

1                               A bill to be entitled  
2       An act relating to education accountability; amending s.  
3       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 Office of the Commissioner of Education;  
7       amending s. 1001.42, F.S.; revising the powers and duties  
8       of district school boards relating to student access to  
9       Florida Virtual School courses; creating s. 1001.421,  
10      F.S.; prohibiting district school board members and their  
11      relatives from soliciting or accepting certain gifts;  
12      amending s. 1002.37, F.S.; conforming provisions to  
13      changes made by the act; amending s. 1002.38, F.S.;  
14      providing that school grades shall be based on statewide  
15      assessments for purposes of the Opportunity Scholarship  
16      Program; amending s. 1002.39, F.S.; providing requirements  
17      for determining the end of the term of a John M. McKay  
18      Scholarship; amending s. 1002.45, F.S.; revising  
19      provisions relating to virtual instruction program  
20      provider qualifications; amending s. 1002.66, F.S.;  
21      providing an additional instructional service for children  
22      with disabilities in the Voluntary Prekindergarten  
23      Education Program; amending s. 1002.67, F.S.; requiring  
24      that the State Board of Education periodically review and  
25      revise the performance standards for the statewide  
26      kindergarten screening; amending s. 1002.69, F.S.;  
27      authorizing nonpublic schools to administer the statewide  
28      kindergarten screening to kindergarten students who were

29 enrolled in the Voluntary Prekindergarten Education  
30 Program; revising provisions relating to the minimum  
31 kindergarten readiness rate and criteria for good cause  
32 exemptions from meeting the requirement; requiring  
33 prekindergarten enrollment screening and post-assessment  
34 under certain circumstances; amending s. 1002.71, F.S.;  
35 providing that a child may reenroll more than once in a  
36 prekindergarten program if granted a good cause exemption;  
37 amending s. 1002.73, F.S.; requiring the Department of  
38 Education to adopt procedures relating to prekindergarten  
39 enrollment screening, the standardized post-assessment,  
40 and reporting of the results of readiness measures;  
41 amending s. 1003.01, F.S.; providing an additional special  
42 education service; amending s. 1003.4156, F.S.; revising  
43 the general requirements for middle grades promotion;  
44 providing that a student with a disability may have end-  
45 of-course assessment results waived under certain  
46 circumstances; providing that a middle grades student may  
47 be exempt from reading remediation requirements under  
48 certain circumstances; creating s. 1003.4203, F.S.;  
49 authorizing each district school board to develop and  
50 implement a digital curriculum for students in grades 6  
51 through 12; requiring the Department of Education to  
52 develop a model digital curriculum; authorizing  
53 partnerships with private businesses and consultants;  
54 amending s. 1003.428, F.S.; revising provisions relating  
55 to the general requirements for high school graduation;  
56 providing that a high school student may be exempt from

57        reading remediation requirements under certain  
58        circumstances; amending s. 1003.429, F.S.; revising  
59        provisions relating to the selection of accelerated high  
60        school graduation options; amending s. 1003.491, F.S.;  
61        revising provisions relating to the development, contents,  
62        and approval of the strategic plan to address workforce  
63        needs; amending s. 1003.493, F.S.; revising requirements  
64        for career and professional academies and enrollment of  
65        students; creating s. 1003.4935, F.S.; requiring each  
66        district school board to develop a plan to implement a  
67        career and professional academy in at least one middle  
68        school; providing requirements for middle school career  
69        and professional academies and academy courses; amending  
70        s. 1003.573, F.S.; revising provisions relating to the use  
71        of restraint and seclusion on students with disabilities;  
72        requiring that certain information be included in incident  
73        reports; revising provisions relating to school district  
74        policies and procedures to include setting goals for the  
75        reduction of restraint and seclusion; requiring the State  
76        Board of Education to adopt rules defining terms and  
77        identifying additional variables to be documented in  
78        incident reports and standards for documentation and  
79        reporting; providing for application of specified  
80        provisions of the act; amending s. 1012.582, F.S.;  
81        conforming provisions to changes made by the act; amending  
82        s. 1003.575, F.S.; providing requirements for completion  
83        of an assistive technology assessment; amending s.  
84        1008.22, F.S.; revising provisions relating to the student

85        assessment program for public schools; requiring that the  
86        Commissioner of Education direct school districts to  
87        participate in certain international assessment programs;  
88        authorizing a school principal to exempt certain students  
89        from the end-of-course assessment in civics education;  
90        revising provisions relating to administration and  
91        reporting of results of assessments; amending s. 1008.30,  
92        F.S.; revising provisions relating to evaluation of  
93        college readiness and providing for postsecondary  
94        preparatory instruction; requiring the State Board of  
95        Education to adopt certain rules; amending s. 1008.33,  
96        F.S.; revising provisions relating to public school  
97        improvement; requiring the Department of Education to  
98        categorize public schools based on a school's grade that  
99        relies on statewide assessments; amending s. 1008.34,  
100       F.S.; revising the basis for the designation of school  
101       grades; including achievement scores and learning gains  
102       for students who are hospital or homebound; amending s.  
103       1011.01, F.S.; revising provisions relating to the annual  
104       operating budgets of district school boards and Florida  
105       College System institution boards of trustees; amending s.  
106       1011.03, F.S.; revising provisions relating to adopted  
107       district school board budgets; creating s. 1011.035, F.S.;  
108       requiring each school district to post budgetary  
109       information on its website; amending s. 1011.62, F.S.;  
110       revising provisions relating to the funding model for  
111       exceptional student education programs; requiring the  
112       Department of Education to revise the descriptions of

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113 services and to implement the revisions; amending s.  
114 1012.39, F.S.; revising provisions relating to the  
115 qualifications for nondegreed teachers of career  
116 education; providing effective dates.

117  
118 Be It Enacted by the Legislature of the State of Florida:

119  
120 Section 1. Paragraph (a) of subsection (4) of section  
121 1001.20, Florida Statutes, is amended to read:

122 1001.20 Department under direction of state board.—

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

127 (a) Office of Technology and Information Services.—  
128 Responsible for developing a systemwide technology plan, making  
129 budget recommendations to the commissioner, providing data  
130 collection and management for the system, assisting school  
131 districts in securing Internet access and telecommunications  
132 services, including those eligible for funding under the Schools  
133 and Libraries Program of the federal Universal Service Fund, and  
134 coordinating services with other state, local, and private  
135 agencies. The office shall develop a method to address the need  
136 for a statewide approach to planning and operations of library  
137 and information services to achieve a single K-20 education  
138 system library information portal and a unified higher education  
139 library management system. ~~The Florida Virtual School shall be~~  
140 ~~administratively housed within the office.~~

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

143 1001.42 Powers and duties of district school board.—The  
144 district school board, acting as a board, shall exercise all  
145 powers and perform all duties listed below:

146 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access  
147 to ~~enroll in~~ courses available through the Florida Virtual  
148 School and award credit for successful completion of such  
149 courses. Access shall be available to students during and ~~or~~  
150 after the normal school day and through summer school  
151 enrollment.

152 Section 3. Section 1001.421, Florida Statutes, is created  
153 to read:

154 1001.421 Gifts.—Notwithstanding any other provision of law  
155 to the contrary, district school board members and their  
156 relatives, as defined in s. 112.312(21), may not directly or  
157 indirectly solicit any gift, or directly or indirectly accept  
158 any gift in excess of \$50, from any person, vendor, potential  
159 vendor, or other entity doing business with the school district.  
160 The term "gift" has the same meaning as in s. 112.312(12).

161 Section 4. Paragraph (a) of subsection (1) of section  
162 1002.37, Florida Statutes, is amended to read:

163 1002.37 The Florida Virtual School.—

164 (1)(a) The Florida Virtual School is established for the  
165 development and delivery of online and distance learning  
166 education ~~and shall be administratively housed within the~~  
167 ~~Commissioner of Education's Office of Technology and Information~~  
168 ~~Services~~. The Commissioner of Education shall monitor the

169 school's performance and report its performance to the State  
170 Board of Education and the Legislature.

171  
172 The board of trustees of the Florida Virtual School shall  
173 identify appropriate performance measures and standards based on  
174 student achievement that reflect the school's statutory mission  
175 and priorities, and shall implement an accountability system for  
176 the school that includes assessment of its effectiveness and  
177 efficiency in providing quality services that encourage high  
178 student achievement, seamless articulation, and maximum access.

179 Section 5. Subsection (2) and paragraph (a) of subsection  
180 (3) of section 1002.38, Florida Statutes, are amended to read:

181 1002.38 Opportunity Scholarship Program.—

182 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—For purposes of  
183 this section, a school's grade shall be based upon statewide  
184 assessments administered pursuant to s. 1008.22. A public school  
185 student's parent may request and receive from the state an  
186 opportunity scholarship for the student to enroll in and attend  
187 a private school in accordance with the provisions of this  
188 section if:

189 (a)1. By assigned school attendance area or by special  
190 assignment, the student has spent the prior school year in  
191 attendance at a public school that has been designated ~~pursuant~~  
192 ~~to s. 1008.34~~ as performance grade category "F," failing to make  
193 adequate progress, and that has had 2 school years in a 4-year  
194 period of such low performance, and the student's attendance  
195 occurred during a school year in which such designation was in  
196 effect;

197           2. The student has been in attendance elsewhere in the  
198 public school system and has been assigned to such school for  
199 the next school year; or

200           3. The student is entering kindergarten or first grade and  
201 has been notified that the student has been assigned to such  
202 school for the next school year.

203           (b) The parent has obtained acceptance for admission of  
204 the student to a private school eligible for the program  
205 pursuant to subsection (4), and has notified the Department of  
206 Education and the school district of the request for an  
207 opportunity scholarship no later than July 1 of the first year  
208 in which the student intends to use the scholarship.

209  
210 The provisions of this section shall not apply to a student who  
211 is enrolled in a school operating for the purpose of providing  
212 educational services to youth in Department of Juvenile Justice  
213 commitment programs. For purposes of continuity of educational  
214 choice, the opportunity scholarship shall remain in force until  
215 the student returns to a public school or, if the student  
216 chooses to attend a private school the highest grade of which is  
217 grade 8, until the student matriculates to high school and the  
218 public high school to which the student is assigned is an  
219 accredited school with a performance grade category designation  
220 of "C" or better. However, at any time upon reasonable notice to  
221 the Department of Education and the school district, the  
222 student's parent may remove the student from the private school  
223 and place the student in a public school, as provided in  
224 subparagraph (3)(a)2.



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## (3) SCHOOL DISTRICT OBLIGATIONS.—

(a) A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category "F" for 2 school years in a 4-year period:

1. Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this section.

2. Offer that student's parent an opportunity to enroll the student in the public school within the district that has been designated by the state ~~pursuant to s. 1008.34~~ as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." The parent is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

Section 6. Paragraph (a) of subsection (4) of section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

## (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

(a) For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school,

253 or reaches the age of 22, whichever occurs first. A scholarship  
254 student who enrolls in a public school or public school program  
255 is considered to have returned to a public school for the  
256 purpose of determining the end of the scholarship's term.  
257 However, if a student enters a Department of Juvenile Justice  
258 detention center for a period of no more than 21 days, the  
259 student is not considered to have returned to a public school  
260 for that purpose.

261 Section 7. Paragraph (b) of subsection (2) of section  
262 1002.45, Florida Statutes, is amended to read:

263 1002.45 School district virtual instruction programs.—

264 (2) PROVIDER QUALIFICATIONS.—

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

270 Section 8. Paragraph (e) is added to subsection (2) of  
271 section 1002.66, Florida Statutes, to read:

272 1002.66 Specialized instructional services for children  
273 with disabilities.—

274 (2) The parent of a child who is eligible for the  
275 prekindergarten program for children with disabilities may  
276 select one or more specialized instructional services that are  
277 consistent with the child's individual educational plan. These  
278 specialized instructional services may include, but are not  
279 limited to:

280        (e) Listening and Spoken Language specialists for any  
281 child who is deaf or hard of hearing and has received an implant  
282 or assistive hearing device.

283        Section 9. Subsection (1) and paragraph (c) of subsection  
284 (3) of section 1002.67, Florida Statutes, are amended to read:

285        1002.67 Performance standards; curricula and  
286 accountability.—

287        (1)(a) By April 1, 2005, the department shall develop and  
288 adopt performance standards for students in the Voluntary  
289 Prekindergarten Education Program. The performance standards  
290 must address the age-appropriate progress of students in the  
291 development of:

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

294        2.~~(b)~~ Emergent literacy skills, including oral  
295 communication, knowledge of print and letters, phonemic and  
296 phonological awareness, and vocabulary and comprehension  
297 development.

298        (b) The State Board of Education shall periodically review  
299 and revise the performance standards for the statewide  
300 kindergarten screening administered under s. 1002.69 and align  
301 the standards to the standards established by the state board  
302 for student performance on the statewide assessments  
303 administered pursuant to s. 1008.22.

304        (3)

305        (c)1. If the kindergarten readiness rate of a private  
306 prekindergarten provider or public school falls below the  
307 minimum rate adopted by the State Board of Education as

308 satisfactory under s. 1002.69(6), the early learning coalition  
309 or school district, as applicable, shall require the provider or  
310 school to submit an improvement plan for approval by the  
311 coalition or school district, as applicable, and to implement  
312 the plan.

313       2. If a private prekindergarten provider or public school  
314 fails to meet the minimum rate adopted by the State Board of  
315 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~  
316 ~~years~~, the early learning coalition or school district, as  
317 applicable, shall place the provider or school on probation and  
318 must require the provider or school to take certain corrective  
319 actions, including the use of a curriculum approved by the  
320 department under paragraph (2)(c).

321       3. A private prekindergarten provider or public school  
322 that is placed on probation must continue the corrective actions  
323 required under subparagraph 2., including the use of a  
324 curriculum approved by the department, until the provider or  
325 school meets the minimum rate adopted by the State Board of  
326 Education as satisfactory under s. 1002.69(6).

327       4. If a private prekindergarten provider or public school  
328 remains on probation for 2 consecutive years and fails to meet  
329 the minimum rate adopted by the State Board of Education as  
330 satisfactory under s. 1002.69(6) and is not granted a good cause  
331 exemption by the department pursuant to s. 1002.69(7), the  
332 Agency for Workforce Innovation shall require the early learning  
333 coalition or the Department of Education shall require the  
334 school district to remove, as applicable, the provider or school

335 from eligibility to deliver the Voluntary Prekindergarten  
336 Education Program and receive state funds for the program.

337 Section 10. Subsections (1), (5), and (6) and paragraphs  
338 (b) and (c) of subsection (7) of section 1002.69, Florida  
339 Statutes, are amended to read:

340 1002.69 Statewide kindergarten screening; kindergarten  
341 readiness rates; state-approved prekindergarten enrollment  
342 screening; good cause exemption.—

343 (1) The department shall adopt a statewide kindergarten  
344 screening that assesses the readiness of each student for  
345 kindergarten based upon the performance standards adopted by the  
346 department under s. 1002.67(1) for the Voluntary Prekindergarten  
347 Education Program. The department shall require that each school  
348 district administer the statewide kindergarten screening to each  
349 kindergarten student in the school district within the first 30  
350 school days of each school year. Nonpublic schools may  
351 administer the statewide kindergarten screening to each  
352 kindergarten student in a nonpublic school who was enrolled in  
353 the Voluntary Prekindergarten Education Program.

354 (5) The State Board of Education shall adopt procedures  
355 for the department to annually calculate each private  
356 prekindergarten provider's and public school's kindergarten  
357 readiness rate, which must be expressed as the percentage of the  
358 provider's or school's students who are assessed as ready for  
359 kindergarten. The kindergarten readiness rates must be based  
360 exclusively upon the results of the statewide kindergarten  
361 screening for students completing the Voluntary Prekindergarten  
362 Education Program, beginning with students completing the

363 program during the 2005-2006 school year who are administered  
364 the statewide kindergarten screening during the 2006-2007 school  
365 year. The methodology for calculating each provider's  
366 kindergarten readiness rate must include the percentage of  
367 students who meet all state readiness measures. The rates must  
368 not include students who are not administered the statewide  
369 kindergarten screening.

370 (6) ~~(a)~~ The State Board of Education shall periodically  
371 adopt a minimum kindergarten readiness rate that, if achieved by  
372 a private prekindergarten provider or public school, would  
373 demonstrate the provider's or school's satisfactory delivery of  
374 the Voluntary Prekindergarten Education Program.

375 ~~(b) The minimum rate must not exceed the rate at which~~  
376 ~~more than 15 percent of the kindergarten readiness rates of all~~  
377 ~~private prekindergarten providers and public schools delivering~~  
378 ~~the Voluntary Prekindergarten Education Program in the state~~  
379 ~~would fall below the minimum rate.~~

380 (7)

381 (b) A private prekindergarten provider's or public  
382 school's request for a good cause exemption, or renewal of such  
383 an exemption, must be submitted to the state board in the manner  
384 and within the timeframes prescribed by the state board and must  
385 include the following:

386 1. Submission of data by the private prekindergarten  
387 provider or public school which documents ~~on a standardized~~  
388 ~~assessment~~ the achievement and progress of the children served  
389 as measured by the state-approved prekindergarten enrollment

390 screening and the standardized post-assessment approved by the  
391 department pursuant to subparagraph (c)1.

392       2. Submission and review of data available from the  
393 respective early learning coalition or district school board,  
394 the Department of Children and Family Services, local licensing  
395 authority, or an accrediting association, as applicable,  
396 relating to the private prekindergarten provider's or public  
397 school's compliance with state and local health and safety  
398 standards.

399       3. Submission and review of data available to the  
400 department on the performance of the children served and the  
401 calculation of the private prekindergarten provider's or public  
402 school's kindergarten readiness rate.

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

406       1. Learning gains of children served in the Voluntary  
407 Prekindergarten Education Program by the private prekindergarten  
408 provider or public school. A provider seeking a good cause  
409 exemption shall have the early learning coalition or a  
410 department-approved second party administer the state-approved  
411 prekindergarten enrollment screening to each child in the  
412 prekindergarten provider's program within the first 30 days of  
413 each school year for which a good cause exemption is sought, and  
414 the provider shall administer the standardized post-assessment  
415 approved by the department to measure the student's learning  
416 gains for the year or summer, as appropriate. All data must be  
417 submitted to the department within 30 days after the

418 administration of each assessment. Each parent who enrolls his  
419 or her child in a Voluntary Prekindergarten Education Program  
420 offered by a provider seeking a good cause exemption must submit  
421 the child for the state-approved prekindergarten enrollment  
422 screening.

423 ~~2. Verification that the private prekindergarten provider~~  
424 ~~or public school serves at least twice the statewide percentage~~  
425 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~  
426 ~~children identified as limited English proficient as defined in~~  
427 ~~s. 1003.56.~~

428 ~~2.3.~~ Verification that local and state health and safety  
429 requirements are met.

430 Section 11. Subsection (4) of section 1002.71, Florida  
431 Statutes, is amended to read:

432 1002.71 Funding; financial and attendance reporting.—

433 (4) Notwithstanding s. 1002.53(3) and subsection (2):

434 (a) A child who, for any of the prekindergarten programs  
435 listed in s. 1002.53(3), has not completed more than 70 percent  
436 of the hours authorized to be reported for funding under  
437 subsection (2), or has not expended more than 70 percent of the  
438 funds authorized for the child under s. 1002.66, may withdraw  
439 from the program for good cause and reenroll in one of the  
440 programs. The total funding for a child who reenrolls in one of  
441 the programs for good cause may not exceed one full-time  
442 equivalent student. Funding for a child who withdraws and  
443 reenrolls in one of the programs for good cause shall be issued  
444 in accordance with the agency's uniform attendance policy  
445 adopted pursuant to paragraph (6)(d).



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(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good cause exemption under this subsection. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

Section 12. Subsection (2) of section 1002.73, Florida Statutes, is amended to read:

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

(2) The department shall adopt procedures for its:

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

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

474 (c) Administration of the statewide kindergarten screening  
475 and calculation of kindergarten readiness rates under s.  
476 1002.69.

477 (d) Implementation of, and determination of costs  
478 associated with, the state-approved prekindergarten enrollment  
479 screening and the standardized post-assessment approved by the  
480 department and determination of the learning gains of students  
481 who complete the state-approved prekindergarten enrollment  
482 screening and the standardized post-assessment approved by the  
483 department.

484 (e) ~~(d)~~ Approval of specialized instructional services  
485 providers under s. 1002.66.

486 (f) Annual reporting of the percentage of kindergarten  
487 students who meet all state readiness measures.

488 (g) ~~(e)~~ Granting of a private prekindergarten provider's or  
489 public school's request for a good cause exemption under s.  
490 1002.69(7).

491 Section 13. Paragraph (b) of subsection (3) of section  
492 1003.01, Florida Statutes, is amended to read:

493 1003.01 Definitions.—As used in this chapter, the term:

494 (3)

495 (b) "Special education services" means specially designed  
496 instruction and such related services as are necessary for an  
497 exceptional student to benefit from education. Such services may  
498 include: transportation; diagnostic and evaluation services;  
499 social services; physical and occupational therapy; speech and  
500 language pathology services; job placement; orientation and  
501 mobility training; braillists, typists, and readers for the

502 blind; interpreters and auditory amplification; services  
503 provided by a certified Listening and Spoken Language  
504 specialist; rehabilitation counseling; transition services;  
505 mental health services; guidance and career counseling;  
506 specified materials, assistive technology devices, and other  
507 specialized equipment; and other such services as approved by  
508 rules of the state board.

509 Section 14. Subsection (1) of section 1003.4156, Florida  
510 Statutes, is amended to read:

511 1003.4156 General requirements for middle grades  
512 promotion.—

513 ~~(1) Beginning with students entering grade 6 in the 2006-~~  
514 ~~2007 school year,~~ Promotion from a school composed of middle  
515 grades 6, 7, and 8 requires that:

516 (a) The student must successfully complete academic  
517 courses as follows:

518 1. Three middle school or higher courses in English. These  
519 courses shall emphasize literature, composition, and technical  
520 text.

521 2. Three middle school or higher courses in mathematics.  
522 Each middle school must offer at least one high school level  
523 mathematics course for which students may earn high school  
524 credit. Successful completion of a high school level Algebra I  
525 or geometry course is not contingent upon the student's  
526 performance on the end-of-course assessment required under s.  
527 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012  
528 school year, to earn high school credit for an Algebra I course,  
529 a middle school student must pass the Algebra I end-of-course

530 assessment, and beginning with the 2012-2013 school year, to  
531 earn high school credit for a geometry course, a middle school  
532 student must pass the geometry end-of-course assessment.

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

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

553 5. One course in career and education planning to be  
554 completed in 7th or 8th grade. The course may be taught by any  
555 member of the instructional staff; must include career  
556 exploration using Florida CHOICES or a comparable cost-effective  
557 program; must include educational planning using the online

558 student advising system known as Florida Academic Counseling and  
559 Tracking for Students at the Internet website FACTS.org; and  
560 shall result in the completion of a personalized academic and  
561 career plan. The required personalized academic and career plan  
562 must inform students of high school graduation requirements,  
563 high school assessment and college entrance test requirements,  
564 Florida Bright Futures Scholarship Program requirements, state  
565 university and Florida college admission requirements, and  
566 programs through which a high school student can earn college  
567 credit, including Advanced Placement, International  
568 Baccalaureate, Advanced International Certificate of Education,  
569 dual enrollment, career academy opportunities, and courses that  
570 lead to national industry certification.

571  
572 A student with a disability, as defined in s. 1007.02(2), for  
573 whom the individual education plan team determines that an end-  
574 of-course assessment cannot accurately measure the student's  
575 abilities, taking into consideration all allowable  
576 accommodations, shall have the end-of-course assessment results  
577 waived for purposes of determining the student's course grade  
578 and completing the requirements for middle grades promotion.

579 Each school must hold a parent meeting either in the evening or  
580 on a weekend to inform parents about the course curriculum and  
581 activities. Each student shall complete an electronic personal  
582 education plan that must be signed by the student; the student's  
583 instructor, guidance counselor, or academic advisor; and the  
584 student's parent. The Department of Education shall develop  
585 course frameworks and professional development materials for the

586 career exploration and education planning course. The course may  
587 be implemented as a stand-alone course or integrated into  
588 another course or courses. The Commissioner of Education shall  
589 collect longitudinal high school course enrollment data by  
590 student ethnicity in order to analyze course-taking patterns.

591 (b) For each year in which a student scores at Level 1 on  
592 FCAT Reading, the student must be enrolled in and complete an  
593 intensive reading course the following year. Placement of Level  
594 2 readers in either an intensive reading course or a content  
595 area course in which reading strategies are delivered shall be  
596 determined by diagnosis of reading needs. The department shall  
597 provide guidance on appropriate strategies for diagnosing and  
598 meeting the varying instructional needs of students reading  
599 below grade level. Reading courses shall be designed and offered  
600 pursuant to the comprehensive reading plan required by s.

601 1011.62(9). A middle grades student who scores at Level 1 or  
602 Level 2 on FCAT Reading but who did not score below Level 3 in  
603 the previous 3 years may be granted a 1-year exemption from the  
604 reading remediation requirement; however, the student must have  
605 an approved academic improvement plan already in place, signed  
606 by the appropriate school staff and the student's parent, for  
607 the year for which the exemption is granted.

608 (c) For each year in which a student scores at Level 1 or  
609 Level 2 on FCAT Mathematics, the student must receive  
610 remediation the following year, which may be integrated into the  
611 student's required mathematics course.

612 Section 15. Section 1003.4203, Florida Statutes, is  
613 created to read:

614       1003.4203 Digital curriculum.—

615       (1) Each district school board, in consultation with the  
616 district school superintendent, may develop and implement a  
617 digital curriculum for students in grades 6 through 12 to enable  
618 students to attain competencies in web communications and web  
619 design. A digital curriculum may include web-based skills, web-  
620 based core technologies, web design, use of digital technologies  
621 and markup language to evidence competency in computer skills,  
622 and use of web-based core technologies to design creative,  
623 informational, and content standards for web-based digital  
624 products that demonstrate proficiency in creating, publishing,  
625 testing, monitoring, and maintaining a website.

626       (2) The digital curriculum instruction may be integrated  
627 into middle school and high school subject area curricula or  
628 offered as a separate course, subject to available funding.

629       (3) The Department of Education shall develop a model  
630 digital curriculum to serve as a guide for district school  
631 boards in the development of a digital curriculum.

632       (4) A district school board may seek partnerships with  
633 private businesses and consultants to offer classes and  
634 instruction to teachers and students to assist the school  
635 district in providing digital curriculum instruction.

636       Section 16. Paragraph (b) of subsection (2) of section  
637 1003.428, Florida Statutes, is amended to read:

638       1003.428 General requirements for high school graduation;  
639 revised.—

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

643 (b) Eight credits in electives.

644 1. For each year in which a student scores at Level 1 on  
645 FCAT Reading, the student must be enrolled in and complete an  
646 intensive reading course the following year. Placement of Level  
647 2 readers in either an intensive reading course or a content  
648 area course in which reading strategies are delivered shall be  
649 determined by diagnosis of reading needs. The department shall  
650 provide guidance on appropriate strategies for diagnosing and  
651 meeting the varying instructional needs of students reading  
652 below grade level. Reading courses shall be designed and offered  
653 pursuant to the comprehensive reading plan required by s.

654 1011.62(9). A high school student who scores at Level 1 or Level  
655 2 on FCAT Reading but who did not score below Level 3 in the  
656 previous 3 years may be granted a 1-year exemption from the  
657 reading remediation requirement; however, the student must have  
658 an approved academic improvement plan already in place, signed  
659 by the appropriate school staff and the student's parent, for  
660 the year for which the exemption is granted.

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



667 Section 17. Subsections (2), (3), (4), and (7) of section  
668 1003.429, Florida Statutes, are amended to read:

669 1003.429 Accelerated high school graduation options.—

670 (2) Prior to selecting a program described in paragraph  
671 (1)(b) or paragraph (1)(c), a student and the student's parent  
672 should ~~must~~ meet with designated school personnel to receive an  
673 explanation of the relative requirements, advantages, and  
674 disadvantages of each program option, and the student must ~~also~~  
675 receive the written consent of the student's parent. If an  
676 effort to meet with the student's parent fails and that effort  
677 has been documented by designated school personnel, the student  
678 may select a program described in paragraph (1)(b) or paragraph  
679 (1)(c) with the written consent of the student's parent. A  
680 student may select a program described in paragraph (1)(b) or  
681 paragraph (1)(c) without the written consent of the student's  
682 parent if the student is 18 years of age or older.

683 (3) Beginning with the 2011-2012 ~~2006-2007~~ school year,  
684 each district school board shall provide each student in grades  
685 6 through 12 ~~9~~ and their parents with information concerning the  
686 3-year and 4-year high school graduation options listed in  
687 subsection (1), including the respective curriculum requirements  
688 for those options, so that the students and their parents may  
689 select the program that best fits their needs. The information  
690 must include a timeframe for achieving each graduation option.

691 (4) Selection of one of the graduation options listed in  
692 subsection (1) may ~~must~~ be completed by the student at any time  
693 during grades 9 through 12 ~~prior to the end of grade 9 and is~~  
694 ~~exclusively up to the student and parent, subject to the~~

695 requirements in subsection (2). ~~Each district school board shall~~  
696 ~~establish policies for extending this deadline to the end of a~~  
697 ~~student's first semester of grade 10 for a student who entered a~~  
698 ~~Florida public school after grade 9 upon transfer from a private~~  
699 ~~school or another state or who was prevented from choosing a~~  
700 ~~graduation option due to illness during grade 9.~~ If the student  
701 and parent fail to select one of the accelerated high school  
702 graduation options ~~a graduation option~~, the student shall be  
703 considered to have selected the general requirements for high  
704 school graduation pursuant to paragraph (1)(a).

705 (7) If, at the end of each grade ~~10~~, a student is not on  
706 track to meet the credit, assessment, or grade-point-average  
707 requirements of the accelerated graduation option selected, the  
708 school shall notify the student and parent of the following:

709 (a) The requirements that the student is not currently  
710 meeting.

711 (b) The specific performance necessary in grade 11 for the  
712 student to meet the accelerated graduation requirements.

713 (c) The right of the student to change to the 4-year  
714 program set forth in s. 1003.428 or s. 1003.43, as applicable.

715 Section 18. Subsections (2), (3), and (5) of section  
716 1003.491, Florida Statutes, are amended to read:

717 1003.491 Florida Career and Professional Education Act.—  
718 The Florida Career and Professional Education Act is created to  
719 provide a statewide planning partnership between the business  
720 and education communities in order to attract, expand, and  
721 retain targeted, high-value industry and to sustain a strong,  
722 knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year,~~ Each district school board shall develop, in collaboration with regional local workforce boards, economic development agencies, and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of a regional ~~the local~~ workforce board or an economic development agency in the strategic plan development is not feasible, the local school board, with the approval of the Agency for Workforce Innovation, shall collaborate with the most appropriate regional local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. The strategic plan ~~Such plans~~ must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, ~~and~~ access to courses aligned to state curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of career and professional academy courses to determine if the courses will lead to the attainment of industry certifications included on the Industry Certified Funding List pursuant to rules adopted by the State Board of Education ~~the Florida Virtual School when appropriate.~~ Each strategic plan shall be reviewed, updated, and jointly approved every 5 years by the local school district, regional workforce boards, economic development agencies, and state-approved postsecondary institutions ~~completed no later than June 30, 2008, and shall include provisions to have in~~

751 ~~place at least one operational career and professional academy,~~  
752 ~~pursuant to s. 1003.492, no later than the beginning of the~~  
753 ~~2008-2009 school year.~~

754 (3) The strategic 5-year plan developed jointly ~~by~~ between  
755 the local school district, regional ~~local~~ workforce boards,  
756 economic development agencies, and state-approved postsecondary  
757 institutions shall be constructed and based on:

758 (a) Research conducted to objectively determine local and  
759 regional workforce needs for the ensuing 5 years, using labor  
760 projections of the United States Department of Labor and the  
761 Agency for Workforce Innovation;

762 (b) Strategies to develop and implement career academies  
763 based on those careers determined to be in high demand;

764 (c) Maximum use of private sector facilities and  
765 personnel;

766 (d) Strategies that ensure instruction by industry-  
767 certified faculty and standards and strategies to maintain  
768 current industry credentials and for recruiting and retaining  
769 faculty to meet those standards;

770 (e) Alignment of ~~to~~ requirements for middle school career  
771 exploration, middle and high school career and professional  
772 academies leading to industry certification, and high school  
773 graduation requirements ~~redesign~~;

774 (f) Provisions to ensure that courses offered through  
775 career and professional academies are academically rigorous,  
776 meet or exceed appropriate state-adopted subject area standards,  
777 result in attainment of industry certification, and, when  
778 appropriate, result in postsecondary credit;

779        (g) Strategies to improve the passage rate for industry  
780 certification examinations if the rate falls below 50 percent;

781        (h)~~(g)~~ Establishment of student eligibility criteria in  
782 career and professional academies which include opportunities  
783 for students who have been unsuccessful in traditional  
784 classrooms but who show aptitude to participate in academies.  
785 School boards shall address the analysis of eighth grade student  
786 achievement data to provide opportunities for students who may  
787 be deemed as potential dropouts to participate in career and  
788 professional academies;

789        (i)~~(h)~~ Strategies to provide sufficient space within  
790 academies to meet workforce needs and to provide access to all  
791 interested and qualified students;

792        (j)~~(i)~~ Strategies to implement ~~engage Department of~~  
793 ~~Juvenile Justice students in~~ career and professional academy  
794 training that leads to industry certification at Department of  
795 Juvenile Justice facilities;

796        (k)~~(j)~~ Opportunities for high school students to earn  
797 weighted or dual enrollment credit for higher-level career and  
798 technical courses;

799        (l)~~(k)~~ Promotion of the benefits of the Gold Seal Bright  
800 Futures Scholarship;

801        (m)~~(l)~~ Strategies to ensure the review of district pupil-  
802 progression plans and to amend such plans to include career and  
803 professional courses and to include courses that may qualify as  
804 substitute courses for core graduation requirements and those  
805 that may be counted as elective courses; and

806        ~~(n)-(m)~~ Strategies to provide professional development for  
807 secondary guidance counselors on the benefits of career and  
808 professional academies.

809        (5) The submission and review of newly proposed core  
810 courses shall be conducted electronically, and each proposed  
811 core course shall be approved or denied within 60 days. All  
812 courses approved as core courses for purposes of middle school  
813 promotion and high school graduation ~~purposes~~ shall be  
814 immediately added to the Course Code Directory. Approved core  
815 courses shall also be reviewed and considered for approval for  
816 dual enrollment credit. The Board of Governors and the  
817 Commissioner of Education shall jointly recommend an annual  
818 deadline for approval of new core courses to be included for  
819 purposes of postsecondary admissions and dual enrollment credit  
820 the following academic year. The State Board of Education shall  
821 establish an appeals process in the event that a proposed course  
822 is denied which shall require a consensus ruling by the Agency  
823 for Workforce Innovation and the Commissioner of Education  
824 within 15 days. The curriculum review committee must be  
825 established and operational no later than September 1, 2007.

826        Section 19. Subsections (2), (4), (5), and (6) of section  
827 1003.493, Florida Statutes, are amended to read:

828        1003.493 Career and professional academies.—

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

830        (a) Increase student academic achievement and graduation  
831 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.~~

(e) ~~(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.

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

(4) Each 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) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships shall be delineated in articulation agreements to provide for career-based courses that

860     earn postsecondary credit. Such agreements may include  
861     articulation between the academy and public or private 2-year  
862     and 4-year postsecondary institutions and technical centers. The  
863     Department of Education, in consultation with the Board of  
864     Governors, shall establish a mechanism to ensure articulation  
865     and transfer of credits to postsecondary institutions in this  
866     state. Such partnerships must provide opportunities for:

867         1.     Instruction from highly skilled professionals who  
868     possess industry-certification credentials for courses they are  
869     teaching.

870         2.     Internships, externships, and on-the-job training.

871         3.     A postsecondary degree, diploma, or certificate.

872         4.     The highest available level of industry certification.

873         5.     Maximum articulation of credits pursuant to s. 1007.23  
874     upon program completion.

875         (c)    Provide shared, maximum use of private sector  
876     facilities and personnel.

877         (d)    Provide personalized student advisement, including a  
878     parent-participation component, and coordination with middle  
879     schools to promote and support career exploration and education  
880     planning as required under s. 1003.4156. Coordination with  
881     middle schools must provide information to middle school  
882     students about secondary and postsecondary career education  
883     programs and academies.

884         (e)    Promote and provide opportunities for career and  
885     professional academy students to attain, at minimum, the Florida  
886     Gold Seal Vocational Scholars award pursuant to s. 1009.536.



887 (f) Provide instruction in careers designated as high  
888 growth, high demand, and high pay by the regional local  
889 workforce development board, the chamber of commerce, economic  
890 development agencies, or the Agency for Workforce Innovation.

891 (g) Deliver academic content through instruction relevant  
892 to the career, including intensive reading and mathematics  
893 intervention required by s. 1003.428, with an emphasis on  
894 strengthening reading for information skills.

895 (h) Offer applied courses that combine academic content  
896 with technical skills.

897 (i) Provide instruction resulting in competency,  
898 certification, or credentials in workplace skills, including,  
899 but not limited to, communication skills, interpersonal skills,  
900 decisionmaking skills, the importance of attendance and  
901 timeliness in the work environment, and work ethics.

902 (j) Provide opportunities for students to obtain the  
903 Florida Ready to Work Certification pursuant to s. 1004.99.

904 ~~(k) Include an evaluation plan developed jointly with the~~  
905 ~~Department of Education and the local workforce board. The~~  
906 ~~evaluation plan must include an assessment tool based on~~  
907 ~~national industry standards, such as the Career Academy National~~  
908 ~~Standards of Practice, and outcome measures, including, but not~~  
909 ~~limited to, achievement of national industry certifications~~  
910 ~~identified in the Industry Certification Funding List, pursuant~~  
911 ~~to rules adopted by the State Board of Education, graduation~~  
912 ~~rates, enrollment in postsecondary education, business and~~  
913 ~~industry satisfaction, employment and earnings, awards of~~  
914 ~~postsecondary credit and scholarships, and student achievement~~

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915 ~~levels and learning gains on statewide assessments administered~~  
916 ~~under s. 1008.22(3)(c). The Department of Education shall use~~  
917 ~~Workforce Florida, Inc., and Enterprise Florida, Inc., in~~  
918 ~~identifying industry experts to participate in developing and~~  
919 ~~implementing such assessments.~~

920 (k) ~~(l)~~ Include a plan to sustain career and professional  
921 academies.

922 (l) ~~(m)~~ Redirect appropriated career funding to career and  
923 professional academies.

924 (5) All career courses offered in a career and  
925 professional academy must lead to industry certification or  
926 college credit linked directly to the career theme of the  
927 course. If the passage rate on an industry certification  
928 examination that is associated with the career and professional  
929 academy falls below 50 percent, the academy must discontinue  
930 enrollment of new students the following school year and each  
931 year thereafter until such time as the passage rate is above 50  
932 percent or the academy is discontinued. ~~At least 50 percent of~~  
933 ~~students enrolled in a career course must achieve industry~~  
934 ~~certifications or college credits during the second year the~~  
935 ~~course is offered in order for the course to be offered a third~~  
936 ~~year. At least 66 percent of students enrolled in such a course~~  
937 ~~must achieve industry certifications or college credits during~~  
938 ~~the third year the course is offered in order for it to be~~  
939 ~~offered a fourth year and thereafter.~~

940 (6) Workforce Florida, Inc., through the secondary career  
941 academies initiatives, The Okaloosa County School District  
942 ~~CHOICE Institutes~~ shall serve in an advisory role and shall

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offer technical assistance in the development and deployment of newly established career and professional academies ~~for a 3-year period beginning July 1, 2007.~~

Section 20. Section 1003.4935, Florida Statutes, is created to read:

1003.4935 Middle school career and professional academy courses.—

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy in at least one middle school in the district as part of the strategic 5-year plan pursuant to s. 1003.491(2). The middle school career and professional academy component of the strategic plan must ensure the transition of middle school career and professional academy students to a high school career and professional academy currently operating within the school district. Students who complete a middle school career and professional academy must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

(2) Each middle school career and professional academy must be aligned with at least one high school career and professional academy offered in the district and maintain partnerships with local business and industry and economic development boards. Middle school career and professional academies must:

971 (a) Provide instruction in courses leading to careers in  
972 occupations designated as high growth, high demand, and high pay  
973 in the Industry Certification Funding List approved under rules  
974 adopted by the State Board of Education;

975 (b) Offer career and professional academy courses that  
976 integrate content from core subject areas;

977 (c) Offer courses that integrate career and professional  
978 academy content with intensive reading and mathematics pursuant  
979 to s. 1003.428;

980 (d) Coordinate with high schools to maximize opportunities  
981 for middle school career and professional academy students to  
982 earn high school credit;

983 (e) Provide access to virtual instruction courses provided  
984 by virtual education providers legislatively authorized to  
985 provide part-time instruction to middle school students which  
986 are aligned to state curriculum standards for middle school  
987 career and professional academy students, with priority given to  
988 students who have required course deficits;

989 (f) Provide instruction from highly skilled professionals  
990 who hold industry certificates in the career area in which they  
991 teach;

992 (g) Offer externships; and

993 (h) Provide personalized student advisement that includes  
994 a parent-participation component.

995 (3) Beginning with the 2012-2013 school year, if a school  
996 district implements a middle school career and professional  
997 academy, the Department of Education shall collect and report

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998 student achievement data pursuant to performance factors  
999 identified under s. 1003.492(3) for academy students.

1000 Section 21. Section 1003.573, Florida Statutes, is amended  
1001 to read:

1002 1003.573 Use of ~~seclusion and restraint~~ or seclusion on  
1003 students with disabilities.—

1004 (1) DOCUMENTATION AND REPORTING.—

1005 (a) A school shall prepare an incident report within 24  
1006 hours after a student with disabilities is released from  
1007 restraint or seclusion. If the student's release occurs on a day  
1008 before the school closes for the weekend, a holiday, or another  
1009 reason, the incident report must be completed by the end of the  
1010 school day on the day the school reopens. For purposes of this  
1011 section, the term "student with disabilities" has the same  
1012 meaning as provided in s. 1003.01(3)(a).

1013 (b) The following must be included in the incident report:

1014 1. The name of the student restrained or secluded.

1015 2. The date and time of the event and the duration of the  
1016 restraint or seclusion.

1017 3. The location at which the restraint or seclusion  
1018 occurred.

1019 4. The type of restraint or seclusion that occurred. The  
1020 terms used to describe each occurrence must be in conformity  
1021 with the terms identified and described in state board rule.

1022 5. The name of the person using or assisting in the  
1023 restraint or seclusion of the student.

1024 6. The name of any nonstudent who was present to witness  
1025 the restraint or seclusion.

1026 7. A description of the incident, including:

1027 a. The context in which the restraint or seclusion  
1028 occurred.

1029 b. The student's behavior leading up to and precipitating  
1030 the decision to use ~~manual-physical~~ restraint or seclusion,  
1031 including an indication as to why there was an imminent risk of  
1032 serious injury or death to the student or others.

1033 c. The specific positive behavioral strategies used to  
1034 prevent and deescalate the behavior.

1035 d. What occurred with the student immediately after the  
1036 termination of the restraint or seclusion.

1037 e. Any injuries, visible marks, or possible medical  
1038 emergencies that may have occurred during the restraint or  
1039 seclusion, documented according to district policies.

1040 f. Evidence of steps taken to notify the student's parent  
1041 or guardian.

1042 8. Other variables identified in state board rule.

1043 (c) A school shall notify the parent or guardian of a  
1044 student each time ~~manual-physical~~ restraint or seclusion is  
1045 used. Such notification must be in writing and provided before  
1046 the end of the school day on which the restraint or seclusion  
1047 occurs. Reasonable efforts must also be taken to notify the  
1048 parent or guardian by telephone or computer e-mail, or both, and  
1049 these efforts must be documented. The school shall obtain, and  
1050 keep in its records, the parent's or guardian's signed  
1051 acknowledgment that he or she was notified of his or her child's  
1052 restraint or seclusion.

1053 (d) A school shall also provide the parent or guardian

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1054 with the completed incident report in writing by mail within 3  
1055 school days after a student was ~~manually physically~~ restrained  
1056 or secluded. The school shall obtain, and keep in its records,  
1057 the parent's or guardian's signed acknowledgment that he or she  
1058 received a copy of the incident report.

1059 (2) MONITORING.—

1060 (a) Monitoring of the use of ~~manual physical~~ restraint or  
1061 seclusion on students shall occur at the classroom, building,  
1062 district, and state levels.

1063 (b) Each month that a school is in session, incident  
1064 reports required under Beginning July 1, 2010, documentation  
1065 ~~prepared as required in~~ subsection (1) shall be provided to the  
1066 school principal and, the district director of Exceptional  
1067 Student Education, and shall be provided electronically to the  
1068 bureau chief of the Bureau of Exceptional Education and Student  
1069 Services within the department electronically each month that  
1070 ~~the school is in session.~~

1071 (c) The department shall maintain aggregate data of  
1072 incidents of ~~manual physical~~ restraint and seclusion and  
1073 disaggregate the data for analysis by county, school, disability  
1074 of the student exceptionality, and other variables. This  
1075 information shall be updated monthly.

1076 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

1077 ~~(a)~~ Each school district shall develop policies and  
1078 procedures that are consistent with this section and that  
1079 include, but are not limited to govern the following:

1080 (a)1. Reporting incidents of restraint or seclusion as  
1081 required under subsection (1) Incident-reporting procedures.

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1082 (b)2. Collecting, monitoring, and reporting data regarding  
1083 restraint and seclusion, including when, where, and why students  
1084 are restrained or secluded; the frequency of occurrences of such  
1085 restraint or seclusion; and the number of times each type of  
1086 restraint is used ~~Data collection.~~

1087 (c) Setting goals for the reduction of restraint and  
1088 seclusion, particularly in settings in which restraint or  
1089 seclusion occurs frequently or at times when particular students  
1090 are restrained or secluded repeatedly, and identifying the  
1091 resources, skills, and activities needed to achieve such goals.  
1092 Activities may include, but are not limited to:

1093 1. Additional training in positive behavioral support and  
1094 crisis management.

1095 2. Parental involvement.

1096 3. Data review.

1097 4. Updates to a student's functional behavioral analysis  
1098 and positive behavior intervention plans.

1099 5. Additional student evaluations.

1100 6. Debriefing with staff.

1101 7. Use of schoolwide positive behavior support.

1102 8. Changes to the school environment.

1103 ~~3. Monitoring and reporting of data collected.~~

1104 ~~(b) Any revisions to such policies and procedures, which~~  
1105 ~~must be prepared as part of the school district's special~~  
1106 ~~policies and procedures, must be filed with the bureau chief of~~  
1107 ~~the Bureau of Exceptional Education and Student Services no~~  
1108 ~~later than January 31, 2011.~~

1109 (4) PROHIBITED RESTRAINT.—School personnel may not use a



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1110 ~~mechanical restraint or a manual physical~~ restraint that  
1111 restricts a student's breathing.

1112 (5) SECLUSION.—School personnel may not close, lock, or  
1113 physically block a student in a room that is unlit and does not  
1114 meet the rules of the State Fire Marshal for seclusion time-out  
1115 rooms.

1116 (6) RULES.—The State Board of Education shall adopt rules  
1117 to implement this section. The rules shall define the terms  
1118 seclusion and restraint, which shall include physical and  
1119 mechanical restraint, and identify the appropriate terms to be  
1120 used in the incident report when describing the type of  
1121 seclusion or restraint that occurred. The rules shall identify  
1122 additional variables that must be documented in each incident  
1123 report as well as the standards for documentation and the  
1124 process for submitting each incident report. These rules shall  
1125 be provided to school districts on or before March 1, 2012.

1126 Section 22. The amendments to s. 1003.573(1), Florida  
1127 Statutes, made by this act apply to incident reports submitted  
1128 on or after July 1, 2012.

1129 Section 23. Paragraph (e) of subsection (1) of section  
1130 1012.582, Florida Statutes, is amended to read:

1131 1012.582 Continuing education and inservice training for  
1132 teaching students with developmental disabilities.—

1133 (1) The Commissioner of Education shall develop  
1134 recommendations to incorporate instruction regarding autism  
1135 spectrum disorder, Down syndrome, and other developmental  
1136 disabilities into continuing education or inservice training  
1137 requirements for instructional personnel. These recommendations

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shall address:

(e) Appropriate use of ~~manual physical~~ restraint and seclusion techniques.

Section 24. 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. If an individual education plan team makes a recommendation in accordance with State Board of Education rule for a student with a disability, as defined in s. 1003.01(3), to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation. 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 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.

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

1008.22 Student assessment program for public schools.—

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

1192 be conducted using the data collection procedures, the student  
1193 surveys, the educator surveys, and other instruments included in  
1194 the National Assessment of Educational Progress or similar  
1195 national or international assessment program being administered  
1196 in Florida. The results of these assessments shall be included  
1197 in the annual report of the Commissioner of Education specified  
1198 in this section, as applicable. The administration of the  
1199 National Assessment of Educational Progress or similar national  
1200 or international assessment program shall be in addition to and  
1201 separate from the administration of the statewide assessment  
1202 program.

1203 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
1204 design and implement a statewide program of educational  
1205 assessment that provides information for the improvement of the  
1206 operation and management of the public schools, including  
1207 schools operating for the purpose of providing educational  
1208 services to youth in Department of Juvenile Justice programs.  
1209 The commissioner may enter into contracts for the continued  
1210 administration of the assessment, testing, and evaluation  
1211 programs authorized and funded by the Legislature. Contracts may  
1212 be initiated in 1 fiscal year and continue into the next and may  
1213 be paid from the appropriations of either or both fiscal years.  
1214 The commissioner is authorized to negotiate for the sale or  
1215 lease of tests, scoring protocols, test scoring services, and  
1216 related materials developed pursuant to law. Pursuant to the  
1217 statewide assessment program, the commissioner shall:

1218 (c) Develop and implement a student achievement testing  
1219 program as follows:

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 mathematics shall be administered according to this 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 science shall be administered according to this sub-sub-paragraph. 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

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1303 need not be limited to, examinations for a College Board  
1304 Advanced Placement course, International Baccalaureate course,  
1305 or Advanced International Certificate of Education course, or  
1306 industry-approved examinations to earn national industry  
1307 certifications identified in the Industry Certification Funding  
1308 List, pursuant to rules adopted by the State Board of Education,  
1309 for use as end-of-course assessments under this paragraph, if  
1310 the commissioner determines that the content knowledge and  
1311 skills assessed by the examinations meet or exceed the grade  
1312 level expectations for the core curricular content established  
1313 for the course in the Next Generation Sunshine State Standards.  
1314 The commissioner may collaborate with the American Diploma  
1315 Project in the adoption or development of rigorous end-of-course  
1316 assessments that are aligned to the Next Generation Sunshine  
1317 State Standards.

1318       d. Contingent upon funding provided in the General  
1319 Appropriations Act, including the appropriation of funds  
1320 received through federal grants, the Commissioner of Education  
1321 shall establish an implementation schedule for the development  
1322 and administration of additional statewide, standardized end-of-  
1323 course assessments in English/Language Arts II, Algebra II,  
1324 chemistry, physics, earth/space science, United States history,  
1325 and world history. Priority shall be given to the development of  
1326 end-of-course assessments in English/Language Arts II. The  
1327 Commissioner of Education shall evaluate the feasibility and  
1328 effect of transitioning from the grade 9 and grade 10 FCAT  
1329 Reading and high school level FCAT Writing to an end-of-course  
1330 assessment in English/Language Arts II. The commissioner shall



1331 report the results of the evaluation to the President of the  
1332 Senate and the Speaker of the House of Representatives no later  
1333 than July 1, 2011.

1334 3. The testing program shall measure student content  
1335 knowledge and skills adopted by the State Board of Education as  
1336 specified in paragraph (a) and measure and report student  
1337 performance levels of all students assessed in reading, writing,  
1338 mathematics, and science. The commissioner shall provide for the  
1339 tests to be developed or obtained, as appropriate, through  
1340 contracts and project agreements with private vendors, public  
1341 vendors, public agencies, postsecondary educational  
1342 institutions, or school districts. The commissioner shall obtain  
1343 input with respect to the design and implementation of the  
1344 testing program from state educators, assistive technology  
1345 experts, and the public.

1346 4. The testing program shall be composed of criterion-  
1347 referenced tests that shall, to the extent determined by the  
1348 commissioner, include test items that require the student to  
1349 produce information or perform tasks in such a way that the core  
1350 content knowledge and skills he or she uses can be measured.

1351 5. FCAT Reading, Mathematics, and Science and all  
1352 statewide, standardized end-of-course assessments shall measure  
1353 the content knowledge and skills a student has attained on the  
1354 assessment by the use of scaled scores and achievement levels.  
1355 Achievement levels shall range from 1 through 5, with level 1  
1356 being the lowest achievement level, level 5 being the highest  
1357 achievement level, and level 3 indicating satisfactory  
1358 performance on an assessment. For purposes of FCAT Writing,

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1359 student achievement shall be scored using a scale of 1 through 6  
1360 and the score earned shall be used in calculating school grades.  
1361 A score shall be designated for each subject area tested, below  
1362 which score a student's performance is deemed inadequate. The  
1363 school districts shall provide appropriate remedial instruction  
1364 to students who score below these levels.

1365 6. The State Board of Education shall, by rule, designate  
1366 a passing score for each part of the grade 10 assessment test  
1367 and end-of-course assessments. Any rule that has the effect of  
1368 raising the required passing scores may apply only to students  
1369 taking the assessment for the first time after the rule is  
1370 adopted by the State Board of Education. Except as otherwise  
1371 provided in this subparagraph and as provided in s.

1372 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
1373 passing score on grade 10 FCAT Reading and grade 10 FCAT  
1374 Mathematics or attain concordant scores as described in  
1375 subsection (10) in order to qualify for a standard high school  
1376 diploma.

1377 7. In addition to designating a passing score under  
1378 subparagraph 6., the State Board of Education shall also  
1379 designate, by rule, a score for each statewide, standardized  
1380 end-of-course assessment which indicates that a student is high  
1381 achieving and has the potential to meet college-readiness  
1382 standards by the time the student graduates from high school.

1383 8. Participation in the testing program is mandatory for  
1384 all students attending public school, including students served  
1385 in Department of Juvenile Justice programs, except as otherwise  
1386 prescribed by the commissioner. A student who has not earned

1387 passing scores on the grade 10 FCAT as provided in subparagraph  
1388 6. must participate in each retake of the assessment until the  
1389 student earns passing scores or achieves scores on a  
1390 standardized assessment which are concordant with passing scores  
1391 pursuant to subsection (10). If a student does not participate  
1392 in the statewide assessment, the district must notify the  
1393 student's parent and provide the parent with information  
1394 regarding the implications of such nonparticipation. A parent  
1395 must provide signed consent for a student to receive classroom  
1396 instructional accommodations that would not be available or  
1397 permitted on the statewide assessments and must acknowledge in  
1398 writing that he or she understands the implications of such  
1399 instructional accommodations. The State Board of Education shall  
1400 adopt rules, based upon recommendations of the commissioner, for  
1401 the provision of test accommodations for students in exceptional  
1402 education programs and for students who have limited English  
1403 proficiency. Accommodations that negate the validity of a  
1404 statewide assessment are not allowable in the administration of  
1405 the FCAT or an end-of-course assessment. However, instructional  
1406 accommodations are allowable in the classroom if included in a  
1407 student's individual education plan. Students using  
1408 instructional accommodations in the classroom that are not  
1409 allowable as accommodations on the FCAT or an end-of-course  
1410 assessment may have the FCAT or an end-of-course assessment  
1411 requirement waived pursuant to the requirements of s.  
1412 1003.428(8) (b) or s. 1003.43(11) (b) .

1413           9. A student seeking an adult high school diploma must  
1414 meet the same testing requirements that a regular high school  
1415 student must meet.

1416           10. District school boards must provide instruction to  
1417 prepare students in the core curricular content established in  
1418 the Next Generation Sunshine State Standards adopted under s.  
1419 1003.41, including the core content knowledge and skills  
1420 necessary for successful grade-to-grade progression and high  
1421 school graduation. If a student is provided with instructional  
1422 accommodations in the classroom that are not allowable as  
1423 accommodations in the statewide assessment program, as described  
1424 in the test manuals, the district must inform the parent in  
1425 writing and must provide the parent with information regarding  
1426 the impact on the student's ability to meet expected performance  
1427 levels in reading, writing, mathematics, and science. The  
1428 commissioner shall conduct studies as necessary to verify that  
1429 the required core curricular content is part of the district  
1430 instructional programs.

1431           11. District school boards must provide opportunities for  
1432 students to demonstrate an acceptable performance level on an  
1433 alternative standardized assessment approved by the State Board  
1434 of Education following enrollment in summer academies.

1435           12. The Department of Education must develop, or select,  
1436 and implement a common battery of assessment tools that will be  
1437 used in all juvenile justice programs in the state. These tools  
1438 must accurately measure the core curricular content established  
1439 in the Next Generation Sunshine State Standards.

1440           13. For students seeking a special diploma pursuant to s.  
1441 1003.438, the Department of Education must develop or select and  
1442 implement an alternate assessment tool that accurately measures  
1443 the core curricular content established in the Next Generation  
1444 Sunshine State Standards for students with disabilities under s.  
1445 1003.438.

1446           14. The Commissioner of Education shall establish  
1447 schedules for the administration of statewide assessments and  
1448 the reporting of student test results. When establishing the  
1449 schedules for the administration of statewide assessments, the  
1450 commissioner shall consider the observance of religious and  
1451 school holidays. The commissioner shall, by August 1 of each  
1452 year, notify each school district in writing and publish on the  
1453 department's Internet website the testing and reporting  
1454 schedules for, at a minimum, the school year following the  
1455 upcoming school year. The testing and reporting schedules shall  
1456 require that:

1457           a. There is the latest possible administration of  
1458 statewide assessments and the earliest possible reporting to the  
1459 school districts of student test results which is feasible  
1460 within available technology and specific appropriations;  
1461 however, test results for the FCAT must be made available no  
1462 later than the week of June 8. Student results for end-of-course  
1463 assessments must be provided no later than 1 week after the  
1464 school district completes testing for each course. The  
1465 commissioner may extend the reporting schedule under exigent  
1466 circumstances.

1467           b. ~~Beginning with the 2010-2011 school year,~~ FCAT Writing  
1468 may ~~is~~ not be administered earlier than the week of March 1 and  
1469 a comprehensive statewide assessment of any other subject may ~~is~~  
1470 not be administered earlier than the week of April 15.

1471           c. A statewide, standardized end-of-course assessment is  
1472 administered ~~during a 3-week period~~ at the end of the course.  
1473 The commissioner shall select an ~~a 3-week~~ administration period  
1474 for assessments that meets the intent of end-of-course  
1475 assessments and provides student results prior to the end of the  
1476 course. School districts shall administer tests in accordance  
1477 with the schedule determined by the commissioner ~~select 1~~  
1478 ~~testing week within the 3-week administration period for each~~  
1479 ~~end-of-course assessment~~. For an end-of-course assessment  
1480 administered at the end of the first semester, the commissioner  
1481 shall determine the most appropriate testing dates based on a  
1482 review of each school district's academic calendar.

1483  
1484 The commissioner may, based on collaboration and input from  
1485 school districts, design and implement student testing programs,  
1486 for any grade level and subject area, necessary to effectively  
1487 monitor educational achievement in the state, including the  
1488 measurement of educational achievement of the Next Generation  
1489 Sunshine State Standards for students with disabilities.  
1490 Development and refinement of assessments shall include  
1491 universal design principles and accessibility standards that  
1492 will prevent any unintended obstacles for students with  
1493 disabilities while ensuring the validity and reliability of the  
1494 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 26. Subsection (3) of section 1008.30, Florida  
Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary  
education.—

(3) The State Board of Education shall adopt rules that  
require high schools to evaluate before the beginning of grade  
12 the college readiness of each student who ~~indicates an~~  
~~interest in postsecondary education and~~ scores at Level 2 or  
Level 3 on the reading portion of the grade 10 FCAT or Level 2,  
Level 3, or Level 4 on the mathematics assessments under s.  
1008.22(3)(c). High schools shall perform this evaluation using  
results from the corresponding component of the common placement  
test prescribed in this section, or an equivalent test  
identified by the State Board of Education. The State Board  
~~Department~~ of Education shall identify in rule ~~purchase or~~  
~~develop~~ the assessments necessary to perform the evaluations  
required by this subsection and shall work with the school  
districts to administer the assessments. The State Board of  
Education shall establish by rule the minimum test scores a  
student must achieve to demonstrate readiness. Students who  
demonstrate readiness by achieving the minimum test scores  
established by the state board and enroll in a community college  
within 2 years of achieving such scores shall not be required to

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1523 retest or enroll in remediation when admitted ~~courses as a~~  
1524 ~~condition of acceptance~~ to any community college. The high  
1525 school shall use the results of the test to advise the students  
1526 of any identified deficiencies and to ~~the maximum extent~~  
1527 ~~practicable~~ provide 12th grade students, and require them to  
1528 complete, access to appropriate postsecondary preparatory  
1529 ~~remedial~~ instruction prior to high school graduation. The  
1530 curriculum ~~remedial instruction~~ provided under this subsection  
1531 shall be identified in rule by the State Board of Education and  
1532 encompass Florida's Postsecondary Readiness Competencies. Other  
1533 elective courses may not be substituted for the selected  
1534 postsecondary mathematics, reading, or writing preparatory  
1535 courses unless the elective course covers the same competencies  
1536 included in the required postsecondary preparatory course ~~a~~  
1537 ~~collaborative effort between secondary and postsecondary~~  
1538 ~~educational institutions. To the extent courses are available,~~  
1539 ~~the Florida Virtual School may be used to provide the remedial~~  
1540 ~~instruction required by this subsection.~~

1541 Section 27. Paragraph (b) of subsection (3) and subsection  
1542 (4) of section 1008.33, Florida Statutes, are amended to read:

1543 1008.33 Authority to enforce public school improvement.—

1544 (3)

1545 (b) For the purpose of determining whether a public school  
1546 requires action to achieve a sufficient level of school  
1547 improvement, beginning with the 2010-2011 school year, the  
1548 Department of Education shall annually categorize a public  
1549 school in one of six categories based on the following:



1550        1. A school's grade based upon statewide assessments  
1551 administered pursuant to s. 1008.22; and

1552        ~~2. school's grade, pursuant to s. 1008.34, and~~ The level  
1553 and rate of change in student performance in the areas of  
1554 reading and mathematics, disaggregated into student subgroups as  
1555 described in the federal Elementary and Secondary Education Act,  
1556 20 U.S.C. s. 6311(b) (2) (C) (v) (II).

1557        (4) The Department of Education shall create a matrix that  
1558 reflects intervention and support strategies to address the  
1559 particular needs of schools in each category.

1560        (a) Intervention and support strategies shall be applied  
1561 to schools based upon the school categorization pursuant to  
1562 paragraph (3) (b). The Department of Education shall apply the  
1563 most intense intervention strategies to the lowest-performing  
1564 schools. For all but the lowest category and "F" schools in the  
1565 second lowest category, the intervention and support strategies  
1566 shall be administered solely by the districts and the schools.

1567        (b) The lowest-performing schools are schools that are  
1568 categorized pursuant to paragraph (3) (b) and have received:

1569        1. A grade of "F" in the most recent school year and in 4  
1570 of the last 6 years; or

1571        2. A grade of "D" or "F" in the most recent school year  
1572 and meet at least three of the following criteria:

1573        a. The percentage of students who are not proficient in  
1574 reading has increased when compared to measurements taken 5  
1575 years previously;

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

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

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

Section 28. Paragraphs (b) and (c) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

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

(3) DESIGNATION OF SCHOOL GRADES.—

(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 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,

1604 the school's grade shall include the performance and  
1605 participation of its students enrolled in high school level  
1606 courses with end-of-course assessments administered under s.  
1607 1008.22(3)(c)2.a. Performance and participation must be weighted  
1608 equally. As valid data becomes available, the school grades  
1609 shall include the students' attainment of national industry  
1610 certification identified in the Industry Certification Funding  
1611 List pursuant to rules adopted by the State Board of Education.

1612 ~~3.2.~~ Beginning with the 2009-2010 school year for schools  
1613 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
1614 11, and 12, 50 percent of the school grade shall be based on a  
1615 combination of the factors listed in sub-subparagraphs 1.a.-c.  
1616 and the remaining 50 percent on the following factors:

1617 a. The high school graduation rate of the school;

1618 b. As valid data becomes available, the performance and  
1619 participation of the school's students in College Board Advanced  
1620 Placement courses, International Baccalaureate courses, dual  
1621 enrollment courses, and Advanced International Certificate of  
1622 Education courses; and the students' achievement of national  
1623 industry certification identified in the Industry Certification  
1624 Funding List, pursuant to rules adopted by the State Board of  
1625 Education;

1626 c. Postsecondary readiness of the school's students as  
1627 measured by the SAT, ACT, or the common placement test;

1628 d. The high school graduation rate of at-risk students who  
1629 scored at Level 2 or lower on the grade 8 FCAT Reading and  
1630 Mathematics examinations;

1631 e. As valid data becomes available, the performance of the  
1632 school's students on statewide standardized end-of-course  
1633 assessments administered under s. 1008.22(3)(c)2.b. and c.; and

1634 f. The growth or decline in the components listed in sub-  
1635 subparagraphs a.-e. from year to year.

1636 (c) Student assessment data used in determining school  
1637 grades shall include:

1638 1. The aggregate scores of all eligible students enrolled  
1639 in the school who have been assessed on the FCAT and statewide,  
1640 standardized end-of-course assessments in courses required for  
1641 high school graduation, including, beginning with the 2010-2011  
1642 school year, the end-of-course assessment in Algebra I; and  
1643 beginning with the 2011-2012 school year, the end-of-course  
1644 assessments in geometry and Biology; and beginning with the  
1645 2013-2014 school year, on the statewide, standardized end-of-  
1646 course assessment in civics education at the middle school  
1647 level.

1648 2. The aggregate scores of all eligible students enrolled  
1649 in the school who have been assessed on the FCAT and end-of-  
1650 course assessments as described in s. 1008.22(3)(c)2.a., and who  
1651 have scored at or in the lowest 25th percentile of students in  
1652 the school in reading and mathematics, unless these students are  
1653 exhibiting satisfactory performance.

1654 3. The achievement scores and learning gains of eligible  
1655 students attending alternative schools that provide dropout  
1656 prevention and academic intervention services pursuant to s.  
1657 1003.53. The term "eligible students" in this subparagraph does  
1658 not include students attending an alternative school who are

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

1687 to their home school for the purposes of school grades. As used  
1688 in this subparagraph, the term "home school" means the school to  
1689 which a student would be assigned if the student were not  
1690 assigned to a hospital or homebound program.

1691 ~~5.4.~~ For schools comprised of high school grades 9, 10,  
1692 11, and 12, or grades 10, 11, and 12, the data listed in  
1693 subparagraphs 1.-3. and the following data as the Department of  
1694 Education determines such data are valid and available:

1695 a. The high school graduation rate of the school as  
1696 calculated by the Department of Education;

1697 b. The participation rate of all eligible students  
1698 enrolled in the school and enrolled in College Board Advanced  
1699 Placement courses; International Baccalaureate courses; dual  
1700 enrollment courses; Advanced International Certificate of  
1701 Education courses; and courses or sequence of courses leading to  
1702 national industry certification identified in the Industry  
1703 Certification Funding List, pursuant to rules adopted by the  
1704 State Board of Education;

1705 c. The aggregate scores of all eligible students enrolled  
1706 in the school in College Board Advanced Placement courses,  
1707 International Baccalaureate courses, and Advanced International  
1708 Certificate of Education courses;

1709 d. Earning of college credit by all eligible students  
1710 enrolled in the school in dual enrollment programs under s.  
1711 1007.271;

1712 e. Earning of a national industry certification identified  
1713 in the Industry Certification Funding List, pursuant to rules  
1714 adopted by the State Board of Education;

1715           f. The aggregate scores of all eligible students enrolled  
1716 in the school in reading, mathematics, and other subjects as  
1717 measured by the SAT, the ACT, and the common placement test for  
1718 postsecondary readiness;

1719           g. The high school graduation rate of all eligible at-risk  
1720 students enrolled in the school who scored at Level 2 or lower  
1721 on the grade 8 FCAT Reading and Mathematics examinations;

1722           h. The performance of the school's students on statewide  
1723 standardized end-of-course assessments administered under s.  
1724 1008.22(3)(c)2.b. and c.; and

1725           i. The growth or decline in the data components listed in  
1726 sub-subparagraphs a.-h. from year to year.

1727  
1728 The State Board of Education shall adopt appropriate criteria  
1729 for each school grade. The criteria must also give added weight  
1730 to student achievement in reading. Schools designated with a  
1731 grade of "C," making satisfactory progress, shall be required to  
1732 demonstrate that adequate progress has been made by students in  
1733 the school who are in the lowest 25th percentile in reading and  
1734 mathematics on the FCAT and end-of-course assessments as  
1735 described in s. 1008.22(3)(c)2.a., unless these students are  
1736 exhibiting satisfactory performance. Beginning with the 2009-  
1737 2010 school year for schools comprised of high school grades 9,  
1738 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
1739 school grades must also give added weight to the graduation rate  
1740 of all eligible at-risk students, as defined in this paragraph.  
1741 Beginning in the 2009-2010 school year, in order for a high  
1742 school to be designated as having a grade of "A," making

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1743 excellent progress, the school must demonstrate that at-risk  
1744 students, as defined in this paragraph, in the school are making  
1745 adequate progress.

1746 Section 29. Paragraph (a) of subsection (3) of section  
1747 1011.01, Florida Statutes, is amended to read:

1748 1011.01 Budget system established.—

1749 (3)(a) Each district school board and each community  
1750 college board of trustees shall prepare, adopt, and submit to  
1751 the Commissioner of Education ~~for review~~ an annual operating  
1752 budget. Operating budgets shall be prepared and submitted in  
1753 accordance with the provisions of law, rules of the State Board  
1754 of Education, the General Appropriations Act, and for district  
1755 school boards in accordance with the provisions of ss. 200.065  
1756 and 1011.64.

1757 Section 30. Subsection (4) of section 1011.03, Florida  
1758 Statutes, is amended to read:

1759 1011.03 Public hearings; budget to be submitted to  
1760 Department of Education.—

1761 (4) The board shall hold public hearings to adopt  
1762 tentative and final budgets pursuant to s. 200.065. The hearings  
1763 shall be primarily for the purpose of hearing requests and  
1764 complaints from the public regarding the budgets and the  
1765 proposed tax levies and for explaining the budget and proposed  
1766 or adopted amendments thereto, if any. The district school board  
1767 shall then require the superintendent to transmit forthwith two  
1768 copies of the adopted budget to the Department of Education ~~for~~  
1769 ~~approval~~ as prescribed by law and rules of the State Board of  
1770 Education.



1771       Section 31. Section 1011.035, Florida Statutes, is created  
1772 to read:

1773       1011.035 School district budget transparency.-

1774       (1) It is important for school districts to provide  
1775 budgetary transparency to enable taxpayers, parents, and  
1776 education advocates to obtain school district budget and related  
1777 information in a manner that is simply explained and easily  
1778 understandable. Budgetary transparency leads to more responsible  
1779 spending, more citizen involvement, and improved accountability.  
1780 A budget that is not transparent, accessible, and accurate  
1781 cannot be properly analyzed, its implementation thoroughly  
1782 monitored, or its outcomes evaluated.

1783       (2) Each district school board shall post on its website a  
1784 plain language version of each proposed, tentative, and official  
1785 budget which describes each budget item in terms that are easily  
1786 understandable to the public. This information must be  
1787 prominently posted on the school district's website in a manner  
1788 that is readily accessible to the public.

1789       (3) Each district school board is encouraged to post the  
1790 following information on its website:

1791       (a) Timely information as to when a budget hearing will be  
1792 conducted.

1793       (b) Each contract between the district school board and  
1794 the teachers' union.

1795       (c) Each contract between the district school board and  
1796 noninstructional staff.

1797        (d) Each contract exceeding \$35,000 between the school  
1798 board and a vendor of services, supplies, or programs or for the  
1799 purchase or lease of lands, facilities, or properties.

1800        (e) Each contract exceeding \$35,000 that is an emergency  
1801 procurement or is with a single source as authorized under s.  
1802 287.057(3).

1803        (f) Recommendations of the citizens' budget advisory  
1804 committee.

1805        (g) Current and archived video recordings of each district  
1806 school board meeting and workshop.

1807        (4) The website should contain links to:

1808        (a) Help explain or provide background information on  
1809 various budget items that are required by state or federal law.

1810        (b) Allow users to navigate to related sites to view  
1811 supporting details.

1812        (c) Enable taxpayers, parents, and education advocates to  
1813 send e-mails asking questions about the budget and enable others  
1814 to view the questions and responses.

1815        Section 32. Paragraph (e) of subsection (1) of section  
1816 1011.62, Florida Statutes, is amended to read:

1817        1011.62 Funds for operation of schools.—If the annual  
1818 allocation from the Florida Education Finance Program to each  
1819 district for operation of schools is not determined in the  
1820 annual appropriations act or the substantive bill implementing  
1821 the annual appropriations act, it shall be determined as  
1822 follows:

1823        (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1824 OPERATION.—The following procedure shall be followed in

determining the annual allocation to each district for operation:

(e) Funding model for exceptional student education programs.—

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall

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1853 generate funds on the basis of full-time-equivalent student  
1854 membership in the Florida Education Finance Program at the same  
1855 funding level per student as provided for basic students.

1856 Additional funds for these exceptional students will be provided  
1857 through the guaranteed allocation designated in subparagraph 2.

1858         2. For students identified as exceptional who do not have  
1859 a matrix of services and students who are gifted in grades K  
1860 through 8, there is created a guaranteed allocation to provide  
1861 these students with a free appropriate public education, in  
1862 accordance with s. 1001.42(4)(m) and rules of the State Board of  
1863 Education, which shall be allocated annually to each school  
1864 district in the amount provided in the General Appropriations  
1865 Act. These funds shall be in addition to the funds appropriated  
1866 on the basis of FTE student membership in the Florida Education  
1867 Finance Program, and the amount allocated for each school  
1868 district shall not be recalculated during the year. These funds  
1869 shall be used to provide special education and related services  
1870 for exceptional students and students who are gifted in grades K  
1871 through 8. Beginning with the 2007-2008 fiscal year, a  
1872 district's expenditure of funds from the guaranteed allocation  
1873 for students in grades 9 through 12 who are gifted may not be  
1874 greater than the amount expended during the 2006-2007 fiscal  
1875 year for gifted students in grades 9 through 12.

1876         Section 33. Paragraph (c) of subsection (1) of section  
1877 1012.39, Florida Statutes, is amended to read:

1878         1012.39 Employment of substitute teachers, teachers of  
1879 adult education, nondegreed teachers of career education, and

1880 career specialists; students performing clinical field  
1881 experience.—

1882 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
1883 1012.57, or any other provision of law or rule to the contrary,  
1884 each district school board shall establish the minimal  
1885 qualifications for:

1886 (c) Part-time and full-time nondegreed teachers of career  
1887 programs. Qualifications shall be established for nondegreed  
1888 teachers of career and technical education courses for program  
1889 clusters that are recognized in the state and are ~~agriculture,~~  
1890 ~~business, health occupations, family and consumer sciences,~~  
1891 ~~industrial, marketing, career specialist, and public service~~  
1892 ~~education teachers,~~ based primarily on successful occupational  
1893 experience rather than academic training. The qualifications for  
1894 such teachers shall require:

1895 1. The filing of a complete set of fingerprints in the  
1896 same manner as required by s. 1012.32. Faculty employed solely  
1897 to conduct postsecondary instruction may be exempted from this  
1898 requirement.

1899 2. Documentation of education and successful occupational  
1900 experience including documentation of:

1901 a. A high school diploma or the equivalent.

1902 b. Completion of 6 years of full-time successful  
1903 occupational experience or the equivalent of part-time  
1904 experience in the teaching specialization area. The district  
1905 school board may establish alternative qualifications for  
1906 teachers with an industry certification in the career area in  
1907 which they teach. ~~Alternate means of determining successful~~

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~~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 34. Except as otherwise expressly provided in this  
act and except for this section, which shall take effect upon  
this act becoming a law, this act shall take effect July 1,  
2011.