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1 A bill to be entitled  
2 An act relating to the authority to enforce public school  
3 improvement; repealing s. 1008.33, F.S., which establishes  
4 the authority of the State Board of Education and the  
5 Department of Education to enforce accountability  
6 requirements, categorize public schools based on student  
7 performance, and apply intervention and support strategies  
8 to improve student performance; amending ss. 1001.42,  
9 1002.33, 1006.40, 1008.345, and 1012.2315, F.S.;  
10 conforming provisions and cross-references; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 1008.33, Florida Statutes, is repealed.

16 Section 2. Subsection (18) of section 1001.42, Florida  
17 Statutes, is amended to read:

18 1001.42 Powers and duties of district school board.—The  
19 district school board, acting as a board, shall exercise all  
20 powers and perform all duties listed below:

21 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
22 Maintain a state system of school improvement and education  
23 accountability as provided by statute and State Board of  
24 Education rule. This system of school improvement and education  
25 accountability shall be consistent with, and implemented  
26 through, the district's continuing system of planning and  
27 budgeting required by this section and ss. 1008.385, 1010.01,  
28 and 1011.01. This system of school improvement and education

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29 | accountability shall comply with the provisions of ss. ~~1008.33,~~  
30 | 1008.34, 1008.345, and 1008.385 and include the following:

31 |       (a) School improvement plans.—The district school board  
32 | shall annually approve and require implementation of a new,  
33 | amended, or continuation school improvement plan for each school  
34 | in the district.

35 |       (b) Public disclosure.—The district school board shall  
36 | provide information regarding the performance of students and  
37 | educational programs as required pursuant to ss. 1008.22 and  
38 | 1008.385 and implement a system of school reports as required by  
39 | statute and State Board of Education rule which shall include  
40 | schools operating for the purpose of providing educational  
41 | services to youth in Department of Juvenile Justice programs,  
42 | and for those schools, report on the elements specified in s.  
43 | 1003.52(19). Annual public disclosure reports shall be in an  
44 | easy-to-read report card format and shall include the school's  
45 | grade, high school graduation rate calculated without GED tests,  
46 | disaggregated by student ethnicity, and performance data as  
47 | specified in state board rule.

48 |       (c) School improvement funds.—The district school board  
49 | shall provide funds to schools for developing and implementing  
50 | school improvement plans. Such funds shall include those funds  
51 | appropriated for the purpose of school improvement pursuant to  
52 | s. 24.121(5)(c).

53 |       Section 3. Paragraph (o) of subsection (9) of section  
54 | 1002.33, Florida Statutes, is amended to read:

55 |       1002.33 Charter schools.—

56 |       (9) CHARTER SCHOOL REQUIREMENTS.—

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57           (o) Upon notification that a charter school receives a  
58 school grade of "D" for 2 consecutive years or a school grade of  
59 "F" under s. 1008.34(2), the charter school sponsor or the  
60 sponsor's staff shall require the director and a representative  
61 of the governing body to submit to the sponsor for approval a  
62 school improvement plan to raise student achievement and to  
63 implement the plan. The sponsor has the authority to approve a  
64 school improvement plan that the charter school will implement  
65 in the following school year. ~~The sponsor may also consider the~~  
66 ~~State Board of Education's recommended action pursuant to s.~~  
67 ~~1008.33(1) as part of the school improvement plan.~~ The  
68 Department of Education shall offer technical assistance and  
69 training to the charter school and its governing body and  
70 establish guidelines for developing, submitting, and approving  
71 such plans.

72           1. If the charter school fails to improve its student  
73 performance from the year immediately prior to the  
74 implementation of the school improvement plan, the sponsor shall  
75 place the charter school on probation and shall require the  
76 charter school governing body to take one of the following  
77 corrective actions:

78           a. Contract for the educational services of the charter  
79 school;

80           b. Reorganize the school at the end of the school year  
81 under a new director or principal who is authorized to hire new  
82 staff and implement a plan that addresses the causes of  
83 inadequate progress; or

84           c. Reconstitute the charter school.

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85           2. A charter school that is placed on probation shall  
86 continue the corrective actions required under subparagraph 1.  
87 until the charter school improves its student performance from  
88 the year prior to the implementation of the school improvement  
89 plan.

90           3. Notwithstanding any provision of this paragraph, the  
91 sponsor may terminate the charter at any time pursuant to  
92 subsection (8).

93           Section 4. Paragraph (a) of subsection (2) of section  
94 1006.40, Florida Statutes, is amended to read:

95           1006.40 Use of instructional materials allocation;  
96 instructional materials, library books, and reference books;  
97 repair of books.—

98           (2)(a) Each district school board must purchase current  
99 instructional materials to provide each student with a textbook  
100 or other instructional materials as a major tool of instruction  
101 in core courses of the appropriate subject areas of mathematics,  
102 language arts, science, social studies, reading, and literature  
103 for kindergarten through grade 12. Such purchase must be made  
104 within the first 2 years after the effective date of the  
105 adoption cycle; ~~however, this requirement is waived for the~~  
106 ~~adoption cycle occurring in the 2008-2009 academic year for~~  
107 ~~schools within the district which are identified in the top four~~  
108 ~~categories of schools pursuant to s. 1008.33, as amended by~~  
109 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~  
110 ~~may provide a waiver of this requirement for the adoption cycle~~  
111 ~~occurring in the 2008-2009 academic year if the district~~  
112 ~~demonstrates that it has intervention and support strategies to~~

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113 ~~address the particular needs of schools in the lowest two~~  
114 ~~categories.~~ Unless specifically provided for in the General  
115 Appropriations Act, the cost of instructional materials  
116 purchases required by this paragraph shall not exceed the amount  
117 of the district's allocation for instructional materials,  
118 pursuant to s. 1011.67, for the previous 2 years.

119 Section 5. Paragraph (d) of subsection (6) of section  
120 1008.345, Florida Statutes, is amended to read:

121 1008.345 Implementation of state system of school  
122 improvement and education accountability.—

123 (6)

124 (d) The commissioner shall assign a community assessment  
125 team to each school district or governing board with a school  
126 graded "F" ~~or a school in the lowest-performing category~~  
127 ~~pursuant to s. 1008.33~~ to review the school performance data and  
128 determine causes for the low performance, including the role of  
129 school, area, and district administrative personnel. The  
130 community assessment team shall review a high school's  
131 graduation rate calculated without GED tests for the past 3  
132 years, disaggregated by student ethnicity. The team shall make  
133 recommendations to the school board or the governing board and  
134 to the State Board of Education which address the causes of the  
135 school's low performance and may be incorporated into the school  
136 improvement plan. The assessment team shall include, but not be  
137 limited to, a department representative, parents, business  
138 representatives, educators, representatives of local  
139 governments, and community activists, and shall represent the  
140 demographics of the community from which they are appointed.

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141 Section 6. Section 1012.2315, Florida Statutes, is amended  
142 to read:

143 1012.2315 Assignment of teachers.—

144 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
145 disparities between teachers assigned to teach in a majority of  
146 schools that do not need improvement and schools that do need  
147 improvement ~~pursuant to s. 1008.33~~. The disparities may be found  
148 in the assignment of temporarily certified teachers, teachers in  
149 need of improvement, and out-of-field teachers and in the  
150 performance of the students. It is the intent of the Legislature  
151 that district school boards have flexibility through the  
152 collective bargaining process to assign teachers more equitably  
153 across the schools in the district.

154 ~~(2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF~~  
155 ~~IMPROVEMENT. School districts may not assign a higher percentage~~  
156 ~~than the school district average of temporarily certified~~  
157 ~~teachers, teachers in need of improvement, or out-of-field~~  
158 ~~teachers to schools in one of the three lowest-performing~~  
159 ~~categories under s. 1008.33(3)(b). Each school district shall~~  
160 ~~annually certify to the Commissioner of Education that this~~  
161 ~~requirement has been met. If the commissioner determines that a~~  
162 ~~school district is not in compliance with this subsection, the~~  
163 ~~State Board of Education shall be notified and shall take action~~  
164 ~~pursuant to s. 1008.32 in the next regularly scheduled meeting~~  
165 ~~to require compliance.~~

166 ~~(3) SALARY INCENTIVES. District school boards are~~  
167 ~~authorized to provide salary incentives to meet the requirement~~  
168 ~~of subsection (2). A district school board may not sign a~~

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169 ~~collective bargaining agreement that precludes the school~~  
170 ~~district from providing sufficient incentives to meet this~~  
171 ~~requirement.~~

172     (2) ~~(4)~~ COLLECTIVE BARGAINING.—Notwithstanding provisions  
173 of chapter 447 relating to district school board collective  
174 bargaining, collective bargaining provisions may not preclude a  
175 school district from providing incentives to high-quality  
176 teachers and assigning such teachers to low-performing schools.

177     (3) ~~(5)~~ REPORT.—Schools graded "D" or "F" shall annually  
178 report their teacher-retention rate. Included in this report  
179 shall be reasons listed for leaving by each teacher who left the  
180 school for any reason.

181     Section 7. This act shall take effect July 1, 2011.