

By Senator Wise

5-01049C-11

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

5-01049C-11

20111696__

align to student performance standards for statewide assessments; requiring that newly admitted voluntary prekindergarten program students complete the statewide voluntary prekindergarten enrollment screening; requiring that the provider pay for screening; amending s. 1002.69, F.S.; requiring that the Department of Education adopt a statewide voluntary prekindergarten enrollment screening; requiring that each Early Learning Coalition administer the enrollment screening; requiring that each parent or guardian enrolling his or her child in a voluntary prekindergarten education program submit the child for enrollment screening if required by the provider; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for the statewide voluntary prekindergarten enrollment screening, fee schedule, and the process for determining learning gains of students who complete the voluntary prekindergarten and kindergarten screenings; amending s. 1003.03, F.S.; providing that if a district school board produces evidence that it was unable to meet class size requirements despite efforts to do so, the reduction of an alternative amount of funds from the district's class size categorical may be recommended by the State Board of Education for approval by the Legislative Budget Commission; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have

5-01049C-11

20111696__

his or her end-of-course assessment results waived under certain circumstances; providing that a middle grades student is exempt from the reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; requiring each district school board to develop and implement a digital curriculum for students in grades 5 through 12; specifying certain components of a digital curriculum; requiring student participation unless exempt due to written parental request; requiring curriculum standards and measures to assess student content knowledge and skills and learning gains; authorizing the Department of Education to develop a model to serve as a guide for school districts; providing for funding for a school district's digital curriculum; providing that a school district that demonstrates high achievement in student competency in web communications and web design is eligible for certain financial incentives; requiring that the department and the Commissioner of Education establish procedures for statewide recognition of school districts and individual students; authorizing partnerships with private businesses and consultants; requiring that school district digital curriculum advisory committees be established; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from intensive reading under certain circumstances; amending s. 1003.492, F.S.; revising provisions

5-01049C-11

20111696__

relating to industry-certified career education programs; requiring that rules adopted by the State Board of Education establish a process for weighing the value of industry certifications based on the rigor of the certification and its employment value to state businesses and industry; amending s. 1003.493, F.S.; revising provisions relating to career and professional academies to include middle schools; requiring that students who are completing a middle school career and professional academy program have an opportunity to earn an industry certification, high school credit, and participate in career planning, job shadowing, and leadership development opportunities; requiring that middle school career and professional academies align with high school career and professional academies; providing for partnerships with high schools, businesses, industry, employers, economic development organizations, and other local community partners; amending s. 1003.575, F.S.; revising provisions relating to assistive technology devices for young persons with disabilities to require that any school having an individualized education plan team arrange to complete an assistive technology assessment within a specified number of days after receiving a request for such assessment; amending s. 1003.621, F.S.; removing an exemption provided for high-performing school districts from compliance with requirements to requisition instructional materials from the publisher's depository; amending s. 1006.28,

5-01049C-11

20111696__

F.S.; revising provisions relating to the duties of district school boards to conform provisions to changes made by the act; amending s. 1006.29, F.S.; revising provisions relating to state instructional materials; replacing references to state instructional materials committees with state instructional materials reviewers; requiring that the Commissioner of Education appoint state or national experts to review and evaluate instructional materials; amending s. 1006.30, F.S.; revising provisions relating to the affidavit of state instructional materials reviewers to conform to changes made by the act; amending s. 1006.31, F.S.; revising provisions relating to the duties of each state instructional materials reviewer to conform to changes made by the act; amending s. 1006.32, F.S.; conforming provisions to changes made by the act; amending s. 1006.33, F.S.; revising provisions relating to bids or proposals of instructional materials to conform provisions to changes made by the act; amending s. 1006.34, F.S.; revising provisions relating to the commissioner's powers and duties in selecting and adopting instructional materials; providing an exemption from the requirement that a rule having certain regulatory costs be ratified by the Legislature; providing for the Department of Education rather than the Department of Legal Affairs to prepare contracts for instructional materials; requiring that the contracts be executed by the Commissioner of Education rather

5-01049C-11

20111696__

146 than by the Governor and Secretary of State; amending
147 s. 1006.35, F.S.; conforming provisions relating to
148 the accuracy of instructional materials to changes
149 made by the act; amending s. 1006.36, F.S.; revising
150 the term of adoption of any instructional materials
151 from a 6-year period to a 5-year period; repealing s.
152 1006.37, F.S., relating to the requisition of
153 instructional materials from a publisher's depository;
154 amending s. 1006.38, F.S.; revising provisions
155 relating to the duties, responsibilities, and
156 requirements of instructional materials publishers and
157 manufacturers; requiring electronic delivery of copies
158 to the Department of Education in accordance with
159 procedures adopted by the State Board of Education;
160 authorizing publishers to offer digital or electronic
161 versions of instructional materials at reduced rates;
162 amending s. 1006.39, F.S.; revising provisions
163 relating to the production and dissemination of
164 educational materials and products by the Department
165 of Education to conform to changes made by the act;
166 amending s. 1006.40, F.S.; revising provisions
167 relating to the annual allocation for the purchase of
168 digital, electronic, or web-based instructional
169 materials; authorizing a district school board to
170 purchase technology hardware using categorical funds
171 for instructional materials under specified
172 circumstances; amending s. 1006.43, F.S.; revising
173 provisions relating to Department of Education's
174 expenses and annual legislative budget requests to

5-01049C-11

20111696__

conform to changes made by the act; amending s.
1008.22, F.S.; revising provisions relating to the
student assessment program for public schools;
requiring that the Commissioner of Education direct
school districts to participate in the administration
of the National Assessment of Educational Progress or
similar national or international assessment program;
providing for future expiration of the requirement
that school districts participate in international
assessment programs; authorizing the school principal
to exempt certain students from the end-of-course
assessment in civics education; amending s. 1008.33,
F.S.; revising provisions relating to public school
improvement; requiring that the Department of
Education categorize public schools based on the
portion of a school's grade that relies on statewide
assessments; revising the categorization of the
lowest-performing schools; amending s. 1008.34, F.S.;
revising provisions relating to the designation of
school grades to conform to changes made by the act;
providing for assigning achievement scores and
learning gains for students who are hospital or
homebound; requiring that a school that does not meet
minimal proficiency standards established by the State
Board of Education receive a school grade of "F";
amending s. 1011.01, F.S.; revising provisions
relating to the annual operating budgets of district
school boards and community college boards of
trustees; amending s. 1011.03, F.S.; revising

5-01049C-11

20111696__

provisions relating to tentative and final district school board budgets; requiring that an adopted budget be transmitted to the Department of Education; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" as it relates to students in virtual instruction programs; amending s. 1011.62, F.S.; revising provisions relating to funds for the operation of schools; providing that the value of the full-time equivalent student membership be determined by weights adopted by the State Board of Education; conforming provisions; amending s. 1012.39, F.S.; revising provisions relating to the employment of nondegreed teachers of career education; requiring that qualifications be established for nondegreed teachers of career and technical education courses for state-recognized program clusters; providing effective dates.

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

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

1001.20 Department under direction of state board.—

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

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

Responsible for developing a systemwide technology plan, making

5-01049C-11

20111696__

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

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

247 1001.42 Powers and duties of district school board.—The
248 district school board, acting as a board, shall exercise all
249 powers and perform all duties listed below:

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

256 Section 3. Paragraph (b) of subsection (5) of section
257 1002.33, Florida Statutes, is amended to read:

258 1002.33 Charter schools.—

259 (5) SPONSOR; DUTIES.—

260 (b) *Sponsor duties.*—

261 1.a. The sponsor shall monitor and review the charter

5-01049C-11

20111696__

262 school in its progress toward the goals established in the
263 charter.

264 b. The sponsor shall monitor the revenues and expenditures
265 of the charter school and perform the duties provided in s.
266 1002.345.

267 c. The sponsor may approve a charter for a charter school
268 before the applicant has identified space, equipment, or
269 personnel, if the applicant indicates approval is necessary for
270 it to raise working funds.

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

274 e. The sponsor shall ensure that the charter is innovative
275 and consistent with the state education goals established by s.
276 1000.03(5).

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

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

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

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

5-01049C-11

20111696__

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

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

298 3. This paragraph does not waive a district school board's
299 sovereign immunity.

300 4. A community college may work with the school district or
301 school districts in its designated service area to operate
302 ~~develop~~ charter schools ~~that offer secondary education. These~~
303 Charter schools may ~~must~~ include an option for secondary
304 students to receive an associate degree upon high school
305 graduation. District school boards shall cooperate with and
306 assist the community college on the charter application.
307 Community college applications for charter schools are not
308 subject to the time deadlines outlined in subsection (6) and may
309 be approved by the district school board at any time during the
310 year. Community colleges may not report FTE for any students who
311 receive FTE funding through the Florida Education Finance
312 Program.

313 Section 4. Paragraph (a) of subsection (1) of section
314 1002.37, Florida Statutes, is amended to read:

315 1002.37 The Florida Virtual School.—

316 (1)(a) The Florida Virtual School is established for the
317 development and delivery of online and distance learning
318 education ~~and shall be administratively housed within the~~
319 ~~Commissioner of Education's Office of Technology and Information~~

5-01049C-11

20111696__

320 ~~Services.~~ The Commissioner of Education shall monitor the
321 school's performance and report its performance to the State
322 Board of Education and the Legislature.

323
324 The board of trustees of the Florida Virtual School shall
325 identify appropriate performance measures and standards based on
326 student achievement that reflect the school's statutory mission
327 and priorities, and shall implement an accountability system for
328 the school that includes assessment of its effectiveness and
329 efficiency in providing quality services that encourage high
330 student achievement, seamless articulation, and maximum access.

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

333 1002.38 Opportunity Scholarship Program.—

334 (3) SCHOOL DISTRICT OBLIGATIONS.—

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

338 Section 6. Paragraph (b) of subsection (2) of section
339 1002.45, Florida Statutes, is amended to read:

340 1002.45 School district virtual instruction programs.—

341 (2) PROVIDER QUALIFICATIONS.—

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

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

5-01049C-11

20111696__

1002.67 Performance standards; curricula and
accountability.—

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

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

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

(c) 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 board for the
expectations of 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.

2. If a private prekindergarten provider or public school
fails to meet the minimum rate adopted by the State Board of

5-01049C-11

20111696__

378 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
379 ~~years~~, the early learning coalition or school district, as
380 applicable, shall place the provider or school on probation and
381 must require the provider or school to take certain corrective
382 actions, including the use of a curriculum approved by the
383 department under paragraph (2)(c) and requiring newly admitted
384 voluntary prekindergarten program students to complete the
385 statewide voluntary prekindergarten enrollment screening, for
386 which the provider must pay.

387 3. A private prekindergarten provider or public school that
388 is placed on probation must continue the corrective actions
389 required under subparagraph 2., including the use of a
390 curriculum approved by the department, until the provider or
391 school meets the minimum rate adopted by the State Board of
392 Education as satisfactory under s. 1002.69(6).

393 4. If a private prekindergarten provider or public school
394 remains on probation for 2 consecutive years and fails to meet
395 the minimum rate adopted by the State Board of Education as
396 satisfactory under s. 1002.69(6) and is not granted a good cause
397 exemption by the department pursuant to s. 1002.69(7), the
398 Agency for Workforce Innovation shall require the early learning
399 coalition or the Department of Education shall require the
400 school district to remove, as applicable, the provider or school
401 from eligibility to deliver the Voluntary Prekindergarten
402 Education Program and receive state funds for the program.

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

406 1002.69 Statewide kindergarten screening; kindergarten

5-01049C-11

20111696__

407 readiness rates.—

408 (1) The department shall adopt a statewide kindergarten
409 screening that assesses the readiness of each student for
410 kindergarten based upon the performance standards adopted by the
411 department under s. 1002.67(1) for the Voluntary Prekindergarten
412 Education Program. The department shall also adopt a statewide
413 voluntary prekindergarten enrollment screening that assesses the
414 readiness of each student for kindergarten upon entry into a
415 voluntary prekindergarten program, for which the voluntary
416 prekindergarten provider must pay. The department shall require
417 that each school district administer the statewide kindergarten
418 screening to each kindergarten student in the school district
419 within the first 30 school days of each school year and shall
420 require each early learning coalition to administer the
421 statewide voluntary prekindergarten enrollment screening in
422 accordance with this section.

423 (2) The statewide voluntary prekindergarten enrollment
424 screening and the kindergarten screening shall provide objective
425 data concerning each student's readiness for kindergarten and
426 progress in attaining the performance standards adopted by the
427 department under s. 1002.67(1).

428 (3) The statewide voluntary prekindergarten enrollment
429 screening and the kindergarten screening shall incorporate
430 mechanisms for recognizing potential variations in kindergarten
431 readiness rates for students with disabilities.

432 (4) Each parent who enrolls his or her child in the
433 Voluntary Prekindergarten Education Program must submit the
434 child for the statewide kindergarten screening, regardless of
435 whether the child is admitted to kindergarten in a public school

5-01049C-11

20111696__

436 or nonpublic school. Each parent who enrolls his or her child in
437 a voluntary prekindergarten education program must submit the
438 child for statewide voluntary prekindergarten enrollment
439 screening if required by the provider. Each school district
440 shall designate sites to administer the statewide kindergarten
441 screening for children admitted to kindergarten in a nonpublic
442 school.

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

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

453 (7)

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

457 1. Learning gains of children served in the Voluntary
458 Prekindergarten Education Program by the private prekindergarten
459 provider or public school.

460 ~~2. Verification that the private prekindergarten provider~~
461 ~~or public school serves at least twice the statewide percentage~~
462 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
463 ~~children identified as limited English proficient as defined in~~
464 ~~s. 1003.56.~~

5-01049C-11

20111696__

465 ~~2.3.~~ Verification that local and state health and safety
466 requirements are met.

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

469 1002.73 Department of Education; powers and duties;
470 accountability requirements.—

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

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

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

476 (c) Administration of the statewide kindergarten screening
477 and calculation of kindergarten readiness rates under s.
478 1002.69.

479 (d) Adoption of the statewide voluntary prekindergarten
480 enrollment screening, associated fee schedule, and the process
481 for determining learning gains of students who complete the
482 statewide voluntary prekindergarten enrollment screening and the
483 statewide kindergarten screening.

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

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

489 Section 10. Paragraph (c) of subsection (4) of section
490 1003.03, Florida Statutes, is amended to read:

491 1003.03 Maximum class size.—

492 (4) ACCOUNTABILITY.—

493 (c) In lieu of the reduction calculation in paragraph (a),

5-01049C-11

20111696__

494 if a district school board produces ~~the Commissioner of~~
495 ~~Education has~~ evidence that it ~~a district~~ was unable to meet the
496 class size requirements despite appropriate efforts to do so or
497 because of an ~~extreme~~ emergency, the reduction of an alternate
498 amount of funds from the district's class size categorical
499 allocation may be recommended by the State Board of Education
500 ~~commissioner may recommend~~ by February 15, for approval by
501 ~~subject to approval of~~ the Legislative Budget Commission, ~~the~~
502 ~~reduction of an alternate amount of funds from the district's~~
503 ~~class size categorical allocation.~~

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

506 1003.4156 General requirements for middle grades
507 promotion.—

508 (1) Beginning with students entering grade 6 in the 2006-
509 2007 school year, promotion from a school composed of middle
510 grades 6, 7, and 8 requires that:

511 (a) The student must successfully complete academic courses
512 as follows:

513 1. Three middle school or higher courses in English. These
514 courses shall emphasize literature, composition, and technical
515 text.

516 2. Three middle school or higher courses in mathematics.
517 Each middle school must offer at least one high school level
518 mathematics course for which students may earn high school
519 credit. Successful completion of a high school level Algebra I
520 or geometry course is not contingent upon the student's
521 performance on the end-of-course assessment required under s.
522 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012

5-01049C-11

20111696__

523 school year, to earn high school credit for an Algebra I course,
524 a middle school student must pass the Algebra I end-of-course
525 assessment, and beginning with the 2012-2013 school year, to
526 earn high school credit for a geometry course, a middle school
527 student must pass the geometry end-of-course assessment.

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

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

548 5. One course in career and education planning to be
549 completed in 7th or 8th grade. The course may be taught by any
550 member of the instructional staff; must include career
551 exploration using Florida CHOICES or a comparable cost-effective

5-01049C-11

20111696__

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

566
567 A student with a disability, as defined in s. 1007.02(2), for
568 whom the individual education plan committee determines that the
569 end-of-course assessment cannot accurately measure the student's
570 abilities, taking into consideration all allowable
571 accommodations, shall have the end-of-course assessment results
572 waived for purposes of determining the student's course grade
573 and completing the requirements for middle grades promotion.

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

5-01049C-11

20111696__

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

586 (b) For each year in which a student scores at Level 1 on
587 FCAT Reading, the student must be enrolled in and complete an
588 intensive reading course the following year. Placement of Level
589 2 readers in either an intensive reading course or a content
590 area course in which reading strategies are delivered shall be
591 determined by diagnosis of reading needs. The department shall
592 provide guidance on appropriate strategies for diagnosing and
593 meeting the varying instructional needs of students reading
594 below grade level. Reading courses shall be designed and offered
595 pursuant to the comprehensive reading plan required by s.

596 1011.62(9). A middle grades student who scores at Level 1 or
597 Level 2 on FCAT Reading, but who did not score below Level 3 the
598 year before may be granted an exemption from the reading
599 remediation requirements. A student may be granted a 1-year
600 exemption from intensive reading; however, the student must have
601 an approved academic improvement plan already in place and
602 signed by the school and a parent or guardian for the year that
603 the exemption is granted.

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

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

5-01049C-11

20111696__

1003.4203 Digital curriculum.—

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

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

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

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

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

(3) Each district school board shall establish:

(a) Digital curriculum standards and measures to assess student content knowledge and skills and learning gains.

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

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

5-01049C-11

20111696__

639 (5) (a) School improvement funds allocated to a school
640 district and other funds available to the district shall be used
641 to fund the digital curriculum.

642 (b) Capital improvement funds allocated to a school
643 district may be used to purchase equipment or software and to
644 hire technical consultants to meet the requirements of this
645 section.

646 (c) A school district that demonstrates high achievement in
647 student competency in web communications and web design based on
648 assessment of student content knowledge and skills and learning
649 gains is eligible for financial incentives as determined by the
650 Legislature.

651 (6) The Department of Education shall establish an annual
652 statewide competition between school districts to recognize
653 innovative web designs and innovative use of web-based
654 technologies to improve communication and commerce. The
655 Commissioner of Education shall develop a procedure for
656 statewide recognition of school district winners and individual
657 students who have demonstrated high achievement in web-based
658 knowledge and skills.

659 (7) A district school board may seek partnerships with
660 private businesses and consultants to offer classes and
661 instruction to teachers and students to assist the school
662 district in meeting the requirements of this section.

663 (8) Each district school board shall establish a digital
664 curriculum advisory committee that includes professionals from
665 the community who are knowledgeable in web design and related
666 technologies, school principals, teachers, students, and
667 parents. The advisory committee shall evaluate ongoing school

5-01049C-11

20111696__

district efforts to comply with this section and make
recommendations to the district school superintendent and
district school board.

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

1003.428 General requirements for high school graduation; revised.—

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

(a) Sixteen core curriculum credits:

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

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry

5-01049C-11

20111696__

697 credit requirements, one of the four credits in mathematics must
698 be Algebra II or a series of courses equivalent to Algebra II as
699 approved by the State Board of Education.

700 3. Three credits in science, two of which must have a
701 laboratory component. Beginning with students entering grade 9
702 in the 2011-2012 school year, one of the three credits in
703 science must be Biology I or a series of courses equivalent to
704 Biology I as approved by the State Board of Education. Beginning
705 with students entering grade 9 in the 2011-2012 school year, the
706 end-of-course assessment requirements under s.

707 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
708 the required credit in Biology I. Beginning with students
709 entering grade 9 in the 2013-2014 school year, one of the three
710 credits must be Biology I or a series of courses equivalent to
711 Biology I as approved by the State Board of Education, one
712 credit must be chemistry or physics or a series of courses
713 equivalent to chemistry or physics as approved by the State
714 Board of Education, and one credit must be an equally rigorous
715 course, as determined by the State Board of Education.

716 4. Three credits in social studies as follows: one credit
717 in United States history; one credit in world history; one-half
718 credit in economics; and one-half credit in United States
719 government.

720 5. One credit in fine or performing arts, speech and
721 debate, or a practical arts course that incorporates artistic
722 content and techniques of creativity, interpretation, and
723 imagination. Eligible practical arts courses shall be identified
724 through the Course Code Directory.

725 6. One credit in physical education to include integration

5-01049C-11

20111696__

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

(b) Eight credits in electives.

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

5-01049C-11

20111696__

determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9).

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

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

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

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. The rules must establish a process for weighing the value of industry certifications based on the rigor of the certification and its

5-01049C-11

20111696__

784 employment value to state businesses and industry. Industry
785 certification shall be defined by the Agency for Workforce
786 Innovation, based upon the highest available national standards
787 for specific industry certification, to ensure student skill
788 proficiency and to address emerging labor market and industry
789 trends. A regional workforce board or a career and professional
790 academy may apply to Workforce Florida, Inc., to request
791 additions to the approved list of industry certifications based
792 on high-demand job requirements in the regional economy. The
793 list of industry certifications approved by Workforce Florida,
794 Inc., and the Department of Education shall be published and
795 updated annually by a date certain, to be included in the
796 adopted rule.

797 Section 15. Section 1003.493, Florida Statutes, is amended
798 to read:

799 1003.493 Career and professional academies.—

800 (1) A "career and professional academy" is a research-based
801 program that integrates a rigorous academic curriculum with an
802 industry-specific curriculum aligned directly to priority
803 workforce needs established by the regional workforce board.
804 Career and professional academies shall be offered by public
805 schools and school districts. The Florida Virtual School is
806 encouraged to develop and offer rigorous career and professional
807 courses as appropriate. Students completing high school career
808 and professional academy programs must receive a standard high
809 school diploma, the highest available industry certification,
810 and opportunities to earn postsecondary credit if the academy
811 partners with a postsecondary institution approved to operate in
812 the state. Students completing a middle school career and

5-01049C-11

20111696__

professional academy program must have the opportunity to earn an industry certification, earn high school credit, and participate in career planning, job shadowing, and leadership-development opportunities.

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

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

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

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

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

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

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

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

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

(a) A school-within-a-school career academy, as part of an existing middle school or high school, that provides courses in one occupational cluster. Students in the middle school or high

5-01049C-11

20111696__

842 school are not required to be students in the academy.

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

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

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

855 (5) ~~(b)~~ Each middle school or high school career and
856 professional academy must include one or more partnerships with
857 postsecondary institutions, businesses, industry, employers,
858 economic development organizations, or other appropriate
859 partners from the local community. Such partnerships shall be
860 delineated in articulation agreements to provide for career-
861 based courses that earn postsecondary credit. Such agreements
862 may include articulation between the academy and public or
863 private 2-year and 4-year postsecondary institutions and
864 technical centers. The Department of Education, in consultation
865 with the Board of Governors, shall establish a mechanism to
866 ensure articulation and transfer of credits to postsecondary
867 institutions in this state. Such partnerships must provide
868 opportunities for:

869 (a)1. Instruction from highly skilled professionals who
870 possess industry-certification credentials for courses they are

5-01049C-11

20111696__

871 teaching.

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

873 (c)3- A postsecondary degree, diploma, or certificate.

874 (d)4- The highest available level of industry
875 certification.

876 (e)5- Maximum articulation of credits pursuant to s.
877 1007.23 upon program completion.

878 (6)(e) Each middle school or high school career and
879 professional academy must:

880 (a) Provide shared, maximum use of private sector
881 facilities and personnel.

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

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

892 (d)(f) Provide instruction in careers designated as high
893 growth, high demand, and high pay by the local workforce
894 development board, the chamber of commerce, or the Agency for
895 Workforce Innovation.

896 (e)(g) Deliver academic content through instruction
897 relevant to the career, including intensive reading and
898 mathematics intervention required by s. 1003.428, with an
899 emphasis on strengthening reading for information skills.

5-01049C-11

20111696__

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

902 (g)~~(i)~~ Provide instruction resulting in competency,
903 certification, or credentials in workplace skills, including,
904 but not limited to, communication skills, interpersonal skills,
905 decisionmaking skills, the importance of attendance and
906 timeliness in the work environment, and work ethics.

907 (h)~~(j)~~ Provide opportunities for students to obtain the
908 Florida Ready to Work Certification pursuant to s. 1004.99, if
909 available.

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

926 (j)~~(l)~~ Include a plan to sustain career and professional
927 academies.

928 (k)~~(m)~~ Redirect appropriated career funding to career and

5-01049C-11

20111696__

professional academies.

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

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

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

(b) Internships and externships

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

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

(e) Instruction in careers designated as high growth, high

5-01049C-11

20111696__

demand, and high pay by the local workforce development board,
the chamber of commerce, or the Agency for Workforce Innovation.

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

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

(h) Instruction resulting in competency, including, but not
limited to, communication skills, interpersonal skills,
decisionmaking skills, the importance of attendance and
timeliness in the work environment, and work ethics.

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

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

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

1003.575 Assistive technology devices; findings;
interagency agreements.—Accessibility, utilization, and
coordination of appropriate assistive technology devices and
services are essential as a young person with disabilities moves
from early intervention to preschool, from preschool to school,

5-01049C-11

20111696__

987 from one school to another, and from school to employment or
988 independent living. Within 60 to 90 days after receiving a
989 request for an assistive technology assessment, any school that
990 has an individualized education plan team shall arrange to
991 complete the assessment. To ensure that an assistive technology
992 device issued to a young person as part of his or her
993 individualized family support plan, individual support plan, or
994 an individual education plan remains with the individual through
995 such transitions, the following agencies shall enter into
996 interagency agreements, as appropriate, to ensure the
997 transaction of assistive technology devices:

998 (1) The Florida Infants and Toddlers Early Intervention
999 Program in the Division of Children's Medical Services of the
1000 Department of Health.

1001 (2) The Division of Blind Services, the Bureau of
1002 Exceptional Education and Student Services, and the Division of
1003 Vocational Rehabilitation of the Department of Education.

1004 (3) The Voluntary Prekindergarten Education Program
1005 administered by the Department of Education and the Agency for
1006 Workforce Innovation.

1007
1008 Interagency agreements entered into pursuant to this section
1009 shall provide a framework for ensuring that young persons with
1010 disabilities and their families, educators, and employers are
1011 informed about the utilization and coordination of assistive
1012 technology devices and services that may assist in meeting
1013 transition needs, and shall establish a mechanism by which a
1014 young person or his or her parent may request that an assistive
1015 technology device remain with the young person as he or she

5-01049C-11

20111696__

1016 moves through the continuum from home to school to postschool.

1017 Section 17. Subsection (2) of section 1003.621, Florida
1018 Statutes, is amended to read:

1019 1003.621 Academically high-performing school districts.—It
1020 is the intent of the Legislature to recognize and reward school
1021 districts that demonstrate the ability to consistently maintain
1022 or improve their high-performing status. The purpose of this
1023 section is to provide high-performing school districts with
1024 flexibility in meeting the specific requirements in statute and
1025 rules of the State Board of Education.

1026 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
1027 high-performing school district shall comply with all of the
1028 provisions in chapters 1000-1013, and rules of the State Board
1029 of Education which implement these provisions, pertaining to the
1030 following:

1031 (a) Those statutes pertaining to the provision of services
1032 to students with disabilities.

1033 (b) Those statutes pertaining to civil rights, including s.
1034 1000.05, relating to discrimination.

1035 (c) Those statutes pertaining to student health, safety,
1036 and welfare.

1037 (d) Those statutes governing the election or compensation
1038 of district school board members.

1039 (e) Those statutes pertaining to the student assessment
1040 program and the school grading system, including chapter 1008.

1041 (f) Those statutes pertaining to financial matters,
1042 including chapter 1010, except that s. 1010.20(3)(a)1., 2., and
1043 3., relating to the required program expenditure levels, are
1044 eligible for exemption.

5-01049C-11

20111696__

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

(h) Sections 1012.22(1)(c) and 1012.27(2), relating to differentiated pay and performance-pay policies for school administrators and instructional personnel. Professional service contracts are subject to the provisions of ss. 1012.33 and 1012.34.

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

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

(k) This section.

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

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

(1) DISTRICT SCHOOL BOARD.—The district school board has

5-01049C-11

20111696__

the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses ~~textbooks~~ or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

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

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

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

5-01049C-11

20111696__

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

(2) DISTRICT SCHOOL SUPERINTENDENT.—

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

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

5-01049C-11

20111696__

(b) Money collected for lost or damaged instructional materials ~~books~~; enforcement.—The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

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

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

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

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

5-01049C-11

20111696__

selection of instructional materials.

~~(a) There shall be 10 or more members on each committee: At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, 2 shall be laypersons, 1 shall be a district school board member, and 2 shall be supervisors of teachers. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the state's student population. Personnel selected as teachers of the year at the school, district, regional, or state level are encouraged to serve on instructional materials committees.~~

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

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

(b) By April 15 of each school year, the commissioner shall appoint three state or national experts in the content areas to review instructional materials and evaluate the content for alignment with the applicable Sunshine State Standards or Next Generation Sunshine State Standards. The expert reviewers shall review the materials selected for adoption for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall

5-01049C-11

20111696__

1190 be made available to reviewers in electronic form. The initial
1191 review of the materials shall be made by only two of the three
1192 expert reviewers. If the two reviewers reach opposing results,
1193 the third reviewer shall break the tie. Expert reviewers shall
1194 independently make recommendations to the commissioner and shall
1195 use an electronic feedback review system for making
1196 recommendations regarding materials that should be placed on
1197 Florida's list of adopted materials. The expert reviewers may
1198 receive a fee for their services.

1199 (c) The commissioner shall request each school district
1200 superintendent to nominate one classroom teacher or district-
1201 level content supervisor to review two or three of the
1202 submissions recommended by the university expert reviewers.
1203 School districts shall ensure that these nominees are provided
1204 with the support and time necessary to accomplish a thorough
1205 review at no cost to the state. District reviewers shall
1206 independently rate the recommended submissions on the
1207 instructional usability of the resources.

1208 ~~(2)(a) All appointments shall be as prescribed in this~~
1209 ~~section. No member shall serve more than two consecutive terms~~
1210 ~~on any committee. All appointments shall be for 18-month terms.~~
1211 ~~All vacancies shall be filled in the manner of the original~~
1212 ~~appointment for only the time remaining in the unexpired term.~~
1213 ~~At no time may a district school board have more than one~~
1214 ~~representative on a committee. The commissioner and a member of~~
1215 ~~the department whom he or she shall designate shall be~~
1216 ~~additional and ex officio members of each committee.~~

1217 ~~(b) The names and mailing addresses of the members of the~~
1218 ~~state instructional materials committees shall be made public~~

5-01049C-11

20111696__

1219 ~~when appointments are made.~~

1220 ~~(c) The district school board shall be reimbursed for the~~
1221 ~~actual cost of substitute teachers for each workday that a~~
1222 ~~member of its instructional staff is absent from his or her~~
1223 ~~assigned duties for the purpose of rendering service to the~~
1224 ~~state instructional materials committee. In addition, committee~~
1225 ~~members shall be reimbursed for travel expenses and per diem in~~
1226 ~~accordance with s. 112.061 for actual service in meetings of~~
1227 ~~committees called by the commissioner. Payment of such travel~~
1228 ~~expenses shall be made from the appropriation for the~~
1229 ~~administration of the instructional materials program, on~~
1230 ~~warrants to be drawn by the Chief Financial Officer upon~~
1231 ~~requisition approved by the commissioner.~~

1232 ~~(d) Any member of a committee may be removed by the~~
1233 ~~commissioner for cause.~~

1234 ~~(3) All references in the law to the state instructional~~
1235 ~~materials committee shall apply to each committee created by~~
1236 ~~this section.~~

1237 (2)~~(4)~~ For purposes of state adoption, "instructional
1238 materials" means items having intellectual content that by
1239 design serve as a major tool for assisting in the instruction of
1240 a subject or course. These items may be available in bound,
1241 unbound, kit, or package form and may consist of hardbacked or
1242 softbacked textbooks, electronic content, consumables, learning
1243 laboratories, manipulatives, electronic media, and computer
1244 courseware or software. A publisher or manufacturer providing
1245 instructional materials as a single bundle shall also make the
1246 instructional materials available as separate and unbundled
1247 items, each priced individually. Any instructional materials

5-01049C-11

20111696__

1248 adopted ~~in after~~ 2012-2013 for students in grades 9 through 12
1249 shall ~~also~~ be provided only in an electronic format. Beginning
1250 with the 2013-2014 school year, any instructional materials
1251 adopted for grades 5 through 12 shall be provided only in an
1252 electronic format. Beginning with the 2014-2015 school year, any
1253 instructional materials adopted for grades kindergarten through
1254 12 shall be provided only in an electronic format. The term does
1255 not include electronic or computer hardware even if such
1256 hardware is bundled with software or other electronic media, nor
1257 does it include equipment or supplies.

1258 ~~(3)-(5)~~ The department shall develop a training program for
1259 persons selected as expert and school district reviewers, which
1260 shall include instruction on reviewing standards-based content
1261 and reviewing digital materials using an electronic feedback
1262 review system to serve on state instructional materials
1263 committees. The program shall be structured to assist reviewers
1264 ~~committee members~~ in developing the skills necessary to make
1265 valid, culturally sensitive, and objective decisions regarding
1266 the content and rigor of instructional materials. All persons
1267 serving as ~~on~~ instructional materials reviewers ~~committees~~ must
1268 complete the training program prior to beginning the review and
1269 selection process.

1270 Section 20. Section 1006.30, Florida Statutes, is amended
1271 to read:

1272 1006.30 Affidavit of state instructional materials
1273 reviewers ~~committee members.~~ Before transacting any business,
1274 each reviewer ~~member of a state committee~~ shall make an
1275 affidavit, to be filed with the department ~~commissioner~~, that:

1276 (1) The reviewer ~~member~~ will faithfully discharge the

5-01049C-11

20111696__

1277 duties imposed upon him or her ~~as a member of the committee.~~

1278 (2) The reviewer ~~member~~ has no interest, ~~and while a member~~
1279 ~~of the committee he or she will assume no interest,~~ in any
1280 publishing or manufacturing organization that ~~which~~ produces or
1281 sells instructional materials.

1282 (3) The reviewer ~~member~~ is in no way connected, ~~and while a~~
1283 ~~member of the committee he or she will assume no connection,~~
1284 with the distribution of the instructional materials.

1285 (4) The reviewer does not have any direct or indirect
1286 pecuniary interest ~~member is not pecuniarily interested, and~~
1287 ~~while a member of the committee he or she will assume no~~
1288 ~~pecuniary interest, directly or indirectly,~~ in the business or
1289 profits of any person engaged in manufacturing, publishing, or
1290 selling instructional materials designed for use in the public
1291 schools.

1292 (5) The reviewer ~~member~~ will not accept any emolument or
1293 promise of future reward of any kind from any publisher or
1294 manufacturer of instructional materials or his or her agent or
1295 anyone interested in, or intending to bias his or her judgment
1296 in any way in, the selection of any materials to be adopted.

1297 (6) The reviewer understands that it is unlawful ~~for any~~
1298 ~~member of a state instructional materials committee~~ to discuss
1299 matters relating to instructional materials submitted for
1300 adoption with any agent of a publisher or manufacturer of
1301 instructional materials, either directly or indirectly, except
1302 during the period when the publisher or manufacturer is
1303 providing a presentation for the reviewer during his or her
1304 review of ~~committee has been called into session for the purpose~~
1305 ~~of evaluating instructional materials submitted for adoption.~~

5-01049C-11

20111696__

Such discussions shall be limited to official meetings of the committee and in accordance with procedures prescribed by the commissioner for that purpose.

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

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

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

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

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

~~(2)(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for

5-01049C-11

20111696__

1335 consideration ~~best~~ implement the selection criteria developed by
1336 the department ~~commissioner~~ and those curricular objectives
1337 included within applicable performance standards provided for in
1338 s. 1001.03(1).

1339 (a) When recommending instructional materials for use in
1340 the schools, each reviewer ~~committee~~ shall include only
1341 instructional materials that accurately portray the ethnic,
1342 socioeconomic, cultural, and racial diversity of our society,
1343 including men and women in professional, career, and executive
1344 roles, and the role and contributions of the entrepreneur and
1345 labor in the total development of this state and the United
1346 States.

1347 (b) When recommending instructional materials for use in
1348 the schools, each reviewer ~~committee~~ shall include only
1349 materials which accurately portray, whenever appropriate,
1350 humankind's place in ecological systems, including the necessity
1351 for the protection of our environment and conservation of our
1352 natural resources and the effects on the human system of the use
1353 of tobacco, alcohol, controlled substances, and other dangerous
1354 substances.

1355 (c) When recommending instructional materials for use in
1356 the schools, each reviewer ~~committee~~ shall require such
1357 materials as he or she ~~it~~ deems necessary and proper to
1358 encourage thrift, fire prevention, and humane treatment of
1359 people and animals.

1360 (d) When recommending instructional materials for use in
1361 the schools, each reviewer ~~committee~~ shall require, when
1362 appropriate to the comprehension of students, that materials for
1363 social science, history, or civics classes contain the

5-01049C-11

20111696__

1364 Declaration of Independence and the Constitution of the United
1365 States. A reviewer may not recommend any ~~No~~ instructional
1366 materials ~~shall be recommended by any committee~~ for use in the
1367 schools which contain any matter reflecting unfairly upon
1368 persons because of their race, color, creed, national origin,
1369 ancestry, gender, or occupation.

1370 (e) Any ~~All~~ instructional materials recommended by a ~~each~~
1371 reviewer committee for use in the schools shall be, to the
1372 satisfaction of each reviewer committee, accurate, objective,
1373 and current and suited to the needs and comprehension of
1374 students at their respective grade levels. Instructional
1375 materials reviewers committees ~~committees~~ shall consider for adoption
1376 materials developed for academically talented students such as
1377 those enrolled in advanced placement courses.

1378 (3)-(5) REPORT OF EXPERT REVIEWERS COMMITTEE. ~~Each expert~~
1379 reviewer committee, after a thorough study of all data submitted
1380 on each instructional material, ~~and after each member has~~
1381 ~~carefully evaluated each instructional material,~~ shall submit an
1382 electronic present a written report to the department
1383 ~~commissioner~~. The ~~Such~~ report shall be made public, and must
1384 ~~shall~~ include responses to each section of the report format
1385 prescribed by the department. ~~+~~

1386 ~~(a) A description of the procedures used in determining the~~
1387 ~~instructional materials to be recommended to the commissioner.~~

1388 ~~(b) Recommendations of instructional materials for each~~
1389 ~~grade and subject field in the curriculum of public elementary,~~
1390 ~~middle, and high schools in which adoptions are to be made. If~~
1391 ~~deemed advisable, the committee may include such other~~
1392 ~~information, expression of opinion, or recommendation as would~~

5-01049C-11

20111696__

~~be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.~~

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

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

1006.32 Prohibited acts.—

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

(2) A ~~No~~ district school board official or ~~member of a state instructional materials reviewer~~ may not ~~committee shall~~ solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) A ~~No~~ district school board or publisher may not participate in a pilot program of materials being considered for

5-01049C-11

20111696__

1422 adoption during the 18-month period before the official adoption
1423 of the materials by the commissioner. Any pilot program during
1424 the first 2 years of the adoption period must have the prior
1425 approval of the commissioner.

1426 (4) Any publisher or manufacturer of instructional
1427 materials or representative thereof or any district school board
1428 official or state instructional materials reviewer ~~committee~~
1429 ~~member~~, who violates any provision of this section commits a
1430 misdemeanor of the second degree, punishable as provided in s.
1431 775.082 or s. 775.083. Any representative of a publisher or
1432 manufacturer who violates any provision of this section, in
1433 addition to any other penalty, shall be banned from practicing
1434 business in the state for a period of 1 calendar year. ~~Any~~
1435 ~~district school board official or state instructional materials~~
1436 ~~committee member who violates any provision of this section, in~~
1437 ~~addition to any other penalty, shall be removed from his or her~~
1438 ~~official position.~~

1439 (5) This section does not prohibit ~~Nothing in this section~~
1440 ~~shall be construed to prevent~~ any publisher, manufacturer, or
1441 agent from supplying, for purposes of examination, necessary
1442 sample copies of instructional materials to any district school
1443 board official or state instructional materials reviewer
1444 ~~committee member.~~

1445 (6) This section does not prohibit ~~Nothing in this section~~
1446 ~~shall be construed to prevent~~ a district school board official
1447 or state instructional materials reviewer ~~committee member~~ from
1448 receiving sample copies of instructional materials.

1449 (7) This section does not ~~Nothing contained in this section~~
1450 ~~shall be construed to~~ prohibit or restrict a district school

5-01049C-11

20111696__

board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official, and adopted by the commissioner or purchased by any district school board. No district school board official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

(8) A ~~No~~ district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools may not ~~shall~~ receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any school book, map, or chart in any public school, or be an agent for the sale or the publisher of any school textbook or reference work, or be directly or indirectly pecuniarily interested in the introduction of any such textbook, and any such agency or interest shall disqualify any person so acting or interested from holding any district school board employment whatsoever, and the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; however, ~~provided that~~ this subsection does ~~shall~~ not prevent ~~be construed as preventing~~ the adoption of any book written in whole or in part by a Florida author.

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

5-01049C-11

20111696__

1006.33 Bids or proposals; advertisement and its contents.-

(1)

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

(e) The advertisement shall give information as to ~~how~~ specifications that which have been adopted by the department in regard to digital specifications, including the capabilities for searching by state standards, site and student-level licensing, and format requirements ~~paper, binding, cover boards, and mechanical makeup can be secured~~. In adopting specifications, the department shall make an exception for instructional materials that are college-level texts and that do not meet department ~~physical~~ specifications for secondary materials, if the publisher guarantees replacement during the term of the contract.

(2) The bids submitted shall be for furnishing the designated materials in accordance with specifications of the department. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins, ~~delivered f.o.b. to the~~

5-01049C-11

20111696__

Florida depository of the publisher, manufacturer, or bidder.

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

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

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

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The State Board of Education shall adopt rules prescribing ~~commissioner shall prescribe~~ the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. The rules shall be exempt from the legislative ratification requirement in s. 120.541(3). Included in these procedures shall be provisions affording ~~which afford~~ each publisher or manufacturer or his or her representative an opportunity to provide a virtual presentation to expert reviewers on ~~present to members of the state instructional materials committees~~ the merits of each instructional material submitted in each adoption.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

5-01049C-11

20111696__

(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials reviewers ~~committee~~, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials reviewers ~~committee~~ as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the department ~~commissioner~~ may direct. The department, in adopting instructional materials,

5-01049C-11

20111696__

1567 shall give due consideration both to the prices bid for
1568 furnishing instructional materials and to the report and
1569 recommendations of the state instructional materials reviewers
1570 ~~committee~~. When the commissioner has finished with the report of
1571 the state instructional materials reviewers ~~committee~~, the
1572 report shall be filed and preserved with the department and
1573 shall be available at all times for public inspection.

1574 (b) In the selection of instructional materials, library
1575 media books, and other reading material used in the public
1576 school system, the standards used to determine the propriety of
1577 the material shall include:

1578 1. The age of the students who normally could be expected
1579 to have access to the material.

1580 2. The educational purpose to be served by the material. In
1581 considering instructional materials for classroom use, priority
1582 shall be given to the selection of materials which encompass the
1583 state and district school board performance standards provided
1584 for in s. 1001.03(1) and which include the instructional
1585 objectives contained within the curriculum frameworks approved
1586 by rule of the State Board of Education.

1587 3. The degree to which the material would be supplemented
1588 and explained by mature classroom instruction as part of a
1589 normal classroom instructional program.

1590 4. The consideration of the broad racial, ethnic,
1591 socioeconomic, and cultural diversity of the students of this
1592 state.

1593
1594 Any ~~No~~ book or other material containing hard-core pornography
1595 or otherwise prohibited by s. 847.012 may not ~~shall~~ be used or

5-01049C-11

20111696__

made available within any public school district.

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the department ~~Department of Legal Affairs~~ shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the commissioner ~~Governor and Secretary of State under the seal of the state~~, one copy to be kept by the contractor, ~~one copy to be filed with the Department of State~~, and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the department ~~commissioner~~ requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or

5-01049C-11

20111696__

contracts under this part shall be prepared and approved by the department ~~Department of Legal Affairs~~. At the discretion of the commissioner, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or manufacturer of instructional materials fails or refuses to furnish ~~a book, or books, or other~~ instructional materials as provided in the contract, the publisher's or manufacturer's ~~his or her~~ bond is forfeited and the commissioner must ~~department shall~~ make another contract containing ~~on such~~ terms as determined by it may find desirable, after giving due ~~consideration to the recommendations of~~ the commissioner.

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

1006.35 Accuracy of instructional materials.—

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

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

1006.36 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials

5-01049C-11

20111696__

1654 must be a 5-year ~~6-year~~ period beginning on April 1 following
1655 the adoption, except that the commissioner may approve terms of
1656 adoption of less than 5 ~~6~~ years for materials in content areas
1657 which require more frequent revision. Any contract for
1658 instructional materials may be extended as prescribed in s.
1659 1006.34(3).

1660 (2) The department shall publish annually an official
1661 schedule of subject areas to be called for adoption for each of
1662 the succeeding 2 years, and a tentative schedule for years 3, 4,
1663 and 5, ~~and 6~~. If extenuating circumstances warrant, the
1664 commissioner may ~~order the department to~~ add one or more subject
1665 areas to the official schedule, in which event the commissioner
1666 shall develop criteria for such additional subject area or areas
1667 and make them available to publishers as soon as practicable
1668 before the date on which bids are due. The schedule shall be
1669 developed so as to promote balance among the subject areas so
1670 that the required expenditure for new instructional materials is
1671 approximately the same each year in order to maintain curricular
1672 consistency.

1673 Section 27. Section 1006.37, Florida Statutes, is repealed.

1674 Section 28. Subsections (2), (3), (5), and (6) and
1675 subsections (11) through (17) of section 1006.38, Florida
1676 Statutes, are amended to read:

1677 1006.38 Duties, responsibilities, and requirements of
1678 instructional materials publishers and manufacturers.—Publishers
1679 and manufacturers of instructional materials, or their
1680 representatives, shall:

1681 (2) Electronically deliver fully developed specimen copies
1682 of all instructional materials upon which bids are based to the

5-01049C-11

20111696__

department pursuant to procedures adopted by the State Board of Education each member of a state instructional materials committee. At the conclusion of the review process, manufacturers submitting samples of instructional materials are entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers are entitled to reimbursement by the individual committee members for the retail value of the samples.

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

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

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

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

(6) Reduce automatically the price of the instructional

5-01049C-11

20111696__

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

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

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

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

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

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

(13)~~(16)~~ Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the

5-01049C-11

20111696__

reproduction of instructional materials ~~textbooks~~ and supplementary materials in braille or large print or in the form of sound recordings, for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

~~(14)~~ ~~(17)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three ~~3~~ times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of three ~~3~~ times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

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

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

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

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

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

~~(2)~~ ~~(a)~~ Each district school board must purchase current instructional materials to provide each student with ~~a textbook~~ ~~or other~~ instructional materials as a major tool of instruction

5-01049C-11

20111696__

1770 in core courses of the appropriate subject areas of mathematics,
1771 language arts, science, social studies, reading, and literature
1772 for kindergarten through grade 12. ~~Such purchase must be made~~
1773 ~~within the first 2 years after the effective date of the~~
1774 ~~adoption cycle; however, this requirement is waived for the~~
1775 ~~adoption cycle occurring in the 2008-2009 academic year for~~
1776 ~~schools within the district which are identified in the top four~~
1777 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1778 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1779 ~~may provide a waiver of this requirement for the adoption cycle~~
1780 ~~occurring in the 2008-2009 academic year if the district~~
1781 ~~demonstrates that it has intervention and support strategies to~~
1782 ~~address the particular needs of schools in the lowest two~~
1783 ~~categories. Unless specifically provided for in the General~~
1784 ~~Appropriations Act, the cost of instructional materials~~
1785 ~~purchases required by this paragraph shall not exceed the amount~~
1786 ~~of the district's allocation for instructional materials,~~
1787 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1788 (b) ~~The requirement in paragraph (a) does not apply to~~
1789 ~~contracts in existence before April 1, 2000, or to a purchase~~
1790 ~~related to growth of student membership in the district or for~~
1791 ~~instructional materials maintenance needs.~~

1792 (3) (a) By 2012-2013, each district school board shall use
1793 at least 50 percent of the annual allocation for the purchase of
1794 digital, electronic, or web-based instructional materials
1795 ~~included on the state-adopted list, except as otherwise~~
1796 ~~authorized in paragraphs (b) and (c). No less than 50 percent of~~
1797 ~~the annual allocation shall be used to purchase items which will~~
1798 ~~be used to provide instruction to students at the level or~~

5-01049C-11

20111696__

1799 ~~levels for which the materials are designed.~~

1800 (4) Funds that are not used to purchase digital or web-
1801 based instructional materials may be ~~The funds described in~~
1802 ~~subsection (3) which district school boards may use to purchase~~
1803 ~~materials not on the state-adopted list shall be used for the~~
1804 ~~purchase of instructional materials or other items having~~
1805 ~~intellectual content which assist in the instruction of a~~
1806 ~~subject or course. These items may be available in bound,~~
1807 ~~unbound, kit, or package form and may consist of hardbacked or~~
1808 ~~softbacked textbooks, electronic content, replacements for items~~
1809 ~~which were part of previously purchased instructional materials,~~
1810 ~~consumables, learning laboratories, manipulatives, electronic~~
1811 ~~media, computer courseware or software, and other commonly~~
1812 ~~accepted instructional tools as prescribed by district school~~
1813 ~~board rule. If the district school board finds and declares in a~~
1814 resolution that all instructional materials purchases necessary
1815 to provide updated materials aligned to Next Generation Sunshine
1816 State Standards and benchmarks and that meet statutory
1817 requirements of content and learning have been completed for the
1818 fiscal year, but no sooner than March 1 of the fiscal year,
1819 available categorical funds for instructional materials may be
1820 used to purchase technology hardware that supports student
1821 access to digital instructional content. ~~The funds available to~~
1822 ~~district school boards for the purchase of materials not on the~~
1823 ~~state-adopted list may not be used to purchase electronic or~~
1824 ~~computer hardware even if such hardware is bundled with software~~
1825 ~~or other electronic media unless the district school board has~~
1826 ~~complied with the requirements in s. 1011.62(6)(b)5., nor may~~
1827 ~~such funds be used to purchase equipment or supplies. However,~~

5-01049C-11

20111696__

1828 ~~when authorized to do so in the General Appropriations Act, a~~
1829 ~~school or district school board may use a portion of the funds~~
1830 ~~available to it for the purchase of materials not on the state-~~
1831 ~~adopted list to purchase science laboratory materials and~~
1832 ~~supplies.~~

1833 Section 31. Section 1006.43, Florida Statutes, is amended
1834 to read:

1835 1006.43 Expenses; budget request.—

1836 (1) The commissioner shall include in the department's
1837 annual legislative budget a request for funds in an amount
1838 sufficient to provide the necessary expense for:

1839 (a) The instructional materials reviewers ~~committees~~.

1840 (b) Instructional materials for use by partially sighted
1841 students.

1842 (c) Other specific and necessary state expenses with regard
1843 to the instructional materials program.

1844 (2) The department may arrange for distribution adopted
1845 instructional materials that ~~textbooks which~~ are prepared in
1846 various media for the use of partially sighted children enrolled
1847 in the Florida schools.

1848 Section 32. Effective upon this act becoming a law,
1849 subsection (2) and paragraph (c) of subsection (3) of section
1850 1008.22, Florida Statutes, are amended to read:

1851 1008.22 Student assessment program for public schools.—

1852 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It is
1853 Florida's intent to participate in the measurement of national
1854 educational goals. The Commissioner of Education shall direct
1855 Florida school districts to participate in the administration of
1856 the National Assessment of Educational Progress, or a similar

5-01049C-11

20111696__

1857 national or international assessment program, both for the
1858 national sample and for any state-by-state comparison programs
1859 which may be initiated. The assessments must be conducted using
1860 the data collection procedures, the student surveys, the
1861 educator surveys, and other instruments included in the National
1862 Assessment of Educational Progress or similar national or
1863 international program being administered in Florida. The results
1864 of these assessments shall be included in the annual report of
1865 the Commissioner of Education specified in this section, as
1866 applicable. The administration of the National Assessment of
1867 Educational Progress or similar national or international
1868 program shall be in addition to and separate from the
1869 administration of the statewide assessment program. The
1870 requirement that school districts participate in international
1871 assessment programs shall expire June 30, 2016.

1872 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
1873 design and implement a statewide program of educational
1874 assessment that provides information for the improvement of the
1875 operation and management of the public schools, including
1876 schools operating for the purpose of providing educational
1877 services to youth in Department of Juvenile Justice programs.
1878 The commissioner may enter into contracts for the continued
1879 administration of the assessment, testing, and evaluation
1880 programs authorized and funded by the Legislature. Contracts may
1881 be initiated in 1 fiscal year and continue into the next and may
1882 be paid from the appropriations of either or both fiscal years.
1883 The commissioner is authorized to negotiate for the sale or
1884 lease of tests, scoring protocols, test scoring services, and
1885 related materials developed pursuant to law. Pursuant to the

5-01049C-11

20111696__

statewide assessment program, the commissioner shall:

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

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

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

5-01049C-11

20111696__

Standards.

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

5-01049C-11

20111696__

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

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

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

5-01049C-11

20111696__

1973 Advanced Placement course, International Baccalaureate course,
1974 or Advanced International Certificate of Education course, or
1975 industry-approved examinations to earn national industry
1976 certifications identified in the Industry Certification Funding
1977 List, pursuant to rules adopted by the State Board of Education,
1978 for use as end-of-course assessments under this paragraph, if
1979 the commissioner determines that the content knowledge and
1980 skills assessed by the examinations meet or exceed the grade
1981 level expectations for the core curricular content established
1982 for the course in the Next Generation Sunshine State Standards.
1983 The commissioner may collaborate with the American Diploma
1984 Project in the adoption or development of rigorous end-of-course
1985 assessments that are aligned to the Next Generation Sunshine
1986 State Standards.

1987 d. Contingent upon funding provided in the General
1988 Appropriations Act, including the appropriation of funds
1989 received through federal grants, the Commissioner of Education
1990 shall establish an implementation schedule for the development
1991 and administration of additional statewide, standardized end-of-
1992 course assessments in English/Language Arts II, Algebra II,
1993 chemistry, physics, earth/space science, United States history,
1994 and world history. Priority shall be given to the development of
1995 end-of-course assessments in English/Language Arts II. The
1996 Commissioner of Education shall evaluate the feasibility and
1997 effect of transitioning from the grade 9 and grade 10 FCAT
1998 Reading and high school level FCAT Writing to an end-of-course
1999 assessment in English/Language Arts II. The commissioner shall
2000 report the results of the evaluation to the President of the
2001 Senate and the Speaker of the House of Representatives no later

5-01049C-11

20111696__

than July 1, 2011.

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

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

5. FCAT Reading, Mathematics, and Science and all statewide, standardized end-of-course assessments shall measure the content knowledge and skills a student has attained on the assessment by the use of scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of FCAT Writing, student achievement shall be scored using a scale of 1 through 6 and the score earned shall be used in calculating school grades. A score shall be designated for each subject area tested, below

5-01049C-11

20111696__

2031 which score a student's performance is deemed inadequate. The
2032 school districts shall provide appropriate remedial instruction
2033 to students who score below these levels.

2034 6. The State Board of Education shall, by rule, designate a
2035 passing score for each part of the grade 10 assessment test and
2036 end-of-course assessments. Any rule that has the effect of
2037 raising the required passing scores may apply only to students
2038 taking the assessment for the first time after the rule is
2039 adopted by the State Board of Education. Except as otherwise
2040 provided in this subparagraph and as provided in s.

2041 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
2042 passing score on grade 10 FCAT Reading and grade 10 FCAT
2043 Mathematics or attain concordant scores as described in
2044 subsection (10) in order to qualify for a standard high school
2045 diploma.

2046 7. In addition to designating a passing score under
2047 subparagraph 6., the State Board of Education shall also
2048 designate, by rule, a score for each statewide, standardized
2049 end-of-course assessment which indicates that a student is high
2050 achieving and has the potential to meet college-readiness
2051 standards by the time the student graduates from high school.

2052 8. Participation in the testing program is mandatory for
2053 all students attending public school, including students served
2054 in Department of Juvenile Justice programs, except as otherwise
2055 prescribed by the commissioner. A student who has not earned
2056 passing scores on the grade 10 FCAT as provided in subparagraph
2057 6. must participate in each retake of the assessment until the
2058 student earns passing scores or achieves scores on a
2059 standardized assessment which are concordant with passing scores

5-01049C-11

20111696__

pursuant to subsection (10). If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom 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

5-01049C-11

20111696__

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

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

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

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

14. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. When establishing the

5-01049C-11

20111696__

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

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

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

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

5-01049C-11

20111696__

end-of-course assessment administered at the end of the first semester, the commissioner shall determine the most appropriate testing dates based on a school district's academic calendar.

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

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

Section 33. Paragraph (b) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

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

5-01049C-11

20111696__

2176 1. The portion of a school's grade based on statewide
2177 assessments administered pursuant to s. 1008.22; and

2178 ~~2. school's grade, pursuant to s. 1008.34, and~~ The level
2179 and rate of change in student performance in the areas of
2180 reading and mathematics, disaggregated into student subgroups as
2181 described in the federal Elementary and Secondary Education Act,
2182 20 U.S.C. s. 6311(b) (2) (C) (v) (II).

2183 (4) The Department of Education shall create a matrix that
2184 reflects intervention and support strategies to address the
2185 particular needs of schools in each category. For purposes of
2186 this subsection, a school's grade shall be calculated in
2187 accordance with paragraph (3) (b).

2188 (a) Intervention and support strategies shall be applied to
2189 schools based upon the school categorization. The Department of
2190 Education shall apply the most intense intervention strategies
2191 to the lowest-performing schools. For all but the lowest
2192 category and "F" schools in the second lowest category, the
2193 intervention and support strategies shall be administered solely
2194 by the districts and the schools.

2195 (b) Beginning with the school grades calculated in
2196 accordance with paragraph (3) (b) for the 2010-2011 school year,
2197 the lowest-performing schools are schools that have received:

2198 ~~1. a grade of "F" in the most recent school year and in 2 4~~
2199 ~~of the last 4 6 years; or~~

2200 ~~2. A grade of "D" or "F" in the most recent school year and~~
2201 ~~meet at least three of the following criteria:~~

2202 ~~a. The percentage of students who are not proficient in~~
2203 ~~reading has increased when compared to measurements taken 5~~
2204 ~~years previously;~~

5-01049C-11

20111696__

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

~~e. 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 34. Subsection (3) of section 1008.34, Florida Statutes, is amended to read:

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

(3) DESIGNATION OF SCHOOL GRADES.—

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

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school

5-01049C-11

20111696__

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

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

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

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

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

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

3.2. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10,

5-01049C-11

20111696__

11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

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

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

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

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

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

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

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

5-01049C-11

20111696__

beginning with the 2011-2012 school year, the end-of-course assessments in geometry and Biology; and beginning with the 2013-2014 school year, on the statewide, standardized end-of-course assessment in civics education at the middle school level.

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

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph ~~section~~ and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's

5-01049C-11

20111696__

grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

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

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

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

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education

5-01049C-11

20111696__

2350 courses; and courses or sequence of courses leading to national
2351 industry certification identified in the Industry Certification
2352 Funding List, pursuant to rules adopted by the State Board of
2353 Education;

2354 c. The aggregate scores of all eligible students enrolled
2355 in the school in College Board Advanced Placement courses,
2356 International Baccalaureate courses, and Advanced International
2357 Certificate of Education courses;

2358 d. Earning of college credit by all eligible students
2359 enrolled in the school in dual enrollment programs under s.
2360 1007.271;

2361 e. Earning of a national industry certification identified
2362 in the Industry Certification Funding List, pursuant to rules
2363 adopted by the State Board of Education;

2364 f. The aggregate scores of all eligible students enrolled
2365 in the school in reading, mathematics, and other subjects as
2366 measured by the SAT, the ACT, and the common placement test for
2367 postsecondary readiness;

2368 g. The high school graduation rate of all eligible at-risk
2369 students enrolled in the school who scored at Level 2 or lower
2370 on the grade 8 FCAT Reading and Mathematics examinations;

2371 h. The performance of the school's students on statewide
2372 standardized end-of-course assessments administered under s.
2373 1008.22(3)(c)2.b. and c.; and

2374 i. The growth or decline in the data components listed in
2375 sub-subparagraphs a.-h. from year to year.

2376 (d) Notwithstanding the requirements in paragraphs (b) and
2377 (c), beginning with the 2011-2012 school year, a school that
2378 does not meet the minimum proficiency standards established by

5-01049C-11

20111696__

the State Board of Education shall receive a school grade of
"F." A definition of minimum proficiency must include a minimum
percent of students proficient in reading and may include
significant gains from the prior year as a condition for waiving
this paragraph.

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

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

1011.01 Budget system established.—

(3)(a) Each district school board and each community
college board of trustees shall prepare, adopt, and submit to

5-01049C-11

20111696__

the Commissioner of Education ~~for review~~ an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

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

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

(4) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The district school board 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 37. Subsection (1) of section 1011.61, Florida Statutes, is amended to read:

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

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

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs

5-01049C-11

20111696__

2437 listed in s. 1011.62(1)(c) for the school year or the equivalent
2438 for:

2439 1. Instruction in a standard school, comprising not less
2440 than 900 net hours for a student in or at the grade level of 4
2441 through 12, or not less than 720 net hours for a student in or
2442 at the grade level of kindergarten through grade 3 or in an
2443 authorized prekindergarten exceptional program;

2444 2. Instruction in a double-session school or a school
2445 utilizing an experimental school calendar approved by the
2446 Department of Education, comprising not less than the equivalent
2447 of 810 net hours in grades 4 through 12 or not less than 630 net
2448 hours in kindergarten through grade 3; or

2449 3. Instruction comprising the appropriate number of net
2450 hours set forth in subparagraph 1. or subparagraph 2. for
2451 students who, within the past year, have moved with their
2452 parents for the purpose of engaging in the farm labor or fish
2453 industries, if a plan furnishing such an extended school day or
2454 week, or a combination thereof, has been approved by the
2455 commissioner. Such plan may be approved to accommodate the needs
2456 of migrant students only or may serve all students in schools
2457 having a high percentage of migrant students. The plan described
2458 in this subparagraph is optional for any school district and is
2459 not mandated by the state.

2460 (b) A "part-time student" is a student on the active
2461 membership roll of a school program or combination of school
2462 programs listed in s. 1011.62(1)(c) who is less than a full-time
2463 student.

2464 (c)1. A "full-time equivalent student" is:

2465 a. A full-time student in any one of the programs listed in

5-01049C-11

20111696__

s. 1011.62(1)(c); or

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

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

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

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

(IV) A full-time equivalent student for students in grades 6 through 8 ~~12~~ in a school district virtual instruction program

5-01049C-11

20111696__

2495 under s. 1002.45(1)(b)1. ~~and 2.~~ shall consist of six full
2496 successful course ~~credit~~ completions in programs listed in s.
2497 1011.62(1)(c)1.b. ~~or c. and 3.~~ A full-time equivalent student
2498 for students in grades 9 through 12 in a school district virtual
2499 instruction program under s. 1002.45(1)(b)1. and 2. shall
2500 consist of six full credit completions in programs listed in s.
2501 1011.62(1)(c)1.c. or 3. Successful course ~~Credit~~ completions for
2502 students in grades 6 through 8 can be a combination of either
2503 successful semester or full-course completions ~~full credits or~~
2504 ~~half credits.~~ Successful credit completions for students in
2505 grades 9 through 12 can be a combination of either credits or
2506 half credits.

2507 (V) A Florida Virtual School full-time equivalent student
2508 shall consist of six full successful course completions for
2509 students in grades 4 through 8 ~~credit completions~~ in the
2510 programs listed in s. 1011.62(1)(c)1.b. ~~for grades 6 through 8~~
2511 ~~and the programs listed in s. 1011.62(1)(c)1.c. for grades 9~~
2512 ~~through 12.~~ A Florida Virtual School full-time equivalent
2513 student shall consist of six full credit completions for grades
2514 9 through 12 in the programs listed in s. 1011.62(1)(c)1.c. and
2515 3. Credit or course completions can be a combination of either
2516 successful semester or full-course completions for grades 6
2517 through 8 and full credits and half-credits for grades 9 through
2518 12 ~~full credits or half credits.~~

2519 (VI) Each successfully completed credit earned under the
2520 alternative high school course credit requirements authorized in
2521 s. 1002.375, which is not reported as a portion of the 900 net
2522 hours of instruction pursuant to subparagraph (1)(a)1., shall be
2523 calculated as 1/6 FTE.

5-01049C-11

20111696__

2524 2. A student in membership in a program scheduled for more
2525 or less than 180 school days or the equivalent on an hourly
2526 basis as specified by rules of the State Board of Education is a
2527 fraction of a full-time equivalent membership equal to the
2528 number of instructional hours in membership divided by the
2529 appropriate number of hours set forth in subparagraph (a)1.;
2530 however, for the purposes of this subparagraph, membership in
2531 programs scheduled for more than 180 days is limited to students
2532 enrolled in juvenile justice education programs and the Florida
2533 Virtual School.

2534
2535 The department shall determine and implement an equitable method
2536 of equivalent funding for experimental schools and for schools
2537 operating under emergency conditions, which schools have been
2538 approved by the department to operate for less than the minimum
2539 school day.

2540 Section 38. Paragraph (p) of subsection (1) and paragraph
2541 (b) of subsection (6) of section 1011.62, Florida Statutes, are
2542 amended to read:

2543 1011.62 Funds for operation of schools.—If the annual
2544 allocation from the Florida Education Finance Program to each
2545 district for operation of schools is not determined in the
2546 annual appropriations act or the substantive bill implementing
2547 the annual appropriations act, it shall be determined as
2548 follows:

2549 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2550 OPERATION.—The following procedure shall be followed in
2551 determining the annual allocation to each district for
2552 operation:

5-01049C-11

20111696__

(p) Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.—A maximum value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. The value of the full-time equivalent student membership shall be determined by weights adopted by the State Board of Education pursuant to s. 1003.492. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

(6) CATEGORICAL FUNDS.—

5-01049C-11

20111696__

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

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

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

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

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

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

5-01049C-11

20111696__

(a) Substitute teachers to be employed pursuant to s. 1012.35. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 1012.32; documentation of a minimum education level of a high school diploma or equivalent; and completion of an initial orientation and training program in district policies and procedures addressing school safety and security procedures, educational liability laws, professional responsibilities, and ethics.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require 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.

(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 ~~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:

5-01049C-11

20111696__

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

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

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

e. Demonstration of successful teaching performance.

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

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