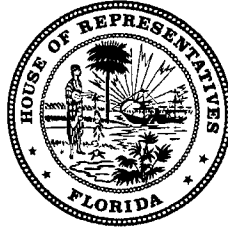




# **PreK - 12 Education Committee**

**Meeting  
Tuesday, March 7, 2006  
2:00 — 4:00 p.m.  
Morris Hall**



# **Florida House of Representatives**

**Allan G. Bense  
Speaker**

## **PreK-12 Education Committee**

**Ralph Arza, Chair**  
Representative Lorraine Ausley  
Representative Ellyn Bogdanoff  
Representative Marti Coley  
Representative Frank Farkas  
Representative Kenneth Gottlieb

**Joe Pickens, Vice Chair**  
Representative Stan Mayfield  
Representative Dave Murzin  
Representative Curtis Richardson  
Representative Trey Traviesa

### **AGENDA March 7, 2006**

- I. Chairman's Opening Remarks**
- II. PCB PKT 06-01 – A++**
- III. PCB PKT 06-02 – FHSAA**
- IV. Chairman's Closing Remarks**
- V. Adjournment**



## A++ Section Description

Section	Page	PCB PKT 06-01
1	8	Requires Legislative Budget Commission review of NCLB plan.
2	9	Establishes Division of Accountability, Research, and Measurement in DOE.
3	9	Adds "high quality, rigorous, relevant learning opportunities" to mission of K-20 education system.
4	9	Repeals guiding principles for BEST.
5	9	Requires Commissioner to seek public input and secure legislative review of NCLB state plan after 2007 reauthorization.
6	9	Requires SBE to periodically review and evaluate SSS standards; integrate reading, writing, and math; review for each subject must include representatives from each other subject area; requires SBE to adopt rules so part-time and full-time nondegreed career education teachers can earn a reading credential.
7	11	Establishes Commissioner as the sole custodian of the K-20 Data Warehouse. Requires Commissioner to seek public input and secure legislative review of NCLB state plan after 2007 reauthorization.
8	15	Establishes Just Read! Office in law; provides duties.
9	17	Removes BEST guiding principles.
10	18	Authorizes districts to adopt policies for complete education program that emphasize integration and reinforcement of reading, writing and mathematics across all subject areas, including career and technical ed.
11	18	Establishes a uniform school start date; removes reference to BEST Program; provides school improvement plan requirements; requires school district school improvement and student progression systems to be aligned with SSS; requires schools graded "C" or less to have specific school improvement plan components; conforms language to removal of rigorous reading requirement; conforms school grade nomenclature; requires public reports to be understandable, in multimedia formats; high school reports must include graduation rate, by ethnicity, calculated without GEDs; requires districts with "D" and "F" schools to cooperate with community assessment teams.
12	24	Repeals BEST reference.
13	24	Removes BEST reference; requires school principal to provide <i>instructional</i> leadership in all phases of school improvement plan.
14	25	Conforms school grade language.
15	27	Adds speech and language pathology to ESE services.
16	28	Deletes military dependents preference for admission to special academic programs even if maximum enrollment has been reached; deletes charter schools from definition of special academic program; adds Advanced International Certificate of Education.
17	28	Provides guiding principles for secondary school reform; requires school districts to establish policies to implement middle school reform, high school reform, and career academies based on principles; SBE must approve school district policies; requires DOE to perform certain activities to support secondary reform; district pupil progression plans may add additional requirements and/or courses in art, music, physical education, and other electives.
18	32	Repeals Middle Grades Reform Act.
19	32	Establishes middle grades course requirements for promotion; requires middle school or higher courses in English (3), math (3), social studies (3), science (3); career and education planning (1/2); requires intervention for FCAT Level 1 and 2 readers and Level 1 FCAT Math; provides SBE rule-making authority.
20	34	Adds requirement that districts offer courses necessary for middle grades promotion.
21	35	Creates new revised high school graduation requirements based on recommendations of High School Reform Task Force; requires 24 total credits, International Baccalaureate, or

## A++ Section Description

Section	Page	PCB PKT 06-01
		Advanced International Certificate of Education curriculum; all credits can be earned through applied or integrated courses; core curriculum (14 credits); 4 credits in English; 4 credits in math, to include Algebra I; 3 credits in science; 3 credits in social studies; 4 credits in major; 6 credits that may be used for a second major, a minor area of study (3 credits) or any combination of electives; requires remediation for Level 1 and 2 readers and Level 1 math students; allows for credit recovery that counts as both elective credit and credit for the required course; provides SBE rule-making authority.
22	40	Adds middle grades to current high school grading system.
23	41	Repeals requirement that DOE conduct studies on industry certified career education programs—reports are done.
24	41	Defines career and professional academies; specifies goals of the academies; provides requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation.
25	45	Provides that the cost of instruction, facilities, and services for out-of-state special needs students served in Florida residential facilities be paid by student's home state; requires DOE to provide technical assistance.
26	48	Requires DOE to establish a uniform IEP form; requires online access to form.
27	49	Corrects cross reference to non-resident special needs students above. See Section 25 above.
28	49	Conforms school grade language; conforms provisions relating to differentiated pay.
29	52	Creates Florida Ready to Work Certificate Program to enhance workplace skills; provides for program implementation and requirements; authorizes SBE to adopt rules.
30	53	Cross references differentiated pay.
31	53	Changes date that American Sign Language teacher must be certified from 1/1/2008, to 7/1/2009; deletes requirement to obtain certification through Florida American Sign Language Teachers' Association by 1/1/2006; eliminates that certification as an alternative track.
32	54	Revises FCAT grade level and subject area testing requirements; requires Commissioner to document 10 <sup>th</sup> grade retakes equally difficult as original 10 <sup>th</sup> grade test; requires opportunity for students to demonstrate competence after summer academies; directs DOE to study end-of-course assessments; revises concordance studies and FCAT substitution to make permanent; requires annual report on student performance data.
33	61	Repeals section regarding use of concordant scores. Made permanent in Section 32.
34	61	Authorizes districts to require attendance of low-performing students at remediation programs; requires DOE to establish a uniform format for reporting student progression; allows 90 days in advance of due date for districts to have report format.
35	63	Repeals concordance study requirement. See Section 32.
36	63	Revises K-20 education performance accountability system; deletes performance-based funding provisions; revises the mission, goals, and system wide measures; requires data collection; requires SBE to adopt rules; requires SUS data to be included.
37	67	Conforms school grade language; authorizes SBE to direct principal to recommend corrective actions for low performing staff; SBE may also recommend annual publication of "F" high school's graduation rate, by ethnicity, calculated without GEDs; corrects cross reference.
38	70	Revises school grade language; requires calculation of improvement of lowest 25 <sup>th</sup> percentile in reading; allows alternative schools to choose to receive a grade or a school improvement rating; requires that performance of certain students in alternative schools be included in the home school's grade if the alternative school chooses to receive a school improvement rating; revises school report card requirements; requires DOE to

## A++ Section Description

Section	Page	PCB PKT 06-01
		post report cards on its website; conforms school grade language.
39	74	Establishes that alternative schools may choose to receive a school improvement rating in lieu of a school grade, based on FCAT scores; requires SBE to adopt rules.
40	77	Provides that a community assessment team may review "D" or "F" high school's graduation rate, by ethnicity, calculated without GEDs; provides conditions for determination that a school district is in a state of educational emergency; authorizes the Governor and Commissioner to intervene; provides procedures to resolve the emergency; authorizes the establishment of educational emergency boards and provides duties; requires an action plan for ending educational emergency status. Conforms school grade language.
41	81	Adds alternative schools receiving an improvement rating to School Recognition Program; requires school improvement plan to include uses of school recognition funds as determined by staff and school advisory council; allows for student incentives.
42	82	FEFP statute; allows funding beyond 180 days for students in certain juvenile programs; conforms school grade language; corrects cross references; establishes the research-based reading instruction allocation; specifies allocation and use of funds; requires that teachers receive inservice credit for training in using materials purchased with the funds; requires districts to submit plans for use of funds; allows for an appeal; allows high-performing districts reasonable flexibility in plan development; allows DOE to withhold funds if not being spent according to the district's plan.
43	95	Conforms school grade language.
44	95	Requires district superintendent to certify that district staff development plan includes training teachers to use instructional materials that are in the first two years of the adoption cycle.
45	98	Authorizes use of class size reduction operating funds to implement performance pay and differentiated pay requirements when class size requirements are met; removes reference to BEST Program.
46	98	Corrects an FEFP cross-reference.
47	99	Requires DOE to provide electronic links to district postings of collective bargaining contracts and salaries/benefits of association personnel paid by the school district.
48	99	Requires districts to adopt policy on differentiated pay by 2007-2008 school year.
49	101	Provides requirements for the assignment of teachers; low performing schools may not have higher percentage than the district average of teachers who are in need of improvement, first-time, temporarily certified, or out of field.
50	102	Requires that 2006-07 salary schedules be consistent with the district's performance pay policy and 07-08 salary schedules be consistent with district's differentiated pay policy; removes reference to BEST Program.
51	103	Corrects a differentiated pay cross reference.
52	103	Removes a reference to rigorous reading requirement.
53	104	Encourages school districts to provide means for middle school teachers holding only a K-5 certification to obtain subject area coverage for middle grades.
54	106	Establishes the William Cecil Golden Professional Development Program for School Leaders; provides a definition; requires DOE to develop criteria for designation titles; provides requirements; requires SBE to adopt rules.
55	107	Repeals SBE authority to adopt rules for school principal leadership designation (rule authority included in 1012.986).
56	107	Provides for effective date upon becoming a law.

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1                                   A bill to be entitled  
 2           An act relating to education; amending s. 11.90, F.S.;  
 3           authorizing the Legislative Budget Commission to review a  
 4           state plan to implement federal requirements; amending s.  
 5           20.15, F.S.; establishing the Division of Accountability,  
 6           Research, and Measurement in the Department of Education;  
 7           amending s. 1000.03, F.S.; revising the mission of the  
 8           state's K-20 education system; repealing s. 1000.041,  
 9           F.S., to conform provisions relating to the 2005 repeal of  
 10          the BEST Florida Teaching salary career ladder program;  
 11          amending s. 1001.02, F.S.; requiring legislative review of  
 12          a revised state plan to implement certain federal  
 13          requirements; amending s. 1001.03, F.S.; requiring  
 14          periodic review of Sunshine State Standards subject areas  
 15          and an annual status report; requiring rules to earn a  
 16          reading credential equivalent; requiring the maintenance  
 17          of a uniform school district personnel classification  
 18          system; amending s. 1001.10, F.S.; requiring legislative  
 19          review of a revised state plan to implement certain  
 20          federal requirements; creating s. 1001.215, F.S.; creating  
 21          the Just Read, Florida! Office in the Department of  
 22          Education; providing duties; amending s. 1001.33, F.S.;  
 23          conforming provisions relating to the 2005 repeal of the  
 24          BEST Florida Teaching salary career ladder program;  
 25          amending s. 1001.41, F.S.; requiring district school  
 26          boards to adopt standards and policies to provide each  
 27          student a complete education program; amending s. 1001.42,  
 28          F.S.; providing a district school board requirement  
 29          relating to the opening date of the school year;

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30 | conforming provisions relating to the 2005 repeal of the  
 31 | BEST Florida Teaching salary career ladder program;  
 32 | providing requirements for each school district's system  
 33 | of school improvement and student progression; revising  
 34 | requirements for school improvement plans; requiring  
 35 | alignment with the Sunshine State Standards; revising  
 36 | format and content of public disclosure reports;  
 37 | conforming provisions relating to deletion of a rigorous  
 38 | reading requirement and the designation of school grades;  
 39 | repealing s. 1001.51(24), F.S., and amending s. 1001.54,  
 40 | F.S.; conforming provisions relating to the 2005 repeal of  
 41 | the BEST Florida Teaching salary career ladder program;  
 42 | revising provisions relating to duties of school  
 43 | principals; amending s. 1002.38, F.S., relating to the  
 44 | Opportunity Scholarship Program; conforming provisions  
 45 | relating to the designation of school grades; amending s.  
 46 | 1003.01, F.S.; revising definition of the term "special  
 47 | education services"; amending s. 1003.05, F.S.; deleting  
 48 | the requirement that certain children receive preference  
 49 | for admission to special academic programs even if maximum  
 50 | enrollment has been reached; revising programs defined as  
 51 | "special academic programs" for purposes of such  
 52 | preference; creating s. 1003.413, F.S., relating to  
 53 | secondary school reform; providing intent and guiding  
 54 | principles; requiring district school boards to establish  
 55 | policies to implement requirements for middle grades  
 56 | promotion, revised requirements for high school  
 57 | graduation, and requirements for career and professional  
 58 | academies; requiring policy approval and department



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59 support for implementation; directing the Commissioner of  
 60 Education to create and implement the Secondary School  
 61 Improvement Award Program; repealing s. 1003.415, F.S.,  
 62 the Middle Grades Reform Act; creating s. 1003.4156, F.S.;  
 63 providing general course requirements for middle grades  
 64 promotion; requiring intensive reading and mathematics  
 65 courses in certain circumstances; authorizing rulemaking  
 66 and enforcement; amending s. 1003.42, F.S.; providing for  
 67 required instruction for middle grades promotion; creating  
 68 s. 1003.428, F.S.; establishing revised general  
 69 requirements for high school graduation; providing  
 70 applicability beginning with 2007-2008 first-year high  
 71 school students; requiring completion of specified credits  
 72 or a specified curriculum; requiring strategies for  
 73 exceptional students to meet graduation requirements;  
 74 requiring standards for graduation; requiring rules for  
 75 test accommodations and modifications in certain cases;  
 76 providing requirements for standard diplomas and  
 77 certificates of completion with exceptions; authorizing  
 78 rulemaking and enforcement; amending s. 1003.437, F.S.;  
 79 including middle grades in the uniform grading system;  
 80 repealing s. 1003.492(3) and (4), F.S., relating to  
 81 department studies of student performance in industry-  
 82 certified career education programs; creating s. 1003.493,  
 83 F.S.; defining career and professional academies and  
 84 specifying goals of the academies; providing requirements  
 85 of academies relating to curriculum, partnerships,  
 86 instruction, career education certification, and  
 87 evaluation; amending s. 1003.57, F.S.; providing

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88 guidelines for determining the residency of a student who  
 89 receives instruction as an exceptional student with a  
 90 disability; requiring the student's placing authority or  
 91 parent to pay the cost of such instruction, facilities,  
 92 and services; providing responsibilities of the  
 93 department; providing responsibilities of residential  
 94 facilities that educate exceptional students with  
 95 disabilities; providing applicability; creating s.  
 96 1003.576, F.S.; requiring the department to develop an  
 97 individual education plan form for use in developing and  
 98 implementing individual education plans for exceptional  
 99 students; requiring school districts to use the form;  
 100 amending s. 1003.58, F.S.; correcting a cross-reference;  
 101 amending s. 1003.62, F.S.; conforming provisions relating  
 102 to the designation of school grades and differentiated pay  
 103 for school administrators and instructional personnel;  
 104 creating s. 1004.99, F.S., the Florida Ready to Work  
 105 Certification Program to enhance student workplace skills;  
 106 providing for program implementation and requirements;  
 107 authorizing rulemaking; amending s. 1006.09, F.S.;

108 conforming provisions relating to differentiated pay;  
 109 amending s. 1007.2615, F.S.; revising provisions for  
 110 certification of American Sign Language teachers; amending  
 111 s. 1008.22, F.S.; specifying FCAT grade level and subject  
 112 area testing requirements; requiring documentation of  
 113 procedures that ensure test difficulty under certain  
 114 circumstances; requiring certain opportunities for  
 115 demonstrating student performance; requiring the  
 116 Commissioner of Education to adopt scores concordant to

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117 FCAT scores required for high school graduation; providing  
 118 that such scores satisfy requirements for a diploma;  
 119 clarifying eligibility to use such scores; requiring an  
 120 annual report on student performance; repealing s.  
 121 1008.221, F.S., relating to alternative assessments for  
 122 dependent children of military personnel, to conform;  
 123 amending s. 1008.25, F.S.; authorizing district school  
 124 boards to require low-performing students to attend  
 125 remediation programs outside of regular school hours or  
 126 during the summer; requiring the department to establish a  
 127 uniform format for reporting information relating to  
 128 student progression; requiring an annual report; repealing  
 129 s. 1008.301, F.S., relating to a concordance study of FCAT  
 130 equivalencies for high school graduation; amending s.  
 131 1008.31, F.S.; revising intent, goals, and measures of the  
 132 K-20 performance accountability system and requiring data  
 133 quality improvements; requiring adoption of rules;  
 134 amending s. 1008.33, F.S.; conforming a cross-reference  
 135 and provisions relating to the designation of school  
 136 grades; authorizing principals to recommend corrective  
 137 actions for low-performing faculty and staff at "F" graded  
 138 schools and publication of a school's grade; amending s.  
 139 1008.34, F.S.; revising terminology and provisions  
 140 relating to designation and determination of school  
 141 grades; providing for school grading for alternative  
 142 schools and specifying requirements related thereto;  
 143 defining the term "home school" for purposes of  
 144 assessment; requiring an annual school report card to be  
 145 published by the department and distributed by school

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146 districts; creating s. 1008.341, F.S.; providing for  
 147 school improvement ratings for certain alternative  
 148 schools; providing the basis for such ratings and  
 149 requiring annual performance reports; providing for  
 150 determination of school improvement ratings,  
 151 identification of student learning gains, and eligibility  
 152 for school recognition awards; requiring the development  
 153 and distribution of an annual school report card;  
 154 authorizing adoption of rules; amending s. 1008.345, F.S.;  
 155 conforming a cross-reference and provisions relating to  
 156 the designation of school grades; providing conditions for  
 157 determination of a school district in a state of  
 158 educational emergency; providing procedures to resolve the  
 159 educational emergency, including state assistance;  
 160 authorizing establishment of an educational emergency  
 161 board and providing duties thereof; providing for an  
 162 action plan to implement recommendations; amending s.  
 163 1008.36, F.S.; authorizing certain alternative schools to  
 164 participate in the Florida School Recognition Program;  
 165 modifying procedures for determination and use of school  
 166 recognition awards; amending s. 1011.62, F.S.; providing  
 167 FTE funding for juveniles enrolled in specified education  
 168 programs; conforming cross-references and provisions  
 169 relating to the designation of school grades; establishing  
 170 a research-based reading instruction allocation to provide  
 171 funds for a comprehensive reading instruction system;  
 172 requiring school district plans for use of the allocation  
 173 and approval thereof; including the allocation in the  
 174 total amount allocated to each school district for current

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175 operation; amending s. 1011.64, F.S.; conforming  
 176 terminology and a cross-reference; amending s. 1011.67,  
 177 F.S.; requiring district school board approval of a staff  
 178 development plan relating to use of instructional  
 179 materials; amending s. 1011.685, F.S.; conforming  
 180 provisions relating to the 2005 repeal of the BEST Florida  
 181 Teaching salary career ladder program and implementation  
 182 of differentiated pay; amending s. 1011.71, F.S.;  
 183 correcting a cross-reference; amending s. 1012.21, F.S.;  
 184 requiring department reporting relating to school district  
 185 collectively bargained contracts and the salary and  
 186 benefits of certain personnel; amending s. 1012.22, F.S.;  
 187 requiring each district school board to adopt a salary  
 188 schedule with differentiated pay for instructional  
 189 personnel and school-based administrators beginning with  
 190 the 2007-2008 academic year; creating s. 1012.2315, F.S.;  
 191 providing school district requirements for the assignment  
 192 of teachers and providing procedures for noncompliance;  
 193 amending s. 1012.27, F.S.; conforming provisions relating  
 194 to the 2005 repeal of the BEST Florida Teaching salary  
 195 career ladder program and implementation of differentiated  
 196 pay; amending s. 1012.28, F.S.; conforming provisions  
 197 relating to differentiated pay; amending s. 1012.34, F.S.;  
 198 conforming provisions relating to deletion of a rigorous  
 199 reading requirement; amending s. 1012.56, F.S.;  
 200 encouraging school districts to provide mechanisms for  
 201 teachers to obtain subject area coverage for middle  
 202 grades; creating s. 1012.986, F.S.; establishing the  
 203 William Cecil Golden Professional Development Program for

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204 School Leaders; defining the term "school leader";  
 205 providing for school leader designations; providing  
 206 program requirements and delivery systems; requiring  
 207 adoption of rules; repealing s. 1012.987, F.S., which  
 208 requires the State Board of Education to adopt rules  
 209 through which school principals may earn a leadership  
 210 designation; providing an effective date.

211  
 212 WHEREAS, students will have the best opportunity to obtain a  
 213 high-quality education in the public education system of this  
 214 state and that system can best be enhanced when resources are  
 215 allocated efficiently and are concentrated in a rigorous and  
 216 relevant classroom learning environment, when teachers and  
 217 principals are supported, when high-quality educational  
 218 opportunity is reinforced through shared high academic and career  
 219 expectations, when accurate data is consistently maintained and  
 220 used to drive systemwide decisionmaking, and when successes are  
 221 rewarded, failures are identified, and the public is apprised of  
 222 both successes and failures, NOW, THEREFORE,

223  
 224 Be It Enacted by the Legislature of the State of Florida:

225  
 226 Section 1. Subsection (8) is added to section 11.90,  
 227 Florida Statutes, to read:

228 11.90 Legislative Budget Commission.--

229 (8) Upon the 2007 reauthorization of the federal No Child  
 230 Left Behind Act of 2001, the commission may review the proposed  
 231 state plan of the State Board of Education and the Commissioner  
 232 of Education before that plan is submitted.

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233 Section 2. Paragraph (f) is added to subsection (3) of  
 234 section 20.15, Florida Statutes, to read:

235 20.15 Department of Education.--There is created a  
 236 Department of Education.

237 (3) DIVISIONS.--The following divisions of the Department  
 238 of Education are established:

239 (f) Division of Accountability, Research, and Measurement.

240 Section 3. Subsection (4) of section 1000.03, Florida  
 241 Statutes, is amended to read:

242 1000.03 Function, mission, and goals of the Florida K-20  
 243 education system.--

244 (4) The mission of Florida's K-20 education system is to  
 245 allow its students to increase their proficiency by allowing them  
 246 the opportunity to expand their knowledge and skills through  
 247 high-quality, rigorous, relevant ~~adequate~~ learning opportunities,  
 248 in accordance with the mission statement and accountability  
 249 requirements of s. 1008.31.

250 Section 4. Section 1000.041, Florida Statutes, is repealed.

251 Section 5. Paragraph (g) of subsection (2) of section  
 252 1001.02, Florida Statutes, is amended to read:

253 1001.02 General powers of State Board of Education.--

254 (2) The State Board of Education has the following duties:

255 (g) To approve plans for cooperating with the Federal  
 256 Government. Upon the 2007 reauthorization of the federal No Child  
 257 Left Behind Act of 2001, the Commissioner of Education shall seek  
 258 public input and secure legislative review of the revised state  
 259 plan prior to submission.

260 Section 6. Subsections (1), (3), and (14) of section  
 261 1001.03, Florida Statutes, are amended to read:

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262 1001.03 Specific powers of State Board of Education.--  
 263 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State  
 264 Board of Education shall approve the student performance  
 265 standards known as the Sunshine State Standards in key academic  
 266 subject areas and grade levels. The state board shall establish a  
 267 schedule to facilitate the periodic review of each subject area  
 268 to maintain rigor, relevance, integration, and reinforcement for  
 269 student achievement and articulation and evaluate how the  
 270 standards are taught at each grade level. The review teams for  
 271 each Sunshine State Standards subject area must include  
 272 representatives from each other Sunshine State Standards subject  
 273 area to support valid integration of content and to address the  
 274 learning styles and instructional needs of all students. Each  
 275 review team must address the following:  
 276 (a) Rigor, relevance, logical student progression,  
 277 articulation from grade to grade, and integration of reading,  
 278 writing, and mathematics.  
 279 (b) Timelines for revision of course descriptions, adoption  
 280 of instructional materials, modifications to the statewide  
 281 assessment, and enhancements to professional development.  
 282 (c) Input from parents, classroom teachers, school and  
 283 district administrators, community college and university  
 284 faculty, and business representatives, in collaboration with  
 285 local education foundations.  
 286  
 287 The review schedule and an annual status report must be submitted  
 288 to the Governor, the President of the Senate, and the Speaker of  
 289 the House of Representatives annually not later than January 1.  
 290 (3) PROFESSIONAL CERTIFICATES.--The State Board of



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291 Education shall classify school services, designate the  
 292 certification subject areas, establish competencies, including  
 293 the use of technology to enhance student learning, and  
 294 certification requirements for all school-based personnel, and  
 295 prescribe rules in accordance with which the professional,  
 296 temporary, and part-time certificates shall be issued by the  
 297 Department of Education to applicants who meet the standards  
 298 prescribed by such rules for their class of service, as described  
 299 in chapter 1012. The state board shall adopt rules that give  
 300 part-time and full-time nondegreed teachers of career programs,  
 301 pursuant to s. 1012.39(1)(c), the opportunity to earn a reading  
 302 credential equivalent to a reading endorsement.

303 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT  
 304 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of  
 305 Education shall maintain ~~recommend to the Legislature by February~~  
 306 ~~1, 2003,~~ a uniform classification system for school district  
 307 administrative and management personnel that will facilitate the  
 308 uniform coding of administrative and management personnel to  
 309 total district employees.

310 Section 7. Section 1001.10, Florida Statutes, is amended to  
 311 read:

312 1001.10 Commissioner of Education; general powers and  
 313 duties.--The Commissioner of Education is the chief educational  
 314 officer of the state and the sole custodian of the K-20 data  
 315 warehouse, and is responsible for giving full assistance to the  
 316 State Board of Education in enforcing compliance with the mission  
 317 and goals of the seamless K-20 education system. To facilitate  
 318 innovative practices and to allow local selection of educational  
 319 methods, the State Board of Education may authorize the

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320 commissioner to waive, upon the request of a district school  
 321 board, State Board of Education rules that relate to district  
 322 school instruction and school operations, except those rules  
 323 pertaining to civil rights, and student health, safety, and  
 324 welfare. The Commissioner of Education is not authorized to grant  
 325 waivers for any provisions in rule pertaining to the allocation  
 326 and appropriation of state and local funds for public education;  
 327 the election, compensation, and organization of school board  
 328 members and superintendents; graduation and state accountability  
 329 standards; financial reporting requirements; reporting of out-of-  
 330 field teaching assignments under s. 1012.42; public meetings;  
 331 public records; or due process hearings governed by chapter 120.  
 332 No later than January 1 of each year, the commissioner shall  
 333 report to the Legislature and the State Board of Education all  
 334 approved waiver requests in the preceding year. Additionally, the  
 335 commissioner has the following general powers and duties:

336 (1) To appoint staff necessary to carry out his or her  
 337 powers and duties.

338 (2) To advise and counsel with the State Board of Education  
 339 on all matters pertaining to education; to recommend to the State  
 340 Board of Education actions and policies as, in the commissioner's  
 341 opinion, should be acted upon or adopted; and to execute or  
 342 provide for the execution of all acts and policies as are  
 343 approved.

344 (3) To keep such records as are necessary to set forth  
 345 clearly all acts and proceedings of the State Board of Education.

346 (4) To have a seal for his or her office with which, in  
 347 connection with his or her own signature, the commissioner shall  
 348 authenticate true copies of decisions, acts, or documents.

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349 (5) To recommend to the State Board of Education policies  
 350 and steps designed to protect and preserve the principal of the  
 351 State School Fund; to provide an assured and stable income from  
 352 the fund; to execute such policies and actions as are approved;  
 353 and to administer the State School Fund.

354 (6) To take action on the release of mineral rights based  
 355 upon the recommendations of the Board of Trustees of the Internal  
 356 Improvement Trust Fund.

357 (7) To submit to the State Board of Education, on or before  
 358 August 1 of each year, recommendations for a coordinated K-20  
 359 education budget that estimates the expenditures for the State  
 360 Board of Education, including the Department of Education, the  
 361 Commissioner of Education, and all of the boards, institutions,  
 362 agencies, and services under the general supervision of the State  
 363 Board of Education for the ensuing fiscal year. Any program  
 364 recommended to the State Board of Education that will require  
 365 increases in state funding for more than 1 year must be presented  
 366 in a multiyear budget plan.

367 (8) To develop and implement a plan for cooperating with  
 368 the Federal Government in carrying out any or all phases of the  
 369 educational program and to recommend policies for administering  
 370 funds that are appropriated by Congress and apportioned to the  
 371 state for any or all educational purposes. Upon the 2007  
 372 reauthorization of the federal No Child Left Behind Act of 2001,  
 373 the commissioner shall seek public input and secure legislative  
 374 review of the revised state plan prior to submission.

375 (9) To develop and implement policies for cooperating with  
 376 other public agencies in carrying out those phases of the program  
 377 in which such cooperation is required by law or is deemed by the

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378 commissioner to be desirable and to cooperate with public and  
 379 nonpublic agencies in planning and bringing about improvements in  
 380 the educational program.

381 (10) To prepare forms and procedures as are necessary to be  
 382 used by district school boards and all other educational agencies  
 383 to assure uniformity, accuracy, and efficiency in the keeping of  
 384 records, the execution of contracts, the preparation of budgets,  
 385 or the submission of reports; and to furnish at state expense,  
 386 when deemed advisable by the commissioner, those forms that can  
 387 more economically and efficiently be provided.

388 (11) To implement a program of school improvement and  
 389 education accountability designed to provide all students the  
 390 opportunity to make adequate learning gains in each year of  
 391 school as provided by statute and State Board of Education rule  
 392 based upon the achievement of the state education goals,  
 393 recognizing the following:

394 (a) The State Board of Education is the body corporate  
 395 responsible for the supervision of the system of public  
 396 education.

397 (b) The district school board is responsible for school and  
 398 student performance.

399 (c) The individual school is the unit for education  
 400 accountability.

401 (d) The community college board of trustees is responsible  
 402 for community college performance and student performance.

403 (e) The university board of trustees is responsible for  
 404 university performance and student performance.

405 (12) To establish a Citizen Information Center responsible  
 406 for the preparation, publication, and distribution of materials

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407 relating to the state system of seamless K-20 public education.

408 (13) To prepare and publish annually reports giving  
 409 statistics and other useful information pertaining to the  
 410 Opportunity Scholarship Program.

411 (14) To have printed or electronic copies of school laws,  
 412 forms, instruments, instructions, and rules of the State Board of  
 413 Education and provide for their distribution.

414 (15) To develop criteria for use by state instructional  
 415 materials committees in evaluating materials submitted for  
 416 adoption consideration. The criteria shall, as appropriate, be  
 417 based on instructional expectations reflected in curriculum  
 418 frameworks and student performance standards. The criteria for  
 419 each subject or course shall be made available to publishers of  
 420 instructional materials pursuant to the requirements of chapter  
 421 1006.

422 (16) To prescribe procedures for evaluating instructional  
 423 materials submitted by publishers and manufacturers in each  
 424 adoption.

425  
 426 The commissioner's office shall operate all statewide functions  
 427 necessary to support the State Board of Education and the K-20  
 428 education system, including strategic planning and budget  
 429 development, general administration, and assessment and  
 430 accountability.

431 Section 8. Section 1001.215, Florida Statutes, is created  
 432 to read:

433 1001.215 Just Read, Florida! Office.--There is created in  
 434 the Department of Education the Just Read, Florida! Office. The

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435 office shall be fully accountable to the Commissioner of  
 436 Education and shall:  
 437 (1) Train highly effective reading coaches.  
 438 (2) Create multiple designations of effective reading  
 439 instruction, with accompanying endorsement credentials, which  
 440 encourage all teachers to integrate reading instruction into  
 441 their content areas.  
 442 (3) Train K-12 teachers, school principals, and parents on  
 443 research-based reading instructional strategies and secondary  
 444 teachers on effective instructional strategies for teaching  
 445 reading in the content areas with an emphasis on reading for  
 446 information.  
 447 (4) Provide technical assistance to school districts in the  
 448 development and implementation of district plans for use of the  
 449 research-based reading instruction allocation provided under s.  
 450 1011.62(8) and annually review and approve such plans.  
 451 (5) Review, evaluate, and provide technical assistance to  
 452 school districts on their implementation of the K-12  
 453 comprehensive reading plan required by s. 1011.62(8).  
 454 (6) Provide information on research-based reading programs  
 455 and effective instructional strategies for teaching reading in  
 456 the content areas and support for reading for information.  
 457 (7) Periodically review the Sunshine State Standards for  
 458 reading at all grade levels.  
 459 (8) Periodically review teacher certification examinations  
 460 to ascertain whether the examinations measure the skills needed  
 461 for research-based reading, instructional strategies for teaching  
 462 reading in the content areas, and support for reading for  
 463 information.

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464       (9) Work with teacher preparation programs approved  
 465 pursuant to s. 1004.04 to integrate into teacher preparation  
 466 programs research-based reading instructional strategies and  
 467 instructional strategies for teaching reading in the content  
 468 areas.

469       (10) Administer grants and perform other functions as  
 470 necessary to meet the goal that all students read at grade level.

471       Section 9. Section 1001.33, Florida Statutes, is amended to  
 472 read:

473       1001.33 Schools under control of district school board and  
 474 district school superintendent.--

475       ~~(1) Except as otherwise provided by law, all public schools~~  
 476 ~~conducted within the district shall be under the direction and~~  
 477 ~~control of the district school board with the district school~~  
 478 ~~superintendent as executive officer.~~

479       ~~(2) Each district school board, each district school~~  
 480 ~~superintendent, and each district and school based administrator~~  
 481 ~~shall cooperate to apply the following guiding principles of~~  
 482 ~~Better Educated Students and Teachers (BEST) Florida Teaching:~~

483       ~~(a) Teachers lead, students learn.~~

484       ~~(b) Teachers maintain orderly, disciplined classrooms~~  
 485 ~~conducive to student learning.~~

486       ~~(c) Teachers are trained, recruited, well compensated, and~~  
 487 ~~retained for quality.~~

488       ~~(d) Teachers are well rewarded for their students' high~~  
 489 ~~performance.~~

490       ~~(e) Teachers are most effective when served by exemplary~~  
 491 ~~school administrators.~~

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492 Section 10. Subsection (3) of section 1001.41, Florida  
 493 Statutes, is amended to read:

494 1001.41 General powers of district school board.--The  
 495 district school board, after considering recommendations  
 496 submitted by the district school superintendent, shall exercise  
 497 the following general powers:

498 (3) Prescribe and adopt standards and policies to provide  
 499 each student the opportunity to receive a complete education  
 500 program, including language arts, mathematics, science, social  
 501 studies, health, physical education, foreign languages, and the  
 502 arts, as defined by the Sunshine State Standards. The standards  
 503 and policies must emphasize integration and reinforcement of  
 504 reading, writing, and mathematics skills in a rigorous and  
 505 relevant context across all subjects, including career and  
 506 technical education ~~as are considered desirable by it for~~  
 507 ~~improving the district school system.~~

508 Section 11. Paragraph (f) of subsection (4), paragraph (c)  
 509 of subsection (5), subsection (16), paragraph (d) of subsection  
 510 (17), and subsection (18) of section 1001.42, Florida Statutes,  
 511 are amended to read:

512 1001.42 Powers and duties of district school board.--The  
 513 district school board, acting as a board, shall exercise all  
 514 powers and perform all duties listed below:

515 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
 516 SCHOOLS.--Adopt and provide for the execution of plans for the  
 517 establishment, organization, and operation of the schools of the  
 518 district, including, but not limited to, the following:

519 (f) Opening and closing of schools; fixing uniform  
 520 date.--Adopt policies for the opening and closing of schools and



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521 fix uniform dates provided that the opening date of the school  
 522 year for schools in the district shall be no earlier than 7 days  
 523 before Labor Day each year.

524 (5) PERSONNEL.--

525 ~~(c) Fully support and cooperate in the application of the~~  
 526 ~~guiding principles of Better Educated Students and Teachers~~  
 527 ~~(BEST) Florida Teaching, pursuant to s. 1000.041.~~

528 (16) IMPLEMENT SCHOOL IMPROVEMENT AND

529 ACCOUNTABILITY.--Maintain a system of school improvement and  
 530 education accountability as provided by statute and State Board  
 531 of Education rule. This system of school improvement and  
 532 education accountability shall be consistent with, and  
 533 implemented through, the district's continuing system of planning  
 534 and budgeting required by this section and ss. 1008.385, 1010.01,  
 535 and 1011.01. This system of school improvement and education  
 536 accountability shall include, but is not limited to, the  
 537 following:

538 (a) School improvement plans.--Annually approve and require  
 539 implementation of a new, amended, or continuation school  
 540 improvement plan for each school in the district, except that a  
 541 district school board may establish a district school improvement  
 542 plan that includes all schools in the district operating for the  
 543 purpose of providing educational services to youth in Department  
 544 of Juvenile Justice programs. The school improvement ~~Such~~ plan  
 545 shall be designed to achieve the state education priorities  
 546 pursuant to s. 1000.03(5) and student proficiency on the Sunshine  
 547 State Standards pursuant to s. 1003.41 ~~performance standards. In~~  
 548 ~~addition, any school required to implement a rigorous reading~~  
 549 ~~requirement pursuant to s. 1003.415 must include such component~~

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550 ~~in its school improvement plan.~~ Each plan shall also address  
 551 issues relative to budget, training, instructional materials,  
 552 technology, staffing, student support services, specific school  
 553 safety and discipline strategies, student health and fitness,  
 554 ~~including physical fitness,~~ parental involvement information on  
 555 ~~student health and fitness, and indoor environmental air quality,~~  
 556 and ~~other matters of~~ resource allocation, as determined by  
 557 district school board policy, and shall include ~~be based on~~ an  
 558 accurate, data-based analysis of student achievement and other  
 559 school performance data. For each school in the district that  
 560 earns a school grade of "C" or below, or is required to have a  
 561 school improvement plan under federal law, the school improvement  
 562 plan shall, at a minimum include:

563 1. A needs assessment, based on disaggregated student  
 564 achievement data related to student performance on the FCAT,  
 565 which is used to identify each individual student subgroup's  
 566 strengths and weaknesses and to determine the effectiveness of  
 567 the teaching and learning strategies that are being used in the  
 568 classroom.

569 2. Performance goals, based on the needs assessment, with  
 570 measurable objectives of improvement in the areas of language  
 571 arts, mathematics, and science for each student subgroup.

572 3. A Sunshine State Standards instructional calendar and  
 573 timeline based on the needs assessment for each grade and in each  
 574 of the subject areas of language arts, mathematics, and science  
 575 to focus and integrate instruction, manage instructional time,  
 576 and allocate resources.

577 4. The following strategies:

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578 a. Mini-assessments of targeted Sunshine State Standards  
 579 benchmarks that provide ongoing progress monitoring of students  
 580 and generate data to redesign instruction.

581 b. Alternative in-school, tutorial, remediation, or  
 582 enrichment programs for students that are based on each student's  
 583 individual academic needs as defined by performance on the mini-  
 584 assessments.

585 c. A student performance monitoring plan and clearly  
 586 assigned school personnel monitoring responsibilities.

587 5. Professional development that supports enhanced  
 588 instructional strategies, improves teaching and learning, and  
 589 addresses skill gaps.

590 6. If the school is a high school, annual publication of  
 591 the school's graduation rate calculated without GEDs for the past  
 592 3 years, disaggregated by student ethnicity.

593  
 594 For each school district with a school designated with a grade of  
 595 "D" or "F," the district school board shall cooperate with the  
 596 community assessment team assigned by the commissioner in  
 597 accordance with s. 1008.345(6)(d).

598 (b) Alignment with Sunshine State Standards.--Design the  
 599 school district's system of school improvement and student  
 600 progression to provide frequent and accurate information to the  
 601 teacher and student regarding each student's progress toward  
 602 mastering the Sunshine State Standards. The system must support  
 603 the alignment of the Sunshine State Standards, monitoring of  
 604 individual student progress, and enhanced instructional  
 605 strategies, assessment, and professional development.

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606            ~~(c)(b)~~ Approval process.--Develop a process for approval of  
 607 a school improvement plan presented by an individual school and  
 608 its advisory council. In the event a district school board does  
 609 not approve a school improvement plan after exhausting this  
 610 process, the Department of Education shall be notified of the  
 611 need for assistance.

612            ~~(d)(e)~~ Assistance and intervention.--

613            1. Develop a 2-year plan of increasing individualized  
 614 assistance and intervention for each school in danger of not  
 615 meeting state standards or making adequate progress, as defined  
 616 pursuant to statute and State Board of Education rule, toward  
 617 meeting the goals and standards of its approved school  
 618 improvement plan.

619            2. Provide assistance and intervention to a school that is  
 620 designated with a ~~identified as being in performance grade of~~  
 621 ~~category "D"~~ pursuant to s. 1008.34 and is in danger of failing.

622            3. Develop a plan to encourage teachers with demonstrated  
 623 mastery in improving student performance to remain at or transfer  
 624 to a school designated with a ~~as performance grade of~~ category  
 625 "D" or "F" or to an alternative school that serves disruptive or  
 626 violent youths. If a classroom teacher, as defined by s.  
 627 1012.01(2)(a), who meets the definition of teaching mastery  
 628 developed according to the provisions of this paragraph, requests  
 629 assignment to a school designated with a ~~as performance grade of~~  
 630 category "D" or "F" or to an alternative school that serves  
 631 disruptive or violent youths, the district school board shall  
 632 make every practical effort to grant the request.

633            4. Prioritize, to the extent possible, the expenditures of  
 634 funds received from the supplemental academic instruction

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635 categorical fund under s. 1011.62(1)(f) to improve student  
 636 performance in schools that receive a ~~performance~~ grade ~~category~~  
 637 ~~designation~~ of "D" or "F."

638 ~~(e)~~(d) After 2 years.--Notify the Commissioner of Education  
 639 and the State Board of Education in the event any school does not  
 640 make adequate progress toward meeting the goals and standards of  
 641 a school improvement plan by the end of 2 years of failing to  
 642 make adequate progress and proceed according to guidelines  
 643 developed pursuant to statute and State Board of Education rule.  
 644 School districts shall provide intervention and assistance to  
 645 schools in danger of being designated with a ~~as~~ ~~performance~~ grade  
 646 of category "F," failing to make adequate progress.

647 ~~(f)~~(e) Public disclosure.--Provide information regarding  
 648 performance of students and educational programs as required  
 649 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
 650 school reports as required by statute and State Board of  
 651 Education rule that shall include schools operating for the  
 652 purpose of providing educational services to youth in Department  
 653 of Juvenile Justice programs, and for those schools, report on  
 654 the elements specified in s. 1003.52(19). Annual public  
 655 disclosure reports shall be in an understandable and easy-to-read  
 656 report card format, use multiple media such as electronic mail,  
 657 websites, public service announcements, or print or electronic  
 658 advertising, and shall include the school's student and school  
 659 performance grade, high school graduation rate calculated without  
 660 GEDs, disaggregated by student ethnicity, category designation  
 661 and other performance data as specified in state board rule.

662 ~~(g)~~(f) School improvement funds.--Provide funds to schools  
 663 for developing and implementing school improvement plans. Such

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664 funds shall include those funds appropriated for the purpose of  
 665 school improvement pursuant to s. 24.121(5)(c).

666 (17) LOCAL-LEVEL DECISIONMAKING.--

667 (d) Adopt policies that assist in giving greater autonomy,  
 668 including authority over the allocation of the school's budget,  
 669 to schools designated with a ~~as~~ performance grade of category  
 670 "A," making excellent progress, and schools rated as having  
 671 improved at least two grades ~~performance grade categories~~.

672 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing  
 673 students attending schools that have been designated with a ~~as~~  
 674 performance grade of category "F," failing to make adequate  
 675 progress, for 2 school years in a 4-year period to attend a  
 676 higher performing school in the district or an adjoining district  
 677 or be granted a state opportunity scholarship to a private  
 678 school, in conformance with s. 1002.38 and State Board of  
 679 Education rule.

680 Section 12. Subsection (24) of section 1001.51, Florida  
 681 Statutes, is repealed.

682 Section 13. Paragraphs (c) and (d) of subsection (1) and  
 683 subsection (2) of section 1001.54, Florida Statutes, are amended  
 684 to read:

685 1001.54 Duties of school principals.--

686 (1)

687 ~~(c) The school principal shall encourage school personnel~~  
 688 ~~to implement the guiding principles for Better Educated Students~~  
 689 ~~and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

690 (c)(d) The school principal shall fully support the  
 691 authority of each teacher and school bus driver to remove  
 692 disobedient, disrespectful, violent, abusive, uncontrollable, or

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693 disruptive students from the classroom and the school bus and,  
 694 when appropriate and available, place such students in an  
 695 alternative educational setting.

696 (2) Each school principal shall provide instructional  
 697 leadership in the development, ~~or~~ revision, and implementation of  
 698 a school improvement plan, pursuant to s. 1001.42(16).

699 Section 14. Subsection (2) and paragraphs (a) and (b) of  
 700 subsection (3) of section 1002.38, Florida Statutes, are amended  
 701 to read:

702 1002.38 Opportunity Scholarship Program.--

703 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school  
 704 student's parent may request and receive from the state an  
 705 opportunity scholarship for the student to enroll in and attend a  
 706 private school in accordance with the provisions of this section  
 707 if:

708 (a)1. By assigned school attendance area or by special  
 709 assignment, the student has spent the prior school year in  
 710 attendance at a public school that has been designated pursuant  
 711 to s. 1008.34 with a as ~~performance~~ grade of ~~category~~ "F,"  
 712 failing to make adequate progress, and that has had 2 school  
 713 years in a 4-year period of such low performance, and the  
 714 student's attendance occurred during a school year in which such  
 715 designation was in effect;

716 2. The student has been in attendance elsewhere in the  
 717 public school system and has been assigned to such school for the  
 718 next school year; or

719 3. The student is entering kindergarten or first grade and  
 720 has been notified that the student has been assigned to such  
 721 school for the next school year.

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722 (b) The parent has obtained acceptance for admission of the  
 723 student to a private school eligible for the program pursuant to  
 724 subsection (4), and has notified the Department of Education and  
 725 the school district of the request for an opportunity scholarship  
 726 no later than July 1 of the first year in which the student  
 727 intends to use the scholarship.

728  
 729 The provisions of this section shall not apply to a student who  
 730 is enrolled in a school operating for the purpose of providing  
 731 educational services to youth in Department of Juvenile Justice  
 732 commitment programs. For purposes of continuity of educational  
 733 choice, the opportunity scholarship shall remain in force until  
 734 the student returns to a public school or, if the student chooses  
 735 to attend a private school the highest grade of which is grade 8,  
 736 until the student matriculates to high school and the public high  
 737 school to which the student is assigned is an accredited school  
 738 with a ~~performance grade category designation~~ of "C" or better.  
 739 However, at any time upon reasonable notice to the Department of  
 740 Education and the school district, the student's parent may  
 741 remove the student from the private school and place the student  
 742 in a public school, as provided in subparagraph (3)(a)2.

743 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

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



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

761           (b) The parent of a student enrolled in or assigned to a  
 762 school that has been designated with a ~~performance~~ grade of  
 763 ~~category~~ "F" for 2 school years in a 4-year period may choose as  
 764 an alternative to enroll the student in and transport the student  
 765 to a higher-performing public school that has available space in  
 766 an adjacent school district, and that school district shall  
 767 accept the student and report the student for purposes of the  
 768 district's funding pursuant to the Florida Education Finance  
 769 Program.

770           Section 15. Paragraph (b) of subsection (3) of section  
 771 1003.01, Florida Statutes, is amended to read:

772           1003.01 Definitions.--As used in this chapter, the term:

773           (3)

774           (b) "Special education services" means specially designed  
 775 instruction and such related services as are necessary for an  
 776 exceptional student to benefit from education. Such services may  
 777 include: transportation; diagnostic and evaluation services;  
 778 social services; physical and occupational therapy; speech and  
 779 language pathology services; job placement; orientation and

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780 mobility training; braillists, typists, and readers for the  
 781 blind; interpreters and auditory amplification; rehabilitation  
 782 counseling; transition services; mental health services; guidance  
 783 and career counseling; specified materials, assistive technology  
 784 devices, and other specialized equipment; and other such services  
 785 as approved by rules of the state board.

786 Section 16. Subsection (3) of section 1003.05, Florida  
 787 Statutes, is amended to read:

788 1003.05 Assistance to transitioning students from military  
 789 families.--

790 (3) Dependent children of active duty military personnel  
 791 who otherwise meet the eligibility criteria for special academic  
 792 programs offered through public schools shall be given first  
 793 preference for admission to such programs even if the program is  
 794 being offered through a public school other than the school to  
 795 which the student would generally be assigned ~~and the school at~~  
 796 ~~which the program is being offered has reached its maximum~~  
 797 ~~enrollment.~~ If such a program is offered through a public school  
 798 other than the school to which the student would generally be  
 799 assigned, the parent or guardian of the student must assume  
 800 responsibility for transporting the student to that school. For  
 801 purposes of this subsection, special academic programs include  
 802 ~~charter schools,~~ magnet schools, advanced studies programs,  
 803 advanced placement, dual enrollment, Advanced International  
 804 Certificate of Education, and International Baccalaureate.

805 Section 17. Section 1003.413, Florida Statutes, is created  
 806 to read:

807 1003.413 Secondary school reform.--

808 (1) Secondary schools are schools that primarily serve

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809 students in grades 6 through 12. It is the intent of the  
 810 Legislature to provide for secondary school reform so that  
 811 students promoted from the 8th grade have the necessary academic  
 812 skills for success in high school and students graduating from  
 813 high school have the necessary skills for success in the  
 814 workplace and postsecondary education.

815 (2) Guiding principles for secondary school reform are:

816 (a) Struggling students, especially those in failing  
 817 schools, need the highest quality teachers and dramatically  
 818 different innovative approaches to teaching and learning.

819 (b) Every teacher must contribute to every student's  
 820 reading improvement.

821 (c) Quality professional development provides teachers and  
 822 principals with the tools they need to better serve students.

823 (d) Small learning communities allow teachers to  
 824 personalize instruction to better address student learning  
 825 styles, strengths, and weaknesses.

826 (e) Intensive intervention in reading and mathematics must  
 827 occur early and through innovative delivery systems.

828 (f) Parents need access to tools they can use to monitor  
 829 their child's progress in school, communicate with teachers, and  
 830 act early on behalf of their child.

831 (g) Applied and integrated courses help students see the  
 832 relationships between subjects and relevance to their futures.

833 (h) Majors and minors allow students to choose courses and  
 834 set goals based on their interests and talents.

835 (i) Master schedules should not determine instruction and  
 836 must be designed based on student needs, not adult or  
 837 institutional needs.

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838           (j) Academic and career planning engages students in  
 839 developing a personally meaningful course of study so they can  
 840 achieve goals they have set for themselves.

841           (3) Based on these guiding principles, district school  
 842 boards shall establish policies to implement the requirements of  
 843 ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

844           (a) Procedures for placing and promoting students who enter  
 845 a Florida public school at grade 6 through grade 12 from out of  
 846 state or from a foreign country, including a review of the  
 847 student's prior academic performance.

848           (b) Alternative methods for students to demonstrate  
 849 competency in required courses and credits, with special support  
 850 for students who have been retained.

851           (c) Applied, integrated, and combined courses that provide  
 852 flexibility for students to enroll in courses that are creative  
 853 and meet individual learning styles and student needs.

854           (d) Credit recovery courses and intensive reading and  
 855 mathematics intervention courses based on student performance on  
 856 the FCAT. These courses should be competency based and offered  
 857 through innovative delivery systems, including computer-assisted  
 858 instruction. School districts should use learning gains as well  
 859 as other appropriate data and provide incentives to identify and  
 860 reward high-performing teachers who teach credit recovery and  
 861 intensive intervention courses.

862           (e) Grade forgiveness policies that replace a grade of "D"  
 863 or "F" with a grade of "C" or higher earned subsequently in the  
 864 same or a comparable course.

865           (f) Summer academies for students to receive intensive  
 866 reading and mathematics intervention courses or competency-based

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867 credit recovery courses. A student's participation in an  
 868 instructional or remediation program prior to or immediately  
 869 following entering grade 9 for the first time shall not affect  
 870 that student's classification as a first-time 9th grader for  
 871 reporting purposes.

872 (g) Strategies to support teachers' pursuit of the reading  
 873 endorsement and emphasize reading instruction professional  
 874 development for content area teachers.

875 (h) Creative and flexible scheduling designed to meet  
 876 student needs.

877 (i) Procedures for high school students who have not  
 878 prepared an electronic personal education plan pursuant to s.  
 879 1003.4156 to prepare such plan.

880 (j) Tools for parents to regularly monitor student progress  
 881 and communicate with teachers.

882 (k) Additional course requirements for promotion and  
 883 graduation which may be determined by each school district in the  
 884 student progression plan and may include additional academic,  
 885 fine and performing arts, physical education, or career and  
 886 technical education courses in order to provide a complete  
 887 education program pursuant to s. 1001.41(3).

888  
 889 Within 30 days after adoption, the district school board policies  
 890 shall be submitted to the State Board of Education for approval.  
 891 The district school board policies shall be deemed approved  
 892 unless specifically rejected by the State Board of Education  
 893 within 60 days after receipt.

894 (4) In order to support the successful implementation of  
 895 this section by district school boards, the Department of

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896 Education shall by the 2006-2007 school year:

897 (a) Increase the number of approved applied, integrated,  
 898 and combined courses available to school districts.

899 (b) Make available a professional development package  
 900 designed to provide the information that content area teachers  
 901 need to become proficient in applying scientifically based  
 902 reading strategies through their content areas.

903 (c) Share best practices for providing a complete education  
 904 program to students enrolled in course recovery, credit recovery,  
 905 intensive reading intervention, or intensive mathematics  
 906 intervention.

907 (d) Expedite assistance and decisions and coordinate  
 908 policies throughout all divisions within the department to  
 909 provide school districts with support to implement this section.

910 (e) Use data to provide the Legislature with an annual  
 911 longitudinal analysis of the success of this reform effort,  
 912 including the progress of 6th grade students and 9th grade  
 913 students scoring at Level 1 on FCAT Reading or FCAT Mathematics.

914 (5) The Commissioner of Education shall create and  
 915 implement the Secondary School Improvement Award Program to  
 916 reward public secondary schools that demonstrate continuous  
 917 student academic improvement and show the greatest gains in  
 918 student academic achievement in reading and mathematics.

919 Section 18. Section 1003.415, Florida Statutes, is  
 920 repealed.

921 Section 19. Section 1003.4156, Florida Statutes, is created  
 922 to read:

923 1003.4156 General requirements for middle grades  
 924 promotion.--

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925 (1) Beginning with students entering grade 6 in the 2006-  
 926 2007 school year, promotion from a school composed of middle  
 927 grades 6, 7, and 8 requires that:

928 (a) The student must successfully complete academic courses  
 929 as follows:

930 1. Three middle school or higher year-long courses in  
 931 English. These courses shall emphasize literature, composition,  
 932 and reading for information.

933 2. Three middle school or higher year-long courses in  
 934 mathematics. Each middle school must offer at least one high-  
 935 school-level mathematics course for which students may earn high  
 936 school credit.

937 3. Three middle school or higher year-long courses in  
 938 social studies, including American history and world history.

939 4. Three middle school or higher year-long courses in  
 940 science.

941 5. One half-year course in career exploration and education  
 942 planning to be completed in grade 7 or grade 8. The course may be  
 943 taught by any member of the instructional staff; must include a  
 944 web-based career exploration program; must include educational  
 945 planning using the online student advising system Florida  
 946 Academic Counseling and Tracking for Students at the Internet  
 947 website FACTS.org; must provide information to each student about  
 948 high school programs and courses that are available, including  
 949 acceleration mechanisms, career and technical programs, and  
 950 career and professional academies pursuant to s. 1003.493; and  
 951 shall result in the completion of an electronic personal  
 952 education plan. Each student's plan must be signed by the  
 953 student, the student's guidance counselor, and the student's

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954 parent. By January 1, 2007, the Department of Education shall  
955 develop a course framework and professional development materials  
956 for the career exploration and education planning course.

957 (b) For each year in which a student scores at Level 1 on  
958 FCAT Reading, the student must be enrolled in and complete an  
959 intensive reading course the following year. Placement of Level 2  
960 readers in either an intensive reading course or a content area  
961 course in which reading strategies are delivered shall be  
962 determined by diagnosis of reading needs. The department shall  
963 provide guidance on appropriate strategies for diagnosing and  
964 meeting the varying instructional needs of students reading below  
965 grade level. Reading courses shall be designed and offered  
966 pursuant to the comprehensive reading plan required by s.  
967 1011.62(8).

968 (c) For each year in which a student scores at Level 1 on  
969 FCAT Mathematics, the student must complete an intensive  
970 mathematics course the following year, which may be integrated  
971 into the student's required mathematics course. These courses are  
972 subject to approval by the department for inclusion in the Course  
973 Code Directory.

974 (2) Students in grade 6, grade 7, or grade 8 who are not  
975 enrolled in schools with a middle grades configuration are  
976 subject to the promotion requirements of this section.

977 (3) The State Board of Education may adopt rules pursuant  
978 to ss. 120.536(1) and 120.54 to implement the provisions of this  
979 section and may enforce the provisions of this section pursuant  
980 to s. 1008.32.

981 Section 20. Subsection (1) of section 1003.42, Florida  
982 Statutes, is amended to read:



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983 1003.42 Required instruction.--

984 (1) Each district school board shall provide all courses  
 985 required for middle grades promotion, high school graduation, and  
 986 appropriate instruction designed to ensure that all students have  
 987 the opportunity to meet State Board of Education adopted  
 988 standards in the following subject areas: reading and other  
 989 language arts, mathematics, science, social studies, foreign  
 990 languages, health and physical education, and the arts.

991 Section 21. Section 1003.428, Florida Statutes, is created  
 992 to read:

993 1003.428 General requirements for high school graduation;  
 994 revised.--

995 (1) Except as otherwise authorized pursuant to s. 1003.429,  
 996 beginning with students entering their first year of high school  
 997 in the 2007-2008 school year, graduation requires the successful  
 998 completion of a minimum of 24 credits, an International  
 999 Baccalaureate curriculum, or an Applied International Certificate  
 1000 of Education curriculum. Students must be advised of eligibility  
 1001 requirements for state scholarship programs and postsecondary  
 1002 admissions.

1003 (2) The 24 credits may be earned through applied,  
 1004 integrated, and combined courses approved by the Department of  
 1005 Education and shall be distributed as follows:

1006 (a) Fourteen core curriculum credits:

1007 1. Four credits in English, with major concentration in  
 1008 composition, reading for information, and literature.

1009 2. Four credits in mathematics, one of which must be  
 1010 Algebra I, a series of courses equivalent to Algebra I, or a  
 1011 higher-level mathematics course. School districts are encouraged

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1012 to set specific goals to increase enrollments in, and successful  
 1013 completion of, geometry and Algebra II.

1014 3. Three credits in science, two of which must have a  
 1015 laboratory component.

1016 4. Three credits in social studies as follows: one credit  
 1017 in American history; one credit in world history; one-half credit  
 1018 in economics; and one-half credit in American government.

1019 (b) Ten credits in majors, minors, or electives:

1020 1. Four credits in a major area of study, such as  
 1021 sequential courses in a career and technical program, fine and  
 1022 performing arts, or academic content area, selected by the  
 1023 student as part of the education plan required by s. 1003.4156.  
 1024 Annually by October 1, the district school board shall approve  
 1025 major areas of study and submit the list of majors to the  
 1026 Commissioner of Education for approval. Each major shall be  
 1027 deemed approved unless specifically rejected by the commissioner  
 1028 within 60 days. Upon approval, each district's majors shall be  
 1029 available for use by all school districts and shall be posted on  
 1030 the department's website.

1031 2. Six credits in elective courses selected by the student  
 1032 as part of the education plan required by s. 1003.4156. These  
 1033 credits may be combined to allow for a second major area of study  
 1034 pursuant to subparagraph 1., a minor area of study, elective  
 1035 courses, intensive reading or mathematics intervention courses,  
 1036 or credit recovery courses as described in this subparagraph.

1037 a. Minor areas of study are composed of three credits  
 1038 selected by the student as part of the education plan required by  
 1039 s. 1003.4156 and approved by the district school board.

1040 b. Elective courses are selected by the student in order to

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1041 pursue a complete education program as described in s. 1001.41(3)  
 1042 and to meet eligibility requirements for scholarships.

1043 c. For each year in which a student scores at Level 1 on  
 1044 FCAT Reading, the student must be enrolled in and complete an  
 1045 intensive reading course the following year. Placement of Level 2  
 1046 readers in either an intensive reading course or a content area  
 1047 course in which reading strategies are delivered shall be  
 1048 determined by diagnosis of reading needs. The department shall  
 1049 provide guidance on appropriate strategies for diagnosing and  
 1050 meeting the varying instructional needs of students reading below  
 1051 grade level. Reading courses shall be designed and offered  
 1052 pursuant to the comprehensive reading plan required by s.  
 1053 1011.62(8).

1054 d. For each year in which a student scores at Level 1 on  
 1055 FCAT Mathematics, the student must complete an intensive  
 1056 mathematics course the following year. These courses may be  
 1057 taught through applied, integrated, or combined courses and are  
 1058 subject to approval by the department for inclusion in the Course  
 1059 Code Directory.

1060 e. Credit recovery courses shall be offered so that  
 1061 students can simultaneously earn an elective credit and the  
 1062 recovered credit.

1063 (3)(a) A district school board may require specific courses  
 1064 and programs of study within the minimum credit requirements for  
 1065 high school graduation and shall modify basic courses, as  
 1066 necessary, to assure exceptional students the opportunity to meet  
 1067 the graduation requirements for a standard diploma, using one of  
 1068 the following strategies:

1069 1. Assignment of the exceptional student to an exceptional

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1070 education class for instruction in a basic course with the same  
 1071 student performance standards as those required of nonexceptional  
 1072 students in the district school board student progression plan;  
 1073 or

1074 2. Assignment of the exceptional student to a basic  
 1075 education class for instruction that is modified to accommodate  
 1076 the student's exceptionality.

1077 (b) The district school board shall determine which of  
 1078 these strategies to employ based upon an assessment of the  
 1079 student's needs and shall reflect this decision in the student's  
 1080 individual education plan.

1081 (4) Each district school board shall establish standards  
 1082 for graduation from its schools, which must include:

1083 (a) Earning passing scores on the FCAT, as defined in s.  
 1084 1008.22(3)(c), or scores on a standardized test that are  
 1085 concordant with passing scores on the FCAT as defined in s.  
 1086 1008.22(9).

1087 (b) Completion of all other applicable requirements  
 1088 prescribed by the district school board pursuant to s. 1008.25.

1089 (c) Achievement of a cumulative grade point average of 2.0  
 1090 on a 4.0 scale, or its equivalent, in the courses required by  
 1091 this section.

1092 (5) The State Board of Education, after a public hearing  
 1093 and consideration, shall adopt rules based upon the  
 1094 recommendations of the commissioner for the provision of test  
 1095 accommodations and modifications of procedures as necessary for  
 1096 students with disabilities which will demonstrate the student's  
 1097 abilities rather than reflect the student's impaired sensory,  
 1098 manual, speaking, or psychological process skills.

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1099       (6) The public hearing and consideration required in  
 1100 subsection (5) shall not be construed to amend or nullify the  
 1101 requirements of security relating to the contents of examinations  
 1102 or assessment instruments and related materials or data as  
 1103 prescribed in s. 1008.23.

1104       (7) (a) A student who meets all requirements prescribed in  
 1105 subsections (1), (2), (3), and(4) shall be awarded a standard  
 1106 diploma in a form prescribed by the State Board of Education.

1107       (b) A student who completes the minimum number of credits  
 1108 and other requirements prescribed by subsections (1), (2), and  
 1109 (3), but who is unable to meet the standards of paragraph (4) (a),  
 1110 paragraph (4) (b), or paragraph (4) (c), shall be awarded a  
 1111 certificate of completion in a form prescribed by the State Board  
 1112 of Education. However, any student who is otherwise entitled to a  
 1113 certificate of completion may elect to remain in the secondary  
 1114 school either as a full-time student or a part-time student for  
 1115 up to 1 additional year and receive special instruction designed  
 1116 to remedy his or her identified deficiencies.

1117       (8) (a) Each district school board must provide instruction  
 1118 to prepare students with disabilities to demonstrate proficiency  
 1119 in the skills and competencies necessary for successful grade-to-  
 1120 grade progression and high school graduation.

1121       (b) A student with a disability, as defined in s.  
 1122 1007.02(2), for whom the individual education plan (IEP)  
 1123 committee determines that the FCAT cannot accurately measure the  
 1124 student's abilities taking into consideration all allowable  
 1125 accommodations, shall have the FCAT requirement of paragraph  
 1126 (4) (a) waived for the purpose of receiving a standard high school  
 1127 diploma, if the student:

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1128 1. Completes the minimum number of credits and other  
 1129 requirements prescribed by subsections (1), (2), and (3).

1130 2. Does not meet the requirements of paragraph (4)(a) after  
 1131 one opportunity in 10th grade and one opportunity in 11th grade.

1132 (9) The Commissioner of Education may award a standard high  
 1133 school diploma to honorably discharged veterans who started high  
 1134 school between 1937 and 1946 and were scheduled to graduate  
 1135 between 1941 and 1950 but were inducted into the United States  
 1136 Armed Forces between September 16, 1940, and December 31, 1946,  
 1137 prior to completing the necessary high school graduation  
 1138 requirements. Upon the recommendation of the commissioner, the  
 1139 State Board of Education may develop criteria and guidelines for  
 1140 awarding such diplomas.

1141 (10) The Commissioner of Education may award a standard  
 1142 high school diploma to honorably discharged veterans who started  
 1143 high school between 1946 and 1950 and were scheduled to graduate  
 1144 between 1950 and 1954, but were inducted into the United States  
 1145 Armed Forces between June 27, 1950, and January 31, 1955, and  
 1146 served during the Korean Conflict prior to completing the  
 1147 necessary high school graduation requirements. Upon the  
 1148 recommendation of the commissioner, the State Board of Education  
 1149 may develop criteria and guidelines for awarding such diplomas.

1150 (11) The State Board of Education may adopt rules pursuant  
 1151 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 1152 section and may enforce the provisions of this section pursuant  
 1153 to s. 1008.32.

1154 Section 22. Section 1003.437, Florida Statutes, is amended  
 1155 to read:

1156 1003.437 Middle and high school grading system.--The

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1157 grading system and interpretation of letter grades used for  
 1158 students in public ~~high~~ schools in grades 6 through 12 shall be  
 1159 as follows:

1160 (1) Grade "A" equals 90 percent through 100 percent, has a  
 1161 grade point average value of 4, and is defined as "outstanding  
 1162 progress."

1163 (2) Grade "B" equals 80 percent through 89 percent, has a  
 1164 grade point average value of 3, and is defined as "above average  
 1165 progress."

1166 (3) Grade "C" equals 70 percent through 79 percent, has a  
 1167 grade point average value of 2, and is defined as "average  
 1168 progress."

1169 (4) Grade "D" equals 60 percent through 69 percent, has a  
 1170 grade point average value of 1, and is defined as "lowest  
 1171 acceptable progress."

1172 (5) Grade "F" equals zero percent through 59 percent, has a  
 1173 grade point average value of zero, and is defined as "failure."

1174 (6) Grade "I" equals zero percent, has a grade point  
 1175 average value of zero, and is defined as "incomplete."  
 1176

1177 For the purposes of class ranking for students in grades 9  
 1178 through 12, district school boards may exercise a weighted  
 1179 grading system.

1180 Section 23. Subsections (3) and (4) of section 1003.492,  
 1181 Florida Statutes, are repealed.

1182 Section 24. Section 1003.493, Florida Statutes, is created  
 1183 to read:

1184 1003.493 Career and professional academies.--

1185 (1) A career and professional academy is a research-based

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1186 program that integrates a rigorous academic curriculum with an  
 1187 industry-driven career curriculum. Career and professional  
 1188 academies may be offered by public schools, school districts, or  
 1189 the Florida Virtual School. Students completing career and  
 1190 professional academy programs receive a standard high school  
 1191 diploma, the highest available industry certification, and  
 1192 postsecondary credit if the academy partners with a postsecondary  
 1193 institution.

1194 (2) The goals of career and professional academies are to:

1195 (a) Increase student academic achievement and graduation  
 1196 rates through integrated academic and career curricula.

1197 (b) Focus on career preparation through rigorous academics  
 1198 and industry certification.

1199 (c) Raise student aspiration and commitment to academic  
 1200 achievement and work ethics.

1201 (d) Support the revised graduation requirements pursuant to  
 1202 s. 1003.428 by providing creative, applied majors.

1203 (e) Promote acceleration mechanisms, such as dual  
 1204 enrollment, articulated credit, or occupational completion  
 1205 points, so that students may earn postsecondary credit while in  
 1206 high school.

1207 (f) Support the state's economy by meeting industry needs  
 1208 for skilled employees in high-demand occupations.

1209 (3) A career and professional academy may be offered as one  
 1210 of the following small learning communities:

1211 (a) A school-within-a-school career academy, as part of an  
 1212 existing high school, that provides courses in one occupational  
 1213 cluster. Students in the high school are not required to be  
 1214 students in the academy.



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1215 (b) A total school configuration providing multiple  
 1216 academies each structured around an occupational cluster. Every  
 1217 student in the school is in an academy.

1218 (4) Each career and professional academy must:

1219 (a) Provide a rigorous standards-based academic curriculum  
 1220 integrated with a career curriculum. The curriculum must take  
 1221 into consideration multiple styles of student learning; promote  
 1222 learning by doing through application and adaptation; maximize  
 1223 relevance of the subject matter; enhance each student's capacity  
 1224 to excel; and include an emphasis on work habits and work ethics.

1225 (b) Include one or more partnerships with postsecondary  
 1226 institutions, businesses, industry, employers, economic  
 1227 development organizations, or other appropriate partners from the  
 1228 local community. Such partnerships must provide opportunities  
 1229 for:

- 1230 1. Instruction from highly skilled professionals.
- 1231 2. Internships, externships, and on-the-job training.
- 1232 3. A postsecondary degree, diploma, or certificate.
- 1233 4. The highest available level of industry certification.

1234 Where no national or state certification exists, school districts  
 1235 may establish a local certification in conjunction with the local  
 1236 workforce development board, the chamber of commerce, or the  
 1237 Agency for Workforce Innovation.

1238 5. Maximum articulation of credits pursuant to s. 1007.23  
 1239 upon program completion.

1240 (c) Provide creative and tailored student advisement,  
 1241 including parent participation and coordination with middle  
 1242 schools to provide career exploration and education planning as  
 1243 required under s. 1003.4156. Coordination with middle schools

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1244 must provide information to middle school students about  
 1245 secondary and postsecondary career education programs and  
 1246 academies.

1247 (d) Provide a career education certification on the high  
 1248 school diploma pursuant to s. 1003.431.

1249 (e) Provide instruction in careers designated as high  
 1250 growth, high demand, and high pay by the local workforce  
 1251 development board, the chamber of commerce, or the Agency for  
 1252 Workforce Innovation.

1253 (f) Deliver academic content through instruction relevant  
 1254 to the career, including intensive reading and mathematics  
 1255 intervention required by s. 1003.428, with an emphasis on  
 1256 strengthening reading for information skills.

1257 (g) Provide instruction resulting in competency,  
 1258 certification, or credentials in workplace skills, including, but  
 1259 not limited to, communication skills, interpersonal skills,  
 1260 decisionmaking skills, the importance of attendance and  
 1261 timeliness in the work environment, and work ethics.

1262 (h) Provide opportunities for students to obtain the  
 1263 Florida Ready to Work Certification pursuant to s. 1004.99.

1264 (i) Include an evaluation plan developed jointly with the  
 1265 Department of Education. The evaluation plan must include a self-  
 1266 assessment tool based on standards, such as the Career Academy  
 1267 National Standards of Practice, and outcome measures including,  
 1268 but not limited to, graduation rates, enrollment in postsecondary  
 1269 education, business and industry satisfaction, employment and  
 1270 earnings, achievement of industry certification, awards of  
 1271 postsecondary credit, and FCAT achievement levels and learning  
 1272 gains.

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1273 Section 25. Section 1003.57, Florida Statutes, is amended  
 1274 to read:  
 1275 1003.57 Exceptional students instruction.--  
 1276 (1) Each district school board shall provide for an  
 1277 appropriate program of special instruction, facilities, and  
 1278 services for exceptional students as prescribed by the State  
 1279 Board of Education as acceptable, including provisions that:  
 1280 (a)~~(1)~~ The district school board provide the necessary  
 1281 professional services for diagnosis and evaluation of exceptional  
 1282 students.  
 1283 (b)~~(2)~~ The district school board provide the special  
 1284 instruction, classes, and services, either within the district  
 1285 school system, in cooperation with other district school systems,  
 1286 or through contractual arrangements with approved private schools  
 1287 or community facilities that meet standards established by the  
 1288 commissioner.  
 1289 (c)~~(3)~~ The district school board annually provide  
 1290 information describing the Florida School for the Deaf and the  
 1291 Blind and all other programs and methods of instruction available  
 1292 to the parent of a sensory-impaired student.  
 1293 (d)~~(4)~~ The district school board, once every 3 years,  
 1294 submit to the department its proposed procedures for the  
 1295 provision of special instruction and services for exceptional  
 1296 students.  
 1297 (e)~~(5)~~ A ~~No~~ student may not be given special instruction or  
 1298 services as an exceptional student until after he or she has been  
 1299 properly evaluated, classified, and placed in the manner  
 1300 prescribed by rules of the State Board of Education. The parent  
 1301 of an exceptional student evaluated and placed or denied

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1302 placement in a program of special education shall be notified of  
 1303 each such evaluation and placement or denial. Such notice shall  
 1304 contain a statement informing the parent that he or she is  
 1305 entitled to a due process hearing on the identification,  
 1306 evaluation, and placement, or lack thereof. Such hearings shall  
 1307 be exempt from the provisions of ss. 120.569, 120.57, and  
 1308 286.011, except to the extent that the State Board of Education  
 1309 adopts rules establishing other procedures and any records  
 1310 created as a result of such hearings shall be confidential and  
 1311 exempt from the provisions of s. 119.07(1). The hearing must be  
 1312 conducted by an administrative law judge from the Division of  
 1313 Administrative Hearings of the Department of Management Services.  
 1314 The decision of the administrative law judge shall be final,  
 1315 except that any party aggrieved by the finding and decision  
 1316 rendered by the administrative law judge shall have the right to  
 1317 bring a civil action in the circuit court. In such an action, the  
 1318 court shall receive the records of the administrative hearing and  
 1319 shall hear additional evidence at the request of either party. In  
 1320 the alternative, any party aggrieved by the finding and decision  
 1321 rendered by the administrative law judge shall have the right to  
 1322 request an impartial review of the administrative law judge's  
 1323 order by the district court of appeal as provided by s. 120.68.  
 1324 Notwithstanding any law to the contrary, during the pendency of  
 1325 any proceeding conducted pursuant to this section, unless the  
 1326 district school board and the parents otherwise agree, the  
 1327 student shall remain in his or her then-current educational  
 1328 assignment or, if applying for initial admission to a public  
 1329 school, shall be assigned, with the consent of the parents, in  
 1330 the public school program until all such proceedings have been

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1331 completed.

1332 ~~(f)(6)~~ In providing for the education of exceptional  
 1333 students, the district school superintendent, principals, and  
 1334 teachers shall utilize the regular school facilities and adapt  
 1335 them to the needs of exceptional students to the maximum extent  
 1336 appropriate. Segregation of exceptional students shall occur only  
 1337 if the nature or severity of the exceptionality is such that  
 1338 education in regular classes with the use of supplementary aids  
 1339 and services cannot be achieved satisfactorily.

1340 ~~(g)(7)~~ In addition to the services agreed to in a student's  
 1341 individual education plan, the district school superintendent  
 1342 shall fully inform the parent of a student having a physical or  
 1343 developmental disability of all available services that are  
 1344 appropriate for the student's disability. The superintendent  
 1345 shall provide the student's parent with a summary of the  
 1346 student's rights.

1347 (2) (a) An exceptional student with a disability who resides  
 1348 in a residential facility and receives special instruction or  
 1349 services is considered a resident of the state in which the  
 1350 student's parent is a resident. The cost of such instruction,  
 1351 facilities, and services for a nonresident student with a  
 1352 disability shall be provided by the placing authority in the  
 1353 student's state of residence, such as a public school entity,  
 1354 other placing authority, or parent. A nonresident student with a  
 1355 disability may not be reported by any school district for FTE  
 1356 funding in the Florida Education Finance Program.

1357 (b) The Department of Education shall provide to each  
 1358 school district a statement of the specific limitations of the  
 1359 district's financial obligation for exceptional students with

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1360 disabilities under federal and state law. The department shall  
 1361 also provide to each school district technical assistance as  
 1362 necessary for developing a local plan to impose on a student's  
 1363 home state the fiscal responsibility for educating a nonresident  
 1364 exceptional student with a disability.

1365 (c) The Department of Education shall develop a process by  
 1366 which a school district must, before providing services to an  
 1367 exceptional student with a disability who resides in a  
 1368 residential facility in this state, review the residency of the  
 1369 student. The residential facility, not the district, is  
 1370 responsible for billing and collecting from a nonresidential  
 1371 student's home state payment for the student's educational and  
 1372 related services.

1373 (d) This subsection applies to any nonresident student with  
 1374 a disability who resides in a residential facility and who  
 1375 receives instruction as an exceptional student with a disability  
 1376 in any type of residential facility in this state, including, but  
 1377 not limited to, a public school, a private school, a group home  
 1378 facility as defined in s. 393.063, an intensive residential  
 1379 treatment program for children and adolescents as defined in s.  
 1380 395.002, a facility as defined in s. 394.455, an intermediate  
 1381 care facility for the developmentally disabled or ICF/DD as  
 1382 defined in s. 393.063 or s. 400.960, or a community residential  
 1383 home as defined in s. 419.001.

1384 Section 26. Section 1003.576, Florida Statutes, is created  
 1385 to read:

1386 1003.576 Individual education plans for exceptional  
 1387 students.--The Department of Education shall develop an  
 1388 individual education plan (IEP) form for use in developing and

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1389 implementing individual education plans for exceptional students.  
 1390 The IEP form must be available electronically, include notice of  
 1391 testing accommodations pursuant to s. 1008.22(3), and have a  
 1392 streamlined format. To provide for the use of an existing IEP  
 1393 form when a student transfers from one school district to  
 1394 another, the IEP form developed by the department must be used in  
 1395 each school district in the state.

1396 Section 27. Subsection (3) of section 1003.58, Florida  
 1397 Statutes, is amended to read:

1398 1003.58 Students in residential care facilities.--Each  
 1399 district school board shall provide educational programs  
 1400 according to rules of the State Board of Education to students  
 1401 who reside in residential care facilities operated by the  
 1402 Department of Children and Family Services.

1403 (3) The district school board shall have full and complete  
 1404 authority in the matter of the assignment and placement of such  
 1405 students in educational programs. The parent of an exceptional  
 1406 student shall have the same due process rights as are provided  
 1407 under s. 1003.57(1)(e) ~~(5)~~.

1408  
 1409 Notwithstanding the provisions herein, the educational program at  
 1410 the Marianna Sunland Center in Jackson County shall be operated  
 1411 by the Department of Education, either directly or through grants  
 1412 or contractual agreements with other public or duly accredited  
 1413 educational agencies approved by the Department of Education.

1414 Section 28. Paragraph (a) of subsection (1) and paragraph  
 1415 (a) of subsection (2) of section 1003.62, Florida Statutes, are  
 1416 amended to read:

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1417 1003.62 Academic performance-based charter school  
 1418 districts.--The State Board of Education may enter into a  
 1419 performance contract with district school boards as authorized in  
 1420 this section for the purpose of establishing them as academic  
 1421 performance-based charter school districts. The purpose of this  
 1422 section is to examine a new relationship between the State Board  
 1423 of Education and district school boards that will produce  
 1424 significant improvements in student achievement, while complying  
 1425 with constitutional and statutory requirements assigned to each  
 1426 entity.

1427 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1428 (a) A school district shall be eligible for designation as  
 1429 an academic performance-based charter school district if it is a  
 1430 high-performing school district in which a minimum of 50 percent  
 1431 of the schools earn a ~~performance grade of~~ category "A" or "B"  
 1432 and in which no school earns a ~~performance grade of~~ category "D"  
 1433 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools  
 1434 that receive a ~~performance grade of~~ category "I" or "N" shall not  
 1435 be included in this calculation. The performance contract for a  
 1436 school district that earns a charter based on school ~~performance~~  
 1437 grades shall be predicated on maintenance of at least 50 percent  
 1438 of the schools in the school district earning a ~~performance grade~~  
 1439 of category "A" or "B" with no school in the school district  
 1440 earning a ~~performance grade of~~ category "D" or "F" for 2  
 1441 consecutive years. A school district in which the number of  
 1442 schools that earn a ~~performance grade of~~ "A" or "B" is less than  
 1443 50 percent may have its charter renewed for 1 year; however, if  
 1444 the percentage of "A" or "B" schools is less than 50 percent for  
 1445 2 consecutive years, the charter shall not be renewed.



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1446 (2) EXEMPTION FROM STATUTES AND RULES.--  
 1447 (a) An academic performance-based charter school district  
 1448 shall operate in accordance with its charter and shall be exempt  
 1449 from certain State Board of Education rules and statutes if the  
 1450 State Board of Education determines such an exemption will assist  
 1451 the district in maintaining or improving its high-performing  
 1452 status pursuant to paragraph (1)(a). However, the State Board of  
 1453 Education may not exempt an academic performance-based charter  
 1454 school district from any of the following statutes:  
 1455 1. Those statutes pertaining to the provision of services  
 1456 to students with disabilities.  
 1457 2. Those statutes pertaining to civil rights, including s.  
 1458 1000.05, relating to discrimination.  
 1459 3. Those statutes pertaining to student health, safety, and  
 1460 welfare.  
 1461 4. Those statutes governing the election or compensation of  
 1462 district school board members.  
 1463 5. Those statutes pertaining to the student assessment  
 1464 program and the school grading system, including chapter 1008.  
 1465 6. Those statutes pertaining to financial matters,  
 1466 including chapter 1010.  
 1467 7. Those statutes pertaining to planning and budgeting,  
 1468 including chapter 1011, except that ss. 1011.64 and 1011.69 shall  
 1469 be eligible for exemption.  
 1470 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 1471 performance-pay policies and differentiated pay for school  
 1472 administrators and instructional personnel. Professional service  
 1473 contracts shall be subject to the provisions of ss. 1012.33 and  
 1474 1012.34.

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1475 9. Those statutes pertaining to educational facilities,  
 1476 including chapter 1013, except as specified under contract with  
 1477 the State Board of Education. However, no contractual provision  
 1478 that could have the effect of requiring the appropriation of  
 1479 additional capital outlay funds to the academic performance-based  
 1480 charter school district shall be valid.

1481 Section 29. Section 1004.99, Florida Statutes, is created  
 1482 to read:

1483 1004.99 Florida Ready to Work Certification Program.--

1484 (1) There is created the Florida Ready to Work  
 1485 Certification Program to enhance the workplace skills of  
 1486 Florida's students to better prepare them for successful entry-  
 1487 level employment in specific occupations.

1488 (2) The Florida Ready to Work Certification Program may be  
 1489 conducted in public high schools, community colleges, technical  
 1490 centers, one-stop career centers, vocational rehabilitation  
 1491 centers, and Department of Juvenile Justice educational  
 1492 facilities. The Department of Education shall establish  
 1493 institutional readiness criteria for program implementation.

1494 (3) The Florida Ready to Work Certification Program shall  
 1495 be composed of:

1496 (a) A comprehensive identification of workplace skills for  
 1497 each occupation identified for inclusion in the program by the  
 1498 Agency for Workforce Innovation.

1499 (b) A preinstructional assessment that delineates the  
 1500 student's mastery level on the specific workplace skills  
 1501 identified for that occupation.

1502 (c) A targeted instructional program limited to those  
 1503 identified workplace skills in which the student is not

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1504 proficient as measured by the preinstructional assessment.  
 1505 Instruction must utilize a web-based program and be customized to  
 1506 meet identified specific needs of local employers.

1507 (d) A certificate and portfolio awarded to students upon  
 1508 successful completion of the instruction. Each portfolio must  
 1509 delineate the skills demonstrated by the student as evidence of  
 1510 the student's preparation for employment.

1511 (4) The State Board of Education, in consultation with the  
 1512 Agency for Workforce Innovation, may adopt rules pursuant to ss.  
 1513 120.536(1) and 120.54 to implement the provisions of this  
 1514 section.

1515 Section 30. Subsection (4) of section 1006.09, Florida  
 1516 Statutes, is amended to read:

1517 1006.09 Duties of school principal relating to student  
 1518 discipline and school safety.--

1519 (4) When a student has been the victim of a violent crime  
 1520 perpetrated by another student who attends the same school, the  
 1521 school principal shall make full and effective use of the  
 1522 provisions of subsection (2) and s. 1006.13(5). A school  
 1523 principal who fails to comply with this subsection shall be  
 1524 ineligible for any portion of the ~~performance-pay~~ performance pay  
 1525 policy incentive or the differentiated pay under s.  
 1526 1012.22(1)(c). However, if any party responsible for notification  
 1527 fails to properly notify the school, the school principal shall  
 1528 be eligible for the incentive or differentiated pay.

1529 Section 31. Paragraph (c) of subsection (3) of section  
 1530 1007.2615, Florida Statutes, is amended to read:

1531 1007.2615 American Sign Language; findings; foreign-  
 1532 language credits authorized; teacher licensing.--

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1533 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
 1534 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR  
 1535 POSTSECONDARY EDUCATION PROVIDERS.--

1536 (c) An ASL teacher must be certified by the Department of  
 1537 Education by July 1, 2009 ~~January 1, 2008,~~ and must obtain  
 1538 ~~current certification through the Florida American Sign Language~~  
 1539 ~~Teachers' Association (FASLTA) by January 1, 2006. New FASLTA~~  
 1540 ~~certification may be used by current ASL teachers as an~~  
 1541 ~~alternative certification track.~~

1542 Section 32. Paragraph (f) of subsection (1), paragraphs (c)  
 1543 and (e) of subsection (3), and subsection (9) of section 1008.22,  
 1544 Florida Statutes, are amended, paragraph (g) is added to  
 1545 subsection (3), subsection (10) is renumbered as subsection (11),  
 1546 and a new subsection (10) is added to that section, to read:

1547 1008.22 Student assessment program for public schools.--

1548 (1) PURPOSE.--The primary purposes of the student  
 1549 assessment program are to provide information needed to improve  
 1550 the public schools by enhancing the learning gains of all  
 1551 students and to inform parents of the educational progress of  
 1552 their public school children. The program must be designed to:

1553 (f) Provide information on the performance of Florida  
 1554 students compared with that of other students ~~others~~ across the  
 1555 United States.

1556 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 1557 design and implement a statewide program of educational  
 1558 assessment that provides information for the improvement of the  
 1559 operation and management of the public schools, including schools  
 1560 operating for the purpose of providing educational services to  
 1561 youth in Department of Juvenile Justice programs. The

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1562 commissioner may enter into contracts for the continued  
 1563 administration of the assessment, testing, and evaluation  
 1564 programs authorized and funded by the Legislature. Contracts may  
 1565 be initiated in 1 fiscal year and continue into the next and may  
 1566 be paid from the appropriations of either or both fiscal years.  
 1567 The commissioner is authorized to negotiate for the sale or lease  
 1568 of tests, scoring protocols, test scoring services, and related  
 1569 materials developed pursuant to law. Pursuant to the statewide  
 1570 assessment program, the commissioner shall:

1571 (c) Develop and implement a student achievement testing  
 1572 program known as the Florida Comprehensive Assessment Test (FCAT)  
 1573 as part of the statewide assessment program, ~~to be administered~~  
 1574 ~~annually in grades 3 through 10~~ to measure reading, writing,  
 1575 science, and mathematics. Other content areas may be included as  
 1576 directed by the commissioner. The assessment of reading and  
 1577 mathematics shall be administered annually in grades 3 through  
 1578 10. The assessment of writing and science shall be administered  
 1579 at least once at the elementary, middle, and high school levels.  
 1580 The commissioner must document the procedures that ensure that  
 1581 the versions of the FCAT taken by students retaking the grade 10  
 1582 FCAT are as equally challenging and difficult as the tests taken  
 1583 by students in grade 10 that contain performance tasks. The  
 1584 testing program must be designed so that:

1585 1. The tests measure student skills and competencies  
 1586 adopted by the State Board of Education as specified in paragraph  
 1587 (a). The tests must measure and report student proficiency levels  
 1588 in reading, writing, mathematics, and science. The commissioner  
 1589 shall provide for the tests to be developed or obtained, as  
 1590 appropriate, through contracts and project agreements with

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1591 private vendors, public vendors, public agencies, postsecondary  
 1592 educational institutions, or school districts. The commissioner  
 1593 shall obtain input with respect to the design and implementation  
 1594 of the testing program from state educators and the public.

1595 2. The testing program will include a combination of norm-  
 1596 referenced and criterion-referenced tests and include, to the  
 1597 extent determined by the commissioner, questions that require the  
 1598 student to produce information or perform tasks in such a way  
 1599 that the skills and competencies he or she uses can be measured.

1600 3. Each testing program, whether at the elementary, middle,  
 1601 or high school level, includes a test of writing in which  
 1602 students are required to produce writings that are then scored by  
 1603 appropriate methods.

1604 4. A score is designated for each subject area tested,  
 1605 below which score a student's performance is deemed inadequate.  
 1606 The school districts shall provide appropriate remedial  
 1607 instruction to students who score below these levels.

1608 5. Except as provided in s. 1003.43(11)(b), students must  
 1609 earn a passing score on the grade 10 assessment test described in  
 1610 this paragraph or attain concordant scores ~~on an alternate~~  
 1611 ~~assessment~~ as described in subsection (9) in reading, writing,  
 1612 and mathematics to qualify for a regular high school diploma. The  
 1613 State Board of Education shall designate a passing score for each  
 1614 part of the grade 10 assessment test. In establishing passing  
 1615 scores, the state board shall consider any possible negative  
 1616 impact of the test on minority students. ~~All students who took~~  
 1617 ~~the grade 10 FCAT during the 2000-2001 school year shall be~~  
 1618 ~~required to earn the passing scores in reading and mathematics~~  
 1619 ~~established by the State Board of Education for the March 2001~~

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1620 ~~test administration. Such students who did not earn the~~  
 1621 ~~established passing scores and must repeat the grade 10 FCAT are~~  
 1622 ~~required to earn the passing scores established for the March~~  
 1623 ~~2001 test administration. All students who take the grade 10 FCAT~~  
 1624 ~~for the first time in March 2002 shall be required to earn the~~  
 1625 ~~passing scores in reading and mathematics established by the~~  
 1626 ~~State Board of Education for the March 2002 test administration.~~  
 1627 The State Board of Education shall adopt rules which specify the  
 1628 passing scores for the grade 10 FCAT. Any such rules, which have  
 1629 the effect of raising the required passing scores, shall only  
 1630 apply to students taking the grade 10 FCAT for the first time  
 1631 after such rules are adopted by the State Board of Education.

1632         6. Participation in the testing program is mandatory for  
 1633 all students attending public school, including students served  
 1634 in Department of Juvenile Justice programs, except as otherwise  
 1635 prescribed by the commissioner. If a student does not participate  
 1636 in the statewide assessment, the district must notify the  
 1637 student's parent and provide the parent with information  
 1638 regarding the implications of such nonparticipation. If  
 1639 modifications are made in the student's instruction to provide  
 1640 accommodations that would not be permitted on the statewide  
 1641 assessment tests, the district must notify the student's parent  
 1642 of the implications of such instructional modifications. A parent  
 1643 must provide signed consent for a student to receive  
 1644 instructional modifications that would not be permitted on the  
 1645 statewide assessments and must acknowledge in writing that he or  
 1646 she understands the implications of such accommodations. The  
 1647 State Board of Education shall adopt rules, based upon  
 1648 recommendations of the commissioner, for the provision of test

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1649 accommodations and modifications of procedures as necessary for  
 1650 students in exceptional education programs and for students who  
 1651 have limited English proficiency. Accommodations that negate the  
 1652 validity of a statewide assessment are not allowable.

1653 7. A student seeking an adult high school diploma must meet  
 1654 the same testing requirements that a regular high school student  
 1655 must meet.

1656 8. District school boards must provide instruction to  
 1657 prepare students to demonstrate proficiency in the skills and  
 1658 competencies necessary for successful grade-to-grade progression  
 1659 and high school graduation. If a student is provided with  
 1660 accommodations or modifications that are not allowable in the  
 1661 statewide assessment program, as described in the test manuals,  
 1662 the district must inform the parent in writing and must provide  
 1663 the parent with information regarding the impact on the student's  
 1664 ability to meet expected proficiency levels in reading, writing,  
 1665 and math. The commissioner shall conduct studies as necessary to  
 1666 verify that the required skills and competencies are part of the  
 1667 district instructional programs.

1668 9. District school boards must provide opportunities for  
 1669 students to demonstrate an acceptable level of performance on an  
 1670 alternative standardized assessment approved by the State Board  
 1671 of Education following enrollment in summer academies.

1672 10.9. The Department of Education must develop, or select,  
 1673 and implement a common battery of assessment tools that will be  
 1674 used in all juvenile justice programs in the state. These tools  
 1675 must accurately measure the skills and competencies established  
 1676 in the ~~Florida~~ Sunshine State Standards.

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1678 The commissioner may design and implement student testing  
 1679 programs, for any grade level and subject area, necessary to  
 1680 effectively monitor educational achievement in the state.

1681 (e) Conduct ongoing research and analysis of student  
 1682 achievement data, including, without limitation, monitoring  
 1683 trends in student achievement by grade level and overall student  
 1684 achievement, identifying school programs that are successful, and  
 1685 analyzing correlates of school achievement.

1686 (g) Study the cost and student achievement impact of  
 1687 secondary end-of-course assessments, including web-based and  
 1688 performance formats, and report to the Legislature prior to  
 1689 implementation.

1690 (9) CONCORDANT SCORES FOR THE FCAT EQUIVALENCIES FOR  
 1691 STANDARDIZED TESTS.--

1692 (a) The State Board of Education shall analyze the content  
 1693 and concordant data sets for widely used high school achievement  
 1694 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
 1695 and College Placement Test, to assess if concordant scores can be  
 1696 determined that correspond to those required on the FCAT for high  
 1697 school graduation. In cases where concordant scores can be  
 1698 determined, the Commissioner of Education shall adopt those  
 1699 scores as meeting the graduation requirement in lieu of achieving  
 1700 the FCAT passing score. Each time that test content or scoring  
 1701 procedures are changed for either the FCAT or one of the  
 1702 identified tests, new concordant scores must be determined. The  
 1703 use of concordant scores shall take effect for students who are  
 1704 eligible to graduate beginning in the 2003-2004 academic year and  
 1705 thereafter. ~~The Commissioner of Education shall approve the use~~

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1706 ~~of the SAT and ACT tests as alternative assessments to the grade~~  
 1707 ~~10 FCAT for the 2003-2004 school year.~~

1708 (b) Students who attain concordant scores pursuant to this  
 1709 subsection on the SAT or ACT which equate to the passing scores  
 1710 on the grade 10 FCAT for purposes of high school graduation shall  
 1711 satisfy the assessment requirement for a standard high school  
 1712 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) for  
 1713 the 2003-2004 school year if the students meet the requirement in  
 1714 paragraph (c) ~~(b)~~.

1715 ~~(c)~~ A student shall be required to take each subject  
 1716 area of the grade 10 FCAT a total of three times without earning  
 1717 a passing score in order to use the concordant subject area  
 1718 scores on an alternative assessment pursuant to this subsection  
 1719 paragraph ~~(a)~~. This requirement shall not apply to a new student  
 1720 who enters the Florida is a new student to the public school  
 1721 system in grade 12, who may either take the FCAT or use approved  
 1722 concordant scores to fulfill the graduation requirement.

1723 (10) REPORTS.--The Department of Education shall annually  
 1724 provide a report to the Governor, the President of the Senate,  
 1725 and the Speaker of the House of Representatives on the following:

1726 (a) Longitudinal performance of students in mathematics and  
 1727 reading.

1728 (b) Longitudinal performance of students by grade level in  
 1729 mathematics and reading.

1730 (c) Longitudinal performance regarding efforts to close the  
 1731 achievement gap.

1732 (d) Longitudinal performance of students on the norm-  
 1733 referenced component of the FCAT.

1734 (e) Other student performance data based on national norm-

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1735 referenced and criterion-referenced tests, when available, and  
 1736 numbers of students who after 8th grade enroll in adult education  
 1737 rather than other secondary education.

1738 Section 33. Section 1008.221, Florida Statutes, is  
 1739 repealed.

1740 Section 34. Paragraph (b) of subsection (4) and paragraph  
 1741 (b) of subsection (8) of section 1008.25, Florida Statutes, are  
 1742 amended, and paragraph (c) is added to subsection (8) of that  
 1743 section, to read:

1744 1008.25 Public school student progression; remedial  
 1745 instruction; reporting requirements.--

1746 (4) ASSESSMENT AND REMEDIATION.--

1747 (b) The school in which the student is enrolled must  
 1748 develop, in consultation with the student's parent, and must  
 1749 implement an academic improvement plan designed to assist the  
 1750 student in meeting state and district expectations for  
 1751 proficiency. ~~For a student for whom a personalized middle school~~  
 1752 ~~success plan is required pursuant to s. 1003.415, the middle~~  
 1753 ~~school success plan must be incorporated in the student's~~  
 1754 ~~academic improvement plan.~~ Beginning with the 2002-2003 school  
 1755 year, if the student has been identified as having a deficiency  
 1756 in reading, the academic improvement plan shall identify the  
 1757 student's specific areas of deficiency in phonemic awareness,  
 1758 phonics, fluency, comprehension, and vocabulary; the desired  
 1759 levels of performance in these areas; and the instructional and  
 1760 support services to be provided to meet the desired levels of  
 1761 performance. Schools shall also provide for the frequent  
 1762 monitoring of the student's progress in meeting the desired  
 1763 levels of performance. District school boards may require low-

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1764 performing students to attend remediation programs held before or  
 1765 after regular school hours or during the summer, upon the request  
 1766 of the school principal, and shall assist schools and teachers to  
 1767 implement research-based reading activities that have been shown  
 1768 to be successful in teaching reading to low-performing students.  
 1769 Remedial instruction provided during high school may not be in  
 1770 lieu of English and mathematics credits required for graduation.  
 1771 (8) ANNUAL REPORT.--  
 1772 (b) ~~Beginning with the 2001-2002 school year,~~ Each district  
 1773 school board must annually publish in the local newspaper, and  
 1774 report in writing to the State Board of Education by September 1  
 1775 of each year, the following information on the prior school year:  
 1776 1. The provisions of this section relating to public school  
 1777 student progression and the district school board's policies and  
 1778 procedures on student retention and promotion.  
 1779 2. By grade, the number and percentage of all students in  
 1780 grades 3 through 10 performing at Levels 1 and 2 on the reading  
 1781 portion of the FCAT.  
 1782 3. By grade, the number and percentage of all students  
 1783 retained in grades 3 through 10.  
 1784 4. Information on the total number of students who were  
 1785 promoted for good cause, by each category of good cause as  
 1786 specified in paragraph (6) (b).  
 1787 5. Any revisions to the district school board's policy on  
 1788 student retention and promotion from the prior year.  
 1789 (c) The Department of Education shall establish a uniform  
 1790 format for school districts to report the information required in  
 1791 paragraph (b). The format shall be developed with input from  
 1792 district school boards and shall be provided not later than 90

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1793 days prior to the annual due date. The department shall annually  
 1794 compile the information required in subparagraphs (b)2., 3., and  
 1795 4., along with state-level summary information, and report such  
 1796 information to the Governor, the President of the Senate, and the  
 1797 Speaker of the House of Representatives.

1798 Section 35. Section 1008.301, Florida Statutes, is  
 1799 repealed.

1800 Section 36. Paragraphs (d) and (e) of subsection (1),  
 1801 paragraphs (b) and (c) of subsection (2), and subsection (3) of  
 1802 section 1008.31, Florida Statutes, are amended, and subsection  
 1803 (4) is added to that section, to read:

1804 1008.31 Florida's K-20 education performance accountability  
 1805 system; legislative intent; ~~performance based funding~~; mission,  
 1806 goals, and systemwide measures; data quality improvements.--

1807 (1) LEGISLATIVE INTENT.--It is the intent of the  
 1808 Legislature that:

1809 (d) The State Board of Education and the Board of Governors  
 1810 of the State University System recommend to the Legislature  
 1811 systemwide performance standards; the Legislature establish  
 1812 systemwide performance measures and standards; and the systemwide  
 1813 measures and standards provide Floridians with information on  
 1814 what the public is receiving in return for the funds it invests  
 1815 in education and how well the K-20 system educates its students.

1816 (e)1. The State Board of Education establish performance  
 1817 measures and set performance standards for individual ~~components~~  
 1818 ~~of the public education system, including individual schools and~~  
 1819 community colleges ~~postsecondary educational institutions~~, with  
 1820 measures and standards based primarily on student achievement.

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1821            2. The Board of Governors of the State University System  
 1822 establish performance measures and set performance standards for  
 1823 individual state universities.

1824            (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1825            (b) The process ~~State Board of Education shall adopt~~  
 1826 ~~guiding principles~~ for establishing state and sector-specific  
 1827 standards and measures must be:

1828            1. Focused on student success.

1829            2. Addressable through policy and program changes.

1830            3. Efficient and of high quality.

1831            4. Measurable over time.

1832            5. Simple to explain and display to the public.

1833            6. Aligned with other measures and other sectors to support  
 1834 a coordinated K-20 education system.

1835            (c) The Department ~~State Board~~ of Education shall maintain  
 1836 an accountability system that measures student progress toward  
 1837 the following goals:

1838            1. Highest student achievement, as indicated by evidence of  
 1839 student learning gains at all levels ~~measured by: student FCAT~~  
 1840 ~~performance and annual learning gains; the number and percentage~~  
 1841 ~~of schools that improve at least one school performance grade~~  
 1842 ~~designation or maintain a school performance grade designation of~~  
 1843 ~~"A" pursuant to s. 1008.34; graduation or completion rates at all~~  
 1844 ~~learning levels; and other measures identified in law or rule.~~

1845            2. Seamless articulation and maximum access, as measured by  
 1846 evidence of progression, readiness, and access by targeted groups  
 1847 of students identified by the Commissioner of Education: ~~the~~  
 1848 ~~percentage of students who demonstrate readiness for the~~  
 1849 ~~educational level they are entering, from kindergarten through~~

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1850 ~~postsecondary education and into the workforce; the number and~~  
 1851 ~~percentage of students needing remediation; the percentage of~~  
 1852 ~~Floridians who complete associate, baccalaureate, graduate,~~  
 1853 ~~professional, and postgraduate degrees; the number and percentage~~  
 1854 ~~of credits that articulate; the extent to which each set of exit-~~  
 1855 ~~point requirements matches the next set of entrance point~~  
 1856 ~~requirements; the degree to which underserved populations access~~  
 1857 ~~educational opportunity; the extent to which access is provided~~  
 1858 ~~through innovative educational delivery strategies; and other~~  
 1859 ~~measures identified in law or rule.~~

1860           3. Skilled workforce and economic development, as measured  
 1861 by evidence of employment and earnings; ~~the number and percentage~~  
 1862 ~~of graduates employed in their areas of preparation; the~~  
 1863 ~~percentage of Floridians with high school diplomas and~~  
 1864 ~~postsecondary education credentials; the percentage of business~~  
 1865 ~~and community members who find that Florida's graduates possess~~  
 1866 ~~the skills they need; national rankings; and other measures~~  
 1867 ~~identified in law or rule.~~

1868           4. Quality efficient services, as measured by evidence of  
 1869 return on investment; ~~cost per completer or graduate; average~~  
 1870 ~~cost per noncompleter at each educational level; cost disparity~~  
 1871 ~~across institutions offering the same degrees; the percentage of~~  
 1872 ~~education customers at each educational level who are satisfied~~  
 1873 ~~with the education provided; and other measures identified in law~~  
 1874 ~~or rule.~~

1875           5. Other goals as identified by law or rule.

1876           (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE  
 1877 DATA COLLECTION.--To provide data required to implement education  
 1878 performance accountability measures in state and federal law, the

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1879 Commissioner of Education shall initiate and maintain strategies  
 1880 to improve data quality and timeliness. All data collected from  
 1881 state universities shall, as determined by the commissioner, be  
 1882 integrated into the K-20 data warehouse. The commissioner shall  
 1883 have unlimited access to such data solely for the purposes of  
 1884 conducting studies, reporting annual and longitudinal student  
 1885 outcomes, and improving college readiness and articulation. All  
 1886 public educational institutions shall provide data to the K-20  
 1887 data warehouse in a format specified by the commissioner.

1888       (a) School districts and public postsecondary educational  
 1889 institutions shall maintain information systems that will provide  
 1890 the State Board of Education, the Board of Governors of the State  
 1891 University System, and the Legislature with information and  
 1892 reports necessary to address the specifications of the  
 1893 accountability system. ~~The State Board of Education shall~~  
 1894 ~~determine the standards for the required data.~~ The level of  
 1895 comprehensiveness and quality shall be no less than that which  
 1896 was available as of June 30, 2001.

1897       (b) The Commissioner of Education shall determine the  
 1898 standards for the required data, monitor data quality, and  
 1899 measure improvements. The commissioner shall report annually to  
 1900 the State Board of Education, the Board of Governors of the State  
 1901 University System, the President of the Senate, and the Speaker  
 1902 of the House of Representatives data quality indicators and  
 1903 ratings for all school districts and public postsecondary  
 1904 educational institutions.

1905       (c) Before establishing any new reporting or data  
 1906 collection requirements, the Commissioner of Education shall



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1907 utilize existing data being collected to reduce duplication and  
 1908 minimize paperwork.

1909 (4) RULES.--The State Board of Education shall adopt rules  
 1910 pursuant to ss. 120.536(1) and 120.54 to implement the provisions  
 1911 of this section relating to the K-20 data warehouse.

1912 Section 37. Subsections (1), (2), and (4) of section  
 1913 1008.33, Florida Statutes, are amended to read:

1914 1008.33 Authority to enforce public school improvement.--It  
 1915 is the intent of the Legislature that all public schools be held  
 1916 accountable for students performing at acceptable levels. A  
 1917 system of school improvement and accountability that assesses  
 1918 student performance by school, identifies schools in which  
 1919 students are not making adequate progress toward state standards,  
 1920 institutes appropriate measures for enforcing improvement, and  
 1921 provides rewards and sanctions based on performance shall be the  
 1922 responsibility of the State Board of Education.

1923 (1) Pursuant to Art. IX of the State Constitution  
 1924 prescribing the duty of the State Board of Education to supervise  
 1925 Florida's public school system and notwithstanding any other  
 1926 statutory provisions to the contrary, the State Board of  
 1927 Education shall intervene in the operation of a district school  
 1928 system when one or more schools in the school district have  
 1929 failed to make adequate progress for 2 school years in a 4-year  
 1930 period. For purposes of determining when a school is eligible for  
 1931 state board action and opportunity scholarships for its students,  
 1932 the terms "2 years in any 4-year period" and "2 years in a 4-year  
 1933 period" mean that in any year that a school has a grade of "F,"  
 1934 the school is eligible for state board action and opportunity  
 1935 scholarships for its students if it also has had a grade of "F"

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1936 in any of the previous 3 school years. The State Board of  
 1937 Education may determine that the school district or school has  
 1938 not taken steps sufficient for students in the school to be  
 1939 academically well served. Considering recommendations of the  
 1940 Commissioner of Education, the State Board of Education shall  
 1941 recommend action to a district school board intended to improve  
 1942 educational services to students in each school that is  
 1943 designated with a ~~as~~ performance grade of category "F."  
 1944 Recommendations for actions to be taken in the school district  
 1945 shall be made only after thorough consideration of the unique  
 1946 characteristics of a school, which shall include student mobility  
 1947 rates, the number and type of exceptional students enrolled in  
 1948 the school, and the availability of options for improved  
 1949 educational services. The state board shall adopt by rule steps  
 1950 to follow in this process. Such steps shall provide school  
 1951 districts sufficient time to improve student performance in  
 1952 schools and the opportunity to present evidence of assistance and  
 1953 interventions that the district school board has implemented.

1954 (2) The State Board of Education may recommend one or more  
 1955 of the following actions to district school boards to enable  
 1956 students in schools designated with a ~~as~~ performance grade of  
 1957 ~~category~~ "F" to be academically well served by the public school  
 1958 system:

1959 (a) Provide additional resources, change certain practices,  
 1960 and provide additional assistance if the state board determines  
 1961 the causes of inadequate progress to be related to school  
 1962 district policy or practice;

1963 (b) Implement a plan that satisfactorily resolves the  
 1964 education equity problems in the school;

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1965 (c) Contract for the educational services of the school, or  
 1966 reorganize the school at the end of the school year under a new  
 1967 school principal who is authorized to hire new staff and  
 1968 implement a plan that addresses the causes of inadequate  
 1969 progress;

1970 (d) Authorize the school principal to recommend corrective  
 1971 actions for low-performing faculty and staff as necessary to  
 1972 improve educational opportunities and the performance of  
 1973 students;

1974 (e)~~(d)~~ Allow parents of students in the school to send  
 1975 their children to another district school of their choice; or

1976 (f)~~(e)~~ Other action appropriate to improve the school's  
 1977 performance, including, if the school is a high school, requiring  
 1978 annual publication of the school's graduation rate calculated  
 1979 without GEDs for the past 3 years, disaggregated by student  
 1980 ethnicity.

1981 (4) The State Board of Education may require the Department  
 1982 of Education or Chief Financial Officer to withhold any transfer  
 1983 of state funds to the school district if, within the timeframe  
 1984 specified in state board action, the school district has failed  
 1985 to comply with the action ordered to improve the district's low-  
 1986 performing schools. Withholding the transfer of funds shall occur  
 1987 only after all other recommended actions for school improvement  
 1988 have failed to improve performance. The State Board of Education  
 1989 may impose the same penalty on any district school board that  
 1990 fails to develop and implement a plan for assistance and  
 1991 intervention for low-performing schools as specified in s.  
 1992 1001.42(16) (d)~~(e)~~.

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1993 Section 38. Section 1008.34, Florida Statutes, is amended  
 1994 to read:  
 1995 1008.34 School grading system; school report cards;  
 1996 district ~~performance~~ grade.--  
 1997 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
 1998 prepare annual reports of the results of the statewide assessment  
 1999 program which describe student achievement in the state, each  
 2000 district, and each school. The commissioner shall prescribe the  
 2001 design and content of these reports, which must include, without  
 2002 limitation, descriptions of the performance of all schools  
 2003 participating in the assessment program and all of their major  
 2004 student populations as determined by the Commissioner of  
 2005 Education, and must also include the median scores of all  
 2006 eligible students who scored at or in the lowest 25th percentile  
 2007 of the state in the previous school year; provided, however, that  
 2008 the provisions of s. 1002.22 pertaining to student records apply  
 2009 to this section.  
 2010 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The annual  
 2011 report shall identify schools as having one of the following  
 2012 ~~grades being in one of the following grade categories~~ defined  
 2013 according to rules of the State Board of Education:  
 2014 (a) "A," schools making excellent progress.  
 2015 (b) "B," schools making above average progress.  
 2016 (c) "C," schools making satisfactory progress.  
 2017 (d) "D," schools making less than satisfactory progress.  
 2018 (e) "F," schools failing to make adequate progress.  
 2019  
 2020 Each school designated with a ~~in performance grade of~~ category  
 2021 "A," making excellent progress, or having improved at least two

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2022 ~~performance grade levels categories,~~ shall have greater authority  
 2023 over the allocation of the school's total budget generated from  
 2024 the FEFP, state categoricals, lottery funds, grants, and local  
 2025 funds, as specified in state board rule. The rule must provide  
 2026 that the increased budget authority shall remain in effect until  
 2027 the school's ~~performance~~ grade declines.

2028 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~  
 2029 ~~CATEGORIES.~~--School grades ~~performance grade category~~  
 2030 ~~designations~~ itemized in subsection (2) shall be based on the  
 2031 following:

2032 (a) Criteria Timeframes.--A school's grade shall be based  
 2033 on a combination of:

2034 1. Student achievement scores ~~School performance grade~~  
 2035 ~~category designations shall be based on the school's current year~~  
 2036 ~~performance and the school's annual learning gains.~~

2037 2. ~~A school's performance grade category designation shall~~  
 2038 ~~be based on a combination of student achievement scores,~~ Student  
 2039 learning gains as measured by annual FCAT assessments in grades 3  
 2040 through 10., ~~and~~

2041 3. Improvement of the lowest 25th percentile of students in  
 2042 the school in ~~reading, math, or writing~~ on the FCAT Reading,  
 2043 unless these students are exhibiting ~~performing above~~  
 2044 satisfactory performance.

2045 (b) Student assessment data.--Student assessment data used  
 2046 in determining school grades ~~performance grade categories~~ shall  
 2047 include:

2048 1. The aggregate scores of all eligible students enrolled  
 2049 in the school who have been assessed on the FCAT.

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2050           2. The aggregate scores of all eligible students enrolled  
 2051 in the school who have been assessed on the FCAT, including  
 2052 Florida Writes, and who have scored at or in the lowest 25th  
 2053 percentile of students in the school in reading, math, or  
 2054 writing, unless these students are exhibiting ~~performing above~~  
 2055 satisfactory performance.

2056  
 2057 ~~The Department of Education shall study the effects of mobility~~  
 2058 ~~on the performance of highly mobile students and recommend~~  
 2059 ~~programs to improve the performance of such students.~~ The State  
 2060 Board of Education shall adopt appropriate criteria for each  
 2061 school ~~performance~~ grade ~~category~~. The criteria must also give  
 2062 added weight to student achievement in reading. Schools  
 2063 designated with a ~~as~~ performance grade of ~~category~~ "C," making  
 2064 satisfactory progress, shall be required to demonstrate that  
 2065 adequate progress has been made by students in the school who are  
 2066 in the lowest 25th percentile in reading, math, or writing on the  
 2067 FCAT, including Florida Writes, unless these students are  
 2068 exhibiting ~~performing~~ above satisfactory performance.

2069           (4) SCHOOL GRADING FOR ALTERNATIVE SCHOOLS.--Alternative  
 2070 schools providing dropout prevention and academic intervention  
 2071 services may choose to receive a school grade pursuant to  
 2072 subsections (2) and (3) or an improvement rating pursuant to s.  
 2073 1008.341 according to the following requirements:

2074           (a) If an alternative school chooses to be graded pursuant  
 2075 to this section, student performance data as identified in  
 2076 subsection (3) shall not be included in the home school's grade  
 2077 but shall only be included in calculation of the alternative  
 2078 school's grade unless the Commissioner of Education requires that

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2079 the alternative school's student assessment data must be included  
 2080 in the home school's grade based on a finding of collusion to  
 2081 avoid the state's accountability system.

2082 (b) If an alternative school chooses to receive an  
 2083 improvement rating pursuant to s. 1008.341, student performance  
 2084 data as identified in subsection (3) shall be included in the  
 2085 home school's grade, except for achievement scores and learning  
 2086 gains of students attending alternative schools who are subject  
 2087 to district school board policies for expulsion for repeated or  
 2088 serious offenses, in dropout retrieval programs serving students  
 2089 officially designated as dropouts, or in Department of Juvenile  
 2090 Justice operated and contracted programs.

2091  
 2092 For purposes of this section and s. 1008.341, "home school" means  
 2093 the school the student was attending when assigned to an  
 2094 alternative school or the school to which the student would be  
 2095 assigned if the student left the alternative school. School  
 2096 districts must require collaboration between the home school and  
 2097 the alternative school to promote student success.

2098 (5) ~~(4)~~ SCHOOL IMPROVEMENT RATINGS.--The annual report shall  
 2099 identify each school's performance as having improved, remained  
 2100 the same, or declined. This school improvement rating shall be  
 2101 based on a comparison of the current year's and previous year's  
 2102 student and school performance data. Schools that improve at  
 2103 least one ~~performance grade level category~~ are eligible for  
 2104 school recognition awards pursuant to s. 1008.36.

2105 (6) ~~(5)~~ SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND  
 2106 IMPROVEMENT RATING REPORTS.--The Department of Education shall  
 2107 annually develop, in collaboration with the district school

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2108 boards, a school report card to be delivered to parents  
 2109 throughout each school district. The report card shall include  
 2110 the school's grade, information regarding school improvement, an  
 2111 explanation of school performance as evaluated by the federal No  
 2112 Child Left Behind Act of 2001, and indicators of return on  
 2113 investment. School performance grade category designations and  
 2114 improvement ratings shall apply to each school's performance for  
 2115 the year in which performance is measured. Each school's report  
 2116 card designation and rating shall be published annually by the  
 2117 department on its website, of Education and the school district  
 2118 shall provide the school report card to each parent. Parents  
 2119 ~~shall be entitled to an easy to read report card about the~~  
 2120 ~~designation and rating of the school in which their child is~~  
 2121 ~~enrolled.~~

2122 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor  
 2123 in the performance of schools in calculating any performance-  
 2124 based funding policy that is provided for annually in the General  
 2125 Appropriations Act.

2126 (8) DISTRICT PERFORMANCE GRADE.--The annual report required  
 2127 by subsection (1) shall include district ~~performance~~ grades,  
 2128 which shall consist of weighted district average grades, by  
 2129 level, for all elementary schools, middle schools, and high  
 2130 schools in the district. A district's weighted average grade  
 2131 shall be calculated by weighting individual school grades  
 2132 determined pursuant to subsection (2) by school enrollment.

2133 ~~(9)(6)~~ RULES.--The State Board of Education shall adopt  
 2134 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 2135 provisions of this section.

2136 Section 39. Section 1008.341, Florida Statutes, is created



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2137 to read:

2138 1008.341 School improvement rating for alternative  
 2139 schools.--

2140 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
 2141 prepare an annual report on the performance of each school  
 2142 receiving a school improvement rating pursuant to this section  
 2143 provided that the provisions of s. 1002.22 pertaining to student  
 2144 records shall apply.

2145 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
 2146 provide dropout prevention and academic intervention services may  
 2147 choose to receive a school improvement rating pursuant to this  
 2148 section in lieu of a school grade pursuant to s. 1008.34. The  
 2149 school improvement rating shall identify schools as having one of  
 2150 the following ratings defined according to rules of the State  
 2151 Board of Education:

2152 (a) "Improving," schools with students making more academic  
 2153 progress than when the students were served in their home  
 2154 schools.

2155 (b) "Maintaining," schools with students making progress  
 2156 equivalent to the progress made when the students were served in  
 2157 their home schools.

2158 (c) "Declining," schools with students making less academic  
 2159 progress than when the students were served in their home  
 2160 schools.

2161  
 2162 The school improvement rating shall be based on a comparison of  
 2163 the current year and previous year student performance data.  
 2164 Schools that improve at least one level or maintain an  
 2165 "improving" rating pursuant to this section are eligible for

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2166 school recognition awards pursuant to s. 1008.36.  
 2167 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student data  
 2168 used in determining an alternative school's school improvement  
 2169 rating shall include:  
 2170 (a) The aggregate scores of all students who were assigned  
 2171 to and enrolled in the school during the October or February FTE  
 2172 count, who have been assessed on the FCAT, and who have FCAT or  
 2173 comparable scores for the preceding school year.  
 2174 (b) The aggregate scores of all students who were assigned  
 2175 to and enrolled in the school during the October or February FTE  
 2176 count, who have been assessed on the FCAT, including Florida  
 2177 Writes, and who have scored in the lowest 25th percentile of  
 2178 students in the state on FCAT Reading.  
 2179 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each  
 2180 alternative school receiving a school improvement rating, the  
 2181 Department of Education shall annually identify the percentage of  
 2182 students making learning gains as compared to the percentage of  
 2183 the same students making learning gains in their home schools in  
 2184 the year prior to being assigned to the alternative school.  
 2185 (5) SCHOOL REPORT CARD.--The Department of Education shall  
 2186 annually develop, in collaboration with the school districts, a  
 2187 school report card for alternative schools to be delivered to  
 2188 parents throughout each school district. The report card shall  
 2189 include the school improvement rating, identification of student  
 2190 learning gains, information regarding school improvement, an  
 2191 explanation of school performance as evaluated by the federal No  
 2192 Child Left Behind Act of 2001, and indicators of return on  
 2193 investment.  
 2194 (6) RULES.--The State Board of Education may adopt rules

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2195 pursuant to ss. 120.536(1) and 120.54 to implement the provisions  
 2196 of this section.

2197 Section 40. Subsection (5), paragraphs (b) and (d) of  
 2198 subsection (6), and subsection (7) of section 1008.345, Florida  
 2199 Statutes, are amended to read:

2200 1008.345 Implementation of state system of school  
 2201 improvement and education accountability.--

2202 (5) The commissioner shall report to the Legislature and  
 2203 recommend changes in state policy necessary to foster school  
 2204 improvement and education accountability. Included in the report  
 2205 shall be a list of the schools, including schools operating for  
 2206 the purpose of providing educational services to youth in  
 2207 Department of Juvenile Justice programs, for which district  
 2208 school boards have developed assistance and intervention plans  
 2209 and an analysis of the various strategies used by the school  
 2210 boards. School reports shall be distributed pursuant to this  
 2211 subsection and s. 1001.42(16) (f) ~~(e)~~ and according to rules  
 2212 adopted by the State Board of Education.

2213 (6)

2214 (b) Upon request, the department shall provide technical  
 2215 assistance and training to any school, including any school  
 2216 operating for the purpose of providing educational services to  
 2217 youth in Department of Juvenile Justice programs, school advisory  
 2218 council, district, or district school board for conducting needs  
 2219 assessments, developing and implementing school improvement  
 2220 plans, developing and implementing assistance and intervention  
 2221 plans, or implementing other components of school improvement and  
 2222 accountability. Priority for these services shall be given to  
 2223 schools designated with a ~~as~~ performance grade of ~~category~~ "D" or

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2224 "F" and school districts in rural and sparsely populated areas of  
 2225 the state.

2226 (d)1. The commissioner department shall assign a community  
 2227 assessment team to each school district with a school designated  
 2228 with a as performance grade of category "D" or "F" to review the  
 2229 school performance data, including, for a high school graded "D"  
 2230 or "F," the school's graduation rate calculated without GEDs for  
 2231 the past 3 years, disaggregated by student ethnicity, and  
 2232 determine causes for the low performance. The team shall make  
 2233 recommendations to the school board, to the department, and to  
 2234 the State Board of Education for implementing an assistance and  
 2235 intervention plan that will address the causes of the school's  
 2236 low performance. The assessment team shall include, but not be  
 2237 limited to, a department representative, parents, business  
 2238 representatives, educators, and community activists, and shall  
 2239 represent the demographics of the community from which they are  
 2240 appointed.

2241 2. Each school district that has a school designated with a  
 2242 grade of "F" for a second consecutive year after the community  
 2243 assessment team's recommendations to the school board for  
 2244 implementing an assistance and intervention plan shall be subject  
 2245 to review and oversight by the Governor and the Commissioner of  
 2246 Education as a school district in a state of educational  
 2247 emergency.

2248 3. For each school district in a state of educational  
 2249 emergency, the Governor and the Commissioner of Education shall  
 2250 contact the district school board to determine what actions have  
 2251 been taken by the district school board to address the  
 2252 recommendations of the community assessment team and to resolve

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2253 the educational emergency. The Governor and the Commissioner of  
 2254 Education shall determine whether the district school board needs  
 2255 state assistance to resolve the educational emergency. If state  
 2256 assistance is needed, the Governor and the Commissioner of  
 2257 Education have the authority to implement measures as set forth  
 2258 in this subparagraph to assist the district school board in  
 2259 resolving the educational emergency. Such measures may include,  
 2260 but are not limited to:

2261 a. Requiring approval of the school district's budget by  
 2262 the Governor and the Commissioner of Education.

2263 b. Authorizing a state loan and providing for its repayment  
 2264 by the district school board.

2265 c. Requiring the district school board to reallocate funds  
 2266 as necessary until such time as the school district is no longer  
 2267 in a state of educational emergency.

2268 d. Making inspections and reviews of records, information,  
 2269 reports, and assets of the school district. The appropriate  
 2270 school district officials shall cooperate in such inspections and  
 2271 reviews.

2272 e. Consulting with officials and auditors of the school  
 2273 district and the appropriate state officials regarding any steps  
 2274 necessary to bring the books of account, accounting systems,  
 2275 financial procedures, personnel, and personnel systems into  
 2276 compliance with state requirements.

2277 f. Providing technical assistance to the district school  
 2278 board.

2279 g. Establishing an educational emergency board to oversee  
 2280 the activities of the district school board. If an educational  
 2281 emergency board is established, the Governor and Commissioner of

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2282 Education shall appoint board members and select a chair. The  
 2283 school district's community assessment team shall serve in an  
 2284 advisory capacity to the educational emergency board. The  
 2285 educational emergency board shall adopt such rules as are  
 2286 necessary for conducting board business. The board may review all  
 2287 of the educational operations, including, but not limited to,  
 2288 graduation and dropout rates, personnel, management, efficiency,  
 2289 curriculum, instructional materials, productivity, and financing  
 2290 of functions and operations, of the school district. The  
 2291 recommendations and reports made by the educational emergency  
 2292 board must be submitted to the Governor, the Commissioner of  
 2293 Education, and the State Board of Education for appropriate  
 2294 action. Upon receipt of the educational emergency board's  
 2295 recommendations and report, the Governor, the Commissioner of  
 2296 Education, and the State Board of Education shall require an  
 2297 action plan to implement the educational emergency board's  
 2298 recommendations, to be prepared by officials of the school  
 2299 district in consultation with the appropriate state officials, so  
 2300 as to cause the school district to no longer be in a state of  
 2301 educational emergency.

2302 4. The Governor and the Commissioner of Education may  
 2303 terminate all state actions pursuant to this paragraph upon  
 2304 determination that the school district is no longer in a state of  
 2305 educational emergency and has successfully established and is  
 2306 operating an effective educational system for all students in the  
 2307 district.

2308 (7) (a) Schools designated with a in-performance grade of  
 2309 category "A," making excellent progress, shall, if requested by

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2310 | the school, be given deregulated status as specified in s.  
 2311 | 1003.63(5), (7), (8), (9), and (10).  
 2312 |       (b) Schools that have improved at least two grades  
 2313 | ~~performance grade categories~~ and that meet the criteria of the  
 2314 | Florida School Recognition Program pursuant to s. 1008.36 may be  
 2315 | given deregulated status as specified in s. 1003.63(5), (7), (8),  
 2316 | (9), and (10).  
 2317 |       Section 41. Subsections (3), (4), and (5) of section  
 2318 | 1008.36, Florida Statutes, are amended to read:  
 2319 |       1008.36 Florida School Recognition Program.--  
 2320 |       (3) All public schools, including charter schools, that  
 2321 | receive a school grade pursuant to s. 1008.34 or a school  
 2322 | improvement rating pursuant to s. 1008.341 are eligible to  
 2323 | participate in the program.  
 2324 |       (4) All selected schools shall receive financial awards  
 2325 | depending on the availability of funds appropriated and the  
 2326 | number and size of schools selected to receive an award. Funds  
 2327 | must be distributed to the school's fiscal agent and placed in  
 2328 | the school's account and must be used for purposes listed in  
 2329 | subsection (5) as determined by the staff and school advisory  
 2330 | council pursuant to s. 1001.452 in the annual school improvement  
 2331 | plan required under s. 1001.42(16)(a). If such a determination is  
 2332 | not included in the school improvement plan at the time of its  
 2333 | annual approval by the district school board, the school shall  
 2334 | not be eligible to receive a financial award jointly by the  
 2335 | school's staff and school advisory council. If school staff and  
 2336 | the school advisory council cannot reach agreement by November 1,  
 2337 | the awards must be equally distributed to all classroom teachers  
 2338 | currently teaching in the school.

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2339 (5) School recognition awards must be used for the  
 2340 following:

2341 (a) Nonrecurring bonuses to the faculty and staff who  
 2342 worked at the school during the year of improved performance and  
 2343 additional employees as determined in the school improvement  
 2344 plan;

2345 (b) Nonrecurring expenditures for educational equipment, ~~or~~  
 2346 materials, or student incentives to assist in maintaining and  
 2347 improving student performance; or

2348 (c) Temporary personnel for the school to assist in  
 2349 maintaining and improving student performance.

2350  
 2351 Notwithstanding statutory provisions to the contrary, incentive  
 2352 awards are not subject to collective bargaining.

2353 Section 42. Paragraphs (f), (h), (l), (m), and (n) of  
 2354 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
 2355 section 1011.62, Florida Statutes, are amended, subsections (8)  
 2356 and (9) are renumbered as subsections (9) and (10), respectively,  
 2357 and amended, and a new subsection (8) is added to that section,  
 2358 to read:

2359 1011.62 Funds for operation of schools.--If the annual  
 2360 allocation from the Florida Education Finance Program to each  
 2361 district for operation of schools is not determined in the annual  
 2362 appropriations act or the substantive bill implementing the  
 2363 annual appropriations act, it shall be determined as follows:

2364 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 2365 OPERATION.--The following procedure shall be followed in  
 2366 determining the annual allocation to each district for operation:

2367 (f) Supplemental academic instruction; categorical fund.--



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2368 1. There is created a categorical fund to provide  
 2369 supplemental academic instruction to students in kindergarten  
 2370 through grade 12. This paragraph may be cited as the  
 2371 "Supplemental Academic Instruction Categorical Fund."  
 2372 2. Categorical funds for supplemental academic instruction  
 2373 shall be allocated annually to each school district in the amount  
 2374 provided in the General Appropriations Act. These funds shall be  
 2375 in addition to the funds appropriated on the basis of FTE student  
 2376 membership in the Florida Education Finance Program and shall be  
 2377 included in the total potential funds of each district. These  
 2378 funds shall be used to provide supplemental academic instruction  
 2379 to students enrolled in the K-12 program. Supplemental  
 2380 instruction strategies may include, but are not limited to:  
 2381 modified curriculum, reading instruction, after-school  
 2382 instruction, tutoring, mentoring, class size reduction, extended  
 2383 school year, intensive skills development in summer school, and  
 2384 other methods for improving student achievement. Supplemental  
 2385 instruction may be provided to a student in any manner and at any  
 2386 time during or beyond the regular 180-day term identified by the  
 2387 school as being the most effective and efficient way to best help  
 2388 that student progress from grade to grade and to graduate.  
 2389 3. Effective with the 1999-2000 fiscal year, funding on the  
 2390 basis of FTE membership beyond the 180-day regular term shall be  
 2391 provided in the FEFP only for students enrolled in juvenile  
 2392 justice education programs or in an education program for  
 2393 juveniles under s. 985.223. Funding for instruction beyond the  
 2394 regular 180-day school year for all other K-12 students shall be  
 2395 provided through the supplemental academic instruction  
 2396 categorical fund and other state, federal, and local fund sources

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2397 | with ample flexibility for schools to provide supplemental  
 2398 | instruction to assist students in progressing from grade to grade  
 2399 | and graduating.

2400 |         4. The Florida State University School, as a lab school, is  
 2401 | authorized to expend from its FEFP or Lottery Enhancement Trust  
 2402 | Fund allocation the cost to the student of remediation in  
 2403 | reading, writing, or mathematics for any graduate who requires  
 2404 | remediation at a postsecondary educational institution.

2405 |         5. Beginning in the 1999-2000 school year, dropout  
 2406 | prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
 2407 | (b), and (c), and 1003.54 shall be included in group 1 programs  
 2408 | under subparagraph (d)3.

2409 |         (h) Small, isolated high schools.--Districts which levy the  
 2410 | maximum nonvoted discretionary millage, exclusive of millage for  
 2411 | capital outlay purposes levied pursuant to s. 1011.71(2), may  
 2412 | calculate full-time equivalent students for small, isolated high  
 2413 | schools by multiplying the number of unweighted full-time  
 2414 | equivalent students times 2.75; provided the school has attained  
 2415 | a ~~state accountability performance~~ grade category of "C" or  
 2416 | better, pursuant to s. 1008.34, for the previous school year. For  
 2417 | the purpose of this section, the term "small, isolated high  
 2418 | school" means any high school which is located no less than 28  
 2419 | miles by the shortest route from another high school; which has  
 2420 | been serving students primarily in basic studies provided by sub-  
 2421 | subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;  
 2422 | and which has a membership of no more than 100 students, but no  
 2423 | fewer than 28 students, in grades 9 through 12.

2424 |         (1) Calculation of additional full-time equivalent  
 2425 | membership based on international baccalaureate examination

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2426 scores of students.--A value of 0.24 full-time equivalent student  
 2427 membership shall be calculated for each student enrolled in an  
 2428 international baccalaureate course who receives a score of 4 or  
 2429 higher on a subject examination. A value of 0.3 full-time  
 2430 equivalent student membership shall be calculated for each  
 2431 student who receives an international baccalaureate diploma. Such  
 2432 value shall be added to the total full-time equivalent student  
 2433 membership in basic programs for grades 9 through 12 in the  
 2434 subsequent fiscal year. The school district shall distribute to  
 2435 each classroom teacher who provided international baccalaureate  
 2436 instruction:

2437         1. A bonus in the amount of \$50 for each student taught by  
 2438 the International Baccalaureate teacher in each international  
 2439 baccalaureate course who receives a score of 4 or higher on the  
 2440 international baccalaureate examination.

2441         2. An additional bonus of \$500 to each International  
 2442 Baccalaureate teacher in a school designated with a performance  
 2443 grade of category "D" or "F" who has at least one student scoring  
 2444 4 or higher on the international baccalaureate examination,  
 2445 regardless of the number of classes taught or of the number of  
 2446 students scoring a 4 or higher on the international baccalaureate  
 2447 examination.

2448  
 2449 Bonuses awarded to a teacher according to this paragraph shall  
 2450 not exceed \$2,000 in any given school year and shall be in  
 2451 addition to any regular wage or other bonus the teacher received  
 2452 or is scheduled to receive.

2453         (m) Calculation of additional full-time equivalent  
 2454 membership based on Advanced International Certificate of

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2455 Education examination scores of students.--A value of 0.24 full-  
 2456 time equivalent student membership shall be calculated for each  
 2457 student enrolled in a full-credit Advanced International  
 2458 Certificate of Education course who receives a score of E or  
 2459 higher on a subject examination. A value of 0.12 full-time  
 2460 equivalent student membership shall be calculated for each  
 2461 student enrolled in a half-credit Advanced International  
 2462 Certificate of Education course who receives a score of E or  
 2463 higher on a subject examination. A value of 0.3 full-time  
 2464 equivalent student membership shall be calculated for each  
 2465 student who receives an Advanced International Certificate of  
 2466 Education diploma. Such value shall be added to the total full-  
 2467 time equivalent student membership in basic programs for grades 9  
 2468 through 12 in the subsequent fiscal year. The school district  
 2469 shall distribute to each classroom teacher who provided Advanced  
 2470 International Certificate of Education instruction:

2471 1. A bonus in the amount of \$50 for each student taught by  
 2472 the Advanced International Certificate of Education teacher in  
 2473 each full-credit Advanced International Certificate of Education  
 2474 course who receives a score of E or higher on the Advanced  
 2475 International Certificate of Education examination. A bonus in  
 2476 the amount of \$25 for each student taught by the Advanced  
 2477 International Certificate of Education teacher in each half-  
 2478 credit Advanced International Certificate of Education course who  
 2479 receives a score of E or higher on the Advanced International  
 2480 Certificate of Education examination.

2481 2. An additional bonus of \$500 to each Advanced  
 2482 International Certificate of Education teacher in a school  
 2483 designated with a performance grade of category "D" or "F" who

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2484 has at least one student scoring E or higher on the full-credit  
 2485 Advanced International Certificate of Education examination,  
 2486 regardless of the number of classes taught or of the number of  
 2487 students scoring an E or higher on the full-credit Advanced  
 2488 International Certificate of Education examination.

2489 3. Additional bonuses of \$250 each to teachers of half-  
 2490 credit Advanced International Certificate of Education classes in  
 2491 a school designated with a performance grade of category "D" or  
 2492 "F" which has at least one student scoring an E or higher on the  
 2493 half-credit Advanced International Certificate of Education  
 2494 examination in that class. The maximum additional bonus for a  
 2495 teacher awarded in accordance with this subparagraph shall not  
 2496 exceed \$500 in any given school year. Teachers receiving an award  
 2497 under subparagraph 2. are not eligible for a bonus under this  
 2498 subparagraph.

2499  
 2500 Bonuses awarded to a teacher according to this paragraph shall  
 2501 not exceed \$2,000 in any given school year and shall be in  
 2502 addition to any regular wage or other bonus the teacher received  
 2503 or is scheduled to receive.

2504 (n) Calculation of additional full-time equivalent  
 2505 membership based on college board advanced placement scores of  
 2506 students.--A value of 0.24 full-time equivalent student  
 2507 membership shall be calculated for each student in each advanced  
 2508 placement course who receives a score of 3 or higher on the  
 2509 College Board Advanced Placement Examination for the prior year  
 2510 and added to the total full-time equivalent student membership in  
 2511 basic programs for grades 9 through 12 in the subsequent fiscal  
 2512 year. Each district must allocate at least 80 percent of the

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2513 funds provided to the district for advanced placement  
 2514 instruction, in accordance with this paragraph, to the high  
 2515 school that generates the funds. The school district shall  
 2516 distribute to each classroom teacher who provided advanced  
 2517 placement instruction:

2518 1. A bonus in the amount of \$50 for each student taught by  
 2519 the Advanced Placement teacher in each advanced placement course  
 2520 who receives a score of 3 or higher on the College Board Advanced  
 2521 Placement Examination.

2522 2. An additional bonus of \$500 to each Advanced Placement  
 2523 teacher in a school designated with a performance grade of  
 2524 ~~category~~ "D" or "F" who has at least one student scoring 3 or  
 2525 higher on the College Board Advanced Placement Examination,  
 2526 regardless of the number of classes taught or of the number of  
 2527 students scoring a 3 or higher on the College Board Advanced  
 2528 Placement Examination.

2529  
 2530 Bonuses awarded to a teacher according to this paragraph shall  
 2531 not exceed \$2,000 in any given school year and shall be in  
 2532 addition to any regular wage or other bonus the teacher received  
 2533 or is scheduled to receive.

2534 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
 2535 Legislature shall prescribe the aggregate required local effort  
 2536 for all school districts collectively as an item in the General  
 2537 Appropriations Act for each fiscal year. The amount that each  
 2538 district shall provide annually toward the cost of the Florida  
 2539 Education Finance Program for kindergarten through grade 12  
 2540 programs shall be calculated as follows:

2541 (a) Estimated taxable value calculations.--

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2542 1.a. Not later than 2 working days prior to July 19, the  
 2543 Department of Revenue shall certify to the Commissioner of  
 2544 Education its most recent estimate of the taxable value for  
 2545 school purposes in each school district and the total for all  
 2546 school districts in the state for the current calendar year based  
 2547 on the latest available data obtained from the local property  
 2548 appraisers. Not later than July 19, the Commissioner of Education  
 2549 shall compute a millage rate, rounded to the next highest one  
 2550 one-thousandth of a mill, which, when applied to 95 percent of  
 2551 the estimated state total taxable value for school purposes,  
 2552 would generate the prescribed aggregate required local effort for  
 2553 that year for all districts. The Commissioner of Education shall  
 2554 certify to each district school board the millage rate, computed  
 2555 as prescribed in this subparagraph, as the minimum millage rate  
 2556 necessary to provide the district required local effort for that  
 2557 year.

2558 b. The General Appropriations Act shall direct the  
 2559 computation of the statewide adjusted aggregate amount for  
 2560 required local effort for all school districts collectively from  
 2561 ad valorem taxes to ensure that no school district's revenue from  
 2562 required local effort millage will produce more than 90 percent  
 2563 of the district's total Florida Education Finance Program  
 2564 calculation, and the adjustment of the required local effort  
 2565 millage rate of each district that produces more than 90 percent  
 2566 of its total Florida Education Finance Program entitlement to a  
 2567 level that will produce only 90 percent of its total Florida  
 2568 Education Finance Program entitlement in the July calculation.

2569 2. As revised data are received from property appraisers,  
 2570 the Department of Revenue shall amend the certification of the

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2571 estimate of the taxable value for school purposes. The  
 2572 Commissioner of Education, in administering the provisions of  
 2573 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable  
 2574 value for the appropriate year.

2575 (b) Final calculation.--

2576 1. The Department of Revenue shall, upon receipt of the  
 2577 official final assessed value of property from each of the  
 2578 property appraisers, certify to the Commissioner of Education the  
 2579 taxable value total for school purposes in each school district,  
 2580 subject to the provisions of paragraph (d). The commissioner  
 2581 shall use the official final taxable value for school purposes  
 2582 for each school district in the final calculation of the annual  
 2583 Florida Education Finance Program allocations.

2584 2. For the purposes of this paragraph, the official final  
 2585 taxable value for school purposes shall be the taxable value for  
 2586 school purposes on which the tax bills are computed and mailed to  
 2587 the taxpayers, adjusted to reflect final administrative actions  
 2588 of value adjustment boards and judicial decisions pursuant to  
 2589 part I of chapter 194. By September 1 of each year, the  
 2590 Department of Revenue shall certify to the commissioner the  
 2591 official prior year final taxable value for school purposes. For  
 2592 each county that has not submitted a revised tax roll reflecting  
 2593 final value adjustment board actions and final judicial  
 2594 decisions, the Department of Revenue shall certify the most  
 2595 recent revision of the official taxable value for school  
 2596 purposes. The certified value shall be the final taxable value  
 2597 for school purposes, and no further adjustments shall be made,  
 2598 except those made pursuant to subparagraph (10)~~(9)~~(a)2.

2599 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--



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2600        (a) The research-based reading instruction allocation is  
 2601 created to provide comprehensive reading instruction to students  
 2602 in kindergarten through grade 12.

2603        (b) Funds for comprehensive, research-based reading  
 2604 instruction shall be allocated annually to each school district  
 2605 in the amount provided in the General Appropriations Act. Each  
 2606 eligible school district shall receive the same minimum amount as  
 2607 specified in the General Appropriations Act, and any remaining  
 2608 funds shall be distributed to eligible school districts based on  
 2609 each school district's proportionate share of K-12 base funding.

2610        (c) Funds must be used to provide a system of comprehensive  
 2611 reading instruction to students enrolled in the K-12 programs,  
 2612 which may include the following:

2613            1. The provision of highly qualified reading coaches.

2614            2. Professional development for school district teachers  
 2615 and administrators in scientifically based reading instruction.

2616            3. The provision of summer reading camps for students who  
 2617 score at Level 1 on FCAT Reading.

2618            4. The provision of supplemental instructional materials  
 2619 that are grounded in scientifically based reading research and  
 2620 comprehensive training in their use for which teachers shall  
 2621 receive inservice credit.

2622            5. The provision of intensive interventions for middle and  
 2623 high school students reading below grade level.

2624        (d) Annually, by a date determined by the Department of  
 2625 Education but before May 1, school districts shall submit a K-12  
 2626 comprehensive reading plan for the specific use of the research-  
 2627 based reading instruction allocation in the format prescribed by  
 2628 the department for review and approval by the Just Read, Florida!

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2629 Office created pursuant to s. 1001.215. The plan annually  
 2630 submitted by school districts shall be deemed approved unless the  
 2631 department rejects the plan on or before June 1. If a school  
 2632 district and the Just Read, Florida! Office cannot reach  
 2633 agreement on the contents of the plan, the school district may  
 2634 appeal to the State Board of Education for resolution. High-  
 2635 performing school districts shall be allowed reasonable  
 2636 flexibility in designing their plans and shall be encouraged to  
 2637 offer reading intervention through innovative methods. The plan  
 2638 format shall be developed with input from school district  
 2639 personnel, including teachers and principals. The plan must  
 2640 emphasize reading for information at the secondary level and  
 2641 allow reading intervention through content courses in core,  
 2642 career, and alternative programs. No later than July 1 annually,  
 2643 the department shall release the school district's allocation of  
 2644 appropriated funds to those districts with approved plans. A  
 2645 school district that spends 100 percent of this allocation on its  
 2646 approved plan shall be deemed to have been in compliance with the  
 2647 plan. The department may withhold funds upon a determination that  
 2648 reading instruction allocation funds are not being used to  
 2649 implement the approved plan.

2650 (9)(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may  
 2651 annually in the General Appropriations Act determine a percentage  
 2652 increase in funds per K-12 unweighted FTE as a minimum guarantee  
 2653 to each school district. The guarantee shall be calculated from  
 2654 prior year base funding per unweighted FTE student which shall  
 2655 include the adjusted FTE dollars as provided in subsection  
 2656 (10)(9), quality guarantee funds, and actual nonvoted  
 2657 discretionary local effort from taxes. From the base funding per

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2658 unweighted FTE, the increase shall be calculated for the current  
 2659 year. The current year funds from which the guarantee shall be  
 2660 determined shall include the adjusted FTE dollars as provided in  
 2661 subsection ~~(10)~~~~(9)~~ and potential nonvoted discretionary local  
 2662 effort from taxes. A comparison of current year funds per  
 2663 unweighted FTE to prior year funds per unweighted FTE shall be  
 2664 computed. For those school districts which have less than the  
 2665 legislatively assigned percentage increase, funds shall be  
 2666 provided to guarantee the assigned percentage increase in funds  
 2667 per unweighted FTE student. Should appropriated funds be less  
 2668 than the sum of this calculated amount for all districts, the  
 2669 commissioner shall prorate each district's allocation. This  
 2670 provision shall be implemented to the extent specifically funded.

2671 ~~(10)~~~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 2672 FOR CURRENT OPERATION.--The total annual state allocation to each  
 2673 district for current operation for the FEFP shall be distributed  
 2674 periodically in the manner prescribed in the General  
 2675 Appropriations Act.

2676 (a) The basic amount for current operation for the FEFP as  
 2677 determined in subsection (1), multiplied by the district cost  
 2678 differential factor as determined in subsection (2), plus the  
 2679 amounts provided for categorical components within the FEFP, plus  
 2680 the amount for the sparsity supplement as determined in  
 2681 subsection (6), the decline in full-time equivalent students as  
 2682 determined in subsection (7), the research-based reading  
 2683 instruction allocation as determined in subsection (8), and the  
 2684 quality assurance guarantee as determined in subsection ~~(9)~~~~(8)~~,  
 2685 less the required local effort as determined in subsection (4).  
 2686 If the funds appropriated for the purpose of funding the total

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2687 amount for current operation as provided in this paragraph are  
 2688 not sufficient to pay the state requirement in full, the  
 2689 department shall prorate the available state funds to each  
 2690 district in the following manner:

2691 1. Determine the percentage of proration by dividing the  
 2692 sum of the total amount for current operation, as provided in  
 2693 this paragraph for all districts collectively, and the total  
 2694 district required local effort into the sum of the state funds  
 2695 available for current operation and the total district required  
 2696 local effort.

2697 2. Multiply the percentage so determined by the sum of the  
 2698 total amount for current operation as provided in this paragraph  
 2699 and the required local effort for each individual district.

2700 3. From the product of such multiplication, subtract the  
 2701 required local effort of each district; and the remainder shall  
 2702 be the amount of state funds allocated to the district for  
 2703 current operation.

2704 (b) The amount thus obtained shall be the net annual  
 2705 allocation to each school district. However, if it is determined  
 2706 that any school district received an underallocation or  
 2707 overallocation for any prior year because of an arithmetical  
 2708 error, assessment roll change, full-time equivalent student  
 2709 membership error, or any allocation error revealed in an audit  
 2710 report, the allocation to that district shall be appropriately  
 2711 adjusted. Beginning with audits for the 2001-2002 fiscal year, if  
 2712 the adjustment is the result of an audit finding in which group 2  
 2713 FTE are reclassified to the basic program and the district  
 2714 weighted FTE are over the weighted enrollment ceiling for group 2  
 2715 programs, the adjustment shall not result in a gain of state

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2716 funds to the district. If the Department of Education audit  
 2717 adjustment recommendation is based upon controverted findings of  
 2718 fact, the Commissioner of Education is authorized to establish  
 2719 the amount of the adjustment based on the best interests of the  
 2720 state.

2721 (c) The amount thus obtained shall represent the net annual  
 2722 state allocation to each district; however, notwithstanding any  
 2723 of the provisions herein, each district shall be guaranteed a  
 2724 minimum level of funding in the amount and manner prescribed in  
 2725 the General Appropriations Act.

2726 Section 43. Paragraph (a) of subsection (2) of section  
 2727 1011.64, Florida Statutes, is amended to read:

2728 1011.64 School district minimum classroom expenditure  
 2729 requirements.--

2730 (2) For the purpose of implementing the provisions of this  
 2731 section, the Legislature shall prescribe minimum academic  
 2732 performance standards and minimum classroom expenditure  
 2733 requirements for districts not meeting such minimum academic  
 2734 performance standards in the General Appropriations Act.

2735 (a) Minimum academic performance standards may be based on,  
 2736 but are not limited to, district ~~performance~~ grades determined  
 2737 pursuant to s. 1008.34 (7) ~~(8)~~.

2738 Section 44. Section 1011.67, Florida Statutes, is amended  
 2739 to read:

2740 1011.67 Funds for instructional materials.--

2741 (1) The department is authorized to allocate and distribute  
 2742 to each district an amount as prescribed annually by the  
 2743 Legislature for instructional materials for student membership in  
 2744 basic and special programs in grades K-12, which will provide for

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2745 growth and maintenance needs. For purposes of this subsection  
 2746 ~~section~~, unweighted full-time equivalent students enrolled in the  
 2747 lab schools in state universities are to be included as school  
 2748 district students and reported as such to the department. These  
 2749 funds shall be distributed to school districts as follows: 50  
 2750 percent on or about July 10; 35 percent on or about October 10;  
 2751 10 percent on or about January 10; and 5 percent on or about June  
 2752 10. The annual allocation shall be determined as follows:

2753 (a)~~(1)~~ The growth allocation for each school district shall  
 2754 be calculated as follows:

2755 1.~~(a)~~ Subtract from that district's projected full-time  
 2756 equivalent membership of students in basic and special programs  
 2757 in grades K-12 used in determining the initial allocation of the  
 2758 Florida Education Finance Program, the prior year's full-time  
 2759 equivalent membership of students in basic and special programs  
 2760 in grades K-12 for that district.

2761 2.~~(b)~~ Multiply any such increase in full-time equivalent  
 2762 student membership by the allocation for a set of instructional  
 2763 materials, as determined by the department, or as provided for in  
 2764 the General Appropriations Act.

2765 3.~~(c)~~ The amount thus determined shall be that district's  
 2766 initial allocation for growth for the school year. However, the  
 2767 department shall recompute and adjust the initial allocation  
 2768 based on actual full-time equivalent student membership data for  
 2769 that year.

2770 (b)~~(2)~~ The maintenance of the instructional materials  
 2771 allocation for each school district shall be calculated by  
 2772 multiplying each district's prior year full-time equivalent  
 2773 membership of students in basic and special programs in grades K-

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2774 | 12 by the allocation for maintenance of a set of instructional  
 2775 | materials as provided for in the General Appropriations Act. The  
 2776 | amount thus determined shall be that district's initial  
 2777 | allocation for maintenance for the school year; however, the  
 2778 | department shall recompute and adjust the initial allocation  
 2779 | based on such actual full-time equivalent student membership data  
 2780 | for that year.

2781 | ~~(c)(3)~~ In the event the funds appropriated are not  
 2782 | sufficient for the purpose of implementing this subsection  
 2783 | ~~section~~ in full, the department shall prorate the funds available  
 2784 | for instructional materials after first funding in full each  
 2785 | district's growth allocation.

2786 | (2) Annually by July 1 and prior to the release of  
 2787 | instructional materials funds, each district school  
 2788 | superintendent shall certify to the Commissioner of Education  
 2789 | that the district school board has approved a comprehensive staff  
 2790 | development plan that requires fidelity of implementation of  
 2791 | instructional materials that are in the first 2 years of the  
 2792 | adoption cycle and that the district intends to purchase. The  
 2793 | staff development plan must provide for training for each teacher  
 2794 | who will use the materials, provide inservice credit for the  
 2795 | training, and document satisfactory completion of the training by  
 2796 | each teacher. The superintendent shall annually report to the  
 2797 | district school board on the implementation of the plan. The  
 2798 | report shall include verification that training was provided,  
 2799 | that teachers satisfactorily completed the training, and that the  
 2800 | materials are being implemented as designed. The district's  
 2801 | collective bargaining agreement shall not be used as a barrier to  
 2802 | compliance with this subsection.

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2803 Section 45. Paragraph (b) of subsection (2) of section  
 2804 1011.685, Florida Statutes, is amended to read:

2805 1011.685 Class size reduction; operating categorical  
 2806 fund.--

2807 (2) Class size reduction operating categorical funds shall  
 2808 be used by school districts for the following:

2809 (b) For any lawful operating expenditure, if the district  
 2810 has met the constitutional maximums identified in s. 1003.03(1)  
 2811 or the reduction of two students per year required by s.  
 2812 1003.03(2); however, priority shall be given to increase salaries  
 2813 of classroom teachers as defined in s. 1012.01(2)(a) and to  
 2814 implement the performance-pay incentive and the differentiated  
 2815 pay detailed in s. 1012.22(1)(c) ~~salary career ladder defined in~~  
 2816 ~~s. 1012.231.~~

2817 Section 46. Subsection (1) of section 1011.71, Florida  
 2818 Statutes, is amended to read:

2819 1011.71 District school tax.--

2820 (1) If the district school tax is not provided in the  
 2821 General Appropriations Act or the substantive bill implementing  
 2822 the General Appropriations Act, each district school board  
 2823 desiring to participate in the state allocation of funds for  
 2824 current operation as prescribed by s. 1011.62(10)~~(9)~~ shall levy  
 2825 on the taxable value for school purposes of the district,  
 2826 exclusive of millage voted under the provisions of s. 9(b) or s.  
 2827 12, Art. VII of the State Constitution, a millage rate not to  
 2828 exceed the amount certified by the commissioner as the minimum  
 2829 millage rate necessary to provide the district required local  
 2830 effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
 2831 addition to the required local effort millage levy, each district



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2832 school board may levy a nonvoted current operating discretionary  
 2833 millage. The Legislature shall prescribe annually in the  
 2834 appropriations act the maximum amount of millage a district may  
 2835 levy. The millage rate prescribed shall exceed zero mills but  
 2836 shall not exceed the lesser of 1.6 mills or 25 percent of the  
 2837 millage which is required pursuant to s. 1011.62(4), exclusive of  
 2838 millage levied pursuant to subsection (2).

2839 Section 47. Subsection (6) is added to section 1012.21,  
 2840 Florida Statutes, to read:

2841 1012.21 Department of Education duties; K-12 personnel.--

2842 (6) REPORTING.--The Department of Education shall annually  
 2843 post online links to each school district's collectively  
 2844 bargained contracts and the salary and benefits of the personnel  
 2845 or officers of any educator association that were paid by the  
 2846 school district pursuant to s. 1012.22.

2847 Section 48. Paragraph (c) of subsection (1) of section  
 2848 1012.22, Florida Statutes, is amended to read:

2849 1012.22 Public school personnel; powers and duties of the  
 2850 district school board.--The district school board shall:

2851 (1) Designate positions to be filled, prescribe  
 2852 qualifications for those positions, and provide for the  
 2853 appointment, compensation, promotion, suspension, and dismissal  
 2854 of employees as follows, subject to the requirements of this  
 2855 chapter:

2856 (c) Compensation and salary schedules.--

2857 1. The district school board shall adopt a salary schedule  
 2858 or salary schedules designed to furnish incentives for  
 2859 improvement in training and for continued efficient service to be  
 2860 used as a basis for paying all school employees and fix and

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2861 authorize the compensation of school employees on the basis  
2862 thereof.

2863         2. A district school board, in determining the salary  
2864 schedule for instructional personnel, must base a portion of each  
2865 employee's compensation on performance demonstrated under s.  
2866 1012.34, must consider the prior teaching experience of a person  
2867 who has been designated state teacher of the year by any state in  
2868 the United States, and must consider prior professional  
2869 experience in the field of education gained in positions in  
2870 addition to district level instructional and administrative  
2871 positions.

2872         3. In developing the salary schedule, the district school  
2873 board shall seek input from parents, teachers, and  
2874 representatives of the business community.

2875         4. Beginning with the 2002-2003 fiscal year, each district  
2876 school board must adopt a performance-pay policy for school  
2877 administrators and instructional personnel. The district's  
2878 performance-pay policy is subject to negotiation as provided in  
2879 chapter 447; however, the adopted salary schedule must allow  
2880 school administrators and instructional personnel who demonstrate  
2881 outstanding performance, as measured under s. 1012.34, to earn a  
2882 5-percent supplement in addition to their individual, negotiated  
2883 salary. The supplements shall be funded from the performance-pay  
2884 reserve funds adopted in the salary schedule. ~~Beginning with the~~  
2885 ~~2004-2005 academic year, the district's 5 percent performance pay~~  
2886 ~~policy must provide for the evaluation of classroom teachers~~  
2887 ~~within each level of the salary career ladder provided in s.~~  
2888 ~~1012.231.~~ The Commissioner of Education shall determine whether  
2889 the district school board's adopted policy and salary schedule

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2890 | complies with the requirement for performance-based pay. If the  
 2891 | district school board fails to comply with this section, the  
 2892 | commissioner ~~may shall~~ withhold disbursements from the  
 2893 | Educational Enhancement Trust Fund to the district and take any  
 2894 | other measure provided by law necessary to ensure compliance  
 2895 | until compliance is verified.

2896 | 5. Beginning with the 2007-2008 academic year, each  
 2897 | district school board shall adopt a salary schedule with  
 2898 | differentiated pay for both instructional personnel and school-  
 2899 | based administrators. The salary schedule is subject to  
 2900 | negotiation as provided in chapter 447 and must allow  
 2901 | differentiated pay based on district-determined factors,  
 2902 | including, but not limited to, additional responsibilities,  
 2903 | school demographics, critical shortage areas, and level of job  
 2904 | performance difficulties.

2905 | Section 49. Section 1012.2315, Florida Statutes, is created  
 2906 | to read:

2907 | 1012.2315 Assignment of teachers.--

2908 | (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds  
 2909 | disparity between teachers assigned to teach in a majority of "A"  
 2910 | graded schools compared to teachers assigned to teach in a  
 2911 | majority of "F" graded schools. The disparity can be found in the  
 2912 | average years of experience, the median salary, and the  
 2913 | performance of the teachers on teacher certification  
 2914 | examinations. It is the intent of the Legislature that district  
 2915 | school boards have flexibility through the collective bargaining  
 2916 | process to assign teachers more equitably across the schools in  
 2917 | the district.

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2918           (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School  
 2919 districts may not assign a higher percentage than the school  
 2920 district average of first-time teachers, temporarily certified  
 2921 teachers, teachers in need of improvement, or out-of-field  
 2922 teachers to schools with above the school district average of  
 2923 minority and economically disadvantaged students or schools that  
 2924 are graded "D" or "F." Each school district shall annually  
 2925 certify to the Commissioner of Education that this requirement  
 2926 has been met. If the commissioner determines that a school  
 2927 district is not in compliance with this subsection, the State  
 2928 Board of Education shall be notified and shall take action  
 2929 pursuant to s. 1008.32 in the next regularly scheduled meeting to  
 2930 require compliance.

2931           Section 50. Subsection (2) of section 1012.27, Florida  
 2932 Statutes, is amended to read:

2933           1012.27 Public school personnel; powers and duties of  
 2934 district school superintendent.--The district school  
 2935 superintendent is responsible for directing the work of the  
 2936 personnel, subject to the requirements of this chapter, and in  
 2937 addition the district school superintendent shall perform the  
 2938 following:

2939           (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
 2940 recommend to the district school board for adoption a salary  
 2941 schedule or salary schedules. The district school superintendent  
 2942 must recommend a salary schedule for instructional personnel  
 2943 which bases a portion of each employee's compensation on  
 2944 performance demonstrated under s. 1012.34. In developing the  
 2945 recommended salary schedule, the district school superintendent  
 2946 shall include input from parents, teachers, and representatives

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2947 of the business community. Beginning with the 2006-2007 ~~2004-2005~~  
 2948 academic year, the recommended salary schedule for classroom  
 2949 teachers shall be consistent with the district's performance-pay  
 2950 policy under s. 1012.22(1)(c) and, beginning with the 2007-2008  
 2951 academic year, the district's differentiated pay under s.  
 2952 1012.22(1)(c) ~~career ladder based upon s. 1012.231.~~

2953 Section 51. Subsection (6) of section 1012.28, Florida  
 2954 Statutes, is amended to read:

2955 1012.28 Public school personnel; duties of school  
 2956 principals.--

2957 (6) A school principal who fails to comply with this  
 2958 section shall be ineligible for any portion of the performance-  
 2959 pay ~~performance pay~~ policy incentive or the differentiated pay  
 2960 under s. 1012.22(1)(c).

2961 Section 52. Paragraph (a) of subsection (3) of section  
 2962 1012.34, Florida Statutes, is amended to read:

2963 1012.34 Assessment procedures and criteria.--

2964 (3) The assessment procedure for instructional personnel  
 2965 and school administrators must be primarily based on the  
 2966 performance of students assigned to their classrooms or schools,  
 2967 as appropriate. Pursuant to this section, a school district's  
 2968 performance assessment is not limited to basing unsatisfactory  
 2969 performance of instructional personnel and school administrators  
 2970 upon student performance, but may include other criteria approved  
 2971 to assess instructional personnel and school administrators'  
 2972 performance, or any combination of student performance and other  
 2973 approved criteria. The procedures must comply with, but are not  
 2974 limited to, the following requirements:

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2975 (a) An assessment must be conducted for each employee at  
 2976 least once a year. The assessment must be based upon sound  
 2977 educational principles and contemporary research in effective  
 2978 educational practices. The assessment must primarily use data and  
 2979 indicators of improvement in student performance assessed  
 2980 annually as specified in s. 1008.22 and may consider results of  
 2981 peer reviews in evaluating the employee's performance. Student  
 2982 performance must be measured by state assessments required under  
 2983 s. 1008.22 and by local assessments for subjects and grade levels  
 2984 not measured by the state assessment program. The assessment  
 2985 criteria must include, but are not limited to, indicators that  
 2986 relate to the following:

- 2987 1. Performance of students.
- 2988 2. Ability to maintain appropriate discipline.
- 2989 3. Knowledge of subject matter. The district school board  
 2990 shall make special provisions for evaluating teachers who are  
 2991 assigned to teach out-of-field.
- 2992 4. Ability to plan and deliver instruction, ~~including~~  
 2993 ~~implementation of the rigorous reading requirement pursuant to s.~~  
 2994 ~~1003.415, when applicable,~~ and the use of technology in the  
 2995 classroom.
- 2996 5. Ability to evaluate instructional needs.
- 2997 6. Ability to establish and maintain a positive  
 2998 collaborative relationship with students' families to increase  
 2999 student achievement.
- 3000 7. Other professional competencies, responsibilities, and  
 3001 requirements as established by rules of the State Board of  
 3002 Education and policies of the district school board.

3003 Section 53. Subsection (4) of section 1012.56, Florida

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3004 Statutes, is amended to read:  
 3005 1012.56 Educator certification requirements.--  
 3006 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of  
 3007 demonstrating mastery of subject area knowledge are:  
 3008 (a) Achievement of passing scores on subject area  
 3009 examinations required by state board rule;  
 3010 (b) Completion of the subject area specialization  
 3011 requirements specified in state board rule and verification of  
 3012 the attainment of the essential subject matter competencies by  
 3013 the district school superintendent of the employing school  
 3014 district or chief administrative officer of the employing state-  
 3015 supported or private school for a subject area for which a  
 3016 subject area examination has not been developed and required by  
 3017 state board rule;  
 3018 (c) Completion of the subject area specialization  
 3019 requirements specified in state board rule for a subject coverage  
 3020 requiring a master's or higher degree and achievement of a  
 3021 passing score on the subject area examination specified in state  
 3022 board rule;  
 3023 (d) A valid professional standard teaching certificate  
 3024 issued by another state; or  
 3025 (e) A valid certificate issued by the National Board for  
 3026 Professional Teaching Standards or a national educator  
 3027 credentialing board approved by the State Board of Education.  
 3028  
 3029 School districts are encouraged to provide mechanisms for those  
 3030 middle school teachers holding only a K-6 teaching certificate to  
 3031 obtain a subject area coverage for middle grades through  
 3032 postsecondary coursework or district subject content professional

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3033 development activities to assist in the preparation for earning a  
 3034 passing score on the subject area examination required for add-on  
 3035 certification.

3036 Section 54. Section 1012.986, Florida Statutes, is created  
 3037 to read:

3038 1012.986 William Cecil Golden Professional Development  
 3039 Program for School Leaders.--

3040 (1) ESTABLISHMENT.--There is established the William Cecil  
 3041 Golden Professional Development Program for School Leaders, a  
 3042 high-quality, competency-based, customized, comprehensive, and  
 3043 coordinated statewide professional development program that is  
 3044 aligned with the leadership standards for school leaders adopted  
 3045 by the State Board of Education. The program shall be  
 3046 administered by the Department of Education and shall provide  
 3047 leadership training opportunities for school leaders to enable  
 3048 them to be more effective instructional leaders, especially in  
 3049 the area of reading. The program shall provide school leaders  
 3050 with the opportunity to attain a school leadership designation  
 3051 pursuant to subsection (3).

3052 (2) DEFINITION.--As used in this section, the term "school  
 3053 leader" means a school principal or assistant principal holding a  
 3054 valid Florida certificate in educational leadership.

3055 (3) DESIGNATIONS.--The Department of Education shall  
 3056 develop criteria for designating high-performing school leaders.  
 3057 The criteria must emphasize student learning gains, especially in  
 3058 high schools.

3059 (4) PROGRAM REQUIREMENTS.--

3060 (a) The program shall be based upon the leadership  
 3061 standards adopted by the State Board of Education, the standards



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3062 of the National Staff Development Council, and the federal  
 3063 requirements for high-quality professional development under the  
 3064 No Child Left Behind Act of 2001.

3065 (b) The program shall provide a competency-based approach  
 3066 that utilizes prediagnostic and postdiagnostic evaluations that  
 3067 shall be used to create an individualized professional  
 3068 development plan approved by the district school superintendent.  
 3069 The plan shall be structured to support the school leader's  
 3070 attainment of the leadership standards adopted by the State Board  
 3071 of Education.

3072 (c) The program shall incorporate instructional leadership  
 3073 training and effective business practices for efficient school  
 3074 operations in school leadership training.

3075 (5) DELIVERY SYSTEMS.--The Department of Education shall  
 3076 deliver the program through multiple delivery systems, including:

3077 (a) Approved school district training programs.

3078 (b) Interactive technology-based instruction.

3079 (c) Regional consortium service organizations pursuant to  
 3080 s. 1001.451.

3081 (6) RULES.--The State Board of Education shall adopt rules  
 3082 pursuant to ss. 120.536(1) and 120.54 to implement the provisions  
 3083 of this section.

3084 Section 55. Section 1012.987, Florida Statutes, is  
 3085 repealed.

3086 Section 56. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKT 06-01 A++  
SPONSOR(S): PreK-12 Committee  
TIED BILLS: IDEN./SIM. BILLS:

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: PreK-12 Committee		Beagle	Mizereck
1)			
2)			
3)			
4)			
5)			

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SUMMARY ANALYSIS

The A++ PCB builds on the success of the original A+ legislation by enhancing educational accountability, instituting secondary school reform, and expanding support for reading, mathematics, and career education.

The bill makes substantial changes to education law. This analysis groups those changes in the following topic areas:

- Education Data and Accountability
- Standards and Performance Based Accountability
- Instructional Reforms
- Reading Initiatives
- Exceptional Students
- Teachers and Principals

The bill will have an indeterminate fiscal impact. Please see the FISCAL ANALYSIS section of the analysis.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

##### Provide Limited Government:

The bill grants authority to the Governor and Commissioner of Education to intervene in the operation of failing school districts. The bill establishes new educational programs and provides rule-making authority.

##### Safeguard Individual Liberty:

The bill creates educational programs that enable students to finish high school with marketable job skills and credentials, and better preparation for postsecondary education.

##### Promote Personal Responsibility:

The bill provides increased opportunities for teachers and principals to receive reading credentials and professional development. The bill requires school districts to adopt salary schedules that enable teachers and administrators to earn differentiated pay. The bill provides accountability for public and alternative schools. The bill requires actions to improve the performance of failing schools.

##### Empower Families:

The bill empowers parents to direct their child's education. Students are empowered to choose high school courses based on their interests and future goals, including courses related to workplace and postsecondary education.

#### B. EFFECT OF PROPOSED CHANGES:

##### Education Data and Accountability

##### Guiding Principles for Accountability System

Currently, the State Board of Education (SBE) is required to adopt guiding principles for establishing state and sector-specific standards and measures and to maintain an accountability system measuring student progress towards goals prescribed in statute.<sup>1</sup>

The bill eliminates the requirement that the SBE adopt guiding principles, and instead outlines several guiding principles for state and sector-specific standards and measures for implementing the accountability system. The bill requires the Department of Education (DOE), rather than the SBE, to align the accountability system with specified student progress goals.

##### Education Data Quality Improvements

Currently, school districts and public postsecondary educational institutions are required to maintain information systems to provide the SBE and the Legislature with information and reports necessary to address the specifications of the accountability system.<sup>2</sup> Under Florida law, the Commissioner of Education (Commissioner) is responsible for assisting the SBE in enforcing school district compliance with the mission and goals of the seamless K-20 education system.<sup>3</sup>

The bill preserves the requirement that school districts and public postsecondary educational institutions maintain information systems for providing information and reports to the SBE and

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<sup>1</sup> Section 1008.31(3), F.S.

<sup>2</sup> Section 1008.31(3), F.S.

<sup>3</sup> Section 1001.10, F.S.

Legislature, and applies these requirements to the Board of Governors of the State University System (BOG).

The bill designates the Commissioner as the sole custodian of the K-20 data warehouse and requires the Commissioner to manage the timeliness, quality, and availability of educational data necessary to implement performance accountability measures in compliance with state and federal law. The bill requires that data from state universities be integrated into the K-20 data warehouse, and grants the Commissioner unlimited access to such data for the purpose of assessing program effectiveness, student progress and outcomes, and for use in improving college readiness and articulation.

#### Division of Accountability Research and Measurement

Section 20.15(3), F.S. establishes the DOE and its divisions.

The bill establishes the Division of Accountability, Research, and Measurement as a new division within the DOE.

#### Public School Student Progression Data

District school boards are currently required to annually publish and report to the SBE certain student progression data. The bill requires DOE to establish a uniform format for the reporting of this information, with input from school districts, and also to compile such information and report it annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

#### FCAT Student Achievement Reports

The bill requires that the DOE annually report specified longitudinal data relating to student performance on the FCAT, efforts to close the achievement gap, and performance on the norm-referenced component of the FCAT. Also, when available, the DOE may report any other student performance data based on national norm-referenced and criterion-referenced tests.

#### Standards and Performance Based Accountability

##### The Sunshine State Standards

The Sunshine State Standards (SSS) were approved by the SBE in 1996. The SSS establish the subject area content and skills that each student must learn at each grade-level. Subject areas covered by the SSS include language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts.

The SSS have not been formally revised since their adoption, although minor technical revisions were made in 1999. In an effort to more closely align Florida's standards, instructional materials, teacher certification requirements, and the FCAT, the DOE has developed a six year cycle for the review and revision of the SSS and all accompanying materials.<sup>4</sup> The proposed review and revision cycle was approved by the SBE at its January 17, 2006 meeting.<sup>5</sup> Initial review and revision of the SSS will occur during 2006-2010. The DOE estimates that the new review and revise cycle will be fully implemented by 2011.

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<sup>4</sup> Florida Department of Education, Memorandum from Cheri Yecke, Chancellor, K-12 Public Schools, *available at* [http://info.fldoe.org/docushare/dsweb/Get/Document-3485/k12\\_06\\_05memo.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3485/k12_06_05memo.pdf) (Jan. 24, 2006).

<sup>5</sup> Id.

Florida Sunshine State Standards Proposed Six-Year Review and Revise Cycle<sup>6</sup>

	Subject	Year of Review and Revision
Six Year Cycle	Reading, Language Arts, ESOL	2011
	Math	2012
	Science	2013
	Social Studies	2014
	Electives: Computer, Business, Tech, Industrial, Health, Foreign Languages, Physical Education, Family and Consumer Sciences, Humanities	2015
	Visual and Performing Arts	2016
	Next Six Year Cycle	Same as above

The bill requires the SBE to periodically review each SSS subject area. Review teams for each subject area must include representatives from each other SSS subject area to facilitate integration of reading and math in the content areas and address individual learning styles and needs. The bill sets forth several criteria for reviewing the standards aimed at improving overall instruction.

The review schedule and an annual status report must be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives and must include a determination of the extent to which district school boards have provided a complete education program.

The bill also provides district school boards authority to adopt policies to provide a complete education program aligned to the subjects currently covered by the SSS. District adopted policies must reinforce the integration of reading, writing, and mathematics skills across all subjects, including career and technical education.

**Assessment**

The primary purpose of the FCAT is to assess benchmarks of student achievement in reading, writing, mathematics, and science as defined by the SSS.<sup>7</sup> A secondary purpose is to compare the performance of Florida students to the reading and mathematics performance of students across the nation using a norm-referenced test.<sup>8</sup>

All students in grades 3-10 take the FCAT reading and mathematics tests in the spring of each year. All students in grades 4, 8, and 10 take FCAT writing. FCAT science was initially administered to all students in grades 5, 8, and 10. However, feedback from the FCAT Science Content Advisory Committee, the Science Performance Review Committee, the Florida Association of Science

6 Florida Department of Education, Memorandum from Cheri Yecke, Chancellor, K-12 Public Schools, available at [http://info.fldoe.org/docushare/dsweb/Get/Document-3486/k12\\_06\\_05att1.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3486/k12_06_05att1.pdf) (Jan. 24, 2006).

7 Florida Department of Education, FCAT FAQs, available at <http://www.firn.edu/doe/sas/fcat/aboutfcat/english/faq1.html>.

8 Florida Department of Education, FCAT Main Page, available at <http://firn.edu/doe/sas/fcat.htm>.

Supervisors, and the Florida Association of Science Teachers led DOE to administer the 2005 high school science assessment at Grade 11 rather than at Grade 10.<sup>9</sup>

The bill maintains the requirement that students in grades 3 through 10 take the FCAT reading and mathematics tests annually. The bill also provides that students will take FCAT science and writing at least once at the elementary, middle, and high school levels. The bill requires the Commissioner to document procedures ensuring that grade 10 FCAT retake tests are equal in difficulty to the version administered to students on their first attempt. The bill also authorizes the Commissioner to study the cost and student achievement impact of end of course assessments.

The bill specifies that school districts may require low performing students to attend extended day or summer remediation programs. School districts must provide opportunities for students to demonstrate an acceptable level competency on an alternative standardized test following enrollment in a summer remediation program.

#### Alternative Assessments for Grade 10 FCAT

Section 1008.22, F.S. requires the Commissioner to approve concordant scores on the SAT and ACT tests as alternative assessments for the grade 10 FCAT for students graduating in 2003-04. Students graduating in 2003-04 were eligible to use concordant scores on an alternative assessment to meet FCAT graduation requirements only after failing to pass the grade 10 FCAT three times, with an exception for students new to the Florida public school system in grade 12.<sup>10</sup> Likewise, section 1008.221, F.S. contains an identical exception specifically for dependent children of military personnel.

Similarly, s.1008.301, F.S. requires the SBE to analyze the PSAT, PLAN, SAT and ACT to determine if concordant scores on the grade 10 FCAT can be established. SBE then has authority to adopt concordant scores as meeting FCAT graduation requirements. SBE utilized its discretionary authority to enable substitution of concordant SAT and ACT scores for the 2004-2005 school year. In 2004-2005, 546 students were awarded a standard high school diploma using concordant scores on the SAT or ACT to meet FCAT graduation requirements.<sup>11</sup> The concordant scores presently in effect are as follows:<sup>12</sup>

READING		MATH	
FCAT	300	FCAT	300
SAT	410	SAT	370
ACT	15	ACT	15

The bill makes permanent the SBE's authority to evaluate the PSAT, PLAN, SAT, ACT, College Placement Test, and any other widely used high school achievement tests to assess if concordant scores can be determined for use by students in satisfying grade 10 FCAT graduation requirements. Concordant scores identified by the SBE must then be adopted by the Commissioner. Sections 1008.221 and 1008.301, F.S. are repealed, eliminating duplicative statutory language on adoption of concordant scores.

#### Designation of School Grades

The bill changes terminology to reflect current usage by replacing "performance grade category" with "school grades."

<sup>9</sup> Florida Department of Education, FCAT Update, available at <http://fln.education.state.fl.us/DOE/sas/fcat/pdf/fcat-update-0904.pdf> (Oct., 2005).

<sup>10</sup> Section 1008.22(9)(b), F.S.

<sup>11</sup> Correspondence from Linda Hewett, Florida Department of Education, Education Information Services, (Oct. 6, 2005).

<sup>12</sup> Florida Department of Education, Memorandum from Jim Warford, Chancellor, K-12 Public Schools, available at [http://www.fldoe.org/news/2005/2005\\_05\\_16/AltAssessOpt10thGrFCAT.pdf](http://www.fldoe.org/news/2005/2005_05_16/AltAssessOpt10thGrFCAT.pdf) (May 16, 2005).

Existing law provides that a school's grade is based on its current year performance and its annual learning gains.<sup>13</sup> A school's grade is based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of the lowest 25<sup>th</sup> percentile of students in the school. The bill codifies current practice that the measurement of the lowest 25<sup>th</sup> percentile in the school is only in FCAT Reading.

The bill allows alternative schools to choose to receive a school improvement rating in lieu of a school grade. The bill also requires that the achievement scores of certain students<sup>14</sup> attending alternative schools be used only in the calculation of the alternative school's grade, unless the Commissioner determines that the home school and alternative school are cooperating in an effort to avoid the state accountability system. The achievement scores of students attending alternative schools that opt to receive a school improvement rating are included in the calculation of the home school's grade. This is intended to remove any incentive for assigning students to an alternative school to improve the overall performance of the home school.

#### School Improvement Ratings for Alternative Schools

The bill provides that alternative schools that provide dropout prevention and academic intervention services may choose to receive a school improvement rating in lieu of a school grade. School improvement ratings will be based on student assessment data for the current year compared to student performance for the previous year. Alternative schools may earn school improvement rating designations of "improving," "maintaining," or "declining," and those improving at least one level or maintaining an "improving" rating are eligible for school recognition awards.

The bill requires the Commissioner to prepare annual reports on the performance of alternative schools. The bill also requires a school report card containing data on student performance and an explanation of school performance as evaluated by federal law.<sup>15</sup> The report card must be delivered to parents throughout each school district.

#### School Recognition Awards

The Florida School Recognition Program<sup>16</sup> provides lottery-funded financial awards to public schools as a reward for performance. Schools that maintain a grade of "A" or improve one letter grade receive \$100 per student. In Fiscal Year 2004-05, schools received \$117.2 million in School Recognition funds. Funds may be used to reward faculty and staff, purchase educational equipment or materials, and hire temporary personnel. The school's staff and advisory council jointly determine the specific use of the funds. If no agreement is reached by November 1, the award is equally distributed to all classroom teachers currently teaching in the school.<sup>17</sup>

The bill increases the allowable uses of school recognition awards to include student incentives and bonuses to persons who worked at the school during the year of improved performance. The bill requires the annual school improvement plan developed by school staff and the school's advisory council to include a determination of how school recognition funds would be used, if received. If the plan does not include such a determination, the school shall not be eligible for the funds.

#### School Report Cards

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13 Section 1008.34, F.S.

14 This calculation does not include students who are attending an alternative school who are subject to expulsion, who are in dropout retrieval programs, or who are in Department of Juvenile Justice operated and contracted programs.

15 As evaluated by the No Child Left Behind Act of 2001, 20 U.S.C. 6311.

16 Section 1008.36, F.S.

17 Id.

Current law provides that school grades apply to each school's performance for the year in which performance is measured and that the designation be published annually by the DOE and the school district.<sup>18</sup> Parents are entitled to an easy-to read report card for the school in which their child is enrolled.<sup>19</sup>

The bill requires the DOE to annually develop a school report card, including information relating to the school's grade, the school's improvement, and an explanation of school performance as evaluated by federal law.<sup>20</sup> The report card must be delivered to the parents throughout each school district and published annually on the DOE's website.

### School Improvement Plans

Florida law requires each district school board to implement and maintain a system of school improvement and accountability. District school boards must approve a school improvement plan for each school designed to achieve state educational priorities, academic goals, budget implementation, instructional materials purchasing, implementation of student safety and discipline policies, facilities operations, and other areas as determined by the board.<sup>21</sup>

The bill requires school districts to implement a system of school improvement that is aligned with the SSS and monitors students' proficiency on the SSS. Each school's student information system must support alignment to the SSS, monitoring of individual student progress, and enhanced instructional strategies, assessment, and professional development. The bill establishes more specific requirements for school improvement plans for schools graded "C" or below, and schools required to have a school improvement plan under federal law.

The bill requires school districts to publish reports containing information related to school improvement that are understandable, easy to read, and delivered via multiple media.

### Educational Emergency

Under current Florida law, the Commissioner is responsible for implementing and maintaining the state system of school improvement and accountability.<sup>22</sup> Pursuant to this authority, the department must assign a community assessment team to each school district with a school graded "D" or "F" that is responsible for making recommendations for school improvement based on an evaluation of past student performance, student needs, and past educational practices.<sup>23</sup>

The bill authorizes the Commissioner to assign an assessment team and requires that each school district with a school graded "F" two consecutive years after a community assessment team delivers its school improvement recommendations be declared to be in a state of educational emergency. The bill provides that, once an emergency is declared, the Governor and Commissioner have emergency powers and oversight authority over school district operations. As part of this process, an educational emergency board may be established to oversee the operations of the district school board and to make recommendations for improving district operations. The community assessment team serves in an advisory capacity to the emergency board. Upon receipt of the emergency board's recommendations, the Governor, Commissioner and SBE must require the district school board to develop an action plan for ending the educational emergency. State of emergency status may be terminated by the Governor and Commissioner upon determination that the conditions leading to the declaration of educational emergency have ceased to exist.

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18 Section 1008.34(5), F.S.

19 Id.

20 The No Child Left Behind Act of 2001.

21 Section 1001.42(16), F.S.

22 Section 1008.345, F.S.

23 Section 1008.345(6)(d), F.S.



## No Child Left Behind Act of 2001 State Plans

Title I of the No Child Left Behind Act (NCLB) makes federal grant money available to state and local education agencies.<sup>24</sup> States seeking Title I funds must submit a NCLB implementation plan to the U.S. Department of Education.<sup>25</sup>

The bill requires that the SBE and the Commissioner seek public input and secure legislative review of the proposed state plan for NCLB implementation. Additionally, the bill authorizes the Legislative Budget Commission to review the proposed state plans of the SBE and Commissioner.

## Instructional Reforms

### K-20 Mission

Florida law declares that the mission of the K-20 education system is to provide students the opportunity to expand their knowledge and skills through adequate learning opportunities.<sup>26</sup> The bill amends the K-20 mission statement to state that students be provided high-quality, rigorous, and relevant learning opportunities.

### Secondary School Reform

Secondary school reform is part of an effort to ensure that every student progresses to the next educational level based on proficiency. Student proficiency in reading declines after fourth grade. Student proficiency in mathematics declines to its lowest point in sixth grade, then climbs upward to tenth grade. Additionally, Florida's ninth grade retention rate increased from 37,529 students retained in 1998-1999 to 52,355 students retained in 2003-2004.<sup>27</sup> Large numbers of students continue to need remediation at the postsecondary level. Action must be taken to provide a high school credential that better prepares students to enter postsecondary education and the workplace.

The bill provides the intent of the Legislature that students promoted from eighth grade have the skills for success in high school, and that students graduating from high school have the skills they need for success in the workplace and postsecondary education. The bill specifies several guiding principles for secondary school reform focused on providing support for student learning, support and training to enable teachers to meet student needs, and curricula that prepare students for the workplace and postsecondary education.

The bill requires school districts to adopt policies based on these guiding principles. School district policies must be submitted to the SBE for approval and must address procedures and programs in secondary schools. Likewise, the bill assigns the DOE several responsibilities to support districts' successful implementation of secondary reform.

The bill requires the Commissioner to create the Secondary School Improvement Award Program to reward public secondary schools based on student academic achievement and learning gains in reading and mathematics.

The bill repeals the Middle Grades Reform Act, which includes the Rigorous Reading Requirement and the Personalized Middle School Success Plan.

## Middle Grades Promotion Requirements

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<sup>24</sup> Title I of the No Child Left Behind Act of 2001.

<sup>25</sup> Id.

<sup>26</sup> Section 1000.03(4), F.S.

<sup>27</sup> Data provided by the Florida Department of Education.

The middle grades in Florida comprise grades 6, 7, and 8. Currently, Florida serves approximately 611,750 students in the middle grades, in 484 schools with traditional middle school or junior high grade configurations, as well as in a number of other types of schools, such as K-8 schools.<sup>28</sup>

While national and state student achievement data demonstrate that Florida's elementary students are making progress, FCAT data in reading indicate that performance begins to decline in grade five, decreasing each year through grade nine. Florida's gain in fourth-grade reading on the National Assessment of Educational Progress (NAEP) from 1998 to 2005 (from 206 to 219) was three times the national gain. In contrast, 2005 NAEP scores for Florida's eighth-graders (256) were a slight increase from the 1998 score (255), but a decline from the 2002 score (261).<sup>29</sup>

In 2004, the Legislature passed the Middle Grades Reform Act<sup>30</sup>, which required the DOE to establish a Middle Grades Reform Task Force to make recommendations for further middle school reforms. The Task Force completed their work in February 2005, and this bill implements several of their recommendations.

Currently, there is no statewide requirement for middle grades promotion. Student progression in the middle grades is determined by school districts in their student progression plans. A task force review of the student progression plans of Florida's larger districts found that most require a minimum number of credits in core academic areas (language arts, mathematics, science, and social studies).<sup>31</sup>

The bill repeals the Middle Grades Reform Act and creates a new section of law containing statewide standards for promotion from middle school to high school, beginning with students entering grade six in 2006-2007. The bill requires students to complete three middle school or higher year-long courses each in English, mathematics, social studies, and science, and one half-year course in career exploration and educational planning. Schools must offer one high school level mathematics course for which a student may earn high school credit. The bill applies the promotion standards to students in grades 6, 7, or 8 who are not enrolled in schools with a grade 6 through 8 middle school configuration.

### High School Reform

Current Florida law provides the general requirements for high school graduation.<sup>32</sup> Students must complete an International Baccalaureate curriculum or obtain 24 credits, distributed as follows:

- Four credits in English/language arts.
- Three credits each in math and science.
- One credit each in American history and world history.
- One-half credit in economics.
- One-half credit in American government
- One credit in practical arts or exploratory career education, or one credit in fine or performing arts or one-half credit in each.
- One credit in physical education.
- One-half credit in life management skills.
- Eight and one-half elective credits.

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28 Florida Department of Education. Statistical Brief, Bureau of Education and Accountability Services, Membership in Florida's Public Schools Fall 2005, Available at <http://www.flirn.edu/doe/eias/eiaspubs/pdf/pk-12mbrship.pdf>

29 National Assessment of Educational Progress, The Nation's Report Card, by U.S. Department of Education, National Center for Education Statistics available at <http://nces.ed.gov/nationsreportcard/states/profile.asp>.

30 Section 1003.415, F.S.

31 Florida Middle Grades Reform Task Force, Report and Recommendations, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>

32 Section 1003.43, F.S.

The bill establishes revised high school graduation requirements. The bill adds completion of an Advanced International Certificate of Education curriculum and maintains the requirement that students who are not participating in the accelerated high school graduation options earn 24 credits for graduation. Required credits are as follows.

Fourteen credits in core courses:

- Four credits each in English and mathematics.
- Three credits each in science and social studies.

Ten credits in majors, minors, and electives:

- Four credits in a major area of study selected by the student. School districts submit lists of majors for approval by the commissioner. Once approved, these majors are available for use by all school districts.
- Six credits which may be used for another major, a three credit minor, electives, credit recovery, or intensive reading or math courses. Credit recovery allows students to simultaneously earn elective credit and credit for the course being recovered.

### Secondary School Reading Intervention Courses

According to FCAT data from 2005, approximately 70% of middle school and high school students require intensive intervention in reading or math. Approximately 35% of students in those grades require intervention in both reading and math.

Data from 2003-2004 shows that, while 56% of eighth-graders scored Level 1 or 2 on FCAT reading, only 8% of eighth grade students were enrolled in an intensive reading course. The majority of middle grades students were enrolled in reading courses deemed non-intensive in nature or were not taught by a teacher who holds a reading endorsement or reading certification.<sup>33</sup>

The bill requires middle and high school students who score at Level 1 on FCAT reading to complete an intensive reading course the following year. Students scoring Level 2 on FCAT reading may be placed, based on a diagnosis of reading needs, in an intensive reading or content area course taught by a teacher trained in applying scientifically based reading strategies.

### Secondary School Mathematics Intervention Courses

Data from 2003 shows that 31% of 6th graders, 31% of 7<sup>th</sup> graders, and 22% of 8<sup>th</sup> graders scored Level 1 on FCAT math.<sup>34</sup> The bill requires middle school and high school students scoring at Level 1 on FCAT mathematics to complete an intensive math course.

### High School and Middle School Grading Scale

The bill amends the existing high school grading scale to create a common grading system for grades 6 through 12. This grading system enables greater continuity between the middle grades and high school.

### Career and Professional Academies

Career education is critically important to Florida's students and to Florida's economic development. Of every ten 9<sup>th</sup> graders, three students drop out (30%); three do not pursue additional education (30%); and four (40%) attend college.<sup>35</sup>

<sup>33</sup> Florida Middle Grades Reform Task Force, Report and Recommendations, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>

<sup>34</sup> Id.

Currently, school districts may establish career education programs including career academies, career institutes, sequential courses and industry certification programs, as well as career education courses that are general in nature and explore various occupations. Section 1003.431, F.S., provides that a career education certification may be placed on a student's diploma. The certification is designed to indicate that a student is prepared for both postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education (SBE) was given authority to adopt rules for a standard format for the career education certification. Currently, the SBE has not adopted rules for career education certification and no school districts have placed the career education certification on high school diplomas.

Industry certification is an industry-based series of competencies needed to work successfully in a career area. The industry oversees the process and assures continued compliance with industry requirements for recertification at regular intervals. As of 2004, Florida school districts were offering 132 secondary programs that were industry-certified.

The bill defines "career and professional academy" (CAP academy) as a research based program that integrates a rigorous academic curriculum with an industry-driven career curriculum offered by public schools, public school districts, or the Florida Virtual School. Career and professional academies may be offered as a school-within-a school career academy or a total school configuration providing multiple academies. Students who complete the program will receive a standard high school diploma, the highest available industry certification and postsecondary credit if the academy partners with a postsecondary institution.

The goals of a career and professional academy are to increase student academic achievement and graduation rates, provide creative and applied majors, focus on career preparation and work ethics, promote postsecondary credit while in high school, and meet industry needs for skilled employees.

The bill establishes requirements for each career and professional academy in the areas of curriculum, partnerships, student advisement and parent participation, focus on high growth/high demand/high pay careers, and an evaluation plan.

#### Florida Ready to Work Certification Program

The bill establishes the Florida Ready to Work Certification Program, which offers students in career and technical education programs the opportunity to earn a Ready to Work Certificate based on assessment and instruction in workplace skills related to a specific career area.

#### Dependent Children of Active Duty Military Admission Preference

Florida law requires that dependent children of active duty military personnel who meet the eligibility criteria for special academic programs offered through public schools be given first preference for admission to such programs.<sup>36</sup> The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and even if the school at which the program is being offered has reached its maximum enrollment. Special academic programs are defined to include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

The bill eliminates the requirement that preference be given to military-dependent students if the school has reached maximum enrollment. The bill removes charter schools from the definition of special academic programs and adds the Advanced International Certificate of Education.

## School Start Date

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district. School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.<sup>37</sup>

The bill specifies that district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day each year.

## Reading Initiatives

### Just Read, Florida! Office

Governor Bush launched the "Just Read, Florida!" initiative in 2001, with the goal of every student reading at or above grade level by 2012. The "Just Read, Florida!" Office was established in the DOE to support the initiative. The office currently provides training and professional development for educators and school staff, reading coaches for schools, workshops for parents and other reading instruction resources.

The bill codifies the Just Read, Florida! Office and provides duties.

### Research-Based Reading Instruction Allocation

In addition to the base funding allocation, the FEFP includes a number of allocations for specific programs; examples include the Safe Schools allocation and the Supplemental Academic Instruction allocation. There is no current statutory requirement for a specific reading instruction allocation as part of the FEFP.

The bill establishes the Research-Based Reading Instruction Allocation as part of the FEFP. The bill requires school districts to submit by May 1, of each year in a format prescribed by the DOE, a plan for the use of the Research-Based Reading Allocation. The Just Read, Florida! Office will review and approve the plans prior to the release of the school district's allocated funds no later than July 1. School district plans will be deemed approved unless the DOE rejects the plan by June 1. The school district may appeal to the SBE if a school district and the Just Read, Florida! Office cannot reach agreement on the plan. The bill allows high performing school districts considerable flexibility in designing plans.

The DOE is authorized to withhold funds if it determines a district has used any reading allocation funds on anything other than implementation of the reading plan.

## Exceptional Students

### Speech and Language Pathology Services

Section 1003.01(3)(b), F.S., defines the term "special education services" to mean specially designed instruction and such related services as are needed for an exceptional student to benefit from education. The bill adds speech and language pathology services to this list.

### Out of State Special Needs Students in Florida Residential Facilities

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<sup>37</sup> Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

In October 2003, the Office of Program Policy Analysis and Government Accountability (OPPAGA)<sup>38</sup> reviewed the number of out-of-state children living in Florida private residential care facilities and the state's cost of providing ESE services to these children. OPPAGA identified 417 ESE students in private residential facilities, 90 of whom were residents of other states and had been placed in Florida facilities by agencies and school districts from other states and parents in their home state. OPPAGA determined that Florida could avoid \$1.5 million annually in ESE costs for these students.

The bill provides that an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the parent is a resident. The bill prohibits school districts from reporting these students for FTE funding in the FEFP. The bill requires the parent's state of residence or the student's parent to pay the cost of the nonresident student's instruction, facilities, and services received in Florida. Under the provisions of this bill, the residential facility, not the school district, is responsible for billing and collecting the out-of-state student's education and related services from the parent's state of residence.

### Individual Education Plan

While current law requires that an individual education plan (IEP) include certain information,<sup>39</sup> there is no required uniform IEP format.

The bill requires the DOE to coordinate the development of a uniform IEP form to be made available to all school districts in the state for developing, implementing, and transferring IEPs for exceptional students. The bill also requires that the uniform IEP form be available electronically and contain notice to parents of available testing accommodations.

### Teachers and Principals

#### Differentiated Pay

Current law provides for the compensation and salary schedules of public school personnel and sets forth requirements that the district school board must abide by in the determination and the development of the salary schedule. Current law requires that the district school board adopt a performance-pay policy which is subject to negotiation for school administrators and instructional personnel.

The bill requires that, beginning in the 2007-2008 academic year, each district school board must adopt a differentiated pay policy for school administrators and instructional personnel. The adopted salary schedules must allow school administrators and instructional personnel to receive differentiated pay based upon a number of district-determined factors, including, but not limited to additional responsibilities, school demographics, level of job performance difficulties, and critical shortage areas.

The bill requires school district salary schedules to be consistent with the district's performance pay policy by the 2006-2007 academic year, and with differentiated pay by the 2007-2008 academic year.

The bill requires the DOE to provide electronic links to the negotiated collective bargaining contract for the school district and the salary and benefits for any education association personnel paid by the school district.

### Professional Certificates for Nondegreed Career Education Instructors

Florida law grants the SBE authority to designate subject area certifications and certification requirements for all school-based personnel.<sup>40</sup> The bill requires the SBE to adopt rules that allow part-

38 OPPAGA, Special Review, Report #03-58, October 2003

39 <http://www.ed.gov/parents/needs/speced/iepguide/index.html>.

40 Section 1001.03, F.S.

time and full-time nondegreed career education instructors the ability to earn a reading credential equivalent to a reading endorsement.

#### Instructional Materials Professional Development

Section 1011.67, F.S. describes the budget allocation for instructional materials. The bill adds a requirement that annually, prior to the release of instructional materials funds, each district school superintendent must certify to the Commissioner that the district school board has approved a staff development plan. The plan must provide comprehensive staff development for teachers in the use of instructional materials in the first 2 years of the adoption cycle that the district intends to purchase. The plan must provide for training for each teacher who will use the materials, provide inservice credit, and document satisfactory completion by each teacher.

#### Student Discipline and School Principals

School principals are currently required to take certain actions to address serious disciplinary violations committed by students<sup>41</sup> and to protect students who are victims of violent crimes perpetrated by another student.<sup>42</sup> The bill provides that a school principal who fails to uphold these duties is ineligible to receive performance pay incentives and differentiated pay.

#### Corrective Actions for Low Performing Staff

Under current Florida law, the SBE is authorized to recommend several courses of action that district school boards can employ to ensure that students in "F" schools are academically well-served.<sup>43</sup>

The bill grants the SBE authority to recommend that a district school board authorize the principal of an "F" school to take corrective action towards low performing teachers and staff.

#### Assignment of Teachers

There is a disparity in the qualifications of teachers assigned to teach in a school with a grade of "A" versus those that are assigned to teach in a school with a grade of "F." This disparity can be found in the average years of experience, number of out-of field teachers, median salary, and teacher performance on certification examinations.

The bill prohibits school districts from assigning a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that are graded "D" or "F" or schools with above school district average minority and economically disadvantaged students. Each school district must certify to the Commissioner that it has met its duty to assign teachers equitably. The Commissioner must then notify the SBE if a school district is found to have a disparate distribution of teachers and the SBE may then exercise its power to enforce school district compliance.

#### American Sign Language Certification

Florida law grants the SBE authority to adopt rules establishing the requirements for licensing and certification of American Sign Language (ASL) teachers.<sup>44</sup> ASL teachers must be certified by the DOE by January 1, 2008 and must also obtain certification from the Florida American Sign language Teachers Association (FASLTA). ASL certification currently requires a bachelor's degree with

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41 Section 1006.09, F.S.

42 Section 1006.13, F.S.

43 Section 1008.33(2), F.S.

44 Section 1007.2615, F.S.

certification in an academic class coverage and either completion of specified coursework or a certificate from the American Sign Language Teachers Organization.<sup>45</sup>

The bill extends the required certification date to July 1, 2009 and eliminates the requirement that ASL teachers obtain current FASLTA certification by January 1, 2006. FASLTA certification is also eliminated as an alternative certification track.

#### William Cecil Golden Professional Development Program for School Leaders

A growing body of evidence indicates the impact school leaders have on school improvement and student achievement. With the repeal of the Management Training Act in 2000, which included 19 competencies for school principals, the DOE and the SBE began the process of developing and establishing new standards, competencies and policies for school principal selection, training, and certification. The new standards, which were approved by the SBE on April 19, 2005, focus on instructional leadership, using data for effective decision making, and key indicators for high performing principals.

The bill establishes the William Cecil Golden Professional Development Program for School Leaders, a comprehensive, competency-based, statewide professional development program, administered by the DOE. The program must offer individuals the opportunity to obtain a leadership designation based on criteria developed by the DOE, with an emphasis on student learning gains, especially in high schools.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 11.90, F.S.; authorizing the Legislative Budget Commission to review a state plan to implement federal requirements.

Section 2. Amends s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education.

Section 3. Amends s. 1000.03, F.S.; revising the mission of the state's K-20 education system.

Section 4. Repeals s. 1000.041, F.S.; to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program.

Section 5. Amends s. 1001.02, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements.

Section 6. Amends s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system.

Section 7. Amends s. 1001.10, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements.

Section 8. Creates s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties.

Section 9. Amends s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching Salary Career ladder program.

Section 10. Amends s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide each student a complete education program.

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<sup>45</sup> See State Board of Education Rule 6A-4.02431 available at <http://www.fim.edu/doe/rules/6a-46.htm#6A-4.02431>.



Section 11. Amends s. 1001.42, F.S.; providing a district school board requirement relating to the opening date of the school year; conforming provisions relating to the 2005 repealing of the BEST Florida salary career ladder program; providing requirements for each school district's system of school improvement and student progression; revising requirements for school improvement plans; requiring alignment with the Sunshine State Standards; revising format and content of public disclosure reports; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades.

Section 12. Repeals s. 1001.51(24), F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program.

Section 13. Amends s. 1001.54, F.S.; revising provisions relating to duties of school principals.

Section 14. Amends s. 1002.38, F.S.; relating to the Opportunity Scholarship Program; conforming provisions relating to the designation of school grades.

Section 15. Amends s. 1003.01, F.S.; revising definition of the term "special education services".

Section 16. Amends s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; revising programs defined as "special academic programs" for purposes of such preference.

Section 17. Creates s. 1003.413, F.S., relating to secondary school reform; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; requiring policy approval and department support for implementation; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program.

Section 18. Repeals s. 1003.415, F.S., the Middle Grades Reform Act.

Section 19. Creates s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and mathematics courses in certain circumstances; authorizing rulemaking and enforcement.

Section 20. Amends s. 1003.42, F.S.; providing for required instruction for middle grades promotion.

Section 21. Creates s. 1003.428, F.S.; establishing revised general requirements for high school graduation; providing applicability beginning with 2007-2008 first-year high school students; requiring completion of specified credits or a specified curriculum; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement.

Section 22. Amends s. 1003.437, F.S.; including middle grades in the uniform grading system.

Section 23. Repeals s. 1003.492(3) and (4), F.S.; relating to department studies of student performance in industry-certified career education programs.

Section 24. Creates s. 1003.493, F.S.; defining career and professional academies and specifying goals of the academies; providing requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation.

Section 25. Amends s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the

department; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability.

Section 26. Creates s. 1003.576, F.S.; requiring the department to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form.

Section 27. Amends s. 1003.58, F.S.; correcting a cross-reference.

Section 28. Amends s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated pay for school administrators and instructional personnel.

Section 29. Creates s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking.

Section 30. Amends s. 1006.09, F.S.; conforming provisions relating to differentiated pay.

Section 31. Amends s. 1007.2615, F.S.; revising provisions for certification of American Sign Language teachers.

Section 32. Amends s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; providing that such scores satisfy requirements for a diploma; clarifying eligibility to use such scores; requiring an annual report on student performance.

Section 33. Repeals s. 1008.221, F.S.; relating to alternative assessments for dependent children of military personnel, to conform.

Section 34. Amends s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report.

Section 35. Repeals s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation.

Section 36. Amends s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules.

Section 37. Amends s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; authorizing principals to recommend corrective actions for low-performing faculty and staff at "F" graded schools and publication of a school's grade.

Section 38. Amends s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for school grading for alternative schools and specifying requirements related thereto; defining the term "home school" for purposes of assessment; requiring an annual school report card to be published by the department and distributed by school districts.

Section 39. Creates s. 1008.341, F.S.; providing for school improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of student learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules.

Section 40. Amends s. 1008.345, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; providing conditions for determination of a school district in a state of educational emergency; providing procedures to resolve the educational emergency, including state assistance; authorizing establishment of an educational emergency board and providing duties thereof; providing for an action plan to implement recommendations.

Section 41. Amends s. 1008.36, F.S.; authorizing certain alternative schools to participate in the Florida School Recognition Program; modifying procedures for determination and use of school recognition awards.

Section 42. Amends s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation.

Section 43. Amends s. 1011.64, F.S.; conforming terminology and a cross-reference.

Section 44. Amends s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials.

Section 45. Amends s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay.

Section 46. Amends s. 1011.71, F.S.; correcting a cross-reference.

Section 47. Amends s. 1012.21, F.S.; requiring department reporting relating to school district collectively bargained contracts and the salary and benefits of certain personnel.

Section 48. Amends s. 1012.22, F.S.; requiring each district school board to adopt a salary schedule with differentiated pay for instructional personnel and school-based administrators beginning with the 2007-2008 academic year.

Section 49. Creates s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and providing procedures for noncompliance.

Section 50. Amends s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay.

Section 51. Amends s. 1012.28, F.S.; conforming provisions relating to differentiated pay.

Section 52. Amends s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement.

Section 53. Amends s. 1012.56, F.S.; encouraging school districts to provide mechanisms for teachers to obtain subject area coverage for middle grades.

Section 54. Creates s. 1012.986, F.S.; establishing the William Cecil Golden Professional Development Program for School Leaders; defining the term "school leader"; providing for school leader designations; providing program requirements and delivery systems; requiring adoption of rules.

Section 55. Repeals s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation.

Section 56. Provides an effective date upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

#### 2. Expenditures:

The fiscal impact on state government expenditures is indeterminate. Please see FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

### D. FISCAL COMMENTS:

#### STATE IMPACT:

Exceptional Student Education: The bill requires the DOE to develop a process for mandatory school district reviews of the residency of each exceptional student who lives in a Florida residential facility, prior to the provision of services. The additional procedures required for determination of a student's residency should have a minimal fiscal impact and OPPAGA has estimated a cost savings of \$1.5 million annually (Report No. 03-58).

Secondary reform: In the long term, the state should benefit economically from increased graduation rates and the improved preparation of students for entry into the workforce and/or postsecondary education.

Reading: The bill establishes the research-based reading allocation and its calculation. Each district receives \$50,000 and the remaining funds are allocated on each district's share of K-12 base funding. The 2005-2006 General Appropriations Act (GAA) provided \$89 million for the Reading Instruction Allocation. These funds are used to support district K-12 comprehensive reading plans, including intensive intervention, professional development, and summer academies. The Governor's budget request includes \$111.8 million for the Allocation for 2006-2007.

The bill establishes the Just Read, Florida! Office. The 2005-2006 GAA provided \$10 million for the office and its initiatives. The Governor's budget request includes \$18.5 million for 2006-2007.

The GAA also provides spending authority for federal reading funds, administered by the Just Read Office. The 2005-2006 GAA provided \$58 million in spending authority for these funds, and the Governor's 2006-2007 request continues that amount.

Ready to Work: The bill creates the Ready to Work Certification Program. The Governor's legislative budget request includes \$50 million to be expended over the next three years for the program; \$39 million would be administered by the DOE; \$11 million would be administered by the Agency for Workforce Innovation.

Educational emergency: Minimal costs could be incurred by the Executive Office of the Governor and the Department of Education in the event a district is identified as reaching a state of educational emergency. Specific costs are indeterminate and would depend on the severity of the emergency and the strategies the Governor and Commissioner decide to implement.

#### DEPARTMENT OF EDUCATION IMPACT:

Secondary reform: The bill requires the DOE to undertake several activities in support of the reform effort. Fiscal impact on the agency should be minimal because these activities are already planned or are funded through the specific program.

- Sunshine State Standards review: This review is already planned by the DOE and the Governor's budget request includes \$5 million for this purpose.
- Applied, integrated, combined courses: Approval of courses is an ongoing process in the agency and should be accomplished by a redirection of staff time.
- Professional development package for content area reading: This activity is already underway and funded through the Just Read Office.
- Share best practices: A primary responsibility of the agency is to share best practices through all available means of communication. No fiscal impact.
- Longitudinal analysis: The K-20 education data warehouse is designed to provide these types of analyses. No fiscal impact.
- Secondary School Improvement Award Program: During the 2006-2007 fiscal year the Commissioner will establish the criteria and procedures for the program. It is unlikely there will be any fiscal impact until the 2007-2008 fiscal year.
- Recruitment/retention of teachers: The DOE will have to intensify efforts to recruit teachers in math and reading in order to provide for intervention courses and the additional math credit requirement. The Governor's budget request includes \$2 million to establish a Center for Mathematics and Science Research to assist in recruitment and staff development in these areas.

William Cecil Golden Professional Development Program for School Leaders: The fiscal impact of the professional development program will be determined in the General Appropriations Act. The Governor's budget request includes \$4.7 million to support principal professional development and recognition.

#### SCHOOL DISTRICT IMPACT:

Cost savings: School districts may realize a cost savings from the deletion of the rigorous reading requirement and personalized middle school success plan. In addition, the fiscal impact of middle school promotion requirements may also be a long term cost savings. Moving to a course-based promotion system with competency-based course recovery will allow students to "catch up" with their class, and not be retained for an entire year. Any increase in students retained would likely be offset by the lower costs from the students retaking only specific courses instead of an entire school year. Likewise, districts may experience some cost savings from the high school revised graduation requirements. Students will be able to simultaneously earn elective credit and recover credit in a required class as an incentive to keep students enrolled and progressing towards graduation. Districts

may be able to redirect existing funds by not having to offer credit recovery after school and in the summer.

**Secondary school reform:** Secondary school reform is not an add-on. It requires an overhaul, or re-engineering, of existing systems and programs. While districts will spend time and resources to make these changes, there are no new programs or mandates that significantly impact districts.

- Policies for secondary reform: Districts must establish policies to support the implementation of middle school promotion requirements, revised high school graduation requirements, and career academies. Specific areas to be addressed include:
  - pupil progression plans;
  - high school majors and minors;
  - the use of technology to develop ePEPs, offer intensive intervention classes, and competency-based credit/course recovery;
  - establishment of career academies, if desired, using start up funds as provided in the GAA.

The Governor's budget request includes \$2 million to provide laptops to 1,000 sixth grade students, and associated teacher training, to support integrating technology into the classroom. The 2005-2006 GAA provided \$6 million for career and professional academies as part of the Succeed, Florida program for public schools workforce education. The Governor's 2006-2007 request again includes \$6 million for the Succeed, Florida program, but the funds have not been designated for career and professional academies.

- Instructional staff: Districts will need to increase recruitment efforts, commensurate with the DOE, to recruit teachers in math and reading in order to provide for intervention courses and the additional math credit requirement.
- Staff development: Districts will need to focus staff development to implement secondary reform, based on the guiding principles established in the bill.
- Summer academies: Summer academies (and required alternative assessments) will be funded as provided in the GAA as part of the research-based reading allocation. The Governor's 2006-2007 budget request includes \$4 million to support specialized academies in mathematics and reading.

**Differentiated pay:** There is no impact for the 2006-2007 fiscal year. The bill requires the salary schedule for the 2007-2008 year to include differentiated pay using available funds.

**School recognition for alternative schools:** This requires a shift from district discretionary funds to school-based rewards.

**School Improvement Plans:** Because every school must have an approved school improvement plan, changing the format of the plans for schools graded C and below should have a minimal impact. Public notice of school grades is also a current requirement, but must be enhanced and use more means of communication. Depending on current district practices, this could also be a minimal impact.

**Instructional materials:** Instructional materials funds may be held until certification by the superintendent of a professional development plan to require fidelity of implementation for instructional materials. Districts will have to focus staff development funds for this purpose.

**Exceptional students:** Adding speech and language pathology services into the definition of "special education services" will have an indeterminate fiscal impact. IEP teams will decide whether or not a student can benefit from speech or language therapy. Depending upon the number of IEP teams that determine students can benefit, it may be necessary for districts to hire additional staff to provide the services.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules relating to:

- Reading credentials for part-time and full-time nondegreed career education instructors.
- Implementation of middle grades promotion requirements.
- Implementation of revised high school graduation requirements.
- Florida Ready to Work Certification Program.
- Operation of the K-20 Data Warehouse.
- School Improvement Ratings for Alternative Schools.
- The William Cecil Golden Professional Development Program for School Leaders.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES





1                   A bill to be entitled  
2           An act relating to student athlete recruiting; requiring  
3           the Florida High School Athletic Association to hold  
4           certain bylaws in abeyance; providing for creation of a  
5           task force to review student athlete recruiting issues;  
6           providing for task force membership and duties; requiring  
7           recommendations to the Governor and the Legislature;  
8           requiring the Office of Program Policy Analysis and  
9           Government Accountability to conduct a review of  
10          recruiting violations by Florida High School Athletic  
11          Association member schools; providing appropriations;  
12          providing an effective date.

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

15  
16           Section 1.   (1) The Florida High School Athletic  
17 Association shall, until July 1, 2007, hold in abeyance the 2006-  
18 2007 revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4,  
19 Bylaws of the Florida High School Athletic Association, relating  
20 to student athlete residence and transfer, adopted pursuant to s.  
21 1006.20, Florida Statutes.

22           (2) A Student Athlete Recruiting Task Force shall be  
23 created to review issues concerning recruiting of secondary  
24 school student athletes. The task force shall make  
25 recommendations that preserve the parental right to school choice  
26 while protecting the integrity of Florida's interscholastic  
27 athletic programs. The task force shall consider:

28           (a) The definition of recruiting.

29           (b) Current and proposed procedures governing recruiting of  
30 secondary school student athletes.

31 (c) Documented past recruiting practices and violations.  
32 Practices to be reviewed shall include, but not be limited to,  
33 the provision of tuition scholarships and other inducements,  
34 recruitment of foreign athletes, and active solicitation of  
35 student athletes and parents by school employees or boosters.

36 (d) The impact of student athlete recruiting rules on  
37 parental school choice.

38 (e) The relationship between student athlete transfers and  
39 recruiting, including the role of student athlete transfer rules  
40 in preventing recruiting.

41 (f) Measures for preventing improper student athlete  
42 recruiting and penalties for recruiting violations.

43 (3) The task force shall be comprised of representatives  
44 from home school and public and private secondary school  
45 proponents and opponents of the 2006-2007 revisions to the bylaws  
46 specified in subsection (1). The task force members shall be  
47 appointed as follows:

48 (a) Three proponents of the bylaws and three opponents of  
49 the bylaws each appointed by the President of the Senate.

50 (b) Three proponents of the bylaws and three opponents of  
51 the bylaws each appointed by the Speaker of the House of  
52 Representatives.

53 (c) A task force chair appointed by the Governor.

54 (4) Task force members shall serve without compensation but  
55 shall be reimbursed for per diem and travel expenses in  
56 accordance with s. 112.061, Florida Statutes.

57 (5) The task force shall be staffed by the Office of  
58 Program Policy Analysis and Government Accountability and be  
59 monitored by the Department of Education. The chair shall convene  
60 meetings of the task force as needed and shall ensure that the  
61 recommendations are completed and forwarded on time.

62        (6) The task force shall hold its initial meeting not later  
63 than June 1, 2006, and shall submit its recommendations to the  
64 Governor, the President of the Senate, and the Speaker of the  
65 House of Representatives by January 1, 2007. The task force shall  
66 dissolve upon rendering its recommendations.

67        Section 2. The Office of Program Policy Analysis and  
68 Government Accountability shall conduct an independent review of  
69 secondary school recruiting violations among Florida High School  
70 Athletic Association member schools and shall have full access to  
71 Florida High School Athletic Association records for the purpose  
72 of this review.

73        Section 3. The sum of \$60,000 is appropriated from the  
74 General Revenue Fund to the Office of Program Policy Analysis and  
75 Government Accountability for the 2006-2007 fiscal year to  
76 support the work of the Student Athlete Recruiting Task Force.  
77 The sum of \$50,000 is appropriated from the General Revenue Fund  
78 to the Office of Program Policy Analysis and Government  
79 Accountability for the 2006-2007 fiscal year to fund its  
80 independent review of secondary school recruiting violations.

81        Section 4. This act shall take effect upon becoming a law.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government--** The bill requires the FHSAA to hold in abeyance certain bylaws governing student athlete residence and transfer.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation:**

Founded in 1920, the FHSAA is a non-profit organization that governs interscholastic athletics among Florida's public and private secondary schools. In 1997, the Florida Legislature enacted section 1006.20, F.S., which sets forth FHSAA's organizational structure and governing authority in statute.

Section 1006.20, F.S. grants FHSAA authority to adopt bylaws governing participation of member schools and individual student athletes unless specifically provided for in statute. Statute specifically requires FHSAA bylaws governing student athlete residence and transfer to allow student athletes to be eligible for participation in athletics in the school the student first enrolls in each year.<sup>1</sup> Statute also requires FHSAA to adopt bylaws that specifically prohibit recruiting of student athletes for athletic purposes.<sup>2</sup>

In January of 2006, the FHSAA Representative Assembly voted to adopt revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws governing student athlete residence and transfer. The revised bylaws are intended to curtail recruiting of student athletes by placing certain penalties on student athletes who transfer to another school. The revised bylaws apply to all transfers except a move by the student and all members of the student's household that necessitates a change in schools.<sup>3</sup> According to the revised bylaws, student athletes who transfer to another school may not participate in varsity athletics for one calendar year but may participate in junior varsity athletics during this time.<sup>4</sup> Upon the expiration of one calendar year, the student athlete is deemed to have established residency at the new school and may participate in varsity athletics. The revised bylaws contain several exceptions which, if applicable, allow student athletes to transfer without penalty. The receiving school must first make an application for waiver to the FHSAA on the student's behalf. The FHSAA commissioner reviews the waiver application to determine whether the exception applies and the waiver is justified. Subsequent procedures are available for appealing waiver denials and for undue hardship requests. This rule becomes effective for the 2007-2008 school year.

At its February 7, 2006 meeting, the PreK-12 Committee heard public testimony from proponents and opponents of the new FHSAA residence and transfer bylaws. Opponents of the bylaws testified that the new rules violate the statutory provisions on residence and transfer bylaws contained in s.1006.20(2)(a) and impede parents' rights to school choice. Proponents of the bylaws stated that the rules were necessary to prevent student athletes from "shopping" for better teams and more advantageous opportunities for playing time, as well as curtailing illegal recruiting of student athletes.

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<sup>1</sup> Section 1006.20(2)(a), F.S.

<sup>2</sup> Section 1006.20(2)(b), F.S.

<sup>3</sup> Section 11.4, Proposed 2006 revisions to the Bylaws of the Florida High School Athletic Association, Inc.

<sup>4</sup> Id.

**Effect of Proposed Changes:**

The bill requires FHSAA to hold in abeyance sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws until July 1, 2007. The bill creates a balanced task force comprised of home school and public and private secondary school proponents and opponents of the revised bylaws. The task force must make recommendations to the Governor and the Legislature that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs. The bill requires OPPAGA to provide administrative support and staff for the task force.

The bill also requires OPPAGA to conduct an independent review of secondary school recruiting violations among FHSAA member schools. The bill requires FHSAA to grant full access to its records for purposes of OPPAGA's review.

**C. SECTION DIRECTORY:**

**Section 1.** Creates an unnumbered section of law requiring FHSAA to hold in abeyance certain bylaws; creates a task force.

**Section 2.** Requires OPPAGA to review recruiting violations.

**Section 3.** Provides an appropriation.

**Section 4.** Provides an effective date upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill has a minimal fiscal impact on state government expenditures. See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill does not appear to have a fiscal impact on the private sector.

**D. FISCAL COMMENTS:**

The bill appropriates \$110,000 from General Revenue to fund the task force and OPPAGA review.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**