

1 A bill to be entitled

2 An act relating to public K-12 education; amending s.
3 20.15, F.S., revising the divisions of the Department of
4 Education to replace Colleges and Universities with
5 Workforce Education, and to include Division of Finance
6 and Operations; providing name designations for the
7 director of each division; amending s. 145.19, F.S.,
8 relating to salary increases based on increase for state
9 career service employees; adding cross-references to
10 conform; amending s. 1001.10, F.S., relating to the
11 Commissioner of Education's powers and duties to include
12 organizing and naming the structural units of the
13 Department of Education and appointing staff to carry out
14 department functions; providing legislative intent;
15 amending s. 1001.395, F.S.; revising the manner in which
16 compensation of district school board members is
17 determined; specifying base salary amounts; amending s.
18 1001.42, F.S., relating to powers and duties of district
19 school boards; revising requirements relating to policies
20 for the opening and closing dates of schools; amending s.
21 1001.47, F.S.; revising provisions relating to base
22 salaries of district school superintendents; amending s.
23 1003.02, F.S.; requiring certain district school boards to
24 request proposals from photographers annually; requiring
25 public access to information; allowing student choice of
26 photographer; permitting the inclusion of certain
27 photographs in student yearbooks; amending s. 1003.413,
28 F.S.; removing language relating to credit recovery
29 courses; amending 1003.428, F.S.; providing various

30 | waivers to the physical education credit requirement for
 31 | high school graduation; requiring policies to assist
 32 | students in meeting high school graduation requirements;
 33 | providing guidelines for district school board grade
 34 | forgiveness policies; providing an effective date;
 35 | providing an effective date.

36 |

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

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39 | Section 1. Subsections (3) and (4) of section 20.15,
 40 | Florida Statutes, are amended to read:

41 | 20.15 Department of Education.--There is created a
 42 | Department of Education.

43 | (3) DIVISIONS.--The following divisions of the Department
 44 | of Education are established:

45 | (a) Division of Community Colleges.

46 | (b) Division of Public Schools.

47 | (c) Division of Workforce Education Colleges and
 48 | ~~Universities~~.

49 | (d) Division of Vocational Rehabilitation.

50 | (e) Division of Blind Services.

51 | (f) Division of Accountability, Research, and Measurement.

52 | (g) Division of Finance and Operations.

53 | (4) DIRECTORS.--The directors of all divisions shall be
 54 | appointed by the commissioner subject to approval by the state
 55 | board. The director of each division may be designated as "Deputy
 56 | Commissioner" or "Chancellor."

57 | Section 2. Subsection (2) of section 145.19, Florida
 58 | Statutes, is amended to read:

59 | 145.19 Annual percentage increases based on increase for
60 | state career service employees; limitation.--

61 | (2) Each fiscal year, the salaries of all officials listed
62 | in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
63 | The adjusted salary rate shall be the product, rounded to the
64 | nearest dollar, of the salary rate granted by the appropriate
65 | section of this chapter, s. 1001.395, or s. 1001.47 multiplied
66 | first by the initial factor, then by the cumulative annual
67 | factor, and finally by the annual factor. The Department of
68 | Management Services shall certify the annual factor and the
69 | cumulative annual factors. Any special qualification salary
70 | received under this chapter, s. 1001.47, or the annual
71 | performance salary incentive available to elected superintendents
72 | under s. 1001.47 shall be added to such adjusted salary rate. The
73 | special qualification salary shall be \$2,000, but shall not
74 | exceed \$2,000.

75 | Section 3. Subsection (1) of section 1001.10, Florida
76 | Statutes, is amended to read:

77 | 1001.10 Commissioner of Education; general powers and
78 | duties.--The Commissioner of Education is the chief educational
79 | officer of the state and the sole custodian of the K-20 data
80 | warehouse, and is responsible for giving full assistance to the
81 | State Board of Education in enforcing compliance with the mission
82 | and goals of the seamless K-20 education system. To facilitate
83 | innovative practices and to allow local selection of educational
84 | methods, the State Board of Education may authorize the
85 | commissioner to waive, upon the request of a district school
86 | board, State Board of Education rules that relate to district
87 | school instruction and school operations, except those rules

88 | pertaining to civil rights, and student health, safety, and
 89 | welfare. The Commissioner of Education is not authorized to grant
 90 | waivers for any provisions in rule pertaining to the allocation
 91 | and appropriation of state and local funds for public education;
 92 | the election, compensation, and organization of school board
 93 | members and superintendents; graduation and state accountability
 94 | standards; financial reporting requirements; reporting of out-of-
 95 | field teaching assignments under s. 1012.42; public meetings;
 96 | public records; or due process hearings governed by chapter 120.
 97 | No later than January 1 of each year, the commissioner shall
 98 | report to the Legislature and the State Board of Education all
 99 | approved waiver requests in the preceding year. Additionally, the
 100 | commissioner has the following general powers and duties:

101 | (1) To organize and name the structural units of the
 102 | Department of Education and appoint staff necessary to carry out
 103 | ~~his or her powers and duties~~ and functions of the department in a
 104 | manner that meets legislative intent and promotes both efficiency
 105 | and accountability.

106 |
 107 | The commissioner's office shall operate all statewide functions
 108 | necessary to support the State Board of Education and the K-20
 109 | education system, including strategic planning and budget
 110 | development, general administration, and assessment and
 111 | accountability.

112 |
 113 | Section 4. Section 1001.395, Florida Statutes, is amended
 114 | to read:

115 | 1001.395 District school board members; compensation.--Each
 116 | member of the district school board shall receive a base salary,

117 the amounts indicated in this subsection, based on the population
 118 of the county the district school board member serves. In
 119 addition, compensation shall be made for population increments
 120 over the minimum for each population group, which shall be
 121 determined by multiplying the population in excess of the minimum
 122 for the group times the group rate. The product of such
 123 calculation shall be added to the base salary to determine the
 124 adjusted base salary. The adjusted base salaries of district
 125 school board members shall be increased annually as provided for
 126 in s. 145.19.

127

<u>Pop. Group</u>	<u>County Pop. Range</u>		<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>		
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$5,000</u>	<u>\$0.08330</u>
<u>II</u>	<u>10,000</u>	<u>49,000</u>	<u>5,833</u>	<u>0.020830</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>6,666</u>	<u>0.016680</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>7,500</u>	<u>0.008330</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>8,333</u>	<u>0.004165</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>9,166</u>	<u>0.001390</u>
<u>VII</u>	<u>1,000,000</u>		<u>10,000</u>	<u>0.000000</u>

128

129 District school board member salaries negotiated on or after
 130 November of 2006 shall remain in effect up to the date of the
 131 2007-2008 calculation provided pursuant to s. 145.19.

132 ~~—(1) Each district school board shall annually determine the~~
 133 ~~salary of its members at the first regular meeting following the~~
 134 ~~organizational meeting held pursuant to s. 1001.371. The proposed~~
 135 ~~salary to be adopted shall be noticed at the time of the meeting~~
 136 ~~notice and shall not be increased during the meeting. The salary~~

137 ~~adopted by the district school board shall be in effect during~~
 138 ~~the succeeding 12 months.~~

139 ~~(2) This section shall apply to any district school board~~
 140 ~~member elected or reelected at the November 2002 general election~~
 141 ~~or any subsequent general election and to any person appointed to~~
 142 ~~fill a vacancy in the office of any such member.~~

143 Section 5. Paragraph (f) of subsection (4) of section
 144 1001.42, Florida Statutes, is amended to read:

145 1001.42 Powers and duties of district school board.-- The
 146 district school board, acting as a board, shall exercise all
 147 powers and perform all duties listed below:

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

152 (f) Opening and closing of schools; fixing uniform
 153 date.--Adopt policies for the opening and closing of schools and
 154 fix uniform dates after receiving public input at a minimum of
 155 one public hearing; however, beginning with the 2007-2008 school
 156 year, the opening date for schools in a the district that does
 157 not hold a minimum of one public hearing may not be earlier than
 158 14 days before Labor Day each year.

159 Section 6. Subsection (2) of section 1001.47, Florida
 160 Statutes, is amended to read:

161 1001.47 District school superintendent; salary.--

162 (2) Each elected district school superintendent shall
 163 receive a base salary, the amounts indicated in this subsection,
 164 based on the population of the county the elected superintendent
 165 serves. In addition, compensation shall be made for population

166 increments over the minimum for each population group, which
 167 shall be determined by multiplying the population in excess of
 168 the minimum for the group times the group rate. The product of
 169 such calculation shall be added to the base salary to determine
 170 the adjusted base salary. ~~Laws that increase the base salary~~
 171 ~~provided in this subsection shall contain provisions on no other~~
 172 ~~subject.~~

173

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum Maximum		
I	-0- 49,999	<u>\$23,350</u> \$21,250	\$0.07875
II	50,000 99,999	<u>26,500</u> 24,400	0.06300
III	100,000 199,999	<u>29,650</u> 27,550	0.02625
IV	200,000 399,999	<u>32,275</u> 30,175	0.01575
V	400,000 999,999	<u>35,425</u> 33,325	0.00525
VI	1,000,000	<u>38,575</u> 36,475	0.00400

174

175 Section 7. Subsection (5) is added to section 1003.02,
 176 Florida Statutes, to read:

177 1003.02 District school board operation and control of
 178 public K-12 education within the school district.--As provided in
 179 part II of chapter 1001, district school boards are
 180 constitutionally and statutorily charged with the operation and
 181 control of public K-12 education within their school district.
 182 The district school boards must establish, organize, and operate
 183 their public K-12 schools and educational programs, employees,
 184 and facilities. Their responsibilities include staff development,
 185 public K-12 school student education including education for
 186 exceptional students and students in juvenile justice programs,

187 special programs, adult education programs, and career education
 188 programs. Additionally, district school boards must:

189 (5) (a) If entering into a contract with a photographer for
 190 the purpose of taking student photographs, request proposals from
 191 at least two photographers annually. Results of proposals,
 192 including vendor contact information, shall be open to the public
 193 and posted on the school or the district school board website.

194 (b) District school boards may not require students to
 195 purchase senior photographs from a contract vendor and must allow
 196 students to purchase photographs from a photographer of their
 197 choice. A student's senior photograph must be allowed to appear
 198 in the yearbook when taken by a photographer not under contract
 199 with the school or the district school board if the photograph
 200 meets the reasonable specifications of the principal and yearbook
 201 staff for senior photographs.

202 Section 8. Subsection (3) of section 1003.413, Florida
 203 Statutes, is amended to read:

204 1003.413 Florida Secondary School Redesign Act.--

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

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

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

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

218 ~~(d) Credit recovery courses and intensive reading and~~
219 ~~mathematics intervention courses based on student performance on~~
220 ~~the FCAT. These courses should be competency based and offered~~
221 ~~through innovative delivery systems, including computer-assisted~~
222 ~~instruction. School districts should use learning gains as well~~
223 ~~as other appropriate data and provide incentives to identify and~~
224 ~~reward high-performing teachers who teach credit recovery and~~
225 ~~intensive intervention courses.~~

226 (d) ~~(e)~~ Grade forgiveness policies that replace a grade of
227 "D" or "F" with a grade of "C" or higher earned subsequently in
228 the same or a comparable course.

229 (e) ~~(f)~~ Summer academies for students to receive intensive
230 reading and mathematics intervention courses or competency-based
231 credit recovery courses. A student's participation in an
232 instructional or remediation program prior to or immediately
233 following entering grade 9 for the first time shall not affect
234 that student's classification as a first-time 9th grader for
235 reporting purposes.

236 (f) ~~(g)~~ Strategies to support teachers' pursuit of the
237 reading endorsement and emphasize reading instruction
238 professional development for content area teachers.

239 (g) ~~(h)~~ Creative and flexible scheduling designed to meet
240 student needs.

241 (h) ~~(i)~~ Procedures for high school students who have not
242 prepared an electronic personal education plan pursuant to s.
243 1003.4156 to prepare such plan.

244 (i)~~(j)~~ Tools for parents to regularly monitor student
245 progress and communicate with teachers.

246 (j)~~(k)~~ Additional course requirements for promotion and
247 graduation which may be determined by each school district in the
248 student progression plan and may include additional academic,
249 fine and performing arts, physical education, or career and
250 technical education courses in order to provide a complete
251 education program pursuant to s. 1001.41(3).

252 Section 9. Paragraph (a) of subsection (2) and subsection
253 (4) of section 1003.428, Florida Statutes, are amended to read:

254 1003.428 General Requirements for high school graduation;
255 revised.--

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

259 (a) Sixteen core curriculum credits:

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

262 2. Four credits in mathematics, one of which must be
263 Algebra I, a series of courses equivalent to Algebra I, or a
264 higher-level mathematics course. School districts are encouraged
265 to set specific goals to increase enrollments in, and successful
266 completion of, geometry and Algebra II.

267 3. Three credits in science, two of which must have a
268 laboratory component.

269 4. Three credits in social studies as follows: one credit
270 in American history; one credit in world history; one-half credit
271 in economics; and one-half credit in American government.

272 5. One credit in fine arts.

273 6. One credit in physical education to include integration
274 of health. Participation in an interscholastic sport at the
275 junior varsity or varsity level for two full seasons shall
276 satisfy the one-credit requirement in physical education if the
277 student passes a competency test on personal fitness with a score
278 of "C" or better. The competency test on personal fitness must be
279 developed by the Department of Education. A district school board
280 may not require that the one credit in physical education be
281 taken during the 9th grade year. Completion of one semester with
282 a grade of "C" or better in a marching band class, in a physical
283 activity class that requires participation in marching band
284 activities as an extracurricular activity, or in a Reserve
285 Officer Training Corps (R.O.T.C.) class a significant component
286 of which is drills shall satisfy a one-half credit requirement in
287 physical education. This one-half credit may not be used to
288 satisfy the personal fitness requirement or the requirement for
289 adaptive physical education under an individual education plan
290 (IEP) or 504 plan.

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

293 (a) Successful completion of the academic credit or
294 curriculum requirements of subsections (1) and (2).

295 (b) Earning passing scores on the FCAT, as defined in s.
296 1008.22(3)(c), or scores on a standardized test that are
297 concordant with passing scores on the FCAT as defined in s.
298 1008.22(9).

299 (c) Completion of all other applicable requirements
300 prescribed by the district school board pursuant to s. 1008.25.

PCS for HB 653

ORIGINAL

2007

301 (d) Achievement of a cumulative grade point average of 2.0
302 on a 4.0 scale, or its equivalent, in the courses required by
303 this section.

304
305 Each district school board shall adopt policies designed to
306 assist students in meeting the requirements of this subsection.
307 These policies may include, but are not limited to: forgiveness
308 policies, summer school or before or after school attendance,
309 special counseling, volunteers or peer tutors, school-sponsored
310 help sessions, homework hotlines, and study skills classes.
311 Forgiveness policies for required courses shall be limited to
312 replacing a grade of "D" or "F," or the equivalent of a grade of
313 "D" or "F," with a grade of "C" or higher, or the equivalent of a
314 grade of "C" or higher, earned subsequently in the same or
315 comparable course. Forgiveness policies for elective courses
316 shall be limited to replacing a grade of "D" or "F," or the
317 equivalent of a grade of "D" or "F," with a grade of "C" or
318 higher, or the equivalent of a grade of "C" or higher, earned
319 subsequently in another course. Any course grade not replaced
320 according to a district school board forgiveness policy shall be
321 included in the calculation of the cumulative grade point average
322 required for graduation.

323 Section 10. This act shall take effect July 1, 2007.