

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. 1002.20, F.S.; adding auditory-oral education
13 programs to the list of public school choice options;
14 amending s. 1002.37, F.S.; conforming provisions to
15 changes made by the act; amending s. 1002.38, F.S.;
16 requiring that a school's grade be based on statewide
17 assessments for purposes of the Opportunity Scholarship
18 Program; amending s. 1002.39, F.S.; providing requirements
19 for determining the end of the term of a John M. McKay
20 Scholarship; creating s. 1002.391, F.S.; providing for the
21 establishment of auditory-oral education programs as a
22 school of choice; providing definitions; providing
23 requirements for enrollment and attendance; amending s.
24 1002.45, F.S.; revising provisions relating to virtual
25 instruction program provider qualifications; amending s.
26 1002.66, F.S.; providing an additional instructional
27 service for children with disabilities in the Voluntary
28 Prekindergarten Education Program; amending s. 1002.67,

F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12;

57 requiring the Department of Education to develop a model
58 digital curriculum; authorizing partnerships with private
59 businesses and consultants; amending s. 1003.428, F.S.;
60 revising provisions relating to the general requirements
61 for high school graduation; providing that a high school
62 student may be exempt from reading remediation
63 requirements under certain circumstances; amending s.
64 1003.429, F.S.; revising provisions relating to the
65 selection of accelerated high school graduation options;
66 amending s. 1003.491, F.S.; revising provisions relating
67 to the development, contents, and approval of the
68 strategic plan to address workforce needs; amending s.
69 1003.493, F.S.; revising requirements for career and
70 professional academies and enrollment of students;
71 creating s. 1003.4935, F.S.; requiring each district
72 school board to develop a plan to implement a career and
73 professional academy in at least one middle school;
74 providing requirements for middle school career and
75 professional academies and academy courses; amending s.
76 1003.573, F.S.; revising provisions relating to the use of
77 restraint and seclusion on students with disabilities;
78 requiring that certain information be included in incident
79 reports; removing an obsolete date; requiring that the
80 Department of Education maintain certain data of incidents
81 of manual or physical restraint and seclusion and
82 establish standards for documenting, reporting, and
83 monitoring the use of restraint and seclusion; requiring
84 that the department provide these standards to school

85 districts by a specified date; revising provisions
86 relating to school district policies and procedures to
87 include monitoring, training, selecting personnel to be
88 trained, and planning for reducing the use of restraint
89 and seclusion; extending the date that such policies and
90 procedures must be revised and filed with the bureau chief
91 of the Bureau of Exceptional Education and Student
92 Services within the Department of Education; amending s.
93 1003.575, F.S.; providing requirements for completion of
94 an assistive technology assessment; amending s. 1008.22,
95 F.S.; revising provisions relating to the student
96 assessment program for public schools; requiring that the
97 Commissioner of Education direct school districts to
98 participate in certain international assessment programs;
99 authorizing a school principal to exempt certain students
100 from the end-of-course assessment in civics education;
101 revising provisions relating to administration and
102 reporting of results of assessments; amending s. 1008.30,
103 F.S.; revising provisions relating to evaluation of
104 college readiness and providing for postsecondary
105 preparatory instruction; requiring the State Board of
106 Education to adopt certain rules; amending s. 1008.33,
107 F.S.; revising provisions relating to public school
108 improvement; requiring the Department of Education to
109 categorize public schools based on a school's grade that
110 relies on statewide assessments; amending s. 1008.331,
111 F.S.; revising the responsibilities of the Department of
112 Education; authorizing school districts to select

113 acceptable premethods and postmethods for measuring
114 student learning gains; amending s. 1008.34, F.S.;
115 revising the basis for the designation of school grades;
116 including achievement scores and learning gains for
117 students who are hospital or homebound; amending s.
118 1011.01, F.S.; revising provisions relating to the annual
119 operating budgets of district school boards and Florida
120 College System institution boards of trustees; amending s.
121 1011.03, F.S.; revising provisions relating to adopted
122 district school board budgets; creating s. 1011.035, F.S.;
123 requiring each school district to post budgetary
124 information on its website; amending s. 1011.62, F.S.;
125 revising provisions relating to the funding model for
126 exceptional student education programs; requiring the
127 Department of Education to revise the descriptions of
128 services and to implement the revisions; amending s.
129 1012.39, F.S.; revising provisions relating to the
130 qualifications for nondegreed teachers of career
131 education; providing effective dates.

132
133 Be It Enacted by the Legislature of the State of Florida:

134
135 Section 1. Paragraph (a) of subsection (4) of section
136 1001.20, Florida Statutes, is amended to read:

137 1001.20 Department under direction of state board.—

138 (4) The Department of Education shall establish the
139 following offices within the Office of the Commissioner of
140 Education which shall coordinate their activities with all other

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divisions and offices:

(a) *Office of Technology and Information Services.*—

Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. ~~The Florida Virtual School shall be administratively housed within the office.~~

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

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

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

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

169 1001.421 Gifts.—Notwithstanding any other provision of law
170 to the contrary, district school board members and their
171 relatives, as defined in s. 112.312(21), may not directly or
172 indirectly solicit any gift, or directly or indirectly accept
173 any gift in excess of \$50, from any person, vendor, potential
174 vendor, or other entity doing business with the school district.
175 The term "gift" has the same meaning as in s. 112.312(12).

176 Section 4. Paragraph (a) of subsection (6) of section
177 1002.20, Florida Statutes, is amended to read:

178 1002.20 K-12 student and parent rights.—Parents of public
179 school students must receive accurate and timely information
180 regarding their child's academic progress and must be informed
181 of ways they can help their child to succeed in school. K-12
182 students and their parents are afforded numerous statutory
183 rights including, but not limited to, the following:

184 (6) EDUCATIONAL CHOICE.—

185 (a) *Public school choices.*—Parents of public school
186 students may seek whatever public school choice options that are
187 applicable ~~to their students~~ and are available to students in
188 their school districts. These options may include controlled
189 open enrollment, single-gender programs, lab schools, school
190 district virtual instruction programs, charter schools, charter
191 technical career centers, magnet schools, alternative schools,
192 special programs, auditory-oral education programs, advanced
193 placement, dual enrollment, International Baccalaureate,
194 International General Certificate of Secondary Education (pre-
195 AICE), Advanced International Certificate of Education, early
196 admissions, credit by examination or demonstration of

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competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 5. Paragraph (a) of subsection (1) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

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

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

Section 6. Subsection (2) and paragraph (a) of subsection (3) of section 1002.38, Florida Statutes, are amended to read:

1002.38 Opportunity Scholarship Program.—

(2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—For purposes of this section, a school's grade shall be based upon statewide

225 assessments administered pursuant to s. 1008.22. A public school
226 student's parent may request and receive from the state an
227 opportunity scholarship for the student to enroll in and attend
228 a private school in accordance with the provisions of this
229 section if:

230 (a)1. By assigned school attendance area or by special
231 assignment, the student has spent the prior school year in
232 attendance at a public school that has been designated ~~pursuant~~
233 ~~to s. 1008.34~~ as performance grade category "F," failing to make
234 adequate progress, and that has had 2 school years in a 4-year
235 period of such low performance, and the student's attendance
236 occurred during a school year in which such designation was in
237 effect;

238 2. The student has been in attendance elsewhere in the
239 public school system and has been assigned to such school for
240 the next school year; or

241 3. The student is entering kindergarten or first grade and
242 has been notified that the student has been assigned to such
243 school for the next school year.

244 (b) The parent has obtained acceptance for admission of
245 the student to a private school eligible for the program
246 pursuant to subsection (4), and has notified the Department of
247 Education and the school district of the request for an
248 opportunity scholarship no later than July 1 of the first year
249 in which the student intends to use the scholarship.

250
251 The provisions of this section do ~~shall~~ not apply to a student
252 who is enrolled in a school operating for the purpose of

253 providing educational services to youth in Department of
254 Juvenile Justice commitment programs. For purposes of continuity
255 of educational choice, the opportunity scholarship shall remain
256 in force until the student returns to a public school or, if the
257 student chooses to attend a private school the highest grade of
258 which is grade 8, until the student matriculates to high school
259 and the public high school to which the student is assigned is
260 an accredited school with a performance grade category
261 designation of "C" or better. However, at any time upon
262 reasonable notice to the Department of Education and the school
263 district, the student's parent may remove the student from the
264 private school and place the student in a public school, as
265 provided in subparagraph (3)(a)2.

266 (3) SCHOOL DISTRICT OBLIGATIONS.—

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

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

273 2. Offer that student's parent an opportunity to enroll
274 the student in the public school within the district that has
275 been designated by the state ~~pursuant to s. 1008.34~~ as a school
276 performing higher than that in which the student is currently
277 enrolled or to which the student has been assigned, but not less
278 than performance grade category "C." The parent is not required
279 to accept this offer in lieu of requesting a state opportunity
280 scholarship to a private school. The opportunity to continue

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attending the higher performing public school shall remain in force until the student graduates from high school.

Section 7. 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, or reaches the age of 22, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.

Section 8. Section 1002.391, Florida Statutes, is created to read:

1002.391 Auditory-oral education programs.—

(1) As used in this section, the term:

(a) "Auditory-oral education program" means a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying

309 on speech and spoken language skills as the method of
310 communication.

311 (b) "Deaf or hard of hearing" means aided or unaided
312 hearing loss that affects the processing of linguistic
313 information and adversely affects performance in the educational
314 environment. The degree of loss may range from mild to profound
315 in accordance with criteria established by rule of the State
316 Board of Education.

317 (c) "School" means a public or private school located in
318 this state which can teach children who have obtained an implant
319 or assistive hearing device, using faculty certified as
320 listening and spoken language specialists.

321 (2) The parent of a child who is deaf or hard of hearing
322 and who meets the following requirements may enroll the child in
323 an auditory-oral education program as a school of choice
324 pursuant to s. 1002.20. Such child may continue attending the
325 school and complete the development of listening and spoken
326 language skills at the school. In order to enroll and attend,
327 the child must:

328 (a) Have received an implant or assistive hearing device;

329 (b) Be between the ages of 3 and 7 years, or between the
330 ages of 2 and 7 years when the school district elects to serve
331 children with disabilities who are under the age of 3 years; and

332 (c) Be a resident of the state.

333 (3) The level of services shall be determined by the
334 individual educational plan team or individualized family
335 support plan team, which includes the child's parent in
336 accordance with the rules of the State Board of Education. A

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337 child is eligible for services under this section until the end
338 of the school year in which he or she reaches the age of 7 years
339 or after grade 2, whichever comes first.

340 Section 9. Paragraph (b) of subsection (2) of section
341 1002.45, Florida Statutes, is amended to read:

342 1002.45 School district virtual instruction programs.—

343 (2) PROVIDER QUALIFICATIONS.—

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

349 Section 10. Paragraph (e) is added to subsection (2) of
350 section 1002.66, Florida Statutes, to read:

351 1002.66 Specialized instructional services for children
352 with disabilities.—

353 (2) The parent of a child who is eligible for the
354 prekindergarten program for children with disabilities may
355 select one or more specialized instructional services that are
356 consistent with the child's individual educational plan. These
357 specialized instructional services may include, but are not
358 limited to:

359 (e) Listening and spoken language specialists and an
360 appropriate acoustical environment for a child who is deaf or
361 hard of hearing who has received an implant or assistive hearing
362 device.

363 Section 11. Subsection (1) and paragraph (c) of subsection
364 (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and
accountability.—

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

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

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

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

(3)

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

393 2. If a private prekindergarten provider or public school
394 fails to meet the minimum rate adopted by the State Board of
395 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
396 ~~years~~, the early learning coalition or school district, as
397 applicable, shall place the provider or school on probation and
398 must require the provider or school to take certain corrective
399 actions, including the use of a curriculum approved by the
400 department under paragraph (2)(c).

401 3. A private prekindergarten provider or public school
402 that is placed on probation must continue the corrective actions
403 required under subparagraph 2., including the use of a
404 curriculum approved by the department, until the provider or
405 school meets the minimum rate adopted by the State Board of
406 Education as satisfactory under s. 1002.69(6).

407 4. If a private prekindergarten provider or public school
408 remains on probation for 2 consecutive years and fails to meet
409 the minimum rate adopted by the State Board of Education as
410 satisfactory under s. 1002.69(6) and is not granted a good cause
411 exemption by the department pursuant to s. 1002.69(7), the
412 Agency for Workforce Innovation shall require the early learning
413 coalition or the Department of Education shall require the
414 school district to remove, as applicable, the provider or school
415 from eligibility to deliver the Voluntary Prekindergarten
416 Education Program and receive state funds for the program.

417 Section 12. Subsections (1), (5), and (6) and paragraphs
418 (b) and (c) of subsection (7) of section 1002.69, Florida
419 Statutes, are amended to read:

420 1002.69 Statewide kindergarten screening; kindergarten

421 readiness rates; state-approved prekindergarten enrollment
422 screening; good cause exemption.—

423 (1) The department shall adopt a statewide kindergarten
424 screening that assesses the readiness of each student for
425 kindergarten based upon the performance standards adopted by the
426 department under s. 1002.67(1) for the Voluntary Prekindergarten
427 Education Program. The department shall require that each school
428 district administer the statewide kindergarten screening to each
429 kindergarten student in the school district within the first 30
430 school days of each school year. Nonpublic schools may
431 administer the statewide kindergarten screening to each
432 kindergarten student in a nonpublic school who was enrolled in
433 the Voluntary Prekindergarten Education Program.

434 (5) The State Board of Education shall adopt procedures
435 for the department to annually calculate each private
436 prekindergarten provider's and public school's kindergarten
437 readiness rate, which must be expressed as the percentage of the
438 provider's or school's students who are assessed as ready for
439 kindergarten. The kindergarten readiness rates must be based
440 exclusively upon the results of the statewide kindergarten
441 screening for students completing the Voluntary Prekindergarten
442 Education Program, beginning with students completing the
443 program during the 2005-2006 school year who are administered
444 the statewide kindergarten screening during the 2006-2007 school
445 year. The methodology for calculating each provider's
446 kindergarten readiness rate must include the percentage of
447 students who meet all state readiness measures. The rates must
448 not include students who are not administered the statewide

kindergarten screening.

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

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

(7)

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

1. Submission of data by the private prekindergarten provider or public school which documents ~~on a standardized assessment~~ the achievement and progress of the children served as measured by the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the department pursuant to subparagraph (c)1.

2. Submission and review of data available from the respective early learning coalition or district school board, the Department of Children and Family Services, local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public

477 school's compliance with state and local health and safety
478 standards.

479 3. Submission and review of data available to the
480 department on the performance of the children served and the
481 calculation of the private prekindergarten provider's or public
482 school's kindergarten readiness rate.

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

486 1. Learning gains of children served in the Voluntary
487 Prekindergarten Education Program by the private prekindergarten
488 provider or public school. A provider seeking a good cause
489 exemption shall have the early learning coalition or a
490 department-approved second party administer the state-approved
491 prekindergarten enrollment screening to each child in the
492 prekindergarten provider's program within the first 30 days of
493 each school year for which a good cause exemption is sought, and
494 the provider shall administer the standardized post-assessment
495 approved by the department to measure the student's learning
496 gains for the year or summer, as appropriate. All data must be
497 submitted to the department within 30 days after the
498 administration of each assessment. Each parent who enrolls his
499 or her child in a Voluntary Prekindergarten Education Program
500 offered by a provider seeking a good cause exemption must submit
501 the child for the state-approved prekindergarten enrollment
502 screening.

503 ~~2. Verification that the private prekindergarten provider~~
504 ~~or public school serves at least twice the statewide percentage~~

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~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
~~children identified as limited English proficient as defined in~~
~~s. 1003.56.~~

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

Section 13. Subsection (4) of section 1002.71, Florida
Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

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

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

(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.

533
534 A child may reenroll only once in a prekindergarten program
535 under this section. A child who reenrolls in a prekindergarten
536 program under this subsection may not subsequently withdraw from
537 the program and reenroll, unless the child is granted a good
538 cause exemption under this subsection. The Agency for Workforce
539 Innovation shall establish criteria specifying whether a good
540 cause exists for a child to withdraw from a program under
541 paragraph (a), whether a child has substantially completed a
542 program under paragraph (b), and whether an extreme hardship
543 exists which is beyond the child's or parent's control under
544 paragraph (b).

545 Section 14. Subsection (2) of section 1002.73, Florida
546 Statutes, is amended to read:

547 1002.73 Department of Education; powers and duties;
548 accountability requirements.—

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

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

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

554 (c) Administration of the statewide kindergarten screening
555 and calculation of kindergarten readiness rates under s.
556 1002.69.

557 (d) Implementation of, and determination of costs
558 associated with, the state-approved prekindergarten enrollment
559 screening and the standardized post-assessment approved by the
560 department, and determination of the learning gains of students

561 who complete the state-approved prekindergarten enrollment
562 screening and the standardized post-assessment approved by the
563 department.

564 (e)~~(d)~~ Approval of specialized instructional services
565 providers under s. 1002.66.

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

568 (g)~~(e)~~ Granting of a private prekindergarten provider's or
569 public school's request for a good cause exemption under s.
570 1002.69(7).

571 Section 15. Paragraph (b) of subsection (3) of section
572 1003.01, Florida Statutes, is amended to read:

573 1003.01 Definitions.—As used in this chapter, the term:

574 (3)

575 (b) "Special education services" means specially designed
576 instruction and such related services as are necessary for an
577 exceptional student to benefit from education. Such services may
578 include: transportation; diagnostic and evaluation services;
579 social services; physical and occupational therapy; speech and
580 language pathology services; job placement; orientation and
581 mobility training; braillists, typists, and readers for the
582 blind; interpreters and auditory amplification; services
583 provided by a certified listening and spoken language
584 specialist; rehabilitation counseling; transition services;
585 mental health services; guidance and career counseling;
586 specified materials, assistive technology devices, and other
587 specialized equipment; and other such services as approved by
588 rules of the state board.

589 Section 16. Subsection (1) of section 1003.4156, Florida
590 Statutes, is amended to read:

591 1003.4156 General requirements for middle grades
592 promotion.—

593 ~~(1) Beginning with students entering grade 6 in the 2006-~~
594 ~~2007 school year,~~ Promotion from a school composed of middle
595 grades 6, 7, and 8 requires that:

596 (a) The student must successfully complete academic
597 courses as follows:

598 1. Three middle school or higher courses in English. These
599 courses shall emphasize literature, composition, and technical
600 text.

601 2. Three middle school or higher courses in mathematics.
602 Each middle school must offer at least one high school level
603 mathematics course for which students may earn high school
604 credit. Successful completion of a high school level Algebra I
605 or geometry course is not contingent upon the student's
606 performance on the end-of-course assessment required under s.
607 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
608 school year, to earn high school credit for an Algebra I course,
609 a middle school student must pass the Algebra I end-of-course
610 assessment, and beginning with the 2012-2013 school year, to
611 earn high school credit for a geometry course, a middle school
612 student must pass the geometry end-of-course assessment.

613 3. Three middle school or higher courses in social
614 studies, one semester of which must include the study of state
615 and federal government and civics education. Beginning with
616 students entering grade 6 in the 2012-2013 school year, one of

617 these courses must be at least a one-semester civics education
618 course that a student successfully completes in accordance with
619 s. 1008.22(3)(c) and that includes the roles and
620 responsibilities of federal, state, and local governments; the
621 structures and functions of the legislative, executive, and
622 judicial branches of government; and the meaning and
623 significance of historic documents, such as the Articles of
624 Confederation, the Declaration of Independence, and the
625 Constitution of the United States.

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

633 5. One course in career and education planning to be
634 completed in 7th or 8th grade. The course may be taught by any
635 member of the instructional staff; must include career
636 exploration using Florida CHOICES or a comparable cost-effective
637 program; must include educational planning using the online
638 student advising system known as Florida Academic Counseling and
639 Tracking for Students at the Internet website FACTS.org; and
640 shall result in the completion of a personalized academic and
641 career plan. The required personalized academic and career plan
642 must inform students of high school graduation requirements,
643 high school assessment and college entrance test requirements,
644 Florida Bright Futures Scholarship Program requirements, state

645 university and Florida college admission requirements, and
646 programs through which a high school student can earn college
647 credit, including Advanced Placement, International
648 Baccalaureate, Advanced International Certificate of Education,
649 dual enrollment, career academy opportunities, and courses that
650 lead to national industry certification.

651
652 A student with a disability, as defined in s. 1007.02(2), for
653 whom the individual education plan team determines that an end-
654 of-course assessment cannot accurately measure the student's
655 abilities, taking into consideration all allowable
656 accommodations, shall have the end-of-course assessment results
657 waived for purposes of determining the student's course grade
658 and completing the requirements for middle grades promotion.

659 Each school must hold a parent meeting either in the evening or
660 on a weekend to inform parents about the course curriculum and
661 activities. Each student shall complete an electronic personal
662 education plan that must be signed by the student; the student's
663 instructor, guidance counselor, or academic advisor; and the
664 student's parent. The Department of Education shall develop
665 course frameworks and professional development materials for the
666 career exploration and education planning course. The course may
667 be implemented as a stand-alone course or integrated into
668 another course or courses. The Commissioner of Education shall
669 collect longitudinal high school course enrollment data by
670 student ethnicity in order to analyze course-taking patterns.

671 (b) For each year in which a student scores at Level 1 on
672 FCAT Reading, the student must be enrolled in and complete an

intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s.

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

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

Section 17. Section 1003.4203, Florida Statutes, is created to read:

1003.4203 Digital curriculum.—

(1) Each district school board, in consultation with the district school superintendent, may develop and implement a digital curriculum for students in grades 6 through 12 in order to enable students to attain competencies in web communications and web design. A digital curriculum may include web-based skills, web-based core technologies, web design, use of digital

technologies and markup language to show competency in computer skills, and use of web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website.

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

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

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

Section 18. Paragraph (b) of subsection (2) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

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

(b) Eight credits in electives.

1. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be

determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s.

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

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

Section 19. Subsections (2), (3), (4), and (7) of section 1003.429, Florida Statutes, are amended to read:

1003.429 Accelerated high school graduation options.—

(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), a student and the student's parent should ~~must~~ meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must ~~also~~ receive the written consent of the student's parent. If an effort to meet with the student's parent fails and that effort

757 has been documented by designated school personnel, the student
758 may select a program described in paragraph (1)(b) or paragraph
759 (1)(c) with the written consent of the student's parent. A
760 student may select a program described in paragraph (1)(b) or
761 paragraph (1)(c) without the written consent of the student's
762 parent if the student is 18 years of age or older.

763 (3) Beginning with the 2011-2012 ~~2006-2007~~ school year,
764 each district school board shall provide each student in grades
765 6 through 12 ~~9~~ and their parents with information concerning the
766 3-year and 4-year high school graduation options listed in
767 subsection (1), including the respective curriculum requirements
768 for those options, so that the students and their parents may
769 select the program that best fits their needs. The information
770 must include a timeframe for achieving each graduation option.

771 (4) Selection of one of the graduation options listed in
772 subsection (1) may ~~must~~ be completed by the student at any time
773 during grades 9 through 12 ~~prior to the end of grade 9 and is~~
774 ~~exclusively up to the student and parent,~~ subject to the
775 requirements in subsection (2). ~~Each district school board shall~~
776 ~~establish policies for extending this deadline to the end of a~~
777 ~~student's first semester of grade 10 for a student who entered a~~
778 ~~Florida public school after grade 9 upon transfer from a private~~
779 ~~school or another state or who was prevented from choosing a~~
780 ~~graduation option due to illness during grade 9.~~ If the student
781 and parent fail to select one of the accelerated high school
782 graduation options ~~a graduation option~~, the student shall be
783 considered to have selected the general requirements for high
784 school graduation pursuant to paragraph (1)(a).

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

789 (a) The requirements that the student is not currently
790 meeting.

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

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

795 Section 20. Subsections (2), (3), and (5) of section
796 1003.491, Florida Statutes, are amended to read:

797 1003.491 Florida Career and Professional Education Act.—
798 The Florida Career and Professional Education Act is created to
799 provide a statewide planning partnership between the business
800 and education communities in order to attract, expand, and
801 retain targeted, high-value industry and to sustain a strong,
802 knowledge-based economy.

803 (2) ~~Beginning with the 2007-2008 school year,~~ Each
804 district school board shall develop, in collaboration with
805 regional local ~~workforce boards,~~ economic development agencies,
806 and postsecondary institutions approved to operate in the state,
807 a strategic 5-year plan to address and meet local and regional
808 workforce demands. If involvement of a regional ~~the local~~
809 workforce board or an economic development agency in the
810 strategic plan development is not feasible, the local school
811 board, with the approval of the Agency for Workforce Innovation,
812 shall collaborate with the most appropriate regional local

813 business leadership board. Two or more school districts may
814 collaborate in the development of the strategic plan and offer a
815 career and professional academy as a joint venture. The
816 strategic plan ~~Such plans~~ must describe in detail provisions for
817 the efficient transportation of students, the maximum use of
818 shared resources, and access to courses aligned to state
819 curriculum standards through virtual education providers
820 legislatively authorized to provide part-time instruction to
821 middle school students, and an objective review of career and
822 professional academy courses to determine if the courses will
823 lead to the attainment of industry certifications included on
824 the Industry Certified Funding List pursuant to rules adopted by
825 the State Board of Education ~~the Florida Virtual School when~~
826 ~~appropriate.~~ Each strategic plan shall be reviewed, updated, and
827 jointly approved every 5 years by the local school district,
828 regional workforce boards, economic development agencies, and
829 state-approved postsecondary institutions ~~completed no later~~
830 ~~than June 30, 2008, and shall include provisions to have in~~
831 ~~place at least one operational career and professional academy,~~
832 ~~pursuant to s. 1003.492, no later than the beginning of the~~
833 ~~2008-2009 school year.~~

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

838 (a) Research conducted to objectively determine local and
839 regional workforce needs for the ensuing 5 years, using labor
840 projections of the United States Department of Labor and the

Agency for Workforce Innovation;

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for purposes of middle school promotion and high school graduation ~~purposes~~ shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the

Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the Agency for Workforce Innovation and the Commissioner of Education within 15 days. The curriculum review committee must be established and operational no later than September 1, 2007.

Section 21. Subsections (2), (4), (5), and (6) of section 1003.493, Florida Statutes, are amended to read:

1003.493 Career and professional academies.—

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

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

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

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

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

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

(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.

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

927 (4) Each career and professional academy must:

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

935 (b) Include one or more partnerships with postsecondary
936 institutions, businesses, industry, employers, economic
937 development organizations, or other appropriate partners from
938 the local community. Such partnerships shall be delineated in
939 articulation agreements to provide for career-based courses that
940 earn postsecondary credit. Such agreements may include
941 articulation between the academy and public or private 2-year
942 and 4-year postsecondary institutions and technical centers. The
943 Department of Education, in consultation with the Board of
944 Governors, shall establish a mechanism to ensure articulation
945 and transfer of credits to postsecondary institutions in this
946 state. Such partnerships must provide opportunities for:

947 1. Instruction from highly skilled professionals who
948 possess industry-certification credentials for courses they are
949 teaching.

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

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

952 4. The highest available level of industry certification.

953 5. Maximum articulation of credits pursuant to s. 1007.23
954 upon program completion.

955 (c) Provide shared, maximum use of private sector
956 facilities and personnel.

957 (d) Provide personalized student advisement, including a
958 parent-participation component, and coordination with middle
959 schools to promote and support career exploration and education
960 planning as required under s. 1003.4156. Coordination with
961 middle schools must provide information to middle school
962 students about secondary and postsecondary career education
963 programs and academies.

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

967 (f) Provide instruction in careers designated as high
968 growth, high demand, and high pay by the regional ~~local~~
969 workforce development board, the chamber of commerce, economic
970 development agencies, or the Agency for Workforce Innovation.

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

975 (h) Offer applied courses that combine academic content
976 with technical skills.

977 (i) Provide instruction resulting in competency,
978 certification, or credentials in workplace skills, including,
979 but not limited to, communication skills, interpersonal skills,
980 decisionmaking skills, the importance of attendance and

timeliness in the work environment, and work ethics.

(j) Include a plan to sustain career and professional academies ~~Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 1004.99.~~

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

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

(5) All career courses offered in a career and professional academy must lead to industry certification or college credit linked directly to the career theme of the course. If the passage rate on an industry certification examination that is associated with the career and professional academy falls below 50 percent, the academy must discontinue

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1009 enrollment of new students the following school year and each
1010 year thereafter until such time as the passage rate is above 50
1011 percent or the academy is discontinued. ~~At least 50 percent of~~
1012 ~~students enrolled in a career course must achieve industry~~
1013 ~~certifications or college credits during the second year the~~
1014 ~~course is offered in order for the course to be offered a third~~
1015 ~~year. At least 66 percent of students enrolled in such a course~~
1016 ~~must achieve industry certifications or college credits during~~
1017 ~~the third year the course is offered in order for it to be~~
1018 ~~offered a fourth year and thereafter.~~

1019 (6) Workforce Florida, Inc., through the secondary career
1020 academies initiatives, ~~The Okaloosa County School District~~
1021 ~~CHOICE Institutes~~ shall serve in an advisory role and shall
1022 offer technical assistance in the development and deployment of
1023 newly established career and professional academies ~~for a 3-year~~
1024 ~~period beginning July 1, 2007.~~

1025 Section 22. Section 1003.4935, Florida Statutes, is
1026 created to read:

1027 1003.4935 Middle school career and professional academy
1028 courses.—

1029 (1) Beginning with the 2011-2012 school year, each
1030 district school board, in collaboration with regional workforce
1031 boards, economic development agencies, and state-approved
1032 postsecondary institutions, shall include plans to implement a
1033 career and professional academy in at least one middle school in
1034 the district as part of the strategic 5-year plan pursuant to s.
1035 1003.491(2). The middle school career and professional academy
1036 component of the strategic plan must ensure the transition of

1037 middle school career and professional academy students to a high
1038 school career and professional academy currently operating
1039 within the school district. Students who complete a middle
1040 school career and professional academy must have the opportunity
1041 to earn an industry certificate and high school credit and
1042 participate in career planning, job shadowing, and business
1043 leadership development activities.

1044 (2) Each middle school career and professional academy
1045 must be aligned with at least one high school career and
1046 professional academy offered in the district and maintain
1047 partnerships with local business and industry and economic
1048 development boards. Middle school career and professional
1049 academies must:

1050 (a) Provide instruction in courses leading to careers in
1051 occupations designated as high growth, high demand, and high pay
1052 in the Industry Certification Funding List approved under rules
1053 adopted by the State Board of Education;

1054 (b) Offer career and professional academy courses that
1055 integrate content from core subject areas;

1056 (c) Offer courses that integrate career and professional
1057 academy content with intensive reading and mathematics pursuant
1058 to s. 1003.428;

1059 (d) Coordinate with high schools to maximize opportunities
1060 for middle school career and professional academy students to
1061 earn high school credit;

1062 (e) Provide access to virtual instruction courses provided
1063 by virtual education providers legislatively authorized to
1064 provide part-time instruction to middle school students which

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are aligned to state curriculum standards for middle school career and professional academy students, with priority given to students who have required course deficits;

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

(g) Offer externships; and

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

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for academy students.

Section 23. Section 1003.573, Florida Statutes, is amended to read:

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

(1) DOCUMENTATION AND REPORTING.—

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

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

1. The name of the student restrained or secluded.
2. The age, grade, ethnicity, and disability of the

1093 student restrained or secluded.

1094 ~~3.2.~~ The date and time of the event and the duration of
1095 the restraint or seclusion.

1096 ~~4.3.~~ The location at which the restraint or seclusion
1097 occurred.

1098 ~~5.4.~~ A description of the type of restraint used in terms
1099 established by the Department of Education.

1100 ~~6.5.~~ The name of the person using or assisting in the
1101 restraint or seclusion of the student.

1102 ~~7.6.~~ The name of any nonstudent who was present to witness
1103 the restraint or seclusion.

1104 ~~8.7.~~ A description of the incident, including:

1105 a. The context in which the restraint or seclusion
1106 occurred.

1107 b. The student's behavior leading up to and precipitating
1108 the decision to use manual or physical restraint or seclusion,
1109 including an indication as to why there was an imminent risk of
1110 serious injury or death to the student or others.

1111 c. The specific positive behavioral strategies used to
1112 prevent and deescalate the behavior.

1113 d. What occurred with the student immediately after the
1114 termination of the restraint or seclusion.

1115 e. Any injuries, visible marks, or possible medical
1116 emergencies that may have occurred during the restraint or
1117 seclusion, documented according to district policies.

1118 f. Evidence of steps taken to notify the student's parent
1119 or guardian.

1120 (c) A school shall notify the parent or guardian of a

1121 student each time manual or physical restraint or seclusion is
1122 used. Such notification must be in writing and provided before
1123 the end of the school day on which the restraint or seclusion
1124 occurs. Reasonable efforts must also be taken to notify the
1125 parent or guardian by telephone or computer e-mail, or both, and
1126 these efforts must be documented. The school shall obtain, and
1127 keep in its records, the parent's or guardian's signed
1128 acknowledgment that he or she was notified of his or her child's
1129 restraint or seclusion.

1130 (d) A school shall also provide the parent or guardian
1131 with the completed incident report in writing by mail within 3
1132 school days after a student was manually or physically
1133 restrained or secluded. The school shall obtain, and keep in its
1134 records, the parent's or guardian's signed acknowledgment that
1135 he or she received a copy of the incident report.

1136 (2) MONITORING.—

1137 (a) Monitoring of the use of manual or physical restraint
1138 or seclusion on students shall occur at the classroom, building,
1139 district, and state levels.

1140 (b) ~~Beginning July 1, 2010,~~ Documentation prepared as
1141 required in subsection (1) shall be provided to the school
1142 principal, the district director of Exceptional Student
1143 Education, and the bureau chief of the Bureau of Exceptional
1144 Education and Student Services electronically each month that
1145 the school is in session.

1146 (c) The department shall maintain aggregate data of
1147 incidents of manual or physical restraint and seclusion and
1148 disaggregate the data for analysis by county, school, student

1149 exceptional, and other variables, including the type and
1150 method of restraint or seclusion used. This information shall be
1151 updated monthly.

1152 (d) The department shall establish standards for
1153 documenting, reporting, and monitoring the use of manual or
1154 physical restraint or mechanical restraint, and occurrences of
1155 seclusion. These standards shall be provided to school districts
1156 by October 1, 2011.

1157 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

1158 (a) Each school district shall develop policies and
1159 procedures that are consistent with this section and that govern
1160 the following:

1161 1. Incident-reporting procedures.

1162 2. Data collection and monitoring, including when, where,
1163 and why students are restrained or secluded; the frequency of
1164 occurrences of such restraint or seclusion; and the prone or
1165 mechanical restraint that is most used.

1166 3. Monitoring and reporting of data collected.

1167 4. Training programs relating to manual or physical
1168 restraint and seclusion.

1169 5. The district's plan for selecting personnel to be
1170 trained.

1171 6. The district's plan for reducing the use of restraint
1172 and seclusion particularly in settings in which it occurs
1173 frequently or with students who are restrained repeatedly, and
1174 for reducing the use of prone restraint and mechanical
1175 restraint. The plan must include a goal for reducing the use of
1176 restraint and seclusion and must include activities, skills, and

resources needed to achieve that goal. Activities may include,
but are not limited to:

- a. Additional training in positive behavioral support and crisis management;
- b. Parental involvement;
- c. Data review;
- d. Updates of students' functional behavioral analysis and positive behavior intervention plans;
- e. Additional student evaluations;
- f. Debriefing with staff;
- g. Use of schoolwide positive behavior support; and
- h. Changes to the school environment.

(b) Any revisions to the district's ~~such~~ policies and procedures, which must be prepared as part of its ~~the school district's~~ special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2012 ~~2011~~.

(4) PROHIBITED RESTRAINT.—School personnel may not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.

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

Section 24. Section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and

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1205 coordination of appropriate assistive technology devices and
1206 services are essential as a young person with disabilities moves
1207 from early intervention to preschool, from preschool to school,
1208 from one school to another, and from school to employment or
1209 independent living. If an individual education plan team makes a
1210 recommendation in accordance with State Board of Education rule
1211 for a student with a disability, as defined in s. 1003.01(3), to
1212 receive an assistive technology assessment, that assessment must
1213 be completed within 60 school days after the team's
1214 recommendation. To ensure that an assistive technology device
1215 issued to a young person as part of his or her individualized
1216 family support plan, individual support plan, or an individual
1217 education plan remains with the individual through such
1218 transitions, the following agencies shall enter into interagency
1219 agreements, as appropriate, to ensure the transaction of
1220 assistive technology devices:

1221 (1) The Florida Infants and Toddlers Early Intervention
1222 Program in the Division of Children's Medical Services of the
1223 Department of Health.

1224 (2) The Division of Blind Services, the Bureau of
1225 Exceptional Education and Student Services, and the Division of
1226 Vocational Rehabilitation of the Department of Education.

1227 (3) The Voluntary Prekindergarten Education Program
1228 administered by the Department of Education and the Agency for
1229 Workforce Innovation.

1230
1231 Interagency agreements entered into pursuant to this section
1232 shall provide a framework for ensuring that young persons with

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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 be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessment program being administered in Florida. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section, as applicable. The administration of the National Assessment of Educational Progress or similar national or international assessment program shall be in addition to and

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1261 separate from the administration of the statewide assessment
1262 program.

1263 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
1264 design and implement a statewide program of educational
1265 assessment that provides information for the improvement of the
1266 operation and management of the public schools, including
1267 schools operating for the purpose of providing educational
1268 services to youth in Department of Juvenile Justice programs.
1269 The commissioner may enter into contracts for the continued
1270 administration of the assessment, testing, and evaluation
1271 programs authorized and funded by the Legislature. Contracts may
1272 be initiated in 1 fiscal year and continue into the next and may
1273 be paid from the appropriations of either or both fiscal years.
1274 The commissioner is authorized to negotiate for the sale or
1275 lease of tests, scoring protocols, test scoring services, and
1276 related materials developed pursuant to law. Pursuant to the
1277 statewide assessment program, the commissioner shall:

1278 (c) Develop and implement a student achievement testing
1279 program as follows:

1280 1. The Florida Comprehensive Assessment Test (FCAT)
1281 measures a student's content knowledge and skills in reading,
1282 writing, science, and mathematics. The content knowledge and
1283 skills assessed by the FCAT must be aligned to the core
1284 curricular content established in the Next Generation Sunshine
1285 State Standards. Other content areas may be included as directed
1286 by the commissioner. Comprehensive assessments of reading and
1287 mathematics shall be administered annually in grades 3 through
1288 10 except, beginning with the 2010-2011 school year, the

1289 administration of grade 9 FCAT Mathematics shall be
1290 discontinued, and beginning with the 2011-2012 school year, the
1291 administration of grade 10 FCAT Mathematics shall be
1292 discontinued, except as required for students who have not
1293 attained minimum performance expectations for graduation as
1294 provided in paragraph (9)(c). FCAT Writing and FCAT Science
1295 shall be administered at least once at the elementary, middle,
1296 and high school levels except, beginning with the 2011-2012
1297 school year, the administration of FCAT Science at the high
1298 school level shall be discontinued.

1299 2.a. End-of-course assessments for a subject shall be
1300 administered in addition to the comprehensive assessments
1301 required under subparagraph 1. End-of-course assessments must be
1302 rigorous, statewide, standardized, and developed or approved by
1303 the department. The content knowledge and skills assessed by
1304 end-of-course assessments must be aligned to the core curricular
1305 content established in the Next Generation Sunshine State
1306 Standards.

1307 (I) Statewide, standardized end-of-course assessments in
1308 mathematics shall be administered according to this sub-sub-
1309 subparagraph. Beginning with the 2010-2011 school year, all
1310 students enrolled in Algebra I or an equivalent course must take
1311 the Algebra I end-of-course assessment. ~~Students who earned high~~
1312 ~~school credit in Algebra I while in grades 6 through 8 during~~
1313 ~~the 2007-2008 through 2009-2010 school years and who have not~~
1314 ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~
1315 ~~course assessment during the 2010-2011 school year.~~ For students
1316 entering grade 9 during the 2010-2011 school year and who are

1317 enrolled in Algebra I or an equivalent, each student's
1318 performance on the end-of-course assessment in Algebra I shall
1319 constitute 30 percent of the student's final course grade.
1320 Beginning with students entering grade 9 in the 2011-2012 school
1321 year, a student who is enrolled in Algebra I or an equivalent
1322 must earn a passing score on the end-of-course assessment in
1323 Algebra I or attain an equivalent score as described in
1324 subsection (11) in order to earn course credit. Beginning with
1325 the 2011-2012 school year, all students enrolled in geometry or
1326 an equivalent course must take the geometry end-of-course
1327 assessment. For students entering grade 9 during the 2011-2012
1328 school year, each student's performance on the end-of-course
1329 assessment in geometry shall constitute 30 percent of the
1330 student's final course grade. Beginning with students entering
1331 grade 9 during the 2012-2013 school year, a student must earn a
1332 passing score on the end-of-course assessment in geometry or
1333 attain an equivalent score as described in subsection (11) in
1334 order to earn course credit.

1335 (II) Statewide, standardized end-of-course assessments in
1336 science shall be administered according to this sub-sub-
1337 subparagraph. Beginning with the 2011-2012 school year, all
1338 students enrolled in Biology I or an equivalent course must take
1339 the Biology I end-of-course assessment. For the 2011-2012 school
1340 year, each student's performance on the end-of-course assessment
1341 in Biology I shall constitute 30 percent of the student's final
1342 course grade. Beginning with students entering grade 9 during
1343 the 2012-2013 school year, a student must earn a passing score
1344 on the end-of-course assessment in Biology I in order to earn

1345 course credit.

1346 b. During the 2012-2013 school year, an end-of-course
1347 assessment in civics education shall be administered as a field
1348 test at the middle school level. During the 2013-2014 school
1349 year, each student's performance on the statewide, standardized
1350 end-of-course assessment in civics education shall constitute 30
1351 percent of the student's final course grade. Beginning with the
1352 2014-2015 school year, a student must earn a passing score on
1353 the end-of-course assessment in civics education in order to
1354 pass the course and be promoted from the middle grades ~~receive~~
1355 ~~course credit.~~ The school principal of a middle school shall
1356 determine, in accordance with State Board of Education rule,
1357 whether a student who transfers to the middle school and who has
1358 successfully completed a civics education course at the
1359 student's previous school must take an end-of-course assessment
1360 in civics education.

1361 c. The commissioner may select one or more nationally
1362 developed comprehensive examinations, which may include, but
1363 need not be limited to, examinations for a College Board
1364 Advanced Placement course, International Baccalaureate course,
1365 or Advanced International Certificate of Education course, or
1366 industry-approved examinations to earn national industry
1367 certifications identified in the Industry Certification Funding
1368 List, pursuant to rules adopted by the State Board of Education,
1369 for use as end-of-course assessments under this paragraph, if
1370 the commissioner determines that the content knowledge and
1371 skills assessed by the examinations meet or exceed the grade
1372 level expectations for the core curricular content established

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1373 for the course in the Next Generation Sunshine State Standards.
1374 The commissioner may collaborate with the American Diploma
1375 Project in the adoption or development of rigorous end-of-course
1376 assessments that are aligned to the Next Generation Sunshine
1377 State Standards.

1378 d. Contingent upon funding provided in the General
1379 Appropriations Act, including the appropriation of funds
1380 received through federal grants, the Commissioner of Education
1381 shall establish an implementation schedule for the development
1382 and administration of additional statewide, standardized end-of-
1383 course assessments in English/Language Arts II, Algebra II,
1384 chemistry, physics, earth/space science, United States history,
1385 and world history. Priority shall be given to the development of
1386 end-of-course assessments in English/Language Arts II. The
1387 Commissioner of Education shall evaluate the feasibility and
1388 effect of transitioning from the grade 9 and grade 10 FCAT
1389 Reading and high school level FCAT Writing to an end-of-course
1390 assessment in English/Language Arts II. The commissioner shall
1391 report the results of the evaluation to the President of the
1392 Senate and the Speaker of the House of Representatives no later
1393 than July 1, 2011.

1394 3. The testing program shall measure student content
1395 knowledge and skills adopted by the State Board of Education as
1396 specified in paragraph (a) and measure and report student
1397 performance levels of all students assessed in reading, writing,
1398 mathematics, and science. The commissioner shall provide for the
1399 tests to be developed or obtained, as appropriate, through
1400 contracts and project agreements with private vendors, public

1401 vendors, public agencies, postsecondary educational
1402 institutions, or school districts. The commissioner shall obtain
1403 input with respect to the design and implementation of the
1404 testing program from state educators, assistive technology
1405 experts, and the public.

1406 4. The testing program shall be composed of criterion-
1407 referenced tests that shall, to the extent determined by the
1408 commissioner, include test items that require the student to
1409 produce information or perform tasks in such a way that the core
1410 content knowledge and skills he or she uses can be measured.

1411 5. FCAT Reading, Mathematics, and Science and all
1412 statewide, standardized end-of-course assessments shall measure
1413 the content knowledge and skills a student has attained on the
1414 assessment by the use of scaled scores and achievement levels.
1415 Achievement levels shall range from 1 through 5, with level 1
1416 being the lowest achievement level, level 5 being the highest
1417 achievement level, and level 3 indicating satisfactory
1418 performance on an assessment. For purposes of FCAT Writing,
1419 student achievement shall be scored using a scale of 1 through 6
1420 and the score earned shall be used in calculating school grades.
1421 A score shall be designated for each subject area tested, below
1422 which score a student's performance is deemed inadequate. The
1423 school districts shall provide appropriate remedial instruction
1424 to students who score below these levels.

1425 6. The State Board of Education shall, by rule, designate
1426 a passing score for each part of the grade 10 assessment test
1427 and end-of-course assessments. Any rule that has the effect of
1428 raising the required passing scores may apply only to students

1429 taking the assessment for the first time after the rule is
1430 adopted by the State Board of Education. Except as otherwise
1431 provided in this subparagraph and as provided in s.
1432 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
1433 passing score on grade 10 FCAT Reading and grade 10 FCAT
1434 Mathematics or attain concordant scores as described in
1435 subsection (10) in order to qualify for a standard high school
1436 diploma.

1437 7. In addition to designating a passing score under
1438 subparagraph 6., the State Board of Education shall also
1439 designate, by rule, a score for each statewide, standardized
1440 end-of-course assessment which indicates that a student is high
1441 achieving and has the potential to meet college-readiness
1442 standards by the time the student graduates from high school.

1443 8. Participation in the testing program is mandatory for
1444 all students attending public school, including students served
1445 in Department of Juvenile Justice programs, except as otherwise
1446 prescribed by the commissioner. A student who has not earned
1447 passing scores on the grade 10 FCAT as provided in subparagraph
1448 6. must participate in each retake of the assessment until the
1449 student earns passing scores or achieves scores on a
1450 standardized assessment which are concordant with passing scores
1451 pursuant to subsection (10). If a student does not participate
1452 in the statewide assessment, the district must notify the
1453 student's parent and provide the parent with information
1454 regarding the implications of such nonparticipation. A parent
1455 must provide signed consent for a student to receive classroom
1456 instructional accommodations that would not be available or

permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT or an end-of-course assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

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

10. District school boards must provide instruction to prepare students in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in

1485 writing and must provide the parent with information regarding
1486 the impact on the student's ability to meet expected performance
1487 levels in reading, writing, mathematics, and science. The
1488 commissioner shall conduct studies as necessary to verify that
1489 the required core curricular content is part of the district
1490 instructional programs.

1491 11. District school boards must provide opportunities for
1492 students to demonstrate an acceptable performance level on an
1493 alternative standardized assessment approved by the State Board
1494 of Education following enrollment in summer academies.

1495 12. The Department of Education must develop, or select,
1496 and implement a common battery of assessment tools that will be
1497 used in all juvenile justice programs in the state. These tools
1498 must accurately measure the core curricular content established
1499 in the Next Generation Sunshine State Standards.

1500 13. For students seeking a special diploma pursuant to s.
1501 1003.438, the Department of Education must develop or select and
1502 implement an alternate assessment tool that accurately measures
1503 the core curricular content established in the Next Generation
1504 Sunshine State Standards for students with disabilities under s.
1505 1003.438.

1506 14. The Commissioner of Education shall establish
1507 schedules for the administration of statewide assessments and
1508 the reporting of student test results. When establishing the
1509 schedules for the administration of statewide assessments, the
1510 commissioner shall consider the observance of religious and
1511 school holidays. The commissioner shall, by August 1 of each
1512 year, notify each school district in writing and publish on the

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department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

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

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

c. A statewide, standardized end-of-course assessment is administered ~~during a 3-week period~~ at the end of the course. The commissioner shall select an ~~a 3-week~~ administration period for assessments that meets the intent of end-of-course assessments and provides student results prior to the end of the course. School districts shall administer tests in accordance with the schedule determined by the commissioner ~~select 1 testing week within the 3-week administration period for each end-of-course assessment.~~ For an end-of-course assessment administered at the end of the first semester, the commissioner

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shall determine the most appropriate testing dates based on a
review of each school district's academic calendar.

The commissioner may, based on collaboration and input from
school districts, design and implement student testing programs,
for any grade level and subject area, necessary to effectively
monitor educational achievement in the state, including the
measurement of educational achievement of the Next Generation
Sunshine State Standards for students with disabilities.

Development and refinement of assessments shall include
universal design principles and accessibility standards that
will prevent any unintended obstacles for students with
disabilities while ensuring the validity and reliability of the
test. These principles should be applicable to all technology
platforms and assistive devices available for the assessments.
The field testing process and psychometric analyses for the
statewide assessment program must include an appropriate
percentage of students with disabilities and an evaluation or
determination of the effect of test items on such students.

Section 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,

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1569 Level 3, or Level 4 on the mathematics assessments under s.
1570 1008.22(3)(c). High schools shall perform this evaluation using
1571 results from the corresponding component of the common placement
1572 test prescribed in this section, or an equivalent test
1573 identified by the State Board of Education. The State Board
1574 ~~Department~~ of Education shall identify in rule ~~purchase or~~
1575 ~~develop~~ the assessments necessary to perform the evaluations
1576 required by this subsection and shall work with the school
1577 districts to administer the assessments. The State Board of
1578 Education shall establish by rule the minimum test scores a
1579 student must achieve to demonstrate readiness. Students who
1580 demonstrate readiness by achieving the minimum test scores
1581 established by the state board and enroll in a community college
1582 within 2 years of achieving such scores shall not be required to
1583 retest or enroll in remediation when admitted ~~enroll as a~~
1584 ~~condition of acceptance~~ to any community college. The high
1585 school shall use the results of the test to advise the students
1586 of any identified deficiencies and to ~~the maximum extent~~
1587 ~~practicable~~ provide 12th grade students, and require them to
1588 complete, access to appropriate postsecondary preparatory
1589 ~~remedial~~ instruction prior to high school graduation. The
1590 curriculum ~~remedial instruction~~ provided under this subsection
1591 shall be identified in rule by the State Board of Education and
1592 encompass Florida's Postsecondary Readiness Competencies. Other
1593 elective courses may not be substituted for the selected
1594 postsecondary reading, mathematics, or writing preparatory
1595 course unless the elective course covers the same competencies
1596 included in the postsecondary reading, mathematics, or writing

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1597 ~~preparatory course a collaborative effort between secondary and~~
1598 ~~postsecondary educational institutions. To the extent courses~~
1599 ~~are available, the Florida Virtual School may be used to provide~~
1600 ~~the remedial instruction required by this subsection.~~

1601 Section 27. Paragraph (b) of subsection (3) and subsection
1602 (4) of section 1008.33, Florida Statutes, are amended to read:

1603 1008.33 Authority to enforce public school improvement.—

1604 (3)

1605 (b) For the purpose of determining whether a public school
1606 requires action to achieve a sufficient level of school
1607 improvement, beginning with the 2010-2011 school year, the
1608 Department of Education shall annually categorize a public
1609 school in one of six categories based on the following:

1610 1. A school's grade based upon statewide assessments
1611 administered pursuant to s. 1008.22; and

1612 2. school's grade, pursuant to s. 1008.34, and The level
1613 and rate of change in student performance in the areas of
1614 reading and mathematics, disaggregated into student subgroups as
1615 described in the federal Elementary and Secondary Education Act,
1616 20 U.S.C. s. 6311(b) (2) (C) (v) (II).

1617 (4) The Department of Education shall create a matrix that
1618 reflects intervention and support strategies to address the
1619 particular needs of schools in each category.

1620 (a) Intervention and support strategies shall be applied
1621 to schools based upon the school categorization pursuant to
1622 paragraph (3) (b). The Department of Education shall apply the
1623 most intense intervention strategies to the lowest-performing
1624 schools. For all but the lowest category and "F" schools in the

second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.

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

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

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

a. The percentage of students who are not proficient in reading has increased when compared to measurements taken 5 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. Paragraph (f) of subsection (5) of section 1008.331, Florida Statutes, is amended to read:

1008.331 Supplemental educational services in Title I schools; school district, provider, and department responsibilities.—

(5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

(f) By September 1, 2011 ~~2009~~, the department shall approve and a district may select acceptable premethods and postmethods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-

referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains. Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan. The use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable premethod and postmethod if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.

Section 29. 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

1681 in the school in reading and mathematics on the FCAT or end-of-
1682 course assessments described in s. 1008.22(3)(c)2.a., unless
1683 these students are exhibiting satisfactory performance.

1684 2. Beginning with the 2011-2012 school year, for schools
1685 comprised of middle school grades 6 through 8 or grades 7 and 8,
1686 the school's grade shall include the performance and
1687 participation of its students enrolled in high school level
1688 courses with end-of-course assessments administered under s.
1689 1008.22(3)(c)2.a. Performance and participation must be weighted
1690 equally. As valid data becomes available, the school grades
1691 shall include the students' attainment of national industry
1692 certification identified in the Industry Certification Funding
1693 List pursuant to rules adopted by the State Board of Education.

1694 ~~3.2.~~ Beginning with the 2009-2010 school year for schools
1695 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1696 11, and 12, 50 percent of the school grade shall be based on a
1697 combination of the factors listed in sub-subparagraphs 1.a.-c.
1698 and the remaining 50 percent on the following factors:

1699 a. The high school graduation rate of the school;

1700 b. As valid data becomes available, the performance and
1701 participation of the school's students in College Board Advanced
1702 Placement courses, International Baccalaureate courses, dual
1703 enrollment courses, and Advanced International Certificate of
1704 Education courses; and the students' achievement of national
1705 industry certification identified in the Industry Certification
1706 Funding List, pursuant to rules adopted by the State Board of
1707 Education;

1708 c. Postsecondary readiness of the school's students as

1709 measured by the SAT, ACT, or the common placement test;

1710 d. The high school graduation rate of at-risk students who
1711 scored at Level 2 or lower on the grade 8 FCAT Reading and
1712 Mathematics examinations;

1713 e. As valid data becomes available, the performance of the
1714 school's students on statewide standardized end-of-course
1715 assessments administered under s. 1008.22(3)(c)2.b. and c.; and

1716 f. The growth or decline in the components listed in sub-
1717 subparagraphs a.-e. from year to year.

1718 (c) Student assessment data used in determining school
1719 grades shall include:

1720 1. The aggregate scores of all eligible students enrolled
1721 in the school who have been assessed on the FCAT and statewide,
1722 standardized end-of-course assessments in courses required for
1723 high school graduation, including, beginning with the 2010-2011
1724 school year, the end-of-course assessment in Algebra I; and
1725 beginning with the 2011-2012 school year, the end-of-course
1726 assessments in geometry and Biology; and beginning with the
1727 2013-2014 school year, on the statewide, standardized end-of-
1728 course assessment in civics education at the middle school
1729 level.

1730 2. The aggregate scores of all eligible students enrolled
1731 in the school who have been assessed on the FCAT and end-of-
1732 course assessments as described in s. 1008.22(3)(c)2.a., and who
1733 have scored at or in the lowest 25th percentile of students in
1734 the school in reading and mathematics, unless these students are
1735 exhibiting satisfactory performance.

1736 3. The achievement scores and learning gains of eligible

1737 students attending alternative schools that provide dropout
1738 prevention and academic intervention services pursuant to s.
1739 1003.53. The term "eligible students" in this subparagraph does
1740 not include students attending an alternative school who are
1741 subject to district school board policies for expulsion for
1742 repeated or serious offenses, who are in dropout retrieval
1743 programs serving students who have officially been designated as
1744 dropouts, or who are in programs operated or contracted by the
1745 Department of Juvenile Justice. The student performance data for
1746 eligible students identified in this subparagraph shall be
1747 included in the calculation of the home school's grade. As used
1748 in this subparagraph ~~section~~ and s. 1008.341, the term "home
1749 school" means the school to which the student would be assigned
1750 if the student were not assigned to an alternative school. If an
1751 alternative school chooses to be graded under this section,
1752 student performance data for eligible students identified in
1753 this subparagraph shall not be included in the home school's
1754 grade but shall be included only in the calculation of the
1755 alternative school's grade. A school district that fails to
1756 assign the FCAT and end-of-course assessment as described in s.
1757 1008.22(3)(c)2.a. scores of each of its students to his or her
1758 home school or to the alternative school that receives a grade
1759 shall forfeit Florida School Recognition Program funds for 1
1760 fiscal year. School districts must require collaboration between
1761 the home school and the alternative school in order to promote
1762 student success. This collaboration must include an annual
1763 discussion between the principal of the alternative school and
1764 the principal of each student's home school concerning the most

1765 appropriate school assignment of the student.

1766 4. The achievement scores and learning gains of students
1767 designated as hospital or homebound. Student assessment data for
1768 students designated as hospital or homebound shall be assigned
1769 to their home school for the purposes of school grades. As used
1770 in this subparagraph, the term "home school" means the school to
1771 which a student would be assigned if the student were not
1772 assigned to a hospital or homebound program.

1773 5.4. For schools comprised of high school grades 9, 10,
1774 11, and 12, or grades 10, 11, and 12, the data listed in
1775 subparagraphs 1.-3. and the following data as the Department of
1776 Education determines such data are valid and available:

1777 a. The high school graduation rate of the school as
1778 calculated by the Department of Education;

1779 b. The participation rate of all eligible students
1780 enrolled in the school and enrolled in College Board Advanced
1781 Placement courses; International Baccalaureate courses; dual
1782 enrollment courses; Advanced International Certificate of
1783 Education courses; and courses or sequence of courses leading to
1784 national industry certification identified in the Industry
1785 Certification Funding List, pursuant to rules adopted by the
1786 State Board of Education;

1787 c. The aggregate scores of all eligible students enrolled
1788 in the school in College Board Advanced Placement courses,
1789 International Baccalaureate courses, and Advanced International
1790 Certificate of Education courses;

1791 d. Earning of college credit by all eligible students
1792 enrolled in the school in dual enrollment programs under s.

1007.271;

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

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

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

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

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

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for

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1821 school grades must also give added weight to the graduation rate
1822 of all eligible at-risk students, as defined in this paragraph.
1823 Beginning in the 2009-2010 school year, in order for a high
1824 school to be designated as having a grade of "A," making
1825 excellent progress, the school must demonstrate that at-risk
1826 students, as defined in this paragraph, in the school are making
1827 adequate progress.

1828 Section 30. Paragraph (a) of subsection (3) of section
1829 1011.01, Florida Statutes, is amended to read:

1830 1011.01 Budget system established.—

1831 (3)(a) Each district school board and each community
1832 college board of trustees shall prepare, adopt, and submit to
1833 the Commissioner of Education ~~for review~~ an annual operating
1834 budget. Operating budgets shall be prepared and submitted in
1835 accordance with the provisions of law, rules of the State Board
1836 of Education, the General Appropriations Act, and for district
1837 school boards in accordance with the provisions of ss. 200.065
1838 and 1011.64.

1839 Section 31. Subsection (4) of section 1011.03, Florida
1840 Statutes, is amended to read:

1841 1011.03 Public hearings; budget to be submitted to
1842 Department of Education.—

1843 (4) The board shall hold public hearings to adopt
1844 tentative and final budgets pursuant to s. 200.065. The hearings
1845 shall be primarily for the purpose of hearing requests and
1846 complaints from the public regarding the budgets and the
1847 proposed tax levies and for explaining the budget and proposed
1848 or adopted amendments thereto, if any. The district school board

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shall then require the superintendent to transmit forthwith two copies of the adopted budget to the Department of Education ~~for approval~~ as prescribed by law and rules of the State Board of Education.

Section 32. Section 1011.035, Florida Statutes, is created to read:

1011.035 School district budget transparency.-

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

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

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

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

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

1877 (c) Each contract between the district school board and
1878 noninstructional staff.

1879 (d) Each contract exceeding \$35,000 between the school
1880 board and a vendor of services, supplies, or programs or for the
1881 purchase or lease of lands, facilities, or properties.

1882 (e) Each contract exceeding \$35,000 that is an emergency
1883 procurement or is with a single source as authorized under s.
1884 287.057(3) .

1885 (f) Recommendations of the citizens' budget advisory
1886 committee.

1887 (g) Current and archived video recordings of each district
1888 school board meeting and workshop.

1889 (4) The website should contain links to:

1890 (a) Help explain or provide background information on
1891 various budget items that are required by state or federal law.

1892 (b) Allow users to navigate to related sites to view
1893 supporting details.

1894 (c) Enable taxpayers, parents, and education advocates to
1895 send e-mails asking questions about the budget and enable others
1896 to view the questions and responses.

1897 Section 33. Paragraph (e) of subsection (1) of section
1898 1011.62, Florida Statutes, is amended to read:

1899 1011.62 Funds for operation of schools.—If the annual
1900 allocation from the Florida Education Finance Program to each
1901 district for operation of schools is not determined in the
1902 annual appropriations act or the substantive bill implementing
1903 the annual appropriations act, it shall be determined as
1904 follows:

1905 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1906 OPERATION.—The following procedure shall be followed in
1907 determining the annual allocation to each district for
1908 operation:

1909 (e) *Funding model for exceptional student education*
1910 *programs.*—

1911 1.a. The funding model uses basic, at-risk, support levels
1912 IV and V for exceptional students and career Florida Education
1913 Finance Program cost factors, and a guaranteed allocation for
1914 exceptional student education programs. Exceptional education
1915 cost factors are determined by using a matrix of services to
1916 document the services that each exceptional student will
1917 receive. The nature and intensity of the services indicated on
1918 the matrix shall be consistent with the services described in
1919 each exceptional student's individual educational plan. The
1920 Department of Education shall review and revise the descriptions
1921 of the services and supports included in the matrix of services
1922 for exceptional students and shall implement those revisions
1923 before the beginning of the 2012-2013 school year.

1924 b. In order to generate funds using one of the two
1925 weighted cost factors, a matrix of services must be completed at
1926 the time of the student's initial placement into an exceptional
1927 student education program and at least once every 3 years by
1928 personnel who have received approved training. Nothing listed in
1929 the matrix shall be construed as limiting the services a school
1930 district must provide in order to ensure that exceptional
1931 students are provided a free, appropriate public education.

1932 c. Students identified as exceptional, in accordance with

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chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students.

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

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

Section 34. Paragraph (c) of subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of

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

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

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

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

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

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in

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1989 which they teach. ~~Alternate means of determining successful~~
1990 ~~occupational experience may be established by the district~~
1991 ~~school board.~~

1992 c. Completion of career education training conducted
1993 through the local school district inservice master plan.

1994 d. For full-time teachers, completion of professional
1995 education training in teaching methods, course construction,
1996 lesson planning and evaluation, and teaching special needs
1997 students. This training may be completed through coursework from
1998 an accredited or approved institution or an approved district
1999 teacher education program.

2000 e. Demonstration of successful teaching performance.

2001 f. Documentation of industry certification when state or
2002 national industry certifications are available and applicable.

2003 Section 35. Except as otherwise expressly provided in this
2004 act and except for this section, which shall take effect upon
2005 this act becoming a law, this act shall take effect July 1,
2006 2011.