district school board to the extent that reductions are made elsewhere in the United States. Publishers may offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers in this state.

~~(11) Maintain or contract with a depository in the state.~~

~~(12) For the core subject areas specified in s. 1006.40(2), maintain in the depository for the first 2 years of the contract an inventory of instructional materials sufficient~~

HB 1255

2011

1709 ~~to receive and fill orders.~~

1710 (11)~~(13)~~ For the core subject areas specified in s.
1711 1006.40(2), ensure the availability of an inventory sufficient
1712 to receive and fill orders for instructional materials for
1713 growth, including the opening of a new school, and replacement
1714 during the 3rd and subsequent years of the original contract
1715 period.

1716 ~~(14) For all other subject areas, maintain in the~~
1717 ~~depository an inventory of instructional materials sufficient to~~
1718 ~~receive and fill orders.~~

1719 (12)~~(15)~~ Accurately and fully disclose only the names of
1720 those persons who actually authored the instructional materials.
1721 In addition to the penalties provided in subsection (14) ~~(17)~~,
1722 the commissioner may remove from the list of state-adopted
1723 instructional materials those instructional materials whose
1724 publisher or manufacturer misleads the purchaser by falsely
1725 representing genuine authorship.

1726 (13)~~(16)~~ Grant, without prior written request, for any
1727 copyright held by the publisher or its agencies automatic
1728 permission to the department or its agencies for the
1729 reproduction of instructional materials ~~textbooks~~ and
1730 supplementary materials in braille or large print or in the form
1731 of sound recordings, for use by visually impaired students or
1732 other students with disabilities that would benefit from use of
1733 the materials.

1734 (14)~~(17)~~ Upon the willful failure of the publisher or
1735 manufacturer to comply with the requirements of this section, be
1736 liable to the department in the amount of three ~~3~~ times the

HB 1255

2011

total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of three ~~3~~ times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 29. Subsection (5) of section 1006.39, Florida Statutes, is amended to read:

1006.39 Production and dissemination of educational materials and products by department.—

(5) The department shall not enter into the business of producing or publishing instructional materials ~~textbooks~~, or the contents therein, for general use in classrooms.

Section 30. Subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2)~~(a)~~ Each district school board must purchase current instructional materials to provide each student with ~~a textbook or other~~ instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. ~~Such purchase must be made within the first 2 years after the effective date of the adoption cycle; however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year for schools within the district which are identified in the top four~~

HB 1255

2011

~~categories of schools pursuant to s. 1008.33, as amended by chapter 2009-144, Laws of Florida. The Commissioner of Education may provide a waiver of this requirement for the adoption cycle occurring in the 2008-2009 academic year if the district demonstrates that it has intervention and support strategies to address the particular needs of schools in the lowest two categories. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.~~

~~(b) The requirement in paragraph (a) does not apply to contracts in existence before April 1, 2000, or to a purchase related to growth of student membership in the district or for instructional materials maintenance needs.~~

~~(3) (a) By 2012-2013, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital, electronic, or web-based instructional materials included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students at the level or levels for which the materials are designed.~~

~~(4) Funds that are not used to purchase digital or web-based instructional materials may be The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having~~

HB 1255

2011

1793 intellectual content which assist in the instruction of a
1794 subject or course. These items may be available in bound,
1795 unbound, kit, or package form and may consist of hardbacked or
1796 softbacked textbooks, electronic content, replacements for items
1797 which were part of previously purchased instructional materials,
1798 consumables, learning laboratories, manipulatives, electronic
1799 media, computer courseware or software, and other commonly
1800 accepted instructional tools as prescribed by district school
1801 board rule. If the district school board finds and declares in a
1802 resolution that all instructional materials purchases necessary
1803 to provide updated materials aligned to Next Generation Sunshine
1804 State Standards and benchmarks and that meet statutory
1805 requirements of content and learning have been completed for the
1806 fiscal year, but no sooner than March 1 of the fiscal year,
1807 available categorical funds for instructional materials may be
1808 used to purchase technology hardware that supports student
1809 access to digital instructional content. ~~The funds available to~~
1810 ~~district school boards for the purchase of materials not on the~~
1811 ~~state-adopted list may not be used to purchase electronic or~~
1812 ~~computer hardware even if such hardware is bundled with software~~
1813 ~~or other electronic media unless the district school board has~~
1814 ~~complied with the requirements in s. 1011.62(6)(b)5., nor may~~
1815 ~~such funds be used to purchase equipment or supplies. However,~~
1816 ~~when authorized to do so in the General Appropriations Act, a~~
1817 ~~school or district school board may use a portion of the funds~~
1818 ~~available to it for the purchase of materials not on the state-~~
1819 ~~adopted list to purchase science laboratory materials and~~
1820 ~~supplies.~~

HB 1255

2011

1821 Section 31. Section 1006.43, Florida Statutes, is amended
1822 to read:

1823 1006.43 Expenses; budget request.—

1824 (1) The commissioner shall include in the department's
1825 annual legislative budget a request for funds in an amount
1826 sufficient to provide the necessary expense for:

1827 (a) The instructional materials reviewers ~~committees~~.

1828 (b) Instructional materials for use by partially sighted
1829 students.

1830 (c) Other specific and necessary state expenses with
1831 regard to the instructional materials program.

1832 (2) The department may arrange for distribution adopted
1833 instructional materials that ~~textbooks which~~ are prepared in
1834 various media for the use of partially sighted children enrolled
1835 in the Florida schools.

1836 Section 32. Effective upon this act becoming a law,
1837 subsection (2) and paragraph (c) of subsection (3) of section
1838 1008.22, Florida Statutes, are amended to read:

1839 1008.22 Student assessment program for public schools.—

1840 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It
1841 is Florida's intent to participate in the measurement of
1842 national educational goals. The Commissioner of Education shall
1843 direct Florida school districts to participate in the
1844 administration of the National Assessment of Educational
1845 Progress, or ~~a~~ similar national or international assessment
1846 program, both for the national sample and for any state-by-state
1847 comparison programs which may be initiated. The assessments must
1848 be conducted using the data collection procedures, the student

HB 1255

2011

1849 surveys, the educator surveys, and other instruments included in
1850 the National Assessment of Educational Progress or similar
1851 national or international program being administered in Florida.
1852 The results of these assessments shall be included in the annual
1853 report of the Commissioner of Education specified in this
1854 section, as applicable. The administration of the National
1855 Assessment of Educational Progress or similar national or
1856 international program shall be in addition to and separate from
1857 the administration of the statewide assessment program. The
1858 requirement that school districts participate in international
1859 assessment programs shall expire June 30, 2016.

1860 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
1861 design and implement a statewide program of educational
1862 assessment that provides information for the improvement of the
1863 operation and management of the public schools, including
1864 schools operating for the purpose of providing educational
1865 services to youth in Department of Juvenile Justice programs.
1866 The commissioner may enter into contracts for the continued
1867 administration of the assessment, testing, and evaluation
1868 programs authorized and funded by the Legislature. Contracts may
1869 be initiated in 1 fiscal year and continue into the next and may
1870 be paid from the appropriations of either or both fiscal years.
1871 The commissioner is authorized to negotiate for the sale or
1872 lease of tests, scoring protocols, test scoring services, and
1873 related materials developed pursuant to law. Pursuant to the
1874 statewide assessment program, the commissioner shall:

1875 (c) Develop and implement a student achievement testing
1876 program as follows:

HB 1255

2011

1. The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine State Standards. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10 except, beginning with the 2010-2011 school year, the administration of grade 9 FCAT Mathematics shall be discontinued, and beginning with the 2011-2012 school year, the administration of grade 10 FCAT Mathematics shall be discontinued, except as required for students who have not attained minimum performance expectations for graduation as provided in paragraph (9)(c). FCAT Writing and FCAT Science shall be administered at least once at the elementary, middle, and high school levels except, beginning with the 2011-2012 school year, the administration of FCAT Science at the high school level shall be discontinued.

2.a. End-of-course assessments for a subject shall be administered in addition to the comprehensive assessments required under subparagraph 1. End-of-course assessments must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by end-of-course assessments must be aligned to the core curricular content established in the Next Generation Sunshine State Standards.

(I) Statewide, standardized end-of-course assessments in

HB 1255

2011

mathematics shall be administered according to this sub-sub-
subparagraph. Beginning with the 2010-2011 school year, all
students enrolled in Algebra I or an equivalent course must take
the Algebra I end-of-course assessment. ~~Students who earned high
school credit in Algebra I while in grades 6 through 8 during
the 2007-2008 through 2009-2010 school years and who have not
taken Grade 10 FCAT Mathematics must take the Algebra I end-of-
course assessment during the 2010-2011 school year.~~ For students
entering grade 9 during the 2010-2011 school year and who are
enrolled in Algebra I or an equivalent, each student's
performance on the end-of-course assessment in Algebra I shall
constitute 30 percent of the student's final course grade.
Beginning with students entering grade 9 in the 2011-2012 school
year, a student who is enrolled in Algebra I or an equivalent
must earn a passing score on the end-of-course assessment in
Algebra I or attain an equivalent score as described in
subsection (11) in order to earn course credit. Beginning with
the 2011-2012 school year, all students enrolled in geometry or
an equivalent course must take the geometry end-of-course
assessment. For students entering grade 9 during the 2011-2012
school year, each student's performance on the end-of-course
assessment in geometry shall constitute 30 percent of the
student's final course grade. Beginning with students entering
grade 9 during the 2012-2013 school year, a student must earn a
passing score on the end-of-course assessment in geometry or
attain an equivalent score as described in subsection (11) in
order to earn course credit.

(II) Statewide, standardized end-of-course assessments in

HB 1255

2011

science shall be administered according to this sub-sub-
subparagraph. Beginning with the 2011-2012 school year, all
students enrolled in Biology I or an equivalent course must take
the Biology I end-of-course assessment. For the 2011-2012 school
year, each student's performance on the end-of-course assessment
in Biology I shall constitute 30 percent of the student's final
course grade. Beginning with students entering grade 9 during
the 2012-2013 school year, a student must earn a passing score
on the end-of-course assessment in Biology I in order to earn
course credit.

b. During the 2012-2013 school year, an end-of-course
assessment in civics education shall be administered as a field
test at the middle school level. During the 2013-2014 school
year, each student's performance on the statewide, standardized
end-of-course assessment in civics education shall constitute 30
percent of the student's final course grade. Beginning with the
2014-2015 school year, a student must earn a passing score on
the end-of-course assessment in civics education in order to
pass the course and be promoted from the middle grades ~~receive~~
~~course credit.~~ The school principal of a middle school shall
determine, in accordance with State Board of Education rule,
whether a student who transfers to the middle school and who has
successfully completed a civics education course at the
student's previous school must take an end-of-course assessment
in civics education.

c. The commissioner may select one or more nationally
developed comprehensive examinations, which may include, but
need not be limited to, examinations for a College Board

HB 1255

2011

Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards.

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

HB 1255

2011

Senate and the Speaker of the House of Representatives no later than July 1, 2011.

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

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

5. FCAT Reading, Mathematics, and Science and all statewide, standardized end-of-course assessments shall measure the content knowledge and skills a student has attained on the assessment by the use of scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of FCAT Writing, student achievement shall be scored using a scale of 1 through 6

HB 1255

2011

and the score earned shall be used in calculating school grades. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

6. The State Board of Education shall, by rule, designate a passing score for each part of the grade 10 assessment test and end-of-course assessments. Any rule that has the effect of raising the required passing scores may apply only to students taking the assessment for the first time after the rule is adopted by the State Board of Education. Except as otherwise provided in this subparagraph and as provided in s.

1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard high school diploma.

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

8. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. A student who has not earned passing scores on the grade 10 FCAT as provided in subparagraph

HB 1255

2011

2045 6. must participate in each retake of the assessment until the
2046 student earns passing scores or achieves scores on a
2047 standardized assessment which are concordant with passing scores
2048 pursuant to subsection (10). If a student does not participate
2049 in the statewide assessment, the district must notify the
2050 student's parent and provide the parent with information
2051 regarding the implications of such nonparticipation. A parent
2052 must provide signed consent for a student to receive classroom
2053 instructional accommodations that would not be available or
2054 permitted on the statewide assessments and must acknowledge in
2055 writing that he or she understands the implications of such
2056 instructional accommodations. The State Board of Education shall
2057 adopt rules, based upon recommendations of the commissioner, for
2058 the provision of test accommodations for students in exceptional
2059 education programs and for students who have limited English
2060 proficiency. Accommodations that negate the validity of a
2061 statewide assessment are not allowable in the administration of
2062 the FCAT or an end-of-course assessment. However, instructional
2063 accommodations are allowable in the classroom if included in a
2064 student's individual education plan. Students using
2065 instructional accommodations in the classroom that are not
2066 allowable as accommodations on the FCAT or an end-of-course
2067 assessment may have the FCAT or an end-of-course assessment
2068 requirement waived pursuant to the requirements of s.
2069 1003.428(8)(b) or s. 1003.43(11)(b).

2070 9. A student seeking an adult high school diploma must
2071 meet the same testing requirements that a regular high school
2072 student must meet.

HB 1255

2011

2073 10. District school boards must provide instruction to
2074 prepare students in the core curricular content established in
2075 the Next Generation Sunshine State Standards adopted under s.
2076 1003.41, including the core content knowledge and skills
2077 necessary for successful grade-to-grade progression and high
2078 school graduation. If a student is provided with instructional
2079 accommodations in the classroom that are not allowable as
2080 accommodations in the statewide assessment program, as described
2081 in the test manuals, the district must inform the parent in
2082 writing and must provide the parent with information regarding
2083 the impact on the student's ability to meet expected performance
2084 levels in reading, writing, mathematics, and science. The
2085 commissioner shall conduct studies as necessary to verify that
2086 the required core curricular content is part of the district
2087 instructional programs.

2088 11. District school boards must provide opportunities for
2089 students to demonstrate an acceptable performance level on an
2090 alternative standardized assessment approved by the State Board
2091 of Education following enrollment in summer academies.

2092 12. The Department of Education must develop, or select,
2093 and implement a common battery of assessment tools that will be
2094 used in all juvenile justice programs in the state. These tools
2095 must accurately measure the core curricular content established
2096 in the Next Generation Sunshine State Standards.

2097 13. For students seeking a special diploma pursuant to s.
2098 1003.438, the Department of Education must develop or select and
2099 implement an alternate assessment tool that accurately measures
2100 the core curricular content established in the Next Generation

HB 1255

2011

Sunshine State Standards for students with disabilities under s. 1003.438.

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

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. The commissioner may extend the reporting schedule as he or she determines necessary.

b. Beginning with the 2010-2011 school year, FCAT Writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15, unless the commissioner determines otherwise.

HB 1255

2011

c. A statewide, standardized end-of-course assessment is administered during a 3-week period at the end of the course. The commissioner shall select a 3-week administration period for assessments that meets the intent of end-of-course assessments and provides student results prior to the end of the course. School districts shall select 1 testing week within the 3-week administration period for each end-of-course assessment. For an end-of-course assessment administered at the end of the first semester, the commissioner shall determine the most appropriate testing dates based on a school district's academic calendar.

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

Section 33. Paragraph (b) of subsection (3) and subsection

HB 1255

2011

(4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(b) For the purpose of determining whether a public school requires action to achieve a sufficient level of school improvement, the Department of Education shall annually categorize a public school in one of six categories based on the following:

1. The portion of a school's grade based on statewide assessments administered pursuant to s. 1008.22; and

2. ~~school's grade, pursuant to s. 1008.34, and~~ The level and rate of change in student performance in the areas of reading and mathematics, disaggregated into student subgroups as described in the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b) (2) (C) (v) (II).

(4) The Department of Education shall create a matrix that reflects intervention and support strategies to address the particular needs of schools in each category. For purposes of this subsection, a school's grade shall be calculated in accordance with paragraph (3) (b).

(a) Intervention and support strategies shall be applied to schools based upon the school categorization. The Department of Education shall apply the most intense intervention strategies to the lowest-performing schools. For all but the lowest category and "F" schools in the second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.

(b) Beginning with the school grades calculated in

HB 1255

2011

2185 accordance with paragraph (3)(b) for the 2010-2011 school year,

2186 the lowest-performing schools are schools that have received+

2187 ~~1. a grade of "F" in the most recent school year and in 2~~
2188 ~~4 of the last 4 6 years; or~~

2189 ~~2. A grade of "D" or "F" in the most recent school year~~
2190 ~~and meet at least three of the following criteria:~~

2191 ~~a. The percentage of students who are not proficient in~~
2192 ~~reading has increased when compared to measurements taken 5~~
2193 ~~years previously;~~

2194 ~~b. The percentage of students who are not proficient in~~
2195 ~~mathematics has increased when compared to measurements taken 5~~
2196 ~~years previously;~~

2197 ~~c. At least 65 percent of the school's students are not~~
2198 ~~proficient in reading; or~~

2199 ~~d. At least 65 percent of the school's students are not~~
2200 ~~proficient in mathematics.~~

2201 Section 34. Subsection (3) of section 1008.34, Florida
2202 Statutes, is amended to read:

2203 1008.34 School grading system; school report cards;
2204 district grade.—

2205 (3) DESIGNATION OF SCHOOL GRADES.—

2206 (a) Each school that has students who are tested and
2207 included in the school grading system shall receive a school
2208 grade, except as follows:

2209 1. A school shall not receive a school grade if the number
2210 of its students tested and included in the school grading system
2211 is less than the minimum sample size necessary, based on
2212 accepted professional practice, for statistical reliability and

HB 1255

2011

prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. 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.

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

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

a. Student achievement scores, including achievement on all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

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

c. Improvement of the lowest 25th percentile of students

HB 1255

2011

in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the schools' grade shall include the performance and participation of its students in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a.

~~3.2.~~ Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

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

c. Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;

d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

HB 1255

2011

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

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

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

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

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

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are

HB 1255

2011

subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph ~~section~~ and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital or homebound. Student assessment data for students designated as hospital or homebound shall be assigned

HB 1255

2011

2325 to their home school for the purposes of school grades. As used
2326 in this subparagraph, the term "home school" means the school to
2327 which a student would be assigned if the student were not
2328 assigned to a hospital or homebound program.

2329 5.4. For schools comprised of high school grades 9, 10,
2330 11, and 12, or grades 10, 11, and 12, the data listed in
2331 subparagraphs 1.-3. and the following data as the Department of
2332 Education determines such data are valid and available:

2333 a. The high school graduation rate of the school as
2334 calculated by the Department of Education;

2335 b. The participation rate of all eligible students
2336 enrolled in the school and enrolled in College Board Advanced
2337 Placement courses; International Baccalaureate courses; dual
2338 enrollment courses; Advanced International Certificate of
2339 Education courses; and courses or sequence of courses leading to
2340 national industry certification identified in the Industry
2341 Certification Funding List, pursuant to rules adopted by the
2342 State Board of Education;

2343 c. The aggregate scores of all eligible students enrolled
2344 in the school in College Board Advanced Placement courses,
2345 International Baccalaureate courses, and Advanced International
2346 Certificate of Education courses;

2347 d. Earning of college credit by all eligible students
2348 enrolled in the school in dual enrollment programs under s.
2349 1007.271;

2350 e. Earning of a national industry certification identified
2351 in the Industry Certification Funding List, pursuant to rules
2352 adopted by the State Board of Education;

HB 1255

2011

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

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

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

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

(d) Notwithstanding the requirements in paragraphs (b) and (c), beginning with the 2011-2012 school year, a school that does not meet the minimum proficiency standards established by the State Board of Education shall receive a school grade of "F." A definition of minimum proficiency must include a minimum percent of students proficient in reading and may include significant gains from the prior year as a condition for waiving this paragraph.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as

HB 1255

2011

described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 35. Paragraph (a) of subsection (3) of section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(3)(a) Each district school board and each community college board of trustees shall prepare, adopt, and submit to the Commissioner of Education ~~for review~~ an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

Section 36. Subsection (4) of section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

(4) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings

HB 1255

2011

2409 shall be primarily for the purpose of hearing requests and
2410 complaints from the public regarding the budgets and the
2411 proposed tax levies and for explaining the budget and proposed
2412 or adopted amendments thereto, if any. The district school board
2413 shall then require the superintendent to transmit forthwith two
2414 copies of the adopted budget to the Department of Education ~~for~~
2415 ~~approval~~ as prescribed by law and rules of the State Board of
2416 Education.

2417 Section 37. Subsection (1) of section 1011.61, Florida
2418 Statutes, is amended to read:

2419 1011.61 Definitions.—Notwithstanding the provisions of s.
2420 1000.21, the following terms are defined as follows for the
2421 purposes of the Florida Education Finance Program:

2422 (1) A "full-time equivalent student" in each program of
2423 the district is defined in terms of full-time students and part-
2424 time students as follows:

2425 (a) A "full-time student" is one student on the membership
2426 roll of one school program or a combination of school programs
2427 listed in s. 1011.62(1)(c) for the school year or the equivalent
2428 for:

2429 1. Instruction in a standard school, comprising not less
2430 than 900 net hours for a student in or at the grade level of 4
2431 through 12, or not less than 720 net hours for a student in or
2432 at the grade level of kindergarten through grade 3 or in an
2433 authorized prekindergarten exceptional program;

2434 2. Instruction in a double-session school or a school
2435 utilizing an experimental school calendar approved by the
2436 Department of Education, comprising not less than the equivalent

HB 1255

2011

of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or

3. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A "part-time student" is a student on the active membership roll of a school program or combination of school programs listed in s. 1011.62(1)(c) who is less than a full-time student.

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s.

HB 1255

2011

1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a school district virtual instruction program under s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 8 ~~12~~ in a school district virtual instruction program under s. 1002.45(1)(b)1. ~~and 2.~~ shall consist of six full successful course ~~credit~~ completions in programs listed in s. 1011.62(1)(c)1.b. ~~or c. and 3.~~ A full-time equivalent student for students in grades 9 through 12 in a school district virtual instruction program under s. 1002.45(1)(b)1. and 2. shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.c. or 3. Successful course ~~Credit~~ completions for students in grades 6 through 8 can be a combination of either

HB 1255

2011

2493 successful semester or full-course completions ~~full credits or~~
2494 ~~half credits.~~ Successful credit completions for students in
2495 grades 9 through 12 can be a combination of either credits or
2496 half credits.

2497 (V) A Florida Virtual School full-time equivalent student
2498 shall consist of six full successful course completions for
2499 students in grades 4 through 8 ~~credit completions~~ in the
2500 programs listed in s. 1011.62(1)(c)1.b. ~~for grades 6 through 8~~
2501 ~~and the programs listed in s. 1011.62(1)(c)1.c. for grades 9~~
2502 ~~through 12.~~ A Florida Virtual School full-time equivalent
2503 student shall consist of six full credit completions for grades
2504 9 through 12 in the programs listed in s. 1011.62(1)(c)1.c. and
2505 3. Credit or course completions can be a combination of either
2506 successful semester or full-course completions for grades 6
2507 through 8 and full credits and half-credits for grades 9 through
2508 12 ~~full credits or half credits.~~

2509 (VI) Each successfully completed credit earned under the
2510 alternative high school course credit requirements authorized in
2511 s. 1002.375, which is not reported as a portion of the 900 net
2512 hours of instruction pursuant to subparagraph (1)(a)1., shall be
2513 calculated as 1/6 FTE.

2514 2. A student in membership in a program scheduled for more
2515 or less than 180 school days or the equivalent on an hourly
2516 basis as specified by rules of the State Board of Education is a
2517 fraction of a full-time equivalent membership equal to the
2518 number of instructional hours in membership divided by the
2519 appropriate number of hours set forth in subparagraph (a)1.;

2520 however, for the purposes of this subparagraph, membership in

HB 1255

2011

programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 38. Paragraph (p) of subsection (1) and paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(p) *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.*—A maximum value of 0.3 full-

HB 1255

2011

time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. The value of the full-time equivalent student membership shall be determined by weights adopted by the State Board of Education pursuant to s. 1003.492.

Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may

HB 1255

2011

consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.
5. ~~Funds for instructional materials if all instructional~~

~~material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011. Funds available after March 1 may be used to purchase hardware for student instruction.~~

Section 39. Subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(a) Substitute teachers to be employed pursuant to s. 1012.35. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 1012.32; documentation of a minimum education level of a high

HB 1255

2011

2605 school diploma or equivalent; and completion of an initial
2606 orientation and training program in district policies and
2607 procedures addressing school safety and security procedures,
2608 educational liability laws, professional responsibilities, and
2609 ethics.

2610 (b) Part-time and full-time teachers in adult education
2611 programs. The qualifications shall require the filing of a
2612 complete set of fingerprints in the same manner as required by
2613 s. 1012.32. Faculty employed solely to conduct postsecondary
2614 instruction may be exempted from this requirement.

2615 (c) Part-time and full-time nondegreed teachers of career
2616 programs. Qualifications shall be established for nondegreed
2617 teachers of career and technical education courses for program
2618 clusters that are recognized in the state and ~~agriculture,~~
2619 ~~business, health occupations, family and consumer sciences,~~
2620 ~~industrial, marketing, career specialist, and public service~~
2621 ~~education teachers,~~ based primarily on successful occupational
2622 experience rather than academic training. The qualifications for
2623 such teachers shall require:

2624 1. The filing of a complete set of fingerprints in the
2625 same manner as required by s. 1012.32. Faculty employed solely
2626 to conduct postsecondary instruction may be exempted from this
2627 requirement.

2628 2. Documentation of education and successful occupational
2629 experience including documentation of:

2630 a. A high school diploma or the equivalent.

2631 b. Completion of 6 years of full-time successful
2632 occupational experience or the equivalent of part-time

HB 1255

2011

experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the district school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

f. Documentation of industry certification when state or national industry certifications are available and applicable.

Section 40. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2011.