

1 A bill to be entitled
2 An act relating to middle grades education; amending
3 s. 1001.42, F.S.; requiring a school that includes
4 certain grades to include information, data, and
5 instructional strategies in its school improvement
6 plan; requiring a school that includes certain grades
7 to implement an early warning system based on
8 indicators to identify students in need of additional
9 academic support; amending s. 1003.42, F.S.; providing
10 State Board of Education duties relating to middle
11 grades courses; amending s. 1003.4935, F.S.;
12 authorizing additional FTE funding for certain
13 industry certifications; amending s. 1003.53, F.S.;
14 authorizing dropout prevention and academic
15 intervention services for a student identified by a
16 school's early warning system; amending s. 1006.135,
17 F.S.; including middle grades schools under provisions
18 prohibiting hazing; revising the definition of the
19 term "hazing"; requiring a school district policy that
20 prohibits hazing and establishes consequences for an
21 act of hazing; revising penalty provisions and
22 providing for applicability; amending s. 1011.62,
23 F.S.; specifying requirements relating to additional
24 FTE funding based on completion of certain courses or
25 programs and issuance of industry certification;
26 deleting obsolete provisions; amending s. 1012.98,

27 F.S.; providing requirements relating to professional
 28 development, including inservice plans and
 29 instructional strategies, for middle grades educators;
 30 requiring the Department of Education to disseminate
 31 professional development in the use of integrated
 32 digital instruction; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Subsection (18) of section 1001.42, Florida
 37 Statutes, is amended to read:

38 1001.42 Powers and duties of district school board.—The
 39 district school board, acting as a board, shall exercise all
 40 powers and perform all duties listed below:

41 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 42 Maintain a state system of school improvement and education
 43 accountability as provided by statute and State Board of
 44 Education rule. This system of school improvement and education
 45 accountability shall be consistent with, and implemented
 46 through, the district's continuing system of planning and
 47 budgeting required by this section and ss. 1008.385, 1010.01,
 48 and 1011.01. This system of school improvement and education
 49 accountability shall comply with the provisions of ss. 1008.33,
 50 1008.34, 1008.345, and 1008.385 and include the following:

51 (a) School improvement plans.—

52 1. The district school board shall annually approve and

53 require implementation of a new, amended, or continuation school
54 improvement plan for each school in the district. If a school
55 has a significant gap in achievement on statewide assessments
56 pursuant to s. 1008.34(3)(b) by one or more student subgroups,
57 as defined in the federal Elementary and Secondary Education Act
58 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly
59 decreased the percentage of students scoring below satisfactory
60 on statewide assessments; or has significantly lower graduation
61 rates for a subgroup when compared to the state's graduation
62 rate, that school's improvement plan shall include strategies
63 for improving these results. The state board shall adopt rules
64 establishing thresholds and for determining compliance with this
65 subparagraph ~~paragraph~~.

66 2. A school that includes any of grades 6, 7, or 8 shall
67 include annually in its school improvement plan information and
68 data on the school's early warning system required under
69 paragraph (b), including a list of the early warning indicators
70 used in the system, the number of students identified by the
71 system as exhibiting two or more early warning indicators, the
72 number of students by grade level that exhibit each indicator,
73 and a description of all intervention strategies employed by the
74 school to improve the academic performance of students
75 identified by the early warning system. In addition, a school
76 that includes any of grades 6, 7, or 8 shall describe in its
77 school improvement plan the strategies used by the school to
78 implement the instructional practices for middle grades

79 emphasized by the district's professional development system
 80 pursuant to s. 1012.98(4)(b)9.

81 (b) Early warning system.-

82 1. A school that includes any of grades 6, 7, or 8 shall
 83 implement an early warning system to identify students in grades
 84 6, 7, and 8 who need additional support to improve academic
 85 performance and stay engaged in school. The early warning system
 86 must include the following early warning indicators:

87 a. Attendance below 90 percent, regardless of whether
 88 absence is excused or a result of out-of-school suspension.

89 b. One or more suspensions, whether in school or out of
 90 school.

91 c. Course failure in English language arts or mathematics.

92 d. A Level 1 score on the statewide, standardized
 93 assessments in English language arts or mathematics.

94

95 A school district may identify additional early warning
 96 indicators for use in a school's early warning system.

97 2. When a student exhibits two or more early warning
 98 indicators, the school's child study team under s. 1003.02 or a
 99 school-based team formed for the purpose of implementing the
 100 requirements of this paragraph shall convene to determine
 101 appropriate intervention strategies for the student. The school
 102 shall provide at least 10 days' written notice of the meeting to
 103 the student's parent, indicating the meeting's purpose, time,
 104 and location, and provide the parent the opportunity to

105 participate.

106 (c)~~(b)~~ Public disclosure.—The district school board shall
 107 provide information regarding the performance of students and
 108 educational programs as required pursuant to ss. 1008.22 and
 109 1008.385 and implement a system of school reports as required by
 110 statute and State Board of Education rule which shall include
 111 schools operating for the purpose of providing educational
 112 services to youth in Department of Juvenile Justice programs,
 113 and for those schools, report on the elements specified in s.
 114 1003.52(19). Annual public disclosure reports shall be in an
 115 easy-to-read report card format and shall include the school's
 116 grade, high school graduation rate calculated without GED tests,
 117 disaggregated by student ethnicity, and performance data as
 118 specified in state board rule.

119 (d)~~(e)~~ School improvement funds.—The district school board
 120 shall provide funds to schools for developing and implementing
 121 school improvement plans. Such funds shall include those funds
 122 appropriated for the purpose of school improvement pursuant to
 123 s. 24.121(5)(c).

124 Section 2. Subsection (1) of section 1003.42, Florida
 125 Statutes, is amended to read:

126 1003.42 Required instruction.—

127 (1) Each district school board shall provide all courses
 128 required for middle grades promotion, high school graduation,
 129 and appropriate instruction designed to ensure that students
 130 meet State Board of Education adopted standards in the following

131 subject areas: reading and other language arts, mathematics,
 132 science, social studies, foreign languages, health and physical
 133 education, and the arts. The state board must remove a middle
 134 grades course in the Course Code Directory that does not fully
 135 integrate all appropriate curricular content required by s.
 136 1003.41 and may approve a new course only if it meets the
 137 required curricular content.

138 Section 3. Subsection (4) is added to section 1003.4935,
 139 Florida Statutes, to read:

140 1003.4935 Middle grades career and professional academy
 141 courses and career-themed courses.—

142 (4) Industry certifications offered in the middle grades
 143 that are included in the Industry Certification Funding List are
 144 eligible for additional full-time equivalent membership pursuant
 145 to s. 1011.62(1).

146 Section 4. Paragraph (c) of subsection (1) of section
 147 1003.53, Florida Statutes, is amended to read:

148 1003.53 Dropout prevention and academic intervention.—

149 (1)

150 (c) A student shall be identified as being eligible to
 151 receive services funded through the dropout prevention and
 152 academic intervention program based upon one of the following
 153 criteria:

154 1. The student is academically unsuccessful as evidenced
 155 by low test scores, retention, failing grades, low grade point
 156 average, falling behind in earning credits, or not meeting the

157 state or district proficiency levels in reading, mathematics, or
 158 writing.

159 2. The student has a pattern of excessive absenteeism or
 160 has been identified as a habitual truant.

161 3. The student has a history of disruptive behavior in
 162 school or has committed an offense that warrants out-of-school
 163 suspension or expulsion from school according to the district
 164 school board's code of student conduct. For the purposes of this
 165 program, "disruptive behavior" is behavior that:

166 a. Interferes with the student's own learning or the
 167 educational process of others and requires attention and
 168 assistance beyond that which the traditional program can provide
 169 or results in frequent conflicts of a disruptive nature while
 170 the student is under the jurisdiction of the school either in or
 171 out of the classroom; or

172 b. Severely threatens the general welfare of students or
 173 others with whom the student comes into contact.

174 4. The student is identified by a school's early warning
 175 system pursuant to s. 1001.42(18)(b).

176 Section 5. Section 1006.135, Florida Statutes, is amended
 177 to read:

178 1006.135 Hazing prohibited at ~~high~~ schools with any of
 179 grades 6-12 ~~9-12~~ prohibited.-

180 (1) DEFINITION.-As used in this section, "hazing" means
 181 any action or situation that ~~recklessly or intentionally~~
 182 endangers the mental or physical health or safety of a student

183 at a ~~high~~ school with any of grades 6 9 through 12 for purposes
 184 including, but not limited to, initiation or admission into or
 185 affiliation with any organization operating under the sanction
 186 of a ~~high~~ school with any of grades 6 9 through 12. "Hazing"
 187 includes, but is not limited to:7

188 (a) Pressuring, ~~or~~ coercing, or forcing a ~~the~~ student
 189 into:

190 1. Violating state or federal law;7

191 2. Consuming any food, liquor, drug, or other substance;

192 or

193 3. Participating in physical activity that could adversely
 194 affect the health or safety of the student.

195 (b) Any brutality of a physical nature, such as whipping,
 196 beating, branding, or exposure to the elements,~~forced~~
 197 consumption of any food, liquor, drug, or other substance, or
 198 other forced physical activity that could adversely affect the
 199 physical health or safety of the student, and also includes any
 200 activity that would subject the student to extreme mental
 201 stress, such as sleep deprivation, forced exclusion from social
 202 contact, forced conduct that could result in extreme
 203 embarrassment, or other forced activity that could adversely
 204 affect the mental health or dignity of the student.

205
 206 Hazing does not include customary athletic events or other
 207 similar contests or competitions or any activity or conduct that
 208 furthers a legal and legitimate objective.

209 (2) SCHOOL DISTRICT POLICY.—Each school district shall
 210 adopt in rule a policy that prohibits hazing and establishes
 211 consequences for a student who commits an act of hazing. The
 212 policy must include:

213 (a) A definition of hazing, which must include the
 214 definition provided in this section.

215 (b) A procedure for reporting an alleged act of hazing,
 216 including provisions that permit a person to anonymously report
 217 such an act. However, disciplinary action may not be based
 218 solely on an anonymous report.

219 (c) A requirement that a school with any of grades 9
 220 through 12 report an alleged act of hazing to a local law
 221 enforcement agency if the alleged act meets the criteria
 222 established under subsection (3).

223 (d) A provision for referral of victims and perpetrators
 224 of hazing to a certified school counselor.

225 (e) A requirement that each incident of hazing be reported
 226 in the school's safety and discipline report required under s.
 227 1006.09(6). The report must include the number of hazing
 228 incidents reported, the number of incidents referred to a local
 229 law enforcement agency, the number of incidents that result in
 230 disciplinary action taken by the school, and the number of
 231 incidents that do not result in either referral to a local law
 232 enforcement agency or disciplinary action taken by the school.

233 (3)-(2) CRIMINAL PENALTIES.—This subsection applies only to
 234 students in any of grades 9 through 12.

235 (a)1. A person who commits an act of hazing,~~a third~~
 236 ~~degree felony, punishable as provided in s. 775.082 or s.~~
 237 ~~775.083, when he or she intentionally or recklessly commits any~~
 238 ~~act of hazing as defined in subsection (1)~~ upon another person
 239 who is a member of or an applicant to any type of student
 240 organization commits a third degree felony, punishable as
 241 provided in s. 775.082 or s. 775.083, if the person knew or
 242 should have known the act would result in serious bodily injury
 243 or death of such other person and the act hazing results in
 244 serious bodily injury or death of such other person.

245 2.(3) A person who commits an act of hazing,~~a first~~
 246 ~~degree misdemeanor, punishable as provided in s. 775.082 or s.~~
 247 ~~775.083, when he or she intentionally or recklessly commits any~~
 248 ~~act of hazing as defined in subsection (1)~~ upon another person
 249 who is a member of or an applicant to any type of student
 250 organization commits a first degree misdemeanor, punishable as
 251 provided in s. 775.082 or s. 775.083, if the person knew or
 252 should have known the act would create a potential risk of
 253 physical injury or death to such other person and the act hazing
 254 creates a potential ~~substantial~~ risk of physical injury or death
 255 to such other person.

256 (b)(4) As a condition of any sentence imposed pursuant to
 257 paragraph (a) subsection (2) or subsection (3), the court:

258 1. Shall order the defendant to attend and complete a 4-
 259 hour hazing education course and may also impose a condition of
 260 drug or alcohol probation.

261 2. May require the defendant to make a public apology to
 262 the students and victims at the school.

263 3. May require the defendant to participate in a school-
 264 sponsored antihazing campaign to raise awareness of what
 265 constitutes hazing and the penalties for hazing.

266 (c)(5) It is not a defense to a charge of hazing that:

267 1.(a) Consent of the victim had been obtained;

268 2.(b) The conduct or activity that resulted in the death
 269 or injury of a person was not part of an official organizational
 270 event or was not otherwise sanctioned or approved by the
 271 organization; or

272 3.(e) The conduct or activity that resulted in death or
 273 injury of the person was not done as a condition of membership
 274 to an organization.

275 (4)(6) CONSTRUCTION.—This section shall not be construed
 276 to preclude prosecution for a more general offense resulting
 277 from the same criminal transaction or episode.

278 Section 6. Paragraph (o) of subsection (1) of section
 279 1011.62, Florida Statutes, is amended to read:

280 1011.62 Funds for operation of schools.—If the annual
 281 allocation from the Florida Education Finance Program to each
 282 district for operation of schools is not determined in the
 283 annual appropriations act or the substantive bill implementing
 284 the annual appropriations act, it shall be determined as
 285 follows:

286 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

287 OPERATION.—The following procedure shall be followed in
 288 determining the annual allocation to each district for
 289 operation:

290 (o) Calculation of additional full-time equivalent
 291 membership based on successful completion of a career-themed
 292 course or a career and professional academy program, pursuant to
 293 ss. 1003.491, 1003.492, ~~and~~ 1003.493, and 1003.4935, and
 294 issuance of industry certification identified in the Industry
 295 Certification Funding List pursuant to rules adopted by the
 296 State Board of Education.—

297 1. A value of 0.1 or 0.2 full-time equivalent student
 298 membership shall be calculated for each student who completes a
 299 career-themed course, as defined in s. 1003.493(1)(b), or a
 300 career and professional academy or career-themed course,
 301 pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and
 302 who is issued the highest level of ~~an~~ industry certification
 303 identified annually in the Industry Certification Funding List
 304 approved under rules adopted by the State Board of Education
 305 upon completion of grade 8 pursuant to subparagraph 2. or upon
 306 earning a high school diploma. The maximum full-time equivalent
 307 student membership value for any student ~~in grades 9 through 12~~
 308 is 0.3. A value of 0.2 full-time equivalent membership shall be
 309 calculated for each student who is issued an industry
 310 certification that has a statewide articulation agreement for
 311 college credit approved by the State Board of Education. For
 312 industry certifications that do not articulate for college

313 credit, the Department of Education shall assign a full-time
 314 equivalent value of 0.1 for each certification. The State Board
 315 of Education shall include the assigned values in the Industry
 316 Certification Funding List under rules adopted by the state
 317 board. Such value shall be added to the total full-time
 318 equivalent student membership in secondary career education
 319 programs for grades 9 through 12 in the subsequent year for
 320 courses that were not provided through dual enrollment. Industry
 321 certifications earned through dual enrollment must be reported
 322 and funded pursuant to ss. 1011.80 and 1011.81.

323 2. Upon completion of grade 8, a value of 0.1 full-time
 324 equivalent student membership shall be calculated for each
 325 student who completes a career-themed course or a career and
 326 professional academy course under s. 1003.4935 and who is issued
 327 the highest level of industry certification identified in the
 328 Industry Certification Funding List under rules adopted by the
 329 state board.

330 ~~3.2.~~ Each district must allocate at least 80 percent of
 331 the funds provided for industry certification, in accordance
 332 with this paragraph, to the program that generated the funds.
 333 This allocation may not be used to supplant funds provided for
 334 basic operation of the program. Unless a different amount is
 335 specified in the General Appropriations Act, the appropriation
 336 for this calculation is limited to \$60 million annually. If the
 337 appropriation is insufficient to fully fund the total
 338 calculation, the appropriation shall be prorated.

339 4.3. For industry certifications earned in the 2013-2014
 340 school year and in subsequent years, the school district shall
 341 distribute to each classroom teacher who provided direct
 342 instruction toward the attainment of an industry certification
 343 that qualified for additional full-time equivalent membership
 344 under subparagraph 1. or subparagraph 2.:

345 a. A bonus in the amount of \$25 for each student taught by
 346 a teacher who provided instruction in a course that led to the
 347 attainment of an industry certification on the Industry
 348 Certification Funding List with a weight of 0.1.

349 b. A bonus in the amount of \$50 for each student taught by
 350 a teacher who provided instruction in a course that led to the
 351 attainment of an industry certification on the Industry
 352 Certification Funding List with a weight of 0.2.

353 ~~4. For the 2013-2014 fiscal year, the additional FTE~~
 354 ~~membership calculation must include the additional FTE for any~~
 355 ~~student who earned a certification in the 2009-2010, 2010-2011,~~
 356 ~~and 2011-2012 fiscal years who was not previously funded and was~~
 357 ~~enrolled in 2012-2013.~~

358
 359 Bonuses awarded pursuant to this paragraph shall be provided to
 360 teachers who are employed by the district in the year in which
 361 the additional FTE membership calculation is included in the
 362 calculation. Bonuses shall be calculated based upon the
 363 associated weight of an industry certification on the Industry
 364 Certification Funding List for the year in which the

365 certification is earned by the student. Any bonus awarded to a
 366 teacher under this paragraph may not exceed \$2,000 in any given
 367 school year and is in addition to any regular wage or other
 368 bonus the teacher received or is scheduled to receive.

369 Section 7. Paragraph (d) is added to subsection (3) of
 370 section 1012.98, Florida Statutes, and subsections (4) and (7)
 371 of that section are amended, to read:

372 1012.98 School Community Professional Development Act.—

373 (3) The activities designed to implement this section
 374 must:

375 (d) Provide middle grades instructional personnel and
 376 school administrators with the knowledge, skills, and best
 377 practices necessary to support excellence in classroom
 378 instruction and educational leadership.

379 (4) The Department of Education, school districts,
 380 schools, Florida College System institutions, and state
 381 universities share the responsibilities described in this
 382 section. These responsibilities include the following:

383 (a) 1. The department shall disseminate to the school
 384 community research-based professional development methods and
 385 programs that have demonstrated success in meeting identified
 386 student needs. The Commissioner of Education shall use data on
 387 student achievement to identify student needs. The methods of
 388 dissemination must include a web-based statewide performance
 389 support system, including a database of exemplary professional
 390 development activities, a listing of available professional

391 development resources, training programs, and available
 392 assistance.

393 2. The web-based statewide performance support system
 394 established pursuant to subparagraph 1. must include for middle
 395 grades, subject to appropriation, materials related to classroom
 396 instruction, including integrated digital instruction and
 397 competency-based instruction; classroom management; student
 398 behavior and interaction; extended learning opportunities for
 399 students; and instructional leadership.

400 (b) Each school district shall develop a professional
 401 development system as specified in subsection (3). The system
 402 shall be developed in consultation with teachers, teacher-
 403 educators of Florida College System institutions and state
 404 universities, business and community representatives, and local
 405 education foundations, consortia, and professional
 406 organizations. The professional development system must:

407 1. Be approved by the department. All substantial
 408 revisions to the system shall be submitted to the department for
 409 review for continued approval.

410 2. Be based on analyses of student achievement data and
 411 instructional strategies and methods that support rigorous,
 412 relevant, and challenging curricula for all students. Schools
 413 and districts, in developing and refining the professional
 414 development system, shall also review and monitor school
 415 discipline data; school environment surveys; assessments of
 416 parental satisfaction; performance appraisal data of teachers,

417 managers, and administrative personnel; and other performance
 418 indicators to identify school and student needs that can be met
 419 by improved professional performance.

420 3. Provide inservice activities coupled with followup
 421 support appropriate to accomplish district-level and school-
 422 level improvement goals and standards. The inservice activities
 423 for instructional personnel shall focus on analysis of student
 424 achievement data, ongoing formal and informal assessments of
 425 student achievement, identification and use of enhanced and
 426 differentiated instructional strategies that emphasize rigor,
 427 relevance, and reading in the content areas, enhancement of
 428 subject content expertise, integrated use of classroom
 429 technology that enhances teaching and learning, classroom
 430 management, parent involvement, and school safety.

431 4. Include a master plan for inservice activities,
 432 pursuant to rules of the State Board of Education, for all
 433 district employees from all fund sources. The master plan shall
 434 be updated annually by September 1, must be based on input from
 435 teachers and district and school instructional leaders, and must
 436 use the latest available student achievement data and research
 437 to enhance rigor and relevance in the classroom. Each district
 438 inservice plan must be aligned to and support the school-based
 439 inservice plans and school improvement plans pursuant to s.
 440 1001.42(18). Each district inservice plan must provide a
 441 description of the training that middle grades instructional
 442 personnel and school administrators receive on the district's

443 code of student conduct adopted pursuant to s. 1006.07;
 444 integrated digital instruction and competency-based instruction;
 445 classroom management; student behavior and interaction; extended
 446 learning opportunities for students; and instructional
 447 leadership. District plans must be approved by the district
 448 school board annually in order to ensure compliance with
 449 subsection (1) and to allow for dissemination of research-based
 450 best practices to other districts. District school boards must
 451 submit verification of their approval to the Commissioner of
 452 Education no later than October 1, annually. Each school
 453 principal may establish and maintain an individual professional
 454 development plan for each instructional employee assigned to the
 455 school as a seamless component to the school improvement plans
 456 developed pursuant to s. 1001.42(18). An individual professional
 457 development plan must be related to specific performance data
 458 for the students to whom the teacher is assigned, define the
 459 inservice objectives and specific measurable improvements
 460 expected in student performance as a result of the inservice
 461 activity, and include an evaluation component that determines
 462 the effectiveness of the professional development plan.

463 5. Include inservice activities for school administrative
 464 personnel that address updated skills necessary for
 465 instructional leadership and effective school management
 466 pursuant to s. 1012.986.

467 6. Provide for systematic consultation with regional and
 468 state personnel designated to provide technical assistance and

469 evaluation of local professional development programs.

470 7. Provide for delivery of professional development by
 471 distance learning and other technology-based delivery systems to
 472 reach more educators at lower costs.

473 8. Provide for the continuous evaluation of the quality
 474 and effectiveness of professional development programs in order
 475 to eliminate ineffective programs and strategies and to expand
 476 effective ones. Evaluations must consider the impact of such
 477 activities on the performance of participating educators and
 478 their students' achievement and behavior.

479 9. For middle grades, emphasize:

480 a. Interdisciplinary planning, collaboration, and
 481 instruction.

482 b. Alignment of curriculum and instructional materials to
 483 the state academic standards adopted pursuant to s. 1003.41.

484 c. Use of small learning communities; problem-solving,
 485 inquiry-driven research and analytical approaches for students;
 486 strategies and tools based on student needs; competency-based
 487 instruction; integrated digital instruction; and project-based
 488 instruction.

489
 490 Each school that includes any of grades 6, 7, or 8 must include
 491 in its school improvement plan, required under s. 1001.42(18), a
 492 description of the specific strategies used by the school to
 493 implement each item listed in this subparagraph.

494 (7) (a) The Department of Education shall disseminate,

495 using web-based technology, research-based best practice methods
496 by which the state and district school boards may evaluate and
497 improve the professional development system. The best practices
498 must include data that indicate the progress of all students.
499 The department shall report annually to the State Board of
500 Education and the Legislature any school district that, in the
501 determination of the department, has failed to provide an
502 adequate professional development system. This report must
503 include the results of the department's investigation and of any
504 intervention provided.

505 (b) The department shall also disseminate, using web-based
506 technology, professional development in the use of integrated
507 digital instruction at schools that include middle grades. The
508 professional development must provide training and materials
509 that districts can use to provide instructional personnel with
510 the necessary knowledge, skills, and strategies to effectively
511 blend digital instruction into subject-matter curricula. The
512 professional development must emphasize online learning and
513 research techniques, reading instruction, the use of digital
514 devices to supplement the delivery of curricular content to
515 students, and digital device management and security. Districts
516 are encouraged to incorporate the professional development as
517 part of their professional development system.

518 Section 8. This act shall take effect July 1, 2014.