

Bill No. SB 2480

Barcode 561464

581-1943B-05

Proposed Committee Substitute by the Committee on Education

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A bill to be entitled
An act relating to education; amending s.
1001.03, F.S., relating to the powers of the
State Board of Education; requiring the State
Board of Education to periodically review the
Sunshine State Standards; creating s. 1001.215,
F.S.; creating the Just Read, Florida! Office
within the Department of Education; providing
duties of the office; amending s. 1001.42,
F.S., relating to powers and duties of a
district school board; revising the
requirements for school improvement plans;
creating s. 1002.385, F.S.; creating the
Reading Compact Scholarships Program; providing
scholarships to attend a public or private
school to students who have scored at Level 1
on the reading portion of the Florida
Comprehensive Assessment Test for 3 consecutive
years; providing an opportunity for screening
to identify reading disabilities; providing
scholarship eligibility requirements;
specifying scholarship obligations for
participating public and private schools and
parents and students; providing for scholarship
funding and payment; directing the Department
of Education and the Commissioner of Education
to administer the scholarship program; limiting
the liability of the state; providing
rulemaking authority; creating s. 1002.421,
F.S.; prescribing requirements of private
schools participating in state school choice

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1 scholarship programs; requiring compliance with
2 requirements relating to notice, student
3 enrollment and attendance verification, fiscal
4 soundness, academic assessment, and
5 criminal-background checks and to applicable
6 state and local health, safety, and welfare
7 laws, codes, and rules; providing grounds for
8 ineligibility to participate in certain
9 scholarship programs; providing rulemaking
10 authority to the State Board of Education;
11 creating s. 1002.423, F.S.; prescribing
12 obligations of the Department of Education for
13 education scholarship programs; requiring the
14 department to identify certain assessments;
15 requiring the department to select a private
16 research organization to which private schools
17 report student scores; providing reporting
18 requirements; creating s. 1003.035, F.S.;
19 providing for the contingent application of the
20 section upon the adoption of an amendment to
21 the State Constitution; prescribing district
22 average class size limitations for grades
23 prekindergarten through 3, grades 4 through 8,
24 and grades 9 through 12; requiring the
25 Department of Education to annually calculate
26 class size measures based on a specified
27 student-membership survey; amending s. 1003.05,
28 F.S., relating to military families; limiting
29 certain enrollment opportunities; creating s.
30 1003.06, F.S.; limiting the starting date of
31 the school year, providing for exceptions;

1 creating s. 1003.413, F.S.; requiring school
2 districts to adopt certain reading policies in
3 high schools; requiring that certain high
4 schools offer specific support services for
5 students scoring at Level 1 on the FCAT reading
6 test; creating a high school task force;
7 providing membership; providing reporting
8 requirements; amending s. 1003.415, F.S.,
9 relating to the Middle School Grades Reform
10 Act; revising legislative intent; deleting
11 obsolete references; creating s. 1003.4155,
12 F.S.; establishing a grading system for middle
13 schools; creating s. 1003.4156, F.S.;
14 establishing general requirements for promotion
15 from middle school; requiring the successful
16 completion of 12 academic credits in certain
17 courses; requiring an intensive reading course
18 under certain circumstances; defining a middle
19 school academic credit for purposes of the
20 section; requiring district school boards to
21 adopt policies for alternatives to obtain
22 credits; amending s. 1003.42, F.S., relating to
23 required instruction; revising and increasing
24 the requirements for studying U.S. history and
25 free enterprise; providing rulemaking authority
26 to the State Board of Education; repealing s.
27 1003.429, F.S., relating to options for
28 accelerated high school graduation; providing
29 for application; amending ss. 1003.431,
30 1007.261, 1008.22, and 1009.531, F.S., relating
31 to career education certification, state

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1 university admissions, a student assessment
2 program for public schools, and the Florida
3 Bright Futures Scholarship Program; conforming
4 provisions to the repeal of s. 1003.429, F.S.;
5 providing for application; amending s. 1003.52,
6 F.S.; requiring the Department of Education to
7 develop procedures for reporting performance
8 and participation data of students in juvenile
9 justice education programs; amending s.
10 1003.57, F.S.; providing guidelines for
11 determining the residency of a student who
12 receives instruction as an exceptional student
13 with a disability; requiring the student's
14 placing authority or parent to pay the cost of
15 such instruction, facilities, and services;
16 providing responsibilities of the Department of
17 Education; providing responsibilities of
18 residential facilities that educate exceptional
19 students with disabilities; providing
20 applicability; creating s. 1003.575, F.S.;
21 requiring the Department of Education to devise
22 an individual education plan form for use in
23 developing and implementing individual
24 education plans for exceptional students;
25 requiring school districts to use the form;
26 amending s. 1003.58, F.S.; conforming a
27 cross-reference; amending s. 1004.04, F.S.;
28 requiring the Department of Education to review
29 and report on the effectiveness of the
30 graduates of state-approved teacher preparation
31 programs and alternative certification

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1 programs; creating s. 1004.64, F.S.;

2 establishing the Florida Center for Reading

3 Research; specifying duties of the center;

4 amending s. 1008.22, F.S., relating to student

5 assessment; expressing legislative intent;

6 identifying grade levels for state assessment

7 administration; eliminating obsolete

8 references; requiring certain reports; amending

9 s. 1008.25, F.S., relating to public school

10 student progression; eliminating obsolete

11 references; directing the Department of

12 Education to establish a uniform format for

13 reporting student progression information;

14 requiring certain reports; amending s. 1008.31,

15 F.S., relating to education accountability;

16 expressing legislative intent relating to

17 performance measures established by the Board

18 of Governors with respect to the state

19 universities; eliminating certain

20 performance-based funding requirements;

21 providing guiding principles for the

22 accountability system; revising the goals of

23 the accountability system; requiring certain

24 reports; providing rulemaking authority to the

25 State Board of Education; amending s. 1008.33,

26 F.S., relating to the authority to enforce

27 public school improvement; authorizing transfer

28 of certain teachers to low-performing schools;

29 amending s. 1008.34, F.S., relating to the

30 school grading system; requiring that student

31 test scores be calculated in the alternative

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1 school in which the student is enrolled and the
2 school previously attended; requiring the
3 Department of Education to develop a school
4 report card; creating s. 1008.341, F.S.;
5 requiring the grading of alternative schools;
6 requiring that the Commissioner of Education
7 prepare an annual report; specifying the data
8 to be used in determining school grades;
9 requiring that a school report card be
10 delivered to parents; requiring the State Board
11 of Education to adopt rules; amending s.
12 1008.36, F.S., relating to the Florida School
13 Recognition Program; providing for the
14 disposition of school recognition funds;
15 defining eligibility for the receipt of school
16 recognition funds; amending s. 1008.51, F.S.,
17 relating to the Council for Education Policy
18 Research and Improvement; renaming the council;
19 eliminating the board; providing for
20 appointment of an executive director; revising
21 the duties of the office; providing for future
22 legislative review; amending s. 1011.62, F.S.,
23 relating to funds for the operation of schools;
24 creating a research-based reading-instruction
25 allocation for students in kindergarten through
26 grade 12; providing for the use of the funds;
27 providing for fund disbursement; creating s.
28 1011.6855, F.S.; providing for the contingent
29 application of the section upon the adoption of
30 an amendment to the State Constitution;
31 establishing an operating categorical fund;

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1 providing a minimum instructional personnel
2 salary; requiring the use of certain funds for
3 class size reduction; amending s. 1012.21,
4 F.S., relating to the duties of the Department
5 of Education; requiring the department to
6 annually post school district collective
7 bargaining agreements on-line; amending s.
8 1012.22, F.S., relating to public school
9 personnel; requiring school boards to adopt
10 differentiated-pay policies for school
11 administrators and instructional personnel;
12 specifying factors to be included in
13 differentiated-pay policies; providing for the
14 withholding of funds for failure to comply;
15 creating s. 1012.2305, F.S.; expressing
16 legislative intent regarding minimum
17 instructional personnel pay; providing for
18 contingent application of the section upon the
19 adoption of an amendment to the State
20 Constitution; establishing minimum pay for
21 certain instructional personnel; creating s.
22 1012.2315, F.S.; establishing legislative
23 findings; expressing legislative intent;
24 providing criteria for the assignment of
25 teachers to certain schools; authorizing
26 certain salary incentives; limiting certain
27 collective bargaining provisions relating to
28 assignment of teachers at certain schools;
29 amending s. 1012.72, F.S., relating to the Dale
30 Hickam Excellent Teaching Program; requiring
31 that the Department of Education administer the

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1 Dale Hickam Excellent Teaching Program Trust
2 Fund; requiring the department to evaluate the
3 effectiveness of the program; creating s.
4 1012.986, F.S.; establishing a statewide system
5 for the professional development of school
6 leaders; providing a short title; providing
7 program purposes and legislative intent;
8 requiring the Department of Education to
9 annually determine criteria for school
10 leadership designations based on certain
11 factors; requiring certain program components;
12 providing for a program delivery system;
13 providing rulemaking authority to the State
14 Board of Education; repealing s. 1012.987,
15 F.S., relating to education leadership
16 development; repealing s. 1012.231, F.S.,
17 relating to the BEST Florida Teaching Salary
18 career ladder program; repealing s. 1003.03,
19 F.S., relating to statutory class size
20 maximums, contingent upon the adoption of an
21 amendment to the State Constitution; repealing
22 s. 1011.685, F.S., relating to the class size
23 reduction categorical fund, contingent upon the
24 adoption of an amendment to the State
25 Constitution; providing for severability;
26 providing effective dates.

27
28 Be It Enacted by the Legislature of the State of Florida:

29

30 Section 1. Subsection (1) of section 1001.03, Florida
31 Statutes, is amended to read:

1 1001.03 Specific powers of State Board of Education.--

2 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The
3 State Board of Education shall approve the student performance
4 standards known as the Sunshine State Standards in key
5 academic subject areas and grade levels. The board shall
6 periodically review the standards to ensure adequate rigor,
7 logical pupil progression, and articulation from grade to
8 grade, and shall evaluate the extent to which the standards
9 are being taught at each grade level.

10 Section 2. Section 1001.215, Florida Statutes, is
11 created to read:

12 1001.215 Just Read, Florida! Office.--There is created
13 within the Department of Education the Just Read, Florida!
14 Office. The office shall:

15 (1) Train professionally certified teachers to become
16 certified reading coaches.

17 (2) Train K-12 teachers, school principals, and
18 parents on research-based strategies for reading instruction.

19 (3) Provide technical assistance to districts in the
20 development and implementation of, and annually review and
21 approve district plans for use of, the Research-based Reading
22 Instruction Allocation pursuant to s. 1011.62(9).

23 (4) Work with the Florida Center for Reading Research
24 created under s. 1004.64 to provide information on
25 research-based reading programs.

26 (5) Periodically review the Sunshine State Standards
27 for reading at all grade levels.

28 (6) Periodically review the teacher certification
29 examinations to ensure that they reflect proficiency in
30 research-based strategies for reading instruction.

31 (7) Work with teacher preparation programs approved

1 under s. 1004.04 to ensure the integration of research-based
2 strategies for reading instruction into teacher preparation
3 programs.

4 (8) Administer grants and perform other functions
5 necessary to assist with meeting the goal that all students
6 are reading on grade level.

7 Section 3. Subsection (16) of section 1001.42, Florida
8 Statutes, is amended to read:

9 1001.42 Powers and duties of district school
10 board.--The district school board, acting as a board, shall
11 exercise all powers and perform all duties listed below:

12 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
13 ACCOUNTABILITY.--Maintain a system of school improvement and
14 education accountability as provided by statute and State
15 Board of Education rule. This system of school improvement and
16 education accountability shall be consistent with, and
17 implemented through, the district's continuing system of
18 planning and budgeting required by this section and ss.
19 1008.385, 1010.01, and 1011.01. This system of school
20 improvement and education accountability shall include, but is
21 not limited to, the following:

22 (a) School improvement plans.--Annually approve and
23 require implementation of a new, amended, or continuation
24 school improvement plan for each school in the district,
25 except that a district school board may establish a district
26 school improvement plan that includes all schools in the
27 district operating for the purpose of providing educational
28 services to youth in Department of Juvenile Justice programs.
29 Such plan shall be designed to achieve the state education
30 priorities pursuant to s. 1000.03(5) and student performance
31 standards. In addition, any school required to implement a

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1 rigorous reading requirement pursuant to s. 1003.415 must
2 include such component in its school improvement plan. Each
3 plan shall also address issues relative to budget, training,
4 instructional materials, technology, staffing, student support
5 services, specific school safety and discipline strategies,
6 student health and fitness, including physical fitness,
7 parental information on student health and fitness, and indoor
8 environmental air quality, and other matters of resource
9 allocation, as determined by district school board policy, and
10 shall be based on an analysis of student achievement and other
11 school performance data.

12 (b) Improvement plan requirements.--Each district
13 school board's system of school improvement and student
14 progression must be designed to provide frequent and accurate
15 information to the teacher and student regarding each
16 student's progress toward mastering the Sunshine State
17 Standards. The system must demonstrate the alignment of the
18 Sunshine State Standards, instructional strategies,
19 assessment, and professional development. Each school's school
20 improvement plan must identify the strategies for monitoring
21 the progress of each student. The process used by each school
22 to monitor student progression must, at a minimum, contain the
23 following components that are aimed at increasing student
24 achievement:

25 1. Disaggregated student achievement data related to
26 student performance which are used to identify each individual
27 student's strengths and weaknesses and to determine the
28 effectiveness of the teaching and learning strategies that are
29 being used in the classroom;

30 2. The Sunshine State Standards instructional calendar
31 and timeline, using disaggregated student performance data to

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1 focus instruction on the Sunshine State Standards, manage
2 instructional time, and allocate resources;

3 3. Prioritized instructional focus to facilitate
4 explicit and systematic instruction using research-based
5 effective practices in the classroom;

6 4. Mini-assessments of targeted Sunshine State
7 Standards benchmarks to monitor students' progress and
8 generate data to redesign instruction, if needed;

9 5. Alternative in-school, tutorial, remediation, or
10 enrichment strategies for students which are based on each
11 student's individual academic needs as defined by the
12 mini-assessments; and

13 6. Systematic monitoring of each teacher's
14 implementation of the comprehensive program for student
15 progression as described in subparagraphs 1.-5.

16 (c)(b) Approval process.--Develop a process for
17 approval of a school improvement plan presented by an
18 individual school and its advisory council. In the event a
19 district school board does not approve a school improvement
20 plan after exhausting this process, the Department of
21 Education shall be notified of the need for assistance.

22 (d)(c) Assistance and intervention.--

23 1. Develop a 2-year plan of increasing individualized
24 assistance and intervention for each school in danger of not
25 meeting state standards or making adequate progress, as
26 defined pursuant to statute and State Board of Education rule,
27 toward meeting the goals and standards of its approved school
28 improvement plan.

29 2. Provide assistance and intervention to a school
30 that is identified as being in performance grade category "D"
31 pursuant to s. 1008.34 and is in danger of failing.

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1 3. Develop a plan to encourage teachers with
2 demonstrated mastery in improving student performance to
3 remain at or transfer to a school designated as performance
4 grade category "D" or "F" or to an alternative school that
5 serves disruptive or violent youths. If a classroom teacher,
6 as defined by s. 1012.01(2)(a), who meets the definition of
7 teaching mastery developed according to the provisions of this
8 paragraph, requests assignment to a school designated as
9 performance grade category "D" or "F" or to an alternative
10 school that serves disruptive or violent youths, the district
11 school board shall make every practical effort to grant the
12 request.

13 4. Prioritize, to the extent possible, the
14 expenditures of funds received from the supplemental academic
15 instruction categorical fund under s. 1011.62(1)(f) to improve
16 student performance in schools that receive a performance
17 grade category designation of "D" or "F."

18 (e) ~~(d)~~ After 2 years.--Notify the Commissioner of
19 Education and the State Board of Education in the event any
20 school does not make adequate progress toward meeting the
21 goals and standards of a school improvement plan by the end of
22 2 years of failing to make adequate progress and proceed
23 according to guidelines developed pursuant to statute and
24 State Board of Education rule. School districts shall provide
25 intervention and assistance to schools in danger of being
26 designated as performance grade category "F," failing to make
27 adequate progress.

28 (f) ~~(e)~~ Public disclosure.--Provide information
29 regarding performance of students and educational programs as
30 required pursuant to ss. 1008.22 and 1008.385 and implement a
31 system of school reports as required by statute and State

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1 Board of Education rule that shall include schools operating
2 for the purpose of providing educational services to youth in
3 Department of Juvenile Justice programs, and for those
4 schools, report on the elements specified in s. 1003.52(19).
5 Annual public disclosure reports shall be in an easy-to-read
6 report card format and shall include the school's student and
7 school performance grade category designation and performance
8 data as specified in state board rule.

9 ~~(g)(f)~~ School improvement funds.--Provide funds to
10 schools for developing and implementing school improvement
11 plans. Such funds shall include those funds appropriated for
12 the purpose of school improvement pursuant to s. 24.121(5)(c).

13 Section 4. Section 1002.385, Florida Statutes, is
14 created to read:

15 1002.385 The Reading Compact Scholarships
16 Program.--There is established the Reading Compact
17 Scholarships Program, a program designed to offer parents of
18 students who have not attained reading proficiency beyond
19 Level 1 an educational choice to further the students'
20 progress in reading.

21 (1) PURPOSE.--The purpose of the Reading Compact
22 Scholarships Program is to provide to each student who has
23 scored at Level 1 on the reading portion of the FCAT for 3
24 consecutive years the option to attend a public or private
25 school of choice.

26 (2) ELIGIBILITY.--The parent of a public school
27 student may request and receive from the state a Reading
28 Compact Scholarship for the student to enroll in and attend a
29 private school in accordance with this section if:

30 (a) The student has scored at Level 1 on the reading
31 portion of the FCAT for a period of 3 consecutive years.

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1 However, a student shall be recommended for screening and
2 evaluation, with parental consent, to determine the student's
3 eligibility for exceptional student services if the student:

4 1. Has scored at Level 1 on the reading portion of the
5 FCAT for two consecutive years; and

6 2. Has not previously been identified as an
7 exceptional student having a disability that interferes with
8 his or her academic progress in reading.

9 (b) The parent has obtained acceptance for admission
10 of the student to a private school eligible for the program
11 under subsection (8) and has requested from the Department of
12 Education a Reading Compact Scholarship at least 60 days
13 before the date of the first scholarship payment. The parental
14 request must be made through a direct communication to the
15 Department of Education in a manner that creates a written or
16 electronic record of the request and the date of receipt of
17 the request.

18 (3) PROHIBITIONS.--A student is ineligible to receive
19 a Reading Compact Scholarship if the student is:

20 (a) Enrolled in a school operating for the purpose of
21 providing educational services to youth in Department of
22 Juvenile Justice commitment programs.

23 (b) Receiving a scholarship from an eligible nonprofit
24 scholarship-funding organization under s. 220.187.

25 (c) Receiving an educational scholarship under chapter
26 1002.

27 (d) Participating in a home education program as
28 defined in s. 1002.01(1).

29 (e) Participating in a private tutoring program under
30 s. 1002.43.

31 (f) Participating in a virtual school, correspondence

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1 school, or distance learning program that receives state
2 funding pursuant to the student's participation.

3 (g) Not receiving regular and direct contact with his
4 or her private school teachers at the school's physical
5 location.

6 (4) TERM OF SCHOLARSHIP.--

7 (a) For purposes of continuity of educational choice,
8 a Reading Compact Scholarship shall remain in force until the
9 student returns to a public school or graduates from high
10 school.

11 (b) Upon reasonable notice to the Department of
12 Education and the school district, the student's parent may
13 remove the student from the private school and place the
14 student in a public school, as provided in subsection (5).

15 (c) Upon reasonable notice to the Department of
16 Education, the student's parent may move the student from one
17 participating private school to another participating private
18 school.

19 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.--

20 (a)1. A school district shall notify the parent of
21 each eligible student of all options available under this
22 section and shall offer the parent an opportunity to enroll
23 the student in another public school within the district.

24 2. The parent need not accept the offer of enrolling
25 the student in another public school in lieu of requesting a
26 Reading Compact Scholarship to a private school. However, if
27 the parent chooses the public-school option, the student may
28 continue attending a public school chosen by the parent until
29 the student graduates from high school.

30 3. If the parent chooses a public school consistent
31 with the district school board's choice plan under s. 1002.31,

1 the school district shall provide transportation to the public
 2 school selected by the parent. The parent is responsible for
 3 providing transportation to a public school that the parent
 4 has chosen if the choice is not consistent with the district
 5 school board's choice plan under s. 1002.31.

6 (b) If the parent chooses the private-school option
 7 and the student is accepted by the private school, pending the
 8 availability of a space for the student, the parent of the
 9 student must notify the department 60 days before the first
 10 scholarship payment and before entering the private school in
 11 order to be eligible for the scholarship when a space becomes
 12 available for the student in the private school.

13 (c) The parent of a student may choose, as an
 14 alternative, to enroll the student in and transport the
 15 student to a public school in an adjacent school district
 16 which has available space, and that school district shall
 17 accept the student and report the student for purposes of the
 18 district's funding under the Florida Education Finance
 19 Program.

20 (d) For a student in the district who participates in
 21 the Reading Compact Scholarships Program and whose parent
 22 requests that the student take the statewide assessments under
 23 s. 1008.22, the district shall provide locations and times to
 24 take all statewide assessments.

25 (6) DEPARTMENT OF EDUCATION; OBLIGATIONS.--The
 26 Department of Education shall:

27 (a) Establish a toll-free hotline that provides
 28 parents and private schools with information on participation
 29 in the Reading Compact Scholarships Program.

30 (b) Establish a procedure by which individuals may
 31 notify the department of any violation by a parent, private

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1 school, or school district of state laws relating to program
2 participation. The department shall refer or conduct an
3 investigation of any written complaint of a violation of this
4 section if the complaint is signed by the complainant and is
5 legally sufficient. A complaint is legally sufficient if it
6 contains ultimate facts that show that a violation of this
7 section or of any rule adopted by the State Board of Education
8 has occurred. In order to determine legal sufficiency, the
9 Department of Education may require supporting information or
10 documentation from the complainant.

11 (c) Require an annual notarized sworn compliance
12 statement by participating private schools certifying
13 compliance with state laws and shall retain such records.

14 (d) Cross-check the list of participating scholarship
15 students with the public school enrollment lists and other
16 education scholarship program lists before the first
17 scholarship payment to avoid duplication.

18 (7) COMMISSIONER OF EDUCATION; AUTHORITY AND
19 OBLIGATIONS.--

20 (a) The Commissioner of Education shall deny, suspend,
21 or revoke a private school's participation in the scholarship
22 program if it is determined that the private school has failed
23 to comply with this section. However, if the noncompliance is
24 correctable within a reasonable amount of time and if the
25 health, safety, and welfare of the students is not threatened,
26 the commissioner may issue a notice of noncompliance which
27 provides the private school with a timeframe within which to
28 provide evidence of compliance before the commissioner takes
29 action to suspend or revoke the private school's continued
30 participation in the scholarship program.

31 (b) The commissioner's determination is subject to the

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1 following conditions:

2 1. If the commissioner intends to deny, suspend, or
3 revoke a private school's participation in the scholarship
4 program, the department shall notify the private school of
5 such proposed action in writing by certified and regular mail
6 to the private school's address of record with the Department
7 of Education. The notification must include the reasons for
8 the proposed action and notice of the timelines and procedures
9 set forth in this paragraph.

10 2. A private school that is adversely affected by the
11 proposed action has 15 days after its receipt of the notice of
12 proposed action to file with the agency clerk of the
13 Department of Education a request for a proceeding under ss.
14 120.569 and 120.57. If the private school is entitled to a
15 hearing under s. 120.57(1), the department shall forward the
16 request to the Division of Administrative Hearings.

17 3. Upon receipt of a request referred under this
18 subsection, the director of the Division of Administrative
19 Hearings shall expedite the hearing and assign an
20 administrative law judge who shall commence a hearing within
21 30 days after the receipt of the formal written protest by the
22 division and shall enter a recommended order within 30 days
23 after the hearing or within 30 days after receipt of the
24 hearing transcript, whichever is later. Each party has 10 days
25 in which to submit written exceptions to the recommended
26 order. The agency must enter a final order within 30 days
27 after the entry of a recommended order. The provisions of this
28 paragraph may be waived upon stipulation by all parties.

29 (c) The commissioner shall immediately suspend payment
30 if it is determined that there is probable cause to believe
31 that there is:

1 1. An imminent threat to the health, safety, and
2 welfare of the students; or

3 2. Fraudulent activity on the part of the private
4 school.

5
6 The commissioner's order suspending payment under this
7 paragraph is subject to the same procedures and timelines as
8 the notice of proposed action set forth in paragraph (b).

9 (8) PRIVATE SCHOOLS; ELIGIBILITY AND OBLIGATIONS.--To
10 be eligible to participate in the Reading Compact Scholarships
11 Program, a private school may be sectarian or nonsectarian,
12 and must:

13 (a) Comply with all requirements for private schools
14 participating in state school choice programs under s.
15 1002.421.

16 (b) Provide to the department all documentation
17 required for the student's participation, including the
18 private school's and student's fee schedules, at least 30 days
19 before the first quarterly scholarship payment is made for the
20 student.

21 (c) Be academically accountable to the parent for
22 meeting the educational needs of the student by:

23 1. At a minimum, annually providing to the parent a
24 written explanation of the student's progress.

25 2. Cooperating with the scholarship student whose
26 parent chooses to participate in the statewide assessments
27 under s. 1008.32.

28 3. Demonstrating fiscal soundness and accountability.

29
30 The inability of a private school to meet the requirements of
31 this subsection constitutes a basis for the ineligibility of

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1 the private school to participate in the scholarship program
2 as determined by the department.

3 (9) OBLIGATIONS OF PARENTS AND STUDENTS.--A parent who
4 applies for a Reading Compact Scholarship is exercising his or
5 her parental option to place his or her child in a private
6 school.

7 (a) The parent must select the private school and
8 apply for the admission of his or her child.

9 (b) The parent must have requested the scholarship at
10 least 60 days before the date of the first scholarship
11 payment.

12 (c) Any student participating in the Reading Compact
13 Scholarships Program must remain in attendance throughout the
14 school year unless excused by the school for illness or other
15 good cause.

16 (d) The parent of each student participating in the
17 Reading Compact Scholarships Program must comply fully with
18 the private school's requirements for parental involvement
19 unless excused by the school for illness or other good cause.

20 (e) The parent shall ensure that the student
21 participating in the scholarship program takes the
22 norm-referenced assessment offered by the private school or
23 the statewide assessments required under s. 1008.22. The
24 parent may also choose to have the student participate in all
25 statewide assessments under s. 1008.22, and, if the parent
26 chooses such optional participation, he or she is responsible
27 for transporting the student to the assessment site designated
28 by the school district.

29 (f) Upon receipt of a scholarship warrant, the parent
30 to whom the warrant is made must restrictively endorse the
31 warrant to the private school for deposit into the account of

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1 the private school. The parent may not designate any entity or
2 individual associated with the participating private school as
3 the parent's attorney in fact to sign a scholarship warrant. A
4 participant who fails to comply with this paragraph forfeits
5 the scholarship.

6 (10) FUNDING AND PAYMENT.--

7 (a) The maximum amount of a Reading Compact
8 Scholarship granted to an eligible student shall be a
9 calculated amount equivalent to the base student allocation in
10 the Florida Education Finance Program multiplied by the
11 appropriate cost factor for the educational program that would
12 have been provided for the student in the district school to
13 which he or she was assigned, multiplied by the district cost
14 differential. In addition, the calculated amount shall include
15 the per-student share of instructional materials funds,
16 technology funds, and other categorical funds as provided for
17 this purpose in the General Appropriations Act.

18 (b) The amount of the Reading Compact Scholarship
19 shall be the calculated amount or the amount of the private
20 school's tuition and fees, whichever is less. Eligible fees
21 include textbook fees, lab fees, and other fees related to
22 instruction, including transportation fees.

23 (c) The school district shall report all students who
24 are attending a private school under this program. Students
25 who attend private schools on Reading Compact Scholarships
26 shall be reported separately from those students reported for
27 purposes of the Florida Education Finance Program.

28 (d) A public or private school that provides services
29 to students with disabilities shall receive the weighted
30 funding for such services at the appropriate funding level
31 consistent with s. 1011.62(1)(e).

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1 (e) For purposes of calculating the amount of a
2 Reading Compact Scholarship, a student is eligible for the
3 amount of the appropriate basic cost factor if:

4 1. The student currently participates in a Group I
5 program funded at the basic cost factor and is not
6 subsequently identified as having a disability; or

7 2. The student currently participates in a Group II
8 program, and the parent has chosen a private school that does
9 not provide the additional services funded by the Group II
10 program.

11 (f) Following notification on July 1, September 1,
12 December 1, or February 1 of the number of program
13 participants, the Department of Education shall transfer, from
14 general revenue funds only, the calculated amount from the
15 Florida Education Finance Program and authorized categorical
16 accounts to a separate account for the Reading Compact
17 Scholarships Program for quarterly disbursement to the parents
18 of participating students. When a student enters the
19 scholarship program, the Department of Education must receive
20 all documentation required for the student's participation,
21 including the private school's and student's fee schedules, at
22 least 30 days before the first quarterly scholarship payment
23 is made for the student.

24 (g) The Chief Financial Officer shall make Reading
25 Compact Scholarship payments in four equal amounts no later
26 than September 1, November 1, February 1, and April 1 of each
27 academic year in which the Reading Compact Scholarship is in
28 force. The initial payment shall be made after the Department
29 of Education's verification of admission acceptance, and
30 subsequent payments shall be made upon verification of
31 continued enrollment and attendance at the private school.

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1 Payment must be by individual warrant made payable to the
2 student's parent and mailed by the Department of Education to
3 the private school of the parent's choice, and the parent
4 shall restrictively endorse the warrant to the private school.

5 (h) Subsequent to each scholarship payment, the
6 Department of Financial Services shall randomly review
7 endorsed warrants to confirm compliance with endorsement
8 requirements. The Department of Financial Services shall
9 immediately report inconsistencies or irregularities to the
10 Department of Education.

11 (11) LIABILITY.--Liability on the part of the state
12 may not arise on the basis of the award or use of a Reading
13 Compact Scholarship.

14 (12) RULES.--The State Board of Education shall adopt
15 rules under ss. 120.536(1) and 120.54 to administer this
16 section. The rules must include penalties for noncompliance
17 with subsection (8) or subsection (9). However, the inclusion
18 of eligible private schools in the options available to public
19 school students in this state does not expand the regulatory
20 authority of the state, its officers, or any school district
21 to impose any additional regulations upon private schools
22 beyond those that are reasonably necessary to enforce
23 requirements expressly set forth in this section.

24 Section 5. Section 1002.421, Florida Statutes, is
25 created to read:

26 1002.421 Rights and obligations of private schools
27 participating in state school choice scholarship
28 programs.--The requirements imposed under this section on
29 private schools that participate in state school choice
30 scholarship programs are in addition to the requirements for
31 private schools which are outlined in s. 1002.42, specific

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1 requirements under laws relating to various scholarship
2 programs, and other laws of this state which apply to private
3 schools.

4 (1) A private school in this state which participates
5 in the Corporate Tax Credit Scholarship Program, as defined in
6 s. 220.187, or in an educational scholarship program
7 established under chapter 1002 must comply with all
8 requirements of this section.

9 (2) A private school participating in a scholarship
10 program in this state:

11 (a) Must be a Florida private school as defined in s.
12 1002.01(b).

13 (b) Must comply with all state laws pertaining to
14 private schools.

15 (c) Must be a registered Florida private school in
16 accordance with s. 1002.42.

17 (d) Must maintain a physical location in this state
18 where each scholarship student regularly attends classes.

19 (e) May not be a correspondence school or distance
20 learning school.

21 (f) May not direct or provide scholarship funds to a
22 parent of a scholarship student who receives instruction under
23 the program at home.

24 (g) May not be a home education program as defined in
25 s. 1002.01(1).

26 (h) May not be a private tutoring program as described
27 in s. 1002.43.

28 (i) Must comply with the anti-discrimination
29 provisions of 42 U.S.C. s. 2000d.

30 (j) Must notify the department of its intent to
31 participate in a scholarship program.

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1 (k) Must notify the department of any change in the
2 school's name, school director, mailing address, or physical
3 location within 15 days after the change occurs.

4 (l) Must complete student-enrollment and
5 attendance-verification requirements, including an on-line
6 attendance-verification form, before a scholarship payment is
7 made.

8 (m) Must annually complete and submit to the
9 department a notarized scholarship compliance statement
10 certifying compliance with state laws relating to the
11 participation of private schools in the scholarship program.

12 (n) Must demonstrate fiscal soundness and
13 accountability by:

14 1. Having been in operation for at least 3 school
15 years or obtaining a surety bond or letter of credit for the
16 amount equal to the scholarship funds for any quarter and
17 filing the surety bond or letter of credit with the
18 department.

19 2. Requiring the parent of each scholarship student to
20 personally restrictively endorse the scholarship warrant to
21 the school. The school may not act as the attorney in fact for
22 parents of a scholarship student under the authority of a
23 power of attorney executed by the parents, or under any other
24 authority, to endorse scholarship warrants on behalf of
25 parents.

26 (o) Must meet applicable state and local laws, codes,
27 and rules relating to health, safety, and welfare, including
28 those relating to firesafety and building safety.

29 (p) Must employ or contract with teachers who hold
30 baccalaureate or higher degrees, have at least 3 years of
31 teaching experience in public or private schools, or have at

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1 least a high school diploma and special skills, knowledge, or
2 expertise that qualifies them to provide instruction in the
3 subjects that are being taught.

4 (q) Annually administer or make provisions for
5 scholarship students to take one of the nationally
6 norm-referenced tests identified by the State Board of
7 Education under s. 1002.423. Students with disabilities for
8 whom standardized testing is not appropriate are exempt from
9 this requirement. However, a private school must require each
10 student with a disability, for whom standardized testing is
11 not appropriate, to participate at least annually in a student
12 assessment which, as determined by the private school in
13 consultation with the student's parent, will demonstrate the
14 student's skill level to the student's parent. A private
15 school must report a student's scores to the parent and to the
16 independent private research organization selected by the
17 Department of Education under s. 1002.423.

18 (r) Must ensure that each individual who has
19 unsupervised access to a scholarship student for whom the
20 private school is responsible, prior to employment, engagement
21 of services, or appointment, undergo background screening
22 under s. 435.04 by filing with the Department of Education a
23 complete set of fingerprints taken by an authorized law
24 enforcement agency or an employee of the private school who is
25 trained to take fingerprints. However, the complete set of
26 fingerprints for an owner of an eligible private school must
27 be taken by an authorized law enforcement agency. These
28 fingerprints must be submitted to the Department of Law
29 Enforcement for state processing, which shall in turn submit
30 the fingerprints to the Federal Bureau of Investigation for
31 federal processing. The Department of Education shall screen

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1 the background results and report to the private school any
2 person described in this paragraph who fails to meet level 2
3 screening standards under s. 435.04. Any individual described
4 in this paragraph who fails the level 2 background screening
5 under s. 435.04 may not have unsupervised access to a
6 scholarship student. For purposes of this paragraph:

7 1. The cost of the fingerprinting and the background
8 check shall not be borne by the state.

9 2. A private school that allows an individual to have
10 unsupervised access to a scholarship student who failed the
11 level 2 background screening under s. 435.04 is ineligible to
12 participate in the scholarship program.

13 3. An individual holding a valid teaching certificate
14 in this state who has been fingerprinted pursuant to s.
15 1012.32 need not comply with this paragraph.

16 (3) The inability of a private school to meet the
17 requirements of this section constitutes a basis for the
18 ineligibility of the private school to participate in a
19 scholarship program as determined by the department.

20 (4) (a) The State Board of Education shall adopt rules
21 under ss. 120.536(1) and 120.54 to administer this section.

22 (b) The inclusion of eligible private schools in the
23 options available to public school students in this state does
24 not expand the regulatory authority of the state, its
25 officers, or any school district to impose any additional
26 regulations upon private schools beyond those reasonably
27 necessary to enforce requirements expressly set forth in this
28 section.

29 Section 6. Section 1002.423, Florida Statutes, is
30 created to read:

31 1002.423 Department of Education; obligations for

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1 state school choice scholarship programs.--The requirements
2 imposed under this section apply to all state choice
3 scholarship programs, including the Corporate Tax Credit
4 Scholarship Program, as defined in s. 220.187, or an
5 educational scholarship program established under this
6 chapter.

7 (a) The Department of Education must identify all
8 nationally norm-referenced tests that are comparable to the
9 norm-referenced test portions of the Florida Comprehensive
10 Assessment Test (FCAT).

11 (b) The Department of Education must select an
12 independent private research organization to which each
13 participating private school must report the scores of
14 participating students on the nationally norm-referenced tests
15 administered by the private school. The independent private
16 research organization must annually report to the Department
17 of Education on the year-to-year improvements of the
18 participating students. The independent private research
19 organization must analyze and report student performance data
20 in a manner that protects the rights of students and parents
21 as mandated in the Family Educational Rights and Privacy Act
22 requirements of 20 U.S.C. s. 1232g and must not disaggregate
23 data to a level that will disclose the academic level of
24 students. To the maximum extent possible, the independent
25 private research organization must accumulate historical
26 performance data for students from the Department of Education
27 and private schools to describe baseline performance and to
28 conduct longitudinal studies. To minimize costs and reduce the
29 time required for third-party analysis and evaluation, the
30 Department of Education shall conduct analyses of matched
31 students from public school assessment data and calculate

1 control group learning gains using an agreed-upon methodology
 2 outlined in the contract with the third-party evaluator. The
 3 sharing of student data must be in accordance with the Family
 4 Educational Rights and Privacy Act requirements of 20 U.S.C.
 5 s. 1232g and must be for the sole purpose of conducting the
 6 evaluation. All parties must preserve the confidentiality of
 7 such information as otherwise required under state and federal
 8 law.

9 Section 7. Section 1003.035, Florida Statutes, is
 10 created to read:

11 1003.035 Class size requirements.--

12 (1) Effective upon the passage of an amendment to s.
 13 1, Art. IX of the State Constitution to create district
 14 average maximum class sizes, beginning in the 2007-2008 school
 15 year:

16 (a) The district average number of students assigned
 17 to each teacher who is teaching core-curricula courses in
 18 public school classrooms for prekindergarten through grade 3
 19 may not exceed 18 students.

20 (b) The district average number of students assigned
 21 to each teacher who is teaching core-curricula courses in
 22 public school classrooms for grades 4 through 8 may not exceed
 23 22 students.

24 (c) The district average number of students assigned
 25 to each teacher who is teaching core-curricula courses in
 26 public school classrooms for grades 9 through 12 may not
 27 exceed 25 students.

28 (2) The Department of Education shall annually
 29 calculate each of the three average class size measures based
 30 upon the October student membership survey.

31 Section 8. Subsection (3) of section 1003.05, Florida

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1 Statutes, is amended to read:

2 1003.05 Assistance to transitioning students from
3 military families.--

4 (3) Dependent children of active duty military
5 personnel who otherwise meet the eligibility criteria for
6 special academic programs offered through public schools shall
7 be given first preference for admission to such programs even
8 if the program is being offered through a public school other
9 than the school to which the student would generally be
10 assigned ~~and the school at which the program is being offered~~
11 ~~has reached its maximum enrollment~~. If such a program is
12 offered through a public school other than the school to which
13 the student would generally be assigned, the parent ~~or~~
14 ~~guardian~~ of the student must assume responsibility for
15 transporting the student to that school. For purposes of this
16 subsection, special academic programs include ~~charter schools,~~
17 magnet schools, advanced studies programs, advanced placement,
18 dual enrollment, and International Baccalaureate.

19 Section 9. Section 1003.06, Florida Statutes, is
20 created to read:

21 1003.06 Public school calendar.--District school
22 boards may set the calendar for the school year. However,
23 except for schools on a year-round schedule, a school calendar
24 for students may not begin before August 1.

25 Section 10. Section 1003.413, Florida Statutes, is
26 created to read:

27 1003.413 High school reform.--

28 (1) This section may be cited as the "High School
29 Reform Act."

30 (2) Beginning with the 2005-2006 school year, each
31 school district shall establish policies to assist high school

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1 students to remain in school, graduate on time, and be
2 prepared for postsecondary education and the workforce. The
3 policies must address:

4 (a) Intensive reading remediation for students in
5 grades 9 through 12 scoring below Level 3 on FCAT Reading.

6 (b) Credit recovery options and course scheduling
7 designed to allow high school students to earn credit for
8 failed courses so that they are able to graduate on time.

9 (c) Immediate and frequent notification to parents of
10 students who are in danger of not graduating from high school.

11 (d) Placement in alternative programs, such as
12 programs that emphasize applied integrated curricula, small
13 learning communities, support services, increased discipline,
14 or other strategies documented to improve student achievement.

15 (e) Summer reading institutes for rising ninth graders
16 scoring below Level 3 on FCAT Reading.

17
18 A student's participation in an instructional or remediation
19 program prior to or immediately following entering grade 9 for
20 the first time shall not affect that student's classification
21 as a first-time ninth grader for reporting purposes, including
22 calculation of graduation and dropout rates.

23 Section 11. High School Reform Task Force.--

24 (1) There is created the High School Reform Task
25 Force. The task force shall work in conjunction with the
26 Southern Regional Education Board and shall be
27 administratively supported by the office of the Chancellor for
28 K-12 Public Schools in the Department of Education and the
29 Just Read, Florida! Office. Appointments to the task force
30 shall be coordinated to ensure that the membership reflects
31 the geographic and cultural diversity of Florida's school age

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1 population. The task force shall be abolished upon submission
2 of its report.

3 (2) (a) The Governor shall appoint members of the task
4 force from the following categories and shall appoint the
5 chair of the task force from its membership.

6 1. Two district school superintendents, one who is
7 from a large urban school district and one who is from a
8 small, rural school district.

9 2. One school board member who is from a medium size
10 school district.

11 3. Three public school principals, one from a large
12 high performing high school, one from a vocational technical
13 high school, and one from a lower performing high school.

14 4. Three public high school teachers, one who is an
15 experienced reading teacher, one who is from a school graded
16 "F," and one who is from a high performing school.

17 5. Three parents of public school students who
18 represent the demographic, racial, and ethnic diversity of the
19 state.

20 6. Three public high school students who represent the
21 demographic, racial and ethnic diversity of the state.

22 7. One representative of the business community.

23 8. One administrator from a charter high school
24 servicing students who are at risk of dropping out of school.

25 9. One expert on the subject of high school reform who
26 does not otherwise fall inside one of the enumerated
27 categories.

28 (b) The President of the Senate shall appoint one
29 member of the Senate to serve on the task force and the
30 Speaker of the House of Representatives shall appoint one
31 member of the House of Representatives to serve on the task

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1 force.

2 (3) Not later than January 1, 2006, the task force
3 shall vote on the final report incorporating recommendations
4 and a long-term plan for high school reform.

5 (4) Not later than February 1, 2006, the task force
6 shall recommend to the Governor, the President of the Senate,
7 and the Speaker of the House of Representatives a long-term
8 plan for revisions to statutes, rules, and policies that will
9 improve Florida's grade 9 retention rate, graduation rate,
10 dropout rate, and college remediation rate, and align high
11 school requirements with the needs of Florida's employers and
12 postsecondary educational institution requirements. The plan
13 must address, but is not limited to addressing: graduation
14 requirements; course redesign; remediation strategies; credit
15 recovery; use of alternative programs including programs
16 emphasizing applied integrated curricula, small learning
17 communities, support services, or increased discipline; the
18 use of technology; adjustments to the school grading system to
19 reflect learning gains by high school students; middle school
20 systemic alignment; transition from middle school to high
21 school; alignment with postsecondary and workforce education
22 requirements; and alignment with employer expectations.

23 Section 12. Subsection (6) of section 1003.415,
24 Florida Statutes, is repealed, and subsection (2), paragraph
25 (a) of subsection (5), and paragraph (a) of present subsection
26 (7) of that section are amended, to read:

27 1003.415 The Middle Grades Reform Act.--

28 (2) PURPOSE AND INTENT.--

29 (a) The purpose of this section is to provide added
30 focus and rigor to academics in the middle grades. Using
31 reading as the foundation, all middle grade students should

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1 receive rigorous academic instruction through challenging
2 curricula delivered by highly qualified teachers in schools
3 with outstanding leadership, which schools are supported by
4 engaged and informed parents.

5 (b) It is the intent of the Legislature that students
6 promoted from the eighth grade will be ready for success in
7 high school and that the mission of the middle grades is to
8 prepare students for the successful completion of rigorous
9 courses in high school.

10 (5) RIGOROUS READING REQUIREMENT.--

11 (a) ~~Beginning with the 2004-2005 school year,~~ Each
12 public school serving middle grade students, including charter
13 schools, with fewer than 75 percent of its students reading at
14 or above grade level in grade 6, grade 7, or grade 8 as
15 measured by a student scoring at Level 3 or above on the FCAT
16 during the prior school year, must incorporate by October 1 a
17 rigorous reading requirement for reading and language arts
18 programs as the primary component of its school improvement
19 plan. The department shall annually provide to each district
20 school board by June 30 a list of its schools that are
21 required to incorporate a rigorous reading requirement as the
22 primary component of the school's improvement plan. The
23 department shall provide technical assistance to school
24 districts and school administrators required to implement the
25 rigorous reading requirement.

26 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC~~
27 ~~PERFORMANCE OF STUDENTS AND SCHOOLS.--~~

28 ~~(a) The department shall conduct a study on how the~~
29 ~~overall academic performance of middle grade students and~~
30 ~~schools can be improved. The department must consult with the~~
31 ~~Florida Center for Reading Research at Florida State~~

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1 ~~University, the Just Read, Florida! Office, and key education~~
2 ~~stakeholders, including district school board members,~~
3 ~~district school superintendents, principals, parents,~~
4 ~~teachers, district supervisors of curriculum, and students~~
5 ~~across the state, in the development of its findings and~~
6 ~~recommendations. The department shall review, at a minimum,~~
7 ~~each of the following elements:~~

- 8 1. ~~Academic expectations, which include, but are not~~
9 ~~limited to:~~
- 10 a. ~~Alignment of middle school expectations with~~
11 ~~elementary and high school graduation requirements.~~
- 12 b. ~~Best practices to improve reading and language arts~~
13 ~~courses based on research-based programs for middle school~~
14 ~~students in alignment with the Sunshine State Standards.~~
- 15 c. ~~Strategies that focus on improving academic success~~
16 ~~for low-performing students.~~
- 17 d. ~~Rigor of curricula and courses.~~
- 18 e. ~~Instructional materials.~~
- 19 f. ~~Course enrollment by middle school students.~~
- 20 g. ~~Student support services.~~
- 21 h. ~~Measurement and reporting of student achievement.~~
- 22 2. ~~Attendance policies and student mobility issues.~~
- 23 3. ~~Teacher quality, which includes, but is not limited~~
24 ~~to:~~
- 25 a. ~~Preparedness of teachers to teach rigorous courses~~
26 ~~to middle school students.~~
- 27 b. ~~Teacher evaluations.~~
- 28 c. ~~Substitute teachers.~~
- 29 d. ~~Certification and recertification requirements.~~
- 30 e. ~~Staff development requirements.~~
- 31 f. ~~Availability of effective staff development~~

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1 ~~training.~~

2 ~~g. Teacher recruitment and vacancy issues.~~

3 ~~h. Federal requirements for highly qualified teachers~~
4 ~~pursuant to the No Child Left Behind Act of 2001.~~

5 ~~4. Identification and availability of diagnostic~~
6 ~~testing.~~

7 ~~5. Availability of personnel and scheduling issues.~~

8 ~~6. Middle school leadership and performance.~~

9 ~~7. Parental and community involvement.~~

10 ~~(b) By December 1, 2004, the Commissioner of Education~~
11 ~~shall submit to the President of the Senate, the Speaker of~~
12 ~~the House of Representatives, the chairs of the education~~
13 ~~committees in the Senate and the House of Representatives, and~~
14 ~~the State Board of Education recommendations to increase the~~
15 ~~academic performance of middle grade students and schools.~~

16 ~~(6) (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--~~

17 ~~(a) Beginning with the 2004-2005 school year, Each~~
18 ~~principal of a school with a middle grade shall designate~~
19 ~~certified staff members at the school to develop and~~
20 ~~administer a personalized middle school success plan for each~~
21 ~~entering sixth grade student who scored below Level 3 in~~
22 ~~reading on the most recently administered FCAT. The purpose of~~
23 ~~the success plan is to assist the student in meeting state and~~
24 ~~school district expectations in academic proficiency and to~~
25 ~~prepare the student for a rigorous high school curriculum. The~~
26 ~~success plan shall be developed in collaboration with the~~
27 ~~student and his or her parent and must be implemented until~~
28 ~~the student completes the eighth grade or achieves a score at~~
29 ~~Level 3 or above in reading on the FCAT, whichever occurs~~
30 ~~first. The success plan must minimize paperwork and may be~~
31 ~~incorporated into a parent/teacher conference, included as~~

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1 part of a progress report or report card, included as part of
2 a general orientation at the beginning of the school year, or
3 provided by electronic mail or other written correspondence.

4 Section 13. Section 1003.4155, Florida Statutes, is
5 created to read:

6 1003.4155 Middle school grading system.--The grading
7 system and interpretation of letter grades used in grades 6
8 through 8 shall be as follows:

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

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

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

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

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

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

26 Section 14. Section 1003.4156, Florida Statutes, is
27 created to read:

28 1003.4156 General requirements for middle school
29 promotion.--

30 (1) Beginning with students entering grade 6 in the
31 2005-2006 school year, promotion from a middle school, grades

1 6 through 8, requires the successful completion of 12 academic
2 credits, including:

3 (a) Three middle school or higher credits in
4 English/language arts.

5 (b) Three middle school or higher credits in
6 mathematics.

7 (c) Three middle school or higher credits in social
8 studies.

9 (d) Three middle school or higher credits in science.

10

11 Other courses offered in middle school, including music, band,
12 physical education, and art, shall be considered electives.

13 (2) In addition to the credits required under
14 subsection (1), for each year a student scores at Level 1 or 2
15 on the reading portion of the FCAT, the student must be
16 enrolled the following year in a full-year intensive reading
17 course for which the student may earn up to three credits. The
18 intensive reading course must be based on frameworks developed
19 by the Florida Center for Reading Research, or a comparable
20 course as identified by the Department of Education, which
21 includes an emphasis on integration of core curriculum
22 standards and incorporation of informational and expository
23 text.

24 (3) In addition to the credits required under
25 subsection (1), for each year a student scores at Level 3 on
26 the reading portion of the FCAT, the student must be enrolled
27 the following year in a one-semester intensive reading course.
28 The reading course must be based on frameworks developed by
29 the Florida Center for Reading Research, or a comparable
30 course as identified by the Department of Education, which
31 includes an emphasis on integration of core curriculum

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1 standards and incorporation of informational and expository
2 text.

3 (4) One full credit must entail completing a minimum
4 of 135 hours of instruction in a designated course of study
5 which contains standards for student performance. For schools
6 authorized by the district school board to implement block
7 scheduling, one full credit must entail completing a minimum
8 of 120 hours of instruction in a designated course of study
9 which contains standards for student performance.

10 (5) District school boards shall establish policies to
11 allow alternative methods for students to earn the credits
12 required by this section. The alternative methods must
13 include, but are not limited to, opportunities for students
14 to:

15 (a) Recover credits;

16 (b) Be promoted on time to high school; and

17 (c) Be placed in programs that emphasize applied
18 integrated curricula, small learning communities, support
19 services, increased discipline, or other strategies documented
20 to improve student achievement.

21
22 The district's policy, or amendments to the policy, shall be
23 submitted to the State Board of Education for approval. If the
24 State Board of Education does not take action within 60 days
25 following receipt of the proposed policy, the policy shall
26 stand approved.

27 (6) The State Board of Education shall adopt rules
28 under ss. 120.536(1) and 120.54 to provide for alternative
29 middle school graduation standards for students in grade 6,
30 grade 7, or grade 8 who are not enrolled in a school that has
31 a grade 6 through grade 8 middle school configuration.

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1 Section 15. Section 1003.42, Florida Statutes, is
2 amended to read:

3 1003.42 Required instruction.--

4 (1) Each district school board shall provide all
5 courses required for high school graduation and appropriate
6 instruction designed to ensure that students meet State Board
7 of Education adopted standards in the following subject areas:
8 reading and other language arts, mathematics, science, social
9 studies, foreign languages, health and physical education, and
10 the arts.

11 (2) Members of the instructional staff of the public
12 schools, subject to the rules of the State Board of Education
13 and the district school board, shall teach efficiently and
14 faithfully, using the books and materials required that meet
15 the highest standards for professionalism and historic
16 accuracy, following the prescribed courses of study, and
17 employing approved methods of instruction, the following:

18 (a) The history and content of the Declaration of
19 Independence, including national sovereignty, natural law,
20 self-evident truth, equality of all persons, limited
21 government, popular sovereignty, and inalienable rights of
22 life, liberty, and property, and how they form it forms the
23 philosophical foundation of our government.

24 (b) The history, meaning, significance, and effect of
25 the provisions of the Constitution of the United States and
26 amendments thereto, with emphasis on each of the 10 amendments
27 that make up the Bill of Rights and how the constitution
28 provides the structure of our government.

29 (c) ~~(b)~~ The arguments in support of adopting our
30 republican form of government, as they are embodied in the
31 most important of the Federalist Papers.

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1 ~~(c) The essentials of the United States Constitution~~
2 ~~and how it provides the structure of our government.~~

3 (d) Flag education, including proper flag display and
4 flag salute.

5 (e) The elements of civil government, including the
6 primary functions of and interrelationships between the
7 Federal Government, the state, and its counties,
8 municipalities, school districts, and special districts.

9 (f) The history of the United States, including the
10 period of discovery, early colonies, the War for Independence,
11 the Civil War, the expansion of the United States to its
12 present boundaries, the world wars, and the civil rights
13 movement to the present. American history shall be viewed as
14 factual, not as constructed, shall be viewed as knowable,
15 teachable, and testable, and shall be defined as the creation
16 of a new nation based largely on the universal principles
17 stated in the Declaration of Independence.

18 (g)~~(f)~~ The history of the Holocaust (1933-1945), the
19 systematic, planned annihilation of European Jews and other
20 groups by Nazi Germany, a watershed event in the history of
21 humanity, to be taught in a manner that leads to an
22 investigation of human behavior, an understanding of the
23 ramifications of prejudice, racism, and stereotyping, and an
24 examination of what it means to be a responsible and
25 respectful person, for the purposes of encouraging tolerance
26 of diversity in a pluralistic society and for nurturing and
27 protecting democratic values and institutions.

28 (h)~~(g)~~ The history of African Americans, including the
29 history of African peoples before the political conflicts that
30 led to the development of slavery, the passage to America, the
31 enslavement experience, abolition, and the contributions of

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1 African Americans to society.

2 ~~(i)(h)~~ The elementary principles of agriculture.

3 ~~(j)(i)~~ The true effects of all alcoholic and
4 intoxicating liquors and beverages and narcotics upon the
5 human body and mind.

6 ~~(k)(j)~~ Kindness to animals.

7 ~~(l)(k)~~ The history of the state.

8 ~~(m)(l)~~ The conservation of natural resources.

9 ~~(n)(m)~~ Comprehensive health education that addresses
10 concepts of community health; consumer health; environmental
11 health; family life, including an awareness of the benefits of
12 sexual abstinence as the expected standard and the
13 consequences of teenage pregnancy; mental and emotional
14 health; injury prevention and safety; nutrition; personal
15 health; prevention and control of disease; and substance use
16 and abuse.

17 ~~(o)(n)~~ Such additional materials, subjects, courses,
18 or fields in such grades as are prescribed by law or by rules
19 of the State Board of Education and the district school board
20 in fulfilling the requirements of law.

21 ~~(p)(o)~~ The study of Hispanic contributions to the
22 United States.

23 ~~(q)(p)~~ The study of women's contributions to the
24 United States.

25 (r) The nature and importance of free enterprise to
26 the United States economy.

27 ~~(s)(q)~~ A character-development program in the
28 elementary schools, similar to Character First or Character
29 Counts, which is secular in nature ~~and stresses such character~~
30 ~~qualities as attentiveness, patience, and initiative.~~

31 Beginning in school year 2004-2005, the character-development

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1 program shall be required in kindergarten through grade 12.
2 Each district school board shall develop or adopt a curriculum
3 for the character-development program that shall be submitted
4 to the department for approval. The character-development
5 curriculum shall stress the qualities of patriotism;;
6 responsibility;; citizenship;; kindness;; respect for
7 authority, life, liberty, and personal property;; honesty;
8 charity;; self-control;; racial, ethnic, and religious
9 tolerance;; and cooperation.

10 (t)~~(r)~~ In order to encourage patriotism, the
11 sacrifices that veterans have made in serving our country and
12 protecting democratic values worldwide. Such instruction must
13 occur on or before Veterans' Day and Memorial Day. Members of
14 the instructional staff are encouraged to use the assistance
15 of local veterans when practicable.

16
17 The State Board of Education is encouraged to adopt standards
18 and pursue assessment of the requirements of this subsection.

19 (3) Any student whose parent makes written request to
20 the school principal shall be exempted from the teaching of
21 reproductive health or any disease, including HIV/AIDS, its
22 symptoms, development, and treatment. A student so exempted
23 may not be penalized by reason of that exemption. Course
24 descriptions for comprehensive health education shall not
25 interfere with the local determination of appropriate
26 curriculum which reflects local values and concerns.

27 Section 16. Effective for all students entering the
28 ninth grade in the 2005-2006 school year and thereafter, and
29 effective for all students beginning in the 2008-2009 school
30 year, section 1003.429, Florida Statutes, is repealed.

31 Section 17. Effective for all students entering the

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1 ninth grade in the 2005-2006 school year and thereafter, and
2 effective for all students beginning in the 2008-2009 school
3 year, paragraph (a) of subsection (1) of section 1003.431,
4 Florida Statutes, is amended to read:

5 1003.431 Career education certification.--

6 (1) A student who fulfills the following requirements
7 shall be recognized with a career education certification on
8 his or her high school diploma:

9 (a) Completion of the requirements for high school
10 graduation as provided in ~~s. 1003.429~~ or s. 1003.43 and the
11 additional requirements for a comprehensive career education
12 program of study as provided in subsection (2).

13 Section 18. Effective for all students entering the
14 ninth grade in the 2005-2006 school year and thereafter, and
15 effective for all students beginning in the 2008-2009 school
16 year, paragraph (a) of subsection (1) of section 1007.261,
17 Florida Statutes, is amended to read:

18 1007.261 State universities; admissions of
19 students.--Each university board of trustees is authorized to
20 adopt rules governing the admission of students, subject to
21 this section and rules of the State Board of Education.

22 (1) Minimum academic standards for undergraduate
23 admission to a university include:

24 (a) Each student must have received a high school
25 diploma pursuant to ~~s. 1003.429~~ or s. 1003.43, or its
26 equivalent, except as provided in s. 1007.271(2)-(5) or
27 completed a home education program according to s. 1002.41.

28 Section 19. Effective for all students entering the
29 ninth grade in the 2005-2006 school year and thereafter, and
30 effective for all students beginning in the 2008-2009 school
31 year, paragraph (a) of subsection (9) of section 1008.22,

1 Florida Statutes, is amended to read:

2 1008.22 Student assessment program for public
3 schools.--

4 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

5 (a) The Commissioner of Education shall approve the
6 use of the SAT and ACT tests as alternative assessments to the
7 grade 10 FCAT for the 2003-2004 school year. Students who
8 attain scores on the SAT or ACT which equate to the passing
9 scores on the grade 10 FCAT for purposes of high school
10 graduation shall satisfy the assessment requirement for a
11 standard high school diploma as provided in ~~s. 1003.429(6)(a)~~
12 ~~or~~ s. 1003.43(5)(a) for the 2003-2004 school year if the
13 students meet the requirement in paragraph (b).

14 Section 20. Effective for all students entering the
15 ninth grade in the 2005-2006 school year and thereafter, and
16 effective for all students beginning in the 2008-2009 school
17 year, paragraph (b) of subsection (1) of section 1009.531,

18 Florida Statutes, is amended to read:

19 1009.531 Florida Bright Futures Scholarship Program;
20 student eligibility requirements for initial awards.--

21 (1) To be eligible for an initial award from any of
22 the three types of scholarships under the Florida Bright
23 Futures Scholarship Program, a student must:

24 (b) Earn a standard Florida high school diploma or its
25 equivalent as described in ~~s. 1003.429~~, s. 1003.437 or s.
26 1003.435 unless:

27 1. The student is enrolled full time in the early
28 admission program of an eligible postsecondary education
29 institution or completes a home education program according to
30 s. 1002.41; or

31 2. The student earns a high school diploma from a

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1 non-Florida school while living with a parent or guardian who
2 is on military or public service assignment away from Florida.

3 Section 21. Subsection (15) of section 1003.52,
4 Florida Statutes, is amended to read:

5 1003.52 Educational services in Department of Juvenile
6 Justice programs.--

7 (15) (a) The Department of Education shall, for
8 students in juvenile justice education programs, develop
9 procedures to accurately report student academic performance
10 data and the assessment participation rates that are used to
11 determine adequate yearly progress under Pub. L. No. 107-110.
12 The procedures must include an opportunity for validation of
13 the data by schools that provide educational services to
14 students in programs of the Department of Juvenile Justice.

15 (b) The Department of Education in consultation with
16 the Department of Juvenile Justice, district school boards,
17 and providers shall establish objective and measurable quality
18 assurance standards for the educational component of
19 residential and nonresidential juvenile justice facilities.
20 These standards shall rate the district school board's
21 performance both as a provider and contractor. The quality
22 assurance rating for the educational component shall be
23 disaggregated from the overall quality assurance score and
24 reported separately.

25 (c) ~~(b)~~ The Department of Education shall develop a
26 comprehensive quality assurance review process and schedule
27 for the evaluation of the educational component in juvenile
28 justice programs. The Department of Juvenile Justice quality
29 assurance site visit and the education quality assurance site
30 visit shall be conducted during the same visit.

31 (d) ~~(c)~~ The Department of Education, in consultation

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1 with district school boards and providers, shall establish
2 minimum thresholds for the standards and key indicators for
3 educational programs in juvenile justice facilities. If a
4 district school board fails to meet the established minimum
5 standards, it will be given 6 months to achieve compliance
6 with the standards. If after 6 months, the district school
7 board's performance is still below minimum standards, the
8 Department of Education shall exercise sanctions as prescribed
9 by rules adopted by the State Board of Education. If a
10 provider, under contract with the district school board, fails
11 to meet minimum standards, such failure shall cause the
12 district school board to cancel the provider's contract unless
13 the provider achieves compliance within 6 months or unless
14 there are documented extenuating circumstances.

15 Section 22. Section 1003.57, Florida Statutes, is
16 amended to read:

17 1003.57 Exceptional students instruction.--

18 (1) Each district school board shall provide for an
19 appropriate program of special instruction, facilities, and
20 services for exceptional students as prescribed by the State
21 Board of Education as acceptable, including provisions that:

22 (a)~~(1)~~ The district school board provide the necessary
23 professional services for diagnosis and evaluation of
24 exceptional students.

25 (b)~~(2)~~ The district school board provide the special
26 instruction, classes, and services, either within the district
27 school system, in cooperation with other district school
28 systems, or through contractual arrangements with approved
29 private schools or community facilities that meet standards
30 established by the commissioner.

31 (c)~~(3)~~ The district school board annually provide

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1 information describing the Florida School for the Deaf and the
2 Blind and all other programs and methods of instruction
3 available to the parent of a sensory-impaired student.

4 (d) ~~(4)~~ The district school board, once every 3 years,
5 submit to the department its proposed procedures for the
6 provision of special instruction and services for exceptional
7 students.

8 (e) ~~(5)~~ A ~~No~~ student may not be given special
9 instruction or services as an exceptional student until after
10 he or she has been properly evaluated, classified, and placed
11 in the manner prescribed by rules of the State Board of
12 Education. The parent of an exceptional student evaluated and
13 placed or denied placement in a program of special education
14 shall be notified of each such evaluation and placement or
15 denial. Such notice shall contain a statement informing the
16 parent that he or she is entitled to a due process hearing on
17 the identification, evaluation, and placement, or lack
18 thereof. Such hearings shall be exempt from the provisions of
19 ss. 120.569, 120.57, and 286.011, except to the extent that
20 the State Board of Education adopts rules establishing other
21 procedures and any records created as a result of such
22 hearings shall be confidential and exempt from the provisions
23 of s. 119.07(1). The hearing must be conducted by an
24 administrative law judge from the Division of Administrative
25 Hearings of the Department of Management Services. The
26 decision of the administrative law judge shall be final,
27 except that any party aggrieved by the finding and decision
28 rendered by the administrative law judge shall have the right
29 to bring a civil action in the circuit court. In such an
30 action, the court shall receive the records of the
31 administrative hearing and shall hear additional evidence at

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1 the request of either party. In the alternative, any party
2 aggrieved by the finding and decision rendered by the
3 administrative law judge shall have the right to request an
4 impartial review of the administrative law judge's order by
5 the district court of appeal as provided by s. 120.68.
6 Notwithstanding any law to the contrary, during the pendency
7 of any proceeding conducted pursuant to this section, unless
8 the district school board and the parents otherwise agree, the
9 student shall remain in his or her then-current educational
10 assignment or, if applying for initial admission to a public
11 school, shall be assigned, with the consent of the parents, in
12 the public school program until all such proceedings have been
13 completed.

14 (f) ~~(6)~~ In providing for the education of exceptional
15 students, the district school superintendent, principals, and
16 teachers shall utilize the regular school facilities and adapt
17 them to the needs of exceptional students to the maximum
18 extent appropriate. Segregation of exceptional students shall
19 occur only if the nature or severity of the exceptionality is
20 such that education in regular classes with the use of
21 supplementary aids and services cannot be achieved
22 satisfactorily.

23 (g) ~~(7)~~ In addition to the services agreed to in a
24 student's individual education plan, the district school
25 superintendent shall fully inform the parent of a student
26 having a physical or developmental disability of all available
27 services that are appropriate for the student's disability.
28 The superintendent shall provide the student's parent with a
29 summary of the student's rights.

30 (2) (a) An exceptional student with a disability who
31 resides in a residential facility and receives special

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1 instruction or services is considered a resident of the state
2 in which the student's parent or guardian is a resident. The
3 cost of such instruction, facilities, and services for a
4 nonresident student with a disability shall be provided by the
5 placing authority in the student's state of residence, such as
6 a public school entity, other placing authority, or parent. A
7 nonresident student with a disability may not be reported by
8 any school district for FTE funding in the Florida Education
9 Finance Program.

10 (b) The Department of Education shall provide to each
11 school district a statement of the specific limitations of the
12 district's financial obligation for exceptional students with
13 disabilities under federal and state law. The department shall
14 also provide to each school district technical assistance as
15 necessary for developing a local plan to impose on a student's
16 home state the fiscal responsibility for educating a
17 nonresident exceptional student with a disability.

18 (c) The Department of Education shall develop a
19 process by which a school district must, before providing
20 services to an exceptional student with a disability who
21 resides in a residential facility in this state, review the
22 residency of the student. The residential facility, not the
23 district, is responsible for billing and collecting from a
24 nonresidential student's home state payment for the student's
25 educational and related services.

26 (d) This subsection applies to any nonresident student
27 with a disability who resides in a residential facility and
28 who receives instruction as an exceptional student with a
29 disability in any type of residential facility in this state,
30 including, but not limited to, a private school, a group home
31 facility as defined in s. 393.063, an intensive residential

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1 treatment program for children and adolescents as defined in
2 s. 395.002, a facility as defined in s. 394.455, an
3 intermediate care facility for the developmentally disabled or
4 ICF/DD as defined in s. 393.063 or s. 400.960, or a community
5 residential home as defined in s. 419.001.

6 Section 23. Section 1003.575, Florida Statutes, is
7 created to read:

8 1003.575 Individual education plans for exceptional
9 students.--The Department of Education shall devise an
10 individual education plan (IEP) form for use in developing and
11 implementing individual education plans for exceptional
12 students. The IEP form must have a streamlined format; and, to
13 provide for the use of an existing IEP form when a student
14 transfers from one school district to another, the IEP form
15 developed by the department shall be used in each school
16 district in the state.

17 Section 24. Section 1003.58, Florida Statutes, is
18 amended to read:

19 1003.58 Students in residential care facilities.--Each
20 district school board shall provide educational programs
21 according to rules of the State Board of Education to students
22 who reside in residential care facilities operated by the
23 Department of Children and Family Services.

24 (1) The district school board shall not be charged any
25 rent, maintenance, utilities, or overhead on such facilities.
26 Maintenance, repairs, and remodeling of existing facilities
27 shall be provided by the Department of Children and Family
28 Services.

29 (2) If additional facilities are required, the
30 district school board and the Department of Children and
31 Family Services shall agree on the appropriate site based on

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1 the instructional needs of the students. When the most
2 appropriate site for instruction is on district school board
3 property, a special capital outlay request shall be made by
4 the commissioner in accordance with s. 1013.60. When the most
5 appropriate site is on state property, state capital outlay
6 funds shall be requested by the Department of Children and
7 Family Services as provided by s. 216.043 and shall be
8 submitted as specified by s. 216.023. Any instructional
9 facility to be built on state property shall have educational
10 specifications jointly developed by the school district and
11 the Department of Children and Family Services and approved by
12 the Department of Education. The size of space and occupant
13 design capacity criteria as provided by state board rules
14 shall be used for remodeling or new construction whether
15 facilities are provided on state property or district school
16 board property. The planning of such additional facilities
17 shall incorporate current Department of Children and Family
18 Services deinstitutionalization plans.

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

24 (4) The district school board shall have a written
25 agreement with the Department of Children and Family Services
26 outlining the respective duties and responsibilities of each
27 party.

28
29 Notwithstanding the provisions herein, the educational program
30 at the Marianna Sunland Center in Jackson County shall be
31 operated by the Department of Education, either directly or

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1 through grants or contractual agreements with other public or
2 duly accredited educational agencies approved by the
3 Department of Education.

4 Section 25. Present subsection (13) of section
5 1004.04, Florida Statutes, is redesignated as subsection (14),
6 and a new subsection (13) is added to that section, to read:

7 1004.04 Public accountability and state approval for
8 teacher preparation programs.--

9 (13) RESEARCH.--The Department of Education shall
10 review and report on the effectiveness of the graduates of
11 state-approved teacher preparation programs and state-approved
12 alternative certification programs as demonstrated by the
13 progress of their students on statewide assessments.

14 Section 26. Section 1004.64, Florida Statutes, is
15 created to read:

16 1004.64 Florida Center for Reading Research.--There is
17 created, as a joint project between the College of Arts and
18 Sciences and the Learning Systems Institute (LSI) at the
19 Florida State University, the Florida Center for Reading
20 Research (FCRR). The center is administratively housed within
21 the LSI and shall:

22 (1) Provide technical assistance and support to all
23 school districts and schools in this state in the
24 implementation of evidence-based literacy instruction,
25 assessments, and programs.

26 (2) Conduct applied research that will have an
27 immediate impact on policy and practices related to literacy
28 instruction and assessment in this state.

29 (3) Conduct basic research on reading, reading growth,
30 reading assessment, and reading instruction which will
31 contribute to scientific knowledge about reading.

1 (4) Develop frameworks for comprehensive reading
 2 intervention courses for possible use in middle schools and
 3 secondary schools.

4 (5) Disseminate information about research-based
 5 practices related to literacy instruction, assessment, and
 6 programs for students in preschool through grade 12.

7 (6) Collect, manage, and report on assessment
 8 information from screening, progress monitoring, and outcome
 9 assessments through the Florida Progress Monitoring and
 10 Reporting Network. The network is a statewide resource that is
 11 operated to provide valid and timely reading assessment data
 12 for parents, teachers, principals, and district-level and
 13 state-level staff in the management of instruction at the
 14 individual, classroom, and school levels.

15 Section 27. Section 1008.22, Florida Statutes, is
 16 amended to read:

17 1008.22 Student assessment program for public
 18 schools.--

19 (1) PURPOSE.--The primary purposes of the student
 20 assessment program are to provide information needed to
 21 improve the public schools by enhancing the learning gains of
 22 all students and to inform parents of the educational progress
 23 of their public school children. The program must be designed
 24 to:

25 (a) Assess the annual learning gains of each student
 26 toward achieving the Sunshine State Standards appropriate for
 27 the student's grade level.

28 (b) Provide data for making decisions regarding school
 29 accountability and recognition.

30 (c) Identify the educational strengths and needs of
 31 students and the readiness of students to be promoted to the

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1 next grade level or to graduate from high school with a
2 standard high school diploma.

3 (d) Assess how well educational goals and performance
4 standards are met at the school, district, and state levels.

5 (e) Provide information to aid in the evaluation and
6 development of educational programs and policies.

7 (f) Provide information on the performance of ~~Florida~~
8 students in this state compared with other students ~~others~~
9 across the United States.

10 (2) INTENT.--

11 (a) It is the intent of the Legislature that the
12 Department of Education pursue innovations in technology and
13 assessment to allow the Florida Comprehensive Assessment Test
14 (FCAT) to be administered as late as possible in the school
15 year with scores received before the end of the school year.
16 The department shall pursue such innovations to the extent
17 funded by the Legislature. Annually, the Commissioner of
18 Education shall report to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives on the
20 state of the art in large-scale on-line assessment
21 capabilities of the industry and of the capacity of the public
22 schools in this state to implement a statewide program.

23 (b) It is the further intent of the Legislature that
24 the Department of Education make accessible to the public
25 copies of actual scored FCAT test items when sufficient items
26 are available through the test-item databank to ensure the
27 security and validity of the test. The department shall
28 provide such FCAT test items to the extent that sufficient
29 items are funded by the Legislature. However, this paragraph
30 does not apply to those provisions of the FCAT to which the
31 department does not hold the copyright.

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1 ~~(3)~~(2) NATIONAL EDUCATION COMPARISONS.--It is
2 Florida's intent to participate in the measurement of national
3 educational goals. The Commissioner of Education shall direct
4 Florida school districts to participate in the administration
5 of the National Assessment of Educational Progress, or a
6 similar national assessment program, both for the national
7 sample and for any state-by-state comparison programs which
8 may be initiated. Such assessments must be conducted using the
9 data collection procedures, the student surveys, the educator
10 surveys, and other instruments included in the National
11 Assessment of Educational Progress or similar program being
12 administered in Florida. The results of these assessments
13 shall be included in the annual report of the Commissioner of
14 Education specified in this section. The administration of the
15 National Assessment of Educational Progress or similar program
16 shall be in addition to and separate from the administration
17 of the statewide assessment program.

18 ~~(4)~~(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
19 shall design and implement a statewide program of educational
20 assessment that provides information for the improvement of
21 the operation and management of the public schools, including
22 schools operating for the purpose of providing educational
23 services to youth in Department of Juvenile Justice programs.
24 The commissioner may enter into contracts for the continued
25 administration of the assessment, testing, and evaluation
26 programs authorized and funded by the Legislature. Contracts
27 may be initiated in 1 fiscal year and continue into the next
28 and may be paid from the appropriations of either or both
29 fiscal years. The commissioner is authorized to negotiate for
30 the sale or lease of tests, scoring protocols, test scoring
31 services, and related materials developed pursuant to law.

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1 Pursuant to the statewide assessment program, the commissioner
2 shall:

3 (a) Submit to the State Board of Education a list that
4 specifies student skills and competencies to which the goals
5 for education specified in the state plan apply, including,
6 but not limited to, reading, writing, science, and
7 mathematics. The skills and competencies must include
8 problem-solving and higher-order skills as appropriate and
9 shall be known as the Sunshine State Standards as defined in
10 s. 1000.21. The commissioner shall select such skills and
11 competencies after receiving recommendations from educators,
12 citizens, and members of the business community. The
13 commissioner shall submit to the State Board of Education
14 revisions to the list of student skills and competencies in
15 order to maintain continuous progress toward improvements in
16 student proficiency.

17 (b) Develop and implement a uniform system of
18 indicators to describe the performance of public school
19 students and the characteristics of the public school
20 districts and the public schools. These indicators must
21 include, without limitation, information gathered by the
22 comprehensive management information system created pursuant
23 to s. 1008.385 and student achievement information obtained
24 pursuant to this section.

25 (c) Develop and implement a student achievement
26 testing program known as the Florida Comprehensive Assessment
27 Test (FCAT) as part of the statewide assessment program, ~~to be~~
28 ~~administered annually in grades 3 through 10~~ to measure
29 reading, writing, science, and mathematics. Other content
30 areas may be included as directed by the commissioner. The
31 assessment of reading and math shall be administered annually

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1 in grades 3 through 10. The assessment of writing and science
2 shall be administered at least once at the elementary school
3 level, at least once at the middle school level, and at least
4 once at the high school level. The testing program must be
5 designed so that:

6 1. The tests measure student skills and competencies
7 adopted by the State Board of Education as specified in
8 paragraph (a). The tests must measure and report student
9 proficiency levels in reading, writing, mathematics, and
10 science. The commissioner shall provide for the tests to be
11 developed or obtained, as appropriate, through contracts and
12 project agreements with private vendors, public vendors,
13 public agencies, postsecondary educational institutions, or
14 school districts. The commissioner shall obtain input with
15 respect to the design and implementation of the testing
16 program from state educators and the public.

17 2. The testing program will include a combination of
18 norm-referenced and criterion-referenced tests and include, to
19 the extent determined by the commissioner, questions that
20 require the student to produce information or perform tasks in
21 such a way that the skills and competencies he or she uses can
22 be measured.

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

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

31 5. Except as provided in s. 1003.43(11)(b), students

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1 must earn a passing score on the grade 10 assessment test
2 described in this paragraph or on an alternate assessment as
3 described in subsection (9) in reading, writing, and
4 mathematics to qualify for a regular high school diploma. The
5 State Board of Education shall designate a passing score for
6 each part of the grade 10 assessment test. In establishing
7 passing scores, the state board shall consider any possible
8 negative impact of the test on minority students. ~~All students~~
9 ~~who took the grade 10 FCAT during the 2000-2001 school year~~
10 ~~shall be required to earn the passing scores in reading and~~
11 ~~mathematics established by the State Board of Education for~~
12 ~~the March 2001 test administration. Such students who did not~~
13 ~~earn the established passing scores and must repeat the grade~~
14 ~~10 FCAT are required to earn the passing scores established~~
15 ~~for the March 2001 test administration. All students who take~~
16 ~~the grade 10 FCAT for the first time in March 2002 shall be~~
17 ~~required to earn the passing scores in reading and mathematics~~
18 ~~established by the State Board of Education for the March 2002~~
19 ~~test administration.~~ The State Board of Education shall adopt
20 rules that ~~which~~ specify the passing scores for the grade 10
21 FCAT. Any such rules, which have the effect of raising the
22 required passing scores, shall ~~only~~ apply only to students
23 taking the grade 10 FCAT for the first time after such rules
24 are adopted by the State Board of Education.

25 6. Participation in the testing program is mandatory
26 for all students attending public school, including students
27 served in Department of Juvenile Justice programs, except as
28 otherwise prescribed by the commissioner. If a student does
29 not participate in the statewide assessment, the district must
30 notify the student's parent and provide the parent with
31 information regarding the implications of such

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1 nonparticipation. If modifications are made in the student's
2 instruction to provide accommodations that would not be
3 permitted on the statewide assessment tests, the district must
4 notify the student's parent of the implications of such
5 instructional modifications. A parent must provide signed
6 consent for a student to receive instructional modifications
7 that would not be permitted on the statewide assessments and
8 must acknowledge in writing that he or she understands the
9 implications of such accommodations. The State Board of
10 Education shall adopt rules, based upon recommendations of the
11 commissioner, for the provision of test accommodations and
12 modifications of procedures as necessary for students in
13 exceptional education programs and for students who have
14 limited English proficiency. Accommodations that negate the
15 validity of a statewide assessment are not allowable.

16 7. A student seeking an adult high school diploma must
17 meet the same testing requirements that a regular high school
18 student must meet.

19 8. District school boards must provide instruction to
20 prepare students to demonstrate proficiency in the skills and
21 competencies necessary for successful grade-to-grade
22 progression and high school graduation. If a student is
23 provided with accommodations or modifications that are not
24 allowable in the statewide assessment program, as described in
25 the test manuals, the district must inform the parent in
26 writing and must provide the parent with information regarding
27 the impact on the student's ability to meet expected
28 proficiency levels in reading, writing, and math. The
29 commissioner shall conduct studies as necessary to verify that
30 the required skills and competencies are part of the district
31 instructional programs.

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1 9. The Department of Education must develop, or
2 select, and implement a common battery of assessment tools
3 that will be used in all juvenile justice programs in the
4 state. These tools must accurately measure the skills and
5 competencies established in the Florida Sunshine State
6 Standards.

7
8 The commissioner may design and implement student testing
9 programs, for any grade level and subject area, necessary to
10 effectively monitor educational achievement in the state.

11 (d) Conduct ongoing research to develop improved
12 methods of assessing student performance, including, without
13 limitation, the use of technology to administer tests, score,
14 or report the results of, the use of electronic transfer of
15 data, the development of work-product assessments, and the
16 development of process assessments.

17 (e) Conduct ongoing research into and analysis of
18 student achievement data, including, without limitation,
19 monitoring trends in student achievement by grade level and
20 overall student achievement, identifying school programs that
21 are successful, and analyzing correlates of school
22 achievement.

23 (f) Provide technical assistance to school districts
24 in the implementation of state and district testing programs
25 and the use of the data produced pursuant to such programs.

26 ~~(5)~~ ~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district
27 school board shall periodically assess student performance and
28 achievement within each school of the district. The assessment
29 programs must be based upon local goals and objectives that
30 are compatible with the state plan for education and that
31 supplement the skills and competencies adopted by the State

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1 Board of Education. All school districts must participate in
2 the statewide assessment program designed to measure annual
3 student learning and school performance. All district school
4 boards shall report assessment results as required by the
5 state management information system.

6 ~~(6)(5)~~ SCHOOL TESTING PROGRAMS.--Each public school
7 shall participate in the statewide assessment program, unless
8 specifically exempted by state board rule based on serving a
9 specialized population for which standardized testing is not
10 appropriate. Student performance data shall be analyzed and
11 reported to parents, the community, and the state. Student
12 performance data shall be used in developing objectives of the
13 school improvement plan, evaluation of instructional
14 personnel, evaluation of administrative personnel, assignment
15 of staff, allocation of resources, acquisition of
16 instructional materials and technology, performance-based
17 budgeting, and promotion and assignment of students into
18 educational programs. The analysis of student performance data
19 also must identify strengths and needs in the educational
20 program and trends over time. The analysis must be used in
21 conjunction with the budgetary planning processes developed
22 pursuant to s. 1008.385 and the development of the programs of
23 remediation.

24 ~~(7)(6)~~ REQUIRED ANALYSES.--The commissioner shall
25 provide, at a minimum, for the following analyses of data
26 produced by the student achievement testing program:

27 (a) The statistical system for the annual assessments
28 shall use measures of student learning, such as the FCAT, to
29 determine teacher, school, and school district statistical
30 distributions, which shall be determined using available data
31 from the FCAT, and other data collection as deemed appropriate

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1 by the Department of Education, to measure the differences in
2 student prior year achievement compared to the current year
3 achievement for the purposes of accountability and
4 recognition.

5 (b) The statistical system shall provide the best
6 estimates of teacher, school, and school district effects on
7 student progress. The approach used by the department shall be
8 approved by the commissioner before implementation.

9 (c) The annual testing program shall be administered
10 to provide for valid statewide comparisons of learning gains
11 to be made for purposes of accountability and recognition. The
12 commissioner shall establish a schedule for the administration
13 of the statewide assessments. In establishing such schedule,
14 the commissioner is charged with the duty to accomplish the
15 latest possible administration of the statewide assessments
16 and the earliest possible provision of the results to the
17 school districts feasible within available technology and
18 specific appropriation. District school boards shall not
19 establish school calendars that jeopardize or limit the valid
20 testing and comparison of student learning gains.

21 ~~(8)(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning
22 gains of students in all subjects and grade levels other than
23 subjects and grade levels required for the state student
24 achievement testing program is the responsibility of the
25 school districts.

26 ~~(9)(8)~~ APPLICABILITY OF TESTING STANDARDS.--A student
27 must meet the testing requirements for high school graduation
28 that were in effect at the time the student entered 9th grade,
29 provided the student's enrollment was continuous.

30 ~~(10)(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.--

31 (a) The Commissioner of Education shall approve the

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1 use of the SAT and ACT tests as alternative assessments to the
2 grade 10 FCAT ~~for the 2003-2004 school year~~. Students who
3 attain scores on the SAT or ACT which equate to the passing
4 scores on the grade 10 FCAT for purposes of high school
5 graduation shall satisfy the assessment requirement for a
6 standard high school diploma as provided in s. 1003.429(6) (a)
7 or s. 1003.43(5) (a) ~~for the 2003-2004 school year~~ if the
8 students meet the requirement in paragraph (b).

9 (b) A student shall be required to take the grade 10
10 FCAT a total of three times without earning a passing score in
11 order to use the scores on an alternative assessment pursuant
12 to paragraph (a). This requirement shall not apply to a
13 student who is a new student to the public school system in
14 grade 12.

15 ~~(11)(10)~~ RULES.--The State Board of Education shall
16 adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
17 implement ~~the provisions of~~ this section.

18 Section 28. Subsection (8) of section 1008.25, Florida
19 Statutes, is amended, and subsection (11) is added to that
20 section, to read:

21 1008.25 Public school student progression; remedial
22 instruction; reporting requirements.--

23 (8) ANNUAL REPORT.--

24 (a) In addition to the requirements in paragraph
25 (5) (b), each district school board must annually report to the
26 parent of each student the progress of the student toward
27 achieving state and district expectations for proficiency in
28 reading, writing, science, and mathematics. The district
29 school board must report to the parent the student's results
30 on each statewide assessment test. The evaluation of each
31 student's progress must be based upon the student's classroom

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1 work, observations, tests, district and state assessments, and
2 other relevant information. Progress reporting must be
3 provided to the parent in writing in a format adopted by the
4 district school board.

5 (b) ~~Beginning with the 2001-2002 school year,~~ Each
6 district school board must annually publish in the local
7 newspaper, and report in writing to the State Board of
8 Education by September 1 of each year, the following
9 information on the prior school year:

10 1. The provisions of this section relating to public
11 school student progression and the district school board's
12 policies and procedures on student retention and promotion.

13 2. By grade, the number and percentage of all students
14 in grades 3 through 10 performing at Levels 1 and 2 on the
15 reading portion of the FCAT.

16 3. By grade, the number and percentage of all students
17 retained in grades 3 through 10.

18 4. Information on the total number of students who
19 were promoted for good cause, by each category of good cause
20 as specified in paragraph (6)(b).

21 5. Any revisions to the district school board's policy
22 on student retention and promotion from the prior year.

23 (c) The Department of Education shall establish a
24 uniform format in which school districts must report such
25 information. The department shall annually compile the
26 information required under subparagraphs (b)2., 3., and 4.,
27 along with state-level summary information, and shall report
28 the information to the Governor, the President of the Senate,
29 and the Speaker of the House of Representatives.

30 (11) REPORTS.--The Department of Education shall
31 annually provide to the Governor, the President of the Senate,

1 and the Speaker of the House of Representatives a report on:

2 (a) The longitudinal performance of students in math
 3 and reading.

4 (b) The longitudinal performance of students by grade
 5 level in math and reading.

6 (c) The longitudinal performance regarding efforts to
 7 close the achievement gap.

8 (d) The longitudinal performance of students on the
 9 norm-referenced component of the FCAT.

10 (e) Other student performance data based on national
 11 norm-referenced and criterion-referenced tests, when
 12 available.

13 Section 29. Section 1008.31, Florida Statutes, is
 14 amended to read:

15 1008.31 Florida's K-20 education performance
 16 accountability system; legislative intent; public
 17 accountability and reporting ~~performance-based funding~~;
 18 mission, goals, and systemwide measures.--

19 (1) LEGISLATIVE INTENT.--It is the intent of the
 20 Legislature that:

21 (a) The performance accountability system implemented
 22 to assess the effectiveness of Florida's seamless K-20
 23 education delivery system provide answers to the following
 24 questions in relation to its mission and goals:

25 1. What is the public receiving in return for funds it
 26 invests in education?

27 2. How effectively is Florida's K-20 education system
 28 educating its students?

29 3. How effectively are the major delivery sectors
 30 promoting student achievement?

31 4. How are individual schools and postsecondary

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1 education institutions performing their responsibility to
2 educate their students as measured by how students are
3 exhibiting ~~performing and~~ how much they are learning?

4 (b) The K-20 education performance accountability
5 system be established as a single, unified accountability
6 system with multiple components, including, but not limited
7 to, measures of adequate yearly progress, individual student
8 learning gains in public schools, school grades, and return on
9 investment.

10 (c) The K-20 education performance accountability
11 system comply with the accountability requirements of the "No
12 Child Left Behind Act of 2001," Pub. L. No. 107-110.

13 (d) The State Board of Education recommend to the
14 Legislature systemwide performance standards; the Legislature
15 establish systemwide performance measures and standards; and
16 the systemwide measures and standards provide Floridians with
17 information on what the public is receiving in return for the
18 funds it invests in education and how well the K-20 system
19 educates its students.

20 (e) The State Board of Education establish performance
21 measures and set performance standards for individual
22 components of the public education system, including
23 individual schools and community colleges ~~postsecondary~~
24 ~~educational institutions~~, with measures and standards based
25 primarily on student achievement.

26 (f) The Board of Governors establish performance
27 measures and set performance standards for state universities,
28 with measures and standards based primarily on student access
29 and achievement.

30 ~~(2) PERFORMANCE-BASED FUNDING.--~~

31 ~~(a) The State Board of Education shall cooperate with~~

1 ~~each delivery system to develop proposals for~~
 2 ~~performance-based funding, using performance measures adopted~~
 3 ~~pursuant to this section.~~

4 ~~(b) The State Board of Education proposals must~~
 5 ~~provide that at least 10 percent of the state funds~~
 6 ~~appropriated for the K-20 education system are conditional~~
 7 ~~upon meeting or exceeding established performance standards.~~

8 ~~(c) The State Board of Education shall adopt~~
 9 ~~guidelines required to implement performance-based funding~~
 10 ~~that allow 1 year to demonstrate achievement of specified~~
 11 ~~performance standards prior to a reduction in appropriations~~
 12 ~~pursuant to this section.~~

13 ~~(d) By December 1, 2003, the State Board of Education~~
 14 ~~shall adopt common definitions, measures, standards, and~~
 15 ~~performance improvement targets required to:~~

16 ~~1. Use the state core measures and the sector-specific~~
 17 ~~measures to evaluate the progress of each sector of the~~
 18 ~~educational delivery system toward meeting the systemwide~~
 19 ~~goals for public education.~~

20 ~~2. Notify the sectors of their progress in achieving~~
 21 ~~the specified measures so that they may develop improvement~~
 22 ~~plans that directly influence decisions about policy, program~~
 23 ~~development, and management.~~

24 ~~3. Implement the performance-based budgeting system~~
 25 ~~described in this section.~~

26 ~~(e) During the 2003-2004 fiscal year, the Department~~
 27 ~~of Education shall collect data required to establish~~
 28 ~~progress, rewards, and sanctions.~~

29 ~~(f) By December 1, 2004, the Department of Education~~
 30 ~~shall recommend to the Legislature a formula for~~
 31 ~~performance-based funding that applies accountability~~

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1 ~~standards for the individual components of the public~~
2 ~~education system at every level, kindergarten through graduate~~
3 ~~school. Effective for the 2004-2005 fiscal year and~~
4 ~~thereafter, subject to annual legislative approval in the~~
5 ~~General Appropriations Act, performance-based funds shall be~~
6 ~~allocated based on the progress, rewards, and sanctions~~
7 ~~established pursuant to this section.~~

8 ~~(2)(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

9 (a) The mission of Florida's K-20 education system
10 shall be to increase the proficiency of all students within
11 one seamless, efficient system, by allowing them the
12 opportunity to expand their knowledge and skills through
13 learning opportunities and research valued by students,
14 parents, and communities.

15 (b) ~~The State Board of Education shall adopt~~ guiding
16 principles for establishing state and sector-specific
17 standards and measures must assure that the process is:-

- 18 1. Focused on student success;
19 2. Actionable, in that an educational entity can
20 affect the outcomes through policy and program changes;
21 3. High-quality and efficient;
22 4. Measurable over time;
23 5. Simple to explain and display to the public; and
24 6. Aligned with other measures and other sectors to
25 support a coordinated K-20 education system.

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

- 29 1. Highest student achievement, as indicated by
30 evidence of student learning gains at all levels ~~measured by:~~
31 ~~student FCAT performance and annual learning gains; the number~~

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1 ~~and percentage of schools that improve at least one school~~
2 ~~performance grade designation or maintain a school performance~~
3 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
4 ~~completion rates at all learning levels; and other measures~~
5 ~~identified in law or rule.~~

6 2. Seamless articulation and maximum access, as
7 measured by evidence of progression and readiness and evidence
8 of access by targeted groups of students identified by the
9 commissioner; ~~the percentage of students who demonstrate~~
10 ~~readiness for the educational level they are entering, from~~
11 ~~kindergarten through postsecondary education and into the~~
12 ~~workforce; the number and percentage of students needing~~
13 ~~remediation; the percentage of Floridians who complete~~
14 ~~associate, baccalaureate, graduate, professional, and~~
15 ~~postgraduate degrees; the number and percentage of credits~~
16 ~~that articulate; the extent to which each set of exit-point~~
17 ~~requirements matches the next set of entrance-point~~
18 ~~requirements; the degree to which underserved populations~~
19 ~~access educational opportunity; the extent to which access is~~
20 ~~provided through innovative educational delivery strategies;~~
21 ~~and other measures identified in law or rule.~~

22 3. Skilled workforce and economic development, as
23 measured by evidence of employment and earnings; ~~the number~~
24 ~~and percentage of graduates employed in their areas of~~
25 ~~preparation; the percentage of Floridians with high school~~
26 ~~diplomas and postsecondary education credentials; the~~
27 ~~percentage of business and community members who find that~~
28 ~~Florida's graduates possess the skills they need; national~~
29 ~~rankings; and other measures identified in law or rule.~~

30 4. Quality efficient services, as measured by evidence
31 of return on investment; ~~cost per completer or graduate;~~

1 ~~average cost per noncompleter at each educational level; cost~~
 2 ~~disparity across institutions offering the same degrees; the~~
 3 ~~percentage of education customers at each educational level~~
 4 ~~who are satisfied with the education provided; and other~~
 5 ~~measures identified in law or rule.~~

6 (3) (4) K-20 EDUCATION DATA QUALITY IMPROVEMENT.--To
 7 provide data required to implement education performance
 8 accountability measures in state and federal law, the
 9 commissioner shall initiate and maintain strategies to improve
 10 data quality and timeliness.

11 (a) SYSTEMWIDE DATA COLLECTION.--School districts and
 12 public postsecondary educational institutions shall maintain
 13 information systems that will provide the State Board of
 14 Education, the Board of Governors, and the Legislature with
 15 information and reports necessary to address the
 16 specifications of the accountability system. ~~The State Board~~
 17 ~~of Education shall determine the standards for the required~~
 18 ~~data.~~ The level of comprehensiveness and quality shall be no
 19 less than that which was available as of June 30, 2001.

20 (b) The Commissioner of Education shall determine the
 21 standards for the required data, monitor data quality, and
 22 measure improvements. The commissioner shall report annually
 23 to the Legislature, the State Board of Education, and the
 24 Board of Governors data quality indicators and ratings for all
 25 public postsecondary education institutions and school
 26 districts.

27 (4) RULES.--The State Board of Education shall adopt
 28 rules under ss. 120.536(1) and 120.54 to implement this
 29 section.

30 Section 30. Section 1008.33, Florida Statutes, is
 31 amended to read:

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1 1008.33 Authority to enforce public school
2 improvement.--It is the intent of the Legislature that all
3 public schools be held accountable for students performing at
4 acceptable levels. A system of school improvement and
5 accountability that assesses student performance by school,
6 identifies schools in which students are not making adequate
7 progress toward state standards, institutes appropriate
8 measures for enforcing improvement, and provides rewards and
9 sanctions based on performance shall be the responsibility of
10 the State Board of Education.

11 (1) Pursuant to Art. IX of the State Constitution
12 prescribing the duty of the State Board of Education to
13 supervise Florida's public school system and notwithstanding
14 any other statutory provisions to the contrary, the State
15 Board of Education shall intervene in the operation of a
16 district school system when one or more schools in the school
17 district have failed to make adequate progress for 2 school
18 years in a 4-year period. For purposes of determining when a
19 school is eligible for state board action and opportunity
20 scholarships for its students, the terms "2 years in any
21 4-year period" and "2 years in a 4-year period" mean that in
22 any year that a school has a grade of "F," the school is
23 eligible for state board action and opportunity scholarships
24 for its students if it also has had a grade of "F" in any of
25 the previous 3 school years. The State Board of Education may
26 determine that the school district or school has not taken
27 steps sufficient for students in the school to be academically
28 well served. Considering recommendations of the Commissioner
29 of Education, the State Board of Education shall recommend
30 action to a district school board intended to improve
31 educational services to students in each school that is

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1 designated with a grade of ~~as performance grade category~~ "F."
2 Recommendations for actions to be taken in the school district
3 shall be made only after thorough consideration of the unique
4 characteristics of a school, which shall include student
5 mobility rates, the number and type of exceptional students
6 enrolled in the school, and the availability of options for
7 improved educational services. The state board shall adopt by
8 rule steps to follow in this process. Such steps shall
9 provide school districts sufficient time to improve student
10 performance in schools and the opportunity to present evidence
11 of assistance and interventions that the district school board
12 has implemented.

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

18 (a) Provide additional resources, change certain
19 practices, and provide additional assistance if the state
20 board determines the causes of inadequate progress to be
21 related to school district policy or practice;

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

24 (c) Contract for the educational services of the
25 school, or reorganize the school at the end of the school year
26 under a new school principal who is authorized to hire new
27 staff and implement a plan that addresses the causes of
28 inadequate progress;

29 (d) Transfer high-quality teachers, faculty, and staff
30 to improve the performance of students in any low-performing
31 school;

1 ~~(e)(d)~~ Allow parents of students in the school to send
 2 their children to another district school of their choice; or
 3 ~~(f)(e)~~ Other action appropriate to improve the
 4 school's performance.

5 (3) In recommending actions to district school boards,
 6 the State Board of Education shall specify the length of time
 7 available to implement the recommended action. The State
 8 Board of Education may adopt rules to further specify how it
 9 may respond in specific circumstances. ~~No~~ Action taken by the
 10 State Board of Education does not ~~shall~~ relieve a school from
 11 state accountability requirements.

12 (4) The State Board of Education may require the
 13 Department of Education or Chief Financial Officer to withhold
 14 any transfer of state funds to the school district if, within
 15 the timeframe specified in state board action, the school
 16 district has failed to comply with the action ordered to
 17 improve the district's low-performing schools. ~~Withholding~~ The
 18 transfer of funds may be withheld ~~shall occur~~ only after all
 19 other recommended actions for school improvement have failed
 20 to improve performance. The State Board of Education may
 21 impose the same penalty on any district school board that
 22 fails to develop and implement a plan for assistance and
 23 intervention for low-performing schools as specified in s.
 24 1001.42(16)(c).

25 Section 31. Section 1008.34, Florida Statutes, is
 26 amended to read:

27 1008.34 School grading system; school report cards;
 28 district performance grade.--

29 (1) ANNUAL REPORTS.--The Commissioner of Education
 30 shall prepare annual reports of the results of the statewide
 31 assessment program which describe student achievement in the

1 state, each district, and each school. The commissioner shall
 2 prescribe the design and content of these reports, which must
 3 include, without limitation, descriptions of the performance
 4 of all schools participating in the assessment program and all
 5 of their major student populations as determined by the
 6 Commissioner of Education, and must also include the median
 7 scores of all eligible students who scored at or in the lowest
 8 25th percentile of the state in the previous school year;
 9 ~~provided, however, that~~ the provisions of s. 1002.22
 10 pertaining to student records apply to this section.

11 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The
 12 annual report shall identify schools as having one of the
 13 following grades ~~being in one of the following grade~~
 14 ~~categories~~ defined according to rules of the State Board of
 15 Education:

- 16 (a) "A," schools making excellent progress.
- 17 (b) "B," schools making above average progress.
- 18 (c) "C," schools making satisfactory progress.
- 19 (d) "D," schools making less than satisfactory
 20 progress.
- 21 (e) "F," schools failing to make adequate progress.

22
 23 Each school designated with a grade of ~~in performance grade~~
 24 ~~category~~ "A," making excellent progress, or having improved at
 25 least two grade levels ~~performance grade categories~~, shall
 26 have greater authority over the allocation of the school's
 27 total budget generated from the FEFP, state categoricals,
 28 lottery funds, grants, and local funds, as specified in state
 29 board rule. The rule must provide that the increased budget
 30 authority shall remain in effect until the school's
 31 performance grade declines.

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

5 (a) Criteria Timeframes.--

6 1. ~~School performance grade category designations~~
7 ~~shall be based on the school's current year performance and~~
8 ~~the school's annual learning gains.~~

9 2. A school's grade ~~performance grade category~~
10 ~~designation~~ shall be based on a combination of:

11 1. Student achievement scores;~~;~~

12 2. Student learning gains as measured by annual FCAT
13 assessments in grades 3 through 10;~~;~~ and

14 3. Improvement of the lowest 25th percentile of
15 students in the school in reading,~~math, or writing~~ on the
16 FCAT, unless these students are exhibiting ~~performing~~ above
17 satisfactory performance.

18 (b) Student assessment data.--Student assessment data
19 used in determining school grades ~~performance grade categories~~
20 shall include:

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

23 2. The aggregate scores of all eligible students
24 enrolled in the school who have been assessed on the FCAT,
25 including Florida Writes, and who have scored at or in the
26 lowest 25th percentile of students in the school in reading,
27 math, or writing, unless these students are exhibiting
28 ~~performing~~ above satisfactory performance.

29 3. The scores of students attending alternative
30 schools that provide dropout prevention and academic
31 intervention services pursuant to s. 1003.53, which shall be

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1 used in the calculation of the school grade of the school the
2 student attended before attending the alternative school. The
3 student's test scores shall be attributable to the school from
4 which the student transferred for 1 year. The student's test
5 scores shall also be used in the calculation of the grade of
6 the alternative school pursuant to s. 1008.341.

7
8 ~~The Department of Education shall study the effects of~~
9 ~~mobility on the performance of highly mobile students and~~
10 ~~recommend programs to improve the performance of such~~
11 ~~students.~~ The State Board of Education shall adopt appropriate
12 criteria for each school grade performance grade category. The
13 criteria must also give added weight to student achievement in
14 reading. Schools designated with a grade of as performance
15 grade category "C," making satisfactory progress, shall be
16 required to demonstrate that adequate progress has been made
17 by students in the school who are in the lowest 25th
18 percentile in reading, math, or writing on the FCAT, including
19 Florida Writes, unless these students are exhibiting
20 performing above satisfactory performance.

21 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
22 shall identify each school's performance as having improved,
23 remained the same, or declined. This school improvement rating
24 shall be based on a comparison of the current year's and
25 previous year's student and school performance data. Schools
26 that improve at least one performance grade category are
27 eligible for school recognition awards pursuant to s. 1008.36.

28 (5) SCHOOL REPORT CARD.--The Department of Education
29 shall annually develop in collaboration with the school
30 districts a school report card to be delivered to parents
31 throughout each school district. The report card must include

1 the school's grade, information regarding school improvement,
 2 an explanation of school performance as evaluated by the
 3 federal No Child Left Behind Act, and indicators of return on
 4 investment. ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING~~
 5 ~~REPORTS.--School performance grade category designations and~~
 6 ~~improvement ratings shall apply to each school's performance~~
 7 ~~for the year in which performance is measured.~~ Each school's
 8 report card designation and rating shall be published annually
 9 by the Department of Education on the department's website,
 10 and the school district shall provide the report card to each
 11 parent. ~~Parents shall be entitled to an easy-to-read report~~
 12 ~~card about the designation and rating of the school in which~~
 13 ~~their child is enrolled.~~

14 ~~(6) RULES.--The State Board of Education shall adopt~~
 15 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~
 16 ~~provisions of this section.~~

17 ~~(6)(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may
 18 factor in the performance of schools in calculating any
 19 performance-based funding policy that is provided for annually
 20 in the General Appropriations Act.

21 ~~(7)(8)~~ DISTRICT PERFORMANCE GRADE.--The annual report
 22 required by subsection (1) shall include district performance
 23 grades, which shall consist of weighted district average
 24 grades, by level, for all elementary schools, middle schools,
 25 and high schools in the district. A district's weighted
 26 average grade shall be calculated by weighting individual
 27 school grades determined pursuant to subsection (2) by school
 28 enrollment.

29 (8) The State Board of Education shall adopt rules
 30 under ss. 120.536(1) and 120.54 to administer this section.

31 Section 32. Section 1008.341, Florida Statutes, is

1 created to read:

2 1008.341 Grading for alternative schools.--

3 (1) ANNUAL REPORTS.--The Commissioner of Education
4 shall prepare an annual report on the performance of each
5 school graded pursuant to this section if the provisions of s.
6 1002.22 pertaining to student records shall apply.

7 (2) DESIGNATION OF SCHOOL GRADES.--Notwithstanding the
8 provisions of s. 1008.34, alternative schools that provide
9 dropout prevention and academic intervention services pursuant
10 to s. 1003.53 shall be graded pursuant to this section.

11 (a) School grade designations shall be those
12 prescribed in s. 1008.34(2) and shall be based on a
13 combination of the following factors weighted equally:

14 1. Aggregate student academic growth rate, which shall
15 be based on a student's developmental scale score on the FCAT
16 for the school year in which the student is currently enrolled
17 compared to the developmental scale score on the FCAT for the
18 preceding school year.

19 2. Improvement of students in the school who are in
20 the lowest 25th percentile of students in the state on FCAT
21 Reading.

22 (b) Student assessment data used in determining school
23 grades shall include:

24 1. The aggregate scores of all eligible students who
25 were enrolled in the school during the October and February
26 FTE counts, who have been assessed on the FCAT, and who have
27 FCAT or comparable scores for the preceding school year.

28 2. The aggregate scores of all eligible students who
29 were enrolled in the school during the October and February
30 FTE counts, who have been assessed on the FCAT, including
31 Florida Writes, and who have scored at or in the lowest 25th

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1 percentile of students in the state on FCAT Reading.

2 (3) SCHOOL-IMPROVEMENT RATINGS.--The annual report
3 shall identify each school's performance as having improved,
4 remained the same, or declined. This school-improvement
5 rating shall be based on a comparison of the current year's
6 and previous year's student and school performance data.
7 Schools that improve at least one grade are eligible for
8 school recognition awards pursuant to s. 1008.36.

9 (4) SCHOOL REPORT CARD.--The Department of Education
10 shall annually develop in collaboration with the school
11 districts a school report card to be delivered to parents
12 through each school district. The report card shall include
13 the school's grade, information regarding school improvement,
14 an explanation of school performance as evaluated by the
15 federal No Child Left Behind Act of 2001, and indicators of
16 return on investment.

17 (5) RULES.--The State Board of Education shall adopt
18 rules pursuant to ss. 120.536(1) and 120.54 to implement the
19 provisions of this section.

20 Section 33. Section 1008.36, Florida Statutes, is
21 amended to read:

22 1008.36 Florida School Recognition Program.--

23 (1) The Legislature finds that there is a need for a
24 performance incentive program for outstanding faculty and
25 staff in highly productive schools. The Legislature further
26 finds that performance-based incentives are commonplace in the
27 private sector and should be infused into the public sector as
28 a reward for productivity.

29 (2) The Florida School Recognition Program is created
30 to provide financial awards to public schools that:

31 (a) Sustain high performance by receiving a school

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1 grade of "A," making excellent progress; or

2 (b) Demonstrate exemplary improvement due to
3 innovation and effort by improving a letter grade.

4 (3) All public schools, including charter schools,
5 that receive a school grade pursuant to s. 1008.34 are
6 eligible to participate in the program.

7 (4) All selected schools shall receive financial
8 awards depending on the availability of funds appropriated and
9 the number and size of schools selected to receive an award.
10 Funds must be distributed to the school's fiscal agent and
11 placed in the school's account and must be used for purposes
12 listed in subsection (5) as determined jointly by the school's
13 staff and school advisory council. ~~If school staff and the~~
14 ~~school advisory council cannot reach agreement by November 1,~~
15 ~~the awards must be equally distributed to all classroom~~
16 ~~teachers currently teaching in the school.~~

17 (5) School recognition awards must be used for the
18 following:

19 (a) Nonrecurring bonuses to the faculty and staff who
20 presently are employed at the school or who were employed at
21 the school during the year of improved performance;

22 (b) Nonrecurring expenditures for educational
23 equipment or materials to assist in maintaining and improving
24 student performance; or

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

27
28 Notwithstanding statutory provisions to the contrary,
29 incentive awards are not subject to collective bargaining.

30 Section 34. Section 1008.51, Florida Statutes, is
31 amended to read:

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1 1008.51 Office Council for Education Policy Research
2 and Improvement.--The Office Council for Education Policy
3 Research and Improvement is created as an independent office
4 under the Office of Legislative Services, pursuant to s.
5 11.147. The office council shall conduct and review education
6 research, provide independent analysis on education progress,
7 and provide independent evaluation of education issues of
8 statewide concern. The Office of Legislative Services shall
9 provide administrative functions of the office council,
10 pursuant to joint policies of the Legislature.

11 (1) The Legislative Auditing Committee shall appoint a
12 director of the Office for Education Policy Research and
13 Improvement by a majority vote of the Senate and the House of
14 Representatives. The reappointment of the director is subject
15 to confirmation by a majority vote of the Senate and the House
16 of Representatives.

17 (a) The appointment of the director may be terminated
18 at any time by a majority vote of the Senate and the House of
19 Representatives.

20 (b) The Legislative Auditing Committee may appoint an
21 interim director. The interim director shall perform the
22 functions as provided by law until each house confirms the
23 appointment of the director.

24 ~~(1) The council shall serve as a citizen board for~~
25 ~~independent policy research and analysis. The council shall be~~
26 ~~composed of five members appointed by the Governor, two~~
27 ~~members appointed by the Speaker of the House of~~
28 ~~Representatives, and two members appointed by the President of~~
29 ~~the Senate. Each member shall be appointed for a term of 6~~
30 ~~years. However, for purposes of continuity, the Governor shall~~
31 ~~appoint two members, the Speaker of the House of~~

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1 ~~Representatives shall appoint one member, and the President of~~
2 ~~the Senate shall appoint one member for a first term of 4~~
3 ~~years. Members appointed for 4 years may be reappointed to one~~
4 ~~additional term. Members shall not include elected officials~~
5 ~~or employees of public or independent education entities.~~
6 ~~Members who miss two consecutive meetings may be replaced by~~
7 ~~the appointing officer.~~

8 ~~(2) The council shall meet as often as it considers~~
9 ~~necessary to carry out its duties and responsibilities.~~
10 ~~Members shall be paid travel and per diem expenses as provided~~
11 ~~in s. 112.061 while performing their duties under this~~
12 ~~section.~~

13 ~~(2)(3) The council shall appoint an executive~~
14 ~~director, who shall serve at the pleasure of the council and~~
15 ~~shall perform the duties assigned to him or her by the~~
16 ~~council. The executive director is the chief administrative~~
17 ~~officer of the office council and shall appoint all employees~~
18 ~~and staff members of the office council, who shall serve under~~
19 ~~the executive director's direction and control.~~

20 ~~(3)(4) The office council shall:~~

21 (a) Provide state policymakers, educators, and the
22 public with objective and timely information that supports the
23 seamless K-20 education system and the K-20 education
24 accountability process designed to provide all students an
25 opportunity for a high-quality education, in accordance with
26 the policies and guiding principles of s. 1000.02 and the
27 performance accountability system in s. 1008.31.

28 (b) Explore national and state emerging educational
29 issues and examine how these issues should be addressed by
30 education institutions in Florida.

31 ~~(c) Prepare and submit to the State Board of Education~~

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1 ~~a long-range master plan for education. The plan must include~~
2 ~~consideration of the promotion of quality, fundamental~~
3 ~~educational goals, programmatic access, needs for remedial~~
4 ~~education, regional and state economic development,~~
5 ~~international education programs, demographic patterns,~~
6 ~~student demand for programs, needs of particular subgroups of~~
7 ~~the population, implementation of innovative educational~~
8 ~~techniques and technology, and requirements of the labor~~
9 ~~market. The plan must evaluate the capacity of existing~~
10 ~~programs in public and independent institutions to respond to~~
11 ~~identified needs, and the council shall recommend efficient~~
12 ~~alternatives to address unmet needs. The council shall update~~
13 ~~the master plan at least every 5 years.~~

14 ~~(d) Prepare and submit for approval by the State Board~~
15 ~~of Education a long-range performance plan for K-20 education~~
16 ~~in Florida, and annually review and recommend improvement in~~
17 ~~the implementation of the plan.~~

18 ~~(c)(e)~~ Annually report on the progress of public
19 schools and postsecondary education institutions toward
20 meeting educational goals and standards as defined by s.
21 1008.31.

22 ~~(d)(f)~~ Recommend to the Legislature and the State
23 Board of Education legislation and rules for the educational
24 accountability system that support the policies and guiding
25 principles of s. 1000.02.

26 ~~(g)~~ Recommend to the State Board of Education
27 revisions and new initiatives to further improve the K-20
28 education accountability system.

29 ~~(e)(h)~~ Provide public education institutions and the
30 public with information on the K-20 education accountability
31 system, recommend refinements and improvements, and evaluate

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1 issues pertaining to student learning gains.

2 ~~(f)(i)~~ On its own initiative or in response to the
3 ~~Governor, the Legislature, the State Board of Education, or~~
4 ~~the Commissioner of Education,~~ issue reports and
5 recommendations on matters relating to any education sector.

6 ~~(j)~~ By January 1, 2003, and on a 3-year cycle
7 thereafter, review and make recommendations to the Legislature
8 regarding the activities of research centers and institutes
9 supported with state funds to assess the return on the state's
10 investment in research conducted by public postsecondary
11 education institutions, in coordination with the Leadership
12 Board for Applied Research and Public Service, created
13 pursuant to s. 1004.58.

14 ~~(g)(*)~~ Apply for and receive grants for the study of
15 K-20 education system improvement consistent with its
16 responsibilities.

17 ~~(l)~~ Assist the State Board of Education in the conduct
18 of its educational responsibilities in such capacities as the
19 board considers appropriate.

20 (4) The Legislature shall review the Office for
21 Education Policy Research and Improvement during the 2006
22 Regular Session of the Legislature.

23 Section 35. Present subsection (9) of section 1011.62,
24 Florida Statutes, is redesignated as subsection (10) and
25 amended, and a new subsection (9) is added to that section, to
26 read:

27 1011.62 Funds for operation of schools.--If the annual
28 allocation from the Florida Education Finance Program to each
29 district for operation of schools is not determined in the
30 annual appropriations act or the substantive bill implementing
31 the annual appropriations act, it shall be determined as

1 follows:

2 (9) RESEARCH-BASED READING-INSTRUCTION ALLOCATION.--

3 (a) There is created the Research-Based
 4 Reading-Instruction Allocation to provide comprehensive
 5 reading instruction to students in kindergarten through grade
 6 12.

7 (b) Funds for comprehensive, research-based reading
 8 instruction shall be allocated annually to each school
 9 district in the amount provided in the General Appropriations
 10 Act. Each eligible school district shall receive the same
 11 minimum amount as specified in the General Appropriations Act,
 12 and any remaining funds shall be distributed to eligible
 13 school districts based on each school district's proportionate
 14 share of the statewide total unweighted full-time equivalent
 15 student population. The Legislature shall annually increase
 16 funds for the allocation at a rate that equals or exceeds the
 17 rate of overall increase in the FEFP.

18 (c) Funds allocated under this subsection must be used
 19 to provide a system of comprehensive reading instruction to
 20 students enrolled in K-12 programs, which may include the
 21 provision of:

- 22 1. Highly qualified reading coaches;
- 23 2. Professional development for district teachers in
 24 scientifically based reading instruction;
- 25 3. Summer reading camps for students who score at
 26 Level 1 on the FCAT;
- 27 4. Supplemental instructional materials that are
 28 grounded in scientifically based reading research; and
- 29 5. Intensive interventions for middle-school and
 30 secondary-school students who are reading below grade level.

31 (d) Annually, by a date determined by the Department

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1 of Education, school districts shall submit a plan in the
2 format prescribed by the department for review and approval
3 from the Just Read, Florida! Office created under s. 1001.215.
4 Upon approval of a school district's plan by the Just Read,
5 Florida! Office, the Department of Education shall release the
6 school district's allocation of appropriated funds pursuant to
7 chapter 216. The funds may not be released unless a school
8 district's plan has been approved, and the department may
9 withhold funding if a plan is not implemented as approved.

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

15 (a) The basic amount for current operation for the
16 FEFP as determined in subsection (1), multiplied by the
17 district cost differential factor as determined in subsection
18 (2), plus the amounts provided for categorical components
19 within the FEFP, plus the amount for the sparsity supplement
20 as determined in subsection (6), the decline in full-time
21 equivalent students as determined in subsection (7), ~~and~~ the
22 quality assurance guarantee as determined in subsection (8),
23 and the research-based reading-instruction allocation as
24 determined under subsection (9), less the required local
25 effort as determined in subsection (4). If the funds
26 appropriated for the purpose of funding the total amount for
27 current operation as provided in this paragraph are not
28 sufficient to pay the state requirement in full, the
29 department shall prorate the available state funds to each
30 district in the following manner:

31 1. Determine the percentage of proration by dividing

1 the sum of the total amount for current operation, as provided
2 in this paragraph for all districts collectively, and the
3 total district required local effort into the sum of the state
4 funds available for current operation and the total district
5 required local effort.

6 2. Multiply the percentage so determined by the sum of
7 the total amount for current operation as provided in this
8 paragraph and the required local effort for each individual
9 district.

10 3. From the product of such multiplication, subtract
11 the required local effort of each district; and the remainder
12 shall be the amount of state funds allocated to the district
13 for current operation.

14 (b) The amount thus obtained shall be the net annual
15 allocation to each school district. However, if it is
16 determined that any school district received an
17 underallocation or overallocation for any prior year because
18 of an arithmetical error, assessment roll change, full-time
19 equivalent student membership error, or any allocation error
20 revealed in an audit report, the allocation to that district
21 shall be appropriately adjusted. Beginning with audits for the
22 2001-2002 fiscal year, if the adjustment is the result of an
23 audit finding in which group 2 FTE are reclassified to the
24 basic program and the district weighted FTE are over the
25 weighted enrollment ceiling for group 2 programs, the
26 adjustment shall not result in a gain of state funds to the
27 district. If the Department of Education audit adjustment
28 recommendation is based upon controverted findings of fact,
29 the Commissioner of Education is authorized to establish the
30 amount of the adjustment based on the best interests of the
31 state.

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1 (c) The amount thus obtained shall represent the net
2 annual state allocation to each district; however,
3 notwithstanding any other provision of this section of the
4 provisions herein, each district shall be guaranteed a minimum
5 level of funding in the amount and manner prescribed in the
6 General Appropriations Act.

7 Section 36. Section 1011.6855, Florida Statutes, is
8 created to read:

9 1011.6855 Minimum instructional personnel salary and
10 class size reduction; operating categorical fund.--

11 (1) Effective upon the passage of an amendment to s.
12 1, Art. IX of the State Constitution to create district
13 average maximum class sizes, there is created an operating
14 categorical fund for implementing the average maximum class
15 sizes and implementing the provisions of this section relating
16 to instructional personnel salary.

17 (2) The funds appropriated to the operating
18 categorical fund created under subsection (1) shall be used to
19 provide:

20 (a) Minimum salary of \$35,000 or more as specified by
21 the General Appropriations Act for all full-time, certified
22 instructional personnel identified in s. 1012.01(2)(a)-(d).

23 (b) Elevation funds of at least \$2,000 or as specified
24 in the General Appropriations Act to increase the salary of
25 all full-time, certified instructional personnel identified in
26 s. 1012.01(2)(a)-(d) to a level at or above the minimum
27 salary.

28 (3) After the obligations set forth in paragraphs
29 (2)(a) and (b) have been met, the remaining funds must be used
30 to reduce the district average class size until it meets the
31 requirements specified in the State Constitution.

1 Section 37. Subsection (6) is added to section
2 1012.21, Florida Statutes, to read:

3 1012.21 Department of Education duties; K-12
4 personnel.--

5 (6) REPORTING.--The Department of Education shall
6 annually post on-line the collective bargaining contracts of
7 each school district in the state which the department has
8 received under s. 1012.22. The department shall prescribe the
9 format in which district school boards must provide the
10 information.

11 Section 38. Paragraph (c) of subsection (1) of section
12 1012.22, Florida Statutes, is amended read:

13 1012.22 Public school personnel; powers and duties of
14 the district school board.--The district school board shall:

15 (1) Designate positions to be filled, prescribe
16 qualifications for those positions, and provide for the
17 appointment, compensation, promotion, suspension, and
18 dismissal of employees as follows, subject to the requirements
19 of this chapter:

20 (c) Compensation and salary schedules.--

21 1. The district school board shall adopt a salary
22 schedule or salary schedules designed to furnish incentives
23 for improvement in training and for continued efficient
24 service to be used as a basis for paying all school employees
25 and fix and authorize the compensation of school employees on
26 the basis thereof.

27 2. A district school board, in determining the salary
28 schedule for instructional personnel, must base a portion of
29 each employee's compensation on performance demonstrated under
30 s. 1012.34, must consider the prior teaching experience of a
31 person who has been designated state teacher of the year by

1 any state in the United States, and must consider prior
 2 professional experience in the field of education gained in
 3 positions in addition to district level instructional and
 4 administrative positions.

5 3. In developing the salary schedule, the district
 6 school board shall seek input from parents, teachers, and
 7 representatives of the business community.

8 4.a. ~~Beginning with the 2002-2003 fiscal year,~~ Each
 9 district school board must adopt a performance-pay policy for
 10 school administrators and instructional personnel. The
 11 district's performance-pay policy is subject to negotiation as
 12 provided in chapter 447; however, the adopted salary schedule
 13 must allow school administrators and instructional personnel
 14 who demonstrate outstanding performance, as measured under s.
 15 1012.34, to earn a 5-percent supplement in addition to their
 16 individual, negotiated salary. The supplements shall be funded
 17 from the performance-pay reserve funds adopted in the salary
 18 schedule. ~~Beginning with the 2004-2005 academic year,~~ The
 19 district's 5-percent performance-pay policy must provide for
 20 the evaluation of classroom teachers within each level of the
 21 salary career ladder provided in s. 1012.231.

22 **b.** The Commissioner of Education shall determine
 23 whether the district school board's adopted salary schedule
 24 complies with the requirement for performance-based pay. If
 25 the district school board fails to comply with this section,
 26 the commissioner shall recommend to the State Board of
 27 Education that the board withhold disbursements from the
 28 Educational Enhancement Trust Fund to the district until
 29 compliance is verified, and the board may do so.

30 5.a. Beginning with the 2005-2006 fiscal year, each
 31 district school board shall adopt a differentiated-pay policy

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1 for school administrators and instructional personnel. The
2 policy with respect to instructional personnel is subject to
3 negotiation as provided in chapter 447; however, the adopted
4 salary schedule must allow school administrators and
5 instructional personnel to receive differentiated pay based
6 upon factors including, but not limited to:

7 (I) The subject areas taught, with classroom teachers
8 who teach in critical shortage areas receiving higher pay;

9 (II) The economic demographics of the school, with
10 school administrators and instructional personnel in schools
11 that have a majority of students who qualify for free or
12 reduced-price lunches receiving higher pay;

13 (III) The performance of school administrators and
14 instructional personnel as provided in subparagraph 4.; and

15 (IV) The responsibilities of the classroom teacher.

16 b. The district school board must hold a public
17 hearing at which the board must present its proposed
18 differentiated-pay policy and the rationale supporting the
19 differentiated-pay classifications as proposed, consistent
20 with this subparagraph's differentiated-pay factors.

21 c. The Commissioner of Education shall determine
22 whether the district school board's adopted salary schedule
23 complies with the requirement for differentiated pay. If the
24 district school board does not adopt a differentiated-pay
25 scale, the commissioner shall recommend to the State Board of
26 Education that the board withhold disbursements from the
27 Educational Enhancement Trust Fund to the district until
28 compliance is verified, and the board may do so.

29 Section 39. Section 1012.2305, Florida Statutes, is
30 created to read:

31 1012.2305 Minimum instructional personnel salary.--

1 (1) LEGISLATIVE INTENT.--The Legislature recognizes
 2 that higher pay does not guarantee high-quality performance in
 3 education. The Legislature also recognizes that competitive
 4 pay, differential pay, and performance incentives are
 5 necessary to attract and retain the highest-quality teachers
 6 and that the prospects of higher pay and career opportunities
 7 are important to attract talented individuals into the field
 8 of teaching.

9 (2) MINIMUM SALARY FOR INSTRUCTIONAL
 10 PERSONNEL.--Contingent upon the passage of an amendment to s.
 11 1, Art. IX of the State Constitution to create district
 12 average maximum class sizes and establish minimum salary for
 13 instructional personnel, the minimum salary for full-time
 14 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 15 this state shall be \$35,000 and shall be established by the
 16 Legislature to remain above the national average public school
 17 teacher beginning salary.

18 Section 40. Section 1012.2315, Florida Statutes, is
 19 created to read:

20 1012.2315 Assignment of teachers.--

21 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 22 finds disparity between teachers assigned to teach in a
 23 majority of "A" schools compared with those assigned to teach
 24 in a majority of "F" schools. The disparity can be found in
 25 the average years of experience, the median salary, and the
 26 performance of the teachers on teacher certification exams.
 27 It is the intent of the Legislature that district school
 28 boards have flexibility through the collective bargaining
 29 process to assign teachers more equitably to schools
 30 throughout the district.

31 (2) ASSIGNMENT TO "D" AND "F" SCHOOLS.--School

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1 districts may not assign a higher percentage than the school
2 district average of first-time teachers, temporarily certified
3 teachers, teachers in need of improvement, or out-of-field
4 teachers to schools that have more than the school district
5 average of minority and economically disadvantaged students or
6 to schools that are graded "D" or "F." Each school district
7 shall annually certify to the Commissioner of Education that
8 this requirement has been met. If the commissioner determines
9 that a school district is not in compliance with this section,
10 the State Board of Education shall be notified and shall take
11 action in the next regularly scheduled meeting to require
12 compliance.

13 (3) SALARY INCENTIVES.--District school boards may
14 provide salary incentives to meet this requirement.

15 (4) COLLECTIVE BARGAINING.--Notwithstanding chapter
16 447, no provision of collective bargaining may preclude a
17 school district from assigning high-quality teachers to teach
18 in low-performing schools.

19 Section 41. Section 1012.72, Florida Statutes, is
20 amended to read:

21 1012.72 Dale Hickam Excellent Teaching Program.--

22 (1) The Legislature recognizes that teachers play a
23 critical role in preparing students to achieve the high levels
24 of academic performance expected by the Sunshine State
25 Standards. The Legislature further recognizes the importance
26 of identifying and rewarding teaching excellence and of
27 encouraging good teachers to become excellent teachers. The
28 Legislature finds that the National Board of Professional
29 Teaching Standards (NBPTS) has established high and rigorous
30 standards for accomplished teaching and has developed a
31 national voluntary system for assessing and certifying

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1 teachers who demonstrate teaching excellence by meeting those
2 standards. It is therefore the Legislature's intent to provide
3 incentives for teachers to seek NBPTS certification and to
4 reward teachers who demonstrate teaching excellence by
5 attaining NBPTS certification and sharing their expertise with
6 other teachers.

7 (2) The Dale Hickam Excellent Teaching Program is
8 created to provide categorical funding for monetary incentives
9 and bonuses for teaching excellence. The Department of
10 Education shall distribute to each school district or to the
11 NBPTS an amount as prescribed annually by the Legislature for
12 the Dale Hickam Excellent Teaching Program. For purposes of
13 this section, the Florida School for the Deaf and the Blind
14 shall be considered a school district. Unless otherwise
15 provided in the General Appropriations Act, each distribution
16 shall be the sum of the amounts earned for the following
17 incentives and bonuses:

18 (a) A fee subsidy to be paid by the Department of
19 Education to the NBPTS on behalf of each individual who is an
20 employee of a district school board or a public school within
21 the school district, who is certified by the district to have
22 demonstrated satisfactory teaching performance pursuant to s.
23 1012.34 and who satisfies the prerequisites for participating
24 in the NBPTS certification program, and who agrees, in
25 writing, to pay 10 percent of the NBPTS participation fee and
26 to participate in the NBPTS certification program during the
27 school year for which the fee subsidy is provided. The fee
28 subsidy for each eligible participant shall be an amount equal
29 to 90 percent of the fee charged for participating in the
30 NBPTS certification program. The fee subsidy is a one-time
31 award and may not be duplicated for any individual.

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1 (b) A portfolio-preparation incentive of \$150 paid by
2 the Department of Education to each teacher employed by a
3 district school board or a public school within a school
4 district who is participating in the NBPTS certification
5 program. The portfolio-preparation incentive is a one-time
6 award paid during the school year for which the NBPTS fee
7 subsidy is provided.

8 (c) An annual bonus equal to 10 percent of the prior
9 fiscal year's statewide average salary for classroom teachers
10 to be distributed to the school district to be paid to each
11 individual who holds NBPTS certification and is employed by
12 the district school board or by a public school within the
13 school district. The district school board shall distribute
14 the annual bonus to each individual who meets the requirements
15 of this paragraph and who is certified annually by the
16 district to have demonstrated satisfactory teaching
17 performance pursuant to s. 1012.34. The annual bonus may be
18 paid as a single payment or divided into not more than three
19 payments.

20 (d) An annual bonus equal to 10 percent of the prior
21 fiscal year's statewide average salary for classroom teachers
22 to be distributed to the school district to be paid to each
23 individual who meets the requirements of paragraph (c) and
24 agrees, in writing, to provide the equivalent of 12 workdays
25 of mentoring and related services to public school teachers
26 within the state who do not hold NBPTS certification. Related
27 services must include instruction in helping teachers work
28 more effectively with the families of their students. The
29 district school board shall distribute the annual bonus in a
30 single payment following the completion of all required
31 mentoring and related services for the year. It is not the

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1 intent of the Legislature to remove excellent teachers from
2 their assigned classrooms; therefore, credit may not be
3 granted by a school district or public school for mentoring or
4 related services provided during student contact time during
5 the 196 days of required service for the school year.

6 (e) The employer's share of social security and
7 Medicare taxes and Florida Retirement System contributions for
8 those teachers who qualify for NBPTS certification and receive
9 bonus amounts.

10

11 A teacher for whom the state pays the certification fee and
12 who does not complete the certification program or does not
13 teach in a public school of this state for at least 1 year
14 after completing the certification program must repay the
15 amount of the certification fee to the state. However, a
16 teacher who completes the certification program but fails to
17 be awarded NBPTS certification is not required to repay the
18 amount of the certification fee if the teacher meets the
19 1-year teaching requirement. Repayment is not required of a
20 teacher who does not complete the certification program or
21 fails to fulfill the teaching requirement because of the
22 teacher's death or disability or because of other extenuating
23 circumstances as determined by the State Board of Education.

24 (3)(a) In addition to any other remedy available under
25 the law, any person who is a recipient of a certification fee
26 subsidy paid to the NBPTS and who is an employee of the state
27 or any of its political subdivisions is considered to have
28 consented, as a condition of employment, to the voluntary or
29 involuntary withholding of wages to repay to the state the
30 amount of such a certification fee subsidy awarded under this
31 section. Any such employee who defaults on the repayment of

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1 such a certification fee subsidy must, within 60 days after
2 service of a notice of default by the Department of Education
3 to the employee, establish a repayment schedule which must be
4 agreed to by the department and the employee, for repaying the
5 defaulted sum through payroll deductions. The department may
6 not require the employee to pay more than 10 percent of the
7 employee's pay per pay period under such a repayment schedule
8 or plan. If the employee fails to establish a repayment
9 schedule within the specified period of time or fails to meet
10 the terms and conditions of the agreed upon or approved
11 repayment schedule as authorized by this subsection, the
12 employee has breached an essential condition of employment and
13 is considered to have consented to the involuntary withholding
14 of wages or salary for the repayment of the certification fee
15 subsidy.

16 (b) A person who is employed by the state, or any of
17 its political subdivisions, may not be dismissed for having
18 defaulted on the repayment of the certification fee subsidy to
19 the state.

20 (4) The Dale Hickam Excellent Teaching Program Trust
21 Fund shall be administered by the Department of Education
22 pursuant to s. 1010.72.

23 (5) The Department of Education shall conduct research
24 to evaluate the effectiveness of the program.

25 (6) (4) The State Board of Education may adopt rules
26 pursuant to ss. 120.536 and 120.54 as necessary to administer
27 the provisions for payment of the fee subsidies, incentives,
28 and bonuses and for the repayment of defaulted certification
29 fee subsidies under this section.

30 ~~(5) The Dale Hickam Excellent Teaching Program Trust~~
31 ~~Fund shall be administered by the Department of Education~~

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1 ~~pursuant to s. 1010.72.~~

2 Section 42. Section 1012.986, Florida Statutes, is
3 created to read:

4 1012.986 Professional development for school
5 leaders.--

6 (1) SHORT TITLE.--This section may be cited as the
7 DELTA (Developing Educational Leaders for Tomorrow's
8 Achievers) Act.

9 (2) CREATION OF PROGRAM.--There is created the DELTA
10 Program which shall be administered by the Department of
11 Education. The program shall be a high-quality,
12 competency-based, customized, comprehensive, and coordinated
13 statewide professional development program to provide
14 leadership training opportunities for school leaders to enable
15 them to be more effective instructional leaders, especially in
16 the area of reading. The program shall provide school leaders
17 with the opportunity to attain a school leadership designation
18 pursuant to subsection (4).

19 (3) DEFINITION.--As used in this section, the term
20 "school leader" means a school principal or assistant
21 principal who holds a valid Florida certificate in educational
22 leadership.

23 (4) LEADERSHIP DESIGNATIONS.--The Department of
24 Education shall determine annually, in collaboration with
25 school principals, thresholds for different leadership
26 designations. Criteria for school leadership designations
27 shall be based on the following point system:

28 (a) One point for each percent increase over the
29 previous year, by grade, of students who score at or above
30 FCAT Level 3 in reading;

31 (b) One point for each percent increase over the

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1 previous year, by grade, of students who score at or above
2 FCAT Level 3 in math;

3 (c) One point for each percent increase over the
4 previous year, by school, of students who score 3.5 or higher
5 on FCAT writing;

6 (d) One point for each percent increase over the
7 previous year of students making learning gains in reading;

8 (e) One point for each percent increase over the
9 previous year of students making learning gains in math;

10 (f) One point for each percent increase over the
11 previous year of the lowest quartile making learning gains in
12 reading.

13 (5) DELTA PROGRAM REQUIREMENTS.--

14 (a) The DELTA Program shall be based upon the
15 leadership standards adopted by the State Board of Education,
16 the standards of the National Staff Development Council, and
17 the federal requirements for high-quality professional
18 development under the No Child Left Behind Act of 2001.

19 (b) The DELTA Program shall provide a competency-based
20 approach that uses prediagnostic and post-diagnostic
21 evaluations that shall be used to create an individualized
22 professional development plan approved by the district school
23 superintendent. The plan must be structured to support the
24 school leader's attainment of the leadership standards adopted
25 by the State Board of Education.

26 (c) The DELTA Program shall incorporate training in
27 instructional leadership and effective business practices for
28 efficient school operations in school leadership training
29 based on best practices of current effective leadership
30 training in school districts.

31 (6) DELIVERY SYSTEM.--The Department of Education

1 shall deliver the DELTA Program through multiple delivery
2 systems, including:

- 3 (a) Approved school district training programs;
- 4 (b) Interactive technology-based instruction; and
- 5 (c) State, regional, or local leadership academies.
- 6 (7) RULES.--The State Board of Education shall adopt
7 rules under ss. 120.536(1) and 120.54 to administer this
8 section.

9 Section 43. Sections 1012.987 and 1012.231, Florida
10 Statutes, are repealed.

11 Section 44. Sections 1003.03 and 1011.685, Florida
12 Statutes, are repealed effective upon the effective date of
13 amendments to the class size requirements provided in Section
14 1 of Article IX of the State Constitution.

15 Section 45. If any provision of this act or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the act which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this act are declared severable.

21 Section 46. Except as otherwise expressly provided in
22 this act, this act shall take effect upon becoming a law.

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