

1                                   A bill to be entitled  
 2           An act relating to school improvement and education  
 3           accountability; amending s. 1001.42, F.S.; requiring a  
 4           school improvement plan to include strategies for  
 5           improving student achievement under certain  
 6           circumstances; revising provisions relating to  
 7           eligibility for an opportunity scholarship; amending  
 8           s. 1002.33, F.S.; revising provisions requiring a  
 9           charter school to implement a school improvement plan  
 10          to raise student achievement; revising corrective  
 11          actions to be selected and implemented by a charter  
 12          school; providing requirements for implementation of  
 13          corrective actions and intervention and support  
 14          strategies identified in a school improvement plan;  
 15          providing for termination of a charter school not  
 16          making continuous improvement unless it meets  
 17          specified criteria; amending s. 1002.332, F.S.;  
 18          conforming provisions; amending s. 1002.38, F.S.;  
 19          revising provisions relating to eligibility for an  
 20          opportunity scholarship; amending s. 1008.22, F.S.;  
 21          revising provisions relating to the statewide student  
 22          assessment program; providing that certain end-of-  
 23          course assessments replace corresponding FCAT  
 24          assessments; amending s. 1008.33, F.S.; revising  
 25          provisions relating to the State Board of Education's  
 26          authority to enforce public school improvement;  
 27          requiring the state board to comply with the federal  
 28          flexibility waiver approved by the United States

29 Secretary of Education; requiring the Department of  
 30 Education to annually identify each school in need of  
 31 intervention and support to improve student academic  
 32 performance; basing the need for intervention and  
 33 support on school grades; providing requirements for  
 34 state board rules for intervention and support  
 35 strategies for school improvement; deleting department  
 36 duties relating to the categorization of low-  
 37 performing schools; providing state board, school  
 38 district, and school requirements for implementing  
 39 strategies and turnaround options to improve school  
 40 performance; revising turnaround options available to  
 41 a school district and requiring state board approval  
 42 of the option selected for implementation; providing  
 43 certain exceptions; requiring the state board to adopt  
 44 rules relating to plans for implementing school  
 45 turnaround options; amending s. 1008.34, F.S.;  
 46 revising provisions relating to the school grading  
 47 system; revising the contents of the annual report of  
 48 the results of the statewide assessment program;  
 49 revising certain criteria upon which school grades are  
 50 based; revising the basis for calculating a school  
 51 district's grade; amending ss. 1008.345, 1012.07,  
 52 1012.22, and 1012.2315, F.S.; conforming provisions;  
 53 providing an effective date.

54  
 55 Be It Enacted by the Legislature of the State of Florida:  
 56

PCB EDC 12-01

Original

2012

57 Section 1. Paragraph (a) of subsection (18) and subsection  
58 (20) of section 1001.42, Florida Statutes, are amended to read:

59 1001.42 Powers and duties of district school board.—The  
60 district school board, acting as a board, shall exercise all  
61 powers and perform all duties listed below:

62 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
63 Maintain a state system of school improvement and education  
64 accountability as provided by statute and State Board of  
65 Education rule. This system of school improvement and education  
66 accountability shall be consistent with, and implemented  
67 through, the district's continuing system of planning and  
68 budgeting required by this section and ss. 1008.385, 1010.01,  
69 and 1011.01. This system of school improvement and education  
70 accountability shall comply with the provisions of ss. 1008.33,  
71 1008.34, 1008.345, and 1008.385 and include the following:

72 (a) School improvement plans.—The district school board  
73 shall annually approve and require implementation of a new,  
74 amended, or continuation school improvement plan for each school  
75 in the district. If a school has a significant gap in  
76 achievement on statewide assessments under s. 1008.34(3)(b) by  
77 one or more student subgroups, as defined in the federal  
78 Elementary and Secondary Education Act, 20 U.S.C. s.  
79 6311(b)(2)(C)(v)(II); has not significantly decreased the  
80 percentage of students scoring below satisfactory on statewide  
81 assessments; or has significantly lower graduation rates for a  
82 subgroup when compared to the state's graduation rate, that  
83 school's improvement plan shall include strategies for improving  
84 these results. The state board shall adopt rules establishing

85 thresholds for determining compliance with this paragraph.

86 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing  
 87 students attending schools that have earned a grade of "F" or  
 88 three consecutive grades ~~been designated with a grade of "D" or~~  
 89 ~~"F" pursuant to s. 1008.34 and that are in one of the two~~  
 90 ~~lowest-performing categories pursuant to s. 1008.33~~ to attend a  
 91 higher-performing school in the district or any other district  
 92 in the state, in conformance with s. 1002.38 and State Board of  
 93 Education rule.

94 Section 2. Paragraphs (n), (o), and (p) of subsection (9)  
 95 of section 1002.33, Florida Statutes, are amended to read:

96 1002.33 Charter schools.—

97 (9) CHARTER SCHOOL REQUIREMENTS.—

98 (n)1. The director and a representative of the governing  
 99 board ~~body~~ of a charter school that has earned ~~received~~ a school  
 100 grade of "D" or "F" pursuant to ~~under~~ s. 1008.34(2) shall appear  
 101 before the sponsor ~~or the sponsor's staff at least once a year~~  
 102 to present information concerning each contract component having  
 103 noted deficiencies. ~~The sponsor shall communicate at the~~  
 104 ~~meeting, and in writing to the director, the services provided~~  
 105 ~~to the school to help the school address its deficiencies.~~

106 ~~(o) Upon notification that a charter school receives a~~  
 107 ~~school grade of "D" for 2 consecutive years or a school grade of~~  
 108 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~  
 109 ~~sponsor's staff shall require the director and a representative~~  
 110 of the governing board shall ~~body to~~ submit to the sponsor for  
 111 approval a school improvement plan to raise student achievement  
 112 ~~and to implement the plan. Upon approval by the sponsor, the~~

113 charter school shall begin implementation of the ~~has the~~  
 114 ~~authority to approve a school improvement plan that the charter~~  
 115 ~~school will implement in the following school year. The sponsor~~  
 116 ~~may also consider the State Board of Education's recommended~~  
 117 ~~action pursuant to s. 1008.33(1) as part of the school~~  
 118 ~~improvement plan. The department of Education shall offer~~  
 119 ~~technical assistance and training to the charter school and its~~  
 120 ~~governing board ~~body~~ and establish guidelines for developing,~~  
 121 ~~submitting, and approving such plans.~~

122 2.a.1. ~~If a~~ the charter school earns three consecutive  
 123 grades of "D," two consecutive grades of "D" followed by a grade  
 124 of "F," or two nonconsecutive grades of "F" within a 3-year  
 125 period fails to improve its student performance from the year  
 126 ~~immediately prior to the implementation of the school~~  
 127 ~~improvement plan, the sponsor shall place the charter school on~~  
 128 ~~probation and shall require the charter school governing board~~  
 129 ~~shall choose body to take one of the following corrective~~  
 130 ~~actions:~~

131 (I)a. ~~Contract for the educational services to be provided~~  
 132 directly to students, instructional personnel, and school  
 133 administrators, as prescribed in state board rule of the charter  
 134 ~~school;~~

135 (II) ~~Contract with an outside entity that has a~~  
 136 demonstrated record of effectiveness to operate the school;

137 (III)b. ~~Reorganize the school at the end of the school~~  
 138 ~~year under a new director or principal who is authorized to hire~~  
 139 ~~new staff and implement a plan that addresses the causes of~~  
 140 ~~inadequate progress; or~~

141 (IV)e. Voluntarily close ~~Reconstitute~~ the charter school.

142 b. The charter school must implement the corrective action

143 in the school year following receipt of a third consecutive

144 grade of "D," a grade of "F" following two consecutive grades of

145 "D," or a second nonconsecutive grade of "F" within a 3-year

146 period.

147 c. The sponsor may annually waive corrective actions if it

148 determines that the charter school is likely to improve a letter

149 grade if additional time is provided to implement the

150 intervention and support strategies prescribed by the school

151 improvement plan.

152 d.2. A charter school is no longer required to implement

153 that is placed on probation shall continue the corrective

154 actions if it required under subparagraph 1. until the charter

155 school improves by at least one letter grade its student

156 performance from the year prior to the implementation of the

157 school improvement plan. However, the charter school must

158 continue to implement strategies identified in the school

159 improvement plan. The sponsor must annually review

160 implementation of the school improvement plan to monitor the

161 school's continued improvement pursuant to subparagraph 5.

162 e. A charter school implementing a corrective action that

163 does not improve by at least one letter grade after 2 full

164 school years of implementing the corrective action must select a

165 different corrective action. Implementation of the new

166 corrective action must begin in the school year following the

167 implementation period of the existing corrective action, unless

168 the sponsor determines that the charter school is likely to

169 improve a letter grade if additional time is provided to  
 170 implement the existing corrective action. Notwithstanding this  
 171 sub-subparagraph, a charter school that earns a second  
 172 consecutive grade of "F" while implementing a corrective action  
 173 is subject to subparagraph 4.

174 3. A charter school graded "D" or "F" that improves by at  
 175 least one letter grade must continue to implement the strategies  
 176 identified in the school improvement plan. The sponsor must  
 177 annually review implementation of the school improvement plan to  
 178 monitor the school's continued improvement pursuant to  
 179 subparagraph 5.

180 4. The sponsor shall terminate the charter if the charter  
 181 school earns two consecutive grades of "F" unless:

182 a. The charter school is established to turnaround the  
 183 performance of a district public school pursuant to s.  
 184 1008.33(4)(b)3. Such charter schools shall be governed by s.  
 185 1008.33;

186 b. The charter school serves a student population the  
 187 majority of which resides in a school zone served by a district  
 188 public school that earned a grade of "F" in the year before the  
 189 charter school opened and the charter school earns at least a  
 190 grade of "D" in its third year of operation. The exception  
 191 provided under this sub-subparagraph does not apply to a charter  
 192 school in its fourth year of operation and thereafter; or

193 c. The state board grants the charter school a waiver of  
 194 termination. The charter school must request the waiver within  
 195 30 days of completion of school grade appeals. The state board  
 196 may waive termination if the charter school demonstrates that

197 the learning gains of its students on statewide assessments are  
 198 comparable or better than the learning gains of similarly  
 199 situated students enrolled in nearby district public schools.  
 200 The waiver is valid for 1 year and may only be granted once.  
 201 Charter schools that have been in operation for more than 5  
 202 years are not eligible for a waiver under this sub-subparagraph.

203 ~~3. Notwithstanding any provision of this paragraph, the~~  
 204 ~~sponsor may terminate the charter at any time pursuant to~~  
 205 ~~subsection (8).~~

206 5.(p) The director and a representative of the governing  
 207 board body of a graded charter school that has implemented  
 208 submitted a school improvement plan ~~or has been placed on~~  
 209 ~~probation~~ under this paragraph (e) shall appear before the  
 210 sponsor ~~or the sponsor's staff~~ at least once a year to present  
 211 information regarding the progress of intervention and support  
 212 ~~corrective~~ strategies ~~that are being~~ implemented by the school  
 213 pursuant to the school improvement plan and corrective actions,  
 214 if applicable. The sponsor shall communicate at the meeting, and  
 215 in writing to the director, the services provided to the school  
 216 to help the school address its deficiencies.

217 6. Notwithstanding any provision of this paragraph except  
 218 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
 219 at any time pursuant to subsection (8).

220 Section 3. Paragraph (b) of subsection (1) of section  
 221 1002.332, Florida Statutes, is amended to read:

222 1002.332 High-performing charter school system.—

223 (1) For purposes of this section, the term:

224 (b) "High-performing charter school system" means an



225 entity that:

226 1. Operates at least three high-performing charter schools  
227 in the state;

228 2. Operates a system of charter schools in which at least  
229 50 percent of the charter schools are high-performing charter  
230 schools pursuant to s. 1002.331 and no charter school earned  
231 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,  
232 except that:

233 a. If the entity has assumed operation of a public school  
234 pursuant to s. 1008.33(4)(b)3. ~~1008.33(5)(a)3.~~ with a school  
235 grade of ~~"D" or "F,"~~ that school's grade may ~~shall~~ not be  
236 considered in determining high-performing charter school system  
237 status for a period of 3 years.

238 b. If the entity establishes a new charter school that  
239 serves a student population the majority of which resides in a  
240 school zone served by a public school that earned a grade of "F"  
241 or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~  
242 ~~identified as lowest performing under s. 1008.33(4)(b),~~ that  
243 charter school's grade may ~~shall~~ not be considered in  
244 determining high-performing charter school system status if it  
245 attains and maintains a school grade that is higher than that of  
246 the public school serving that school zone within 3 years after  
247 establishment; and

248 3. Has not received a financial audit that revealed one or  
249 more of the financial emergency conditions set forth in s.  
250 218.503(1) for any charter school assumed or established by the  
251 entity.

252 Section 4. Paragraph (a) of subsection (2) of section

PCB EDC 12-01

Original

2012

253 1002.38, Florida Statutes, is amended to read:

254 1002.38 Opportunity Scholarship Program.—

255 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

256 (a) ~~For purposes of this section, a school's grade shall~~  
 257 ~~be based upon statewide assessments administered pursuant to s.~~

258 ~~1008.22.~~ A public school student's parent may request and  
 259 receive an opportunity scholarship for the student to enroll in  
 260 and attend a public school in accordance with the provisions of  
 261 this section if:

262 1. By assigned school attendance area or by special  
 263 assignment, the student has spent the prior school year in  
 264 attendance at a public school that has earned a grade of "F" or  
 265 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~  
 266 ~~designated as performance grade category "D" or "F" and that is~~  
 267 ~~in one of the two lowest performing categories pursuant to s.~~  
 268 ~~1008.33,~~ and the student's attendance occurred during a school  
 269 year in which such designation was in effect;

270 2. The student has been in attendance elsewhere in the  
 271 public school system and has been assigned to such school for  
 272 the next school year; or

273 3. The student has been notified that he or she has been  
 274 assigned to such school for the next school year.

275 Section 5. Subsections (3) and (7) and paragraph (a) of  
 276 subsection (8) of section 1008.22, Florida Statutes, are amended  
 277 to read:

278 1008.22 Student assessment program for public schools.—

279 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 280 design and implement a statewide program of educational

PCB EDC 12-01

Original

2012

281 assessment that provides information for the improvement of the  
 282 operation and management of the public schools, including  
 283 schools operating for the purpose of providing educational  
 284 services to youth in Department of Juvenile Justice programs.  
 285 The commissioner may enter into contracts for the continued  
 286 administration of the assessment, ~~testing, and evaluation~~  
 287 programs authorized and funded by the Legislature. Contracts may  
 288 be initiated in 1 fiscal year and continue into the next and may  
 289 be paid from the appropriations of either or both fiscal years.  
 290 The commissioner is authorized to negotiate for the sale or  
 291 lease of tests, scoring protocols, test scoring services, and  
 292 related materials developed pursuant to law. Pursuant to the  
 293 statewide assessment program, the commissioner shall:

294 (a) Submit proposed Next Generation Sunshine State  
 295 Standards to the State Board of Education for adoption and  
 296 periodic review and revision under s. 1003.41.

297 (b) Develop and implement a uniform system of indicators  
 298 to describe the performance of public school students and the  
 299 characteristics of the public school districts and the public  
 300 schools. These indicators must include, ~~without limitation,~~  
 301 information gathered by the comprehensive management information  
 302 system created pursuant to s. 1008.385 and student achievement  
 303 information obtained pursuant to this section.

304 (c) Develop and implement a student achievement assessment  
 305 ~~testing~~ program as follows:

306 1. The Florida Comprehensive Assessment Test (FCAT)  
 307 measures a student's content knowledge and skills in reading,  
 308 writing, science, and mathematics. The content knowledge and

PCB EDC 12-01

Original

2012

309 skills assessed by the FCAT must be aligned to the core  
 310 curricular content established in the Next Generation Sunshine  
 311 State Standards. ~~FCAT Other content areas may be included as~~  
 312 ~~directed by the commissioner. Comprehensive assessments of~~  
 313 Reading and Mathematics shall be administered annually in grades  
 314 3 through 10 except, beginning with the 2010-2011 school year,  
 315 the administration of grade 9 FCAT Mathematics shall be  
 316 discontinued, and beginning with the 2011-2012 school year, the  
 317 administration of grade 10 FCAT Mathematics shall be  
 318 discontinued, except as required for students who have not  
 319 attained minimum performance expectations for graduation as  
 320 provided in paragraph (9) (c). FCAT Writing and FCAT Science  
 321 shall be administered at least once at the elementary, middle,  
 322 and high school levels except, beginning with the 2011-2012  
 323 school year, the administration of FCAT Science at the high  
 324 school level shall be discontinued. Students enrolled in an  
 325 Algebra I, Geometry, or Biology I course or an equivalent course  
 326 with a statewide, standardized end-of-course assessment are not  
 327 required to take the corresponding grade-level FCAT assessment.

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

336 (I) Statewide, standardized end-of-course assessments in

PCB EDC 12-01

Original

2012

337 mathematics shall be administered according to this sub-sub-  
338 subparagraph. Beginning with the 2010-2011 school year, all  
339 students enrolled in Algebra I or an equivalent course must take  
340 the Algebra I end-of-course assessment. For students entering  
341 grade 9 during the 2010-2011 school year and who are enrolled in  
342 Algebra I or an equivalent, each student's performance on the  
343 end-of-course assessment in Algebra I shall constitute 30  
344 percent of the student's final course grade. Beginning with  
345 students entering grade 9 in the 2011-2012 school year, a  
346 student who is enrolled in Algebra I or an equivalent must earn  
347 a passing score on the end-of-course assessment in Algebra I or  
348 attain an equivalent score as described in subsection (11) in  
349 order to earn course credit. Beginning with the 2011-2012 school  
350 year, all students enrolled in geometry or an equivalent course  
351 must take the geometry end-of-course assessment. For students  
352 entering grade 9 during the 2011-2012 school year, each  
353 student's performance on the end-of-course assessment in  
354 geometry shall constitute 30 percent of the student's final  
355 course grade. Beginning with students entering grade 9 during  
356 the 2012-2013 school year, a student must earn a passing score  
357 on the end-of-course assessment in geometry or attain an  
358 equivalent score as described in subsection (11) in order to  
359 earn course credit.

360 (II) Statewide, standardized end-of-course assessments in  
361 science shall be administered according to this sub-sub-  
362 subparagraph. Beginning with the 2011-2012 school year, all  
363 students enrolled in Biology I or an equivalent course must take  
364 the Biology I end-of-course assessment. For the 2011-2012 school

PCB EDC 12-01

Original

2012

365 year, each student's performance on the end-of-course assessment  
 366 in Biology I shall constitute 30 percent of the student's final  
 367 course grade. Beginning with students entering grade 9 during  
 368 the 2012-2013 school year, a student must earn a passing score  
 369 on the end-of-course assessment in Biology I in order to earn  
 370 course credit.

371 b. During the 2012-2013 school year, an end-of-course  
 372 assessment in civics education shall be administered as a field  
 373 test at the middle school level. During the 2013-2014 school  
 374 year, each student's performance on the statewide, standardized  
 375 end-of-course assessment in civics education shall constitute 30  
 376 percent of the student's final course grade. Beginning with the  
 377 2014-2015 school year, a student must earn a passing score on  
 378 the end-of-course assessment in civics education in order to  
 379 pass the course and be promoted from the middle grades. The  
 380 school principal of a middle school shall determine, in  
 381 accordance with State Board of Education rule, whether a student  
 382 who transfers to the middle school and who has successfully  
 383 completed a civics education course at the student's previous  
 384 school must take an end-of-course assessment in civics  
 385 education.

386 c. The commissioner may select one or more nationally  
 387 developed comprehensive examinations, which may include, but  
 388 need not be limited to, examinations for a College Board  
 389 Advanced Placement course, International Baccalaureate course,  
 390 or Advanced International Certificate of Education course, or  
 391 industry-approved examinations to earn national industry  
 392 certifications identified in the Industry Certification Funding

PCB EDC 12-01

Original

2012

393 List, pursuant to rules adopted by the State Board of Education,  
 394 for use as end-of-course assessments under this paragraph, if  
 395 the commissioner determines that the content knowledge and  
 396 skills assessed by the examinations meet or exceed the grade  
 397 level expectations for the core curricular content established  
 398 for the course in the Next Generation Sunshine State Standards.  
 399 The commissioner may collaborate with the American Diploma  
 400 Project in the adoption or development of rigorous end-of-course  
 401 assessments that are aligned to the Next Generation Sunshine  
 402 State Standards.

403 d. Contingent upon funding provided in the General  
 404 Appropriations Act, including the appropriation of funds  
 405 received through federal grants, the Commissioner of Education  
 406 shall establish an implementation schedule for the development  
 407 and administration of additional statewide, standardized end-of-  
 408 course assessments in English/Language Arts II, Algebra II,  
 409 chemistry, physics, earth/space science, United States history,  
 410 and world history. Priority shall be given to the development of  
 411 end-of-course assessments in English/Language Arts II. The  
 412 Commissioner of Education shall evaluate the feasibility and  
 413 effect of transitioning from the grade 9 and grade 10 FCAT  
 414 Reading and high school level FCAT Writing to an end-of-course  
 415 assessment in English/Language Arts II. The commissioner shall  
 416 report the results of the evaluation to the President of the  
 417 Senate and the Speaker of the House of Representatives no later  
 418 than July 1, 2011.

419 3. The assessment ~~testing~~ program shall measure student  
 420 content knowledge and skills adopted by the State Board of

PCB EDC 12-01

Original

2012

421 Education as specified in paragraph (a) and measure and report  
422 student performance levels of all students assessed in reading,  
423 writing, mathematics, and science. The commissioner shall  
424 provide for the tests to be developed or obtained, as  
425 appropriate, through contracts and project agreements with  
426 private vendors, public vendors, public agencies, postsecondary  
427 educational institutions, or school districts. The commissioner  
428 shall obtain input with respect to the design and implementation  
429 of the assessment ~~testing~~ program from state educators,  
430 assistive technology experts, and the public.

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

437 5. FCAT Reading, Mathematics, and Science and all  
438 statewide, standardized end-of-course assessments shall measure  
439 the content knowledge and skills a student has attained on the  
440 assessment by the use of scaled scores and achievement levels.  
441 Achievement levels shall range from 1 through 5, with level 1  
442 being the lowest achievement level, level 5 being the highest  
443 achievement level, and level 3 indicating satisfactory  
444 performance on an assessment. For purposes of FCAT Writing,  
445 student achievement shall be scored using a scale of 1 through 6  
446 and the score earned shall be used in calculating school grades.  
447 A score shall be designated for each subject area tested, below  
448 which score a student's performance is deemed inadequate. The



449 school districts shall provide appropriate remedial instruction  
 450 to students who score below these levels.

451 6. The State Board of Education shall, by rule, designate  
 452 a passing score for each part of the grade 10 assessment test  
 453 and end-of-course assessments. Any rule that has the effect of  
 454 raising the required passing scores may apply only to students  
 455 taking the assessment for the first time after the rule is  
 456 adopted by the State Board of Education. Except as otherwise  
 457 provided in this subparagraph and as provided in s.  
 458 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
 459 passing score on grade 10 FCAT Reading and grade 10 FCAT  
 460 Mathematics or attain concordant scores as described in  
 461 subsection (10) in order to qualify for a standard high school  
 462 diploma.

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

469 8. Participation in the assessment ~~testing~~ program is  
 470 mandatory for all students attending public school, including  
 471 students served in Department of Juvenile Justice programs,  
 472 except as otherwise prescribed by the commissioner. A student  
 473 who has not earned passing scores on the grade 10 FCAT as  
 474 provided in subparagraph 6. must participate in each retake of  
 475 the assessment until the student earns passing scores or  
 476 achieves scores on a standardized assessment which are

PCB EDC 12-01

Original

2012

477 concordant with passing scores pursuant to subsection (10). If a  
478 student does not participate in the statewide assessment, the  
479 district must notify the student's parent and provide the parent  
480 with information regarding the implications of such  
481 nonparticipation. A parent must provide signed consent for a  
482 student to receive classroom instructional accommodations that  
483 would not be available or permitted on the statewide assessments  
484 and must acknowledge in writing that he or she understands the  
485 implications of such instructional accommodations. The State  
486 Board of Education shall adopt rules, based upon recommendations  
487 of the commissioner, for the provision of test accommodations  
488 for students in exceptional education programs and for students  
489 who have limited English proficiency. Accommodations that negate  
490 the validity of a statewide assessment are not allowable in the  
491 administration of the FCAT or an end-of-course assessment.  
492 However, instructional accommodations are allowable in the  
493 classroom if included in a student's individual education plan.  
494 Students using instructional accommodations in the classroom  
495 that are not allowable as accommodations on the FCAT or an end-  
496 of-course assessment may have the FCAT or an end-of-course  
497 assessment requirement waived pursuant to the requirements of s.  
498 1003.428(8)(b) or s. 1003.43(11)(b).

499 9. A student seeking an adult high school diploma must  
500 meet the same testing requirements that a regular high school  
501 student must meet.

502 10. District school boards must provide instruction to  
503 prepare students in the core curricular content established in  
504 the Next Generation Sunshine State Standards adopted under s.

505 1003.41, including the core content knowledge and skills  
 506 necessary for successful grade-to-grade progression and high  
 507 school graduation. If a student is provided with instructional  
 508 accommodations in the classroom that are not allowable as  
 509 accommodations in the statewide assessment program, as described  
 510 in the test manuals, the district must inform the parent in  
 511 writing and must provide the parent with information regarding  
 512 the impact on the student's ability to meet expected performance  
 513 levels in reading, writing, mathematics, and science. The  
 514 commissioner shall conduct studies as necessary to verify that  
 515 the required core curricular content is part of the district  
 516 instructional programs.

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

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

526 13. For students seeking a special diploma pursuant to s.  
 527 1003.438, the Department of Education must develop or select and  
 528 implement an alternate assessment tool that accurately measures  
 529 the core curricular content established in the Next Generation  
 530 Sunshine State Standards for students with disabilities under s.  
 531 1003.438.

532 14. The Commissioner of Education shall establish

PCB EDC 12-01

Original

2012

533 | schedules for the administration of statewide assessments and  
534 | the reporting of student test results. When establishing the  
535 | schedules for the administration of statewide assessments, the  
536 | commissioner shall consider the observance of religious and  
537 | school holidays. The commissioner shall, by August 1 of each  
538 | year, notify each school district in writing and publish on the  
539 | department's Internet website the testing and reporting  
540 | schedules for, at a minimum, the school year following the  
541 | upcoming school year. The testing and reporting schedules shall  
542 | require that:

543 |       a. There is the latest possible administration of  
544 | statewide assessments and the earliest possible reporting to the  
545 | school districts of student test results which is feasible  
546 | within available technology and specific appropriations;  
547 | however, test results for the FCAT must be made available no  
548 | later than the week of June 8. Student results for end-of-course  
549 | assessments must be provided no later than 1 week after the  
550 | school district completes testing for each course. The  
551 | commissioner may extend the reporting schedule under exigent  
552 | circumstances.

553 |       b. FCAT Writing may not be administered earlier than the  
554 | week of March 1, and a comprehensive statewide assessment of any  
555 | other subject may not be administered earlier than the week of  
556 | April 15.

557 |       c. A statewide, standardized end-of-course assessment is  
558 | administered at the end of the course. The commissioner shall  
559 | select an administration period for assessments that meets the  
560 | intent of end-of-course assessments and provides student results

PCB EDC 12-01

Original

2012

561 prior to the end of the course. School districts shall  
562 administer tests in accordance with the schedule determined by  
563 the commissioner. For an end-of-course assessment administered  
564 at the end of the first semester, the commissioner shall  
565 determine the most appropriate testing dates based on a review  
566 of each school district's academic calendar.

567  
568 The commissioner may, based on collaboration and input from  
569 school districts, design and implement student testing programs,  
570 for any grade level and subject area, necessary to effectively  
571 monitor educational achievement in the state, including the  
572 measurement of educational achievement of the Next Generation  
573 Sunshine State Standards for students with disabilities.

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

584 (d) Conduct ongoing research to develop improved methods  
585 of assessing student performance, including, without limitation,  
586 the use of technology to administer tests, score, or report the  
587 results of, the use of electronic transfer of data, the  
588 development of work-product assessments, and the development of

589 process assessments.

590 (e) Conduct ongoing research and analysis of student  
 591 achievement data, including, without limitation, monitoring  
 592 trends in student achievement by grade level and overall student  
 593 achievement, identifying school programs that are successful,  
 594 and analyzing correlates of school achievement.

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

598 (g) Beginning with the 2014-2015 school year, all  
 599 statewide end-of-course assessments shall be administered  
 600 online.

601 (7) REQUIRED ANALYSES.—The commissioner shall provide, at  
 602 a minimum, for the following analyses of data produced by the  
 603 student achievement assessment ~~testing~~ program:

604 (a) The statistical system for the annual assessments  
 605 shall use measures of student learning, such as the FCAT, to  
 606 determine teacher, school, and school district statistical  
 607 distributions, which shall be determined using available data  
 608 from the FCAT, and other data collection as deemed appropriate  
 609 by the Department of Education, to measure the differences in  
 610 student prior year achievement compared to the current year  
 611 achievement for the purposes of accountability and recognition.

612 (b) The statistical system shall provide the best  
 613 estimates of teacher, school, and school district effects on  
 614 student progress. The approach used by the department shall be  
 615 approved by the commissioner before implementation.

616 (c) The annual assessment ~~testing~~ program shall be

PCB EDC 12-01

Original

2012

617 administered to provide for valid statewide comparisons of  
 618 learning gains to be made for purposes of accountability and  
 619 recognition. District school boards shall not establish school  
 620 calendars that jeopardize or limit the valid testing and  
 621 comparison of student learning gains.

622 (8) LOCAL ASSESSMENTS.—

623 (a) Measurement of the learning gains of students in all  
 624 subjects and grade levels other than subjects and grade levels  
 625 required for the state student achievement assessment ~~testing~~  
 626 program is the responsibility of the school districts.

627 Section 6. Section 1008.33, Florida Statutes, is amended  
 628 to read:

629 1008.33 Authority to enforce public school improvement.—

630 (1) The State Board of Education shall comply with the  
 631 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.  
 632 ss. 6301 et seq., ~~and its implementing regulations,~~ and the ESEA  
 633 flexibility waiver approved for Florida by the United States  
 634 Secretary of Education. ~~The state board of Education is~~  
 635 ~~authorized to adopt rules in compliance with the ESEA and, after~~  
 636 ~~evaluating and determining that the ESEA and its implementing~~  
 637 ~~regulations are consistent with the statements of purpose set~~  
 638 ~~forth in the ESEA (2002),~~ may adopt rules to maintain compliance  
 639 with the ESEA and the ESEA flexibility waiver.

640 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
 641 1008.345, and 1008.385, the State Board of Education shall hold  
 642 all school districts and public schools accountable for student  
 643 performance. The state board is responsible for a state system  
 644 of school improvement and education accountability that assesses

645 student performance by school, identifies schools in which  
 646 students are not making adequate progress toward state  
 647 standards, and institutes appropriate measures for enforcing  
 648 improvement.

649 (b) The state system of school improvement and education  
 650 accountability must provide for uniform accountability  
 651 standards, provide assistance of escalating intensity to low-  
 652 performing schools, direct support to schools in order to  
 653 improve and sustain performance, focus on the performance of  
 654 student subgroups, and enhance student performance.

655 (c) School districts must be held accountable for  
 656 improving the academic achievement of all students and for  
 657 identifying and turning around low-performing schools.

658 (3) (a) The academic performance of all students has a  
 659 significant effect on the state school system. Pursuant to Art.  
 660 IX of the State Constitution, which prescribes the duty of the  
 661 State Board of Education to supervise Florida's public school  
 662 system, the state board of ~~Education~~ shall equitably enforce the  
 663 accountability requirements of the state school system and may  
 664 impose state requirements on school districts in order to  
 665 improve the academic performance of all districts, schools, and  
 666 students based upon the provisions of the Florida K-20 Education  
 667 Code, chapters 1000-1013; and the federal ESEA Elementary and  
 668 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its  
 669 implementing regulations; and the ESEA flexibility waiver  
 670 approved for Florida by the United States Secretary of  
 671 Education.

672 (b) ~~For the purpose of determining whether a public school~~



PCB EDC 12-01

Original

2012

673 ~~requires action to achieve a sufficient level of school~~  
 674 ~~improvement,~~ Beginning with the 2011-2012 ~~2010-2011~~ school year,  
 675 the Department of Education shall annually identify each  
 676 ~~eategorize a public school~~ in need of intervention and support  
 677 to improve student academic performance. All schools earning a  
 678 grade of "D" or "F" pursuant to s. 1008.34 are schools in need  
 679 of intervention and support in one of six categories based on  
 680 ~~the following:~~

681 1. ~~A school's grade based upon statewide assessments~~  
 682 ~~administered pursuant to s. 1008.22; and~~

683 2. ~~The level and rate of change in student performance in~~  
 684 ~~the areas of reading and mathematics, disaggregated into student~~  
 685 ~~subgroups as described in the federal Elementary and Secondary~~  
 686 ~~Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).~~

687 (c) The state board shall adopt by rule a differentiated  
 688 matrix of intervention and support strategies for assisting  
 689 traditional public schools identified under this section and  
 690 rules for implementing s. 1002.33(9)(n), relating to charter  
 691 schools. Appropriate intervention and support strategies shall  
 692 ~~be applied to schools that require action to achieve a~~  
 693 ~~sufficient level of improvement as described in paragraph (b).~~  
 694 The intervention and support strategies must address student  
 695 performance and may include, ~~including, but not limited to,~~  
 696 improvement planning, leadership quality improvement, educator  
 697 quality improvement, professional development, curriculum  
 698 alignment and pacing, and the use of continuous improvement and  
 699 monitoring plans and processes. In addition, the state board ~~of~~  
 700 ~~Education~~ may prescribe reporting requirements to review and

701 monitor the progress of the schools. The rule must define the  
 702 intervention and support strategies for school improvement for  
 703 schools earning a grade of "D" or "F" and the roles for the  
 704 district and department. The rule shall differentiate among  
 705 schools earning consecutive grades of "D" or "F," or a  
 706 combination thereof, and provide for more intense monitoring,  
 707 intervention, and support strategies for these schools.

708 ~~(4) The Department of Education shall create a matrix that~~  
 709 ~~reflects intervention and support strategies to address the~~  
 710 ~~particular needs of schools in each category.~~

711 ~~(a) Intervention and support strategies shall be applied~~  
 712 ~~to schools based upon the school categorization pursuant to~~  
 713 ~~paragraph (3) (b). The Department of Education shall apply the~~  
 714 ~~most intense intervention strategies to the lowest-performing~~  
 715 ~~schools. For all but the lowest category and "F" schools in the~~  
 716 ~~second lowest category, the intervention and support strategies~~  
 717 ~~shall be administered solely by the districts and the schools.~~

718 ~~(b) The lowest-performing schools are schools that are~~  
 719 ~~categorized pursuant to paragraph (3) (b) and have received:~~

720 ~~1. A grade of "F" in the most recent school year and in 4~~  
 721 ~~of the last 6 years; or~~

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

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

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

729 ~~years previously;~~  
 730 ~~e. At least 65 percent of the school's students are not~~  
 731 ~~proficient in reading; or~~  
 732 ~~d. At least 65 percent of the school's students are not~~  
 733 ~~proficient in mathematics.~~  
 734 (4)-(5)(a) The state board shall apply the most intense  
 735 intervention and support strategies to schools earning a grade  
 736 of "F." In the first full school year after a school is  
 737 initially earns a grade of "F," identified as a school in the  
 738 lowest-performing category, the school district must implement  
 739 intervention and support strategies prescribed in rule under  
 740 paragraph (3)(c), select a turnaround option from those provided  
 741 in subparagraphs (b)1.-5., and submit a plan for implementing  
 742 the turnaround option to the department for approval by the  
 743 state board. Upon approval by the state board, the turnaround  
 744 option must be implemented in the following school year.  
 745 (b) Except as provided in subsection (5), the turnaround  
 746 options available to a school district to address a school that  
 747 earns a grade of "F" are a plan, which is subject to approval by  
 748 the State Board of Education, for implementing one of the  
 749 following options at the beginning of the next school year. The  
 750 plan must be implemented unless the school moves from the  
 751 lowest-performing category:  
 752 1. Convert the school to a district-managed turnaround  
 753 school by means that include implementing a turnaround plan  
 754 approved by the Commissioner of Education which shall become the  
 755 school's improvement plan;  
 756 2. Reassign students to another school and monitor the

PCB EDC 12-01

Original

2012

757 progress of each reassigned student;

758 3. Close the school and reopen the school as one or more  
 759 charter schools, each with a governing board that has a  
 760 demonstrated record of effectiveness; ~~or~~

761 4. Contract with an outside entity that has a demonstrated  
 762 record of effectiveness to operate the school; or

763 5. Implement a hybrid of turnaround options set forth in  
 764 subparagraphs 1.-4. or other turnaround models that have a  
 765 demonstrated record of effectiveness.

766 (c) Except for schools required to implement a turnaround  
 767 option pursuant to subsection (5), a school earning a grade of  
 768 "F" shall have a planning year followed by 2 full school years  
 769 to implement the initial turnaround option selected by the  
 770 school district and approved by the state board. Implementation  
 771 of the turnaround option is no longer required if the school  
 772 improves by at least one letter grade, except as provided in  
 773 paragraph (d).

774 (d) A school earning a grade of "F" that improves its  
 775 letter grade must continue to implement strategies identified in  
 776 its school improvement plan pursuant to s. 1001.42(18)(a). The  
 777 department must annually review implementation of the school  
 778 improvement plan for 3 years to monitor the school's continued  
 779 improvement.

780 (e) ~~(b)~~ If a school earning a grade of "F" does not improve  
 781 by at least one letter grade after 2 full school years of  
 782 implementing the turnaround option selected by the school  
 783 district under ~~move from the lowest performing category during~~  
 784 the initial year of implementing one of the options in paragraph

785 ~~(b)(a)~~, the school district must select a different option and  
 786 submit another implementation a plan to the department for  
 787 ~~which is subject to approval by the state board. Implementation~~  
 788 of the approved plan must begin the State Board of Education,  
 789 ~~for implementing a different option in paragraph (a) at the~~  
 790 beginning of the next school year following the implementation  
 791 period of the existing turnaround option, unless the state board  
 792 ~~of Education~~ determines that the school is likely to improve a  
 793 letter grade ~~move from the lowest-performing category~~ if  
 794 additional time is provided to implement the existing turnaround  
 795 option ~~intervention and support strategies. The State Board of~~  
 796 ~~Education shall determine whether a school district may continue~~  
 797 ~~to implement an option beyond 1 year while a school remains in~~  
 798 ~~the lowest-performing category.~~

799 ~~(6) In order to advance to a higher category, a school~~  
 800 ~~must make significant progress by improving its school grade and~~  
 801 ~~by increasing student performance in mathematics and reading.~~  
 802 ~~Student performance must be evaluated for each student subgroup~~  
 803 ~~as set forth in paragraph (3)(b).~~

804 ~~(5)(7)~~ A school that earns a grade of "F" within 2 years  
 805 after raising its grade from a grade of "F" or that earns a  
 806 grade of "F" within 2 years after exiting the lowest-performing  
 807 category under s. 3, chapter 2009-144, Laws of Florida, must  
 808 implement one of the turnaround options in subparagraphs

809 ~~(4)(b)2.-5. Beginning July 1, 2009, the Department of Education~~  
 810 ~~shall commence its duties under this section.~~

811 (6) A school that earns a grade of "D" for 3 consecutive  
 812 years must implement the district-managed turnaround option

PCB EDC 12-01

Original

2012

813 pursuant to subparagraph (4)(b)1. The school district must  
 814 submit an implementation plan to the department for approval by  
 815 the state board.

816 (7) A school classified in the lowest-performing category  
 817 under s. 3, chapter 2009-144, Laws of Florida, before July 1,  
 818 2012, is not required to continue implementing any turnaround  
 819 option unless the school earns a grade of "F" or a third  
 820 consecutive "D" for the 2011-2012 school year. A school earning  
 821 a grade of "F" or a third consecutive "D" for the 2011-2012  
 822 school year may not restart the number of years it has been low  
 823 performing by virtue of the 2012 amendments to this section.

824 (8) ~~By July 1, 2010,~~ The state board of Education shall  
 825 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
 826 this section. The rules shall include timelines for submission  
 827 of implementation plans, approval criteria for implementation  
 828 plans, and timelines for implementing intervention and support  
 829 strategies. The state board shall consult with education  
 830 stakeholders in developing the rules.

831 Section 7. Section 1008.34, Florida Statutes, is amended  
 832 to read:

833 1008.34 School grading system; school report cards;  
 834 district grade.—

835 (1) ANNUAL REPORTS.—The Commissioner of Education shall  
 836 prepare annual reports of the results of the statewide  
 837 assessment program which describe student achievement in the  
 838 state, each district, and each school. The commissioner shall  
 839 prescribe the design and content of these reports, which must  
 840 include, ~~without limitation,~~ descriptions of the performance of

841 all schools participating in the assessment program and all of  
 842 their major student populations as determined by the  
 843 commissioner. The report of Education, and must also include the  
 844 percent of students performing at or above grade level and  
 845 making a year's learning growth in a year's time in reading and  
 846 mathematics. ~~the median scores of all eligible students who~~  
 847 ~~scored at or in the lowest 25th percentile of the state in the~~  
 848 ~~previous school year; provided, however, that~~ The provisions of  
 849 s. 1002.22 pertaining to student records apply to this section.

850 (2) SCHOOL GRADES.—The annual report shall identify  
 851 schools as having one of the following grades, defined according  
 852 to rules of the State Board of Education:

- 853 (a) "A," schools making excellent progress.
- 854 (b) "B," schools making above average progress.
- 855 (c) "C," schools making satisfactory progress.
- 856 (d) "D," schools making less than satisfactory progress.
- 857 (e) "F," schools failing to make adequate progress.

858  
 859 Each school that earns ~~designated with~~ a grade of "A," ~~making~~  
 860 ~~excellent progress,~~ or improves ~~having improved~~ at least two  
 861 letter grades ~~grade levels,~~ shall have greater authority over  
 862 the allocation of the school's total budget generated from the  
 863 FEFP, state categoricals, lottery funds, grants, and local  
 864 funds, as specified in state board rule. The rule must provide  
 865 that the increased budget authority shall remain in effect until  
 866 the school's grade declines.

867 (3) DESIGNATION OF SCHOOL GRADES.—

- 868 (a) Each school that has students who are tested and

869 included in the school grading system shall receive a school  
 870 grade, except as follows:

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

877 2. An alternative school may choose to receive a school  
 878 grade under this section or a school improvement rating under s.  
 879 1008.341. For charter schools that meet the definition of an  
 880 alternative school pursuant to State Board of Education rule,  
 881 the decision to receive a school grade is the decision of the  
 882 charter school governing board.

883 3. A school that serves any combination of students in  
 884 kindergarten through grade 3 which does not receive a school  
 885 grade because its students are not tested and included in the  
 886 school grading system shall receive the school grade designation  
 887 of a K-3 feeder pattern school identified by the Department of  
 888 Education and verified by the school district. A school feeder  
 889 pattern exists if at least 60 percent of the students in the  
 890 school serving a combination of students in kindergarten through  
 891 grade 3 are scheduled to be assigned to the graded school.

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

893 a. Student achievement scores, including achievement as  
 894 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.  
 895 1008.22 (3) (c)1., statewide, standardized end-of-course  
 896 assessments ~~administered~~ under s. 1008.22 (3) (c)2.a. and b.



PCB EDC 12-01

Original

2012

897 ~~1008.22(3)(c)2.a.~~, and achievement scores for students seeking a  
 898 special diploma.

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

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

909 2. Beginning with the 2011-2012 school year, for schools  
 910 comprised of middle school grades 6 through 8 or grades 7 and 8,  
 911 the school's grade shall include the performance and  
 912 participation of its students enrolled in high school level  
 913 courses with end-of-course assessments administered under s.  
 914 1008.22(3)(c)2.a. Performance and participation must be weighted  
 915 equally. As valid data becomes available, the school grades  
 916 shall include the students' attainment of national industry  
 917 certification identified in the Industry Certification Funding  
 918 List pursuant to rules adopted by the state board ~~of Education.~~

919 3. Beginning with the 2009-2010 school year for schools  
 920 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 921 11, and 12, at least 50 percent of the school grade shall be  
 922 based on a combination of the factors listed in sub-  
 923 subparagraphs 1.a.-c. and the remaining percentage ~~50 percent~~ on  
 924 the following factors:

PCB EDC 12-01

Original

2012

- 925 a. The high school graduation rate of the school;
- 926 b. As valid data becomes available, the performance and  
 927 participation of the school's students in College Board Advanced  
 928 Placement courses, International Baccalaureate courses, dual  
 929 enrollment courses, and Advanced International Certificate of  
 930 Education courses; and the students' achievement of national  
 931 industry certification identified in the Industry Certification  
 932 Funding List, pursuant to rules adopted by the state board ~~of~~  
 933 ~~Education~~;
- 934 c. Postsecondary readiness of all of the school's on-time  
 935 graduates ~~students~~ as measured by the SAT, the ACT, the  
 936 Postsecondary Education Readiness Test, or the common placement  
 937 test;
- 938 d. The high school graduation rate of at-risk students,  
 939 who are students scoring ~~who scored~~ at Level 1 or Level 2 ~~or~~  
 940 ~~lower~~ on the grade 8 FCAT Reading and FCAT Mathematics  
 941 ~~examinations~~;
- 942 e. As valid data becomes available, the performance of the  
 943 school's students on statewide, standardized end-of-course  
 944 assessments administered under s. 1008.22(3)(c)2.c. and d.; and
- 945 f. The growth or decline in the components listed in sub-  
 946 subparagraphs a.-e. from year to year.
- 947 (c) Student assessment data used in determining school  
 948 grades shall include:
- 949 1. The aggregate scores of all eligible students enrolled  
 950 in the school who have been assessed on the FCAT and statewide,  
 951 standardized end-of-course assessments in courses required for  
 952 high school graduation, including, beginning with the 2011-2012

PCB EDC 12-01

Original

2012

953 | ~~2010-2011~~ school year, the end-of-course assessment in Algebra  
 954 | I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the  
 955 | end-of-course assessments in Geometry and Biology; and beginning  
 956 | with the 2014-2015 ~~2013-2014~~ school year, on the statewide,  
 957 | standardized end-of-course assessment in Civics ~~education~~ at the  
 958 | middle school level.

959 |         2. The aggregate scores of all eligible students enrolled  
 960 | in the school who have been assessed on the FCAT and statewide,  
 961 | standardized end-of-course assessments as described in s.  
 962 | 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th  
 963 | percentile of students in the school in reading and mathematics,  
 964 | unless these students are exhibiting satisfactory performance.

965 |         3. The achievement scores and learning gains of eligible  
 966 | students attending alternative schools that provide dropout  
 967 | prevention and academic intervention services pursuant to s.  
 968 | 1003.53. The term "eligible students" in this subparagraph does  
 969 | not include students attending an alternative school who are  
 970 | subject to district school board policies for expulsion for  
 971 | repeated or serious offenses, who are in dropout retrieval  
 972 | programs serving students who have officially been designated as  
 973 | dropouts, or who are in programs operated or contracted by the  
 974 | Department of Juvenile Justice. The student performance data for  
 975 | eligible students identified in this subparagraph shall be  
 976 | included in the calculation of the home school's grade. As used  
 977 | in this subparagraph and s. 1008.341, the term "home school"  
 978 | means the school to which the student would be assigned if the  
 979 | student were not assigned to an alternative school. If an  
 980 | alternative school chooses to be graded under this section,

PCB EDC 12-01

Original

2012

981 student performance data for eligible students identified in  
 982 this subparagraph shall not be included in the home school's  
 983 grade but shall be included only in the calculation of the  
 984 alternative school's grade. A school district that fails to  
 985 assign the FCAT and statewide, standardized end-of-course  
 986 assessment as described in s. 1008.22(3)(c)2.a. scores of each  
 987 of its students to his or her home school or to the alternative  
 988 school that receives a grade shall forfeit Florida School  
 989 Recognition Program funds for 1 fiscal year. School districts  
 990 must require collaboration between the home school and the  
 991 alternative school in order to promote student success. This  
 992 collaboration must include an annual discussion between the  
 993 principal of the alternative school and the principal of each  
 994 student's home school concerning the most appropriate school  
 995 assignment of the student.

996 4. The achievement scores and learning gains of students  
 997 designated as hospital- or homebound. Student assessment data  
 998 for students designated as hospital- or homebound shall be  
 999 assigned to their home school for the purposes of school grades.  
 1000 As used in this subparagraph, the term "home school" means the  
 1001 school to which a student would be assigned if the student were  
 1002 not assigned to a hospital- or homebound program.

1003 5. For schools comprised of high school grades 9, 10, 11,  
 1004 and 12, or grades 10, 11, and 12, the data listed in  
 1005 subparagraphs 1.-3. and the following data as the Department of  
 1006 Education determines such data are valid and available:

1007 a. The high school graduation rate of the school as  
 1008 calculated by the department ~~of Education;~~

PCB EDC 12-01

Original

2012

1009           b. The participation rate of all eligible students  
 1010 enrolled in the school and enrolled in College Board Advanced  
 1011 Placement courses; International Baccalaureate courses; dual  
 1012 enrollment courses; Advanced International Certificate of  
 1013 Education courses; and courses or sequences of courses leading  
 1014 to national industry certification identified in the Industry  
 1015 Certification Funding List, pursuant to rules adopted by the  
 1016 State Board of Education;

1017           c. The aggregate scores of all eligible students enrolled  
 1018 in the school in College Board Advanced Placement courses,  
 1019 International Baccalaureate courses, and Advanced International  
 1020 Certificate of Education courses;

1021           d. Earning of college credit by all eligible students  
 1022 enrolled in the school in dual enrollment programs under s.  
 1023 1007.271;

1024           e. Earning of a national industry certification identified  
 1025 in the Industry Certification Funding List, pursuant to rules  
 1026 adopted by the State Board of Education;

1027           f. The aggregate scores of all eligible students enrolled  
 1028 in the school in reading, mathematics, and other subjects as  
 1029 measured by the SAT, the ACT, the Postsecondary Education  
 1030 Readiness Test, and the common placement test for postsecondary  
 1031 readiness;

1032           g. The high school graduation rate of all eligible at-risk  
 1033 students enrolled in the school who scored at Level 2 or lower  
 1034 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics examinations;

1035           h. The performance of the school's students on statewide,  
 1036 standardized end-of-course assessments administered under s.

PCB EDC 12-01

Original

2012

1037 1008.22(3)(c)2.c. and d.; and  
 1038 i. The growth or decline in the data components listed in  
 1039 sub-subparagraphs a.-h. from year to year.  
 1040  
 1041 The State Board of Education shall adopt appropriate criteria  
 1042 for each school grade. The criteria must also give added weight  
 1043 to student achievement in reading. Schools earning designated  
 1044 ~~with~~ a grade of "C," making satisfactory progress, shall be  
 1045 required to demonstrate that adequate progress has been made by  
 1046 students in the school who are in the lowest 25th percentile in  
 1047 reading and mathematics on the FCAT and end-of-course  
 1048 assessments as described in s. 1008.22(3)(c)2.a., unless these  
 1049 students are exhibiting satisfactory performance. ~~Beginning with~~  
 1050 ~~the 2009-2010 school year for~~ Schools comprised of high school  
 1051 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria  
 1052 for school grades must also give added weight to the graduation  
 1053 rate of all eligible at-risk students, ~~as defined in this~~  
 1054 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for  
 1055 a high school to earn ~~be designated as having~~ a grade of "A,"  
 1056 ~~making excellent progress,~~ the school must demonstrate that its  
 1057 at-risk students, as defined in this paragraph, ~~in the school~~  
 1058 are making adequate progress.  
 1059 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall  
 1060 identify each school's performance as having improved, remained  
 1061 the same, or declined. This school improvement rating shall be  
 1062 based on a comparison of the current year's and previous year's  
 1063 student and school performance data. A school ~~Schools~~ that  
 1064 improves its rating by ~~improve~~ at least one ~~grade~~ level is ~~are~~

1065 eligible for school recognition awards pursuant to s. 1008.36.  
 1066 (5) SCHOOL REPORT CARD.—The Department of Education shall  
 1067 annually develop, in collaboration with the school districts, a  
 1068 school report card to be provided by the school district  
 1069 ~~delivered~~ to parents within the ~~throughout each school~~ district.  
 1070 The report card shall include the school's grade, information  
 1071 regarding school improvement, an explanation of school  
 1072 performance as evaluated by the federal Elementary and Secondary  
 1073 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~  
 1074 ~~Behind Act of 2001~~, and indicators of return on investment. Each  
 1075 school's report card shall be published annually by the  
 1076 department on its website, ~~and the school district shall provide~~  
 1077 ~~the school report card to each parent.~~  
 1078 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor  
 1079 in the performance of schools in calculating any performance-  
 1080 based funding policy that is provided for annually in the  
 1081 General Appropriations Act.  
 1082 (7) DISTRICT GRADE.—The annual report required by  
 1083 subsection (1) shall include the school district's grade. A  
 1084 school district's grade shall be calculated using student  
 1085 performance and learning gains data on statewide assessments  
 1086 used for determining school grades under subparagraph (3)(b)1.  
 1087 for each eligible full-year enrolled student in the district.  
 1088 This calculation methodology captures each eligible student in  
 1089 the district who may have transferred among schools within the  
 1090 district or is enrolled in a school that does not receive a  
 1091 grade ~~district grades, which shall consist of weighted district~~  
 1092 ~~average grades, by level, for all elementary schools, middle~~

PCB EDC 12-01

Original

2012

1093 ~~schools, and high schools in the district. A district's weighted~~  
 1094 ~~average grade shall be calculated by weighting individual school~~  
 1095 ~~grades determined pursuant to subsection (2) by school~~  
 1096 ~~enrollment.~~

1097 (8) RULES.—The State Board of Education shall adopt rules  
 1098 under ss. 120.536(1) and 120.54 to administer this section.

1099 Section 8. Paragraph (d) of subsection (6) and paragraph  
 1100 (b) of subsection (7) of section 1008.345, Florida Statutes, are  
 1101 amended to read:

1102 1008.345 Implementation of state system of school  
 1103 improvement and education accountability.—

1104 (6)

1105 (d) The commissioner shall assign a community assessment  
 1106 team to each school district or governing board with a school  
 1107 that earned a grade of "F" or three consecutive grades of  
 1108 "D" pursuant to s. 1008.34 ~~a school in the lowest-performing~~  
 1109 ~~category pursuant to s. 1008.33~~ to review the school performance  
 1110 data and determine causes for the low performance, including the  
 1111 role of school, area, and district administrative personnel. The  
 1112 community assessment team shall review a high school's  
 1113 graduation rate calculated without GED tests for the past 3  
 1114 years, disaggregated by student ethnicity. The team shall make  
 1115 recommendations to the school board or the governing board and  
 1116 to the State Board of Education which address the causes of the  
 1117 school's low performance and may be incorporated into the school  
 1118 improvement plan. The assessment team shall include, but not be  
 1119 limited to, a department representative, parents, business  
 1120 representatives, educators, representatives of local



PCB EDC 12-01

Original

2012

1121 governments, and community activists, and shall represent the  
 1122 demographics of the community from which they are appointed.

1123 (7) As a part of the system of educational accountability,  
 1124 the Department of Education shall:

1125 (b) Administer the statewide assessment ~~testing~~ program  
 1126 created by s. 1008.22.

1127 Section 9. Section 1012.07, Florida Statutes, is amended  
 1128 to read:

1129 1012.07 Identification of critical teacher shortage  
 1130 areas.—The term "critical teacher shortage area" means high-need  
 1131 content areas and high-priority location areas identified by the  
 1132 State Board of Education. The State Board of Education shall  
 1133 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
 1134 annually identify critical teacher shortage areas. The state  
 1135 board must consider current and emerging educational  
 1136 requirements and workforce demands in determining critical  
 1137 teacher shortage areas. School grade levels may also be  
 1138 designated critical teacher shortage areas. Individual district  
 1139 school boards may identify and submit other critical teacher  
 1140 shortage areas. Such submissions must be aligned to current and  
 1141 emerging educational requirements and workforce demands in order  
 1142 to be approved by the State Board of Education. High-priority  
 1143 location areas shall be in high-density, low-economic urban  
 1144 schools; low-density, low-economic rural schools; and schools  
 1145 that earned a grade of "F" or three consecutive grades of "D"  
 1146 pursuant to s. 1008.34 ~~identified as lowest performing under s.~~  
 1147 ~~1008.33 (4) (b).~~

1148 Section 10. Paragraph (c) of subsection (1) of section

PCB EDC 12-01

Original

2012

1149 | 1012.22, Florida Statutes, is amended to read:  
 1150 |       1012.22 Public school personnel; powers and duties of the  
 1151 | district school board.—The district school board shall:  
 1152 |       (1) Designate positions to be filled, prescribe  
 1153 | qualifications for those positions, and provide for the  
 1154 | appointment, compensation, promotion, suspension, and dismissal  
 1155 | of employees as follows, subject to the requirements of this  
 1156 | chapter:  
 1157 |       (c) Compensation and salary schedules.—  
 1158 |       1. Definitions.—As used in this paragraph:  
 1159 |       a. "Adjustment" means an addition to the base salary  
 1160 | schedule that is not a bonus and becomes part of the employee's  
 1161 | permanent base salary and shall be considered compensation under  
 1162 | s. 121.021(22).  
 1163 |       b. "Grandfathered salary schedule" means the salary  
 1164 | schedule or schedules adopted by a district school board before  
 1165 | July 1, 2014, pursuant to subparagraph 4.  
 1166 |       c. "Instructional personnel" means instructional personnel  
 1167 | as defined in s. 1012.01(2)(a)-(d), excluding substitute  
 1168 | teachers.  
 1169 |       d. "Performance salary schedule" means the salary schedule  
 1170 | or schedules adopted by a district school board pursuant to  
 1171 | subparagraph 5.  
 1172 |       e. "Salary schedule" means the schedule or schedules used  
 1173 | to provide the base salary for district school board personnel.  
 1174 |       f. "School administrator" means a school administrator as  
 1175 | defined in s. 1012.01(3)(c).  
 1176 |       g. "Supplement" means an annual addition to the base

1177 salary for the term of the negotiated supplement as long as the  
 1178 employee continues his or her employment for the purpose of the  
 1179 supplement. A supplement does not become part of the employee's  
 1180 continuing base salary but shall be considered compensation  
 1181 under s. 121.021(22).

1182 2. Cost-of-living adjustment.—A district school board may  
 1183 provide a cost-of-living salary adjustment if the adjustment:

1184 a. Does not discriminate among comparable classes of  
 1185 employees based upon the salary schedule under which they are  
 1186 compensated.

1187 b. Does not exceed 50 percent of the annual adjustment  
 1188 provided to instructional personnel rated as effective.

1189 3. Advanced degrees.—A district school board may not use  
 1190 advanced degrees in setting a salary schedule for instructional  
 1191 personnel or school administrators hired on or after July 1,  
 1192 2011, unless the advanced degree is held in the individual's  
 1193 area of certification and is only a salary supplement.

1194 4. Grandfathered salary schedule.—

1195 a. The district school board shall adopt a salary schedule  
 1196 or salary schedules to be used as the basis for paying all  
 1197 school employees hired before July 1, 2014. Instructional  
 1198 personnel on annual contract as of July 1, 2014, shall be placed  
 1199 on the performance salary schedule adopted under subparagraph 5.  
 1200 Instructional personnel on continuing contract or professional  
 1201 service contract may opt into the performance salary schedule if  
 1202 the employee relinquishes such contract and agrees to be  
 1203 employed on an annual contract under s. 1012.335. Such an  
 1204 employee shall be placed on the performance salary schedule and

PCB EDC 12-01

Original

2012

1205 may not return to continuing contract or professional service  
 1206 contract status. Any employee who opts into the performance  
 1207 salary schedule may not return to the grandfathered salary  
 1208 schedule.

1209       b. In determining the grandfathered salary schedule for  
 1210 instructional personnel, a district school board must base a  
 1211 portion of each employee's compensation upon performance  
 1212 demonstrated under s. 1012.34 and shall provide differentiated  
 1213 pay for both instructional personnel and school administrators  
 1214 based upon district-determined factors, including, but not  
 1215 limited to, additional responsibilities, school demographics,  
 1216 critical shortage areas, and level of job performance  
 1217 difficulties.

1218       5. Performance salary schedule.—By July 1, 2014, the  
 1219 district school board shall adopt a performance salary schedule  
 1220 that provides annual salary adjustments for instructional  
 1221 personnel and school administrators based upon performance  
 1222 determined under s. 1012.34. Employees hired on or after July 1,  
 1223 2014, or employees who choose to move from the grandfathered  
 1224 salary schedule to the performance salary schedule shall be  
 1225 compensated pursuant to the performance salary schedule once  
 1226 they have received the appropriate performance evaluation for  
 1227 this purpose. However, a classroom teacher whose performance  
 1228 evaluation utilizes student learning growth measures established  
 1229 under s. 1012.34(7)(e) shall remain under the grandfathered  
 1230 salary schedule until his or her teaching assignment changes to  
 1231 a subject for which there is an assessment or the school  
 1232 district establishes equally appropriate measures of student

1233 learning growth as defined under s. 1012.34 and rules of the  
 1234 State Board of Education.

1235 a. Base salary.—The base salary shall be established as  
 1236 follows:

1237 (I) The base salary for instructional personnel or school  
 1238 administrators who opt into the performance salary schedule  
 1239 shall be the salary paid in the prior year, including  
 1240 adjustments only.

1241 (II) Beginning July 1, 2014, instructional personnel or  
 1242 school administrators new to the district, returning to the  
 1243 district after a break in service without an authorized leave of  
 1244 absence, or appointed for the first time to a position in the  
 1245 district in the capacity of instructional personnel or school  
 1246 administrator shall be placed on the performance salary  
 1247 schedule.

1248 b. Salary adjustments.—Salary adjustments for highly  
 1249 effective or effective performance shall be established as  
 1250 follows:

1251 (I) The annual salary adjustment under the performance  
 1252 salary schedule for an employee rated as highly effective must  
 1253 be greater than the highest annual salary adjustment available  
 1254 to an employee of the same classification through any other  
 1255 salary schedule adopted by the district.

1256 (II) The annual salary adjustment under the performance  
 1257 salary schedule for an employee rated as effective must be equal  
 1258 to at least 50 percent and no more than 75 percent of the annual  
 1259 adjustment provided for a highly effective employee of the same  
 1260 classification.

PCB EDC 12-01

Original

2012

1261 (III) The performance salary schedule shall not provide an  
 1262 annual salary adjustment for an employee who receives a rating  
 1263 other than highly effective or effective for the year.

1264 c. Salary supplements.—In addition to the salary  
 1265 adjustments, each district school board shall provide for salary  
 1266 supplements for activities that must include, but are not  
 1267 limited to:

1268 (I) Assignment to a Title I eligible school.

1269 (II) Assignment to a school that earned a grade of "F" or  
 1270 three consecutive grades of "D" pursuant to s. 1008.34 in the  
 1271 ~~bottom two categories of the school improvement system under s.~~  
 1272 ~~1008.33~~ such that the supplement remains in force for at least 1  
 1273 year following improved performance in that school.

1274 (III) Certification and teaching in critical teacher  
 1275 shortage areas. Statewide critical teacher shortage areas shall  
 1276 be identified by the State Board of Education under s. 1012.07.  
 1277 However, the district school board may identify other areas of  
 1278 critical shortage within the school district for purposes of  
 1279 this sub-sub-subparagraph and may remove areas identified by the  
 1280 state board which do not apply within the school district.

1281 (IV) Assignment of additional academic responsibilities.

1282  
 1283 If budget constraints in any given year limit a district school  
 1284 board's ability to fully fund all adopted salary schedules, the  
 1285 performance salary schedule shall not be reduced on the basis of  
 1286 total cost or the value of individual awards in a manner that is  
 1287 proportionally greater than reductions to any other salary  
 1288 schedules adopted by the district.

PCB EDC 12-01

Original

2012

1289           Section 11. Subsection (2) of section 1012.2315, Florida  
 1290 Statutes, is amended to read:  
 1291           1012.2315 Assignment of teachers.—  
 1292           (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~  
 1293 ~~IN NEED OF IMPROVEMENT.~~—School districts may not assign a higher  
 1294 percentage than the school district average of temporarily  
 1295 certified teachers, teachers in need of improvement, or out-of-  
 1296 field teachers to schools graded "D" or "F" pursuant to s.  
 1297 1008.34 ~~in one of the three lowest performing categories under~~  
 1298 ~~s. 1008.33(3)(b).~~ Each school district shall annually certify to  
 1299 the Commissioner of Education that this requirement has been  
 1300 met. If the commissioner determines that a school district is  
 1301 not in compliance with this subsection, the State Board of  
 1302 Education shall be notified and shall take action pursuant to s.  
 1303 1008.32 in the next regularly scheduled meeting to require  
 1304 compliance.  
 1305           Section 12. This act shall take effect July 1, 2012.