Education Council Meeting Packet

Tuesday, March 14, 2006
1:00 - 3:15 pm
Morris Hall

REVISED

Allan G. Bense
Speaker

Dennis K. Baxley
Council Chair

FLORIDA HOUSE OF REPRESENTATIVES

Allan G. Bense, Speaker

Education Council

Dennis Baxley
Chair

Ralph Arza
Vice Chair

Meeting Agenda
Tuesday March 14, 2006
Morris Hall
1:00 – 3:15 PM

I. Opening Remarks by Chair Baxley

II. Roll Call

III. HB 75 John M. McKay Scholarships for Students with Disabilities Program by Bilirakis

HB 205 Student Financial Assistance by Kravitz

HB 429 Florida School for the Deaf and the Blind by Proctor

HB 7041 Scholarship Program Accountability by Choice & Innovation Committee

HB 7087 Education by PreK-12 Committee

IV. Closing Comments / Meeting Adjourned

HB 75

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 75 John M. McKay Scholarships for Students with Disabilities Program
SPONSOR(S): Bilirakis
TIED BILLS: **IDEN./SIM. BILLS:** SB 1152

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee	7 Y, 0 N	Hunker	Kooi
2) Education Appropriations Committee	20 Y, 0 N	Eggers	Hamon
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

HB 75 redefines the term "students with disabilities" using modern terminology and eliminating hospitalized and homebound as a freestanding category of students with disabilities.

The bill revises eligibility for John M. McKay scholarships by allowing students who spent the prior year in the Florida School for the Deaf and the Blind or a Department of Juvenile Justice commitment program to apply for and receive McKay scholarships. The bill also removes the requirement that students have spent the prior school year in an *assigned* Florida public school. With the changes, prior year attendance at any Florida public school will qualify.

The bill eliminates Department of Education (DOE) funding of pre-paid private school tuition for McKay Scholarship recipients.

The bill requires school districts to report to DOE all students who attended the Florida School for the Deaf and the Blind for the prior year, and are now attending a private school under the John M. McKay Scholarship Program.

The bill has an indeterminate fiscal impact. See the FISCAL ANALYSIS section for more information.

The act shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the entitlement to John M. McKay Scholarships by including students, as defined by Federal law, in the categories of students who are eligible to receive the scholarship.

Empower families – This bill increases public and private school choice for eligible disabled children who spent the prior year in the Florida School for the Deaf and the Blind or a Department of Juvenile Justice commitment program.

Safeguard individual liberty – Students with disabilities leaving the Florida School for the Deaf and the Blind and Department of Juvenile Justice commitment programs will have access to public and private school choice options more quickly.

B. EFFECT OF PROPOSED CHANGES:

In 2002, the Florida Legislature authorized by law the statewide implementation of the John M. McKay Scholarships for Students with Disabilities Program. The program currently provides scholarships to attend either a qualifying private school or another public school to students with disabilities whose parents believe that their child's needs are not being met at their assigned public schools.

Students With Disabilities

Currently, the definition of "students with disabilities" found in s. 1002.39(1),F.S., includes K-12 students who are: (1) mentally handicapped; (2) speech and language impaired; (3) deaf or hard of hearing; (4) visually impaired; (5) dual sensory impaired; (6) physically impaired; (7) emotionally handicapped; (8) specific learning disabled; (9) hospitalized or homebound; or (10) autistic.

The bill changes the definition of "students with disabilities" to include K-12 students with the following disabilities: (1) documented mental retardation; (2) speech or language impairment; (3) hearing impairment, including deafness; (4) visual impairment, including blindness; (5) dual sensory impairment; (6) physical impairment; (7) serious emotional disturbance, including emotional handicap; or (9) specific learning disability, including, but not limited to: dyslexia; dyscalculia; developmental aphasia; traumatic brain injury; or autism.

This bill changes the definition of "students with disabilities" to the modern terminology for disabilities used in the federal regulations (*See* 34 C.F.R. § 300.7(c)). The bill eliminates "hospitalized and homebound" as a free-standing category of students with disabilities, but these students may qualify for the McKay Scholarships under any of the other enumerated categories. It is important to note, that a disability in and of itself does not guarantee the right to a McKay scholarship. The disability must be recognized under State Board rules[1] and the student must have a current individual education plan.[2]

Scholarship Eligibility

Currently, a parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive a McKay Scholarship for the child to enroll in and attend a private school if the child attended an assigned Florida public school for the prior year.

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[1] Rules 6A-6.03011 – 6A-60.03031, F.A.C.

[2] s. 1003.01(3)(a), providing that "exceptional student" means any student who has been determined eligible for a special program in accordance with the rules of the State Board of Education.

Section 1002.39(2)(a) currently defines "prior school year in attendance" to mean that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12.
This bill clarifies current law which provides that students enrolled in Department of Juvenile Justice (DJJ) commitment programs are ineligible to receive a McKay scholarship during the period of enrollment in the commitment program. However, current law is unclear as to whether a student that has met the McKay scholarship eligibility requirements is eligible to participate in the program immediately upon dismissal from a DJJ commitment program. According to the Department of Education (DOE), implementation of current law has been that "the time in which a student was enrolled in a DJJ commitment program would not 'count' as the required prior year of enrollment in public schools; therefore, students dismissed from a DJJ commitment program are only eligible for a McKay scholarship after being in attendance and reported for funding in a regular public school for both the October and February surveys."[3]

Under this bill, "prior school year attendance" at any Florida public school will qualify; assignment is not a requirement. Also, this bill clarifies that "prior school year in attendance" includes time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the Florida Education Finance Program (FEFP). Prior school year attendance at the Florida School for the Deaf and Blind will also qualify.

Scholarship Funding and Payment

The bill clarifies that students enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs "shall not receive a John M. McKay Scholarship during the period of time that he or she is enrolled in such school."

This bill further provides that the scholarship amount for a student who has spent the prior year in attendance at the Florida School for the Deaf and the Blind will be calculated in the same manner as any other McKay Scholarship, except that the calculation is based on the school district in which the parent resides at the time of the scholarship request.

Some private schools require pre-paid amounts of tuition to reserve seats in the class. This bill eliminates DOE funding of pre-paid tuition for McKay Scholarship recipients prior to the start of the academic year. The scholarship recipients will still receive the full tuition payments, but only during the academic year in which the scholarship is in force.

The bill provides that the funds used to provide scholarships to newly eligible students from the FSDB will come from the school districts where the parent resides at the time of the scholarship request. The bill prohibits the transfer of funds from the FSDB for students to participate in the program.

The bill provides that the funds used to provide scholarships to newly eligible students from a DJJ commitment program will come from the school district in which the student last attended a public school prior to commitment.

Reporting Requirements

The bill requires the school districts to report to DOE the number of former FSDB students attending private schools under this program, and holds the school district harmless for such students from the weighted enrollment ceiling for group 2 programs during the first school year in which the student is reported. Group 2 includes students in exceptional student education programs, English for Speakers of Other Languages programs, and all career education programs in grades 9-12.

C. SECTION DIRECTORY:

[3] Florida Department of Education, Governmental Relations Office, 2004 Legislative Bill Analysis on HB 1579: John M. McKay Scholarships for Students with Disabilities Program.

Section 1. Amends Fla. Stat. § 1002.39; revising the definition of the term students with disabilities, clarifying and revising the student eligibility requirements; revising the provisions relating to scholarship funding and payment, and provides funding and payment mechanisms.

Section 2. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

   School districts are held harmless under the Florida Education Finance Program's group 2 capping policy for students with McKay scholarships who attended the Florida School for the Dead and Blind during the prior year. Although the fiscal impact is indeterminate, it is expected to be very small.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision (Article VII, section 18):

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

   The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

   The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

HB 75 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to the John M. McKay Scholarships for
3 Students with Disabilities Program; amending s. 1002.39,
4 F.S.; revising definition of the term "students with
5 disabilities"; revising student eligibility requirements
6 for receipt of a scholarship; revising provisions relating
7 to scholarship funding and payment; providing funding and
8 payment requirements for former Florida School for the
9 Deaf and the Blind students and for students exiting a
10 Department of Juvenile Justice program; providing an
11 effective date.
12
13 Be It Enacted by the Legislature of the State of Florida:
14
15 Section 1. Subsections (1), (2), and (6) of section
16 1002.39, Florida Statutes, are amended to read:
17 1002.39 The John M. McKay Scholarships for Students with
18 Disabilities Program.--There is established a program that is
19 separate and distinct from the Opportunity Scholarship Program
20 and is named the John M. McKay Scholarships for Students with
21 Disabilities Program, pursuant to this section.
22 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
23 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
24 Students with Disabilities Program is established to provide the
25 option to attend a public school other than the one to which
26 assigned, or to provide a scholarship to a private school of
27 choice, for students with disabilities for whom an individual
28 education plan has been written in accordance with rules of the

29 State Board of Education. Students with disabilities include K-
30 12 students who are documented as having mental retardation; a
31 ~~mentally handicapped,~~ speech or ~~and~~ language impairment; a
32 ~~impaired, deaf or hard of~~ hearing impairment, including
33 deafness; a visual impairment, including blindness; a ~~visually~~
34 ~~impaired,~~ dual sensory impairment; a physical impairment; a
35 serious emotional disturbance, including an emotional handicap;
36 a ~~impaired, physically impaired, emotionally handicapped,~~
37 specific learning disability, including, but not limited to,
38 dyslexia, dyscalculia, or developmental aphasia; a traumatic
39 brain injury; ~~disabled, hospitalized or homebound,~~ or autism
40 ~~autistic~~.
41 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
42 school student with a disability who is dissatisfied with the
43 student's progress may request and receive from the state a John
44 M. McKay Scholarship for the child to enroll in and attend a
45 private school in accordance with this section if:
46 (a) ~~By assigned school attendance area or by special~~
47 ~~assignment,~~ The student has spent the prior school year in
48 attendance at a Florida public school or the Florida School for
49 the Deaf and the Blind. Prior school year in attendance means
50 that the student was:
51 1. Enrolled and reported by a school district for funding
52 during the preceding October and February Florida Education
53 Finance Program surveys in kindergarten through grade 12, which
54 shall include time spent in a Department of Juvenile Justice
55 commitment program if funded under the Florida Education Finance
56 Program; or

57 2. Enrolled and reported by the Florida School for the
58 Deaf and the Blind during the preceding October and February
59 student membership surveys in kindergarten through grade 12.
60
61 However, ~~this paragraph does not apply to~~ a dependent child of a
62 member of the United States Armed Forces who transfers to a
63 school in this state from out of state or from a foreign country
64 pursuant to a parent's permanent change of station orders is
65 exempt from this paragraph but~~. A dependent child of a member of~~
66 ~~the United States Armed Forces who transfers to a school in this~~
67 ~~state from out of state or from a foreign country pursuant to a~~
68 ~~parent's permanent change of station orders~~ must meet all other
69 eligibility requirements to participate in the program.
70 (b) The parent has obtained acceptance for admission of
71 the student to a private school that is eligible for the program
72 under subsection (4) and has notified the school district of the
73 request for a scholarship at least 60 days prior to the date of
74 the first scholarship payment. The parental notification must be
75 through a communication directly to the district or through the
76 Department of Education to the district in a manner that creates
77 a written or electronic record of the notification and the date
78 of receipt of the notification.
79
80 ~~This section does not apply to~~ A student who is enrolled in a
81 school operating for the purpose of providing educational
82 services to youth in Department of Juvenile Justice commitment
83 programs shall not receive a John M. McKay Scholarship during
84 the period of time that he or she is enrolled in such school.

85 For purposes of continuity of educational choice, the
86 scholarship shall remain in force until the student returns to a
87 public school or graduates from high school. However, at any
88 time, the student's parent may remove the student from the
89 private school and place the student in another private school
90 that is eligible for the program under subsection (4) or in a
91 public school as provided in subsection (3).
92 (6) SCHOLARSHIP FUNDING AND PAYMENT.--
93 (a)1. The maximum scholarship granted for an eligible
94 student with disabilities shall be a calculated amount
95 equivalent to the base student allocation in the Florida
96 Education Finance Program multiplied by the appropriate cost
97 factor for the educational program that would have been provided
98 for the student in the district school to which he or she was
99 assigned, multiplied by the district cost differential.
100 2. In addition, a share of the guaranteed allocation for
101 exceptional students shall be determined and added to the
102 calculated amount. The calculation shall be based on the
103 methodology and the data used to calculate the guaranteed
104 allocation for exceptional students for each district in chapter
105 2000-166, Laws of Florida. Except as provided in subparagraphs
106 ~~subparagraph~~ 3. and 4., the calculation shall be based on the
107 student's grade, matrix level of services, and the difference
108 between the 2000-2001 basic program and the appropriate level of
109 services cost factor, multiplied by the 2000-2001 base student
110 allocation and the 2000-2001 district cost differential for the
111 sending district. Also, the calculated amount shall include the
112 per-student share of supplemental academic instruction funds,

113 instructional materials funds, technology funds, and other
114 categorical funds as provided for such purposes in the General
115 Appropriations Act.
116 3. The calculated scholarship amount for a student who has
117 spent the prior school year in attendance at the Florida School
118 for the Deaf and the Blind shall be calculated as provided in
119 subparagraphs 1. and 2. However, the calculation shall be based
120 on the school district in which the parent resides at the time
121 of the scholarship request.
122 4.~~3.~~ Until the school district completes the matrix
123 required by paragraph (3)(b), the calculation shall be based on
124 the matrix that assigns the student to support level I of
125 service as it existed prior to the 2000-2001 school year. When
126 the school district completes the matrix, the amount of the
127 payment shall be adjusted as needed.
128 (b) The amount of the John M. McKay Scholarship shall be
129 the calculated amount or the amount of the private school's
130 tuition and fees, whichever is less. The amount of any
131 assessment fee required by the participating private school may
132 be paid from the total amount of the scholarship.
133 ~~(c) If the participating private school requires partial~~
134 ~~payment of tuition prior to the start of the academic year to~~
135 ~~reserve space for students admitted to the school, that partial~~
136 ~~payment may be paid by the Department of Education prior to the~~
137 ~~first quarterly payment of the year in which the John M. McKay~~
138 ~~Scholarship is awarded, up to a maximum of $1,000, and deducted~~
139 ~~from subsequent scholarship payments. If a student decides not~~
140 ~~to attend the participating private school, the partial~~

141 ~~reservation payment must be returned to the Department of~~
142 ~~Education by the participating private school. There is a limit~~
143 ~~of one reservation payment per student per year.~~
144 (c)~~(d)~~1. The school district shall report all students who
145 are attending a private school under this program. The students
146 with disabilities attending private schools on John M. McKay
147 Scholarships shall be reported separately from other students
148 reported for purposes of the Florida Education Finance Program.
149 2. For program participants who are eligible under
150 subparagraph (2)(a)2., the school district that is used as the
151 basis for the calculation of the scholarship amount as provided
152 in subparagraph (a)3. shall:
153 a. Report to the department all such students who are
154 attending a private school under this program.
155 b. Be held harmless for such students from the weighted
156 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a.
157 during the first school year in which the students are reported.
158 (d)~~(e)~~ Following notification on July 1, September 1,
159 December 1, or February 1 of the number of program participants,
160 the department ~~of Education~~ shall transfer, from General Revenue
161 funds only, the amount calculated under paragraph (b) from the
162 school district's total funding entitlement under the Florida
163 Education Finance Program and from authorized categorical
164 accounts to a separate account for the scholarship program for
165 quarterly disbursement to the parents of participating students.
166 Funds may not be transferred from any funding provided to the
167 Florida School for the Deaf and the Blind for program
168 participants who are eligible under subparagraph (2)(a)2. For a

169 student exiting a Department of Juvenile Justice commitment
170 program who chooses to participate in the scholarship program,
171 the amount of the John M. McKay Scholarship calculated pursuant
172 to paragraph (b) shall be transferred from the school district
173 in which the student last attended a public school prior to
174 commitment to the Department of Juvenile Justice. When a student
175 enters the scholarship program, the department ~~of Education~~ must
176 receive all documentation required for the student's
177 participation, including the private school's and student's fee
178 schedules, at least 30 days before the first quarterly
179 scholarship payment is made for the student. The Department of
180 Education may not make any retroactive payments.
181 (e) ~~(f)~~ Upon proper documentation reviewed and approved by
182 the Department of Education, the Chief Financial Officer shall
183 make scholarship payments in four equal amounts no later than
184 September 1, November 1, February 1, and April 15 of each
185 academic year in which the scholarship is in force. The initial
186 payment shall be made after Department of Education verification
187 of admission acceptance, and subsequent payments shall be made
188 upon verification of continued enrollment and attendance at the
189 private school. Payment must be by individual warrant made
190 payable to the student's parent and mailed by the Department of
191 Education to the private school of the parent's choice, and the
192 parent shall restrictively endorse the warrant to the private
193 school for deposit into the account of the private school.
194 Section 2. This act shall take effect upon becoming a law.

HB 205

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 205 Student Financial Assistance
SPONSOR(S): Kravitz
TIED BILLS: **IDEN./SIM. BILLS:** SB 458

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	9 Y, 0 N	Hatfield	Tilton
2) Education Appropriations Committee	11 Y, 3 N	Hammock	Hamon
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

This bill prohibits a public university or community college from providing any student holding an F-1 or M-1 visa with financial assistance from state funds appropriated directly or indirectly to the institution or tuition or fee revenues generated by Florida residents. Financial assistance does not include compensation paid to students for assistantships or participation in work-study programs.

Such funds must be redirected to provide additional need-based financial assistance to eligible Florida residents. After the unmet need for such residents is fully satisfied without reliance on loans, any funds remaining must be used to provide merit-based financial assistance to eligible Florida residents.

This bill also creates reporting requirements for universities and community colleges.

The Department of Education reports that for the 2003-2004 academic year an estimated $6.9 million from state funds and tuition and fee revenues would have been redirected to Florida residents enrolled in the State University System and an estimated $1.3 million would have been redirected to Florida residents enrolled in the Florida Community College system. The Department of Education is currently in the process of gathering updated figures for the 2004-2005 academic year. See FISCAL COMMENTS section for further details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill creates reporting requirements for public universities and community colleges.

Empower families—The bill may give Florida residents previously unable to afford a higher education an opportunity to enroll in a public university or community college; however, this bill may also limit opportunities for foreign individuals or families by eliminating sources of financial assistance. The bill may also have the potential of decreasing the amount of private financial aid funds for Florida residents if institutions redirect such funds to foreign students in order to sustain the population of these students at an institution.

B. EFFECT OF PROPOSED CHANGES:

Background

The Federal Immigration and Nationality Act (Act) governs the admission of all foreigners to the United States. The Act provides two nonimmigrant[1] visa categories for persons wishing to pursue full-time academic or vocational studies in the United States. The "F" visa is reserved for a nonimmigrant wishing to pursue academic studies or language training. The "M" visa is reserved for a nonimmigrant wishing to pursue nonacademic or vocational studies.

Foreign students seeking to study in the United States may enter under an F-1 or M-1 visa provided they meet the following criteria:

- The student must be enrolled in an "academic" educational program, a language-training program, or a vocational program;
- The school must be approved by United States Citizenship and Immigration Services;
- The student must be enrolled as a full-time student at the institution;
- The student must be proficient in English or be enrolled in courses leading to English proficiency;
- The student must maintain a residence abroad which he or she has no intention of giving up; and
- The student must have sufficient funds available for self-support during the entire proposed course of study.[2]
    - Sufficient funds must equal the amount an institution estimates will be needed to cover tuition, room and board, books, and any other living expenses and may be in the form of one or a combination of the following:
        - An affidavit from a person financially sponsoring the student;
        - The student's personal bank account information;
        - Proof of a scholarship received by the student; and
        - Proof of financial aid that the student will be receiving.[3]

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[1] According to 8 U.S.C. § (a)(15)(F)(i), the term "immigrant" means

> every alien except an alien who is within one of the following classes of nonimmigrant aliens -- an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study . . . at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States . . . which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student.

[2] http://uscis.gov

Effect of Bill

Currently, financial assistance for students may be funded from a variety of sources such as state appropriations, indirect state grants distributed through state agencies, federal grants, tuition and fee revenues, and private contributions. Beginning in the 2007-2008 academic year, this bill prohibits a state university or community college from using state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents to provide financial assistance to any student holding an F-1 or M-1 visa.

For purposes of this bill, financial assistance does not include compensation paid to students for assistantships or for participation in work-study programs. Universities use graduate student assistants to support classroom teaching and university research. Both community colleges and universities use work-study students to support academic and administrative institutional functions.[4]

State universities or community colleges that wish to provide financial assistance to students with F-1 or M-1 visas can provide assistantships and work-study programs or use private funds or tuition and fees from non-residents.

By December 31, 2006, each state university and community college must report to the President of the Senate and the Speaker of the House of Representatives the total amount of state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents that was used to provide:

- Financial assistance during the 2004-2005 academic school year to students holding F-1 or M-1 visas and
- Need-based financial assistance during the 2004-2005 academic school year to students classified as residents for tuition purposes.

This bill requires that state funds appropriated directly or indirectly to the institution or tuition or fee revenues generated by Florida residents be redirected to provide additional need-based financial assistance to eligible Florida residents.

The bill defines "eligible Florida resident" to mean a student classified at the time of initial enrollment at a state university or community college as a resident for tuition purposes pursuant to s. 1009.21, F.S.[5] This definition prohibits students who become reclassified as a resident for tuition purposes from receiving the redirected aid.

The redirected funds must not be used to reduce or supplant the existing level of funding Florida residents currently receive for need-based financial assistance from state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents. After the unmet need for eligible Florida residents is fully satisfied without reliance on loans, any funds remaining must be used to provide merit-based financial assistance to eligible Florida residents.

By July 1, 2008, the state universities and community colleges must also report to the President and the Speaker on the number of Florida residents benefiting from financial assistance as a result of the redirected funds.

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[3] Information received from a February 9, 2005, phone conversation with an employee of the Student and Exchange Visitor Program (SEVP), a division of U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security (DHS).

[4] Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 3.

[5] Section 1009.21(2), F.S., to qualify as a "resident for tuition purposes" a person must establish and maintain legal residence in this state for at least 12 months prior to qualification, make a statement as to his or her length of residence in the state, and further establish that such residence is not temporary but rather for the purpose of maintaining a "bona fide domicile".

In the 2005 Department of Education (DOE) analysis, DOE found that Florida's public postsecondary students were not currently reported by the type of visa, but by student residency. The DOE also indicated that the ability to clearly identify which revenues are used for financial aid to international students would require some administrative and accounting modifications.[6] The extent to which modifications, if any, have been made is not known. The DOE is currently working on providing updated information.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section to provide legislative intent; creates reporting requirements for state universities and community colleges; prohibits use of certain funds to provide financial assistance to certain foreign students; defines the term "eligible Florida resident;" and provides for redirection of funds to provide additional need-based financial assistance to eligible Florida residents.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

   See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

The DOE reports that for the 2003-2004 school year, an estimated $6.9 million from state funds and tuition and fee revenues would have been redirected to Florida resident students enrolled in the State University System[7] and that an estimated $1.3 million from state funds and tuition and fee revenues would have been redirected to Florida residents enrolled in the Florida Community College system.[8] The DOE is currently in the process of gathering updated figures for the 2004-2005 academic year.

If reporting requirements and accounting systems have not yet been modified, then this bill may increase administrative costs due to new reporting requirements and the need to modify accounting

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[6] Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 2-3.

[7] In March 2005, the Division of Colleges and Universities provided a spreadsheet noting that the $6.9M that would have been redirected came from 1,246 students that held an F-1 visa, were enrolled in a state university and received state funding.

[8] In April 2005, the Division of Community Colleges & Workforce reported that the $1.3 million that would have been redirected came from 532 community college students that held an F-1 visa.

systems to capture the information required in the bill. The fiscal impact of these modifications is indeterminate.[9]

According to the DOE 2005 analysis, there would be no increase or decrease in expenditures from this bill; instead, the use of certain funds would be redirected.[10] Florida residents previously unable to afford a higher education may now have the opportunity to receive such education as a result of the redirected funds; however, this bill may limit opportunities for foreign individuals or families by eliminating sources of financial assistance that might otherwise have been received. The bill may also have the potential of decreasing the amount of private financial aid funds for Florida residents if institutions redirect such funds to foreign students in order to sustain the population of these students at an institution.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

2. Other:

   Equal Protection

   Both the Fourteenth Amendment to the United States Constitution and Article I, section 2 of the Florida Constitution guarantee equal protection of the laws to "persons," not only to citizens. This bill may raise constitutional concerns under these provisions.

   While Congress may, in light of its plenary power over immigration,[11] generally make classifications based on citizenship as long as they are not arbitrary and unreasonable,[12] state or local laws which do so are subject to strict scrutiny. Such laws must seek to advance a compelling governmental interest and must be narrowly tailored to advancing that interest.[13]

   It could be argued that the bill meets strict scrutiny requirements because the bill determines that it is a compelling governmental interest to use a portion of the state's resources to expand access to postsecondary education and to reduce student indebtedness. Expanding access and increasing financial assistance not only will encourage Florida residents to pursue postsecondary education, but also will produce economic benefits for the state by increasing the levels of higher educational attainment and earning potential of Florida's citizenry. In addition, it appears to be narrowly tailored to advance the interest of the state in that it only prohibits use of state funds to provide financial assistance to students with an F-1 or M-1 visa, and does not include those students receiving paid compensation for assistantships or participation in work-study programs. Such students also may still receive financial assistance via federal and private monies.

B. RULE-MAKING AUTHORITY:

   None

C. DRAFTING ISSUES OR OTHER COMMENTS:

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[9] Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 3.
[10] *Id.*
[11] *See* Art. I, s. 8, U.S. Const. ("Congress shall have Power To . . . establish an uniform Rule of Naturalization[.]")
[12] *See Mathews v. Diaz*, 426 U.S. 67 (1976).
[13] *See Bernal v. Fainter*, 467 U.S. 216 (1984).

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to student financial assistance; providing
3 legislative intent to expand access to postsecondary
4 education and reduce student indebtedness; requiring each
5 state university and community college to report
6 information relating to certain funds used to provide
7 financial assistance to certain students; prohibiting the
8 use of such funds to provide financial assistance to
9 specified foreign students; defining the term "eligible
10 Florida resident"; providing for the redirection of funds
11 to provide additional need-based financial assistance to
12 eligible Florida residents; requiring a report by state
13 universities and community colleges; providing an
14 effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
18 Section 1. (1) It is the intent of the Legislature to use
19 a portion of the state's limited resources to expand access to
20 postsecondary education and to reduce student indebtedness by
21 increasing need-based financial assistance for Florida
22 residents. Expanding access and increasing financial assistance
23 will encourage Florida residents to pursue postsecondary
24 education, which will produce economic benefits for the state by
25 increasing the levels of higher educational attainment and
26 earning potential of Florida's citizenry.
27 (2) By December 31, 2006, each state university and
28 community college shall report to the President of the Senate

29 and the Speaker of the House of Representatives:
30 (a) The total amount of state funds appropriated directly
31 or indirectly to the institution and tuition and fee revenues
32 generated by Florida residents that was used to provide
33 financial assistance during the 2004-2005 academic year to
34 students holding F-1 or M-1 visas.
35 (b) The total amount of state funds appropriated directly
36 or indirectly to the institution and tuition and fee revenues
37 generated by Florida residents that was used to provide need-
38 based financial assistance during the 2004-2005 academic year to
39 students classified as residents for tuition purposes pursuant
40 to s. 1009.21, Florida Statutes.
41 (3) Effective for the 2007-2008 academic year and each
42 year thereafter:
43 (a) A state university or community college shall not use
44 state funds appropriated directly or indirectly to the
45 institution or tuition or fee revenues generated by Florida
46 residents to provide financial assistance to any student holding
47 an F-1 or M-1 visa.
48 (b) The amount of funds reported pursuant to paragraph
49 (2)(a) shall be used by an institution to provide additional
50 need-based financial assistance to eligible Florida residents.
51 If the unmet need for eligible Florida residents is fully
52 satisfied without reliance on loans, any remaining funds shall
53 be used to provide merit-based financial assistance to eligible
54 Florida residents.
55 (4) For purposes of this section, "eligible Florida
56 resident" means a student classified at the time of initial

57 enrollment at a state university or community college as a
58 resident for tuition purposes pursuant to s. 1009.21, Florida
59 Statutes.
60 (5) Funds redirected pursuant to this section shall be
61 additional funds for need-based financial assistance for
62 eligible Florida residents and shall not be used to reduce or
63 supplant the level of funding for need-based financial
64 assistance for such students.
65 (6) For purposes of this section, financial assistance
66 does not include compensation paid to students for
67 assistantships or participation in work-study programs.
68 (7) Each state university and community college shall
69 report to the President of the Senate and the Speaker of the
70 House of Representatives by July 1, 2008, the number of Florida
71 residents benefiting from the use of financial assistance
72 provided from the funds redirected pursuant to this section.
73 Section 2. This act shall take effect July 1, 2006.

HB 429

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 429 Florida School for the Deaf and the Blind
SPONSOR(S): Proctor and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1014

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee	7 Y, 0 N	Hassell	Kooi
2) Education Appropriations Committee	20 Y, 0 N	Eggers	Hamon
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

The bill aligns the Florida School for the Deaf and the Blind (FSDB) mission statement with No Child Left Behind, the Individuals with Disabilities Education Improvement Act (IDEA 2004), and current State Board of Education (SBE) rules regarding exceptional student education.

The bill authorizes the FSDB to provide outreach education services to hearing-impaired and visually impaired children ages birth through 5 upon request from a school district. This proposed change will serve to increase the district's ability to provide appropriate services to children with sensory impairments. Also, those school districts that may not have been receiving services under the Small and Rural District Initiative will be able to request and receive outreach services from the FSDB for children with sensory impairments.

The bill revises the board of trustees' powers and duties relating to the requirements for expenditure of gifts, donations, or bequests. The bill exempts the FSDB's use of these funds from state purchasing requirements, per diem travel and expenses, and compensation of lobbyists. The bill clarifies that the FSDB projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirement for Educational Facilities (SREF). Additionally, it adds the FSDB to the required need assessment criteria for district, community college, college and state university plant surveys so that the FSDB will be able to include space needs that deviate from approved standards for determining space needs for approved educational programs.

The bill also authorizes campus police officers to enforce traffic laws within the boundaries of the campus and removes the provision that authorizes the bonding of campus police officers.

The bill should have minimal or no fiscal impact. See the FISCAL COMMENTS section of the analysis.

The act shall take effect on July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the availability and types of outreach education services that a school district may offer families with hearing-impaired and visually impaired children.

Empower families – The bill increases a school district's ability to provide appropriate types of outreach education services to families with hearing-impaired and visually impaired children.

B. EFFECT OF PROPOSED CHANGES:

Background

The Florida School for the Deaf and the Blind (FSDB) is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade. As a component of the delivery of public education within Florida's K-20 education system, the FSDB provides educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students who meet enrollment criteria. As a school of excellence, the FSDB's mission states that it "strives to provide students with an opportunity to maximize their individual potential in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent lifelong learners."[1]

Current law provides that outreach education services may be provided to children ages birth through 5 with sensory impairments and their parents. However, some school districts also provide such services under Part C of the Individuals with Disabilities Education Act (IDEA 2004). According to the Department of Education, the Outreach Services division at the FSDB currently provides services directly to children and families through the Parent-Infant Program (ages birth – 5) and to some small and rural school districts through the Small and Rural District Initiative (ages 3 – 22).[2]

Current law provides for the board of trustees' powers and duties relating to the requirements for expenditure of funds, including moneys received as gifts, donations, or bequests. Currently, the FSDB board of trustees may not compensate those persons who lobby before the House of Representative or the Senate with moneys received as gifts, donations, or bequests. Also, the board of trustees must require all purchases, including those purchases made with moneys received as gifts, donations, or bequests, to be made in accordance with state purchasing requirements and state per diem travel and expenses requirements.[3]

Effects of Proposed Changes

The bill removes the phrase "maximize their individual potential" in the FSDB mission statement and replaces it with "access education services." This change aligns the FSDB mission statement with No Child Left Behind, the IDEA 2004, and current State Board of Education (SBE) rules. Thus, this change makes the law consistent with Federal and state regulations regarding exceptional student education.

The bill authorizes the FSDB to provide outreach education services to hearing-impaired and visually impaired children ages birth through 5 upon request from a school district. This proposed change will serve to increase the district's ability to provide appropriate education services to children with sensory

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[1] s. 1002.36(2), F.S.
[2] Florida Department of Education, Governmental Relations Office, 2006 Legislative Bill Analysis on HB 429: The Florida School for the Deaf and the Blind
[3] Chapter 287--Commodities, Insurance, and Contractual Services and s. 112.061, F.S.

impairments. Also, those school districts that may not have been receiving services under the Small and Rural District Initiative will be able to request and receive outreach services from the FSDB for children with sensory impairments.

The bill clarifies that the FSDB projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirement for Educational Facilities (SREF). Also, the bill adds the FSDB to the required need assessment criteria for district, community college, college and state university plant surveys so that the school will be able to include space needs that deviate from approved standards for determining space needs for approved educational programs. These are technical changes because the school's current spaces exceed the norm due to the nature and type of school and the school was previously exempted from the physical space requirements within the Florida Administrative Code.

The bill revises the board of trustees' powers and duties relating to the requirements for expenditure of gifts, donations, or bequests. The bill removes the provision relating to the compensation of those persons that lobby before the House of Representatives and the Senate and revises the provisions relating to state purchasing requirements and per diem travel and expenses. These funds, known as Endowment funds, are moneys received as gifts, donations, or bequests, funds raised by or belonging to student clubs or student organizations, or funds held for specific students or in accounts for individual students and are tax exempt. The FSDB would be able to use the Endowment funds for legislative liaison activities, to support programs not supported by state funding, and for program purchases and travel related expenses not covered by state funding.

The bill authorizes campus police officers to enforce traffic laws within the boundaries of the campus, a specific authority that is granted to university, community college, and school district campus police under s.316.640, F.S. It also removes the provision that authorizes the bonding of campus police officers because this requirement has been replaced by accidental death and insurance coverage.

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.36, F.S., relating to the Florida School for the Deaf and the Blind; amending provision related to education services; revising powers and duties of the Board of Trustees; and revising provision related to campus police officers.

Section 2. Amends s. 1013.31, F.S., relating to educational plant surveys.

Section 3. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

   The bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill exempts the FSDB's use of Endowment funds from state purchasing requirements, per diem travel and expenses, and compensation of lobbyists, thereby increasing the flexibility in which the FSDB may utilize such funds.

D. FISCAL COMMENTS:

School districts are responsible for providing educational services or access to such services for hearing-impaired and visually impaired children ages birth through 5. Thus, a request by a school district for FSDB to provide outreach educational services for sensory impaired students should have minimal or no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to the Florida School for the Deaf and the
3 Blind; amending s. 1002.36, F.S.; authorizing the
4 provision of education services to district school boards
5 upon request; revising powers and duties of the Board of
6 Trustees for the Florida School for the Deaf and the Blind
7 relating to requirements for expenditure of certain funds
8 and submission of capital outlay budget requests;
9 authorizing campus police officers to enforce traffic
10 laws; deleting provisions authorizing bonding of campus
11 police officers; amending s. 1013.31, F.S.; including
12 reference to the Florida School for the Deaf and the Blind
13 in provisions relating to educational plant surveys;
14 providing an effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
18 Section 1. Subsections (1) and (2), paragraphs (e) and (f)
19 of subsection (4), and paragraphs (b) and (d) of subsection (8)
20 of section 1002.36, Florida Statutes, are amended to read:
21 1002.36 Florida School for the Deaf and the Blind.--
22 (1) RESPONSIBILITIES.--The Florida School for the Deaf and
23 the Blind, located in St. Johns County, is a state-supported
24 residential public school for hearing-impaired and visually
25 impaired students in preschool through 12th grade. The school is
26 a component of the delivery of public education within Florida's
27 K-20 education system and shall be funded through the Department
28 of Education. The school shall provide educational programs and

29 support services appropriate to meet the education and related
30 evaluation and counseling needs of hearing-impaired and visually
31 impaired students in the state who meet enrollment criteria.
32 Unless otherwise provided by law, the school shall comply with
33 all laws and rules applicable to state agencies. Education
34 services may be provided on an outreach basis for sensory-
35 impaired children ages 0 through 5 years and to district school
36 boards upon request ~~their parents~~. Graduates of the Florida
37 School for the Deaf and the Blind shall be eligible for the
38 William L. Boyd, IV, Florida Resident Access Grant Program as
39 provided in s. 1009.89.
40 (2) MISSION.--The mission of the Florida School for the
41 Deaf and the Blind is to utilize all available talent, energy,
42 and resources to provide free appropriate public education for
43 eligible sensory-impaired students of Florida. As a school of
44 academic excellence, the school shall strive to provide students
45 an opportunity to access education services ~~maximize their~~
46 ~~individual potential~~ in a caring, safe, unique learning
47 environment to prepare them to be literate, employable, and
48 independent lifelong learners. The school shall provide outreach
49 services that include collaboration with district school boards
50 and shall encourage input from students, staff, parents, and the
51 community. As a diverse organization, the school shall foster
52 respect and understanding for each individual.
53 (4) BOARD OF TRUSTEES.--
54 (e) The board of trustees is invested with full power and
55 authority to:

56 1. Appoint a president, faculty, teachers, and other
57 employees and remove the same as in its judgment may be best and
58 fix their compensation.
59 2. Procure professional services, such as medical, mental
60 health, architectural, and engineering.
61 3. Procure legal services without the prior written
62 approval of the Attorney General.
63 4. Determine eligibility of students and procedure for
64 admission.
65 5. Provide for the students of the school necessary
66 bedding, clothing, food, and medical attendance and such other
67 things as may be proper for the health and comfort of the
68 students without cost to their parents, except that the board of
69 trustees may set tuition and other fees for nonresidents.
70 6. Provide for the proper keeping of accounts and records
71 and for budgeting of funds.
72 7. Enter into contracts.
73 8. Sue and be sued.
74 9. Secure public liability insurance.
75 10. Do and perform every other matter or thing requisite
76 to the proper management, maintenance, support, and control of
77 the school at the highest efficiency economically possible, the
78 board of trustees taking into consideration the purposes of the
79 establishment.
80 11. Receive gifts, donations, and bequests of money or
81 property, real or personal, tangible or intangible, from any
82 person, firm, corporation, or other legal entity. However, the
83 board of trustees may not obligate the state to any expenditure

84 or policy that is not specifically authorized by law. If the
85 bill of sale, will, trust indenture, deed, or other legal
86 conveyance specifies terms and conditions concerning the use of
87 such money or property, the board of trustees shall observe such
88 terms and conditions.
89 12. Deposit outside the State Treasury such moneys as are
90 received as gifts, donations, or bequests and may disburse and
91 expend such moneys, upon its own warrant, for the use and
92 benefit of the Florida School for the Deaf and the Blind and its
93 students, as the board of trustees deems to be in the best
94 interest of the school and its students. Such money or property
95 shall not constitute or be considered a part of any legislative
96 appropriation~~, and such money shall not be used to compensate~~
97 ~~any person for engaging in lobbying activities before the House~~
98 ~~of Representatives or Senate or any committee thereof~~.
99 13. Sell or convey by bill of sale, deed, or other legal
100 instrument any property, real or personal, received as a gift,
101 donation, or bequest, upon such terms and conditions as the
102 board of trustees deems to be in the best interest of the school
103 and its students.
104 14. Invest such moneys in securities enumerated under s.
105 215.47(1), (2)(d), (3), (4), and (9), and in The Common Fund, an
106 Investment Management Fund exclusively for nonprofit educational
107 institutions.
108 (f) The board of trustees shall:
109 1. Prepare and submit legislative budget requests for
110 operations and fixed capital outlay, in accordance with chapter
111 216 and ss. 1011.56 and 1013.60, to the Department of Education

112 for review and approval. The department must analyze the amount
113 requested for fixed capital outlay to determine if the request
114 is consistent with the school's campus master plan, educational
115 plant survey, and facilities master plan. Projections of
116 facility space needs may exceed the norm space and occupant
117 design criteria established in the State Requirements for
118 Educational Facilities.
119 2. Approve and administer an annual operating budget in
120 accordance with ss. 1011.56 and 1011.57.
121 3. Require all funds received other than gifts, donations,
122 bequests, funds raised by or belonging to student clubs or
123 student organizations, and funds held for specific students or
124 in accounts for individual students to be deposited in the State
125 Treasury and expended as authorized in the General
126 Appropriations Act.
127 4. Require all purchases to be in accordance with the
128 provisions of chapter 287 except for purchases made with funds
129 received as gifts, donations, or bequests, funds raised by or
130 belonging to student clubs or student organizations, or funds
131 held for specific students or in accounts for individual
132 students.
133 5. Administer and maintain personnel programs for all
134 employees of the board of trustees and the Florida School for
135 the Deaf and the Blind who shall be state employees, including
136 the personnel classification and pay plan established in
137 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
138 academic and academic administrative personnel, the provisions
139 of chapter 110, and the provisions of law that grant authority

140 to the Department of Management Services over such programs for
141 state employees.
142 6. Give preference in appointment and retention in
143 positions of employment as provided within s. 295.07(1).
144 7. Ensure that the Florida School for the Deaf and the
145 Blind complies with s. 1013.351 concerning the coordination of
146 planning between the Florida School for the Deaf and the Blind
147 and local governing bodies.
148 8. Ensure that the Florida School for the Deaf and the
149 Blind complies with s. 112.061 concerning per diem and travel
150 expenses of public officers, employees, and authorized persons
151 with respect to all funds other than funds received as gifts,
152 donations, or bequests, funds raised by or belonging to student
153 clubs or student organizations, or funds held for specific
154 students or in accounts for individual students.
155 9. Adopt a master plan which specifies the mission and
156 objectives of the Florida School for the Deaf and the Blind. The
157 plan shall include, but not be limited to, procedures for
158 systematically measuring the school's progress toward meeting
159 its objectives, analyzing changes in the student population, and
160 modifying school programs and services to respond to such
161 changes. The plan shall be for a period of 5 years and shall be
162 reviewed for needed modifications every 2 years. The board of
163 trustees shall submit the initial plan and subsequent
164 modifications to the Speaker of the House of Representatives and
165 the President of the Senate.

166 10. Designate a portion of the school as "The Verle Allyn
167 Pope Complex for the Deaf," in tribute to the late Senator Verle
168 Allyn Pope.
169 (8) CAMPUS POLICE.--
170 (b) Each Florida School for the Deaf and the Blind campus
171 police officer is a law enforcement officer of the state and a
172 conservator of the peace who has the authority to arrest, in
173 accordance with the laws of this state, any person for a
174 violation of state law or applicable county or municipal
175 ordinance if that violation occurs on or in any property or
176 facilities of the school. A campus police officer may also
177 arrest a person off campus for a violation committed on campus
178 after a hot pursuit of that person which began on campus. A
179 campus police officer shall have full authority to bear arms in
180 the performance of the officer's duties and carry out a search
181 pursuant to a search warrant on the campus. Florida School for
182 the Deaf and the Blind campus police, upon request of the
183 sheriff or local police authority, may serve subpoenas or other
184 legal process and may make arrests of persons against whom
185 arrest warrants have been issued or against whom charges have
186 been made for violations of federal or state laws or county or
187 municipal ordinances. <u>Campus police officers shall have</u>
188 <u>authority to enforce traffic laws within the boundaries of the</u>
189 <u>campus in accordance with s. 316.640.</u>
190 (d) The campus police must meet the minimum standards
191 established by the Criminal Justice Standards and Training
192 Commission of the Department of Law Enforcement and chapter 943
193 for law enforcement officers. Each campus police officer must,

194 before entering into the performance of the officer's duties,
195 take the oath of office established by the board of trustees.
196 ~~The board of trustees may obtain and approve a bond on each~~
197 ~~campus police officer, conditioned upon the officer's faithful~~
198 ~~performance of the officer's duties, which bond must be payable~~
199 ~~to the Governor. The board of trustees may determine the amount~~
200 ~~of the bond. In determining the amount of the bond, the board~~
201 ~~may consider the amount of money or property likely to be in the~~
202 ~~custody of the officer at any one time.~~ The board of trustees
203 must provide a uniform set of identifying credentials to each
204 campus police officer it employs.
205 Section 2. Paragraph (b) of subsection (1) of section
206 1013.31, Florida Statutes, is amended to read:
207 1013.31 Educational plant survey; localized need
208 assessment; PECO project funding.--
209 (1) At least every 5 years, each board shall arrange for
210 an educational plant survey, to aid in formulating plans for
211 housing the educational program and student population, faculty,
212 administrators, staff, and auxiliary and ancillary services of
213 the district or campus, including consideration of the local
214 comprehensive plan. The Office of Workforce and Economic
215 Development shall document the need for additional career and
216 adult education programs and the continuation of existing
217 programs before facility construction or renovation related to
218 career or adult education may be included in the educational
219 plant survey of a school district or community college that
220 delivers career or adult education programs. Information used by
221 the Office of Workforce and Economic Development to establish

222 facility needs must include, but need not be limited to, labor
223 market data, needs analysis, and information submitted by the
224 school district or community college.
225 (b) Required need assessment criteria for district,
226 community college, college and state university, and Florida
227 School for the Deaf and the Blind plant surveys.--Educational
228 plant surveys must use uniform data sources and criteria
229 specified in this paragraph. Each revised educational plant
230 survey and each new educational plant survey supersedes previous
231 surveys.
232 1. The school district's survey must be submitted as a
233 part of the district educational facilities plan defined in s.
234 1013.35. To ensure that the data reported to the Department of
235 Education as required by this section is correct, the department
236 shall annually conduct an onsite review of 5 percent of the
237 facilities reported for each school district completing a new
238 survey that year. If the department's review finds the data
239 reported by a district is less than 95 percent accurate, within
240 1 year from the time of notification by the department the
241 district must submit revised reports correcting its data. If a
242 district fails to correct its reports, the commissioner may
243 direct that future fixed capital outlay funds be withheld until
244 such time as the district has corrected its reports so that they
245 are not less than 95 percent accurate.
246 2. Each survey of a special facility, joint-use facility,
247 or cooperative career education facility must be based on
248 capital outlay full-time equivalent student enrollment data
249 prepared by the department for school districts, community

250 colleges, colleges, and universities. A survey of space needs of
251 a joint-use facility shall be based upon the respective space
252 needs of the school districts, community colleges, colleges, and
253 universities, as appropriate. Projections of a school district's
254 facility space needs may not exceed the norm space and occupant
255 design criteria established by the State Requirements for
256 Educational Facilities.
257 3. Each community college's survey must reflect the
258 capacity of existing facilities as specified in the inventory
259 maintained by the Department of Education. Projections of
260 facility space needs must comply with standards for determining
261 space needs as specified by rule of the State Board of
262 Education. The 5-year projection of capital outlay student
263 enrollment must be consistent with the annual report of capital
264 outlay full-time student enrollment prepared by the Department
265 of Education.
266 4. Each college and state university's survey must reflect
267 the capacity of existing facilities as specified in the
268 inventory maintained and validated by the Division of Colleges
269 and Universities. Projections of facility space needs must be
270 consistent with standards for determining space needs approved
271 by the Division of Colleges and Universities. The projected
272 capital outlay full-time equivalent student enrollment must be
273 consistent with the 5-year planned enrollment cycle for the
274 State University System approved by the Division of Colleges and
275 Universities.
276 5. The district educational facilities plan of a school
277 district and the educational plant survey of a community

278 college, ~~or~~ college or state university, or the Florida School
279 for the Deaf and the Blind may include space needs that deviate
280 from approved standards for determining space needs if the
281 deviation is justified by the district or institution and
282 approved by the department, as necessary for the delivery of an
283 approved educational program.
284 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7041 PCB CI 06-02 Scholarship Accountability
SPONSOR(S): Choice & Innovation Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 10

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Choice & Innovation Committee	5 Y, 2 N	Hassell	Kooi
1) Education Appropriations Committee	15 Y, 5 N	Eggers	Hamon
2) Education Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill substantially amends provisions relating to the John M. McKay Scholarships for Students with Disabilities Program and the Corporate Income Tax Credit (CITC) Scholarship Program.

The bill adds new fiscal and academic accountability requirements including provisions related to private school eligibility requirements, responsibilities for the Department of Education, responsibilities of parents and students, and responsibilities of eligible nonprofit scholarship funding organizations.

The bill creates a new section of law that provides for the obligations of all private schools participating in state school choice scholarship programs. These requirements include having each employee and contracted personnel with direct student contact, defined as having unsupervised access to a scholarship student for whom the private school is responsible, undergo a state and national background screening.

The bill directs the Florida Department of Law Enforcement to adopt a rule setting the annual fee to be imposed upon participating private schools for participation in the fingerprint search process and to establish procedures for the retention of the fingerprints and the dissemination of the results.

The bill will have a minimal fiscal impact on the Department of Education and private schools. Please see the FISCAL ANALYSIS and the DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR section of this analysis.

The bill shall be effective on becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the Department of Education's regulatory responsibilities related to scholarship programs. The bill also grants the Commissioner of Education the authority to deny, suspend, or revoke a private school's participation in state school choice programs.

Empower families – The bill provides parents of students with disabilities and parents of low-income students who qualify for free or reduced-price school lunches with the opportunity to exercise parental choice by sending their child to a private or public school of choice.

Safeguard individual liberty – The bill maintains parental choice by providing for private and public school options for parents of public school students.

B. EFFECT OF PROPOSED CHANGES:

The Chief Financial Officer (CFO) conducted audits on the McKay and CITC programs in 2003 and found problems with the administration of the programs. The CFO issued a report of his findings on December 10, 2003. The findings include: the lack of program oversight from the DOE; students receiving scholarships from more than one program; the transfer of funds between Scholarship Funding Organizations (SFOs); SFOs not basing the amount of contributions received on the amounts needed to fill identified scholarships; principals of SFOs with no apparent physical location in Florida; and internet schools, home schools, and correspondence schools participating in the program.

In response to the CFO report, in May 2004, the Department of Education announced an action plan that includes requiring all participating private schools to complete an annual scholarship compliance form documenting that private schools are fully compliant with private school and scholarship program law before enrolling students or receiving payments, regularly cross-checking student participation to avoid enrollment and funding duplication, providing information and access to information to parents for decision making, supporting private school and SFO efforts to self-regulate, and adopting rules for operational practices and policies. The DOE has since implemented this plan.

The John M. McKay Scholarship for Children with Disabilities (1002.39, F.S.)

The John M. McKay Scholarships for Students with Disabilities Program (McKay Program) was originally created by the 1999 Legislature as a pilot program for Sarasota County in the A+ Education Plan. The program has since been expanded to cover the entire state. For fiscal year 2005-2006, there are 727 schools participating schools and 16,144 scholarship recipients.[1]

Student Eligibility

Generally

Currently, the McKay Program provides an option for students with disabilities, for whom an individual education plan has been written, to either attend a public school other than the one to which assigned, or to receive a scholarship to attend a private school of choice. Students with disabilities include K-12 students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.

[1] www.floridaschoolchoice.org/Information/McKay?program_statistics.asp

The bill revises the definition of students with disabilities to reflect the terminology for disabilities as they are used in the federal regulations.[2] This bill makes ineligible those students whose only qualifying disability was that they were hospitalized or homebound. It does not affect the eligibility of students who would otherwise qualify for a McKay scholarship under any of the other enumerated categories. It is important to note, that a disability in and of itself does not guarantee the right to a McKay scholarship. The disability must be recognized under State Board rules[3] and the student must have a current individual education plan.[4]

Currently, a public school student with disabilities is eligible to receive a McKay scholarship if the student's parent is dissatisfied with the student's progress, the student has spent the prior school year in attendance at a Florida public school, and the parent has obtained acceptance for the student at an eligible private school.[5] Students enrolled in Department of Juvenile Justice (DJJ) commitment programs are ineligible to receive a McKay scholarship during the period of enrollment in the commitment program.

Current law is unclear as to whether a student that has met the McKay scholarship eligibility requirements is eligible to participate in the program immediately upon dismissal from a DJJ commitment program. According to the Department of Education (DOE), implementation of current law has been that "the time in which a student was enrolled in a DJJ commitment program would not 'count' as the required prior year of enrollment in public schools; therefore students dismissed from a DJJ commitment program are only eligible for a McKay scholarship after being in attendance and reported for funding in a regular public school for both the October and February surveys."[6] Accordingly, under current practice, the DOE does not consider a school in a DJJ commitment program to be a Florida public school for purposes of eligibility for the McKay scholarship.

Under this bill, "prior school year attendance" at any Florida public school will qualify; assignment is not a requirement. This bill clarifies that "prior school year in attendance" includes time spent in a DJJ commitment program if funded under the Florida Education Finance Program (FEFP). Prior school year attendance at the Florida School for the Deaf and Blind (FSDB) and time spent by a 4 year old child with disabilities in an FEFP funded program will also qualify.

Current law provides that for the continuity of educational choice, the scholarship remains in effect until the student returns to a public school or graduates from high school. However, the bill provides that the term of the scholarship may be until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first. The bill also allows a parent, upon reasonable notice to the DOE and school district, to remove the student from a private school and place the student in a public school and/or transfer the student from one participating private school to another.

It is not prohibited in current law for students to receive funding from more than one scholarship program. The bill revises such eligibility, stating that a student is ineligible for a McKay scholarship while he or she is:

- Enrolled in a DJJ commitment program.
- Receiving a CITC scholarship or a scholarship under chapter 1002, F.S.
- Participating in a home education or a private tutoring program.

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[2] *See* 34 C.F.R. s. 300.7(c)

[3] Rules 6A-6.03011 – 6A-60.03031, F.A.C.

[4] s. 1003.01(3)(a), providing that "exceptional student" means any student who has been determined eligible for a special program in accordance with the rules of the State Board of Education.

[5] s. 1002.39(2)(a), F.S., defines "prior school year in attendance" to mean that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12.

[6] Florida Department of Education, Governmental Relations Office, 2004 Legislative Bill Analysis on HB 1579: John M. McKay Scholarships for Students with Disabilities Program.

- Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the student's participation is limited to no more than two courses per school year.
- Enrolled in the Florida School for the Deaf and Blind.

Parent and Student Responsibilities

Current law requires that any student participating in the McKay Program comply with the school's code of conduct and that the parents of scholarship students fully comply with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

The bill requires each parent and each student to comply with the private school's published policies.

The bill adopts a recommendation by the CFO that requires parents to restrictively endorse the scholarship warrant upon receipt to the private school. It also prohibits a parent from designating any entity or individual associated with the participating private school as the parent's attorney in fact to endorse the warrant.

Private School Eligibility and Obligations

Private schools are not required to participate in the program; however, participation is open to all private schools. The bill provides that failure to meet the following requirements constitutes a basis for the ineligibility of the private school to participate in the McKay Program:

- Comply with the newly created section 1002.421 detailing the rights and obligations of private schools participating in state school choice scholarship programs,[7]
- Annually provide the parent with a written explanation of the student's progress,
- Cooperate with a student whose parent chooses to have the student participate in the statewide assessment pursuant to s. 1008.22, F.S.[8], and
- Submit all documentation to the DOE for a student's participation at least 30 days prior to the first quarterly scholarship payment.

Amount of Award

The amount of the scholarship is unchanged in this bill and is equal to the amount the student would have received under the FEFP in the public school to which the student is assigned or the amount of the private school's tuition and fees, whichever is less. During the 2001-2002 school year, $27.8 million was awarded to 5,019 McKay scholarship recipients for an average award amount of $5,547 per student. During 2002-2003, $53 million was awarded to 9,130 scholarship recipients for an average award amount of $5,840 per student. During the 2003-2004 school year, $81.2 million was awarded to 13,739 scholarship recipients for an average reward amount of $5,951 per student. During the 2004-2005 school year, $101.0 million was awarded to 14,338 scholarship recipients for an average award amount of $7,043.

Funding and Payment

Currently, there are no provisions for the calculation of payment for former students of the FSDB. This bill provides that the scholarship amount for a student who has spent the prior year in attendance at the FSDB will be calculated in the same manner as any other McKay scholarship, except that the calculation is based on the school district in which the parent resides at the time of the scholarship request. The bill requires school districts to report to the DOE the scholarship students that are former students of the FSDB who are attending a private school. Also, the school districts are held harmless for these students from the weighted enrollment ceiling for group 2 programs during the first school

[7] See "Rights and Obligations" section of the analysis beginning on page 12.
[8] s. 1008.22, F.S., Student Assessment Program for Public Schools

year in which the students are reported.[9] The bill prohibits the transfer of funds from the FSDB for students to participate in the program.

The bill also clarifies funding for students exiting a DJJ commitment program. It provides that the funds used to provide scholarships to eligible students exiting a DJJ commitment program will come from the school district in which the student last attended a public school prior to commitment.

The bill clarifies that districts are responsible to report all students attending a private school on a McKay Scholarship within their district each year.

Some private schools require pre-paid amounts of tuition to reserve seats in the class. This bill eliminates DOE funding of pre-paid tuition for McKay scholarship recipients. This bill also changes the payment date for scholarship payments from the CFO from April 15 to April 1. This change makes the April payment consistent with the other three scholarship payments, which are made on the first day of September, November, and February, respectively.

Subsequent to each scholarship payment, the Department of Financial Services (DFS) is required to randomly review endorsed warrants to confirm compliance with endorsement requirements. DFS must immediately report inconsistencies or irregularities to the DOE.

Program Oversight

Currently, the DOE is responsible for verifying the student's initial admission acceptance and continued enrollment and attendance at the private school. The CFO can only make the scholarship payments after proper verification from the DOE. The payment must be made by individual warrant payable to the student's parent and mailed by the DOE to the chosen private school. The parent must restrictively endorse the warrant to the private school.

The bill proposes to make the following changes in program oversight:

School District Obligations

- Requires notification to parents by April 1 of each year and within 10 days of the student's individual education plan meeting of all education choice options, and of the availability of the department's telephone hotline and website for additional information on the McKay Program. This will give parents the time to explore the educational options, including public and private school options, available for their child.

- Provides that a student's matrix of services may only be changed to correct a technical, typographical, or calculation error. This provides parents with a degree of certainty in the level of services and the level of funding their child will receive while participating in the scholarship program.

- Requires notification to parents of students receiving a scholarship of the availability of a reevaluation at least every 3 years. This provision does not require a student to be reevaluated; rather, it provides for reevaluation if the parent chooses to have the student reevaluated.

Department of Education Obligations

- Requiring the DOE to establish a toll-free hotline to provide information to parents and private schools on the McKay Program. This provision would codify current practice.

[9] s. 1011.62(1)(d)3., F.S., provides for the maximum amount of operations funding for special program weighted FTE students.

- Requires the DOE to annually verify that private schools meet the eligibility requirements outlined in statute.

- Requires the DOE to establish a process that allows for individuals to notify the DOE of violations of state laws relating to program participation. This provision also requires the DOE to conduct inquiries of written complaints, or to refer them to the appropriate agency, if the complaint is signed by the complainant and is legally sufficient. These inquiries are not subject to the requirements of ch. 120, F.S.

- Requires the DOE to annually receive from every participating private school a notarized, sworn compliance statement certifying compliance with state laws and to retain such forms. The DOE must ensure that participating private schools submit their sworn compliance forms each year. This is a codification of the sworn compliance form process instituted by the DOE during the summer of 2003 and provided for in State Board of Education rule.

- Requires the DOE, prior to the first scholarship payment, to cross-check the list of participating private scholarship students to the public school enrollment lists. This provision addresses the CFO's finding that students receiving scholarships were also counted as public school students.

Commissioner of Education Authority

- Grants the Commissioner of Education the authority to deny, suspend, or revoke a private school's participation in the scholarship program and to take other action as necessary to ensure compliance with the provisions of statutes. It also provides for procedures and timelines for the Commissioner and the private school to follow in administrative proceedings.

- Provides for authority to immediately suspend payment of scholarship funds if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of the students or if there is fraudulent activity on the part of the private school. This bill also provides for procedures and timelines for appeal of such action.

Corporate Income Tax Credit Scholarship Program (s. 220.187, F.S.)

The Corporate Income Tax Credit Scholarship Program (CITC Program) provides an income tax credit for corporations that make eligible contributions to nonprofit scholarship-funding organizations (SFOs). SFOs award scholarships to students from families with limited financial resources as demonstrated by the student qualifying for free or reduced-price school lunches. For fiscal year 2005-2006, there are 852 schools participating schools and 13,497 scholarship recipients.[10]

Tax Credits

Current law provides a number of requirements and limitations related to tax credits. For instance, a taxpayer may not designate a specific child as the beneficiary of the contribution and may not contribute more than $5 million to any single eligible SFO. The total statewide amount of the tax credit and the carryforward of tax credits that may be granted each state fiscal year under this program is limited to $88 million. At least 5% of the total statewide amount authorized for the tax credit must be reserved for small businesses.[11]

[10] www.floridaschoolchoice.org/Information/McKay?program_statistics.asp

[11] According to current law, small businesses are defined as taxpayers who independently own and operate businesses that employ 200 or fewer full-time permanent employees and have a net worth of not more than $5 million at the time of application.

The bill modifies the above provisions as follows:

- Allows a taxpayer's eligible contribution to a single SFO to exceed $5 million.
- Limits the total amount of allowable tax credits to $88 million for the 2006-2007 fiscal year.
    - Provides that in each year thereafter the total amount of allowable tax credits and carryforward of tax credits shall be adjusted annually by the percent increase or decrease in total FEFP funds as provided in the General Appropriations Act workpapers, not to exceed 5% in any year. The maximum increase in 2006-07 would be $4.4 million ($88 million x 5.0%).
    - Requires the Commissioner of Education to certify to the Department of Revenue (DOR) and the SFO of the resulting value of tax credits within 30 days after the General Appropriations Act becomes law.
- Reduces the amount of the total tax credit allocation reserved for small business from 5% to 1%.

The bill allows a taxpayer to rescind all or part of his or her tax credit allocation under certain circumstances. This provision also provides that any amount rescinded shall become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the DOR.

Student Eligibility

Generally

A student is eligible for a scholarship from an eligible SFO through this program if the student qualifies for free or reduced-price school lunch under the National School Lunch Act, and:

- Was counted as a full-time student during the previous state fiscal year for purposes of state per-student funding; or
- Received a scholarship from an eligible SFO or the State of Florida during the previous school year; or
- Is eligible to enter kindergarten or first grade.

Based on available funds, the bill provides that a scholarship student will not lose his or her scholarship due to a change in the economic status of the student's parents unless the parent's economic status exceeds 200% of the Federal poverty guidelines.

It is not prohibited in current law for students to receive funding from more than one scholarship program. The bill revises such eligibility, stating that a student is ineligible for a CITC scholarship while he or she is:

- Enrolled in a DJJ commitment program.
- Receiving a CITC scholarship or a scholarship under chapter 1002, F.S.
- Participating in a home education or a private tutoring program.
- Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the student's participation is limited to no more than two courses per school year.
- Enrolled in the Florida School for the Deaf and Blind.

Parent and Student Responsibilities

As a condition for scholarship payment, current law requires that a parent inform the school district within 15 days after deciding to send his or her child to a nonpublic school; however, current law places few other responsibilities upon parents. The bill provides the following parent and student responsibilities for participation in the CITC Program:

- A parent is required to select an eligible private school, apply for admission, and notify the student's school district upon withdrawal.
- Students are required to attend school throughout the school year unless excused by the school for illness or other good cause. Each parent and each student is required to comply with the private school's published policies.
- Parents are required to ensure scholarship student participation in the norm-referenced assessment offered by the private school. Also, parents are given the option to choose to have their child to participate in the statewide assessments pursuant to s. 1008.22.
- Based on a recommendation by the CFO, parents are required to restrictively endorse the scholarship warrant upon receipt to the private school. This provision prohibits a parent from designating any entity or individual associated with the participating private school as the parent's attorney in fact to endorse the warrant.

Amount of Award

Current law provides that the amount of the scholarship provided to any child for any single school year by all eligible SFOs shall not exceed the following limits:

- $3,500 for a scholarship awarded to a student for enrollment in an eligible nonpublic school.
- $500 for a scholarship awarded to a student for enrollment in a Florida public school that is located outside the district in which the student resides.

The bill maintains current law which requires that the SFO make payment by warrant or check payable to the student's parent. The bill requires that the warrant or check be delivered by the SFO to the private school of the parent's choice, and that the parent restrictively endorse the warrant or check to the private school. SFOs are still required to ensure that the parent to whom the warrant or check is made payable endorse the check to the private school for deposit into the school's account.

The bill revises the scholarship award to $3,750 for enrollment in an eligible private school. It also requires SFOs to obtain verification from the private school the scholarship student's continued attendance prior to each scholarship payment and to make such payments on no less than a quarterly basis.

Scholarship Funding Organization

Currently, there is no requirement that SFOs be Florida corporations and out-of-state corporations are permitted. Upon recommendation by the CFO, the bill requires a SFO to be a Florida entity formed under chapter 607, chapter 608, or chapter 617, whose principal office is located in the state. Additionally, the bill requires that SFOs comply with antidiscrimination provisions of 42 U.S.C. s. 2000d, which prohibit discrimination based on race, color, or national origin.

Current law does not define or address the role of owners and operators of SFOs. The bill defines the term "owner or operator" of a SFO to include an owner, president, directors, officers, or other person with the equivalent decision making authority over a SFO. Also, it provides that an owner or operator may not own or operate a private school that is participating in the CITC program.

Moreover, owners or operators are required to comply with the following background requirements:

- Submit to a level 2 background screening as provided under chapter 435.[12] The fingerprints are to be submitted to the Florida Department of Law Enforcement (FDLE). The results of the screening are required to be provided to the DOE. An owner or operator that fails the level 2 background screening is ineligible to provide CITC scholarships.

[12] *See* s. 435.04, F.S. for level 2 screening standards.

- Submit to background screenings every 5 years and the fingerprints are to be retained by the FDLE as part of the statewide automated fingerprint identification system. Any arrest record of the owner or operator must be reported to the DOE.

- Not have filed for personal bankruptcy or corporate bankruptcy within the last 7 years. In the case of corporate bankruptcy, however, the individual must have owned more than 20% of the corporation.

Determination of Scholarship Recipients

Currently, SFOs give priority to eligible students who received a CITC scholarship during the previous school year; however, there are no statutory provisions pertaining to SFOs directing the scholarship to a particular school, student, or owner.

The bill maintains the current law requiring SFOs to give priority to eligible students who received a CITC scholarship during the previous school year. However, the bill requires that SFOs provide scholarships on a first-come, first-served basis unless the student is a returning student from the previous school year. Also, the bill prohibits SFOs from restricting or reserving a scholarship for use at a particular private school or from providing a scholarship to a child of an owner or operator. Further, students are allowed to attend any eligible private school and transfer to any other eligible private school at any time.

SFO Fiscal Accountability

The bill contains a number of provisions that address fiscal procedures and accountability by SFOs.

Current law provides that SFOs that receive an eligible contribution must spend 100% of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. This bill revises the SFOs use of eligible contributions. The bill requires SFOs to obligate, in the same fiscal year in which the contribution was received, 100% of the contribution to provide scholarships provided that up to 25% of the total contribution may be carried forward for scholarships to be granted in the following state fiscal year. This provision allows for SFOs to commit funds, particularly those received toward the end of the fiscal year, to the next state fiscal year for future scholarships rather than requiring SFOs to spend all of the eligible contributions within the same state fiscal year in which they were received.

The bill requires SFOs to maintain separate accounts for scholarship funds and operating funds, which will prohibit the commingling of scholarship and operating money.

The bill provides for the transfer of funds to another eligible SFO when additional funds are required to meet scholarship demands. However, a transfer is limited to the greater of $500,000 or 20% of the total contributions received by the SFO making the transfer. This provision allows for flexibility in the transfer of funds between eligible SFOs and should result in an increased ability to match eligible contributions with eligible students.

Current law requires that all SFOs submit annual audits conducted by an independent certified public accountant to the Auditor General (AG) each year. This bill increases fiscal accountability requirements by imposing a specific time frame, 180 days, for audit submission, requiring submission of the audit to the DOE as well as the AG, and by specifying certain audit procedures.

The bill requires all SFOs to submit quarterly reports to the DOE regarding the number of students participating, the names of the private schools in which they are enrolled, and any other information the DOE may require. No quarterly report requirement exists in current law. This provision will allow the DOE to track scholarship program activity. Also, it clarifies that SFOs are required to comply with all requests for information by the DOE.

The bill provides that confidential information provided to the DOE and the AG pursuant to this section shall remain confidential.

Private School Eligibility and Obligations

Current law provides that a private school is eligible to receive a scholarship student if the school:

- Is located in Florida.
- Offers an education to students in any grades K-12.
- Demonstrates fiscal soundness by being in operation for one school year, providing the DOE with a statement by a certified public accountant confirming that the school is insured and has sufficient capital or credit to operate for the upcoming year, or securing a surety bond or letter of credit equal to the scholarship funds for any quarter to be filed with the DOR.
- Complies with antidiscrimination provisions of 42 U.S.C. s. 2000d.
- Adheres to state and local health and safety laws and codes.
- Complies with all state laws relating to the general regulation of nonpublic schools.

The bill defines the term "owner or operator" of a participating private school to include an owner, operator, superintendent, principal, or person with the equivalent decision making authority, who owns or operates an eligible private school.

Private schools are not required to participate in the program; however, participation is open to all private schools. The bill provides that failure to meet the following requirements constitutes a basis for the ineligibility of the private school to participate in the CITC Program:

- Comply with the newly created section 1002.421 detailing the rights and obligations of private schools participating in state school choice scholarship programs,[13]
- Annually provide the parent with a written explanation of the student's progress,
- Annually administer or make provisions for students to participate in one of the nationally norm-referenced tests identified by the DOE, and report the student's scores to the parent and to an independent private research organization selected by the DOE,
- Cooperate with a student whose parent chooses to have the student participate in the statewide assessment pursuant to s. 1008.22, F.S.[14], and
- Submit all documentation, upon request, to the SFO for a student's participation.

The bill exempts students with disabilities for whom standardized testing is not appropriate from the requirement that private schools administer a nationally norm-referenced test to all CITC scholarship students within their school.

Program Oversight

Current law provides that the DOR and the DOE will cooperatively administer the CITC Program. The DOE is responsible for adopting rules necessary to determine the eligibility of SFOs and identifying students eligible to participate in the program. The DOR is responsible for adopting rules to administer the CITC Program such as establishing application forms and procedures and governing the allocation of tax credits and carry-forward credits for this program on a first-come, first-served basis. The DOE is also responsible for submitting annually, by March 15, a list of eligible SFOs to the DOR and monitoring the eligibility of SFOs, nonpublic schools, and expenditures.

Department of Education Obligations

The DOE's obligations can be broken down into those dealing primarily with fiscal oversight and those related to academic oversight; however, some of the oversight requirements do affect both fiscal and academic issues.

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[13] See "Rights and Obligations" section of the analysis beginning on page 12.

[14] s. 1008.22, F.S., Student Assessment Program for Public Schools

Fiscal Oversight

- Requires the DOE to establish a process that allows for individuals to notify the DOE of violations of state laws relating to program participation. This provision also requires the DOE to conduct inquiries of written complaints, or to refer them to the appropriate agency, if the complaint is signed by the complainant and is legally sufficient. These inquiries are not subject to the requirements of ch. 120, F.S.

- Requires the DOE to annually receive from every participating private school a notarized, sworn compliance statement certifying compliance with state laws and to retain such forms. The DOE must ensure that participating private schools submit their sworn compliance forms each year. This is a codification of the sworn compliance form process instituted by the DOE during the summer of 2003 and provided for in State Board of Education rule.

- Requires the DOE to cross-check the list of participating private scholarship students to the public school enrollment lists. This provision addressed the CFO's finding that students receiving scholarships were also counted as public school students.

- Requires the DOE to notify any SFO if one of its recipients is also receiving scholarship monies from an educational scholarship pursuant to chapter 1002, or from another SFO. This provision compliments the provisions elsewhere in the bill that require SFOs and participating private schools to provide notification of any instances of student enrollment in more than one program.

- Requires that the DOE receive from each SFO a quarterly report detailing the number of participating students and the private schools in which they are enrolled, and any other information the DOE deems necessary. The DOE must ensure that all SFOs submit these quarterly reports. This provision will codify current operational practice.

Academic Oversight

- Requires the DOE to annually verify, rather than monitor, that SFOs and private schools meet eligibility requirements and verify the eligibility of expenditures.

- Requires the DOE to establish a toll-free hotline providing information on participation in the CITC Program.

- Requires the DOE to select nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT). One of the tests selected may be the FCAT. This provision implements part of the nationally norm-referenced testing program for scholarship recipients found elsewhere in the bill in that it requires DOE to proactively identify which standardized tests will fulfill the requirement for testing.

- Requires the DOE to select an independent research organization to analyze and report annually to the DOE on the year-to-year improvement of participating students. The provision requires that the scores from the nationally norm-referenced tests be forwarded to the independent research organization and that in the course of its analysis the research organization must not disaggregate the data in such a way as to identify the academic level of individuals or individual schools. Independent research organizations are required to accumulate historical performance data and conduct longitudinal studies. This provision provides a mechanism for annually and longitudinally monitoring academic performance of the scholarship program. The independent research organizations are required to analyze and report student data in compliance with the Family Educational Rights and Privacy Act.[15]

[15] 20 U.S.C s. 1232g

- Requires the DOE to conduct analysis of matched students from public school assessment data and calculate control group learning gains using an agreed upon methodology between the third party evaluator and the DOE. The sharing of data must be in accordance with Family Educational Rights and Privacy Act requirements and shall be used solely for the purpose of comparing the progression of scholarship students to their public school counterparts. This provision substantially reduces the cost of the independent research organization's services to the DOE.

Commissioner of Education Authority

- Grants the Commissioner of Education the authority to deny, suspend, or revoke a private school's participation in the scholarship program and to take other action as necessary to ensure compliance with the provisions of statutes. It also provides for procedures and timelines for the Commissioner and the private school to follow in administrative proceedings.

- Provides for authority to immediately suspend payment of scholarship funds if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of the students or that there is fraudulent activity on the part of the private school. This bill also provides for procedures and timelines for appeal of such action.

State Board of Education

Requires the State Board of Education (SBE) to adopt rules to implement the provisions of the statute relating to the CITC Program, clarifying the SBE's rulemaking authority.

Rights and Obligations of Private Schools in State School Choice Scholarship Programs

The bill creates this new section of law that sets out general guidelines for participation by private schools in the CITC Program, pursuant to s. 220.187, F.S., and in all educational choice scholarship programs provided in chapter 1002. The new section has compiled some of the current statutory requirements for private schools in the various scholarship programs and has added a number of new requirements. The requirements for participating private schools can be grouped as follows:

General Requirements

- Be a Florida private school, as defined in s. 1002.01(2), F.S.
- Be registered as a Florida private school pursuant to s. 1002.42, F.S.
- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.
- Comply with applicable state and local health, safety, and welfare laws, codes, and rules, including fire and building safety, and
- Meet all requirements outlined in this proposed section.

Notifications to the DOE

- Requires notification of its intent to participate in a scholarship program.

- Requires notification within 15 days of any change in the school's name, school director, mailing address, or physical location.

- Requires the annual completion and submission to the DOE of a notarized scholarship compliance statement certifying that all school employees and contracted personnel have undergone background screening pursuant to s. 943.0542.

- Requires the completion of student enrollment and attendance verification requirements, including using an on-line attendance verification form, prior to scholarship payment.

Fiscal Accountability

- Requires demonstration of fiscal soundness and accountability by being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any one quarter and filing the bond or letter of credit with the DOE.
    - This increases the number of years a school must have been in operation to prove fiscal soundness and specifies the means by which scholarship monies are to be secured against unlawful uses when a school has been in operation less than 3 years.
    - The surety bond or letter of credit secures the scholarship monies paid to the school should it be found that the funds were used for improper purposes

- Requires parents to restrictively endorse the scholarship warrant upon receipt to the private school, as recommended by the CFO. It also prohibits a parent from designating any entity or individual associated with the participating private school as the parent's attorney in fact to endorse the warrant.

Educator Eligibility

- Maintains current law requiring private schools to employ or contract with teachers that meet any one of the following criteria: 1) hold a baccalaureate or higher degree, 2) have at least 3 years of teaching experience in public or private schools, or 3) have special skills, knowledge, or expertise in subjects taught. This provision allows for nontraditional teachers to bring their special skills, knowledge, or expertise in certain subjects to the classroom.

Background Screening

- Requires each employee and contracted personnel with direct student contact, defined as having unsupervised access to a scholarship student for whom the private school is responsible, undergo a state and national background screening.[16] Provides for an exemption for persons holding a valid teaching certificate who have been fingerprinted pursuant to s. 1012.32, F.S.

- Requires any employee or contracted personnel that fails to meet the screening standards pursuant to s.435.04, F.S. to be denied employment or terminated. Also provides a participating private school that continues the employment of such person is ineligible to participate in a scholarship program.

- Requires the fingerprints to be submitted to the FDLE and the results to be provided to the participating private school. The state is not responsible for the cost of the fingerprinting and background check.

- Beginning July 1, 2007, the bill requires the FDLE to retain all fingerprints submitted as part of the statewide automated fingerprint identification system, and to search all arrest fingerprint cards received under s. 943.021 against all fingerprints retained in the statewide identification system. Requires FDLE to report to the employing school the arrest record of a person that is identified with the retained fingerprints.

- Requires participating private schools to notify the FDLE of any change in the employment status of its personnel whose fingerprints are retained by FDLE. The fee assessed by the FDLE is the responsibility of the private school or the person fingerprinted.

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[16] *See* s. 943.0542, F.S.

- Provides that the FDLE adopt a rule setting the annual fee that will be imposed upon participating private schools and to establish procedures for the retention of the fingerprints and the dissemination of the results.

- Requires those personnel whose prints are not retained by the FDLE to be reprinted and to meet the background requirements upon reemployment or reengagement to provide services. Requires employees and contracted services personnel to be screened every five years. Provides that the private school request the FDLE to forward the fingerprints to the FBI for processing.

Failure to meet requirements

- Provides that failure to meet these requirements outlined in the bill constitutes a basis for the ineligibility to participate in the scholarship programs as determined by the DOE.

Regulatory authority

- Provides that the inclusion of private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or school districts to impose additional requirements beyond those reasonably necessary to enforce the requirements expressed in the bill.

State Board of Education

- Provides that the SBE adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to administer the bill.

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.39, F.S., relating to the John M. McKay Scholarship for Students with Disabilities Program.

Section 2. Amends s. 220.187, F.S., relating to the Corporate Income Tax Credit Scholarship Program.

Section 3. Creates s. 1002.421, F.S., relating to the rights and obligations of private schools participating in state school choice scholarship programs.

Section 4. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Beginning in 2007-08, the total amount of allowable tax credits and carryforward of tax credits shall be adjusted annually by the percent increase or decrease in total FEFP funds as provided in the General Appropriations Act workpapers, not to exceed 5% in any year. The maximum increase in 2006-07 would be $4.4 million ($88 million x 5.0%), which is a direct offset of general fund revenue. For an analysis of the corresponding direct offset in state expenditures caused by the increase in allowable credits, see Expenditures under "FISCAL IMPACT ON STATE GOVERNMENT."

2. Expenditures:

The increase in allowable tax credits will be used to provide scholarships for students of low income parents, which is a direct offset to the number of public school students funded from state and local operating and capital outlay funds. The most recent calculation of public school operating funding shows a statewide average of $6,153 per FTE.[17] The bill increases the scholarship amount from $3,500 to $3,750 per student.

This bill requires the DOE to identify nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT) provided that one of the tests selected may be the FCAT. The DOE is also required to contract with an independent research organization to receive and analyze the results of the nationally norm-referenced tests taken by the CITC Program scholarship recipients. The DOE is required to conduct analysis of matched students from public school assessment data and calculate control group learning gains using an agreed upon methodology between the third party evaluator and the DOE. The costs associated with these requirements are indeterminate at this time.

School districts reporting transfer students from the FSDB are held harmless from the weighted enrollment ceiling pursuant to s. 1011.62(1)(d)3.a. Therefore, state expenditures to a district for providing instruction to students in special programs could exceed the established ceiling. The amount is indeterminate but presumed small because of the relatively small number of students involved.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The combined affect of raising the authorized credit amount for the CITC Scholarship Program and increasing the per student scholarship amount could result in a maximum of 500 fewer scholarships. The issuance of fewer scholarships would result in a direct increase in public school enrollment and in the revenue associated with the increased enrollment. In the 2005-06 fiscal year, an additional 500 students would result in approximately $3.1 million[18] of additional revenue for public schools.

2. Expenditures:

The potential issuance of 500 fewer scholarships could result in a public school enrollment increase of 500 students, for which the public schools would receive approximately $3.1 of revenue to spend on the education of these students. See "Revenues" section above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill places no requirements upon private schools that choose not to participate in the state school choice scholarship programs. However, private schools that choose to participate in the McKay Program, CITC Program, or any other state school choice scholarship program are eligible to receive state-funded scholarship students and are responsible for complying with the private school requirements contained in this bill. The requirements will result in some compliance costs.

D. FISCAL COMMENTS:

None.

III. COMMENTS

[17] Florida Education Finance Program third calculation, dated December 19, 2006.

[18] The statewide per student funding amount is $6,153 as listed in the 2005-06 Florida Education Finance Program third calculation, dated December 19, 2006.

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

   The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

   The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill gives the SBE rulemaking authority pursuant to ss. 120.536(1) and 120.54, F.S., to adopt rules for implementing provisions of the law relating to the CITC Program and to administer the proposed section relating to the rights and obligations of private schools participating in state school choice scholarship programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to scholarship program accountability;
3 amending s. 1002.39, F.S., relating to the John M. McKay
4 Scholarships for Students with Disabilities Program;
5 revising definition of the term "students with
6 disabilities"; revising student eligibility requirements
7 for receipt of a scholarship and restricting eligibility
8 therefor; providing for term of a scholarship; revising
9 and adding school district obligations and clarifying
10 parental options; revising and adding Department of
11 Education obligations, including verification of
12 eligibility of private schools and establishment of a
13 process for notification of violations, subsequent inquiry
14 or investigation, and certification of compliance by
15 private schools; providing Commissioner of Education
16 authority and obligations, including the denial,
17 suspension, or revocation of a private school's
18 participation in the scholarship program and procedures
19 and timelines therefor; revising private school
20 eligibility and obligations, including compliance with
21 specified laws and academic accountability to the parent;
22 revising parent and student responsibilities for
23 scholarship program participation; prohibiting power of
24 attorney for endorsing a scholarship warrant; revising
25 provisions relating to scholarship funding and payment;
26 providing funding and payment requirements for former
27 Florida School for the Deaf and the Blind students and for
28 students exiting a Department of Juvenile Justice program;

29 providing Department of Financial Services obligations;
30 amending s. 220.187, F.S., relating to credits for
31 contributions to nonprofit scholarship-funding
32 organizations; revising and providing definitions; naming
33 the Corporate Income Tax Credit Scholarship Program;
34 providing student eligibility requirements for receipt of
35 a corporate income tax credit scholarship and restricting
36 eligibility therefor; revising provisions relating to tax
37 credit for small businesses; providing for adjustment of
38 the total amount of tax credits and carryforward of tax
39 credits; providing for rescindment of tax credit
40 allocation; revising and adding obligations of eligible
41 nonprofit scholarship-funding organizations, including
42 compliance with requirements for background checks of
43 owners and operators, scholarship-funding organization
44 ownership or operation, carryforward and transfer of
45 funds, audits, and reports; specifying background
46 screening requirements and procedures; requiring certain
47 information to remain confidential in accordance with s.
48 213.053, F.S.; revising and adding parent and student
49 responsibilities for scholarship program participation,
50 including compliance with a private school's published
51 policies, participation in student academic assessment,
52 and restrictive endorsement of scholarship warrants;
53 prohibiting power of attorney for endorsing a scholarship
54 warrant; revising and adding private school eligibility
55 requirements and obligations, including compliance with
56 specified laws and academic accountability to the parent;

57 revising and adding Department of Education obligations,
58 including verification of eligibility of program
59 participants, establishment of a process for notification
60 of violations, subsequent inquiry or investigation,
61 certification of compliance by private schools, and
62 selection of a research organization to analyze student
63 performance data; providing Commissioner of Education
64 authority and obligations, including the denial,
65 suspension, or revocation of a private school's
66 participation in the scholarship program and procedures
67 and timelines therefor; revising and adding provisions
68 relating to scholarship funding and payment, including the
69 amount of a scholarship and the payment process; requiring
70 adoption of rules; creating s. 1002.421, F.S., relating to
71 rights and obligations of private schools participating in
72 state school choice scholarship programs; providing
73 requirements for participation in a scholarship program,
74 including compliance with specified state, local, and
75 federal laws and demonstration of fiscal soundness;
76 requiring restrictive endorsement of a scholarship warrant
77 and prohibiting power of attorney for endorsing a warrant;
78 requiring employment of qualified teachers and background
79 screening of employees and contracted personnel with
80 direct student contact; specifying background screening
81 requirements and procedures; providing scope of authority;
82 requiring adoption of rules; providing an effective date.
83
84 Be It Enacted by the Legislature of the State of Florida:

85
86 Section 1. Section 1002.39, Florida Statutes, is amended
87 to read:
88 1002.39 The John M. McKay Scholarships for Students with
89 Disabilities Program.--There is established a program that is
90 separate and distinct from the Opportunity Scholarship Program
91 and is named the John M. McKay Scholarships for Students with
92 Disabilities Program~~, pursuant to this section~~.
93 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
94 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
95 Students with Disabilities Program is established to provide the
96 option to attend a public school other than the one to which
97 assigned, or to provide a scholarship to a private school of
98 choice, for students with disabilities for whom an individual
99 education plan has been written in accordance with rules of the
100 State Board of Education. Students with disabilities include K-
101 12 students who are documented as having mental retardation; a
102 ~~mentally handicapped,~~ speech or ~~and~~ language impairment; a
103 ~~impaired, deaf or hard of~~ hearing impairment, including
104 deafness; a visual impairment, including blindness; a ~~visually~~
105 ~~impaired,~~ dual sensory impairment; a physical impairment; a
106 serious emotional disturbance, including an emotional handicap;
107 a ~~impaired, physically impaired, emotionally handicapped,~~
108 specific learning disability, including, but not limited to,
109 dyslexia, dyscalculia, or developmental aphasia; a traumatic
110 brain injury; ~~disabled, hospitalized or homebound,~~ or autism
111 ~~autistic~~.
112 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.--The parent of

113 a public school student with a disability who is dissatisfied
114 with the student's progress may request and receive from the
115 state a John M. McKay Scholarship for the child to enroll in and
116 attend a private school in accordance with this section if:
117 (a) ~~By assigned school attendance area or by special~~
118 ~~assignment,~~ The student has spent the prior school year in
119 attendance at a Florida public school or the Florida School for
120 the Deaf and the Blind. Prior school year in attendance means
121 that the student was:
122 1. Enrolled and reported by a school district for funding
123 during the preceding October and February Florida Education
124 Finance Program surveys in kindergarten through grade 12, which
125 shall include time spent in a Department of Juvenile Justice
126 commitment program if funded under the Florida Education Finance
127 Program;
128 2. Enrolled and reported by the Florida School for the
129 Deaf and the Blind during the preceding October and February
130 student membership surveys in kindergarten through grade 12; or
131 3. Enrolled and reported by a school district for funding
132 during the preceding October and February Florida Education
133 Finance Program surveys, at least 4 years old when so enrolled
134 and reported, and eligible for services under s. 1003.21(1)(e).
135
136 However, ~~this paragraph does not apply to~~ a dependent child of a
137 member of the United States Armed Forces who transfers to a
138 school in this state from out of state or from a foreign country
139 pursuant to a parent's permanent change of station orders is
140 exempt from this paragraph but~~. A dependent child of a member of~~

141 ~~the United States Armed Forces who transfers to a school in this~~
142 ~~state from out of state or from a foreign country pursuant to a~~
143 ~~parent's permanent change of station orders~~ must meet all other
144 eligibility requirements to participate in the program.
145 (b) The parent has obtained acceptance for admission of
146 the student to a private school that is eligible for the program
147 under subsection (8) ~~(4)~~ and has requested from the department
148 ~~notified the school district of the request for~~ a scholarship at
149 least 60 days prior to the date of the first scholarship
150 payment. The request ~~parental notification~~ must be through a
151 communication directly to the department ~~district or through the~~
152 ~~Department of Education to the district~~ in a manner that creates
153 a written or electronic record of the request ~~notification~~ and
154 the date of receipt of the request ~~notification~~.
155
156 ~~This section does not apply to a student who is enrolled in a~~
157 ~~school operating for the purpose of providing educational~~
158 ~~services to youth in Department of Juvenile Justice commitment~~
159 ~~programs. For purposes of continuity of educational choice, the~~
160 ~~scholarship shall remain in force until the student returns to a~~
161 ~~public school or graduates from high school. However, at any~~
162 ~~time, the student's parent may remove the student from the~~
163 ~~private school and place the student in another private school~~
164 ~~that is eligible for the program under subsection (4) or in a~~
165 ~~public school as provided in subsection (3).~~
166 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.--A student is
167 not eligible for a John M. McKay Scholarship while he or she is:
168 (a) Enrolled in a school operating for the purpose of

169 providing educational services to youth in Department of
170 Juvenile Justice commitment programs;
171 (b) Receiving a corporate income tax credit scholarship
172 under s. 220.187;
173 (c) Receiving an educational scholarship pursuant to this
174 chapter;
175 (d) Participating in a home education program as defined
176 in s. 1002.01(1);
177 (e) Participating in a private tutoring program pursuant
178 to s. 1002.43;
179 (f) Participating in a virtual school, correspondence
180 school, or distance learning program that receives state funding
181 pursuant to the student's participation unless the participation
182 is limited to no more than two courses per school year; or
183 (g) Enrolled in the Florida School for the Deaf and the
184 Blind.
185 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.--
186 (a) For purposes of continuity of educational choice, a
187 John M. McKay Scholarship shall remain in force until the
188 student returns to a public school, graduates from high school,
189 or reaches the age of 22, whichever occurs first.
190 (b) Upon reasonable notice to the department and the
191 school district, the student's parent may remove the student
192 from the private school and place the student in a public school
193 in accordance with this section.
194 (c) Upon reasonable notice to the department, the
195 student's parent may move the student from one participating
196 private school to another participating private school.

197 (5)~~(3)~~ SCHOOL DISTRICT ~~AND DEPARTMENT OF EDUCATION~~
198 OBLIGATIONS; PARENTAL OPTIONS.--
199 (a)1. By April 1 of each year and within 10 days after an
200 individual education plan meeting, a school district shall
201 ~~timely~~ notify the parent of the student of all options available
202 pursuant to this section, inform the parent of the availability
203 of the department's telephone hotline and Internet website for
204 additional information on John M. McKay Scholarships, and offer
205 that student's parent an opportunity to enroll the student in
206 another public school within the district.
207 2. The parent is not required to accept the ~~this~~ offer of
208 enrolling in another public school in lieu of requesting a John
209 M. McKay Scholarship to a private school. However, if the parent
210 chooses the public school option, the student may continue
211 attending a public school chosen by the parent until the student
212 graduates from high school.
213 3. If the parent chooses a public school consistent with
214 the district school board's choice plan under s. 1002.31, the
215 school district shall provide transportation to the public
216 school selected by the parent. The parent is responsible to
217 provide transportation to a public school chosen that is not
218 consistent with the district school board's choice plan under s.
219 1002.31.
220 (b)1. For a student with disabilities who does not have a
221 matrix of services under s. 1011.62(1)(e), the school district
222 must complete a matrix that assigns the student to one of the
223 levels of service as they existed prior to the 2000-2001 school
224 year.

225 2.a. Within 10 school days after it receives notification
226 of a parent's request for a John M. McKay Scholarship, a school
227 district must notify the student's parent if the matrix of
228 services has not been completed and inform the parent that the
229 district is required to complete the matrix within 30 days after
230 receiving notice of the parent's request for a John M. McKay
231 Scholarship. This notice should include the required completion
232 date for the matrix.
233 b. The school district must complete the matrix of
234 services for any student who is participating in the John M.
235 McKay Scholarships for Students with Disabilities Program and
236 must notify the department ~~of Education~~ of the student's matrix
237 level within 30 days after receiving notification of a request
238 ~~by the student's parent of intent~~ to participate in the
239 scholarship program. The school district must provide the
240 student's parent with the student's matrix level within 10
241 school days after its completion.
242 c. The department ~~of Education~~ shall notify the private
243 school of the amount of the scholarship within 10 days after
244 receiving the school district's notification of the student's
245 matrix level. ~~Within 10 school days after it receives~~
246 ~~notification of a parent's intent to apply for a McKay~~
247 ~~Scholarship, a district school board must notify the student's~~
248 ~~parent if the matrix has not been completed and provide the~~
249 ~~parent with the date for completion of the matrix required in~~
250 ~~this paragraph.~~
251 d. A school district may change a matrix of services only
252 if the change is to correct a technical, typographical, or

253 calculation error.
254 (c) A school district shall provide notification to
255 parents of the availability of a reevaluation at least every 3
256 years of each student who receives a John M. McKay Scholarship.
257 (d) ~~(c)~~ If the parent chooses the private school option and
258 the student is accepted by the private school pending the
259 availability of a space for the student, the parent of the
260 student must notify the department ~~school district~~ 60 days prior
261 to the first scholarship payment and before entering the private
262 school in order to be eligible for the scholarship when a space
263 becomes available for the student in the private school.
264 (e) ~~(d)~~ The parent of a student may choose, as an
265 alternative, to enroll the student in and transport the student
266 to a public school in an adjacent school district which has
267 available space and has a program with the services agreed to in
268 the student's individual education plan already in place, and
269 that school district shall accept the student and report the
270 student for purposes of the district's funding pursuant to the
271 Florida Education Finance Program.
272 (f) ~~(e)~~ For a student ~~in the district~~ who participates in
273 the John M. McKay Scholarships for Students with Disabilities
274 Program whose parent requests that the student take the
275 statewide assessments under s. 1008.22, the district in which
276 the student attends private school shall provide locations and
277 times to take all statewide assessments.
278 ~~(f) A school district must notify the Department of~~
279 ~~Education within 10 days after it receives notification of a~~
280 ~~parent's intent to apply for a scholarship for a student with a~~

281 ~~disability. A school district must provide the student's parent~~
282 ~~with the student's matrix level within 10 school days after its~~
283 ~~completion.~~
284 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department
285 shall:
286 (a) Establish a toll-free hotline that provides parents
287 and private schools with information on participation in the
288 John M. McKay Scholarships for Students with Disabilities
289 Program.
290 (b) Annually verify the eligibility of private schools
291 that meet the requirements of subsection (8).
292 (c) Establish a process by which individuals may notify
293 the department of any violation by a parent, private school, or
294 school district of state laws relating to program participation.
295 The department shall conduct an inquiry of any written complaint
296 of a violation of this section, or make a referral to the
297 appropriate agency for an investigation, if the complaint is
298 signed by the complainant and is legally sufficient. A complaint
299 is legally sufficient if it contains ultimate facts that show
300 that a violation of this section or any rule adopted by the
301 State Board of Education has occurred. In order to determine
302 legal sufficiency, the department may require supporting
303 information or documentation from the complainant. A department
304 inquiry is not subject to the requirements of chapter 120.
305 (d) Require an annual, notarized, sworn compliance
306 statement by participating private schools certifying compliance
307 with state laws and shall retain such records.
308 (e) Cross-check the list of participating scholarship

309 students with the public school enrollment lists prior to the
310 first scholarship payment to avoid duplication.
311 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.--
312 (a) The Commissioner of Education shall deny, suspend, or
313 revoke a private school's participation in the scholarship
314 program if it is determined that the private school has failed
315 to comply with the provisions of this section. However, in
316 instances in which the noncompliance is correctable within a
317 reasonable amount of time and in which the health, safety, and
318 welfare of the students are not threatened, the commissioner may
319 issue a notice of noncompliance that shall provide the private
320 school with a timeframe within which to provide evidence of
321 compliance prior to taking action to suspend or revoke the
322 private school's participation in the scholarship program.
323 (b) The commissioner's determination is subject to the
324 following:
325 1. If the commissioner intends to deny, suspend, or revoke
326 a private school's participation in the scholarship program, the
327 department shall notify the private school of such proposed
328 action in writing by certified mail and regular mail to the
329 private school's address of record with the department. The
330 notification shall include the reasons for the proposed action
331 and notice of the timelines and procedures set forth in this
332 paragraph.
333 2. The private school that is adversely affected by the
334 proposed action shall have 15 days from receipt of the notice of
335 proposed action to file with the department's agency clerk a
336 request for a proceeding pursuant to ss. 120.569 and 120.57. If

337 the private school is entitled to a hearing under s. 120.57(1),
338 the department shall forward the request to the Division of
339 Administrative Hearings.
340 3. Upon receipt of a request referred pursuant to this
341 paragraph, the director of the Division of Administrative
342 Hearings shall expedite the hearing and assign an administrative
343 law judge who shall commence a hearing within 30 days after the
344 receipt of the formal written request by the division and enter
345 a recommended order within 30 days after the hearing or within
346 30 days after receipt of the hearing transcript, whichever is
347 later. Each party shall be allowed 10 days in which to submit
348 written exceptions to the recommended order. A final order shall
349 be entered by the agency within 30 days after the entry of a
350 recommended order. The provisions of this subparagraph may be
351 waived upon stipulation by all parties.
352 (c) The commissioner may immediately suspend payment of
353 scholarship funds if it is determined that there is probable
354 cause to believe that there is:
355 1. An imminent threat to the health, safety, and welfare
356 of the students; or
357 2. Fraudulent activity on the part of the private school.
358
359 The commissioner's order suspending payment pursuant to this
360 paragraph may be appealed pursuant to the same procedures and
361 timelines as the notice of proposed action set forth in
362 paragraph (b).
363 (8) ~~(4)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be
364 eligible to participate in the John M. McKay Scholarships for

365 Students with Disabilities Program, a private school ~~must be a~~
366 ~~Florida private school,~~ may be sectarian or nonsectarian~~,~~ and
367 must:
368 (a) Comply with all requirements for private schools
369 participating in state school choice scholarship programs
370 pursuant to s. 1002.421.
371 (b) Provide the department all documentation required for
372 a student's participation, including the private school's and
373 student's fee schedules, at least 30 days before the first
374 quarterly scholarship payment is made for the student.
375 (c) Be academically accountable to the parent for meeting
376 the educational needs of the student by:
377 1. At a minimum, annually providing to the parent a
378 written explanation of the student's progress.
379 2. Cooperating with the scholarship student whose parent
380 chooses to participate in the statewide assessments pursuant to
381 s. 1008.22.
382
383 The inability of a private school to meet the requirements of
384 this subsection shall constitute a basis for the ineligibility
385 of the private school to participate in the scholarship program
386 as determined by the department.
387 ~~(a) Demonstrate fiscal soundness by being in operation for~~
388 ~~1 school year or provide the Department of Education with a~~
389 ~~statement by a certified public accountant confirming that the~~
390 ~~private school desiring to participate is insured and the owner~~
391 ~~or owners have sufficient capital or credit to operate the~~
392 ~~school for the upcoming year serving the number of students~~

393 ~~anticipated with expected revenues from tuition and other~~
394 ~~sources that may be reasonably expected. In lieu of such a~~
395 ~~statement, a surety bond or letter of credit for the amount~~
396 ~~equal to the scholarship funds for any quarter may be filed with~~
397 ~~the department.~~
398 ~~(b) Notify the Department of Education of its intent to~~
399 ~~participate in the program under this section. The notice must~~
400 ~~specify the grade levels and services that the private school~~
401 ~~has available for students with disabilities who are~~
402 ~~participating in the scholarship program.~~
403 ~~(c) Comply with the antidiscrimination provisions of 42~~
404 ~~U.S.C. s. 2000d.~~
405 ~~(d) Meet state and local health and safety laws and codes.~~
406 ~~(e) Be academically accountable to the parent for meeting~~
407 ~~the educational needs of the student.~~
408 ~~(f) Employ or contract with teachers who hold~~
409 ~~baccalaureate or higher degrees, or have at least 3 years of~~
410 ~~teaching experience in public or private schools, or have~~
411 ~~special skills, knowledge, or expertise that qualifies them to~~
412 ~~provide instruction in subjects taught.~~
413 ~~(g) Comply with all state laws relating to general~~
414 ~~regulation of private schools.~~
415 ~~(h) Adhere to the tenets of its published disciplinary~~
416 ~~procedures prior to the expulsion of a scholarship student.~~
417 (9)~~(5)~~ PARENT AND STUDENT RESPONSIBILITIES FOR ~~OBLIGATION~~
418 ~~OF~~ PROGRAM PARTICIPATION ~~PARTICIPANTS~~.--A parent who applies for
419 a John M. McKay Scholarship is exercising his or her parental
420 option to place his or her child in a private school.

421 (a) ~~A parent who applies for a John M. McKay Scholarship~~
422 ~~is exercising his or her parental option to place his or her~~
423 ~~child in a private school.~~ The parent must select the private
424 school and apply for the admission of his or her child.
425 (b) The parent must have requested the scholarship at
426 least 60 days prior to the date of the first scholarship
427 payment.
428 (c) Any student participating in the John M. McKay
429 Scholarships for Students with Disabilities ~~scholarship~~ Program
430 must remain in attendance throughout the school year~~,~~ unless
431 excused by the school for illness or other good cause~~, and must~~
432 ~~comply fully with the school's code of conduct~~.
433 (d) Each ~~The~~ parent and ~~of~~ each student has an obligation
434 to the private school to ~~participating in the scholarship~~
435 ~~program must~~ comply ~~fully~~ with the private school's published
436 policies ~~parental involvement requirements, unless excused by~~
437 ~~the school for illness or other good cause~~.
438 (e) If the parent requests that the student participating
439 in the John M. McKay Scholarships for Students with Disabilities
440 ~~scholarship~~ Program take all statewide assessments required
441 pursuant to s. 1008.22, the parent is responsible for
442 transporting the student to the assessment site designated by
443 the school district.
444 (f) Upon receipt of a scholarship warrant, the parent to
445 whom the warrant is made must restrictively endorse the warrant
446 to the private school for deposit into the account of the
447 private school. The parent may not designate any entity or
448 individual associated with the participating private school as

449 the parent's attorney in fact to endorse a scholarship warrant.
450 A participant who fails to comply with this paragraph forfeits
451 the scholarship.
452 ~~(g) A participant who fails to comply with this subsection~~
453 ~~forfeits the scholarship.~~
454 (10) ~~(6)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.--
455 (a)1. The maximum scholarship granted for an eligible
456 student with disabilities shall be a calculated amount
457 equivalent to the base student allocation in the Florida
458 Education Finance Program multiplied by the appropriate cost
459 factor for the educational program that would have been provided
460 for the student in the district school to which he or she was
461 assigned, multiplied by the district cost differential.
462 2. In addition, a share of the guaranteed allocation for
463 exceptional students shall be determined and added to the
464 calculated amount. The calculation shall be based on the
465 methodology and the data used to calculate the guaranteed
466 allocation for exceptional students for each district in chapter
467 2000-166, Laws of Florida. Except as provided in subparagraphs
468 ~~subparagraph~~ 3. and 4., the calculation shall be based on the
469 student's grade, matrix level of services, and the difference
470 between the 2000-2001 basic program and the appropriate level of
471 services cost factor, multiplied by the 2000-2001 base student
472 allocation and the 2000-2001 district cost differential for the
473 sending district. Also, the calculated amount shall include the
474 per-student share of supplemental academic instruction funds,
475 instructional materials funds, technology funds, and other
476 categorical funds as provided for such purposes in the General

477 Appropriations Act.
478 3. The calculated scholarship amount for a student who is
479 eligible under subparagraph (2)(a)2. shall be calculated as
480 provided in subparagraphs 1. and 2. However, the calculation
481 shall be based on the school district in which the parent
482 resides at the time of the scholarship request.
483 4.~~3.~~ Until the school district completes the matrix
484 required by paragraph (5)~~(3)~~(b), the calculation shall be based
485 on the matrix that assigns the student to support level I of
486 service as it existed prior to the 2000-2001 school year. When
487 the school district completes the matrix, the amount of the
488 payment shall be adjusted as needed.
489 (b) The amount of the John M. McKay Scholarship shall be
490 the calculated amount or the amount of the private school's
491 tuition and fees, whichever is less. The amount of any
492 assessment fee required by the participating private school may
493 be paid from the total amount of the scholarship.
494 ~~(c) If the participating private school requires partial~~
495 ~~payment of tuition prior to the start of the academic year to~~
496 ~~reserve space for students admitted to the school, that partial~~
497 ~~payment may be paid by the Department of Education prior to the~~
498 ~~first quarterly payment of the year in which the John M. McKay~~
499 ~~Scholarship is awarded, up to a maximum of $1,000, and deducted~~
500 ~~from subsequent scholarship payments. If a student decides not~~
501 ~~to attend the participating private school, the partial~~
502 ~~reservation payment must be returned to the Department of~~
503 ~~Education by the participating private school. There is a limit~~
504 ~~of one reservation payment per student per year.~~

505 (c)1.~~(d)~~ The school district shall report all students who
506 are attending a private school in the district under this
507 program. The students with disabilities attending private
508 schools on John M. McKay Scholarships shall be reported
509 separately from other students reported for purposes of the
510 Florida Education Finance Program.
511 2. For program participants who are eligible under
512 subparagraph (2)(a)2., the school district that is used as the
513 basis for the calculation of the scholarship amount as provided
514 in subparagraph (a)3. shall:
515 a. Report to the department all such students who are
516 attending a private school under this program.
517 b. Be held harmless for such students from the weighted
518 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a.
519 during the first school year in which the students are reported.
520 (d)~~(e)~~ Following notification on July 1, September 1,
521 December 1, or February 1 of the number of program participants,
522 the department ~~of Education~~ shall transfer, from General Revenue
523 funds only, the amount calculated under paragraph (b) from the
524 school district's total funding entitlement under the Florida
525 Education Finance Program and from authorized categorical
526 accounts to a separate account for the scholarship program for
527 quarterly disbursement to the parents of participating students.
528 Funds may not be transferred from any funding provided to the
529 Florida School for the Deaf and the Blind for program
530 participants who are eligible under subparagraph (2)(a)2. For a
531 student exiting a Department of Juvenile Justice commitment
532 program who chooses to participate in the scholarship program,

533 the amount of the John M. McKay Scholarship calculated pursuant
534 to paragraph (b) shall be transferred from the school district
535 in which the student last attended a public school prior to
536 commitment to the Department of Juvenile Justice. When a student
537 enters the scholarship program, the department ~~of Education~~ must
538 receive all documentation required for the student's
539 participation, including the private school's and student's fee
540 schedules, at least 30 days before the first quarterly
541 scholarship payment is made for the student. ~~The Department of~~
542 ~~Education may not make any retroactive payments.~~
543 (e) ~~(f)~~ Upon notification ~~proper documentation reviewed and~~
544 ~~approved~~ by the department that it has received the
545 documentation required under paragraph (d) ~~Department of~~
546 ~~Education~~, the Chief Financial Officer shall make scholarship
547 payments in four equal amounts no later than September 1,
548 November 1, February 1, and April 1 ~~15~~ of each academic year in
549 which the scholarship is in force. The initial payment shall be
550 made after department ~~of Education~~ verification of admission
551 acceptance, and subsequent payments shall be made upon
552 verification of continued enrollment and attendance at the
553 private school. Payment must be by individual warrant made
554 payable to the student's parent and mailed by the department ~~of~~
555 ~~Education~~ to the private school of the parent's choice, and the
556 parent shall restrictively endorse the warrant to the private
557 school for deposit into the account of the private school.
558 (f) Subsequent to each scholarship payment, the Department
559 of Financial Services shall randomly review endorsed warrants to
560 confirm compliance with endorsement requirements. The Department

561 of Financial Services shall immediately report inconsistencies
562 or irregularities to the department.
563 (11) ~~(7)~~ LIABILITY.--No liability shall arise on the part
564 of the state based on the award or use of a John M. McKay
565 Scholarship.
566 (12) SCOPE OF AUTHORITY.--The inclusion of eligible
567 private schools within options available to Florida public
568 school students does not expand the regulatory authority of the
569 state, its officers, or any school district to impose any
570 additional regulation of private schools beyond those reasonably
571 necessary to enforce requirements expressly set forth in this
572 section.
573 (13) ~~(8)~~ RULES.--The State Board of Education shall adopt
574 rules pursuant to ss. 120.536(1) and 120.54 to administer this
575 section, including rules that school districts must use to
576 expedite the development of a matrix of services based on an
577 active ~~a current~~ individual education plan from another state or
578 a foreign country for a transferring student with a disability
579 who is a dependent child of a member of the United States Armed
580 Forces. The rules must identify the appropriate school district
581 personnel who must complete the matrix of services. For purposes
582 of these rules, a transferring student with a disability is one
583 who was previously enrolled as a student with a disability in an
584 out-of-state or an out-of-country public or private school or
585 agency program and who is transferring from out of state or from
586 a foreign country pursuant to a parent's permanent change of
587 station orders. ~~However, the inclusion of eligible private~~
588 ~~schools within options available to Florida public school~~

589 ~~students does not expand the regulatory authority of the state,~~
590 ~~its officers, or any school district to impose any additional~~
591 ~~regulation of private schools beyond those reasonably necessary~~
592 ~~to enforce requirements expressly set forth in this section.~~
593 Section 2. Section 220.187, Florida Statutes, is amended
594 to read:
595 220.187 Credits for contributions to nonprofit
596 scholarship-funding organizations.--
597 (1) PURPOSE.--The purpose of this section is to:
598 (a) Encourage private, voluntary contributions to
599 nonprofit scholarship-funding organizations.
600 (b) Expand educational opportunities for children of
601 families that have limited financial resources.
602 (c) Enable children in this state to achieve a greater
603 level of excellence in their education.
604 (2) DEFINITIONS.--As used in this section, the term:
605 (a) "Department" means the Department of Revenue.
606 (b) "Eligible contribution" means a monetary contribution
607 from a taxpayer, subject to the restrictions provided in this
608 section, to an eligible nonprofit scholarship-funding
609 organization. The taxpayer making the contribution may not
610 designate a specific child as the beneficiary of the
611 contribution. ~~The taxpayer may not contribute more than $5~~
612 ~~million to any single eligible nonprofit scholarship-funding~~
613 ~~organization.~~
614 (c) ~~(d)~~ "Eligible nonprofit scholarship-funding
615 organization" means a charitable organization that:
616 1. Is exempt from federal income tax pursuant to s.

617 501(c)(3) of the Internal Revenue Code.
618 2. Is a Florida entity formed under chapter 607, chapter
619 608, or chapter 617 and whose principal office is located in the
620 state.
621 3. ~~and that~~ Complies with the provisions of subsection (6)
622 ~~(4)~~.
623 (d) ~~(c)~~ "Eligible private ~~nonpublic~~ school" means a private
624 ~~nonpublic~~ school, as defined in s. 1002.01(2), located in
625 Florida that offers an education to students in any grades K-12
626 and that meets the requirements in subsection (8) ~~(6)~~.
627 (e) "Owner or operator" includes:
628 1. An owner, president, officer, or director of an
629 eligible nonprofit scholarship-funding organization or a person
630 with equivalent decisionmaking authority over an eligible
631 nonprofit scholarship-funding organization.
632 2. An owner, operator, superintendent, or principal of an
633 eligible private school or a person with equivalent
634 decisionmaking authority over an eligible private school.
635 ~~(c) "Qualified student" means a student who qualifies for~~
636 ~~free or reduced-price school lunches under the National School~~
637 ~~Lunch Act and who:~~
638 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.--The Corporate
639 Income Tax Credit Scholarship Program is established. A student
640 is eligible for a corporate income tax credit scholarship if the
641 student qualifies for free or reduced-price school lunches under
642 the National School Lunch Act and:
643 (a) ~~1.~~ Was counted as a full-time equivalent student during
644 the previous state fiscal year for purposes of state per-student

645 funding;
646 (b)~~2.~~ Received a scholarship from an eligible nonprofit
647 scholarship-funding organization or from the State of Florida
648 during the previous school year; or
649 (c)~~3.~~ Is eligible to enter kindergarten or first grade.
650
651 Contingent upon available funds, a student may continue in the
652 scholarship program as long as the student's family income level
653 does not exceed 200 percent of the federal poverty level.
654 (4) SCHOLARSHIP PROHIBITIONS.--A student is not eligible
655 for a scholarship while he or she is:
656 (a) Enrolled in a school operating for the purpose of
657 providing educational services to youth in Department of
658 Juvenile Justice commitment programs;
659 (b) Receiving a scholarship from another eligible
660 nonprofit scholarship-funding organization under this section;
661 (c) Receiving an educational scholarship pursuant to
662 chapter 1002;
663 (d) Participating in a home education program as defined
664 in s. 1002.01(1);
665 (e) Participating in a private tutoring program pursuant
666 to s. 1002.43;
667 (f) Participating in a virtual school, correspondence
668 school, or distance learning program that receives state funding
669 pursuant to the student's participation unless the participation
670 is limited to no more than two courses per school year; or
671 (g) Enrolled in the Florida School for the Deaf and the
672 Blind.

673 (5) ~~(3)~~ AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
674 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--
675 (a) There is allowed a credit of 100 percent of an
676 eligible contribution against any tax due for a taxable year
677 under this chapter. However, such a credit may not exceed 75
678 percent of the tax due under this chapter for the taxable year,
679 after the application of any other allowable credits by the
680 taxpayer. ~~However, at least 5 percent of the total statewide~~
681 ~~amount authorized for the tax credit shall be reserved for~~
682 ~~taxpayers who meet the definition of a small business provided~~
683 ~~in s. 288.703(1) at the time of application.~~ The credit granted
684 by this section shall be reduced by the difference between the
685 amount of federal corporate income tax taking into account the
686 credit granted by this section and the amount of federal
687 corporate income tax without application of the credit granted
688 by this section.
689 (b) The total amount of tax credits and carryforward of
690 tax credits which may be granted ~~each state fiscal year~~ under
691 this section is $88 million during the 2006-2007 fiscal year.
692 The total amount of tax credits and carryforward of tax credits
693 which may be granted under this section shall be adjusted each
694 year thereafter, should the prior year's total tax credit and
695 carryforward tax credit limits be obtained, by the same
696 percentage as the increase or decrease in total funding,
697 adjusted for Florida Retirement System changes if applicable,
698 under the Florida Education Finance Program as provided in the
699 General Appropriations Act workpapers. However, the total amount
700 of tax credits that may be granted pursuant to this paragraph

701 may not increase by more than 5 percent in any year. The
702 Commissioner of Education shall certify to the department and
703 notify eligible nonprofit scholarship-funding organizations of
704 the resulting value of tax credits that may be granted within 30
705 days after the General Appropriations Act becomes law. However,
706 at least 1 percent of the total statewide amount authorized for
707 the tax credit shall be reserved for taxpayers who meet the
708 definition of a small business provided in s. 288.703(1) at the
709 time of application.
710 (c) A taxpayer who files a Florida consolidated return as
711 a member of an affiliated group pursuant to s. 220.131(1) may be
712 allowed the credit on a consolidated return basis; however, the
713 total credit taken by the affiliated group is subject to the
714 limitation established under paragraph (a).
715 (d) Effective for tax years beginning January 1, 2006, a
716 taxpayer may rescind all or part of its allocated tax credit
717 under this section. The amount rescinded shall become available
718 for purposes of the cap for that state fiscal year under this
719 section to an eligible taxpayer as approved by the department if
720 the taxpayer receives notice from the department that the
721 rescindment has been accepted by the department and the taxpayer
722 has not previously rescinded any or all of its tax credit
723 allocation under this section more than once in the previous 3
724 tax years. Any amount rescinded under this paragraph shall
725 become available to an eligible taxpayer on a first-come, first-
726 served basis based on tax credit applications received after the
727 date the rescindment is accepted by the department.
728 (6) ~~(4)~~ OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-

729 FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-
730 funding organization:
731 (a) Must comply with the antidiscrimination provisions of
732 42 U.S.C. s. 2000d.
733 (b) Must comply with the following background check
734 requirements:
735 1. All owners and operators as defined in subparagraph
736 (2)(e)1. are subject to level 2 background screening as provided
737 under chapter 435. The fingerprints for the background screening
738 must be electronically submitted to the Department of Law
739 Enforcement and can be taken by an authorized law enforcement
740 agency or by an employee of the eligible nonprofit scholarship-
741 funding organization or a private company who is trained to take
742 fingerprints. However, the complete set of fingerprints of an
743 owner or operator may not be taken by the owner or operator. The
744 results of the state and national criminal history check shall
745 be provided to the Department of Education for screening under
746 chapter 435. The cost of the background screening may be borne
747 by the eligible nonprofit scholarship-funding organization or
748 the owner or operator.
749 2. Every 5 years following employment or engagement to
750 provide services or association with an eligible nonprofit
751 scholarship-funding organization, each owner or operator must
752 meet level 2 screening standards as described in s. 435.04, at
753 which time the nonprofit scholarship-funding organization shall
754 request the Department of Law Enforcement to forward the
755 fingerprints to the Federal Bureau of Investigation for level 2
756 screening. If the fingerprints of an owner or operator are not

757 retained by the Department of Law Enforcement under subparagraph
758 3., the owner or operator must electronically file a complete
759 set of fingerprints with the Department of Law Enforcement. Upon
760 submission of fingerprints for this purpose, the eligible
761 nonprofit scholarship-funding organization shall request that
762 the Department of Law Enforcement forward the fingerprints to
763 the Federal Bureau of Investigation for level 2 screening, and
764 the fingerprints shall be retained by the Department of Law
765 Enforcement under subparagraph 3.
766 3. Beginning July 1, 2007, all fingerprints submitted to
767 the Department of Law Enforcement as required by this paragraph
768 must be retained by the Department of Law Enforcement in a
769 manner approved by rule and entered in the statewide automated
770 fingerprint identification system authorized by s. 943.05(2)(b).
771 The fingerprints must thereafter be available for all purposes
772 and uses authorized for arrest fingerprint cards entered in the
773 statewide automated fingerprint identification system pursuant
774 to s. 943.051.
775 4. Beginning July 1, 2007, the Department of Law
776 Enforcement shall search all arrest fingerprint cards received
777 under s. 943.051 against the fingerprints retained in the
778 statewide automated fingerprint identification system under
779 subparagraph 3. Any arrest record that is identified with an
780 owner's or operator's fingerprints must be reported to the
781 Department of Education. The Department of Education shall
782 participate in this search process by paying an annual fee to
783 the Department of Law Enforcement and by informing the
784 Department of Law Enforcement of any change in the employment,

785 engagement, or association status of the owners or operators
786 whose fingerprints are retained under subparagraph 3. The
787 Department of Law Enforcement shall adopt a rule setting the
788 amount of the annual fee to be imposed upon the Department of
789 Education for performing these services and establishing the
790 procedures for the retention of owner and operator fingerprints
791 and the dissemination of search results. The fee may be borne by
792 the owner or operator of the nonprofit scholarship-funding
793 organization.
794 5. A nonprofit scholarship-funding organization whose
795 owner or operator fails the level 2 background screening shall
796 not be eligible to provide scholarships under this section.
797 6. A nonprofit scholarship-funding organization whose
798 owner or operator in the last 7 years has filed for personal
799 bankruptcy or corporate bankruptcy in a corporation of which he
800 or she owned more than 20 percent shall not be eligible to
801 provide scholarships under this section.
802 (c) Must not have an owner or operator who owns or
803 operates an eligible private school that is participating in the
804 scholarship program.
805 (d) ~~(a)~~ Must ~~An eligible nonprofit scholarship-funding~~
806 ~~organization shall~~ provide scholarships, from eligible
807 contributions, to eligible ~~qualified~~ students for:
808 1. Tuition or textbook expenses for, or transportation to,
809 an eligible private ~~nonpublic~~ school. At least 75 percent of the
810 scholarship funding must be used to pay tuition expenses; or
811 2. Transportation expenses to a Florida public school that
812 is located outside the district in which the student resides or

813 to a lab school as defined in s. 1002.32.
814 (e) ~~(b)~~ Must ~~An eligible nonprofit scholarship-funding~~
815 ~~organization shall~~ give priority to eligible ~~qualified~~ students
816 who received a scholarship from an eligible nonprofit
817 scholarship-funding organization or from the State of Florida
818 during the previous school year.
819 (f) Must provide a scholarship to an eligible student on a
820 first-come, first-served basis unless the student qualifies for
821 priority pursuant to paragraph (e).
822 (g) May not restrict or reserve scholarships for use at a
823 particular private school or provide scholarships to a child of
824 an owner or operator.
825 (h) Must allow an eligible student to attend any eligible
826 private school and must allow a parent to transfer a scholarship
827 during a school year to any other eligible private school of the
828 parent's choice.
829 ~~(c) The amount of a scholarship provided to any child for~~
830 ~~any single school year by all eligible nonprofit scholarship-~~
831 ~~funding organizations from eligible contributions shall not~~
832 ~~exceed the following annual limits:~~
833 ~~1. Three thousand five hundred dollars for a scholarship~~
834 ~~awarded to a student enrolled in an eligible nonpublic school.~~
835 ~~2. Five hundred dollars for a scholarship awarded to a~~
836 ~~student enrolled in a Florida public school that is located~~
837 ~~outside the district in which the student resides.~~
838 ~~(d) The amount of an eligible contribution which may be~~
839 ~~accepted by an eligible nonprofit scholarship-funding~~
840 ~~organization is limited to the amount needed to provide~~

841 ~~scholarships for qualified students which the organization has~~
842 ~~identified and for which vacancies in eligible nonpublic schools~~
843 ~~have been identified.~~
844 (i) ~~(e)~~ Must obligate, in the same fiscal year in which the
845 contribution was received, ~~An eligible nonprofit scholarship-~~
846 ~~funding organization that receives an eligible contribution must~~
847 ~~spend~~ 100 percent of the eligible contribution to provide
848 scholarships; however, up to 25 percent of the total
849 contribution may be carried forward for scholarships to be
850 granted in the following ~~same~~ state fiscal year ~~in which the~~
851 ~~contribution was received~~. No portion of eligible contributions
852 may be used for administrative expenses. All interest accrued
853 from contributions must be used for scholarships.
854 (j) Must maintain separate accounts for scholarship funds
855 and operating funds.
856 (k) With the prior approval of the Department of
857 Education, may transfer funds to another eligible nonprofit
858 scholarship-funding organization if additional funds are
859 required to meet scholarship demand at the receiving nonprofit
860 scholarship-funding organization. A transfer shall be limited to
861 the greater of $500,000 or 20 percent of the total contributions
862 received by the nonprofit scholarship-funding organization
863 making the transfer. All transferred funds must be deposited by
864 the receiving nonprofit scholarship-funding organization into
865 its scholarship accounts. All transferred amounts received by
866 any nonprofit scholarship-funding organization must be
867 separately disclosed in the annual financial and compliance
868 audit required in this section.

869 (l) ~~(f) An eligible nonprofit scholarship-funding~~
870 ~~organization that receives eligible contributions~~ Must provide
871 to the Auditor General and the Department of Education an annual
872 financial and compliance audit of its accounts and records
873 conducted by an independent certified public accountant and in
874 accordance with rules adopted by the Auditor General. The audit
875 must be conducted in compliance with generally accepted auditing
876 standards and must include a report on financial statements
877 presented in accordance with generally accepted accounting
878 principles set forth by the American Institute of Certified
879 Public Accountants for not-for-profit organizations and a
880 determination of compliance with the statutory eligibility and
881 expenditure requirements set forth in this section. Audits must
882 be provided to the Auditor General and the Department of
883 Education within 180 days after completion of the eligible
884 nonprofit scholarship-funding organization's fiscal year.
885 (m) Must prepare and submit quarterly reports to the
886 Department of Education pursuant to paragraph (9)(m). In
887 addition, an eligible nonprofit scholarship-funding organization
888 must submit in a timely manner any information requested by the
889 Department of Education relating to the scholarship program.
890
891 Any and all information and documentation provided to the
892 Department of Education and the Auditor General relating to the
893 identity of a taxpayer that provides an eligible contribution
894 under this section shall remain confidential at all times in
895 accordance with s. 213.053.
896 ~~(g) Payment of the scholarship by the eligible nonprofit~~

897 ~~scholarship funding organization shall be by individual warrant~~
898 ~~or check made payable to the student's parent. If the parent~~
899 ~~chooses for his or her child to attend an eligible nonpublic~~
900 ~~school, the warrant or check must be mailed by the eligible~~
901 ~~nonprofit scholarship funding organization to the nonpublic~~
902 ~~school of the parent's choice, and the parent shall~~
903 ~~restrictively endorse the warrant or check to the nonpublic~~
904 ~~school. An eligible nonprofit scholarship funding organization~~
905 ~~shall ensure that, upon receipt of a scholarship warrant or~~
906 ~~check, the parent to whom the warrant or check is made~~
907 ~~restrictively endorses the warrant or check to the nonpublic~~
908 ~~school of the parent's choice for deposit into the account of~~
909 ~~the nonpublic school.~~
910 (7) ~~(5)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
911 PARTICIPATION ~~OBLIGATIONS~~.--
912 (a) The parent must select an eligible private school and
913 apply for the admission of his or her child.
914 (b) The parent must inform the child's school district
915 when the parent withdraws his or her child to attend an eligible
916 private school.
917 (c) Any student participating in the scholarship program
918 must remain in attendance throughout the school year unless
919 excused by the school for illness or other good cause.
920 (d) Each parent and each student has an obligation to the
921 private school to comply with the private school's published
922 policies.
923 (e) The parent shall ensure that the student participating
924 in the scholarship program takes the norm-referenced assessment

925 offered by the private school. The parent may also choose to
926 have the student participate in the statewide assessments
927 pursuant to s. 1008.22. If the parent requests that the student
928 participating in the scholarship program take statewide
929 assessments pursuant to s. 1008.22, the parent is responsible
930 for transporting the student to the assessment site designated
931 by the school district.
932 (f) Upon receipt of a scholarship warrant from the
933 eligible nonprofit scholarship-funding organization, the parent
934 to whom the warrant is made must restrictively endorse the
935 warrant to the private school for deposit into the account of
936 the private school. The parent may not designate any entity or
937 individual associated with the participating private school as
938 the parent's attorney in fact to endorse a scholarship warrant.
939 A participant who fails to comply with this paragraph forfeits
940 the scholarship. ~~As a condition for scholarship payment pursuant~~
941 ~~to paragraph (4)(g), if the parent chooses for his or her child~~
942 ~~to attend an eligible nonpublic school, the parent must inform~~
943 ~~the child's school district within 15 days after such decision.~~
944 (8) ~~(6)~~ PRIVATE ~~ELIGIBLE NONPUBLIC~~ SCHOOL ELIGIBILITY AND
945 OBLIGATIONS.--An eligible private ~~nonpublic~~ school may be
946 sectarian or nonsectarian and must:
947 (a) Comply with all requirements for private schools
948 participating in state school choice scholarship programs
949 pursuant to s. 1002.421.
950 (b) Provide to the eligible nonprofit scholarship-funding
951 organization, upon request, all documentation required for the
952 student's participation, including the private school's and

953 student's fee schedules.
954 (c) Be academically accountable to the parent for meeting
955 the educational needs of the student by:
956 1. At a minimum, annually providing to the parent a
957 written explanation of the student's progress.
958 2. Annually administering or making provision for students
959 participating in the scholarship program to take one of the
960 nationally norm-referenced tests identified by the Department of
961 Education. Students with disabilities for whom standardized
962 testing is not appropriate are exempt from this requirement. A
963 participating private school must report a student's scores to
964 the parent and to the independent research organization selected
965 by the Department of Education as described in paragraph (9)(j).
966 3. Cooperating with the scholarship student whose parent
967 chooses to participate in the statewide assessments pursuant to
968 s. 1008.32.
969
970 The inability of a private school to meet the requirements of
971 this subsection shall constitute a basis for the ineligibility
972 of the private school to participate in the scholarship program
973 as determined by the Department of Education.
974 ~~(a) Demonstrate fiscal soundness by being in operation for~~
975 ~~one school year or provide the Department of Education with a~~
976 ~~statement by a certified public accountant confirming that the~~
977 ~~nonpublic school desiring to participate is insured and the~~
978 ~~owner or owners have sufficient capital or credit to operate the~~
979 ~~school for the upcoming year serving the number of students~~
980 ~~anticipated with expected revenues from tuition and other~~

981 ~~sources that may be reasonably expected. In lieu of such a~~
982 ~~statement, a surety bond or letter of credit for the amount~~
983 ~~equal to the scholarship funds for any quarter may be filed with~~
984 ~~the department.~~
985 ~~(b) Comply with the antidiscrimination provisions of 42~~
986 ~~U.S.C. s. 2000d.~~
987 ~~(c) Meet state and local health and safety laws and codes.~~
988 ~~(d) Comply with all state laws relating to general~~
989 ~~regulation of nonpublic schools.~~
990 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
991 of Education shall:
992 (a) Annually submit to the department, by March 15, a list
993 of eligible nonprofit scholarship-funding organizations that
994 meet the requirements of paragraph (2)(c).
995 (b) Annually verify the eligibility of nonprofit
996 scholarship-funding organizations that meet the requirements of
997 paragraph (2)(c).
998 (c) Annually verify the eligibility of private schools
999 that meet the requirements of subsection (8).
1000 (d) Annually verify the eligibility of expenditures as
1001 provided in paragraph (6)(d) using the audit required by
1002 paragraph (6)(l).
1003 (e) Establish a toll-free hotline that provides parents
1004 and private schools with information on participation in the
1005 scholarship program.
1006 (f) Establish a process by which individuals may notify
1007 the Department of Education of any violation by a parent,
1008 private school, or school district of state laws relating to

1009 program participation. The Department of Education shall conduct
1010 an inquiry of any written complaint of a violation of this
1011 section, or make a referral to the appropriate agency for an
1012 investigation, if the complaint is signed by the complainant and
1013 is legally sufficient. A complaint is legally sufficient if it
1014 contains ultimate facts that show that a violation of this
1015 section or any rule adopted by the State Board of Education has
1016 occurred. In order to determine legal sufficiency, the
1017 Department of Education may require supporting information or
1018 documentation from the complainant. A department inquiry is not
1019 subject to the requirements of chapter 120.
1020 (g) Require an annual, notarized, sworn compliance
1021 statement by participating private schools certifying compliance
1022 with state laws and shall retain such records.
1023 (h) Cross-check the list of participating scholarship
1024 students with the public school enrollment lists to avoid
1025 duplication.
1026 (i) In accordance with State Board of Education rule,
1027 identify and select the nationally norm-referenced tests that
1028 are comparable to the norm-referenced provisions of the Florida
1029 Comprehensive Assessment Test (FCAT) provided that the FCAT may
1030 be one of the tests selected. However, the Department of
1031 Education may approve the use of an additional assessment by the
1032 school if the assessment meets industry standards of quality and
1033 comparability.
1034 (j) Select an independent research organization, which may
1035 be a public or private entity or university, to which
1036 participating private schools must report the scores of

1037 participating students on the nationally norm-referenced tests
1038 administered by the private school. The independent research
1039 organization must annually report to the Department of Education
1040 on the year-to-year improvements of participating students. The
1041 independent research organization must analyze and report
1042 student performance data in a manner that protects the rights of
1043 students and parents as mandated in 20 U.S.C. s. 1232g, the
1044 Family Educational Rights and Privacy Act, and must not
1045 disaggregate data to a level that will disclose the academic
1046 level of individual students or of individual schools. To the
1047 extent possible, the independent research organization must
1048 accumulate historical performance data on students from the
1049 Department of Education and private schools to describe baseline
1050 performance and to conduct longitudinal studies. To minimize
1051 costs and reduce time required for third-party analysis and
1052 evaluation, the Department of Education shall conduct analyses
1053 of matched students from public school assessment data and
1054 calculate control group learning gains using an agreed-upon
1055 methodology outlined in the contract with the third-party
1056 evaluator. The sharing of student data must be in accordance
1057 with requirements of 20 U.S.C. s. 1232g, the Family Educational
1058 Rights and Privacy Act, and shall be for the sole purpose of
1059 conducting the evaluation. All parties must preserve the
1060 confidentiality of such information as required by law.
1061 (k) Notify an eligible nonprofit scholarship-funding
1062 organization of any of the organization's identified students
1063 who are receiving educational scholarships pursuant to chapter
1064 1002.

1065 (l) Notify an eligible nonprofit scholarship-funding
1066 organization of any of the organization's identified students
1067 who are receiving corporate income tax credit scholarships from
1068 other eligible nonprofit scholarship-funding organizations.
1069 (m) Require quarterly reports by an eligible nonprofit
1070 scholarship-funding organization regarding the number of
1071 students participating in the scholarship program, the private
1072 schools at which the students are enrolled, and other
1073 information deemed necessary by the Department of Education.
1074 (10) COMMISSIONER OF EDUCATION AUTHORITY AND
1075 OBLIGATIONS.--
1076 (a) The Commissioner of Education shall deny, suspend, or
1077 revoke a private school's participation in the scholarship
1078 program if it is determined that the private school has failed
1079 to comply with the provisions of this section. However, in
1080 instances in which the noncompliance is correctable within a
1081 reasonable amount of time and in which the health, safety, and
1082 welfare of the students are not threatened, the commissioner may
1083 issue a notice of noncompliance that shall provide the private
1084 school with a timeframe within which to provide evidence of
1085 compliance prior to taking action to suspend or revoke the
1086 private school's participation in the scholarship program.
1087 (b) The commissioner's determination is subject to the
1088 following:
1089 1. If the commissioner intends to deny, suspend, or revoke
1090 a private school's participation in the scholarship program, the
1091 Department of Education shall notify the private school of such
1092 proposed action in writing by certified mail and regular mail to

1093 the private school's address of record with the Department of
1094 Education. The notification shall include the reasons for the
1095 proposed action and notice of the timelines and procedures set
1096 forth in this paragraph.
1097 2. The private school that is adversely affected by the
1098 proposed action shall have 15 days from receipt of the notice of
1099 proposed action to file with the Department of Education's
1100 agency clerk a request for a proceeding pursuant to ss. 120.569
1101 and 120.57. If the private school is entitled to a hearing under
1102 s. 120.57(1), the Department of Education shall forward the
1103 request to the Division of Administrative Hearings.
1104 3. Upon receipt of a request referred pursuant to this
1105 paragraph, the director of the Division of Administrative
1106 Hearings shall expedite the hearing and assign an administrative
1107 law judge who shall commence a hearing within 30 days after the
1108 receipt of the formal written request by the division and enter
1109 a recommended order within 30 days after the hearing or within
1110 30 days after receipt of the hearing transcript, whichever is
1111 later. Each party shall be allowed 10 days in which to submit
1112 written exceptions to the recommended order. A final order shall
1113 be entered by the agency within 30 days after the entry of a
1114 recommended order. The provisions of this subparagraph may be
1115 waived upon stipulation by all parties.
1116 (c) The commissioner may immediately suspend payment of
1117 scholarship funds if it is determined that there is probable
1118 cause to believe that there is:
1119 1. An imminent threat to the health, safety, and welfare
1120 of the students; or

1121 2. Fraudulent activity on the part of the private school.
1122
1123 The commissioner's order suspending payment pursuant to this
1124 paragraph may be appealed pursuant to the same procedures and
1125 timelines as the notice of proposed action set forth in
1126 paragraph (b).
1127 (11) SCHOLARSHIP AMOUNT AND PAYMENT.--
1128 (a) The amount of a scholarship provided to any student
1129 for any single school year by an eligible nonprofit scholarship-
1130 funding organization from eligible contributions shall not
1131 exceed the following annual limits:
1132 1. Three thousand seven hundred fifty dollars for a
1133 scholarship awarded to a student enrolled in an eligible private
1134 school.
1135 2. Five hundred dollars for a scholarship awarded to a
1136 student enrolled in a Florida public school that is located
1137 outside the district in which the student resides or in a lab
1138 school as defined in s. 1002.32.
1139 (b) Payment of the scholarship by the eligible nonprofit
1140 scholarship-funding organization shall be by individual warrant
1141 made payable to the student's parent. If the parent chooses for
1142 his or her child to attend an eligible private school, the
1143 warrant must be delivered by the eligible nonprofit scholarship-
1144 funding organization to the private school of the parent's
1145 choice, and the parent shall restrictively endorse the warrant to
1146 the private school. An eligible nonprofit scholarship-funding
1147 organization shall ensure that the parent to whom the warrant is

1148 made restrictively endorsed the warrant to the private school for
1149 deposit into the account of the private school.
1150 (c) An eligible nonprofit scholarship-funding organization
1151 shall obtain verification from the private school of a student's
1152 continued attendance at the school prior to each scholarship
1153 payment.
1154 (d) Payment of the scholarship shall be made by the
1155 eligible nonprofit scholarship-funding organization no less
1156 frequently than on a quarterly basis.
1157 (12) ~~(7)~~ ADMINISTRATION; RULES.--
1158 (a) If the credit granted pursuant to this section is not
1159 fully used in any one year because of insufficient tax liability
1160 on the part of the corporation, the unused amount may be carried
1161 forward for a period not to exceed 3 years; however, any
1162 taxpayer that seeks to carry forward an unused amount of tax
1163 credit must submit an application for allocation of tax credits
1164 or carryforward credits as required in paragraph (d) in the year
1165 that the taxpayer intends to use the carryforward ~~carry forward~~.
1166 ~~The total amount of tax credits and carryforward of tax credits~~
1167 ~~granted each state fiscal year under this section is $88~~
1168 ~~million.~~ This carryforward applies to all approved contributions
1169 made after January 1, 2002. A taxpayer may not convey, assign,
1170 or transfer the credit authorized by this section to another
1171 entity unless all of the assets of the taxpayer are conveyed,
1172 assigned, or transferred in the same transaction.
1173 (b) An application for a tax credit pursuant to this
1174 section shall be submitted to the department on forms
1175 established by rule of the department.

1176 (c) The department and the Department of Education shall
1177 develop a cooperative agreement to assist in the administration
1178 of this section. ~~The Department of Education shall be~~
1179 ~~responsible for annually submitting, by March 15, to the~~
1180 ~~department a list of eligible nonprofit scholarship-funding~~
1181 ~~organizations that meet the requirements of paragraph (2)(d) and~~
1182 ~~for monitoring eligibility of nonprofit scholarship-funding~~
1183 ~~organizations that meet the requirements of paragraph (2)(d),~~
1184 ~~eligibility of nonpublic schools that meet the requirements of~~
1185 ~~paragraph (2)(e), and eligibility of expenditures under this~~
1186 ~~section as provided in subsection (4).~~
1187 (d) The department shall adopt rules necessary to
1188 administer this section, including rules establishing
1189 application forms and procedures and governing the allocation of
1190 tax credits and carryforward credits under this section on a
1191 first-come, first-served basis.
1192 (e) The State Board ~~Department~~ of Education shall adopt
1193 rules pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ to
1194 administer this section as it relates to the roles of the
1195 Department of Education and the Commissioner of Education
1196 ~~determine eligibility of nonprofit scholarship-funding~~
1197 ~~organizations as defined in paragraph (2)(d) and according to~~
1198 ~~the provisions of subsection (4) and identify qualified students~~
1199 ~~as defined in paragraph (2)(e)~~.
1200 (13) ~~(8)~~ DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible
1201 contributions received by an eligible nonprofit scholarship-
1202 funding organization shall be deposited in a manner consistent
1203 with s. 17.57(2).

1204 Section 3. Section 1002.421, Florida Statutes, is created
1205 to read:
1206 1002.421 Rights and obligations of private schools
1207 participating in state school choice scholarship programs.--
1208 (1) A Florida private school participating in the
1209 Corporate Income Tax Credit Scholarship Program established
1210 pursuant to s. 220.187 or an educational scholarship program
1211 established pursuant to this chapter must comply with all
1212 requirements of this section in addition to private school
1213 requirements outlined in s. 1002.42, specific requirements
1214 identified within respective scholarship program laws, and other
1215 provisions of Florida law that apply to private schools.
1216 (2) A private school participating in a scholarship
1217 program must be a Florida private school as defined in s.
1218 1002.01(2), must be registered in accordance with s. 1002.42,
1219 and must:
1220 (a) Comply with antidiscrimination provisions of 42 U.S.C.
1221 s. 2000d.
1222 (b) Notify the department of its intent to participate in
1223 a scholarship program.
1224 (c) Notify the department of any change in the school's
1225 name, school director, mailing address, or physical location
1226 within 15 days after the change.
1227 (d) Complete student enrollment and attendance
1228 verification requirements, including use of an on-line
1229 attendance verification form, prior to scholarship payment.
1230 (e) Annually complete and submit to the department a
1231 notarized scholarship compliance statement certifying that all

1232 school employees and contracted personnel with direct student
1233 contact have undergone background screening pursuant to s.
1234 943.0542.
1235 (f) Demonstrate fiscal soundness and accountability by:
1236 1. Being in operation for at least 3 school years or
1237 obtaining a surety bond or letter of credit for the amount equal
1238 to the scholarship funds for any quarter and filing the surety
1239 bond or letter of credit with the department.
1240 2. Requiring the parent of each scholarship student to
1241 personally restrictively endorse the scholarship warrant to the
1242 school. The school may not act as attorney in fact for the
1243 parent of a scholarship student under the authority of a power
1244 of attorney executed by such parent, or under any other
1245 authority, to endorse scholarship warrants on behalf of such
1246 parent.
1247 (g) Meet applicable state and local health, safety, and
1248 welfare laws, codes, and rules, including:
1249 1. Fire safety.
1250 2. Building safety.
1251 (h) Employ or contract with teachers who hold
1252 baccalaureate or higher degrees, have at least 3 years of
1253 teaching experience in public or private schools, or have
1254 special skills, knowledge, or expertise that qualifies them to
1255 provide instruction in subjects taught.
1256 (i) Require each employee and contracted personnel with
1257 direct student contact to undergo a state and national
1258 background screening, pursuant to s. 943.0542, by electronically
1259 filing with the Department of Law Enforcement a complete set of

1260 fingerprints taken by an authorized law enforcement agency or an
1261 employee of the private school, a school district, or a private
1262 company who is trained to take fingerprints and to be denied
1263 employment or terminated if he or she fails to meet the
1264 screening standards under s. 435.04. Results of the screening
1265 shall be provided to the participating private school. For
1266 purposes of this paragraph:
1267 1. An "employee or contracted personnel with direct
1268 student contact" means any employee or contracted personnel who
1269 has unsupervised access to a scholarship student for whom the
1270 private school is responsible.
1271 2. The costs of fingerprinting and the background check
1272 shall not be borne by the state.
1273 3. Continued employment of an employee or contracted
1274 personnel after notification that he or she has failed the
1275 background screening under this paragraph shall cause a private
1276 school to be ineligible for participation in a scholarship
1277 program.
1278 4. An employee or contracted personnel holding a valid
1279 Florida teaching certificate who has been fingerprinted pursuant
1280 to s. 1012.32 shall not be required to comply with the
1281 provisions of this paragraph.
1282 (3)(a) Beginning July 1, 2007, all fingerprints submitted
1283 to the Department of Law Enforcement as required by this section
1284 shall be retained by the Department of Law Enforcement in a
1285 manner provided by rule and entered in the statewide automated
1286 fingerprint identification system authorized by s. 943.05(2)(b).
1287 Such fingerprints shall thereafter be available for all purposes

1288 and uses authorized for arrest fingerprint cards entered in the
1289 statewide automated fingerprint identification system pursuant
1290 to s. 943.051.
1291 (b) Beginning July 1, 2007, the Department of Law
1292 Enforcement shall search all arrest fingerprint cards received
1293 under s. 943.051 against the fingerprints retained in the
1294 statewide automated fingerprint identification system under
1295 paragraph (a). Any arrest record that is identified with the
1296 retained fingerprints of a person subject to the background
1297 screening under this section shall be reported to the employing
1298 school with which the person is affiliated. Each private school
1299 participating in a scholarship program is required to
1300 participate in this search process by informing the Department
1301 of Law Enforcement of any change in the employment or
1302 contractual status of its personnel whose fingerprints are
1303 retained under paragraph (a). The Department of Law Enforcement
1304 shall adopt a rule setting the amount of the annual fee to be
1305 imposed upon each private school for performing these searches
1306 and establishing the procedures for the retention of private
1307 school employee and contracted personnel fingerprints and the
1308 dissemination of search results. The fee may be borne by the
1309 private school or the person fingerprinted.
1310 (c) Employees and contracted personnel whose fingerprints
1311 are not retained by the Department of Law Enforcement under
1312 paragraphs (a) and (b) are required to be refingerprinted and
1313 must meet state and national background screening requirements
1314 upon reemployment or reengagement to provide services in order
1315 to comply with the requirements of this section.

1316 (d) Every 5 years following employment or engagement to
1317 provide services with a private school, employees or contracted
1318 personnel required to be screened under this section must meet
1319 screening standards under s. 435.04, at which time the private
1320 school shall request the Department of Law Enforcement to
1321 forward the fingerprints to the Federal Bureau of Investigation
1322 for national processing. If the fingerprints of employees or
1323 contracted personnel are not retained by the Department of Law
1324 Enforcement under paragraph (a), employees and contracted
1325 personnel must electronically file a complete set of
1326 fingerprints with the Department of Law Enforcement. Upon
1327 submission of fingerprints for this purpose, the private school
1328 shall request that the Department of Law Enforcement forward the
1329 fingerprints to the Federal Bureau of Investigation for national
1330 processing, and the fingerprints shall be retained by the
1331 Department of Law Enforcement under paragraph (a).
1332 (4) The inability of a private school to meet the
1333 requirements of this section shall constitute a basis for the
1334 ineligibility of the private school to participate in a
1335 scholarship program as determined by the department.
1336 (5) The inclusion of eligible private schools within
1337 options available to Florida public school students does not
1338 expand the regulatory authority of the state, its officers, or
1339 any school district to impose any additional regulation of
1340 private schools beyond those reasonably necessary to enforce
1341 requirements expressly set forth in this section.
1342 (6) The State Board of Education shall adopt rules
1343 pursuant to ss. 120.536(1) and 120.54 to administer this

1344 section.

1345 Section 4. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7087 PCB PKT 06-01 A++
SPONSOR(S): PreK-12 Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: PreK-12 Committee	10 Y, 1 N	Beagle	Mizereck
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 7087 (formerly PCB PKT 06-01) builds on the success of the original A+ legislation by enhancing educational accountability, instituting secondary school reform, and expanding support for reading, mathematics, and career education.

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

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

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

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

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

B. EFFECT OF PROPOSED CHANGES:

Education Data and Accountability

Guiding Principles for Accountability System

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

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

Education Data Quality Improvements

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

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

1 Section 1008.31(3), F.S.

2 Id.

3 Section 1001.10, F.S.

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

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

Division of Accountability Research and Measurement

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

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

Public School Student Progression Data

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

FCAT Student Achievement Reports

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

Standards and Performance Based Accountability

The Sunshine State Standards

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

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

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

5 Id.

Florida Sunshine State Standards Proposed Six-Year Review and Revise Cycle[6]

	Subject	Year of Review and Revision
Six Year Cycle	Reading, Language Arts, ESOL	2011
	Math	2012
	Science	2013
	Social Studies	2014
	Electives: Computer, Business, Tech, Industrial, Health, Foreign Languages, Physical Education, Family and Consumer Sciences, Humanities 2015	2015
	Visual and Performing Arts	2016
Next Six Year Cycle	Same as above	2017-2022

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

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

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

Assessment

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

All students in grades 3-10 take the FCAT reading and mathematics tests in the spring of each year. All students in grades 4, 8, and 10 take FCAT writing. FCAT science was initially administered to all students in grades 5, 8, and 10. However, feedback from the FCAT Science Content Advisory Committee, the Science Performance Review Committee, the Florida Association of Science Supervisors, and the Florida Association of Science Teachers led DOE to administer the 2005 high school science assessment at Grade 11 rather than at Grade 10.[9]

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

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

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

9 Florida Department of Education, FCAT Update, available at http://firn.edu/doe/sas/fcat/pdf/fcat-update-0904.pdf (Oct., 2005).

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

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

Alternative Assessments for Grade 10 FCAT

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

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

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

The bill makes permanent the SBE's authority to evaluate the PSAT, PLAN, SAT, ACT, College Placement Test, and any other widely used high school achievement tests to assess if concordant scores can be determined for use by students in satisfying grade 10 FCAT graduation requirements. Concordant scores identified by the SBE must then be adopted by the Commissioner. Sections 1008.221 and1008.301, F.S. are repealed, eliminating duplicative statutory language on adoption of concordant scores.

Designation of School Grades

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

Existing law provides that a school's grade is based on its current year performance and its annual learning gains.[13] A school's grade is based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of

10 Section 1008.22(9)(b), F.S.

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

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

13 Section 1008.34, F.S.

the lowest 25th percentile of students in the school. The bill codifies current practice that the measurement of the lowest 25th percentile in the school is only in FCAT Reading.

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

School Improvement Ratings for Alternative Schools

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

The bill requires the Commissioner to prepare annual reports on the performance of alternative schools. The bill also requires a school report card containing data on student performance and an explanation of school performance as evaluated by federal law.[14] The report card must be delivered to parents throughout each school district.

School Recognition Awards

The Florida School Recognition Program[15] provides lottery-funded financial awards to public schools as a reward for performance. Schools that maintain a grade of "A" or improve one letter grade receive $100 per student. In Fiscal Year 2004-05, schools received $117.2 million in School Recognition funds. Funds may be used to reward faculty and staff, purchase educational equipment or materials, and hire temporary personnel. The school's staff and advisory council jointly determine the specific use of the funds. If no agreement is reached by November 1, the award is equally distributed to all classroom teachers currently teaching in the school. [16]

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

School Report Cards

Current law provides that school grades apply to each school's performance for the year in which performance is measured and that the designation be published annually by the DOE and the school district.[17] Parents are entitled to an easy-to read report card for the school in which their child is enrolled.[18]

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

15 Section 1008.36, F.S.

16 Id.

17 Section 1008.34(5), F.S.

18 Id.

The bill requires the DOE to annually develop a school report card, including information relating to the school's grade, the school's improvement, and an explanation of school performance as evaluated by federal law.[19] The report card must be delivered to the parents throughout each school district and published annually on the DOE's website.

School Improvement Plans

Florida law requires each district school board to implement and maintain a system of school improvement and accountability. District school boards must approve a school improvement plan for each school designed to achieve state educational priorities, academic goals, budget implementation, instructional materials purchasing, implementation of student safety and discipline policies, facilities operations, and other areas as determined by the board.[20]

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

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

Educational Emergency

Under current Florida law, the Commissioner is responsible for implementing and maintaining the state system of school improvement and accountability.[21] Pursuant to this authority, the DOE must assign a community assessment team to each school district with a school graded "D" or "F" that is responsible for making recommendations for school improvement based on an evaluation of past student performance, student needs, and past educational practices. [22]

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

No Child Left Behind Act of 2001 State Plans

Title I of the No Child Left Behind Act (NCLB) makes federal grant money available to state and local education agencies.[23] States seeking Title I funds must submit a NCLB implementation plan to the U.S. Department of Education.[24]

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19 The No Child Left Behind Act of 2001.

20 Section 1001.42(16), F.S.

21 Section 1008.345, F.S.

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

23 Title I of the No Child Left Behind Act of 2001.

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

Instructional Reforms

K-20 Mission

Florida law declares that the mission of the K-20 education system is to provide students the opportunity to expand their knowledge and skills through adequate learning opportunities.[25] The bill amends the K-20 mission statement to state that students be provided high-quality, rigorous, and relevant learning opportunities.

Secondary School Reform

Secondary school reform is part of an effort to ensure that every student progresses to the next educational level based on proficiency. Student proficiency in reading declines after fourth grade. Student proficiency in mathematics declines to its lowest point in sixth grade, then climbs upward to tenth grade. Additionally, Florida's ninth grade retention rate increased from 37,529 students retained in 1998-1999 to 52,355 students retained in 2003-2004.[26] Large numbers of students continue to need remediation at the postsecondary level. Action must be taken to provide a high school credential that better prepares students to enter postsecondary education and the workplace.

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

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

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

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

Middle Grades Promotion Requirements

The middle grades in Florida comprise grades 6, 7, and 8. Currently, Florida serves approximately 611,750 students in the middle grades, in 484 schools with traditional middle school or junior high grade configurations, as well as in a number of other types of schools, such as K-8 schools.[27]

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24 Id.

25 Section 1000.03(4), F.S.

26 Data provided by the Florida Department of Education.

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

While national and state student achievement data demonstrate that Florida's elementary students are making progress, FCAT data in reading indicate that performance begins to decline in grade five, decreasing each year through grade nine. Florida's gain in fourth-grade reading on the National Assessment of Educational Progress (NAEP) from 1998 to 2005 (from 206 to 219) was three times the national gain. In contrast, 2005 NAEP scores for Florida's eighth-graders (256) were a slight increase from the 1998 score (255), but a decline from the 2002 score (261).[28]

In 2004, the Legislature passed the Middle Grades Reform Act[29], which required the DOE to establish a Middle Grades Reform Task Force to make recommendations for further middle school reforms. The Task Force completed their work in February 2005, and this bill implements several of their recommendations.

Currently, there is no statewide requirement for middle grades promotion. Student progression in the middle grades is determined by school districts in their student progression plans. A task force review of the student progression plans of Florida's larger districts found that most require a minimum number of credits in core academic areas (language arts, mathematics, science, and social studies).[30]

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

High School Reform

Current Florida law provides the general requirements for high school graduation.[31] Students must complete an International Baccalaureate curriculum or obtain 24 credits, distributed as follows:

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

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

Fourteen credits in core courses:

28National Assessment of Educational Progress, The Nation's Report Card, by U.S. Department of Education, National Center for Education Statistics available at http://nces.ed.gov/nationsreportcard/states/profile.asp.

29 Section 1003.415, F.S.

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

31 Section 1003.43, F.S.

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

Ten credits in majors, minors, and electives:

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

Secondary School Reading and Mathematics Intervention Courses

According to FCAT data from 2005, 37% to 68% of students in grades 6 through 10 are scoring below grade level in reading or math.

Grades 6-10: 2005 FCAT Reading Scores by Level[32]

Grade	Students (Number)	Percent of Students by Achievement Level					Achievement Level 3 or Greater		Achievement Level Less Than 3	
		1	2	3	4	5	#	%	#	%
6	201,609	25	20	31	19	5	112,901	56	88,708	44
7	202,520	27	21	30	17	5	107,336	53	95,184	47
8	201,758	27	30	30	12	2	88,774	44	112,984	56
9	214,984	35	28	21	19	6	77,394	36	137,590	64
10	179,354	39	29	17	7	8	57,393	32	121,961	68

Grades 6-10: 2005 FCAT Mathematics Scores by Level[33]

Grade	Students (Number)	Percent of Students by Achievement Level					Achievement Level 3 or Greater		Achievement Level Less Than 3	
		1	2	3	4	5	#	%	#	%
6	201,550	31	22	26	15	6	94,729	47	106,822	53
7	202,361	26	22	28	17	8	107,251	53	95,110	47
8	201,488	21	20	32	15	11	118,878	59	82,610	41
9	214,360	20	21	30	20	9	126,472	59	87,888	41
10	178,530	15	22	27	28	8	112,474	63	66,056	37

Fifty-eight percent to sixty-nine percent of middle school and high school students require intensive intervention in reading or math. Approximately 35% of students in those grades require intervention in both reading and math.

Grades 6-10: Students Requiring Remediation in Reading, Math, or Both[34]

Test Grade Level	Number of Unduplicated Matched	Achievement Level 1 or 2

32 Data provided by the Florida Department of Education.

33 Id.

34 Data provided by the Florida Department of Education.

	Students*		
06	201,437	120,974	60%
07	202,471	117,014	58%
08	202,104	122,894	61%
09	215,791	143,236	66%
10	180,102	125,091	69%

* This is the unduplicated matched count of students that took a Reading -or- a Math test. Some students do not take both.

Grades 6-10: Students Requiring Remediation in Both Reading and Math[35]

Test Grade Level	Number of Unduplicated Matched Students*	Achievement Level 1 or 2	
06	200,158	74,668	37%
07	200,920	73,437	37%
08	199,819	72,892	36%
09	211,997	81,265	38%
10	176,471	61,764	35%

* This is the unduplicated matched count of students that took a Reading -or- a Math test. Some students do not take both.

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

The bill also requires students scoring at Level 1 on FCAT math to complete an intensive math course.

High School and Middle School Grading Scale

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

Career and Professional Academies

Career education is critically important to Florida's students and to Florida's economic development. Of every ten 9th graders, three students drop out (30%); three do not pursue additional education (30%); and four (40%) attend college.[36]

Currently, school districts may establish career education programs including career academies, career institutes, sequential courses and industry certification programs, as well as career education courses that are general in nature and explore various occupations. Section 1003.431, F.S., provides that a career education certification may be placed on a student's diploma. The certification is designed to indicate that a student is prepared for both postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education (SBE) was given authority to adopt rules for a standard format for the career education certification. Currently, the SBE

35 Id.

36 Career and Professional Education: Preparing Florida's Students for the Knowledge Economy, Council for Education Policy, Research and Improvement (CEPRI), September 2004.

has not adopted rules for career education certification and no school districts have placed the career education certification on high school diplomas.

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

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

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

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

Florida Ready to Work Certification Program

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

Dependent Children of Active Duty Military Admission Preference

Florida law requires that dependent children of active duty military personnel who meet the eligibility criteria for special academic programs offered through public schools be given first preference for admission to such programs.[37] The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and even if the school at which the program is being offered has reached its maximum enrollment. Special academic programs are defined to include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

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

School Start Date

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district.[38] School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.[39]

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

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37 Section 1003.05, F.S.

38 Section 1001.42(4)(f), F.S.

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

Reading Initiatives

Just Read, Florida! Office

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

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

Research-Based Reading Instruction Allocation

In addition to the base funding allocation, the FEFP includes a number of allocations for specific programs; examples include the Safe Schools allocation and the Supplemental Academic Instruction allocation.[40] There is no current statutory requirement for a specific reading instruction allocation as part of the FEFP.

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

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

Exceptional Students

Speech and Language Pathology Services

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

Out of State Special Needs Students in Florida Residential Facilities

In October 2003, the Office of Program Policy Analysis and Government Accountability (OPPAGA)[41] reviewed the number of out-of-state children living in Florida private residential care facilities and the state's cost of providing ESE services to these children. OPPAGA identified 417 ESE students in private residential facilities, 90 of whom were residents of other states and had been placed in Florida facilities by agencies and school districts from other states and parents in their home state. OPPAGA determined that Florida could avoid $1.5 million annually in ESE costs for these students.

The bill provides that an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the parent is a resident. The bill prohibits school districts from reporting these students for FTE funding in the FEFP.

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40 Section 1011.62, F.S.

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

The bill requires the parent's state of residence or the student's parent to pay the cost of the nonresident student's instruction, facilities, and services received in Florida. Under the provisions of this bill, the residential facility, not the school district, is responsible for billing and collecting the out-of-state student's education and related services from the parent's state of residence.

Individual Education Plan

While current law requires that an individual education plan (IEP) include certain information,[42] there is no required uniform IEP format.

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

Teachers and Principals

Differentiated Pay

Current law provides for the compensation and salary schedules of public school personnel and sets forth requirements that the district school board must abide by in the determination and the development of the salary schedule.[43] Current law requires that the district school board adopt a performance-pay policy which is subject to negotiation for school administrators and instructional personnel.[44]

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

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

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

Professional Certificates for Nondegreed Career Education Instructors

Florida law grants the SBE authority to designate subject area certifications and certification requirements for all school-based personnel.[45] The bill requires the SBE to adopt rules that allow part-time and full-time nondegreed career education instructors the ability to earn a reading credential equivalent to a reading endorsement.

Instructional Materials Professional Development

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

42 http://www.ed.gov/parents/needs/speced/iepguide/index.html.

43 Section 1012.22(1)(c), F.S.

44 Id.

45 Section 1001.03, F.S.

plan must provide for training for each teacher who will use the materials, provide inservice credit, and document satisfactory completion by each teacher.

Student Discipline and School Principals

School principals are currently required to take certain actions to address serious disciplinary violations committed by students[46] and to protect students who are victims of violent crimes perpetrated by another student.[47] The bill provides that a school principal who fails to uphold these duties is ineligible to receive performance pay incentives and differentiated pay.

Corrective Actions for Low Performing Staff

Under current Florida law, the SBE is authorized to recommend several courses of action that district school boards can employ to ensure that students in "F" schools are academically well-served.[48]

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

Assignment of Teachers

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

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

American Sign Language Certification

Florida law grants the SBE authority to adopt rules establishing the requirements for licensing and certification of American Sign Language (ASL) teachers.[49] ASL teachers must be certified by the DOE by January 1, 2008 and must also obtain certification from the Florida American Sign language Teachers Association (FASLTA). ASL certification currently requires a bachelor's degree with certification in an academic class coverage and either completion of specified coursework or a certificate from the American Sign Language Teachers Organization.[50]

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

William Cecil Golden Professional Development Program for School Leaders

A growing body of evidence indicates the impact school leaders have on school improvement and student achievement. With the repeal of the Management Training Act in 2000, which included 19 competencies for school principals, the DOE and the SBE began the process of developing and

46 Section 1006.09, F.S.

47 Section 1006.13, F.S.

48 Section 1008.33(2), F.S.

49 Section 1007.2615, F.S.

50 See State Board of Education Rule 6A-4.02431 available at http://www.firn.edu/doe/rules/6a-46.htm#6A-4.02431.

establishing new standards, competencies and policies for school principal selection, training, and certification. The new standards, which were approved by the SBE on April 19, 2005, focus on instructional leadership, using data for effective decision making, and key indicators for high performing principals.

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

C. SECTION DIRECTORY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

STATE IMPACT:

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

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

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

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

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

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

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

DEPARTMENT OF EDUCATION IMPACT:

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

- Sunshine State Standards review: This review is already planned by the DOE and the Governor's budget request includes $5 million for this purpose.

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

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

SCHOOL DISTRICT IMPACT:

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

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

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

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

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

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

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

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

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

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

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

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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

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

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

85 of academies relating to curriculum, partnerships,
86 instruction, career education certification, and
87 evaluation; amending s. 1003.57, F.S.; providing
88 guidelines for determining the residency of a student who
89 receives instruction as an exceptional student with a
90 disability; requiring the student's placing authority or
91 parent to pay the cost of such instruction, facilities,
92 and services; providing responsibilities of the
93 department; providing responsibilities of residential
94 facilities that educate exceptional students with
95 disabilities; providing applicability; creating s.
96 1003.576, F.S.; requiring the department to develop an
97 individual education plan form for use in developing and
98 implementing individual education plans for exceptional
99 students; requiring school districts to use the form;
100 amending s. 1003.58, F.S.; correcting a cross-reference;
101 amending s. 1003.62, F.S.; conforming provisions relating
102 to the designation of school grades and differentiated pay
103 for school administrators and instructional personnel;
104 creating s. 1004.99, F.S., the Florida Ready to Work
105 Certification Program to enhance student workplace skills;
106 providing for program implementation and requirements;
107 authorizing rulemaking; amending s. 1006.09, F.S.;
108 conforming provisions relating to differentiated pay;
109 amending s. 1007.2615, F.S.; revising provisions for
110 certification of American Sign Language teachers; amending
111 s. 1008.22, F.S.; specifying FCAT grade level and subject
112 area testing requirements; requiring documentation of

113 procedures that ensure test difficulty under certain
114 circumstances; requiring certain opportunities for
115 demonstrating student performance; requiring the
116 Commissioner of Education to adopt scores concordant to
117 FCAT scores required for high school graduation; providing
118 that such scores satisfy requirements for a diploma;
119 clarifying eligibility to use such scores; requiring an
120 annual report on student performance; repealing s.
121 1008.221, F.S., relating to alternative assessments for
122 dependent children of military personnel, to conform;
123 amending s. 1008.25, F.S.; authorizing district school
124 boards to require low-performing students to attend
125 remediation programs outside of regular school hours or
126 during the summer; requiring the department to establish a
127 uniform format for reporting information relating to
128 student progression; requiring an annual report; repealing
129 s. 1008.301, F.S., relating to a concordance study of FCAT
130 equivalencies for high school graduation; amending s.
131 1008.31, F.S.; revising intent, goals, and measures of the
132 K-20 performance accountability system and requiring data
133 quality improvements; requiring adoption of rules;
134 amending s. 1008.33, F.S.; conforming a cross-reference
135 and provisions relating to the designation of school
136 grades; authorizing principals to recommend corrective
137 actions for low-performing faculty and staff at "F" graded
138 schools and publication of a school's grade; amending s.
139 1008.34, F.S.; revising terminology and provisions
140 relating to designation and determination of school

141 grades; providing for school grading for alternative
142 schools and specifying requirements related thereto;
143 defining the term "home school" for purposes of
144 assessment; requiring an annual school report card to be
145 published by the department and distributed by school
146 districts; creating s. 1008.341, F.S.; providing for
147 school improvement ratings for certain alternative
148 schools; providing the basis for such ratings and
149 requiring annual performance reports; providing for
150 determination of school improvement ratings,
151 identification of student learning gains, and eligibility
152 for school recognition awards; requiring the development
153 and distribution of an annual school report card;
154 authorizing adoption of rules; amending s. 1008.345, F.S.;
155 conforming a cross-reference and provisions relating to
156 the designation of school grades; providing conditions for
157 determination of a school district in a state of
158 educational emergency; providing procedures to resolve the
159 educational emergency, including state assistance;
160 authorizing establishment of an educational emergency
161 board and providing duties thereof; providing for an
162 action plan to implement recommendations; amending s.
163 1008.36, F.S.; authorizing certain alternative schools to
164 participate in the Florida School Recognition Program;
165 modifying procedures for determination and use of school
166 recognition awards; amending s. 1011.62, F.S.; providing
167 FTE funding for juveniles enrolled in specified education
168 programs; conforming cross-references and provisions

169 relating to the designation of school grades; establishing
170 a research-based reading instruction allocation to provide
171 funds for a comprehensive reading instruction system;
172 requiring school district plans for use of the allocation
173 and approval thereof; including the allocation in the
174 total amount allocated to each school district for current
175 operation; amending s. 1011.64, F.S.; conforming
176 terminology and a cross-reference; amending s. 1011.67,
177 F.S.; requiring district school board approval of a staff
178 development plan relating to use of instructional
179 materials; amending s. 1011.685, F.S.; conforming
180 provisions relating to the 2005 repeal of the BEST Florida
181 Teaching salary career ladder program and implementation
182 of differentiated pay; amending s. 1011.71, F.S.;
183 correcting a cross-reference; amending s. 1012.21, F.S.;
184 requiring department reporting relating to school district
185 collectively bargained contracts and the salary and
186 benefits of certain personnel; amending s. 1012.22, F.S.;
187 requiring each district school board to adopt a salary
188 schedule with differentiated pay for instructional
189 personnel and school-based administrators beginning with
190 the 2007-2008 academic year; creating s. 1012.2315, F.S.;
191 providing school district requirements for the assignment
192 of teachers and providing procedures for noncompliance;
193 amending s. 1012.27, F.S.; conforming provisions relating
194 to the 2005 repeal of the BEST Florida Teaching salary
195 career ladder program and implementation of differentiated
196 pay; amending s. 1012.28, F.S.; conforming provisions

197 relating to differentiated pay; amending s. 1012.34, F.S.;
198 conforming provisions relating to deletion of a rigorous
199 reading requirement; amending s. 1012.56, F.S.;
200 encouraging school districts to provide mechanisms for
201 teachers to obtain subject area coverage for middle
202 grades; creating s. 1012.986, F.S.; establishing the
203 William Cecil Golden Professional Development Program for
204 School Leaders; defining the term "school leader";
205 providing for school leader designations; providing
206 program requirements and delivery systems; requiring
207 adoption of rules; repealing s. 1012.987, F.S., which
208 requires the State Board of Education to adopt rules
209 through which school principals may earn a leadership
210 designation; providing an effective date.
211
212 WHEREAS, students will have the best opportunity to obtain
213 a high-quality education in the public education system of this
214 state and that system can best be enhanced when resources are
215 allocated efficiently and are concentrated in a rigorous and
216 relevant classroom learning environment, when teachers and
217 principals are supported, when high-quality educational
218 opportunity is reinforced through shared high academic and
219 career expectations, when accurate data is consistently
220 maintained and used to drive systemwide decisionmaking, and when
221 successes are rewarded, failures are identified, and the public
222 is apprised of both successes and failures, NOW, THEREFORE,
223
224 Be It Enacted by the Legislature of the State of Florida:

225
226 Section 1. Subsection (8) is added to section 11.90,
227 Florida Statutes, to read:
228 11.90 Legislative Budget Commission.--
229 (8) Upon the 2007 reauthorization of the federal No Child
230 Left Behind Act of 2001, the commission may review the proposed
231 state plan of the State Board of Education and the Commissioner
232 of Education before that plan is submitted.
233 Section 2. Paragraph (f) is added to subsection (3) of
234 section 20.15, Florida Statutes, to read:
235 20.15 Department of Education.--There is created a
236 Department of Education.
237 (3) DIVISIONS.--The following divisions of the Department
238 of Education are established:
239 (f) Division of Accountability, Research, and Measurement.
240 Section 3. Subsection (4) of section 1000.03, Florida
241 Statutes, is amended to read:
242 1000.03 Function, mission, and goals of the Florida K-20
243 education system.--
244 (4) The mission of Florida's K-20 education system is to
245 allow its students to increase their proficiency by allowing
246 them the opportunity to expand their knowledge and skills
247 through high-quality, rigorous, relevant ~~adequate~~ learning
248 opportunities, in accordance with the mission statement and
249 accountability requirements of s. 1008.31.
250 Section 4. Section 1000.041, Florida Statutes, is
251 repealed.

252 Section 5. Paragraph (g) of subsection (2) of section
253 1001.02, Florida Statutes, is amended to read:
254 1001.02 General powers of State Board of Education.--
255 (2) The State Board of Education has the following duties:
256 (g) To approve plans for cooperating with the Federal
257 Government. Upon the 2007 reauthorization of the federal No
258 Child Left Behind Act of 2001, the Commissioner of Education
259 shall seek public input and secure legislative review of the
260 revised state plan prior to submission.
261 Section 6. Subsections (1), (3), and (14) of section
262 1001.03, Florida Statutes, are amended to read:
263 1001.03 Specific powers of State Board of Education.--
264 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State
265 Board of Education shall approve the student performance
266 standards known as the Sunshine State Standards in key academic
267 subject areas and grade levels. The state board shall establish
268 a schedule to facilitate the periodic review of each subject
269 area to maintain rigor, relevance, integration, and
270 reinforcement for student achievement and articulation and
271 evaluate how the standards are taught at each grade level. The
272 review teams for each Sunshine State Standards subject area must
273 include representatives from each other Sunshine State Standards
274 subject area to support valid integration of content and to
275 address the learning styles and instructional needs of all
276 students. Each review team must address the following:
277 (a) Rigor, relevance, logical student progression,
278 articulation from grade to grade, and integration of reading,
279 writing, and mathematics.

280 (b) Timelines for revision of course descriptions,
281 adoption of instructional materials, modifications to the
282 statewide assessment, and enhancements to professional
283 development.
284 (c) Input from parents, classroom teachers, school and
285 district administrators, community college and university
286 faculty, and business representatives, in collaboration with
287 local education foundations.
288
289 The review schedule and an annual status report must be
290 submitted to the Governor, the President of the Senate, and the
291 Speaker of the House of Representatives annually not later than
292 January 1.
293 (3) PROFESSIONAL CERTIFICATES.--The State Board of
294 Education shall classify school services, designate the
295 certification subject areas, establish competencies, including
296 the use of technology to enhance student learning, and
297 certification requirements for all school-based personnel, and
298 prescribe rules in accordance with which the professional,
299 temporary, and part-time certificates shall be issued by the
300 Department of Education to applicants who meet the standards
301 prescribed by such rules for their class of service, as
302 described in chapter 1012. The state board shall adopt rules
303 that give part-time and full-time nondegreed teachers of career
304 programs, pursuant to s. 1012.39(1)(c), the opportunity to earn
305 a reading credential equivalent to a reading endorsement.
306 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
307 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of

308 Education shall maintain ~~recommend to the Legislature by~~
309 ~~February 1, 2003,~~ a uniform classification system for school
310 district administrative and management personnel that will
311 facilitate the uniform coding of administrative and management
312 personnel to total district employees.
313 Section 7. Section 1001.10, Florida Statutes, is amended
314 to read:
315 1001.10 Commissioner of Education; general powers and
316 duties.--The Commissioner of Education is the chief educational
317 officer of the state and the sole custodian of the K-20 data
318 warehouse, and is responsible for giving full assistance to the
319 State Board of Education in enforcing compliance with the
320 mission and goals of the seamless K-20 education system. To
321 facilitate innovative practices and to allow local selection of
322 educational methods, the State Board of Education may authorize
323 the commissioner to waive, upon the request of a district school
324 board, State Board of Education rules that relate to district
325 school instruction and school operations, except those rules
326 pertaining to civil rights, and student health, safety, and
327 welfare. The Commissioner of Education is not authorized to
328 grant waivers for any provisions in rule pertaining to the
329 allocation and appropriation of state and local funds for public
330 education; the election, compensation, and organization of
331 school board members and superintendents; graduation and state
332 accountability standards; financial reporting requirements;
333 reporting of out-of-field teaching assignments under s. 1012.42;
334 public meetings; public records; or due process hearings
335 governed by chapter 120. No later than January 1 of each year,

336 the commissioner shall report to the Legislature and the State
337 Board of Education all approved waiver requests in the preceding
338 year. Additionally, the commissioner has the following general
339 powers and duties:
340 (1) To appoint staff necessary to carry out his or her
341 powers and duties.
342 (2) To advise and counsel with the State Board of
343 Education on all matters pertaining to education; to recommend
344 to the State Board of Education actions and policies as, in the
345 commissioner's opinion, should be acted upon or adopted; and to
346 execute or provide for the execution of all acts and policies as
347 are approved.
348 (3) To keep such records as are necessary to set forth
349 clearly all acts and proceedings of the State Board of
350 Education.
351 (4) To have a seal for his or her office with which, in
352 connection with his or her own signature, the commissioner shall
353 authenticate true copies of decisions, acts, or documents.
354 (5) To recommend to the State Board of Education policies
355 and steps designed to protect and preserve the principal of the
356 State School Fund; to provide an assured and stable income from
357 the fund; to execute such policies and actions as are approved;
358 and to administer the State School Fund.
359 (6) To take action on the release of mineral rights based
360 upon the recommendations of the Board of Trustees of the
361 Internal Improvement Trust Fund.
362 (7) To submit to the State Board of Education, on or
363 before August 1 of each year, recommendations for a coordinated

364 K-20 education budget that estimates the expenditures for the
365 State Board of Education, including the Department of Education,
366 the Commissioner of Education, and all of the boards,
367 institutions, agencies, and services under the general
368 supervision of the State Board of Education for the ensuing
369 fiscal year. Any program recommended to the State Board of
370 Education that will require increases in state funding for more
371 than 1 year must be presented in a multiyear budget plan.
372 (8) To develop and implement a plan for cooperating with
373 the Federal Government in carrying out any or all phases of the
374 educational program and to recommend policies for administering
375 funds that are appropriated by Congress and apportioned to the
376 state for any or all educational purposes. Upon the 2007
377 reauthorization of the federal No Child Left Behind Act of 2001,
378 the commissioner shall seek public input and secure legislative
379 review of the revised state plan prior to submission.
380 (9) To develop and implement policies for cooperating with
381 other public agencies in carrying out those phases of the
382 program in which such cooperation is required by law or is
383 deemed by the commissioner to be desirable and to cooperate with
384 public and nonpublic agencies in planning and bringing about
385 improvements in the educational program.
386 (10) To prepare forms and procedures as are necessary to
387 be used by district school boards and all other educational
388 agencies to assure uniformity, accuracy, and efficiency in the
389 keeping of records, the execution of contracts, the preparation
390 of budgets, or the submission of reports; and to furnish at
391 state expense, when deemed advisable by the commissioner, those

392 forms that can more economically and efficiently be provided.
393 (11) To implement a program of school improvement and
394 education accountability designed to provide all students the
395 opportunity to make adequate learning gains in each year of
396 school as provided by statute and State Board of Education rule
397 based upon the achievement of the state education goals,
398 recognizing the following:
399 (a) The State Board of Education is the body corporate
400 responsible for the supervision of the system of public
401 education.
402 (b) The district school board is responsible for school
403 and student performance.
404 (c) The individual school is the unit for education
405 accountability.
406 (d) The community college board of trustees is responsible
407 for community college performance and student performance.
408 (e) The university board of trustees is responsible for
409 university performance and student performance.
410 (12) To establish a Citizen Information Center responsible
411 for the preparation, publication, and distribution of materials
412 relating to the state system of seamless K-20 public education.
413 (13) To prepare and publish annually reports giving
414 statistics and other useful information pertaining to the
415 Opportunity Scholarship Program.
416 (14) To have printed or electronic copies of school laws,
417 forms, instruments, instructions, and rules of the State Board
418 of Education and provide for their distribution.
419 (15) To develop criteria for use by state instructional

420 materials committees in evaluating materials submitted for
421 adoption consideration. The criteria shall, as appropriate, be
422 based on instructional expectations reflected in curriculum
423 frameworks and student performance standards. The criteria for
424 each subject or course shall be made available to publishers of
425 instructional materials pursuant to the requirements of chapter
426 1006.
427 (16) To prescribe procedures for evaluating instructional
428 materials submitted by publishers and manufacturers in each
429 adoption.
430
431 The commissioner's office shall operate all statewide functions
432 necessary to support the State Board of Education and the K-20
433 education system, including strategic planning and budget
434 development, general administration, and assessment and
435 accountability.
436 Section 8. Section 1001.215, Florida Statutes, is created
437 to read:
438 1001.215 Just Read, Florida! Office.--There is created in
439 the Department of Education the Just Read, Florida! Office. The
440 office shall be fully accountable to the Commissioner of
441 Education and shall:
442 (1) Train highly effective reading coaches.
443 (2) Create multiple designations of effective reading
444 instruction, with accompanying endorsement credentials, which
445 encourage all teachers to integrate reading instruction into
446 their content areas.
447 (3) Train K-12 teachers, school principals, and parents on

448 research-based reading instructional strategies and secondary
449 teachers on effective instructional strategies for teaching
450 reading in the content areas with an emphasis on reading for
451 information.
452 (4) Provide technical assistance to school districts in
453 the development and implementation of district plans for use of
454 the research-based reading instruction allocation provided under
455 s. 1011.62(8) and annually review and approve such plans.
456 (5) Review, evaluate, and provide technical assistance to
457 school districts on their implementation of the K-12
458 comprehensive reading plan required by s. 1011.62(8).
459 (6) Provide information on research-based reading programs
460 and effective instructional strategies for teaching reading in
461 the content areas and support for reading for information.
462 (7) Periodically review the Sunshine State Standards for
463 reading at all grade levels.
464 (8) Periodically review teacher certification examinations
465 to ascertain whether the examinations measure the skills needed
466 for research-based reading, instructional strategies for
467 teaching reading in the content areas, and support for reading
468 for information.
469 (9) Work with teacher preparation programs approved
470 pursuant to s. 1004.04 to integrate into teacher preparation
471 programs research-based reading instructional strategies and
472 instructional strategies for teaching reading in the content
473 areas.
474 (10) Administer grants and perform other functions as
475 necessary to meet the goal that all students read at grade

476 level.
477 Section 9. Section 1001.33, Florida Statutes, is amended
478 to read:
479 1001.33 Schools under control of district school board and
480 district school superintendent.--
481 ~~(1)~~ Except as otherwise provided by law, all public
482 schools conducted within the district shall be under the
483 direction and control of the district school board with the
484 district school superintendent as executive officer.
485 ~~(2) Each district school board, each district school~~
486 ~~superintendent, and each district and school-based administrator~~
487 ~~shall cooperate to apply the following guiding principles of~~
488 ~~Better Educated Students and Teachers (BEST) Florida Teaching:~~
489 ~~(a) Teachers lead, students learn.~~
490 ~~(b) Teachers maintain orderly, disciplined classrooms~~
491 ~~conducive to student learning.~~
492 ~~(c) Teachers are trained, recruited, well compensated, and~~
493 ~~retained for quality.~~
494 ~~(d) Teachers are well rewarded for their students' high~~
495 ~~performance.~~
496 ~~(e) Teachers are most effective when served by exemplary~~
497 ~~school administrators.~~
498 Section 10. Subsection (3) of section 1001.41, Florida
499 Statutes, is amended to read:
500 1001.41 General powers of district school board.--The
501 district school board, after considering recommendations
502 submitted by the district school superintendent, shall exercise
503 the following general powers:

504 (3) Prescribe and adopt standards and policies to provide
505 each student the opportunity to receive a complete education
506 program, including language arts, mathematics, science, social
507 studies, health, physical education, foreign languages, and the
508 arts, as defined by the Sunshine State Standards. The standards
509 and policies must emphasize integration and reinforcement of
510 reading, writing, and mathematics skills in a rigorous and
511 relevant context across all subjects, including career and
512 technical education ~~as are considered desirable by it for~~
513 ~~improving the district school system~~.
514 Section 11. Paragraph (f) of subsection (4), paragraph (c)
515 of subsection (5), subsection (16), paragraph (d) of subsection
516 (17), and subsection (18) of section 1001.42, Florida Statutes,
517 are amended to read:
518 1001.42 Powers and duties of district school board.--The
519 district school board, acting as a board, shall exercise all
520 powers and perform all duties listed below:
521 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
522 SCHOOLS.--Adopt and provide for the execution of plans for the
523 establishment, organization, and operation of the schools of the
524 district, including, but not limited to, the following:
525 (f) Opening and closing of schools; fixing uniform
526 date.--Adopt policies for the opening and closing of schools and
527 fix uniform dates provided that the opening date of the school
528 year for schools in the district shall be no earlier than 7 days
529 before Labor Day each year.
530 (5) PERSONNEL.--

531 ~~(c) Fully support and cooperate in the application of the~~
532 ~~guiding principles of Better Educated Students and Teachers~~
533 ~~(BEST) Florida Teaching, pursuant to s. 1000.041.~~
534 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
535 ACCOUNTABILITY.--Maintain a system of school improvement and
536 education accountability as provided by statute and State Board
537 of Education rule. This system of school improvement and
538 education accountability shall be consistent with, and
539 implemented through, the district's continuing system of
540 planning and budgeting required by this section and ss.
541 1008.385, 1010.01, and 1011.01. This system of school
542 improvement and education accountability shall include, but is
543 not limited to, the following:
544 (a) School improvement plans.--Annually approve and
545 require implementation of a new, amended, or continuation school
546 improvement plan for each school in the district, except that a
547 district school board may establish a district school
548 improvement plan that includes all schools in the district
549 operating for the purpose of providing educational services to
550 youth in Department of Juvenile Justice programs. The school
551 improvement ~~Such~~ plan shall be designed to achieve the state
552 education priorities pursuant to s. 1000.03(5) and student
553 proficiency on the Sunshine State Standards pursuant to s.
554 1003.41 ~~performance standards. In addition, any school required~~
555 ~~to implement a rigorous reading requirement pursuant to s.~~
556 ~~1003.415 must include such component in its school improvement~~
557 ~~plan~~. Each plan shall also address issues relative to budget,
558 training, instructional materials, technology, staffing, student

559 support services, specific school safety and discipline
560 strategies, student health and fitness, ~~including physical~~
561 ~~fitness,~~ parental involvement ~~information on student health and~~
562 ~~fitness, and indoor environmental air quality~~, and ~~other matters~~
563 ~~of~~ resource allocation, as determined by district school board
564 policy, and shall include ~~be based on~~ an accurate, data-based
565 analysis of student achievement and other school performance
566 data. For each school in the district that earns a school grade
567 of "C" or below, or is required to have a school improvement
568 plan under federal law, the school improvement plan shall, at a
569 minimum include:
570 1. A needs assessment, based on disaggregated student
571 achievement data related to student performance on the FCAT,
572 which is used to identify each individual student subgroup's
573 strengths and weaknesses and to determine the effectiveness of
574 the teaching and learning strategies that are being used in the
575 classroom.
576 2. Performance goals, based on the needs assessment, with
577 measurable objectives of improvement in the areas of language
578 arts, mathematics, and science for each student subgroup.
579 3. A Sunshine State Standards instructional calendar and
580 timeline based on the needs assessment for each grade and in
581 each of the subject areas of language arts, mathematics, and
582 science to focus and integrate instruction, manage instructional
583 time, and allocate resources.
584 4. The following strategies:

585 a. Mini-assessments of targeted Sunshine State Standards
586 benchmarks that provide ongoing progress monitoring of students
587 and generate data to redesign instruction.
588 b. Alternative in-school, tutorial, remediation, or
589 enrichment programs for students that are based on each
590 student's individual academic needs as defined by performance on
591 the mini-assessments.
592 c. A student performance monitoring plan and clearly
593 assigned school personnel monitoring responsibilities.
594 5. Professional development that supports enhanced
595 instructional strategies, improves teaching and learning, and
596 addresses skill gaps.
597 6. If the school is a high school, annual publication of
598 the school's graduation rate calculated without GEDs for the
599 past 3 years, disaggregated by student ethnicity.
600
601 For each school district with a school designated with a grade
602 of "D" or "F," the district school board shall cooperate with
603 the community assessment team assigned by the commissioner in
604 accordance with s. 1008.345(6)(d).
605 (b) Alignment with Sunshine State Standards.--Design the
606 school district's system of school improvement and student
607 progression to provide frequent and accurate information to the
608 teacher and student regarding each student's progress toward
609 mastering the Sunshine State Standards. The system must support
610 the alignment of the Sunshine State Standards, monitoring of
611 individual student progress, and enhanced instructional
612 strategies, assessment, and professional development.

613 (c) ~~(b)~~ Approval process.--Develop a process for approval
614 of a school improvement plan presented by an individual school
615 and its advisory council. In the event a district school board
616 does not approve a school improvement plan after exhausting this
617 process, the Department of Education shall be notified of the
618 need for assistance.
619 (d) ~~(c)~~ Assistance and intervention.--
620 1. Develop a 2-year plan of increasing individualized
621 assistance and intervention for each school in danger of not
622 meeting state standards or making adequate progress, as defined
623 pursuant to statute and State Board of Education rule, toward
624 meeting the goals and standards of its approved school
625 improvement plan.
626 2. Provide assistance and intervention to a school that is
627 designated with a ~~identified as being in performance~~ grade of
628 ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.
629 3. Develop a plan to encourage teachers with demonstrated
630 mastery in improving student performance to remain at or
631 transfer to a school designated with a ~~as performance~~ grade of
632 ~~category~~ "D" or "F" or to an alternative school that serves
633 disruptive or violent youths. If a classroom teacher, as defined
634 by s. 1012.01(2)(a), who meets the definition of teaching
635 mastery developed according to the provisions of this paragraph,
636 requests assignment to a school designated with a ~~as performance~~
637 grade of ~~category~~ "D" or "F" or to an alternative school that
638 serves disruptive or violent youths, the district school board
639 shall make every practical effort to grant the request.

640 4. Prioritize, to the extent possible, the expenditures of
641 funds received from the supplemental academic instruction
642 categorical fund under s. 1011.62(1)(f) to improve student
643 performance in schools that receive a ~~performance~~ grade ~~category~~
644 ~~designation~~ of "D" or "F."
645 (e) ~~(d)~~ After 2 years.--Notify the Commissioner of
646 Education and the State Board of Education in the event any
647 school does not make adequate progress toward meeting the goals
648 and standards of a school improvement plan by the end of 2 years
649 of failing to make adequate progress and proceed according to
650 guidelines developed pursuant to statute and State Board of
651 Education rule. School districts shall provide intervention and
652 assistance to schools in danger of being designated with a ~~as~~
653 ~~performance~~ grade of ~~category~~ "F," failing to make adequate
654 progress.
655 (f) ~~(e)~~ Public disclosure.--Provide information regarding
656 performance of students and educational programs as required
657 pursuant to ss. 1008.22 and 1008.385 and implement a system of
658 school reports as required by statute and State Board of
659 Education rule that shall include schools operating for the
660 purpose of providing educational services to youth in Department
661 of Juvenile Justice programs, and for those schools, report on
662 the elements specified in s. 1003.52(19). Annual public
663 disclosure reports shall be in an understandable and easy-to-
664 read report card format, use multiple media such as electronic
665 mail, websites, public service announcements, or print or
666 electronic advertising, and shall include the school's student
667 and school ~~performance~~ grade, high school graduation rate

668 calculated without GEDs, disaggregated by student ethnicity,
669 ~~category designation~~ and other performance data as specified in
670 state board rule.
671 (g) ~~(f)~~ School improvement funds.--Provide funds to schools
672 for developing and implementing school improvement plans. Such
673 funds shall include those funds appropriated for the purpose of
674 school improvement pursuant to s. 24.121(5)(c).
675 (17) LOCAL-LEVEL DECISIONMAKING.--
676 (d) Adopt policies that assist in giving greater autonomy,
677 including authority over the allocation of the school's budget,
678 to schools designated with a ~~as performance~~ grade of ~~category~~
679 "A," making excellent progress, and schools rated as having
680 improved at least two grades ~~performance grade categories~~.
681 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing
682 students attending schools that have been designated with a ~~as~~
683 ~~performance~~ grade of ~~category~~ "F," failing to make adequate
684 progress, for 2 school years in a 4-year period to attend a
685 higher performing school in the district or an adjoining
686 district or be granted a state opportunity scholarship to a
687 private school, in conformance with s. 1002.38 and State Board
688 of Education rule.
689 Section 12. Subsection (24) of section 1001.51, Florida
690 Statutes, is repealed.
691 Section 13. Paragraphs (c) and (d) of subsection (1) and
692 subsection (2) of section 1001.54, Florida Statutes, are amended
693 to read:
694 1001.54 Duties of school principals.--
695 (1)

696 ~~(c) The school principal shall encourage school personnel~~
697 ~~to implement the guiding principles for Better Educated Students~~
698 ~~and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~
699 (c) ~~(d)~~ The school principal shall fully support the
700 authority of each teacher and school bus driver to remove
701 disobedient, disrespectful, violent, abusive, uncontrollable, or
702 disruptive students from the classroom and the school bus and,
703 when appropriate and available, place such students in an
704 alternative educational setting.
705 (2) Each school principal shall provide instructional
706 leadership in the development, ~~or~~ revision, and implementation
707 of a school improvement plan~~,~~ pursuant to s. 1001.42(16).
708 Section 14. Subsection (2) and paragraphs (a) and (b) of
709 subsection (3) of section 1002.38, Florida Statutes, are amended
710 to read:
711 1002.38 Opportunity Scholarship Program.--
712 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school
713 student's parent may request and receive from the state an
714 opportunity scholarship for the student to enroll in and attend
715 a private school in accordance with the provisions of this
716 section if:
717 (a)1. By assigned school attendance area or by special
718 assignment, the student has spent the prior school year in
719 attendance at a public school that has been designated pursuant
720 to s. 1008.34 with a ~~as performance~~ grade of ~~category~~ "F,"
721 failing to make adequate progress, and that has had 2 school
722 years in a 4-year period of such low performance, and the

723 student's attendance occurred during a school year in which such
724 designation was in effect;
725 2. The student has been in attendance elsewhere in the
726 public school system and has been assigned to such school for
727 the next school year; or
728 3. The student is entering kindergarten or first grade and
729 has been notified that the student has been assigned to such
730 school for the next school year.
731 (b) The parent has obtained acceptance for admission of
732 the student to a private school eligible for the program
733 pursuant to subsection (4), and has notified the Department of
734 Education and the school district of the request for an
735 opportunity scholarship no later than July 1 of the first year
736 in which the student intends to use the scholarship.
737
738 The provisions of this section shall not apply to a student who
739 is enrolled in a school operating for the purpose of providing
740 educational services to youth in Department of Juvenile Justice
741 commitment programs. For purposes of continuity of educational
742 choice, the opportunity scholarship shall remain in force until
743 the student returns to a public school or, if the student
744 chooses to attend a private school the highest grade of which is
745 grade 8, until the student matriculates to high school and the
746 public high school to which the student is assigned is an
747 accredited school with a ~~performance~~ grade ~~category designation~~
748 of "C" or better. However, at any time upon reasonable notice to
749 the Department of Education and the school district, the
750 student's parent may remove the student from the private school

751 and place the student in a public school, as provided in
752 subparagraph (3)(a)2.
753 (3) SCHOOL DISTRICT OBLIGATIONS.--
754 (a) A school district shall, for each student enrolled in
755 or assigned to a school that has been designated with a ~~as~~
756 ~~performance~~ grade of ~~category~~ "F" for 2 school years in a 4-year
757 period:
758 1. Timely notify the parent of the student as soon as such
759 designation is made of all options available pursuant to this
760 section.
761 2. Offer that student's parent an opportunity to enroll
762 the student in a ~~the~~ public school within the district that has
763 been designated by the state pursuant to s. 1008.34 as a school
764 performing higher than that in which the student is currently
765 enrolled or to which the student has been assigned, but not less
766 than ~~performance~~ grade ~~category~~ "C." The parent is not required
767 to accept this offer in lieu of requesting a state opportunity
768 scholarship to a private school. The opportunity to continue
769 attending the higher performing public school shall remain in
770 force until the student graduates from high school.
771 (b) The parent of a student enrolled in or assigned to a
772 school that has been designated with a ~~performance~~ grade of
773 ~~category~~ "F" for 2 school years in a 4-year period may choose as
774 an alternative to enroll the student in and transport the
775 student to a higher-performing public school that has available
776 space in an adjacent school district, and that school district
777 shall accept the student and report the student for purposes of

778 the district's funding pursuant to the Florida Education Finance
779 Program.
780 Section 15. Paragraph (b) of subsection (3) of section
781 1003.01, Florida Statutes, is amended to read:
782 1003.01 Definitions.--As used in this chapter, the term:
783 (3)
784 (b) "Special education services" means specially designed
785 instruction and such related services as are necessary for an
786 exceptional student to benefit from education. Such services may
787 include: transportation; diagnostic and evaluation services;
788 social services; physical and occupational therapy; speech and
789 language pathology services; job placement; orientation and
790 mobility training; braillists, typists, and readers for the
791 blind; interpreters and auditory amplification; rehabilitation
792 counseling; transition services; mental health services;
793 guidance and career counseling; specified materials, assistive
794 technology devices, and other specialized equipment; and other
795 such services as approved by rules of the state board.
796 Section 16. Subsection (3) of section 1003.05, Florida
797 Statutes, is amended to read:
798 1003.05 Assistance to transitioning students from military
799 families.--
800 (3) Dependent children of active duty military personnel
801 who otherwise meet the eligibility criteria for special academic
802 programs offered through public schools shall be given first
803 preference for admission to such programs even if the program is
804 being offered through a public school other than the school to
805 which the student would generally be assigned ~~and the school at~~

806 ~~which the program is being offered has reached its maximum~~
807 ~~enrollment~~. If such a program is offered through a public school
808 other than the school to which the student would generally be
809 assigned, the parent or guardian of the student must assume
810 responsibility for transporting the student to that school. For
811 purposes of this subsection, special academic programs include
812 ~~charter schools,~~ magnet schools, advanced studies programs,
813 advanced placement, dual enrollment, Advanced International
814 Certificate of Education, and International Baccalaureate.
815 Section 17. Section 1003.413, Florida Statutes, is created
816 to read:
817 1003.413 Secondary school reform.--
818 (1) Secondary schools are schools that primarily serve
819 students in grades 6 through 12. It is the intent of the
820 Legislature to provide for secondary school reform so that
821 students promoted from the 8th grade have the necessary academic
822 skills for success in high school and students graduating from
823 high school have the necessary skills for success in the
824 workplace and postsecondary education.
825 (2) Guiding principles for secondary school reform are:
826 (a) Struggling students, especially those in failing
827 schools, need the highest quality teachers and dramatically
828 different, innovative approaches to teaching and learning.
829 (b) Every teacher must contribute to every student's
830 reading improvement.
831 (c) Quality professional development provides teachers and
832 principals with the tools they need to better serve students.
833 (d) Small learning communities allow teachers to

834 personalize instruction to better address student learning
835 styles, strengths, and weaknesses.
836 (e) Intensive intervention in reading and mathematics must
837 occur early and through innovative delivery systems.
838 (f) Parents need access to tools they can use to monitor
839 their child's progress in school, communicate with teachers, and
840 act early on behalf of their child.
841 (g) Applied and integrated courses help students see the
842 relationships between subjects and relevance to their futures.
843 (h) Majors and minors allow students to choose courses and
844 set goals based on their interests and talents.
845 (i) Master schedules should not determine instruction and
846 must be designed based on student needs, not adult or
847 institutional needs.
848 (j) Academic and career planning engages students in
849 developing a personally meaningful course of study so they can
850 achieve goals they have set for themselves.
851 (3) Based on these guiding principles, district school
852 boards shall establish policies to implement the requirements of
853 ss. 1003.4156, 1003.428, and 1003.493. The policies must
854 address:
855 (a) Procedures for placing and promoting students who
856 enter a Florida public school at grade 6 through grade 12 from
857 out of state or from a foreign country, including a review of
858 the student's prior academic performance.
859 (b) Alternative methods for students to demonstrate
860 competency in required courses and credits, with special support
861 for students who have been retained.

862 (c) Applied, integrated, and combined courses that provide
863 flexibility for students to enroll in courses that are creative
864 and meet individual learning styles and student needs.
865 (d) Credit recovery courses and intensive reading and
866 mathematics intervention courses based on student performance on
867 the FCAT. These courses should be competency based and offered
868 through innovative delivery systems, including computer-assisted
869 instruction. School districts should use learning gains as well
870 as other appropriate data and provide incentives to identify and
871 reward high-performing teachers who teach credit recovery and
872 intensive intervention courses.
873 (e) Grade forgiveness policies that replace a grade of "D"
874 or "F" with a grade of "C" or higher earned subsequently in the
875 same or a comparable course.
876 (f) Summer academies for students to receive intensive
877 reading and mathematics intervention courses or competency-based
878 credit recovery courses. A student's participation in an
879 instructional or remediation program prior to or immediately
880 following entering grade 9 for the first time shall not affect
881 that student's classification as a first-time 9th grader for
882 reporting purposes.
883 (g) Strategies to support teachers' pursuit of the reading
884 endorsement and emphasize reading instruction professional
885 development for content area teachers.
886 (h) Creative and flexible scheduling designed to meet
887 student needs.
888 (i) Procedures for high school students who have not
889 prepared an electronic personal education plan pursuant to s.

890 1003.4156 to prepare such plan.
891 (j) Tools for parents to regularly monitor student
892 progress and communicate with teachers.
893 (k) Additional course requirements for promotion and
894 graduation which may be determined by each school district in
895 the student progression plan and may include additional
896 academic, fine and performing arts, physical education, or
897 career and technical education courses in order to provide a
898 complete education program pursuant to s. 1001.41(3).
899
900 Within 30 days after adoption, the district school board
901 policies shall be submitted to the State Board of Education for
902 approval. The district school board policies shall be deemed
903 approved unless specifically rejected by the State Board of
904 Education within 60 days after receipt.
905 (4) In order to support the successful implementation of
906 this section by district school boards, the Department of
907 Education shall by the 2006-2007 school year:
908 (a) Increase the number of approved applied, integrated,
909 and combined courses available to school districts.
910 (b) Make available a professional development package
911 designed to provide the information that content area teachers
912 need to become proficient in applying scientifically based
913 reading strategies through their content areas.
914 (c) Share best practices for providing a complete
915 education program to students enrolled in course recovery,
916 credit recovery, intensive reading intervention, or intensive
917 mathematics intervention.

918 (d) Expedite assistance and decisions and coordinate
919 policies throughout all divisions within the department to
920 provide school districts with support to implement this section.
921 (e) Use data to provide the Legislature with an annual
922 longitudinal analysis of the success of this reform effort,
923 including the progress of 6th grade students and 9th grade
924 students scoring at Level 1 on FCAT Reading or FCAT Mathematics.
925 (5) The Commissioner of Education shall create and
926 implement the Secondary School Improvement Award Program to
927 reward public secondary schools that demonstrate continuous
928 student academic improvement and show the greatest gains in
929 student academic achievement in reading and mathematics.
930 Section 18. Section 1003.415, Florida Statutes, is
931 repealed.
932 Section 19. Section 1003.4156, Florida Statutes, is
933 created to read:
934 1003.4156 General requirements for middle grades
935 promotion.--
936 (1) Beginning with students entering grade 6 in the 2006-
937 2007 school year, promotion from a school composed of middle
938 grades 6, 7, and 8 requires that:
939 (a) The student must successfully complete academic
940 courses as follows:
941 1. Three middle school or higher year-long courses in
942 English. These courses shall emphasize literature, composition,
943 and reading for information.
944 2. Three middle school or higher year-long courses in
945 mathematics. Each middle school must offer at least one high-

946 school-level mathematics course for which students may earn high
947 school credit.
948 3. Three middle school or higher year-long courses in
949 social studies, including American history and world history.
950 4. Three middle school or higher year-long courses in
951 science.
952 5. One half-year course in career exploration and
953 education planning to be completed in grade 7 or grade 8. The
954 course may be taught by any member of the instructional staff;
955 must include a web-based career exploration program; must
956 include educational planning using the online student advising
957 system Florida Academic Counseling and Tracking for Students at
958 the Internet website FACTS.org; must provide information to each
959 student about high school programs and courses that are
960 available, including acceleration mechanisms, career and
961 technical programs, and career and professional academies
962 pursuant to s. 1003.493; and shall result in the completion of
963 an electronic personal education plan. Each student's plan must
964 be signed by the student, the student's guidance counselor, and
965 the student's parent. By January 1, 2007, the Department of
966 Education shall develop a course framework and professional
967 development materials for the career exploration and education
968 planning course.
969 (b) For each year in which a student scores at Level 1 on
970 FCAT Reading, the student must be enrolled in and complete an
971 intensive reading course the following year. Placement of Level
972 2 readers in either an intensive reading course or a content
973 area course in which reading strategies are delivered shall be

974 determined by diagnosis of reading needs. The department shall
975 provide guidance on appropriate strategies for diagnosing and
976 meeting the varying instructional needs of students reading
977 below grade level. Reading courses shall be designed and offered
978 pursuant to the comprehensive reading plan required by s.
979 1011.62(8).
980 (c) For each year in which a student scores at Level 1 on
981 FCAT Mathematics, the student must complete an intensive
982 mathematics course the following year, which may be integrated
983 into the student's required mathematics course. These courses
984 are subject to approval by the department for inclusion in the
985 Course Code Directory.
986 (2) Students in grade 6, grade 7, or grade 8 who are not
987 enrolled in schools with a middle grades configuration are
988 subject to the promotion requirements of this section.
989 (3) The State Board of Education may adopt rules pursuant
990 to ss. 120.536(1) and 120.54 to implement the provisions of this
991 section and may enforce the provisions of this section pursuant
992 to s. 1008.32.
993 Section 20. Subsection (1) of section 1003.42, Florida
994 Statutes, is amended to read:
995 1003.42 Required instruction.--
996 (1) Each district school board shall provide all courses
997 required for middle grades promotion, high school graduation,
998 and appropriate instruction designed to ensure that all students
999 have the opportunity to meet State Board of Education adopted
1000 standards in the following subject areas: reading and other
1001 language arts, mathematics, science, social studies, foreign

1002 languages, health and physical education, and the arts.
1003 Section 21. Section 1003.428, Florida Statutes, is created
1004 to read:
1005 1003.428 General requirements for high school graduation;
1006 revised.--
1007 (1) Except as otherwise authorized pursuant to s.
1008 1003.429, beginning with students entering their first year of
1009 high school in the 2007-2008 school year, graduation requires
1010 the successful completion of a minimum of 24 credits, an
1011 International Baccalaureate curriculum, or an Advanced
1012 International Certificate of Education curriculum. Students must
1013 be advised of eligibility requirements for state scholarship
1014 programs and postsecondary admissions.
1015 (2) The 24 credits may be earned through applied,
1016 integrated, and combined courses approved by the Department of
1017 Education and shall be distributed as follows:
1018 (a) Fourteen core curriculum credits:
1019 1. Four credits in English, with major concentration in
1020 composition, reading for information, and literature.
1021 2. Four credits in mathematics, one of which must be
1022 Algebra I, a series of courses equivalent to Algebra I, or a
1023 higher-level mathematics course. School districts are encouraged
1024 to set specific goals to increase enrollments in, and successful
1025 completion of, geometry and Algebra II.
1026 3. Three credits in science, two of which must have a
1027 laboratory component.
1028 4. Three credits in social studies as follows: one credit
1029 in American history; one credit in world history; one-half

1030 credit in economics; and one-half credit in American government.
1031 (b) Ten credits in majors, minors, or electives:
1032 1. Four credits in a major area of study, such as
1033 sequential courses in a career and technical program, fine and
1034 performing arts, or academic content area, selected by the
1035 student as part of the education plan required by s. 1003.4156.
1036 Annually by October 1, the district school board shall approve
1037 major areas of study and submit the list of majors to the
1038 Commissioner of Education for approval. Each major shall be
1039 deemed approved unless specifically rejected by the commissioner
1040 within 60 days. Upon approval, each district's majors shall be
1041 available for use by all school districts and shall be posted on
1042 the department's website.
1043 2. Six credits in elective courses selected by the student
1044 as part of the education plan required by s. 1003.4156. These
1045 credits may be combined to allow for a second major area of
1046 study pursuant to subparagraph 1., a minor area of study,
1047 elective courses, intensive reading or mathematics intervention
1048 courses, or credit recovery courses as described in this
1049 subparagraph.
1050 a. Minor areas of study are composed of three credits
1051 selected by the student as part of the education plan required
1052 by s. 1003.4156 and approved by the district school board.
1053 b. Elective courses are selected by the student in order
1054 to pursue a complete education program as described in s.
1055 1001.41(3) and to meet eligibility requirements for
1056 scholarships.
1057 c. For each year in which a student scores at Level 1 on

1058 FCAT Reading, the student must be enrolled in and complete an
1059 intensive reading course the following year. Placement of Level
1060 2 readers in either an intensive reading course or a content
1061 area course in which reading strategies are delivered shall be
1062 determined by diagnosis of reading needs. The department shall
1063 provide guidance on appropriate strategies for diagnosing and
1064 meeting the varying instructional needs of students reading
1065 below grade level. Reading courses shall be designed and offered
1066 pursuant to the comprehensive reading plan required by s.
1067 1011.62(8).
1068 d. For each year in which a student scores at Level 1 on
1069 FCAT Mathematics, the student must complete an intensive
1070 mathematics course the following year. These courses may be
1071 taught through applied, integrated, or combined courses and are
1072 subject to approval by the department for inclusion in the
1073 Course Code Directory.
1074 e. Credit recovery courses shall be offered so that
1075 students can simultaneously earn an elective credit and the
1076 recovered credit.
1077 (3)(a) A district school board may require specific
1078 courses and programs of study within the minimum credit
1079 requirements for high school graduation and shall modify basic
1080 courses, as necessary, to assure exceptional students the
1081 opportunity to meet the graduation requirements for a standard
1082 diploma, using one of the following strategies:
1083 1. Assignment of the exceptional student to an exceptional
1084 education class for instruction in a basic course with the same
1085 student performance standards as those required of

1086 nonexceptional students in the district school board student
1087 progression plan; or
1088 2. Assignment of the exceptional student to a basic
1089 education class for instruction that is modified to accommodate
1090 the student's exceptionality.
1091 (b) The district school board shall determine which of
1092 these strategies to employ based upon an assessment of the
1093 student's needs and shall reflect this decision in the student's
1094 individual education plan.
1095 (4) Each district school board shall establish standards
1096 for graduation from its schools, which must include:
1097 (a) Earning passing scores on the FCAT, as defined in s.
1098 1008.22(3)(c), or scores on a standardized test that are
1099 concordant with passing scores on the FCAT as defined in s.
1100 1008.22(9).
1101 (b) Completion of all other applicable requirements
1102 prescribed by the district school board pursuant to s. 1008.25.
1103 (c) Achievement of a cumulative grade point average of 2.0
1104 on a 4.0 scale, or its equivalent, in the courses required by
1105 this section.
1106 (5) The State Board of Education, after a public hearing
1107 and consideration, shall adopt rules based upon the
1108 recommendations of the commissioner for the provision of test
1109 accommodations and modifications of procedures as necessary for
1110 students with disabilities which will demonstrate the student's
1111 abilities rather than reflect the student's impaired sensory,
1112 manual, speaking, or psychological process skills.
1113 (6) The public hearing and consideration required in

1114 subsection (5) shall not be construed to amend or nullify the
1115 requirements of security relating to the contents of
1116 examinations or assessment instruments and related materials or
1117 data as prescribed in s. 1008.23.
1118 (7)(a) A student who meets all requirements prescribed in
1119 subsections (1), (2), (3), and(4) shall be awarded a standard
1120 diploma in a form prescribed by the State Board of Education.
1121 (b) A student who completes the minimum number of credits
1122 and other requirements prescribed by subsections (1), (2), and
1123 (3), but who is unable to meet the standards of paragraph
1124 (4)(a), paragraph (4)(b), or paragraph (4)(c), shall be awarded
1125 a certificate of completion in a form prescribed by the State
1126 Board of Education. However, any student who is otherwise
1127 entitled to a certificate of completion may elect to remain in
1128 the secondary school either as a full-time student or a part-
1129 time student for up to 1 additional year and receive special
1130 instruction designed to remedy his or her identified
1131 deficiencies.
1132 (8)(a) Each district school board must provide instruction
1133 to prepare students with disabilities to demonstrate proficiency
1134 in the skills and competencies necessary for successful grade-
1135 to-grade progression and high school graduation.
1136 (b) A student with a disability, as defined in s.
1137 1007.02(2), for whom the individual education plan (IEP)
1138 committee determines that the FCAT cannot accurately measure the
1139 student's abilities taking into consideration all allowable
1140 accommodations, shall have the FCAT requirement of paragraph
1141 (4)(a) waived for the purpose of receiving a standard high

1142 school diploma, if the student:
1143 1. Completes the minimum number of credits and other
1144 requirements prescribed by subsections (1), (2), and (3).
1145 2. Does not meet the requirements of paragraph (4)(a)
1146 after one opportunity in 10th grade and one opportunity in 11th
1147 grade.
1148 (9) The Commissioner of Education may award a standard
1149 high school diploma to honorably discharged veterans who started
1150 high school between 1937 and 1946 and were scheduled to graduate
1151 between 1941 and 1950 but were inducted into the United States
1152 Armed Forces between September 16, 1940, and December 31, 1946,
1153 prior to completing the necessary high school graduation
1154 requirements. Upon the recommendation of the commissioner, the
1155 State Board of Education may develop criteria and guidelines for
1156 awarding such diplomas.
1157 (10) The Commissioner of Education may award a standard
1158 high school diploma to honorably discharged veterans who started
1159 high school between 1946 and 1950 and were scheduled to graduate
1160 between 1950 and 1954, but were inducted into the United States
1161 Armed Forces between June 27, 1950, and January 31, 1955, and
1162 served during the Korean Conflict prior to completing the
1163 necessary high school graduation requirements. Upon the
1164 recommendation of the commissioner, the State Board of Education
1165 may develop criteria and guidelines for awarding such diplomas.
1166 (11) The State Board of Education may adopt rules pursuant
1167 to ss. 120.536(1) and 120.54 to implement the provisions of this
1168 section and may enforce the provisions of this section pursuant
1169 to s. 1008.32.

1170 Section 22. Section 1003.437, Florida Statutes, is amended
1171 to read:
1172 1003.437 Middle and high school grading system.--The
1173 grading system and interpretation of letter grades used for
1174 students in public ~~high~~ schools in grades 6 through 12 shall be
1175 as follows:
1176 (1) Grade "A" equals 90 percent through 100 percent, has a
1177 grade point average value of 4, and is defined as "outstanding
1178 progress."
1179 (2) Grade "B" equals 80 percent through 89 percent, has a
1180 grade point average value of 3, and is defined as "above average
1181 progress."
1182 (3) Grade "C" equals 70 percent through 79 percent, has a
1183 grade point average value of 2, and is defined as "average
1184 progress."
1185 (4) Grade "D" equals 60 percent through 69 percent, has a
1186 grade point average value of 1, and is defined as "lowest
1187 acceptable progress."
1188 (5) Grade "F" equals zero percent through 59 percent, has
1189 a grade point average value of zero, and is defined as
1190 "failure."
1191 (6) Grade "I" equals zero percent, has a grade point
1192 average value of zero, and is defined as "incomplete."
1193
1194 For the purposes of class ranking for students in grades 9
1195 through 12, district school boards may exercise a weighted
1196 grading system.
1197 Section 23. Subsections (3) and (4) of section 1003.492,

1198 Florida Statutes, are repealed.
1199 Section 24. Section 1003.493, Florida Statutes, is created
1200 to read:
1201 1003.493 Career and professional academies.--
1202 (1) A career and professional academy is a research-based
1203 program that integrates a rigorous academic curriculum with an
1204 industry-driven career curriculum. Career and professional
1205 academies may be offered by public schools, school districts, or
1206 the Florida Virtual School. Students completing career and
1207 professional academy programs receive a standard high school
1208 diploma, the highest available industry certification, and
1209 postsecondary credit if the academy partners with a
1210 postsecondary institution.
1211 (2) The goals of career and professional academies are to:
1212 (a) Increase student academic achievement and graduation
1213 rates through integrated academic and career curricula.
1214 (b) Focus on career preparation through rigorous academics
1215 and industry certification.
1216 (c) Raise student aspiration and commitment to academic
1217 achievement and work ethics.
1218 (d) Support the revised graduation requirements pursuant
1219 to s. 1003.428 by providing creative, applied majors.
1220 (e) Promote acceleration mechanisms, such as dual
1221 enrollment, articulated credit, or occupational completion
1222 points, so that students may earn postsecondary credit while in
1223 high school.
1224 (f) Support the state's economy by meeting industry needs
1225 for skilled employees in high-demand occupations.

1226 (3) A career and professional academy may be offered as
1227 one of the following small learning communities:
1228 (a) A school-within-a-school career academy, as part of an
1229 existing high school, that provides courses in one occupational
1230 cluster. Students in the high school are not required to be
1231 students in the academy.
1232 (b) A total school configuration providing multiple
1233 academies each structured around an occupational cluster. Every
1234 student in the school is in an academy.
1235 (4) Each career and professional academy must:
1236 (a) Provide a rigorous standards-based academic curriculum
1237 integrated with a career curriculum. The curriculum must take
1238 into consideration multiple styles of student learning; promote
1239 learning by doing through application and adaptation; maximize
1240 relevance of the subject matter; enhance each student's capacity
1241 to excel; and include an emphasis on work habits and work
1242 ethics.
1243 (b) Include one or more partnerships with postsecondary
1244 institutions, businesses, industry, employers, economic
1245 development organizations, or other appropriate partners from
1246 the local community. Such partnerships must provide
1247 opportunities for:
1248 1. Instruction from highly skilled professionals.
1249 2. Internships, externships, and on-the-job training.
1250 3. A postsecondary degree, diploma, or certificate.
1251 4. The highest available level of industry certification.
1252 Where no national or state certification exists, school
1253 districts may establish a local certification in conjunction

1254 with the local workforce development board, the chamber of
1255 commerce, or the Agency for Workforce Innovation.
1256 5. Maximum articulation of credits pursuant to s. 1007.23
1257 upon program completion.
1258 (c) Provide creative and tailored student advisement,
1259 including parent participation and coordination with middle
1260 schools to provide career exploration and education planning as
1261 required under s. 1003.4156. Coordination with middle schools
1262 must provide information to middle school students about
1263 secondary and postsecondary career education programs and
1264 academies.
1265 (d) Provide a career education certification on the high
1266 school diploma pursuant to s. 1003.431.
1267 (e) Provide instruction in careers designated as high
1268 growth, high demand, and high pay by the local workforce
1269 development board, the chamber of commerce, or the Agency for
1270 Workforce Innovation.
1271 (f) Deliver academic content through instruction relevant
1272 to the career, including intensive reading and mathematics
1273 intervention required by s. 1003.428, with an emphasis on
1274 strengthening reading for information skills.
1275 (g) Provide instruction resulting in competency,
1276 certification, or credentials in workplace skills, including,
1277 but not limited to, communication skills, interpersonal skills,
1278 decisionmaking skills, the importance of attendance and
1279 timeliness in the work environment, and work ethics.
1280 (h) Provide opportunities for students to obtain the
1281 Florida Ready to Work Certification pursuant to s. 1004.99.

1282 (i) Include an evaluation plan developed jointly with the
1283 Department of Education. The evaluation plan must include a
1284 self-assessment tool based on standards, such as the Career
1285 Academy National Standards of Practice, and outcome measures
1286 including, but not limited to, graduation rates, enrollment in
1287 postsecondary education, business and industry satisfaction,
1288 employment and earnings, achievement of industry certification,
1289 awards of postsecondary credit, and FCAT achievement levels and
1290 learning gains.
1291 Section 25. Section 1003.57, Florida Statutes, is amended
1292 to read:
1293 1003.57 Exceptional students instruction.--
1294 (1) Each district school board shall provide for an
1295 appropriate program of special instruction, facilities, and
1296 services for exceptional students as prescribed by the State
1297 Board of Education as acceptable, including provisions that:
1298 (a) ~~(1)~~ The district school board provide the necessary
1299 professional services for diagnosis and evaluation of
1300 exceptional students.
1301 (b) ~~(2)~~ The district school board provide the special
1302 instruction, classes, and services, either within the district
1303 school system, in cooperation with other district school
1304 systems, or through contractual arrangements with approved
1305 private schools or community facilities that meet standards
1306 established by the commissioner.
1307 (c) ~~(3)~~ The district school board annually provide
1308 information describing the Florida School for the Deaf and the
1309 Blind and all other programs and methods of instruction

1310 available to the parent of a sensory-impaired student.
1311 (d) ~~(4)~~ The district school board, once every 3 years,
1312 submit to the department its proposed procedures for the
1313 provision of special instruction and services for exceptional
1314 students.
1315 (e) ~~(5)~~ A ~~No~~ student may not be given special instruction
1316 or services as an exceptional student until after he or she has
1317 been properly evaluated, classified, and placed in the manner
1318 prescribed by rules of the State Board of Education. The parent
1319 of an exceptional student evaluated and placed or denied
1320 placement in a program of special education shall be notified of
1321 each such evaluation and placement or denial. Such notice shall
1322 contain a statement informing the parent that he or she is
1323 entitled to a due process hearing on the identification,
1324 evaluation, and placement, or lack thereof. Such hearings shall
1325 be exempt from the provisions of ss. 120.569, 120.57, and
1326 286.011, except to the extent that the State Board of Education
1327 adopts rules establishing other procedures and any records
1328 created as a result of such hearings shall be confidential and
1329 exempt from the provisions of s. 119.07(1). The hearing must be
1330 conducted by an administrative law judge from the Division of
1331 Administrative Hearings of the Department of Management
1332 Services. The decision of the administrative law judge shall be
1333 final, except that any party aggrieved by the finding and
1334 decision rendered by the administrative law judge shall have the
1335 right to bring a civil action in the circuit court. In such an
1336 action, the court shall receive the records of the
1337 administrative hearing and shall hear additional evidence at the

1338 request of either party. In the alternative, any party aggrieved
1339 by the finding and decision rendered by the administrative law
1340 judge shall have the right to request an impartial review of the
1341 administrative law judge's order by the district court of appeal
1342 as provided by s. 120.68. Notwithstanding any law to the
1343 contrary, during the pendency of any proceeding conducted
1344 pursuant to this section, unless the district school board and
1345 the parents otherwise agree, the student shall remain in his or
1346 her then-current educational assignment or, if applying for
1347 initial admission to a public school, shall be assigned, with
1348 the consent of the parents, in the public school program until
1349 all such proceedings have been completed.
1350 (f) ~~(6)~~ In providing for the education of exceptional
1351 students, the district school superintendent, principals, and
1352 teachers shall utilize the regular school facilities and adapt
1353 them to the needs of exceptional students to the maximum extent
1354 appropriate. Segregation of exceptional students shall occur
1355 only if the nature or severity of the exceptionality is such
1356 that education in regular classes with the use of supplementary
1357 aids and services cannot be achieved satisfactorily.
1358 (g) ~~(7)~~ In addition to the services agreed to in a
1359 student's individual education plan, the district school
1360 superintendent shall fully inform the parent of a student having
1361 a physical or developmental disability of all available services
1362 that are appropriate for the student's disability. The
1363 superintendent shall provide the student's parent with a summary
1364 of the student's rights.
1365 (2)(a) An exceptional student with a disability who

1366 resides in a residential facility and receives special
1367 instruction or services is considered a resident of the state in
1368 which the student's parent is a resident. The cost of such
1369 instruction, facilities, and services for a nonresident student
1370 with a disability shall be provided by the placing authority in
1371 the student's state of residence, such as a public school
1372 entity, other placing authority, or parent. A nonresident
1373 student with a disability may not be reported by any school
1374 district for FTE funding in the Florida Education Finance
1375 Program.
1376 (b) The Department of Education shall provide to each
1377 school district a statement of the specific limitations of the
1378 district's financial obligation for exceptional students with
1379 disabilities under federal and state law. The department shall
1380 also provide to each school district technical assistance as
1381 necessary for developing a local plan to impose on a student's
1382 home state the fiscal responsibility for educating a nonresident
1383 exceptional student with a disability.
1384 (c) The Department of Education shall develop a process by
1385 which a school district must, before providing services to an
1386 exceptional student with a disability who resides in a
1387 residential facility in this state, review the residency of the
1388 student. The residential facility, not the district, is
1389 responsible for billing and collecting from a nonresidential
1390 student's home state payment for the student's educational and
1391 related services.
1392 (d) This subsection applies to any nonresident student
1393 with a disability who resides in a residential facility and who

1394 receives instruction as an exceptional student with a disability
1395 in any type of residential facility in this state, including,
1396 but not limited to, a public school, a private school, a group
1397 home facility as defined in s. 393.063, an intensive residential
1398 treatment program for children and adolescents as defined in s.
1399 395.002, a facility as defined in s. 394.455, an intermediate
1400 care facility for the developmentally disabled or ICF/DD as
1401 defined in s. 393.063 or s. 400.960, or a community residential
1402 home as defined in s. 419.001.
1403 Section 26. Section 1003.576, Florida Statutes, is created
1404 to read:
1405 1003.576 Individual education plans for exceptional
1406 students.--The Department of Education shall develop an
1407 individual education plan (IEP) form for use in developing and
1408 implementing individual education plans for exceptional
1409 students. The IEP form must be available electronically, include
1410 notice of testing accommodations pursuant to s. 1008.22(3), and
1411 have a streamlined format. To provide for the use of an existing
1412 IEP form when a student transfers from one school district to
1413 another, the IEP form developed by the department must be used
1414 in each school district in the state.
1415 Section 27. Subsection (3) of section 1003.58, Florida
1416 Statutes, is amended to read:
1417 1003.58 Students in residential care facilities.--Each
1418 district school board shall provide educational programs
1419 according to rules of the State Board of Education to students
1420 who reside in residential care facilities operated by the
1421 Department of Children and Family Services.

1422 (3) The district school board shall have full and complete
1423 authority in the matter of the assignment and placement of such
1424 students in educational programs. The parent of an exceptional
1425 student shall have the same due process rights as are provided
1426 under s. 1003.57(1)(e) ~~(5)~~.
1427
1428 Notwithstanding the provisions herein, the educational program
1429 at the Marianna Sunland Center in Jackson County shall be
1430 operated by the Department of Education, either directly or
1431 through grants or contractual agreements with other public or
1432 duly accredited educational agencies approved by the Department
1433 of Education.
1434 Section 28. Paragraph (a) of subsection (1) and paragraph
1435 (a) of subsection (2) of section 1003.62, Florida Statutes, are
1436 amended to read:
1437 1003.62 Academic performance-based charter school
1438 districts.--The State Board of Education may enter into a
1439 performance contract with district school boards as authorized
1440 in this section for the purpose of establishing them as academic
1441 performance-based charter school districts. The purpose of this
1442 section is to examine a new relationship between the State Board
1443 of Education and district school boards that will produce
1444 significant improvements in student achievement, while complying
1445 with constitutional and statutory requirements assigned to each
1446 entity.
1447 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--
1448 (a) A school district shall be eligible for designation as
1449 an academic performance-based charter school district if it is a

1450 high-performing school district in which a minimum of 50 percent
1451 of the schools earn a ~~performance~~ grade of ~~category~~ "A" or "B"
1452 and in which no school earns a ~~performance~~ grade of ~~category~~ "D"
1453 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools
1454 that receive a ~~performance~~ grade of ~~category~~ "I" or "N" shall
1455 not be included in this calculation. The performance contract
1456 for a school district that earns a charter based on school
1457 ~~performance~~ grades shall be predicated on maintenance of at
1458 least 50 percent of the schools in the school district earning a
1459 ~~performance~~ grade of ~~category~~ "A" or "B" with no school in the
1460 school district earning a ~~performance~~ grade of ~~category~~ "D" or
1461 "F" for 2 consecutive years. A school district in which the
1462 number of schools that earn a ~~performance~~ grade of "A" or "B" is
1463 less than 50 percent may have its charter renewed for 1 year;
1464 however, if the percentage of "A" or "B" schools is less than 50
1465 percent for 2 consecutive years, the charter shall not be
1466 renewed.
1467 (2) EXEMPTION FROM STATUTES AND RULES.--
1468 (a) An academic performance-based charter school district
1469 shall operate in accordance with its charter and shall be exempt
1470 from certain State Board of Education rules and statutes if the
1471 State Board of Education determines such an exemption will
1472 assist the district in maintaining or improving its high-
1473 performing status pursuant to paragraph (1)(a). However, the
1474 State Board of Education may not exempt an academic performance-
1475 based charter school district from any of the following
1476 statutes:

1477 1. Those statutes pertaining to the provision of services
1478 to students with disabilities.
1479 2. Those statutes pertaining to civil rights, including s.
1480 1000.05, relating to discrimination.
1481 3. Those statutes pertaining to student health, safety,
1482 and welfare.
1483 4. Those statutes governing the election or compensation
1484 of district school board members.
1485 5. Those statutes pertaining to the student assessment
1486 program and the school grading system, including chapter 1008.
1487 6. Those statutes pertaining to financial matters,
1488 including chapter 1010.
1489 7. Those statutes pertaining to planning and budgeting,
1490 including chapter 1011, except that ss. 1011.64 and 1011.69
1491 shall be eligible for exemption.
1492 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
1493 performance-pay policies <u>and differentiated pay</u> for school
1494 administrators and instructional personnel. Professional service
1495 contracts shall be subject to the provisions of ss. 1012.33 and
1496 1012.34.
1497 9. Those statutes pertaining to educational facilities,
1498 including chapter 1013, except as specified under contract with
1499 the State Board of Education. However, no contractual provision
1500 that could have the effect of requiring the appropriation of
1501 additional capital outlay funds to the academic performance-
1502 based charter school district shall be valid.
1503 Section 29. Section 1004.99, Florida Statutes, is created
1504 to read:

1505 1004.99 Florida Ready to Work Certification Program.--
1506 (1) There is created the Florida Ready to Work
1507 Certification Program to enhance the workplace skills of
1508 Florida's students to better prepare them for successful entry-
1509 level employment in specific occupations.
1510 (2) The Florida Ready to Work Certification Program may be
1511 conducted in public high schools, community colleges, technical
1512 centers, one-stop career centers, vocational rehabilitation
1513 centers, and Department of Juvenile Justice educational
1514 facilities. The Department of Education shall establish
1515 institutional readiness criteria for program implementation.
1516 (3) The Florida Ready to Work Certification Program shall
1517 be composed of:
1518 (a) A comprehensive identification of workplace skills for
1519 each occupation identified for inclusion in the program by the
1520 Agency for Workforce Innovation.
1521 (b) A preinstructional assessment that delineates the
1522 student's mastery level on the specific workplace skills
1523 identified for that occupation.
1524 (c) A targeted instructional program limited to those
1525 identified workplace skills in which the student is not
1526 proficient as measured by the preinstructional assessment.
1527 Instruction must utilize a web-based program and be customized
1528 to meet identified specific needs of local employers.
1529 (d) A certificate and portfolio awarded to students upon
1530 successful completion of the instruction. Each portfolio must
1531 delineate the skills demonstrated by the student as evidence of
1532 the student's preparation for employment.

1533 (4) The State Board of Education, in consultation with the
1534 Agency for Workforce Innovation, may adopt rules pursuant to ss.
1535 120.536(1) and 120.54 to implement the provisions of this
1536 section.
1537 Section 30. Subsection (4) of section 1006.09, Florida
1538 Statutes, is amended to read:
1539 1006.09 Duties of school principal relating to student
1540 discipline and school safety.--
1541 (4) When a student has been the victim of a violent crime
1542 perpetrated by another student who attends the same school, the
1543 school principal shall make full and effective use of the
1544 provisions of subsection (2) and s. 1006.13(5). A school
1545 principal who fails to comply with this subsection shall be
1546 ineligible for any portion of the performance-pay ~~performance~~
1547 ~~pay~~ policy incentive or the differentiated pay under s.
1548 1012.22(1)(c). However, if any party responsible for
1549 notification fails to properly notify the school, the school
1550 principal shall be eligible for the incentive or differentiated
1551 pay.
1552 Section 31. Paragraph (c) of subsection (3) of section
1553 1007.2615, Florida Statutes, is amended to read:
1554 1007.2615 American Sign Language; findings; foreign-
1555 language credits authorized; teacher licensing.--
1556 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
1557 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN
1558 FOR POSTSECONDARY EDUCATION PROVIDERS.--
1559 (c) An ASL teacher must be certified by the Department of
1560 Education by July 1, 2009 ~~January 1, 2008, and must obtain~~

1561 ~~current certification through the Florida American Sign Language~~
1562 ~~Teachers' Association (FASLTA) by January 1, 2006. New FASLTA~~
1563 ~~certification may be used by current ASL teachers as an~~
1564 ~~alternative certification track~~.
1565 Section 32. Paragraph (f) of subsection (1), paragraphs
1566 (c) and (e) of subsection (3), and subsection (9) of section
1567 1008.22, Florida Statutes, are amended, paragraph (g) is added
1568 to subsection (3), subsection (10) is renumbered as subsection
1569 (11), and a new subsection (10) is added to that section, to
1570 read:
1571 1008.22 Student assessment program for public schools.--
1572 (1) PURPOSE.--The primary purposes of the student
1573 assessment program are to provide information needed to improve
1574 the public schools by enhancing the learning gains of all
1575 students and to inform parents of the educational progress of
1576 their public school children. The program must be designed to:
1577 (f) Provide information on the performance of Florida
1578 students compared with <u>that of other students</u> ~~others~~ across the
1579 United States.
1580 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
1581 design and implement a statewide program of educational
1582 assessment that provides information for the improvement of the
1583 operation and management of the public schools, including
1584 schools operating for the purpose of providing educational
1585 services to youth in Department of Juvenile Justice programs.
1586 The commissioner may enter into contracts for the continued
1587 administration of the assessment, testing, and evaluation
1588 programs authorized and funded by the Legislature. Contracts may

1589 be initiated in 1 fiscal year and continue into the next and may
1590 be paid from the appropriations of either or both fiscal years.
1591 The commissioner is authorized to negotiate for the sale or
1592 lease of tests, scoring protocols, test scoring services, and
1593 related materials developed pursuant to law. Pursuant to the
1594 statewide assessment program, the commissioner shall:
1595 (c) Develop and implement a student achievement testing
1596 program known as the Florida Comprehensive Assessment Test
1597 (FCAT) as part of the statewide assessment program~~, to be~~
1598 ~~administered annually in grades 3 through 10~~ to measure reading,
1599 writing, science, and mathematics. Other content areas may be
1600 included as directed by the commissioner. The assessment of
1601 reading and mathematics shall be administered annually in grades
1602 3 through 10. The assessment of writing and science shall be
1603 administered at least once at each of the elementary, middle,
1604 and high school levels. The commissioner must document the
1605 procedures that ensure that the versions of the FCAT taken by
1606 students retaking the grade 10 FCAT are as equally challenging
1607 and difficult as the tests taken by students in grade 10 that
1608 contain performance tasks. The testing program must be designed
1609 so that:
1610 1. The tests measure student skills and competencies
1611 adopted by the State Board of Education as specified in
1612 paragraph (a). The tests must measure and report student
1613 proficiency levels in reading, writing, mathematics, and
1614 science. The commissioner shall provide for the tests to be
1615 developed or obtained, as appropriate, through contracts and
1616 project agreements with private vendors, public vendors, public

1617 agencies, postsecondary educational institutions, or school
1618 districts. The commissioner shall obtain input with respect to
1619 the design and implementation of the testing program from state
1620 educators and the public.
1621 2. The testing program will include a combination of norm-
1622 referenced and criterion-referenced tests and include, to the
1623 extent determined by the commissioner, questions that require
1624 the student to produce information or perform tasks in such a
1625 way that the skills and competencies he or she uses can be
1626 measured.
1627 3. Each testing program, whether at the elementary,
1628 middle, or high school level, includes a test of writing in
1629 which students are required to produce writings that are then
1630 scored by appropriate methods.
1631 4. A score is designated for each subject area tested,
1632 below which score a student's performance is deemed inadequate.
1633 The school districts shall provide appropriate remedial
1634 instruction to students who score below these levels.
1635 5. Except as provided in s. 1003.428(8)(b) or s.
1636 1003.43(11)(b), students must earn a passing score on the grade
1637 10 assessment test described in this paragraph or attain
1638 concordant scores ~~on an alternate assessment~~ as described in
1639 subsection (9) in reading, writing, and mathematics to qualify
1640 for a regular high school diploma. The State Board of Education
1641 shall designate a passing score for each part of the grade 10
1642 assessment test. In establishing passing scores, the state board
1643 shall consider any possible negative impact of the test on
1644 minority students. ~~All students who took the grade 10 FCAT~~

1645 ~~during the 2000-2001 school year shall be required to earn the~~
1646 ~~passing scores in reading and mathematics established by the~~
1647 ~~State Board of Education for the March 2001 test administration.~~
1648 ~~Such students who did not earn the established passing scores~~
1649 ~~and must repeat the grade 10 FCAT are required to earn the~~
1650 ~~passing scores established for the March 2001 test~~
1651 ~~administration. All students who take the grade 10 FCAT for the~~
1652 ~~first time in March 2002 shall be required to earn the passing~~
1653 ~~scores in reading and mathematics established by the State Board~~
1654 ~~of Education for the March 2002 test administration.~~ The State
1655 Board of Education shall adopt rules which specify the passing
1656 scores for the grade 10 FCAT. Any such rules, which have the
1657 effect of raising the required passing scores, shall only apply
1658 to students taking the grade 10 FCAT for the first time after
1659 such rules are adopted by the State Board of Education.
1660 6. Participation in the testing program is mandatory for
1661 all students attending public school, including students served
1662 in Department of Juvenile Justice programs, except as otherwise
1663 prescribed by the commissioner. If a student does not
1664 participate in the statewide assessment, the district must
1665 notify the student's parent and provide the parent with
1666 information regarding the implications of such nonparticipation.
1667 If modifications are made in the student's instruction to
1668 provide accommodations that would not be permitted on the
1669 statewide assessment tests, the district must notify the
1670 student's parent of the implications of such instructional
1671 modifications. A parent must provide signed consent for a
1672 student to receive instructional modifications that would not be

1673 permitted on the statewide assessments and must acknowledge in
1674 writing that he or she understands the implications of such
1675 accommodations. The State Board of Education shall adopt rules,
1676 based upon recommendations of the commissioner, for the
1677 provision of test accommodations and modifications of procedures
1678 as necessary for students in exceptional education programs and
1679 for students who have limited English proficiency.
1680 Accommodations that negate the validity of a statewide
1681 assessment are not allowable.
1682 7. A student seeking an adult high school diploma must
1683 meet the same testing requirements that a regular high school
1684 student must meet.
1685 8. District school boards must provide instruction to
1686 prepare students to demonstrate proficiency in the skills and
1687 competencies necessary for successful grade-to-grade progression
1688 and high school graduation. If a student is provided with
1689 accommodations or modifications that are not allowable in the
1690 statewide assessment program, as described in the test manuals,
1691 the district must inform the parent in writing and must provide
1692 the parent with information regarding the impact on the
1693 student's ability to meet expected proficiency levels in
1694 reading, writing, and math. The commissioner shall conduct
1695 studies as necessary to verify that the required skills and
1696 competencies are part of the district instructional programs.
1697 9. District school boards must provide opportunities for
1698 students to demonstrate an acceptable level of performance on an
1699 alternative standardized assessment approved by the State Board
1700 of Education following enrollment in summer academies.

1701 10.~~9.~~ The Department of Education must develop, or select,
1702 and implement a common battery of assessment tools that will be
1703 used in all juvenile justice programs in the state. These tools
1704 must accurately measure the skills and competencies established
1705 in the ~~Florida~~ Sunshine State Standards.
1706
1707 The commissioner may design and implement student testing
1708 programs, for any grade level and subject area, necessary to
1709 effectively monitor educational achievement in the state.
1710 (e) Conduct ongoing research and analysis of student
1711 achievement data, including, without limitation, monitoring
1712 trends in student achievement by grade level and overall student
1713 achievement, identifying school programs that are successful,
1714 and analyzing correlates of school achievement.
1715 (g) Study the cost and student achievement impact of
1716 secondary end-of-course assessments, including web-based and
1717 performance formats, and report to the Legislature prior to
1718 implementation.
1719 (9) CONCORDANT SCORES FOR THE FCAT ~~EQUIVALENCIES FOR~~
1720 ~~STANDARDIZED TESTS~~.--
1721 (a) The State Board of Education shall analyze the content
1722 and concordant data sets for widely used high school achievement
1723 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
1724 and College Placement Test, to assess if concordant scores can
1725 be determined that correspond to those required on the FCAT for
1726 high school graduation. In cases where concordant scores can be
1727 determined, the Commissioner of Education shall adopt those
1728 scores as meeting the graduation requirement in lieu of

1729 achieving the FCAT passing score. Each time that test content or
1730 scoring procedures are changed for either the FCAT or one of the
1731 identified tests, new concordant scores must be determined. The
1732 use of concordant scores shall take effect for students who are
1733 eligible to graduate beginning in the 2003-2004 academic year
1734 and thereafter. ~~The Commissioner of Education shall approve the~~
1735 ~~use of the SAT and ACT tests as alternative assessments to the~~
1736 ~~grade 10 FCAT for the 2003-2004 school year.~~
1737 (b) Students who attain concordant scores pursuant to this
1738 subsection ~~on the SAT or ACT which equate to the passing scores~~
1739 ~~on the grade 10 FCAT for purposes of high school graduation~~
1740 shall satisfy the assessment requirement for a standard high
1741 school diploma as provided in s. 1003.429(6)(a) or s.
1742 1003.43(5)(a) ~~for the 2003-2004 school year~~ if the students meet
1743 the requirement in paragraph (c) ~~(b)~~.
1744 (c)~~(b)~~ A student shall be required to take each subject
1745 area of the grade 10 FCAT a total of three times without earning
1746 a passing score in order to use the concordant subject area
1747 scores ~~on an alternative assessment~~ pursuant to this subsection
1748 ~~paragraph (a)~~. This requirement shall not apply to a new student
1749 who enters the Florida ~~is a new student to the~~ public school
1750 system in grade 12, who may either take the FCAT or use approved
1751 concordant scores to fulfill the graduation requirement.
1752 (10) REPORTS.--The Department of Education shall annually
1753 provide a report to the Governor, the President of the Senate,
1754 and the Speaker of the House of Representatives on the
1755 following:

1756 (a) Longitudinal performance of students in mathematics
1757 and reading.
1758 (b) Longitudinal performance of students by grade level in
1759 mathematics and reading.
1760 (c) Longitudinal performance regarding efforts to close
1761 the achievement gap.
1762 (d) Longitudinal performance of students on the norm-
1763 referenced component of the FCAT.
1764 (e) Other student performance data based on national norm-
1765 referenced and criterion-referenced tests, when available, and
1766 numbers of students who after 8th grade enroll in adult
1767 education rather than other secondary education.
1768 Section 33. Section 1008.221, Florida Statutes, is
1769 repealed.
1770 Section 34. Paragraph (b) of subsection (4) and paragraph
1771 (b) of subsection (8) of section 1008.25, Florida Statutes, are
1772 amended, and paragraph (c) is added to subsection (8) of that
1773 section, to read:
1774 1008.25 Public school student progression; remedial
1775 instruction; reporting requirements.--
1776 (4) ASSESSMENT AND REMEDIATION.--
1777 (b) The school in which the student is enrolled must
1778 develop, in consultation with the student's parent, and must
1779 implement an academic improvement plan designed to assist the
1780 student in meeting state and district expectations for
1781 proficiency. ~~For a student for whom a personalized middle school~~
1782 ~~success plan is required pursuant to s. 1003.415, the middle~~
1783 ~~school success plan must be incorporated in the student's~~

1784 ~~academic improvement plan.~~ Beginning with the 2002-2003 school
1785 year, if the student has been identified as having a deficiency
1786 in reading, the academic improvement plan shall identify the
1787 student's specific areas of deficiency in phonemic awareness,
1788 phonics, fluency, comprehension, and vocabulary; the desired
1789 levels of performance in these areas; and the instructional and
1790 support services to be provided to meet the desired levels of
1791 performance. Schools shall also provide for the frequent
1792 monitoring of the student's progress in meeting the desired
1793 levels of performance. District school boards may require low-
1794 performing students to attend remediation programs held before
1795 or after regular school hours or during the summer, upon the
1796 request of the school principal, and shall assist schools and
1797 teachers to implement research-based reading activities that
1798 have been shown to be successful in teaching reading to low-
1799 performing students. Remedial instruction provided during high
1800 school may not be in lieu of English and mathematics credits
1801 required for graduation.
1802 (8) ANNUAL REPORT.--
1803 (b) ~~Beginning with the 2001-2002 school year,~~ Each
1804 district school board must annually publish in the local
1805 newspaper, and report in writing to the State Board of Education
1806 by September 1 of each year, the following information on the
1807 prior school year:
1808 1. The provisions of this section relating to public
1809 school student progression and the district school board's
1810 policies and procedures on student retention and promotion.

1811 2. By grade, the number and percentage of all students in
1812 grades 3 through 10 performing at Levels 1 and 2 on the reading
1813 portion of the FCAT.
1814 3. By grade, the number and percentage of all students
1815 retained in grades 3 through 10.
1816 4. Information on the total number of students who were
1817 promoted for good cause, by each category of good cause as
1818 specified in paragraph (6)(b).
1819 5. Any revisions to the district school board's policy on
1820 student retention and promotion from the prior year.
1821 (c) The Department of Education shall establish a uniform
1822 format for school districts to report the information required
1823 in paragraph (b). The format shall be developed with input from
1824 district school boards and shall be provided not later than 90
1825 days prior to the annual due date. The department shall annually
1826 compile the information required in subparagraphs (b)2., 3., and
1827 4., along with state-level summary information, and report such
1828 information to the Governor, the President of the Senate, and
1829 the Speaker of the House of Representatives.
1830 Section 35. Section 1008.301, Florida Statutes, is
1831 repealed.
1832 Section 36. Paragraphs (d) and (e) of subsection (1),
1833 paragraphs (b) and (c) of subsection (2), and subsection (3) of
1834 section 1008.31, Florida Statutes, are amended, and subsection
1835 (4) is added to that section, to read:
1836 1008.31 Florida's K-20 education performance
1837 accountability system; legislative intent; ~~performance-based~~

1838 ~~funding;~~ mission, goals, and systemwide measures; data quality
1839 improvements.--
1840 (1) LEGISLATIVE INTENT.--It is the intent of the
1841 Legislature that:
1842 (d) The State Board of Education and the Board of
1843 Governors of the State University System recommend to the
1844 Legislature systemwide performance standards; the Legislature
1845 establish systemwide performance measures and standards; and the
1846 systemwide measures and standards provide Floridians with
1847 information on what the public is receiving in return for the
1848 funds it invests in education and how well the K-20 system
1849 educates its students.
1850 (e)1. The State Board of Education establish performance
1851 measures and set performance standards for individual ~~components~~
1852 ~~of the~~ public ~~education system, including individual~~ schools and
1853 community colleges ~~postsecondary educational institutions~~, with
1854 measures and standards based primarily on student achievement.
1855 2. The Board of Governors of the State University System
1856 establish performance measures and set performance standards for
1857 individual state universities.
1858 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--
1859 (b) The process ~~State Board of Education shall adopt~~
1860 ~~guiding principles~~ for establishing state and sector-specific
1861 standards and measures must be:
1862 1. Focused on student success.
1863 2. Addressable through policy and program changes.
1864 3. Efficient and of high quality.
1865 4. Measurable over time.

1866 5. Simple to explain and display to the public.
1867 6. Aligned with other measures and other sectors to
1868 support a coordinated K-20 education system.
1869 (c) The Department ~~State Board~~ of Education shall maintain
1870 an accountability system that measures student progress toward
1871 the following goals:
1872 1. Highest student achievement, as indicated by evidence
1873 of student learning gains at all levels ~~measured by: student~~
1874 ~~FCAT performance and annual learning gains; the number and~~
1875 ~~percentage of schools that improve at least one school~~
1876 ~~performance grade designation or maintain a school performance~~
1877 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~
1878 ~~completion rates at all learning levels; and other measures~~
1879 ~~identified in law or rule~~.
1880 2. Seamless articulation and maximum access, as measured
1881 by evidence of progression, readiness, and access by targeted
1882 groups of students identified by the Commissioner of Education~~;~~
1883 ~~the percentage of students who demonstrate readiness for the~~
1884 ~~educational level they are entering, from kindergarten through~~
1885 ~~postsecondary education and into the workforce; the number and~~
1886 ~~percentage of students needing remediation; the percentage of~~
1887 ~~Floridians who complete associate, baccalaureate, graduate,~~
1888 ~~professional, and postgraduate degrees; the number and~~
1889 ~~percentage of credits that articulate; the extent to which each~~
1890 ~~set of exit-point requirements matches the next set of entrance-~~
1891 ~~point requirements; the degree to which underserved populations~~
1892 ~~access educational opportunity; the extent to which access is~~

1893 ~~provided through innovative educational delivery strategies; and~~
1894 ~~other measures identified in law or rule~~.
1895 3. Skilled workforce and economic development, as measured
1896 by evidence of employment and earnings~~: the number and~~
1897 ~~percentage of graduates employed in their areas of preparation;~~
1898 ~~the percentage of Floridians with high school diplomas and~~
1899 ~~postsecondary education credentials; the percentage of business~~
1900 ~~and community members who find that Florida's graduates possess~~
1901 ~~the skills they need; national rankings; and other measures~~
1902 ~~identified in law or rule~~.
1903 4. Quality efficient services, as measured by evidence of
1904 return on investment~~: cost per completer or graduate; average~~
1905 ~~cost per noncompleter at each educational level; cost disparity~~
1906 ~~across institutions offering the same degrees; the percentage of~~
1907 ~~education customers at each educational level who are satisfied~~
1908 ~~with the education provided; and other measures identified in~~
1909 ~~law or rule~~.
1910 5. Other goals as identified by law or rule.
1911 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS ~~SYSTEMWIDE~~
1912 ~~DATA COLLECTION~~.--To provide data required to implement
1913 education performance accountability measures in state and
1914 federal law, the Commissioner of Education shall initiate and
1915 maintain strategies to improve data quality and timeliness. All
1916 data collected from state universities shall, as determined by
1917 the commissioner, be integrated into the K-20 data warehouse.
1918 The commissioner shall have unlimited access to such data solely
1919 for the purposes of conducting studies, reporting annual and
1920 longitudinal student outcomes, and improving college readiness

1921 and articulation. All public educational institutions shall
1922 provide data to the K-20 data warehouse in a format specified by
1923 the commissioner.
1924 (a) School districts and public postsecondary educational
1925 institutions shall maintain information systems that will
1926 provide the State Board of Education, the Board of Governors of
1927 the State University System, and the Legislature with
1928 information and reports necessary to address the specifications
1929 of the accountability system. ~~The State Board of Education shall~~
1930 ~~determine the standards for the required data.~~ The level of
1931 comprehensiveness and quality shall be no less than that which
1932 was available as of June 30, 2001.
1933 (b) The Commissioner of Education shall determine the
1934 standards for the required data, monitor data quality, and
1935 measure improvements. The commissioner shall report annually to
1936 the State Board of Education, the Board of Governors of the
1937 State University System, the President of the Senate, and the
1938 Speaker of the House of Representatives data quality indicators
1939 and ratings for all school districts and public postsecondary
1940 educational institutions.
1941 (c) Before establishing any new reporting or data
1942 collection requirements, the Commissioner of Education shall
1943 utilize existing data being collected to reduce duplication and
1944 minimize paperwork.
1945 (4) RULES.--The State Board of Education shall adopt rules
1946 pursuant to ss. 120.536(1) and 120.54 to implement the
1947 provisions of this section relating to the K-20 data warehouse.

1948 Section 37. Subsections (1), (2), and (4) of section
1949 1008.33, Florida Statutes, are amended to read:
1950 1008.33 Authority to enforce public school
1951 improvement.--It is the intent of the Legislature that all
1952 public schools be held accountable for students performing at
1953 acceptable levels. A system of school improvement and
1954 accountability that assesses student performance by school,
1955 identifies schools in which students are not making adequate
1956 progress toward state standards, institutes appropriate measures
1957 for enforcing improvement, and provides rewards and sanctions
1958 based on performance shall be the responsibility of the State
1959 Board of Education.
1960 (1) Pursuant to Art. IX of the State Constitution
1961 prescribing the duty of the State Board of Education to
1962 supervise Florida's public school system and notwithstanding any
1963 other statutory provisions to the contrary, the State Board of
1964 Education shall intervene in the operation of a district school
1965 system when one or more schools in the school district have
1966 failed to make adequate progress for 2 school years in a 4-year
1967 period. For purposes of determining when a school is eligible
1968 for state board action and opportunity scholarships for its
1969 students, the terms "2 years in any 4-year period" and "2 years
1970 in a 4-year period" mean that in any year that a school has a
1971 grade of "F," the school is eligible for state board action and
1972 opportunity scholarships for its students if it also has had a
1973 grade of "F" in any of the previous 3 school years. The State
1974 Board of Education may determine that the school district or
1975 school has not taken steps sufficient for students in the school

1976 to be academically well served. Considering recommendations of
1977 the Commissioner of Education, the State Board of Education
1978 shall recommend action to a district school board intended to
1979 improve educational services to students in each school that is
1980 designated with a ~~as performance~~ grade of ~~category~~ "F."
1981 Recommendations for actions to be taken in the school district
1982 shall be made only after thorough consideration of the unique
1983 characteristics of a school, which shall include student
1984 mobility rates, the number and type of exceptional students
1985 enrolled in the school, and the availability of options for
1986 improved educational services. The state board shall adopt by
1987 rule steps to follow in this process. Such steps shall provide
1988 school districts sufficient time to improve student performance
1989 in schools and the opportunity to present evidence of assistance
1990 and interventions that the district school board has
1991 implemented.
1992 (2) The State Board of Education may recommend one or more
1993 of the following actions to district school boards to enable
1994 students in schools designated with a ~~as performance~~ grade of
1995 ~~category~~ "F" to be academically well served by the public school
1996 system:
1997 (a) Provide additional resources, change certain
1998 practices, and provide additional assistance if the state board
1999 determines the causes of inadequate progress to be related to
2000 school district policy or practice;
2001 (b) Implement a plan that satisfactorily resolves the
2002 education equity problems in the school;

2003 (c) Contract for the educational services of the school,
2004 or reorganize the school at the end of the school year under a
2005 new school principal who is authorized to hire new staff and
2006 implement a plan that addresses the causes of inadequate
2007 progress;
2008 (d) Authorize the school principal to recommend corrective
2009 actions for low-performing faculty and staff as necessary to
2010 improve educational opportunities and the performance of
2011 students;
2012 (e) ~~(d)~~ Allow parents of students in the school to send
2013 their children to another district school of their choice; or
2014 (f) ~~(e)~~ Other action appropriate to improve the school's
2015 performance, including, if the school is a high school,
2016 requiring annual publication of the school's graduation rate
2017 calculated without GEDs for the past 3 years, disaggregated by
2018 student ethnicity.
2019 (4) The State Board of Education may require the
2020 Department of Education or Chief Financial Officer to withhold
2021 any transfer of state funds to the school district if, within
2022 the timeframe specified in state board action, the school
2023 district has failed to comply with the action ordered to improve
2024 the district's low-performing schools. Withholding the transfer
2025 of funds shall occur only after all other recommended actions
2026 for school improvement have failed to improve performance. The
2027 State Board of Education may impose the same penalty on any
2028 district school board that fails to develop and implement a plan
2029 for assistance and intervention for low-performing schools as
2030 specified in s. 1001.42(16)(d) ~~(c)~~.

2031 Section 38. Section 1008.34, Florida Statutes, is amended
2032 to read:
2033 1008.34 School grading system; school report cards;
2034 district ~~performance~~ grade.--
2035 (1) ANNUAL REPORTS.--The Commissioner of Education shall
2036 prepare annual reports of the results of the statewide
2037 assessment program which describe student achievement in the
2038 state, each district, and each school. The commissioner shall
2039 prescribe the design and content of these reports, which must
2040 include, without limitation, descriptions of the performance of
2041 all schools participating in the assessment program and all of
2042 their major student populations as determined by the
2043 Commissioner of Education, and must also include the median
2044 scores of all eligible students who scored at or in the lowest
2045 25th percentile of the state in the previous school year;
2046 provided, however, that the provisions of s. 1002.22 pertaining
2047 to student records apply to this section.
2048 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The
2049 annual report shall identify schools as having one of the
2050 following grades ~~being in one of the following grade categories~~
2051 defined according to rules of the State Board of Education:
2052 (a) "A," schools making excellent progress.
2053 (b) "B," schools making above average progress.
2054 (c) "C," schools making satisfactory progress.
2055 (d) "D," schools making less than satisfactory progress.
2056 (e) "F," schools failing to make adequate progress.
2057

2058 Each school designated with a ~~in performance~~ grade of ~~category~~
2059 "A," making excellent progress, or having improved at least two
2060 ~~performance~~ grade levels ~~categories~~, shall have greater
2061 authority over the allocation of the school's total budget
2062 generated from the FEFP, state categoricals, lottery funds,
2063 grants, and local funds, as specified in state board rule. The
2064 rule must provide that the increased budget authority shall
2065 remain in effect until the school's ~~performance~~ grade declines.
2066 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
2067 ~~CATEGORIES~~.--School grades ~~performance grade category~~
2068 ~~designations~~ itemized in subsection (2) shall be based on the
2069 following:
2070 (a) Criteria ~~Timeframes~~.--A school's grade shall be based
2071 on a combination of:
2072 1. Student achievement scores ~~School performance grade~~
2073 ~~category designations shall be based on the school's current~~
2074 ~~year performance and the school's annual learning gains~~.
2075 2. ~~A school's performance grade category designation shall~~
2076 ~~be based on a combination of student achievement scores,~~ Student
2077 learning gains as measured by annual FCAT assessments in grades
2078 3 through 10.~~, and~~
2079 3. Improvement of the lowest 25th percentile of students
2080 in the school ~~in reading, math, or writing~~ on ~~the~~ FCAT Reading,
2081 unless these students are exhibiting ~~performing above~~
2082 satisfactory performance.
2083 (b) Student assessment data.--Student assessment data used
2084 in determining school grades ~~performance grade categories~~ shall
2085 include:

2086 1. The aggregate scores of all eligible students enrolled
2087 in the school who have been assessed on the FCAT.
2088 2. The aggregate scores of all eligible students enrolled
2089 in the school who have been assessed on the FCAT, including
2090 Florida Writes, and who have scored at or in the lowest 25th
2091 percentile of students in the school in reading, math, or
2092 writing, unless these students are exhibiting ~~performing above~~
2093 satisfactory performance.
2094
2095 ~~The Department of Education shall study the effects of mobility~~
2096 ~~on the performance of highly mobile students and recommend~~
2097 ~~programs to improve the performance of such students.~~ The State
2098 Board of Education shall adopt appropriate criteria for each
2099 school ~~performance~~ grade ~~category~~. The criteria must also give
2100 added weight to student achievement in reading. Schools
2101 designated with a ~~as performance~~ grade of ~~category~~ "C," making
2102 satisfactory progress, shall be required to demonstrate that
2103 adequate progress has been made by students in the school who
2104 are in the lowest 25th percentile in reading, math, or writing
2105 on the FCAT, including Florida Writes, unless these students are
2106 exhibiting ~~performing~~ above satisfactory performance.
2107 (4) SCHOOL GRADING FOR ALTERNATIVE SCHOOLS.--Alternative
2108 schools providing dropout prevention and academic intervention
2109 services may choose to receive a school grade pursuant to
2110 subsections (2) and (3) or an improvement rating pursuant to s.
2111 1008.341 according to the following requirements:
2112 (a) If an alternative school chooses to be graded pursuant
2113 to this section, student performance data as identified in

2114 subsection (3) shall not be included in the home school's grade
2115 but shall only be included in calculation of the alternative
2116 school's grade unless the Commissioner of Education requires
2117 that the alternative school's student assessment data must be
2118 included in the home school's grade based on a finding of
2119 collusion to avoid the state's accountability system.
2120 (b) If an alternative school chooses to receive an
2121 improvement rating pursuant to s. 1008.341, student performance
2122 data as identified in subsection (3) shall be included in the
2123 home school's grade, except for achievement scores and learning
2124 gains of students attending alternative schools who are subject
2125 to district school board policies for expulsion for repeated or
2126 serious offenses, in dropout retrieval programs serving students
2127 officially designated as dropouts, or in Department of Juvenile
2128 Justice operated and contracted programs.
2129
2130 For purposes of this section and s. 1008.341, "home school"
2131 means the school the student was attending when assigned to an
2132 alternative school or the school to which the student would be
2133 assigned if the student left the alternative school. School
2134 districts must require collaboration between the home school and
2135 the alternative school to promote student success.
2136 (5) ~~(4)~~ SCHOOL IMPROVEMENT RATINGS.--The annual report
2137 shall identify each school's performance as having improved,
2138 remained the same, or declined. This school improvement rating
2139 shall be based on a comparison of the current year's and
2140 previous year's student and school performance data. Schools

2141 that improve at least one ~~performance~~ grade level ~~category~~ are
2142 eligible for school recognition awards pursuant to s. 1008.36.
2143 (6) ~~(5)~~ SCHOOL REPORT CARD ~~PERFORMANCE GRADE CATEGORY AND~~
2144 ~~IMPROVEMENT RATING REPORTS~~.--The Department of Education shall
2145 annually develop, in collaboration with the district school
2146 boards, a school report card to be delivered to parents
2147 throughout each school district. The report card shall include
2148 the school's grade, information regarding school improvement, an
2149 explanation of school performance as evaluated by the federal No
2150 Child Left Behind Act of 2001, and indicators of return on
2151 investment. ~~School performance grade category designations and~~
2152 ~~improvement ratings shall apply to each school's performance for~~
2153 ~~the year in which performance is measured.~~ Each school's report
2154 card ~~designation and rating~~ shall be published annually by the
2155 department on its website, ~~of Education~~ and the school district
2156 shall provide the school report card to each parent. ~~Parents~~
2157 ~~shall be entitled to an easy-to-read report card about the~~
2158 ~~designation and rating of the school in which their child is~~
2159 ~~enrolled.~~
2160 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor
2161 in the performance of schools in calculating any performance-
2162 based funding policy that is provided for annually in the
2163 General Appropriations Act.
2164 (8) DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report
2165 required by subsection (1) shall include district ~~performance~~
2166 grades, which shall consist of weighted district average grades,
2167 by level, for all elementary schools, middle schools, and high
2168 schools in the district. A district's weighted average grade

2169 shall be calculated by weighting individual school grades
2170 determined pursuant to subsection (2) by school enrollment.
2171 (9) ~~(6)~~ RULES.--The State Board of Education shall adopt
2172 rules pursuant to ss. 120.536(1) and 120.54 to implement the
2173 provisions of this section.
2174 Section 39. Section 1008.341, Florida Statutes, is created
2175 to read:
2176 1008.341 School improvement rating for alternative
2177 schools.--
2178 (1) ANNUAL REPORTS.--The Commissioner of Education shall
2179 prepare an annual report on the performance of each school
2180 receiving a school improvement rating pursuant to this section
2181 provided that the provisions of s. 1002.22 pertaining to student
2182 records shall apply.
2183 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
2184 provide dropout prevention and academic intervention services
2185 may choose to receive a school improvement rating pursuant to
2186 this section in lieu of a school grade pursuant to s. 1008.34.
2187 The school improvement rating shall identify schools as having
2188 one of the following ratings defined according to rules of the
2189 State Board of Education:
2190 (a) "Improving," schools with students making more
2191 academic progress than when the students were served in their
2192 home schools.
2193 (b) "Maintaining," schools with students making progress
2194 equivalent to the progress made when the students were served in
2195 their home schools.
2196 (c) "Declining," schools with students making less

2197 academic progress than when the students were served in their
2198 home schools.
2199
2200 The school improvement rating shall be based on a comparison of
2201 the current year and previous year student performance data.
2202 Schools that improve at least one level or maintain an
2203 "improving" rating pursuant to this section are eligible for
2204 school recognition awards pursuant to s. 1008.36.
2205 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student
2206 data used in determining an alternative school's school
2207 improvement rating shall include:
2208 (a) The aggregate scores of all students who were assigned
2209 to and enrolled in the school during the October or February FTE
2210 count, who have been assessed on the FCAT, and who have FCAT or
2211 comparable scores for the preceding school year.
2212 (b) The aggregate scores of all students who were assigned
2213 to and enrolled in the school during the October or February FTE
2214 count, who have been assessed on the FCAT, including Florida
2215 Writes, and who have scored in the lowest 25th percentile of
2216 students in the state on FCAT Reading.
2217 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
2218 alternative school receiving a school improvement rating, the
2219 Department of Education shall annually identify the percentage
2220 of students making learning gains as compared to the percentage
2221 of the same students making learning gains in their home schools
2222 in the year prior to being assigned to the alternative school.
2223 (5) SCHOOL REPORT CARD.--The Department of Education shall
2224 annually develop, in collaboration with the school districts, a

2225 school report card for alternative schools to be delivered to
2226 parents throughout each school district. The report card shall
2227 include the school improvement rating, identification of student
2228 learning gains, information regarding school improvement, an
2229 explanation of school performance as evaluated by the federal No
2230 Child Left Behind Act of 2001, and indicators of return on
2231 investment.
2232 (6) RULES.--The State Board of Education may adopt rules
2233 pursuant to ss. 120.536(1) and 120.54 to implement the
2234 provisions of this section.
2235 Section 40. Subsection (5), paragraphs (b) and (d) of
2236 subsection (6), and subsection (7) of section 1008.345, Florida
2237 Statutes, are amended to read:
2238 1008.345 Implementation of state system of school
2239 improvement and education accountability.--
2240 (5) The commissioner shall report to the Legislature and
2241 recommend changes in state policy necessary to foster school
2242 improvement and education accountability. Included in the report
2243 shall be a list of the schools, including schools operating for
2244 the purpose of providing educational services to youth in
2245 Department of Juvenile Justice programs, for which district
2246 school boards have developed assistance and intervention plans
2247 and an analysis of the various strategies used by the school
2248 boards. School reports shall be distributed pursuant to this
2249 subsection and s. 1001.42(16)(f) ~~(e)~~ and according to rules
2250 adopted by the State Board of Education.
2251 (6)

2252 (b) Upon request, the department shall provide technical
2253 assistance and training to any school, including any school
2254 operating for the purpose of providing educational services to
2255 youth in Department of Juvenile Justice programs, school
2256 advisory council, district, or district school board for
2257 conducting needs assessments, developing and implementing school
2258 improvement plans, developing and implementing assistance and
2259 intervention plans, or implementing other components of school
2260 improvement and accountability. Priority for these services
2261 shall be given to schools designated with a ~~as performance~~ grade
2262 of ~~category~~ "D" or "F" and school districts in rural and
2263 sparsely populated areas of the state.
2264 (d)1. The commissioner ~~department~~ shall assign a community
2265 assessment team to each school district with a school designated
2266 with a ~~as performance~~ grade of ~~category~~ "D" or "F" to review the
2267 school performance data, including, for a high school graded "D"
2268 or "F," the school's graduation rate calculated without GEDs for
2269 the past 3 years, disaggregated by student ethnicity, and
2270 determine causes for the low performance. The team shall make
2271 recommendations to the school board, to the department, and to
2272 the State Board of Education for implementing an assistance and
2273 intervention plan that will address the causes of the school's
2274 low performance. The assessment team shall include, but not be
2275 limited to, a department representative, parents, business
2276 representatives, educators, and community activists, and shall
2277 represent the demographics of the community from which they are
2278 appointed.

2279 2. Each school district that has a school designated with
2280 a grade of "F" for a second consecutive year after the community
2281 assessment team's recommendations to the school board for
2282 implementing an assistance and intervention plan shall be
2283 subject to review and oversight by the Governor and the
2284 Commissioner of Education as a school district in a state of
2285 educational emergency.
2286 3. For each school district in a state of educational
2287 emergency, the Governor and the Commissioner of Education shall
2288 contact the district school board to determine what actions have
2289 been taken by the district school board to address the
2290 recommendations of the community assessment team and to resolve
2291 the educational emergency. The Governor and the Commissioner of
2292 Education shall determine whether the district school board
2293 needs state assistance to resolve the educational emergency. If
2294 state assistance is needed, the Governor and the Commissioner of
2295 Education have the authority to implement measures as set forth
2296 in this subparagraph to assist the district school board in
2297 resolving the educational emergency. Such measures may include,
2298 but are not limited to:
2299 a. Requiring approval of the school district's budget by
2300 the Governor and the Commissioner of Education.
2301 b. Authorizing a state loan and providing for its
2302 repayment by the district school board.
2303 c. Requiring the district school board to reallocate funds
2304 as necessary until such time as the school district is no longer
2305 in a state of educational emergency.

2306 d. Making inspections and reviews of records, information,
2307 reports, and assets of the school district. The appropriate
2308 school district officials shall cooperate in such inspections
2309 and reviews.
2310 e. Consulting with officials and auditors of the school
2311 district and the appropriate state officials regarding any steps
2312 necessary to bring the books of account, accounting systems,
2313 financial procedures, personnel, and personnel systems into
2314 compliance with state requirements.
2315 f. Providing technical assistance to the district school
2316 board.
2317 g. Establishing an educational emergency board to oversee
2318 the activities of the district school board. If an educational
2319 emergency board is established, the Governor and Commissioner of
2320 Education shall appoint board members and select a chair. The
2321 school district's community assessment team shall serve in an
2322 advisory capacity to the educational emergency board. The
2323 educational emergency board shall adopt such rules as are
2324 necessary for conducting board business. The board may review
2325 all of the educational operations, including, but not limited
2326 to, graduation and dropout rates, personnel, management,
2327 efficiency, curriculum, instructional materials, productivity,
2328 and financing of functions and operations, of the school
2329 district. The recommendations and reports made by the
2330 educational emergency board must be submitted to the Governor,
2331 the Commissioner of Education, and the State Board of Education
2332 for appropriate action. Upon receipt of the educational
2333 emergency board's recommendations and report, the Governor, the

2334 Commissioner of Education, and the State Board of Education
2335 shall require an action plan to implement the educational
2336 emergency board's recommendations, to be prepared by officials
2337 of the school district in consultation with the appropriate
2338 state officials, so as to cause the school district to no longer
2339 be in a state of educational emergency.
2340 4. The Governor and the Commissioner of Education may
2341 terminate all state actions pursuant to this paragraph upon
2342 determination that the school district is no longer in a state
2343 of educational emergency and has successfully established and is
2344 operating an effective educational system for all students in
2345 the district.
2346 (7)(a) Schools designated with a ~~in performance~~ grade of
2347 ~~category~~ "A," making excellent progress, shall, if requested by
2348 the school, be given deregulated status as specified in s.
2349 1003.63(5), (7), (8), (9), and (10).
2350 (b) Schools that have improved at least two grades
2351 ~~performance grade categories~~ and that meet the criteria of the
2352 Florida School Recognition Program pursuant to s. 1008.36 may be
2353 given deregulated status as specified in s. 1003.63(5), (7),
2354 (8), (9), and (10).
2355 Section 41. Subsections (3), (4), and (5) of section
2356 1008.36, Florida Statutes, are amended to read:
2357 1008.36 Florida School Recognition Program.--
2358 (3) All public schools, including charter schools, that
2359 receive a school grade pursuant to s. 1008.34 or a school
2360 improvement rating pursuant to s. 1008.341 are eligible to
2361 participate in the program.

2362 (4) All selected schools shall receive financial awards
2363 depending on the availability of funds appropriated and the
2364 number and size of schools selected to receive an award. Funds
2365 must be distributed to the school's fiscal agent and placed in
2366 the school's account and must be used for purposes listed in
2367 subsection (5) as determined by the staff and school advisory
2368 council pursuant to s. 1001.452 in the annual school improvement
2369 plan required under s. 1001.42(16)(a). If such a determination
2370 is not included in the school improvement plan at the time of
2371 its annual approval by the district school board, the school
2372 shall not be eligible to receive a financial award ~~jointly by~~
2373 ~~the school's staff and school advisory council. If school staff~~
2374 ~~and the school advisory council cannot reach agreement by~~
2375 ~~November 1, the awards must be equally distributed to all~~
2376 ~~classroom teachers currently teaching in the school~~.
2377 (5) School recognition awards must be used for the
2378 following:
2379 (a) Nonrecurring bonuses to the faculty and staff who
2380 worked at the school during the year of improved performance and
2381 additional employees as determined in the school improvement
2382 plan;
2383 (b) Nonrecurring expenditures for educational equipment,
2384 ~~or~~ materials, or student incentives to assist in maintaining and
2385 improving student performance; or
2386 (c) Temporary personnel for the school to assist in
2387 maintaining and improving student performance.
2388

2389 Notwithstanding statutory provisions to the contrary, incentive
2390 awards are not subject to collective bargaining.
2391 Section 42. Paragraphs (f), (h), (l), (m), and (n) of
2392 subsection (1) and paragraphs (a) and (b) of subsection (4) of
2393 section 1011.62, Florida Statutes, are amended, subsections (8)
2394 and (9) are renumbered as subsections (9) and (10),
2395 respectively, and amended, and a new subsection (8) is added to
2396 that section, to read:
2397 1011.62 Funds for operation of schools.--If the annual
2398 allocation from the Florida Education Finance Program to each
2399 district for operation of schools is not determined in the
2400 annual appropriations act or the substantive bill implementing
2401 the annual appropriations act, it shall be determined as
2402 follows:
2403 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2404 OPERATION.--The following procedure shall be followed in
2405 determining the annual allocation to each district for
2406 operation:
2407 (f) Supplemental academic instruction; categorical fund.--
2408 1. There is created a categorical fund to provide
2409 supplemental academic instruction to students in kindergarten
2410 through grade 12. This paragraph may be cited as the
2411 "Supplemental Academic Instruction Categorical Fund."
2412 2. Categorical funds for supplemental academic instruction
2413 shall be allocated annually to each school district in the
2414 amount provided in the General Appropriations Act. These funds
2415 shall be in addition to the funds appropriated on the basis of
2416 FTE student membership in the Florida Education Finance Program

2417 and shall be included in the total potential funds of each
2418 district. These funds shall be used to provide supplemental
2419 academic instruction to students enrolled in the K-12 program.
2420 Supplemental instruction strategies may include, but are not
2421 limited to: modified curriculum, reading instruction, after-
2422 school instruction, tutoring, mentoring, class size reduction,
2423 extended school year, intensive skills development in summer
2424 school, and other methods for improving student achievement.
2425 Supplemental instruction may be provided to a student in any
2426 manner and at any time during or beyond the regular 180-day term
2427 identified by the school as being the most effective and
2428 efficient way to best help that student progress from grade to
2429 grade and to graduate.
2430 3. Effective with the 1999-2000 fiscal year, funding on
2431 the basis of FTE membership beyond the 180-day regular term
2432 shall be provided in the FEFP only for students enrolled in
2433 juvenile justice education programs <u>or in an education program</u>
2434 <u>for juveniles under s. 985.223</u>. Funding for instruction beyond
2435 the regular 180-day school year for all other K-12 students
2436 shall be provided through the supplemental academic instruction
2437 categorical fund and other state, federal, and local fund
2438 sources with ample flexibility for schools to provide
2439 supplemental instruction to assist students in progressing from
2440 grade to grade and graduating.
2441 4. The Florida State University School, as a lab school,
2442 is authorized to expend from its FEFP or Lottery Enhancement
2443 Trust Fund allocation the cost to the student of remediation in

2444 reading, writing, or mathematics for any graduate who requires
2445 remediation at a postsecondary educational institution.
2446 5. Beginning in the 1999-2000 school year, dropout
2447 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
2448 (b), and (c), and 1003.54 shall be included in group 1 programs
2449 under subparagraph (d)3.
2450 (h) Small, isolated high schools.--Districts which levy
2451 the maximum nonvoted discretionary millage, exclusive of millage
2452 for capital outlay purposes levied pursuant to s. 1011.71(2),
2453 may calculate full-time equivalent students for small, isolated
2454 high schools by multiplying the number of unweighted full-time
2455 equivalent students times 2.75; provided the school has attained
2456 a ~~state accountability performance~~ grade ~~category~~ of "C" or
2457 better, pursuant to s. 1008.34, for the previous school year.
2458 For the purpose of this section, the term "small, isolated high
2459 school" means any high school which is located no less than 28
2460 miles by the shortest route from another high school; which has
2461 been serving students primarily in basic studies provided by
2462 sub-subparagraphs (c)1.b. and c. and may include subparagraph
2463 (c)4.; and which has a membership of no more than 100 students,
2464 but no fewer than 28 students, in grades 9 through 12.
2465 (l) Calculation of additional full-time equivalent
2466 membership based on international baccalaureate examination
2467 scores of students.--A value of 0.24 full-time equivalent
2468 student membership shall be calculated for each student enrolled
2469 in an international baccalaureate course who receives a score of
2470 4 or higher on a subject examination. A value of 0.3 full-time
2471 equivalent student membership shall be calculated for each

2472 student who receives an international baccalaureate diploma.
2473 Such value shall be added to the total full-time equivalent
2474 student membership in basic programs for grades 9 through 12 in
2475 the subsequent fiscal year. The school district shall distribute
2476 to each classroom teacher who provided international
2477 baccalaureate instruction:
2478 1. A bonus in the amount of $50 for each student taught by
2479 the International Baccalaureate teacher in each international
2480 baccalaureate course who receives a score of 4 or higher on the
2481 international baccalaureate examination.
2482 2. An additional bonus of $500 to each International
2483 Baccalaureate teacher in a school designated with a ~~performance~~
2484 grade of ~~category~~ "D" or "F" who has at least one student
2485 scoring 4 or higher on the international baccalaureate
2486 examination, regardless of the number of classes taught or of
2487 the number of students scoring a 4 or higher on the
2488 international baccalaureate examination.
2489
2490 Bonuses awarded to a teacher according to this paragraph shall
2491 not exceed $2,000 in any given school year and shall be in
2492 addition to any regular wage or other bonus the teacher received
2493 or is scheduled to receive.
2494 (m) Calculation of additional full-time equivalent
2495 membership based on Advanced International Certificate of
2496 Education examination scores of students.--A value of 0.24 full-
2497 time equivalent student membership shall be calculated for each
2498 student enrolled in a full-credit Advanced International
2499 Certificate of Education course who receives a score of E or

2500 higher on a subject examination. A value of 0.12 full-time
2501 equivalent student membership shall be calculated for each
2502 student enrolled in a half-credit Advanced International
2503 Certificate of Education course who receives a score of E or
2504 higher on a subject examination. A value of 0.3 full-time
2505 equivalent student membership shall be calculated for each
2506 student who receives an Advanced International Certificate of
2507 Education diploma. Such value shall be added to the total full-
2508 time equivalent student membership in basic programs for grades
2509 9 through 12 in the subsequent fiscal year. The school district
2510 shall distribute to each classroom teacher who provided Advanced
2511 International Certificate of Education instruction:
2512 1. A bonus in the amount of $50 for each student taught by
2513 the Advanced International Certificate of Education teacher in
2514 each full-credit Advanced International Certificate of Education
2515 course who receives a score of E or higher on the Advanced
2516 International Certificate of Education examination. A bonus in
2517 the amount of $25 for each student taught by the Advanced
2518 International Certificate of Education teacher in each half-
2519 credit Advanced International Certificate of Education course
2520 who receives a score of E or higher on the Advanced
2521 International Certificate of Education examination.
2522 2. An additional bonus of $500 to each Advanced
2523 International Certificate of Education teacher in a school
2524 designated with a ~~performance~~ grade of ~~category~~ "D" or "F" who
2525 has at least one student scoring E or higher on the full-credit
2526 Advanced International Certificate of Education examination,
2527 regardless of the number of classes taught or of the number of

2528 students scoring an E or higher on the full-credit Advanced
2529 International Certificate of Education examination.
2530 3. Additional bonuses of $250 each to teachers of half-
2531 credit Advanced International Certificate of Education classes
2532 in a school designated with a ~~performance~~ grade of ~~category~~ "D"
2533 or "F" which has at least one student scoring an E or higher on
2534 the half-credit Advanced International Certificate of Education
2535 examination in that class. The maximum additional bonus for a
2536 teacher awarded in accordance with this subparagraph shall not
2537 exceed $500 in any given school year. Teachers receiving an
2538 award under subparagraph 2. are not eligible for a bonus under
2539 this subparagraph.
2540
2541 Bonuses awarded to a teacher according to this paragraph shall
2542 not exceed $2,000 in any given school year and shall be in
2543 addition to any regular wage or other bonus the teacher received
2544 or is scheduled to receive.
2545 (n) Calculation of additional full-time equivalent
2546 membership based on college board advanced placement scores of
2547 students.--A value of 0.24 full-time equivalent student
2548 membership shall be calculated for each student in each advanced
2549 placement course who receives a score of 3 or higher on the
2550 College Board Advanced Placement Examination for the prior year
2551 and added to the total full-time equivalent student membership
2552 in basic programs for grades 9 through 12 in the subsequent
2553 fiscal year. Each district must allocate at least 80 percent of
2554 the funds provided to the district for advanced placement
2555 instruction, in accordance with this paragraph, to the high

2556 school that generates the funds. The school district shall
2557 distribute to each classroom teacher who provided advanced
2558 placement instruction:
2559 1. A bonus in the amount of $50 for each student taught by
2560 the Advanced Placement teacher in each advanced placement course
2561 who receives a score of 3 or higher on the College Board
2562 Advanced Placement Examination.
2563 2. An additional bonus of $500 to each Advanced Placement
2564 teacher in a school designated with a ~~performance~~ grade of
2565 ~~category~~ "D" or "F" who has at least one student scoring 3 or
2566 higher on the College Board Advanced Placement Examination,
2567 regardless of the number of classes taught or of the number of
2568 students scoring a 3 or higher on the College Board Advanced
2569 Placement Examination.
2570
2571 Bonuses awarded to a teacher according to this paragraph shall
2572 not exceed $2,000 in any given school year and shall be in
2573 addition to any regular wage or other bonus the teacher received
2574 or is scheduled to receive.
2575 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
2576 Legislature shall prescribe the aggregate required local effort
2577 for all school districts collectively as an item in the General
2578 Appropriations Act for each fiscal year. The amount that each
2579 district shall provide annually toward the cost of the Florida
2580 Education Finance Program for kindergarten through grade 12
2581 programs shall be calculated as follows:
2582 (a) Estimated taxable value calculations.--

2583 1.a. Not later than 2 working days prior to July 19, the
2584 Department of Revenue shall certify to the Commissioner of
2585 Education its most recent estimate of the taxable value for
2586 school purposes in each school district and the total for all
2587 school districts in the state for the current calendar year
2588 based on the latest available data obtained from the local
2589 property appraisers. Not later than July 19, the Commissioner of
2590 Education shall compute a millage rate, rounded to the next
2591 highest one one-thousandth of a mill, which, when applied to 95
2592 percent of the estimated state total taxable value for school
2593 purposes, would generate the prescribed aggregate required local
2594 effort for that year for all districts. The Commissioner of
2595 Education shall certify to each district school board the
2596 millage rate, computed as prescribed in this subparagraph, as
2597 the minimum millage rate necessary to provide the district
2598 required local effort for that year.
2599 b. The General Appropriations Act shall direct the
2600 computation of the statewide adjusted aggregate amount for
2601 required local effort for all school districts collectively from
2602 ad valorem taxes to ensure that no school district's revenue
2603 from required local effort millage will produce more than 90
2604 percent of the district's total Florida Education Finance
2605 Program calculation, and the adjustment of the required local
2606 effort millage rate of each district that produces more than 90
2607 percent of its total Florida Education Finance Program
2608 entitlement to a level that will produce only 90 percent of its
2609 total Florida Education Finance Program entitlement in the July
2610 calculation.

2611 2. As revised data are received from property appraisers,
2612 the Department of Revenue shall amend the certification of the
2613 estimate of the taxable value for school purposes. The
2614 Commissioner of Education, in administering the provisions of
2615 subparagraph (10) ~~(9)~~(a)2., shall use the most recent taxable
2616 value for the appropriate year.
2617 (b) Final calculation.--
2618 1. The Department of Revenue shall, upon receipt of the
2619 official final assessed value of property from each of the
2620 property appraisers, certify to the Commissioner of Education
2621 the taxable value total for school purposes in each school
2622 district, subject to the provisions of paragraph (d). The
2623 commissioner shall use the official final taxable value for
2624 school purposes for each school district in the final
2625 calculation of the annual Florida Education Finance Program
2626 allocations.
2627 2. For the purposes of this paragraph, the official final
2628 taxable value for school purposes shall be the taxable value for
2629 school purposes on which the tax bills are computed and mailed
2630 to the taxpayers, adjusted to reflect final administrative
2631 actions of value adjustment boards and judicial decisions
2632 pursuant to part I of chapter 194. By September 1 of each year,
2633 the Department of Revenue shall certify to the commissioner the
2634 official prior year final taxable value for school purposes. For
2635 each county that has not submitted a revised tax roll reflecting
2636 final value adjustment board actions and final judicial
2637 decisions, the Department of Revenue shall certify the most
2638 recent revision of the official taxable value for school

2639 purposes. The certified value shall be the final taxable value
2640 for school purposes, and no further adjustments shall be made,
2641 except those made pursuant to subparagraph (10) ~~(9)~~ (a)2.
2642 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--
2643 (a) The research-based reading instruction allocation is
2644 created to provide comprehensive reading instruction to students
2645 in kindergarten through grade 12.
2646 (b) Funds for comprehensive, research-based reading
2647 instruction shall be allocated annually to each school district
2648 in the amount provided in the General Appropriations Act. Each
2649 eligible school district shall receive the same minimum amount
2650 as specified in the General Appropriations Act, and any
2651 remaining funds shall be distributed to eligible school
2652 districts based on each school district's proportionate share of
2653 K-12 base funding.
2654 (c) Funds must be used to provide a system of
2655 comprehensive reading instruction to students enrolled in the K-
2656 12 programs, which may include the following:
2657 1. The provision of highly qualified reading coaches.
2658 2. Professional development for school district teachers
2659 and administrators in scientifically based reading instruction.
2660 3. The provision of summer reading camps for students who
2661 score at Level 1 on FCAT Reading.
2662 4. The provision of supplemental instructional materials
2663 that are grounded in scientifically based reading research and
2664 comprehensive training in their use for which teachers shall
2665 receive inservice credit.
2666 5. The provision of intensive interventions for middle and

2667 high school students reading below grade level.
2668 (d) Annually, by a date determined by the Department of
2669 Education but before May 1, school districts shall submit a K-12
2670 comprehensive reading plan for the specific use of the research-
2671 based reading instruction allocation in the format prescribed by
2672 the department for review and approval by the Just Read,
2673 Florida! Office created pursuant to s. 1001.215. The plan
2674 annually submitted by school districts shall be deemed approved
2675 unless the department rejects the plan on or before June 1. If a
2676 school district and the Just Read, Florida! Office cannot reach
2677 agreement on the contents of the plan, the school district may
2678 appeal to the State Board of Education for resolution. High-
2679 performing school districts shall be allowed reasonable
2680 flexibility in designing their plans and shall be encouraged to
2681 offer reading intervention through innovative methods. The plan
2682 format shall be developed with input from school district
2683 personnel, including teachers and principals. The plan must
2684 emphasize reading for information at the secondary level and
2685 allow reading intervention through content courses in core,
2686 career, and alternative programs. No later than July 1 annually,
2687 the department shall release the school district's allocation of
2688 appropriated funds to those districts with approved plans. A
2689 school district that spends 100 percent of this allocation on
2690 its approved plan shall be deemed to have been in compliance
2691 with the plan. The department may withhold funds upon a
2692 determination that reading instruction allocation funds are not
2693 being used to implement the approved plan.

2694 (9) ~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may
2695 annually in the General Appropriations Act determine a
2696 percentage increase in funds per K-12 unweighted FTE as a
2697 minimum guarantee to each school district. The guarantee shall
2698 be calculated from prior year base funding per unweighted FTE
2699 student which shall include the adjusted FTE dollars as provided
2700 in subsection (10) ~~(9)~~, quality guarantee funds, and actual
2701 nonvoted discretionary local effort from taxes. From the base
2702 funding per unweighted FTE, the increase shall be calculated for
2703 the current year. The current year funds from which the
2704 guarantee shall be determined shall include the adjusted FTE
2705 dollars as provided in subsection (10) ~~(9)~~ and potential nonvoted
2706 discretionary local effort from taxes. A comparison of current
2707 year funds per unweighted FTE to prior year funds per unweighted
2708 FTE shall be computed. For those school districts which have
2709 less than the legislatively assigned percentage increase, funds
2710 shall be provided to guarantee the assigned percentage increase
2711 in funds per unweighted FTE student. Should appropriated funds
2712 be less than the sum of this calculated amount for all
2713 districts, the commissioner shall prorate each district's
2714 allocation. This provision shall be implemented to the extent
2715 specifically funded.
2716 (10) ~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
2717 FOR CURRENT OPERATION.--The total annual state allocation to
2718 each district for current operation for the FEFP shall be
2719 distributed periodically in the manner prescribed in the General
2720 Appropriations Act.

2721 (a) The basic amount for current operation for the FEFP as
2722 determined in subsection (1), multiplied by the district cost
2723 differential factor as determined in subsection (2), plus the
2724 amounts provided for categorical components within the FEFP,
2725 plus the amount for the sparsity supplement as determined in
2726 subsection (6), the decline in full-time equivalent students as
2727 determined in subsection (7), the research-based reading
2728 instruction allocation as determined in subsection (8), and the
2729 quality assurance guarantee as determined in subsection (9) ~~(8)~~,
2730 less the required local effort as determined in subsection (4).
2731 If the funds appropriated for the purpose of funding the total
2732 amount for current operation as provided in this paragraph are
2733 not sufficient to pay the state requirement in full, the
2734 department shall prorate the available state funds to each
2735 district in the following manner:
2736 1. Determine the percentage of proration by dividing the
2737 sum of the total amount for current operation, as provided in
2738 this paragraph for all districts collectively, and the total
2739 district required local effort into the sum of the state funds
2740 available for current operation and the total district required
2741 local effort.
2742 2. Multiply the percentage so determined by the sum of the
2743 total amount for current operation as provided in this paragraph
2744 and the required local effort for each individual district.
2745 3. From the product of such multiplication, subtract the
2746 required local effort of each district; and the remainder shall
2747 be the amount of state funds allocated to the district for
2748 current operation.

2749 (b) The amount thus obtained shall be the net annual
2750 allocation to each school district. However, if it is determined
2751 that any school district received an underallocation or
2752 overallocation for any prior year because of an arithmetical
2753 error, assessment roll change, full-time equivalent student
2754 membership error, or any allocation error revealed in an audit
2755 report, the allocation to that district shall be appropriately
2756 adjusted. Beginning with audits for the 2001-2002 fiscal year,
2757 if the adjustment is the result of an audit finding in which
2758 group 2 FTE are reclassified to the basic program and the
2759 district weighted FTE are over the weighted enrollment ceiling
2760 for group 2 programs, the adjustment shall not result in a gain
2761 of state funds to the district. If the Department of Education
2762 audit adjustment recommendation is based upon controverted
2763 findings of fact, the Commissioner of Education is authorized to
2764 establish the amount of the adjustment based on the best
2765 interests of the state.
2766 (c) The amount thus obtained shall represent the net
2767 annual state allocation to each district; however,
2768 notwithstanding any of the provisions herein, each district
2769 shall be guaranteed a minimum level of funding in the amount and
2770 manner prescribed in the General Appropriations Act.
2771 Section 43. Paragraph (a) of subsection (2) of section
2772 1011.64, Florida Statutes, is amended to read:
2773 1011.64 School district minimum classroom expenditure
2774 requirements.--
2775 (2) For the purpose of implementing the provisions of this
2776 section, the Legislature shall prescribe minimum academic

2777 performance standards and minimum classroom expenditure
2778 requirements for districts not meeting such minimum academic
2779 performance standards in the General Appropriations Act.
2780 (a) Minimum academic performance standards may be based
2781 on, but are not limited to, district ~~performance~~ grades
2782 determined pursuant to s. 1008.34(7)~~(8)~~.
2783 Section 44. Section 1011.67, Florida Statutes, is amended
2784 to read:
2785 1011.67 Funds for instructional materials.--
2786 (1) The department is authorized to allocate and
2787 distribute to each district an amount as prescribed annually by
2788 the Legislature for instructional materials for student
2789 membership in basic and special programs in grades K-12, which
2790 will provide for growth and maintenance needs. For purposes of
2791 this subsection ~~section~~, unweighted full-time equivalent
2792 students enrolled in the lab schools in state universities are
2793 to be included as school district students and reported as such
2794 to the department. These funds shall be distributed to school
2795 districts as follows: 50 percent on or about July 10; 35 percent
2796 on or about October 10; 10 percent on or about January 10; and 5
2797 percent on or about June 10. The annual allocation shall be
2798 determined as follows:
2799 (a)~~(1)~~ The growth allocation for each school district
2800 shall be calculated as follows:
2801 1.~~(a)~~ Subtract from that district's projected full-time
2802 equivalent membership of students in basic and special programs
2803 in grades K-12 used in determining the initial allocation of the
2804 Florida Education Finance Program, the prior year's full-time

2805 equivalent membership of students in basic and special programs
2806 in grades K-12 for that district.
2807 2. ~~(b)~~ Multiply any such increase in full-time equivalent
2808 student membership by the allocation for a set of instructional
2809 materials, as determined by the department, or as provided for
2810 in the General Appropriations Act.
2811 3. ~~(c)~~ The amount thus determined shall be that district's
2812 initial allocation for growth for the school year. However, the
2813 department shall recompute and adjust the initial allocation
2814 based on actual full-time equivalent student membership data for
2815 that year.
2816 (b) ~~(2)~~ The maintenance of the instructional materials
2817 allocation for each school district shall be calculated by
2818 multiplying each district's prior year full-time equivalent
2819 membership of students in basic and special programs in grades
2820 K-12 by the allocation for maintenance of a set of instructional
2821 materials as provided for in the General Appropriations Act. The
2822 amount thus determined shall be that district's initial
2823 allocation for maintenance for the school year; however, the
2824 department shall recompute and adjust the initial allocation
2825 based on such actual full-time equivalent student membership
2826 data for that year.
2827 (c) ~~(3)~~ In the event the funds appropriated are not
2828 sufficient for the purpose of implementing this subsection
2829 ~~section~~ in full, the department shall prorate the funds
2830 available for instructional materials after first funding in
2831 full each district's growth allocation.

2832 (2) Annually by July 1 and prior to the release of
2833 instructional materials funds, each district school
2834 superintendent shall certify to the Commissioner of Education
2835 that the district school board has approved a comprehensive
2836 staff development plan that requires fidelity of implementation
2837 of instructional materials that are in the first 2 years of the
2838 adoption cycle and that the district intends to purchase. The
2839 staff development plan must provide for training for each
2840 teacher who will use the materials, provide inservice credit for
2841 the training, and document satisfactory completion of the
2842 training by each teacher. The superintendent shall annually
2843 report to the district school board on the implementation of the
2844 plan. The report shall include verification that training was
2845 provided, that teachers satisfactorily completed the training,
2846 and that the materials are being implemented as designed. The
2847 district's collective bargaining agreement shall not be used as
2848 a barrier to compliance with this subsection.
2849 Section 45. Paragraph (b) of subsection (2) of section
2850 1011.685, Florida Statutes, is amended to read:
2851 1011.685 Class size reduction; operating categorical
2852 fund.--
2853 (2) Class size reduction operating categorical funds shall
2854 be used by school districts for the following:
2855 (b) For any lawful operating expenditure, if the district
2856 has met the constitutional maximums identified in s. 1003.03(1)
2857 or the reduction of two students per year required by s.
2858 1003.03(2); however, priority shall be given to increase
2859 salaries of classroom teachers as defined in s. 1012.01(2)(a)

2860 and to implement the performance-pay incentive and the
2861 differentiated pay detailed in s. 1012.22(1)(c) ~~salary career~~
2862 ~~ladder defined in s. 1012.231~~.
2863 Section 46. Subsection (1) of section 1011.71, Florida
2864 Statutes, is amended to read:
2865 1011.71 District school tax.--
2866 (1) If the district school tax is not provided in the
2867 General Appropriations Act or the substantive bill implementing
2868 the General Appropriations Act, each district school board
2869 desiring to participate in the state allocation of funds for
2870 current operation as prescribed by s. 1011.62(10) ~~(9)~~ shall levy
2871 on the taxable value for school purposes of the district,
2872 exclusive of millage voted under the provisions of s. 9(b) or s.
2873 12, Art. VII of the State Constitution, a millage rate not to
2874 exceed the amount certified by the commissioner as the minimum
2875 millage rate necessary to provide the district required local
2876 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
2877 addition to the required local effort millage levy, each
2878 district school board may levy a nonvoted current operating
2879 discretionary millage. The Legislature shall prescribe annually
2880 in the appropriations act the maximum amount of millage a
2881 district may levy. The millage rate prescribed shall exceed zero
2882 mills but shall not exceed the lesser of 1.6 mills or 25 percent
2883 of the millage which is required pursuant to s. 1011.62(4),
2884 exclusive of millage levied pursuant to subsection (2).
2885 Section 47. Subsection (6) is added to section 1012.21,
2886 Florida Statutes, to read:
2887 1012.21 Department of Education duties; K-12 personnel.--

2888 (6) REPORTING.--The Department of Education shall annually
2889 post online links to each school district's collectively
2890 bargained contracts and the salary and benefits of the personnel
2891 or officers of any educator association that were paid by the
2892 school district pursuant to s. 1012.22.
2893 Section 48. Paragraph (c) of subsection (1) of section
2894 1012.22, Florida Statutes, is amended to read:
2895 1012.22 Public school personnel; powers and duties of the
2896 district school board.--The district school board shall:
2897 (1) Designate positions to be filled, prescribe
2898 qualifications for those positions, and provide for the
2899 appointment, compensation, promotion, suspension, and dismissal
2900 of employees as follows, subject to the requirements of this
2901 chapter:
2902 (c) Compensation and salary schedules.--
2903 1. The district school board shall adopt a salary schedule
2904 or salary schedules designed to furnish incentives for
2905 improvement in training and for continued efficient service to
2906 be used as a basis for paying all school employees and fix and
2907 authorize the compensation of school employees on the basis
2908 thereof.
2909 2. A district school board, in determining the salary
2910 schedule for instructional personnel, must base a portion of
2911 each employee's compensation on performance demonstrated under
2912 s. 1012.34, must consider the prior teaching experience of a
2913 person who has been designated state teacher of the year by any
2914 state in the United States, and must consider prior professional
2915 experience in the field of education gained in positions in

2916 addition to district level instructional and administrative
2917 positions.
2918 3. In developing the salary schedule, the district school
2919 board shall seek input from parents, teachers, and
2920 representatives of the business community.
2921 4. Beginning with the 2002-2003 fiscal year, each district
2922 school board must adopt a performance-pay policy for school
2923 administrators and instructional personnel. The district's
2924 performance-pay policy is subject to negotiation as provided in
2925 chapter 447; however, the adopted salary schedule must allow
2926 school administrators and instructional personnel who
2927 demonstrate outstanding performance, as measured under s.
2928 1012.34, to earn a 5-percent supplement in addition to their
2929 individual, negotiated salary. The supplements shall be funded
2930 from the performance-pay reserve funds adopted in the salary
2931 schedule. ~~Beginning with the 2004-2005 academic year, the~~
2932 ~~district's 5-percent performance-pay policy must provide for the~~
2933 ~~evaluation of classroom teachers within each level of the salary~~
2934 ~~career ladder provided in s. 1012.231.~~ The Commissioner of
2935 Education shall determine whether the district school board's
2936 adopted policy and salary schedule complies with the requirement
2937 for performance-based pay. If the district school board fails to
2938 comply with this section, the commissioner may ~~shall~~ withhold
2939 disbursements from the Educational Enhancement Trust Fund to the
2940 district and take any other measure provided by law necessary to
2941 ensure compliance until compliance is verified.
2942 5. Beginning with the 2007-2008 academic year, each
2943 district school board shall adopt a salary schedule with

2944 differentiated pay for both instructional personnel and school-
2945 based administrators. The salary schedule is subject to
2946 negotiation as provided in chapter 447 and must allow
2947 differentiated pay based on district-determined factors,
2948 including, but not limited to, additional responsibilities,
2949 school demographics, critical shortage areas, and level of job
2950 performance difficulties.
2951 Section 49. Section 1012.2315, Florida Statutes, is
2952 created to read:
2953 1012.2315 Assignment of teachers.--
2954 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
2955 finds disparity between teachers assigned to teach in a majority
2956 of "A" graded schools compared to teachers assigned to teach in
2957 a majority of "F" graded schools. The disparity can be found in
2958 the average years of experience, the median salary, and the
2959 performance of the teachers on teacher certification
2960 examinations. It is the intent of the Legislature that district
2961 school boards have flexibility through the collective bargaining
2962 process to assign teachers more equitably across the schools in
2963 the district.
2964 (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School
2965 districts may not assign a higher percentage than the school
2966 district average of first-time teachers, temporarily certified
2967 teachers, teachers in need of improvement, or out-of-field
2968 teachers to schools with above the school district average of
2969 minority and economically disadvantaged students or schools that
2970 are graded "D" or "F." Each school district shall annually
2971 certify to the Commissioner of Education that this requirement

2972 has been met. If the commissioner determines that a school
2973 district is not in compliance with this subsection, the State
2974 Board of Education shall be notified and shall take action
2975 pursuant to s. 1008.32 in the next regularly scheduled meeting
2976 to require compliance.
2977 Section 50. Subsection (2) of section 1012.27, Florida
2978 Statutes, is amended to read:
2979 1012.27 Public school personnel; powers and duties of
2980 district school superintendent.--The district school
2981 superintendent is responsible for directing the work of the
2982 personnel, subject to the requirements of this chapter, and in
2983 addition the district school superintendent shall perform the
2984 following:
2985 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
2986 recommend to the district school board for adoption a salary
2987 schedule or salary schedules. The district school superintendent
2988 must recommend a salary schedule for instructional personnel
2989 which bases a portion of each employee's compensation on
2990 performance demonstrated under s. 1012.34. In developing the
2991 recommended salary schedule, the district school superintendent
2992 shall include input from parents, teachers, and representatives
2993 of the business community. Beginning with the 2006-2007 ~~2004-~~
2994 ~~2005~~ academic year, the recommended salary schedule for
2995 classroom teachers shall be consistent with the district's
2996 performance-pay policy under s. 1012.22(1)(c) and, beginning
2997 with the 2007-2008 academic year, the district's differentiated
2998 pay under s. 1012.22(1)(c) ~~career ladder based upon s. 1012.231~~.

2999 Section 51. Subsection (6) of section 1012.28, Florida
3000 Statutes, is amended to read:
3001 1012.28 Public school personnel; duties of school
3002 principals.--
3003 (6) A school principal who fails to comply with this
3004 section shall be ineligible for any portion of the performance-
3005 pay ~~performance pay~~ policy incentive or the differentiated pay
3006 under s. 1012.22(1)(c).
3007 Section 52. Paragraph (a) of subsection (3) of section
3008 1012.34, Florida Statutes, is amended to read:
3009 1012.34 Assessment procedures and criteria.--
3010 (3) The assessment procedure for instructional personnel
3011 and school administrators must be primarily based on the
3012 performance of students assigned to their classrooms or schools,
3013 as appropriate. Pursuant to this section, a school district's
3014 performance assessment is not limited to basing unsatisfactory
3015 performance of instructional personnel and school administrators
3016 upon student performance, but may include other criteria
3017 approved to assess instructional personnel and school
3018 administrators' performance, or any combination of student
3019 performance and other approved criteria. The procedures must
3020 comply with, but are not limited to, the following requirements:
3021 (a) An assessment must be conducted for each employee at
3022 least once a year. The assessment must be based upon sound
3023 educational principles and contemporary research in effective
3024 educational practices. The assessment must primarily use data
3025 and indicators of improvement in student performance assessed
3026 annually as specified in s. 1008.22 and may consider results of

3027 peer reviews in evaluating the employee's performance. Student
3028 performance must be measured by state assessments required under
3029 s. 1008.22 and by local assessments for subjects and grade
3030 levels not measured by the state assessment program. The
3031 assessment criteria must include, but are not limited to,
3032 indicators that relate to the following:
3033 1. Performance of students.
3034 2. Ability to maintain appropriate discipline.
3035 3. Knowledge of subject matter. The district school board
3036 shall make special provisions for evaluating teachers who are
3037 assigned to teach out-of-field.
3038 4. Ability to plan and deliver instruction~~, including~~
3039 ~~implementation of the rigorous reading requirement pursuant to~~
3040 ~~s. 1003.415, when applicable,~~ and the use of technology in the
3041 classroom.
3042 5. Ability to evaluate instructional needs.
3043 6. Ability to establish and maintain a positive
3044 collaborative relationship with students' families to increase
3045 student achievement.
3046 7. Other professional competencies, responsibilities, and
3047 requirements as established by rules of the State Board of
3048 Education and policies of the district school board.
3049 Section 53. Subsection (4) of section 1012.56, Florida
3050 Statutes, is amended to read:
3051 1012.56 Educator certification requirements.--
3052 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
3053 of demonstrating mastery of subject area knowledge are:
3054 (a) Achievement of passing scores on subject area

3055 examinations required by state board rule;
3056 (b) Completion of the subject area specialization
3057 requirements specified in state board rule and verification of
3058 the attainment of the essential subject matter competencies by
3059 the district school superintendent of the employing school
3060 district or chief administrative officer of the employing state-
3061 supported or private school for a subject area for which a
3062 subject area examination has not been developed and required by
3063 state board rule;
3064 (c) Completion of the subject area specialization
3065 requirements specified in state board rule for a subject
3066 coverage requiring a master's or higher degree and achievement
3067 of a passing score on the subject area examination specified in
3068 state board rule;
3069 (d) A valid professional standard teaching certificate
3070 issued by another state; or
3071 (e) A valid certificate issued by the National Board for
3072 Professional Teaching Standards or a national educator
3073 credentialing board approved by the State Board of Education.
3074
3075 School districts are encouraged to provide mechanisms for those
3076 middle school teachers holding only a K-6 teaching certificate
3077 to obtain a subject area coverage for middle grades through
3078 postsecondary coursework or district subject content
3079 professional development activities to assist in the preparation
3080 for earning a passing score on the subject area examination
3081 required for add-on certification.

3082 Section 54. Section 1012.986, Florida Statutes, is created
3083 to read:
3084 1012.986 William Cecil Golden Professional Development
3085 Program for School Leaders.--
3086 (1) ESTABLISHMENT.--There is established the William Cecil
3087 Golden Professional Development Program for School Leaders, a
3088 high-quality, competency-based, customized, comprehensive, and
3089 coordinated statewide professional development program that is
3090 aligned with the leadership standards for school leaders adopted
3091 by the State Board of Education. The program shall be
3092 administered by the Department of Education and shall provide
3093 leadership training opportunities for school leaders to enable
3094 them to be more effective instructional leaders, especially in
3095 the area of reading. The program shall provide school leaders
3096 with the opportunity to attain a school leadership designation
3097 pursuant to subsection (3).
3098 (2) DEFINITION.--As used in this section, the term "school
3099 leader" means a school principal or assistant principal holding
3100 a valid Florida certificate in educational leadership.
3101 (3) DESIGNATIONS.--The Department of Education shall
3102 develop criteria for designating high-performing school leaders.
3103 The criteria must emphasize student learning gains, especially
3104 in high schools.
3105 (4) PROGRAM REQUIREMENTS.--
3106 (a) The program shall be based upon the leadership
3107 standards adopted by the State Board of Education, the standards
3108 of the National Staff Development Council, and the federal
3109 requirements for high-quality professional development under the

3110 No Child Left Behind Act of 2001.
3111 (b) The program shall provide a competency-based approach
3112 that utilizes prediagnostic and postdiagnostic evaluations that
3113 shall be used to create an individualized professional
3114 development plan approved by the district school superintendent.
3115 The plan shall be structured to support the school leader's
3116 attainment of the leadership standards adopted by the State
3117 Board of Education.
3118 (c) The program shall incorporate instructional leadership
3119 training and effective business practices for efficient school
3120 operations in school leadership training.
3121 (5) DELIVERY SYSTEMS.--The Department of Education shall
3122 deliver the program through multiple delivery systems,
3123 including:
3124 (a) Approved school district training programs.
3125 (b) Interactive technology-based instruction.
3126 (c) Regional consortium service organizations pursuant to
3127 s. 1001.451.
3128 (6) RULES.--The State Board of Education shall adopt rules
3129 pursuant to ss. 120.536(1) and 120.54 to implement the
3130 provisions of this section.
3131 Section 55. Section 1012.987, Florida Statutes, is
3132 repealed.
3133 Section 56. This act shall take effect upon becoming a
3134 law.

Education Council Meeting Packet

Tuesday, March 14, 2006
1:00 - 3:15 pm
Morris Hall

Meeting Packet Revised
9:10 am March 14, 2006

Allan G. Bense
Speaker

Dennis K. Baxley
Council Chair

HB7087 – A++
AMENDMENTS IN COUNCIL

AMENDMENT/SPONSOR	PAGE & LINE	PURPOSE/EXPLANATION	COMMENTS
1 through 7 by Arza & Rivera		This is a set of amendments that incorporates Rep. Sansom's paper reduction bill (HB 1295)	
1 by Arza & Rivera	page 9, line 239	Conforming to amendment 7	
2 by Arza & Rivera	page 20, line 544	A and B schools have minimal school improvement plan requirements; C, D or F schools have more prescriptive plan requirements	
3 by Arza & Rivera	page 25, line 688	Requires district school boards to review paperwork burden, establish a task force, and make a report to DOE	
4 by Arza & Rivera	page 26, line 707	Conforming to amendment 7	
5 by Arza & Rivera	page 47, line 1290	Conforming to amendment 7	

6 by Arza & Rivera	page 47, line 1290	Conforming to amendment 7	
7 by Arza & Rivera	page 64, line 1776	Replaces academic improvement plans with progress monitoring plans and conforms language	
8 by Arza & others	page 19, line 529	Allows school boards to set school start date no earlier than August 8 with supermajority vote after a public hearing	
9 by Arza & Richardson	page 26, line 708	Removes Opportunity Scholarship Program section from the bill (NOT STATUTE)	
10 by Arza & Gottlieb	page 30, line 814	Requires exit survey and data collect before students drop out	
11 by Arza	page 75, line 2080	Restores existing language and makes grammatical correction	
12 by Arza & others	page 35, line 951	Requires a middle school course composed of art, music, PE and career/technical education	

13 by Arza	page 35, line 952	Amends middle school career and education planning course; clarifies role of teacher and counselor; requires parent meeting; requires longitudinal data collection	
14 by Arza	page 38, line 1035	Clarifies that students can change majors in high school	
15 by Arza & Pickens	page 55, line 1505	Revises Ready to Work language; adds middle schools and others that provide job training as eligible to participate	
16 by Arza	page 62, line 1719	Allows State Board to make rules to use FCAT scores for Bright Futures eligibility and for meeting college placement test requirements	
17 by Arza & Bean	page 75, line 2066	Defines feeder pattern school and requires them to receive a school grade	
18 by Arza & Bean	page 85, line 2358	Makes feeder pattern schools eligible for school recognition	

19 by Arza & Ausley	page 57, line 1580	Amends state assessment program to address exceptional student assessment issues	
20 by Arza & Ausley	page 75, line 2070	Includes learning gains of ESE students in school grades	
21 by Arza	page 82, line 2264	Amends "educational emergency" to remove Commissioner of Education and clarify that intervention is focused on the school.	
22 by Arza & Richardson	page 103, line 2846	Removes "collective bargaining" language	
23 by Arza & Stargel	page 105, line 2901	Extends timeline for school board to act on personnel recommendations so FCAT scores & school grades can be considered	
24 by Richardson	page 105, line 2890	Removes requirement for districts to post salaries and benefits of association personnel paid by the district	

25 by Bendross-Mindingall	STRIKE ALL	Replaces bill language with HB 1427 by Rep. Bendross-Mindingall	

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 9, between lines 239 and 240, insert and renumber
6 subsequent sections:
7
8 Section 3. Paragraph (b) of subsection (3) of section
9 411.227, Florida Statutes, is amended to read:
10 411.227 Components of the Learning Gateway.--The Learning
11 Gateway system consists of the following components:
12 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.--
13 (b) Demonstration projects shall develop strategies to
14 increase the use of appropriate intervention practices with
15 children who have learning problems and learning disabilities
16 within public and private early care and education programs and
17 K-3 public and private school settings. Strategies may include
18 training and technical assistance teams. Intervention must be
19 coordinated and must focus on providing effective supports to
20 children and their families within their regular education and
21 community environment. These strategies must incorporate, as
22 appropriate, school and district activities related to the

23 student's progress monitoring ~~academic improvement~~ plan and must
24 provide parents with greater access to community-based services
25 that should be available beyond the traditional school day.
26 Academic expectations for public school students in grades K-3
27 must be based upon the local school board's adopted proficiency
28 levels. When appropriate, school personnel shall consult with
29 the local Learning Gateway to identify other community resources
30 for supporting the child and the family.
31
32
33
34 ========== T I T L E A M E N D M E N T ==========
35 Between lines 6 and 7, insert:
36
37 amending s. 411.227, F.S.; conforming provisions relating to
38 progress monitoring plans;
39

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 20, line 544 through page 21, line 569, remove those
6 lines and insert:
7 (a) School improvement plans.--Annually approve and
8 require implementation of a new, amended, or continuation school
9 improvement plan for each school in the district, except that a
10 district school board may establish a district school
11 improvement plan that includes all schools in the district
12 operating for the purpose of providing educational services to
13 youth in Department of Juvenile Justice programs. The school
14 improvement ~~Such~~ plan shall be designed to achieve the state
15 education priorities pursuant to s. 1000.03(5) and student
16 proficiency on the Sunshine State Standards pursuant to s.
17 1003.41 ~~performance standards. In addition, any school required~~
18 ~~to implement a rigorous reading requirement pursuant to s.~~
19 ~~1003.415 must include such component in its school improvement~~
20 ~~plan~~. Each plan shall address student achievement goals and
21 strategies based on state and school district proficiency

22 standards. The plan may also address issues relative to other
23 academic-related matters ~~budget, training, instructional~~
24 ~~materials, technology, staffing, student support services,~~
25 ~~specific school safety and discipline strategies, student health~~
26 ~~and fitness, including physical fitness, parental information on~~
27 ~~student health and fitness, and indoor environmental air~~
28 ~~quality, and other matters of~~ ~~resource allocation~~, as determined
29 by district school board policy, and shall include ~~be based on~~
30 an accurate, data-based analysis of student achievement and
31 other school performance data. For each school in the district
32 that earns a school grade of "C" or below, or is required to
33 have a school improvement plan under federal law, the school
34 improvement plan shall, at a minimum also include:

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 25, between lines 688 and 689 insert:
6
7 (22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING
8 REQUIREMENTS.--
9 (a) Paperwork and data collection.--Hold extensive public
10 hearings and provide detailed analysis of burden hours needed to
11 complete paperwork, hard copies, and electronic copies required
12 under a state mandate if the district school board will exceed
13 paperwork and data collection requirements of the state mandate.
14 "Burden hours" are defined as the amount of time required to
15 gather, compile, complete, transmit, and report information.
16 (b) Task force.--Establish a task force to reduce the
17 paper and electronic reporting requirements that impact the
18 school district, which may include the duties specified in s.
19 1008.385(2)(b). A majority of the task force members must be
20 classroom teachers with additional members including, but not
21 limited to, one exceptional student education teacher, school
22 administrators, district-level personnel, and the district

23 school superintendent. The task force must seek to reduce the
24 burden hours required of school district staff by making
25 recommendations to the district school board on ways to reduce,
26 eliminate, revise, or consolidate requirements relating to, but
27 not limited to, student attendance, student behavior, and
28 teacher lesson plans. The task force must annually report its
29 actions and recommendations to the Department of Education. The
30 department shall review the annual reports and progress of each
31 school district task force and, based on such information,
32 provide its recommendations to school districts for reduction,
33 elimination, revision, or consolidation of paper and electronic
34 reporting requirements.
35
36
37
38 ========== D I R E C T O R Y A M E N D M E N T ==========
39 On page 19, remove lines 514 to 517 and insert:
40
41 Section 11. Paragraph (f) of subsection (4), paragraph (c)
42 of subsection (5), subsection (16), paragraph (d) of subsection
43 (17), and subsection (18) of section 1001.42, Florida Statutes,
44 are amended, subsection (22) is renumbered as subsection (23),
45 and a new subsection (22) is added to that section, to read:
46
47
48 ========== T I T L E A M E N D M E N T ==========
49 On page 2, between lines 38 and 39 insert:
50 requiring measures for reducing paperwork, data collection, and
51 reporting requirements; requiring a paperwork reduction task
52 force;

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 26, between lines 707 and 708, insert:
6
7 Section 14. Subsection (11) of section 1002.20, Florida
8 Statutes, is amended to read:
9 1002.20 K-12 student and parent rights.--Parents of public
10 school students must receive accurate and timely information
11 regarding their child's academic progress and must be informed
12 of ways they can help their child to succeed in school. K-12
13 students and their parents are afforded numerous statutory
14 rights including, but not limited to, the following:
15 (11) STUDENTS WITH READING DEFICIENCIES.--Each elementary
16 school shall regularly assess the reading ability of each K-3
17 student. The parent of any K-3 student who exhibits a reading
18 deficiency shall be immediately notified of the student's
19 deficiency with a description and explanation, in terms
20 understandable to the parent, of the exact nature of the
21 student's difficulty in learning and lack of achievement in

22 reading; shall be consulted in the development of a progress
23 monitoring ~~detailed academic improvement~~ plan, as described in
24 s. 1008.25(4)(b); and shall be informed that the student will be
25 given intensive reading instruction until the deficiency is
26 corrected. This subsection operates in addition to the
27 remediation and notification provisions contained in s. 1008.25
28 and in no way reduces the rights of a parent or the
29 responsibilities of a school district under that section.
30
31 ========== T I T L E A M E N D M E N T ==========
32
33 Remove line 43 and insert:
34
35 principals; amending s.1002.20, F.S.; conforming provisions
36 relating progress monitoring plans; amending s.1002.38,F.S.,
37 relating to the
38

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 47, between lines 1290 and 1291, insert:
6
7 Section 25. Paragraph (n) of subsection (2) of section
8 1003.51, Florida Statutes, is amended to read:
9 1003.51 Other public educational services.--
10 (2) The State Board of Education shall adopt and maintain
11 an administrative rule articulating expectations for effective
12 education programs for youth in Department of Juvenile Justice
13 programs, including, but not limited to, education programs in
14 juvenile justice commitment and detention facilities. The rule
15 shall articulate policies and standards for education programs
16 for youth in Department of Juvenile Justice programs and shall
17 include the following:
18 (n) Performance expectations for providers and district
19 school boards, including the provision of a progress monitoring
20 ~~an academic improvement~~ plan as required in s. 1008.25
21

22
23
24 ========== T I T L E A M E N D M E N T ==========
25 Remove line 87 and insert:
26
27 evaluation; amending s. 1003.51, F.S.; conforming provisions
28 relating to progress monitoring plans; amending s. 1003.57,
29 F.S.; providing
30

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5
6 On page 47, between lines 1290 and 1291, insert:
7
8 Section 25. Subsection (7) of section 1003.52, Florida
9 Statutes, is amended to read:
10 1003.52 Educational services in Department of Juvenile
11 Justice programs.--
12 (7) A progress monitoring ~~An academic improvement~~ plan
13 shall be developed for students who score below the level
14 specified in district school board policy in reading, writing,
15 and mathematics or below the level specified by the Commissioner
16 of Education on statewide assessments as required by s. 1008.25.
17 These plans shall address academic, literacy, and life skills
18 and shall include provisions for intensive remedial instruction
19 in the areas of weakness.
20
21

22 ========== T I T L E A M E N D M E N T ==========
23 Remove line 87 and insert:
24
25 evaluation; amending s. 1003.52, F.S.; conforming provisions
26 relating to progress monitoring plans; amending s. 1003.57,
27 F.S.; providing

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Sansom, and Rivera offered the following:
3
4 **Amendment**
5 On page 64, line 1776 through page 65, line 1801, remove
6 those lines and insert:
7
8 (4) ASSESSMENT AND REMEDIATION.--
9 (b) The school in which the student is enrolled must
10 develop, in consultation with the student's parent, and must
11 implement a progress monitoring plan. A progress monitoring plan
12 is intended to provide the school district and the school
13 flexibility in meeting the academic needs of the student and to
14 reduce paperwork. A student who is not meeting the school
15 district or state requirements for proficiency shall be covered
16 by one of the following plans to target instruction and identify
17 ways to improve his or her academic achievement:
18 1. A federally required student plan such as an individual
19 education plan;
20 2. A schoolwide system of progress monitoring for all
21 students; or

22 3. An individualized progress monitoring plan.
23
24 The plan chosen must be ~~an academic improvement plan~~ designed to
25 assist the student or the school in meeting state and district
26 expectations for proficiency. ~~For a student for whom a~~
27 ~~personalized middle school success plan is required pursuant to~~
28 ~~s. 1003.415, the middle school success plan must be incorporated~~
29 ~~in the student's academic improvement plan. Beginning with the~~
30 ~~2002-2003 school year, if~~ If the student has been identified as
31 having a deficiency in reading, ~~the academic improvement plan~~
32 ~~shall identify the student's specific areas of deficiency in~~
33 ~~phonemic awareness, phonics, fluency, comprehension, and~~
34 ~~vocabulary; the desired levels of performance in these areas;~~
35 ~~and~~ the K-12 comprehensive reading plan required pursuant to
36 1011.62 (8) shall include instructional and support services to
37 be provided to meet the desired levels of performance. ~~Schools~~
38 ~~shall also provide for the frequent monitoring of the student's~~
39 ~~progress in meeting the desired levels of performance. District~~
40 ~~school boards shall assist schools and teachers to implement~~
41 ~~research-based reading activities that have been shown to be~~
42 ~~successful in teaching reading to low-performing students.~~
43 ~~Remedial instruction provided during high school may not be in~~
44 ~~lieu of English and mathematics credits required for graduation.~~
45 District school boards may require low-performing students to
46 attend remediation programs held before or after regular school
47 hours or during the summer, upon the request of the school
48 principal.
49 (c) Upon subsequent evaluation, if the documented
50 deficiency has not been remediated ~~in accordance with the~~
51 ~~academic improvement plan,~~ the student may be retained. Each

52 student who does not meet the minimum performance expectations
53 defined by the Commissioner of Education for the statewide
54 assessment tests in reading, writing, science, and mathematics
55 must continue to be provided with remedial or supplemental
56 instruction until the expectations are met or the student
57 graduates from high school or is not subject to compulsory
58 school attendance.
59 (6) ELIMINATION OF SOCIAL PROMOTION.--
60 (b) The district school board may only exempt students
61 from mandatory retention, as provided in paragraph (5)(b), for
62 good cause. Good cause exemptions shall be limited to the
63 following:
64 1. Limited English proficient students who have had less
65 than 2 years of instruction in an English for Speakers of Other
66 Languages program.
67 2. Students with disabilities whose individual education
68 plan indicates that participation in the statewide assessment
69 program is not appropriate, consistent with the requirements of
70 State Board of Education rule.
71 3. Students who demonstrate an acceptable level of
72 performance on an alternative standardized reading assessment
73 approved by the State Board of Education.
74 4. Students who demonstrate, through a student portfolio,
75 that the student is reading on grade level as evidenced by
76 demonstration of mastery of the Sunshine State Standards in
77 reading equal to at least a Level 2 performance on the FCAT.
78 5. Students with disabilities who participate in the FCAT
79 and who have an individual education plan or a Section 504 plan
80 that reflects that the student has received ~~the~~ intensive
81 remediation in reading~~, as required by paragraph (4)(b),~~ for

82 more than 2 years but still demonstrates a deficiency in reading
83 and was previously retained in kindergarten, grade 1, grade 2,
84 or grade 3.
85 6. Students who have received ~~the~~ intensive remediation in
86 reading ~~as required by paragraph (4)(b)~~ for 2 or more years but
87 still demonstrate a deficiency in reading and who were
88 previously retained in kindergarten, grade 1, grade 2, or grade
89 3 for a total of 2 years. Intensive reading instruction for
90 students so promoted must include an altered instructional day
91 ~~based upon an academic improvement plan~~ that includes
92 specialized diagnostic information and specific reading
93 strategies for each student. The district school board shall
94 assist schools and teachers to implement reading strategies that
95 research has shown to be successful in improving reading among
96 low-performing readers.
97 (c) Requests for good cause exemptions for students from
98 the mandatory retention requirement as described in
99 subparagraphs (b)3. and 4. shall be made consistent with the
100 following:
101 1. Documentation shall be submitted from the student's
102 teacher to the school principal that indicates that the
103 promotion of the student is appropriate and is based upon the
104 student's academic record. In order to minimize paperwork
105 requirements, such documentation shall consist only of the
106 existing ~~academic improvement~~ <u>progress monitoring</u> plan,
107 individual educational plan, if applicable, report card, or
108 student portfolio.
109 2. The school principal shall review and discuss such
110 recommendation with the teacher and make the determination as to
111 whether the student should be promoted or retained. If the

112 school principal determines that the student should be promoted,
113 the school principal shall make such recommendation in writing
114 to the district school superintendent. The district school
115 superintendent shall accept or reject the school principal's
116 recommendation in writing.
117 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--
118 (b) Beginning with the 2004-2005 school year, each school
119 district shall:
120 1. Conduct a review of student ~~academic improvement~~
121 progress monitoring plans for all students who did not score
122 above Level 1 on the reading portion of the FCAT and did not
123 meet the criteria for one of the good cause exemptions in
124 paragraph (6)(b). The review shall address additional supports
125 and services, as described in this subsection, needed to
126 remediate the identified areas of reading deficiency. The school
127 district shall require a student portfolio to be completed for
128 each such student.
129 2. Provide students who are retained under the provisions
130 of paragraph (5)(b) with intensive instructional services and
131 supports to remediate the identified areas of reading
132 deficiency, including a minimum of 90 minutes of daily,
133 uninterrupted, scientifically research-based reading instruction
134 and other strategies prescribed by the school district, which
135 may include, but are not limited to:
136 a. Small group instruction.
137 b. Reduced teacher-student ratios.
138 c. More frequent progress monitoring.
139 d. Tutoring or mentoring.
140 e. Transition classes containing 3rd and 4th grade
141 students.

142 f. Extended school day, week, or year.
143 g. Summer reading camps.
144 3. Provide written notification to the parent of any
145 student who is retained under the provisions of paragraph (5)(b)
146 that his or her child has not met the proficiency level required
147 for promotion and the reasons the child is not eligible for a
148 good cause exemption as provided in paragraph (6)(b). The
149 notification must comply with the provisions of s. 1002.20(14)
150 and must include a description of proposed interventions and
151 supports that will be provided to the child to remediate the
152 identified areas of reading deficiency.
153 4. Implement a policy for the midyear promotion of any
154 student retained under the provisions of paragraph (5)(b) who
155 can demonstrate that he or she is a successful and independent
156 reader, reading at or above grade level, and ready to be
157 promoted to grade 4. Tools that school districts may use in
158 reevaluating any student retained may include subsequent
159 assessments, alternative assessments, and portfolio reviews, in
160 accordance with rules of the State Board of Education. Students
161 promoted during the school year after November 1 must
162 demonstrate proficiency above that required to score at Level 2
163 on the grade 3 FCAT, as determined by the State Board of
164 Education. The State Board of Education shall adopt standards
165 that provide a reasonable expectation that the student's
166 progress is sufficient to master appropriate 4th grade level
167 reading skills.
168 5. Provide students who are retained under the provisions
169 of paragraph (5)(b) with a high-performing teacher as determined
170 by student performance data and above-satisfactory performance
171 appraisals.

172 6. In addition to required reading enhancement and
173 acceleration strategies, provide parents of students to be
174 retained with at least one of the following instructional
175 options:
176 a. Supplemental tutoring in scientifically research-based
177 reading services in addition to the regular reading block,
178 including tutoring before and/or after school.
179 b. A "Read at Home" plan outlined in a parental contract,
180 including participation in "Families Building Better Readers
181 Workshops" and regular parent-guided home reading.
182 c. A mentor or tutor with specialized reading training.
183 7. Establish a Reading Enhancement and Acceleration
184 Development (READ) Initiative. The focus of the READ Initiative
185 shall be to prevent the retention of grade 3 students and to
186 offer intensive accelerated reading instruction to grade 3
187 students who failed to meet standards for promotion to grade 4
188 and to each K-3 student who is assessed as exhibiting a reading
189 deficiency. The READ Initiative shall:
190 a. Be provided to all K-3 students at risk of retention as
191 identified by the statewide assessment system used in Reading
192 First schools. The assessment must measure phonemic awareness,
193 phonics, fluency, vocabulary, and comprehension.
194 b. Be provided during regular school hours in addition to
195 the regular reading instruction.
196 c. Provide a state-identified reading curriculum that has
197 been reviewed by the Florida Center for Reading Research at
198 Florida State University and meets, at a minimum, the following
199 specifications:
200 (I) Assists students assessed as exhibiting a reading
201 deficiency in developing the ability to read at grade level.

202 (II) Provides skill development in phonemic awareness,
203 phonics, fluency, vocabulary, and comprehension.
204 (III) Provides scientifically based and reliable
205 assessment.
206 (IV) Provides initial and ongoing analysis of each
207 student's reading progress.
208 (V) Is implemented during regular school hours.
209 (VI) Provides a curriculum in core academic subjects to
210 assist the student in maintaining or meeting proficiency levels
211 for the appropriate grade in all academic subjects.
212 8. Establish at each school, where applicable, an
213 Intensive Acceleration Class for retained grade 3 students who
214 subsequently score at Level 1 on the reading portion of the
215 FCAT. The focus of the Intensive Acceleration Class shall be to
216 increase a child's reading level at least two grade levels in 1
217 school year. The Intensive Acceleration Class shall:
218 a. Be provided to any student in grade 3 who scores at
219 Level 1 on the reading portion of the FCAT and who was retained
220 in grade 3 the prior year because of scoring at Level 1 on the
221 reading portion of the FCAT.
222 b. Have a reduced teacher-student ratio.
223 c. Provide uninterrupted reading instruction for the
224 majority of student contact time each day and incorporate
225 opportunities to master the grade 4 Sunshine State Standards in
226 other core subject areas.
227 d. Use a reading program that is scientifically research-
228 based and has proven results in accelerating student reading
229 achievement within the same school year.

230 e. Provide intensive language and vocabulary instruction
231 using a scientifically research-based program, including use of
232 a speech-language therapist.
233 f. Include weekly progress monitoring measures to ensure
234 progress is being made.
235 g. Report to the Department of Education, in the manner
236 described by the department, the progress of students in the
237 class at the end of the first semester.
238 9. Report to the State Board of Education, as requested,
239 on the specific intensive reading interventions and supports
240 implemented at the school district level. The Commissioner of
241 Education shall annually prescribe the required components of
242 requested reports.
243 10. Provide a student who has been retained in grade 3 and
244 has received intensive instructional services but is still not
245 ready for grade promotion, as determined by the school district,
246 the option of being placed in a transitional instructional
247 setting. Such setting shall specifically be designed to produce
248 learning gains sufficient to meet grade 4 performance standards
249 while continuing to remediate the areas of reading deficiency.
250
251 ========== D I R E C T O R Y A M E N D M E N T ==========
252 On page 64, remove lines 1770 through 1773 and insert:
253
254 Section 34. Paragraphs (b) and (c) of subsection (4),
255 paragraphs (b) and (c) of subsection (6), paragraph (b) of
256 subsection (7), and paragraph (b) of subsection (8) of section
257 1008.25, Florida Statutes, are amended, and paragraph (c) is
258 added to subsection (8) of that section, to read:
259

260

261 ========== T I T L E A M E N D M E N T ==========

262 Delete line 128 and insert:

263 student progression; replacing academic improvement plans with

264 progress monitoring plans; requiring an annual report; repealing

265

266

267

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Baxley, Pickens, and Stargel offered the
3 following:
4
5 **Amendment**
6 On page 19, line 529, delete that line and insert:
7
8 before Labor Day each year. The district school board may, with
9 a supermajority vote after a public hearing, establish the
10 opening date of the school year no earlier than August 8.
11
12
13

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Richardson offered the following:
3
4 **Amendment**
5 On page 26, line 708 through page 29, line 779, remove
6 those lines from the bill.
7
8
9 ========== T I T L E A M E N D M E N T ==========
10 On page 2, line 43 through line 45, remove those lines and
11 insert:
12 principals; amending s.
13
14

000000

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

---

1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Gottlieb offered the following:
3
4 **Amendment**
5 On page 30 between lines 814 and 815 insert:
6
7 Section 17. Paragraph (c) of subsection (1) of section
8 1003.21, Florida Statutes, is amended to read:
9
10 1003.21 School attendance.--
11 (1)
12 (c) A student who attains the age of 16 years during the
13 school year is not subject to compulsory school attendance
14 beyond the date upon which he or she attains that age if the
15 student files a formal declaration of intent to terminate school
16 enrollment with the district school board. The declaration must
17 acknowledge that terminating school enrollment is likely to
18 reduce the student's earning potential and must be signed by the
19 student and the student's parent. The school district must
20 notify the student's parent of receipt of the student's
21 declaration of intent to terminate school enrollment. The

22 student's guidance counselor or other school personnel must
23 conduct an exit interview with the student to determine the
24 reasons for the student's decision to terminate school
25 enrollment, and actions that could be taken to keep the student
26 in school. Students must be informed of opportunities to
27 continue their education in a different environment including
28 but not limited to adult education and GED preparation.
29 Additionally, the student must complete a survey in a format
30 prescribed by the Department of Education to provide data on
31 students' reasons for terminating enrollment and actions taken
32 by schools to keep students enrolled.
33
34 ========== T I T L E A M E N D M E N T ==========
35 Remove line 52 and insert:
36
37 preference; amending s. 1003.21, F.S.; requiring exit interviews
38 with students prior to terminating enrollment and requiring
39 survey data; creating s. 1003.413, F.S., relating to
40

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Arza offered the following:
3
4 **Amendment**
5 On page 75, lines 2080 through 2082, remove those lines and
6 insert:
7 in the school in reading, math, or writing on the FCAT, unless
8 these students are exhibiting ~~performing above~~ satisfactory
9 performance.
10
11
12
13

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 12

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza, Farkas, Bogdanoff, Hukill, Coley, Traviesa
3 and Ausley offered the following:
4
5 **Amendment**
6 On page 35 between lines 951 and 952 insert and renumber
7 subsequent sections:
8
9 5. One year-long course, to be taken in the sixth grade,
10 that exposes the student to elective areas of the curriculum.
11 The course must be comprised of nine weeks of instruction in
12 each of the following areas: career and technical education,
13 art, music, and physical education.
14
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COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Arza offered the following:
3
4 **Amendment**
5 On page 35, lines 952 through 968, delete those lines and
6 insert:
7
8 5. One half-year course in career exploration and
9 education planning to be completed in grade 7 or grade 8. The
10 course may be taught by any member of the instructional staff
11 and must include but is not limited to the following components:
12 a. career exploration;
13 b. academic advising from the instructor, with assistance
14 from guidance counselors, to provide information to each student
15 about high school programs and courses, including acceleration
16 mechanisms, career and technical programs, and career and
17 professional academies pursuant to s. 1003.493, that meet the
18 student's interests; and
19 c. educational planning using the online student advising
20 system Florida Academic Counseling and Tracking for Students at
21 the Internet website FACTS.org.

22

23 Each school must hold a parent meeting either in the evening or
24 on a weekend to inform parents about the course curriculum and
25 activities. Each student shall complete an electronic personal
26 education plan that must be signed by the student, the student's
27 instructor or guidance counselor, and the student's parent. By
28 January 1, 2007, the Department of Education shall develop a
29 course framework and professional development materials for the
30 career exploration and education planning course. The
31 Commissioner of Education shall collect longitudinal high school
32 course enrollment data by student ethnicity in order to analyze
33 course-taking patterns.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 14

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Arza offered the following:
3
4 **Amendment**
5 On page 38, between lines 1035 and 1036, insert:
6
7 Students may revise majors each year as part of annual course
8 registration processes, and should update their education plan
9 to reflect such revisions.
10
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COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Pickens offered the following:
3
4 **Amendment**
5 On page 55, remove lines 1505-1532 and insert:
6 (1) There is created the Florida Ready to Work
7 Certification Program to enhance the workplace skills of
8 Florida's students to better prepare them for successful
9 employment in specific occupations.
10 (2) The Florida Ready to Work Certification Program may be
11 conducted in public middle and high schools, community colleges,
12 technical centers, one-stop career centers, vocational
13 rehabilitation centers, and Department of Juvenile Justice
14 educational facilities. The program may be made available to
15 other entities that provide job training. The Department of
16 Education shall establish institutional readiness criteria for
17 program implementation.
18 (3) The Florida Ready to Work Certification Program shall
19 be composed of:

20 (a) A comprehensive identification of workplace skills for
21 each occupation identified for inclusion in the program by the
22 Agency for Workforce Innovation and the Department of Education.
23 (b) A preinstructional assessment that delineates the
24 student's mastery level on the specific workplace skills
25 identified for that occupation.
26 (c) A targeted instructional program limited to those
27 identified workplace skills in which the student is not
28 proficient as measured by the preinstructional assessment.
29 Instruction must utilize a web-based program and be customized
30 to meet identified specific needs of local employers.
31 (d) A certificate and portfolio awarded to students upon
32 successful completion of the instruction. Each portfolio must
33 delineate the skills demonstrated by the student as evidence of
34 the student's preparation for employment
35

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Arza offered the following:
3
4 **Amendment**
5 On page 62, lines 1719 through 1751, delete those lines and
6 insert:
7
8 (9) CONCORDANT SCORES FOR THE FCAT ~~EQUIVALENCIES FOR~~
9 ~~STANDARDIZED TESTS~~.--
10 (a) The State Board of Education shall analyze the content
11 and concordant data sets for widely used high school achievement
12 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
13 and College Placement Test, to assess if concordant scores on
14 the FCAT can be determined for high school graduation, college
15 placement, and scholarship awards. In cases where content
16 alignment and concordant scores can be determined, the
17 Commissioner of Education shall adopt those scores as meeting
18 the graduation requirement in lieu of achieving the FCAT passing
19 score, and may adopt those scores as being sufficient to achieve
20 additional purposes as determined by rule. Each time test
21 content or scoring procedures are changed for either the FCAT or

22 one of the identified tests, new concordant scores must be
23 determined ~~The Commissioner of Education shall approve the use~~
24 ~~of the SAT and ACT tests as alternative assessments to the grade~~
25 ~~10 FCAT for the 2003-2004 school year~~.
26 (b) In order to use a concordant subject area score
27 pursuant to this subsection to ~~Students who attain scores on the~~
28 ~~SAT or ACT which equate to the passing scores on the grade 10~~
29 ~~FCAT for purposes of high school graduation shall~~ satisfy the
30 assessment requirement for a standard high school diploma as
31 provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) or s.
32 1003.428, a student must ~~for the 2003-2004 school year if the~~
33 ~~students meet the requirement in paragraph (b). (b) A student~~
34 ~~shall be required to~~ take each subject area of the grade 10 FCAT
35 a total of three times without earning a passing score. ~~in order~~
36 ~~to use the scores on an alternative assessment pursuant to~~
37 ~~paragraph (a). This requirement~~ The requirements of this
38 paragraph shall not apply to a new student who enters the
39 Florida ~~is a new student to the~~ public school system in grade
40 12, who may either achieve a passing score on the FCAT or use an
41 approved subject area concordant score to fulfill the high
42 school graduation requirement.
43 (c) The State Board of Education may define by rule the
44 allowable uses, other than to satisfy the high school graduation
45 requirement, for concordant scores as described in this
46 subsection. Such uses may include, but need not be limited to,
47 achieving appropriate standardized test scores required in the
48 awarding of bright futures scholarships and college placement.
49
50
51

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Bean offered the following:
3
4 **Amendment**
5 On page 75, lines 2066 through 2069, remove those lines and
6 insert:

7 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
8 ~~CATEGORIES~~.--A school that serves any combination of students in
9 kindergarten through grade 3 that does not receive a school
10 grade because its students are not tested and included in the
11 school grading system shall receive the school grade designation
12 of a feeder pattern school identified by the Department of
13 Education and verified by the school district. A school feeder
14 pattern exists if at least 60 percent of the students in the
15 school serving a combination of students in kindergarten through
16 grade 3 are scheduled to be assigned to the graded school.
17 School grades ~~performance grade category designations~~ itemized
18 in subsection (2) shall be based on the following:
19
20

21
22 ========== T I T L E A M E N D M E N T ==========
23 On page 6, line 141, remove that line and insert:
24 grades; providing for school grading of feeder pattern schools;
25 defining feeder pattern school; providing for school grading for
26 alternative
27

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Bean offered the following:
3
4 **Amendment**
5 On page 85, line 2358 through 2361, remove those lines and
6 insert:
7
8 (3) All public schools, including charter schools and feeder
9 pattern schools, that receive a school grade pursuant to s.
10 1008.34 or a school improvement rating pursuant to s. 1008.341
11 are eligible to participate in the program.
12
13 ========== T I T L E A M E N D M E N T ==========
14 On page 6, lines 163 through 164, remove those lines and
15 insert:
16 1008.36, F.S.; authorizing certain alternative schools and
17 feeder pattern schools to participate in the Florida School
18 Recognition Program;
19

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Ausley offered the following:
3
4 **Amendment**
5 On page 57, line 1580 through page 62, line 1709, remove
6 those lines and insert:
7
8 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
9 design and implement a statewide program of educational
10 assessment that provides information for the improvement of the
11 operation and management of the public schools, including
12 schools operating for the purpose of providing educational
13 services to youth in Department of Juvenile Justice programs.
14 The commissioner may enter into contracts for the continued
15 administration of the assessment, testing, and evaluation
16 programs authorized and funded by the Legislature. Contracts may
17 be initiated in 1 fiscal year and continue into the next and may
18 be paid from the appropriations of either or both fiscal years.
19 The commissioner is authorized to negotiate for the sale or
20 lease of tests, scoring protocols, test scoring services, and

21 related materials developed pursuant to law. Pursuant to the
22 statewide assessment program, the commissioner shall:
23 (c) Develop and implement a student achievement testing
24 program known as the Florida Comprehensive Assessment Test
25 (FCAT) as part of the statewide assessment program~~, to be~~
26 ~~administered annually in grades 3 through 10~~ to measure reading,
27 writing, science, and mathematics. Other content areas may be
28 included as directed by the commissioner. The assessment of
29 reading and mathematics shall be administered annually in grades
30 3 through 10. The assessment of writing and science shall be
31 administered at least once at the elementary, middle, and high
32 school levels. The commissioner must document the procedures
33 that ensure that the versions of the FCAT taken by students
34 retaking the grade 10 FCAT are as equally challenging and
35 difficult as the tests taken by students in grade 10 that
36 contain performance tasks. The testing program must be designed
37 so that:
38 1. The tests measure student skills and competencies
39 adopted by the State Board of Education as specified in
40 paragraph (a). The tests must measure and report student
41 proficiency levels of all students assessed in reading, writing,
42 mathematics, and science. The commissioner shall provide for the
43 tests to be developed or obtained, as appropriate, through
44 contracts and project agreements with private vendors, public
45 vendors, public agencies, postsecondary educational
46 institutions, or school districts. The commissioner shall obtain
47 input with respect to the design and implementation of the
48 testing program from state educators, assistive technology
49 experts, and the public.

50 2. The testing program will include a combination of norm-
51 referenced and criterion-referenced tests and include, to the
52 extent determined by the commissioner, questions that require
53 the student to produce information or perform tasks in such a
54 way that the skills and competencies he or she uses can be
55 measured.
56 3. Each testing program, whether at the elementary,
57 middle, or high school level, includes a test of writing in
58 which students are required to produce writings that are then
59 scored by appropriate and timely methods.
60 4. A score is designated for each subject area tested,
61 below which score a student's performance is deemed inadequate.
62 The school districts shall provide appropriate remedial
63 instruction to students who score below these levels.
64 5. Except as provided in s. 1003.428(8)(b)or s.
65 1003.43(11)(b), students must earn a passing score on the grade
66 10 assessment test described in this paragraph or attain
67 concordant scores ~~on an alternate assessment~~ as described in
68 subsection (9) in reading, writing, and mathematics to qualify
69 for a standard ~~regular~~ high school diploma. The State Board of
70 Education shall designate a passing score for each part of the
71 grade 10 assessment test. In establishing passing scores, the
72 state board shall consider any possible negative impact of the
73 test on minority students. ~~All students who took the grade 10~~
74 ~~FCAT during the 2000-2001 school year shall be required to earn~~
75 ~~the passing scores in reading and mathematics established by the~~
76 ~~State Board of Education for the March 2001 test administration.~~
77 ~~Such students who did not earn the established passing scores~~
78 ~~and must repeat the grade 10 FCAT are required to earn the~~
79 ~~passing scores established for the March 2001 test~~

80 ~~administration. All students who take the grade 10 FCAT for the~~
81 ~~first time in March 2002 shall be required to earn the passing~~
82 ~~scores in reading and mathematics established by the State Board~~
83 ~~of Education for the March 2002 test administration.~~ The State
84 Board of Education shall adopt rules which specify the passing
85 scores for the grade 10 FCAT. Any such rules, which have the
86 effect of raising the required passing scores, shall only apply
87 to students taking the grade 10 FCAT for the first time after
88 such rules are adopted by the State Board of Education.
89 6. Participation in the testing program is mandatory for
90 all students attending public school, including students served
91 in Department of Juvenile Justice programs, except as otherwise
92 prescribed by the commissioner. If a student does not
93 participate in the statewide assessment, the district must
94 notify the student's parent and provide the parent with
95 information regarding the implications of such nonparticipation.
96 ~~If modifications are made in the student's instruction to~~
97 ~~provide accommodations that would not be permitted on the~~
98 ~~statewide assessment tests, the district must notify the~~
99 ~~student's parent of the implications of such instructional~~
100 ~~modifications.~~ A parent must provide signed consent for a
101 student to receive classroom instructional modifications that
102 would not be available or permitted on the statewide assessments
103 and must acknowledge in writing that he or she understands the
104 implications of such instructional modifications ~~accommodations~~.
105 The State Board of Education shall adopt rules, based upon
106 recommendations of the commissioner, for the provision of test
107 accommodations ~~and modifications of procedures as necessary~~ for
108 students in exceptional education programs and for students who
109 have limited English proficiency. Accommodations that negate the

110 validity of a statewide assessment are not allowable in the
111 administration of the FCAT. However, instructional
112 modifications are allowable in the classroom if included in a
113 student's individual education plan. Students using
114 instructional modifications in the classroom that are not
115 allowable as accommodations on the FCAT may have the FCAT
116 requirement waived pursuant to the requirements of s.
117 1003.428(8)(b) or 1003.43(11)(b).
118 7. A student seeking an adult high school diploma must
119 meet the same testing requirements that a regular high school
120 student must meet.
121 8. District school boards must provide instruction to
122 prepare students to demonstrate proficiency in the skills and
123 competencies necessary for successful grade-to-grade progression
124 and high school graduation. If a student is provided with
125 instructional ~~accommodations or~~ modifications in the classroom
126 that are not allowable as accommodations in the statewide
127 assessment program, as described in the test manuals, the
128 district must inform the parent in writing and must provide the
129 parent with information regarding the impact on the student's
130 ability to meet expected proficiency levels in reading, writing,
131 and math. The commissioner shall conduct studies as necessary to
132 verify that the required skills and competencies are part of the
133 district instructional programs.
134 9. District school boards must provide opportunities for
135 students to demonstrate an acceptable level of performance on an
136 alternative standardized assessment approved by the State Board
137 of Education following enrollment in summer academies.
138 10.~~9.~~ The Department of Education must develop, or select,
139 and implement a common battery of assessment tools that will be

140 used in all juvenile justice programs in the state. These tools
141 must accurately measure the skills and competencies established
142 in the ~~Florida~~ Sunshine State Standards.
143 11. For students seeking a special diploma pursuant to s.
144 1003.438, the Department of Education must develop, or select
145 and implement, an alternate assessment tool that accurately
146 measures the skills and competencies established in the Sunshine
147 State Standards under s. 1003.438 for students with
148 disabilities.
149
150 The Commissioner may design and implement student testing
151 programs, for any grade level and subject area, necessary to
152 effectively monitor educational achievement in the state
153 including the measurement of educational achievement of the
154 Sunshine State Standards for students with disabilities.
155 Development and refinement of assessments shall include
156 universal design principles and accessibility standards that
157 will prevent any unintended obstacles for students with
158 disabilities while ensuring the validity and reliability of the
159 test. These principles should be applicable to all technology
160 platforms and assistive devices available for the assessments.
161 The field testing process and psychometric analyses for the
162 statewide assessment program must include an appropriate
163 percentage of students with disabilities and an evaluation or
164 determination of the effect of test items on such students.
165
166
167
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169

170 ========== D I R E C T O R Y A M E N D M E N T ==========
171 On page 57, remove lines 1565-1570, and insert:
172
173 Section 32. Paragraphs (c) and (f) of subsection (1) of
174 section 1008.22, Florida Statutes, are amended, paragraphs (c)
175 and (e) of subsection (3) are amended and a new paragraph (g) is
176 added to that subsection, subsection (9) is amended, subsection
177 (10) is renumbered as subsection (11), and a new subsection (10)
178 is added to that section, to read:
179
180 ========== T I T L E A M E N D M E N T ==========
181 Remove lines 114 through 115 and insert:
182
183 circumstances; providing that FCAT nonallowable accommodations
184 may be used as instructional modifications during classroom
185 instruction if included in the individual education plan of a
186 student with a disability; requiring certain opportunities for
187 demonstrating student performance; requiring the Commissioner of
188 Education to develop assessments for measuring the academic
189 competency of students with disabilities; requiring the
190

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Ausley offered the following:
3 **Amendment**
4 On page 75, remove lines 2070 to 2082, and insert:
5
6 (a) Criteria ~~Timeframes~~.--A school's grade shall be based
7 on a combination of:
8 1. Student achievement scores. ~~School performance grade~~
9 ~~category designations shall be based on the school's current~~
10 ~~year performance and the school's annual learning gains~~.
11 2. ~~A school's performance grade category designation shall~~
12 ~~be based on a combination of student achievement scores,~~ Student
13 learning gains as measured by annual FCAT assessments in grades
14 3 through 10.~~,~~ Learning gains for students seeking a special
15 diploma, as measured by an alternate assessment tool, shall be
16 included no later than the 2009-2010 school year.~~, and~~
17 3. Improvement of the lowest 25th percentile of students
18 in the school in reading, math, or writing on the FCAT, unless
19 these students are exhibiting ~~performing above~~ satisfactory
20 performance.
21

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Arza offered the following:
3
4 **Amendment**
5 On page 82, lines 2264 through page 85, line 2345 remove
6 those lines and insert:
7
8 (d)1. The commissioner ~~department~~ shall assign a community
9 assessment team to each school district with a school ~~designated~~
10 ~~as performance grade category "D" or~~ graded "F" or a school
11 graded "D" for two years in a four year period to review the
12 school performance data and determine causes for the low
13 performance, including the role of area and district
14 administrative personnel. For a high school graded "D" for two
15 years in a four year period, or graded "F," the community
16 assessment team shall review the school's graduation rate
17 calculated without GEDs for the past 3 years, disaggregated by
18 student ethnicity. The team shall make recommendations to the
19 school board, to the department, and to the State Board of
20 Education for implementing an assistance and intervention plan
21 that will address the causes of the school's low performance.

22 The assessment team shall include, but not be limited to, a
23 department representative, parents, business representatives,
24 educators, and community activists, and shall represent the
25 demographics of the community from which they are appointed.
26 2. Each school district that has a school designated with
27 a grade of "F" for a second consecutive year after the community
28 assessment team's recommendations to the school board for
29 implementing an assistance and intervention plan shall be
30 subject to review and oversight by the Governor as a school
31 district with a school in a state of educational emergency.
32 3. For each school district with a school in a state of
33 educational emergency, the Governor shall contact the district
34 school board to determine what actions have been taken by the
35 district school board to address the recommendations of the
36 community assessment team and to resolve the educational
37 emergency. The Governor shall determine whether the district
38 school board needs state assistance to resolve the educational
39 emergency. If state assistance is needed, the Governor has the
40 authority to implement measures as set forth in this
41 subparagraph to assist the district school board in resolving
42 the educational emergency at the school. Such measures may
43 include, but are not limited to:
44 a. Requiring the Governor's approval of the school
45 district's budget for the school.
46 b. Authorizing a state loan and providing for its
47 repayment by the district school board.
48 c. Requiring the district school board to reallocate funds
49 as necessary until such time as the school district no longer
50 has a school in a state of educational emergency.

51 d. Making inspections and reviews of any records,
52 information, reports, and assets of the school district for the
53 purpose of improving the school's performance. The appropriate
54 school district officials shall cooperate in such inspections
55 and reviews.
56 e. Consulting with officials and auditors of the school
57 district and the appropriate state officials regarding any steps
58 necessary to bring the books of account, accounting systems,
59 financial procedures, personnel, and personnel systems into
60 compliance with state requirements for the purpose of improving
61 the school's performance.
62 f. Providing technical assistance to the district school
63 board.
64 g. Establishing an educational emergency board to oversee
65 the activities of the district school board related to the
66 school. If an educational emergency board is established, the
67 Governor shall appoint board members and select a chair. The
68 school district's community assessment team shall serve in an
69 advisory capacity to the educational emergency board. The
70 educational emergency board shall adopt such rules as are
71 necessary for conducting board business. The board may review
72 all of the educational operations, including, but not limited
73 to, graduation and dropout rates, personnel, management,
74 efficiency, curriculum, instructional materials, productivity,
75 and financing of functions and operations, of the school
76 district related to the school. The recommendations and reports
77 made by the educational emergency board must be submitted to the
78 Governor and the State Board of Education for appropriate
79 action. Upon receipt of the educational emergency board's
80 recommendations and report, the Governor and the State Board of

81 Education shall require an action plan to implement the
82 educational emergency board's recommendations, to be prepared by
83 officials of the school district in consultation with the
84 appropriate state officials, so as to cause the school to no
85 longer be in a state of educational emergency.
86 4. The Governor may terminate all state actions pursuant
87 to this paragraph upon determination that the school is no
88 longer in a state of educational emergency and the school
89 district is operating an effective educational system for all
90 students in the district.
91
92
93
94
95
96

Amendment No. 22

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Richardson offered the following:
3
4 **Amendment**
5 On page 103, lines 2846 through 2848, delete those lines
6 and insert:
7
8 and that the materials are being implemented as designed.
9
10

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COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representatives Arza and Stargel offered the following:
3
4 **Amendment**
5 On page 105, between lines 2901 and 2902 insert:
6
7 (b) Time to act on nominations.--The district school board
8 shall act not later than 3 weeks following the receipt of FCAT
9 scores and data including school grades, or June 30th, ~~after the~~
10 ~~end of the regular legislative session or May 31,~~ whichever is
11 later, on the district school superintendent's nominations of
12 supervisors, principals, and members of the instructional staff.
13
14 ========== D I R E C T O R Y A M E N D M E N T ==========
15 On page 105, remove lines 2893 through 2894 and insert:
16 Section 48. Paragraphs (b) and (c) of subsection (1) of
17 section 1012.22, Florida Statutes, are amended to read:
18
19 ========== T I T L E A M E N D M E N T ==========
20 Between lines 186 and 187 insert:

21 amending the deadline for district school superintendent's
22 nominations of supervisors, principals, and members of the
23 instructional staff;
24

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 24

Bill No. 7087

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Education Council
2 Representative Richardson offered the following:
3
4 **Amendment**
5 On page 105, lines 2890 through 2892, delete those lines
6 and insert:
7
8 bargained contracts.
9
10

000000

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

---

1 Council/Committee hearing bill: Education Council
2
3 Representative Bendross-Mindingall offered the following:
4
5 Remove everything after the enacting clause and insert:
6
7 Section 1. Paragraph (a) of subsection (6) of section
8 1002.20, Florida Statutes, is amended to read:
9 1002.20 K-12 student and parent rights.--Parents of public
10 school students must receive accurate and timely information
11 regarding their child's academic progress and must be informed
12 of ways they can help their child to succeed in school. K-12
13 students and their parents are afforded numerous statutory
14 rights including, but not limited to, the following:
15 (6) EDUCATIONAL CHOICE.--
16 (a) Public school choices.--Parents of public school
17 students may seek whatever public school choice options that are
18 ~~applicable to their students and are~~ available to students in
19 their school districts. These options may include controlled
20 open enrollment, lab schools, charter schools, charter technical
21 career centers, magnet schools, alternative schools, special

22 programs, academy programs, advanced placement, dual enrollment,
23 International Baccalaureate, International General Certificate
24 of Secondary Education (pre-AICE), Advanced International
25 Certificate of Education, early admissions, credit by
26 examination or demonstration of competency, the New World School
27 of the Arts, the Florida School for the Deaf and the Blind, and
28 the Florida Virtual School. These options may also include the
29 public school choice options of the Opportunity Scholarship
30 Program and the McKay Scholarships for Students with
31 Disabilities Program.
32 Section 2. Subsections (1), (2), and (5) of section
33 1002.31, Florida Statutes, are amended to read:
34 1002.31 Public school parental choice.--
35 (1) As used in this section, "controlled open enrollment"
36 means a public education delivery system that allows school
37 districts to make student school assignments using parents'
38 indicated preferential school choice ~~as a significant factor~~.
39 (2) Each district school board shall ~~may~~ offer controlled
40 open enrollment within the public schools. The controlled open
41 enrollment program shall be offered in addition to the existing
42 choice programs such as magnet schools, alternative schools,
43 special programs, academy programs, advanced placement, and dual
44 enrollment.
45 (5) Each school district shall develop a system of
46 priorities for its plan that includes ~~consideration of~~ the
47 following:
48 (a) An application process required to participate in the
49 controlled open enrollment program.
50 (b) A process that allows parents to declare school
51 preferences.

52 (c) A process that allows ~~encourages~~ placement of siblings
53 within the same school.
54 (d) A lottery procedure used by the school district to
55 determine student assignment.
56 (e) An appeals process for hardship cases.
57 (f) The procedures to maintain socioeconomic, demographic,
58 and racial balance.
59 ~~(g) The availability of transportation.~~
60 (g) ~~(h)~~ A process that promotes strong parental
61 involvement, including the designation of a parent liaison.
62 (h) ~~(i)~~ A strategy that establishes a clearinghouse of
63 information designed to assist parents in making informed
64 choices.
65 Section 3. Section 1002.391, Florida Statutes, is created
66 to read:
67 1002.391 Public school academy programs; public schools.--
68 (1) The Department of Education shall develop by January
69 1, 2007, a plan for school districts to establish academy
70 programs in every public school where feasible. Based on the
71 school-within-a-school concept, academy programs shall be
72 multiple programs within one school facility that allow students
73 to concentrate on unique and specialized tracks of study of
74 their choosing. The department's plan shall be based on the
75 following:
76 (a) Students in each academy program shall be required to
77 take a base of core-curricula courses in addition to specialized
78 courses unique to each program.
79 (b) The plan shall include a waiver provision for school
80 districts to continue offering traditional single-track programs

81 if, because of unique circumstances, it is not feasible for them
82 to offer multi-track academy programs within individual schools.
83 (c) Parents shall be empowered to switch their child to a
84 different academy program if they are unhappy with the program
85 in which their child is enrolled. Except as provided in
86 paragraph (d), once a child begins an academic year in an
87 academy, he or she is required to attend that academy for the
88 remainder of the academic year.
89 (d) Parents may apply to move their child to another
90 academy program before the end of the academic year if special
91 circumstances warrant such action, according to a process
92 developed by the department.
93 (2) Parents shall be empowered to switch their child to
94 another public school within the school district if they are
95 unhappy with the school in which their child is enrolled. Once a
96 child begins an academic year in a school, he or she is required
97 to attend that school for the remainder of the academic year.
98 However, if special circumstances warrant such action, parents
99 may apply to move their child to another school before the end
100 of the academic year, according to a process developed by the
101 department.
102 (3) School districts shall provide transportation for
103 students to attend academy programs or schools outside of their
104 school zone. The department shall use Every Child Matters
105 Program funds, pursuant to s. 1008.36, to reimburse school
106 districts for reasonable costs to provide transportation for
107 students who attend academy programs or schools outside of their
108 school zone.
109 Section 4. Subsection (2) of section 1008.22, Florida
110 Statutes, is amended, paragraphs (d), (e), and (f) of subsection

111 (3) are redesignated as paragraphs (e), (f), and (g),
112 respectively, and a new paragraph (d) is added to that
113 subsection, to read:
114 1008.22 Student assessment program for public schools.--
115 (2) NATIONAL EDUCATION COMPARISONS.--
116 (a) It is Florida's intent to participate in the
117 measurement of national educational goals. The Commissioner of
118 Education shall direct Florida school districts to participate
119 in the administration of the National Assessment of Educational
120 Progress, or a similar national assessment program, both for the
121 national sample and for any state-by-state comparison programs
122 which may be initiated. Such assessments must be conducted using
123 the data collection procedures, the student surveys, the
124 educator surveys, and other instruments included in the National
125 Assessment of Educational Progress or similar program being
126 administered in Florida. The results of these assessments shall
127 be included in the annual report of the Commissioner of
128 Education specified in this section. The administration of the
129 National Assessment of Educational Progress or similar program
130 shall be in addition to and separate from the administration of
131 the statewide assessment program.
132 (b) In order to ensure that Florida provides "a uniform,
133 efficient, safe, secure, and high quality system of free public
134 schools that allows students to obtain a high quality education"
135 as required in s. 1, Art. IX of the State Constitution, the
136 Commissioner of Education shall:
137 1. Adopt performance standards, set goals, and provide the
138 resources necessary to ensure that Florida ranks in the top half
139 of state-by-state education performance comparisons compiled by
140 the United States Department of Education.

141 2. Set goals so that in no instance will Florida rank in
142 the bottom quartile of any state-by-state education performance
143 comparison compiled by the United States Department of
144 Education.
145 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
146 design and implement a statewide program of educational
147 assessment that provides information for the improvement of the
148 operation and management of the public schools, including
149 schools operating for the purpose of providing educational
150 services to youth in Department of Juvenile Justice programs.
151 The commissioner may enter into contracts for the continued
152 administration of the assessment, testing, and evaluation
153 programs authorized and funded by the Legislature. Contracts may
154 be initiated in 1 fiscal year and continue into the next and may
155 be paid from the appropriations of either or both fiscal years.
156 The commissioner is authorized to negotiate for the sale or
157 lease of tests, scoring protocols, test scoring services, and
158 related materials developed pursuant to law. Pursuant to the
159 statewide assessment program, the commissioner shall:
160 (d) Develop and implement a student achievement testing
161 program known as the Florida Comprehensive Assessment Test
162 (FCAT) Pretest as part of a statewide diagnostic tool for public
163 school students. The FCAT Pretest shall be given during the
164 first week of the academic year to assess the academic strengths
165 and weaknesses of each student so that teachers can accurately
166 develop curricula that promote advancement of all students. The
167 FCAT Pretest shall be used for diagnostic purposes only and
168 shall not be used to determine performance categories for
169 academy programs or public schools.

170 Section 5. Section 1008.33, Florida Statutes, is amended
171 to read:
172 1008.33 Authority to enforce public school
173 improvement.--It is the intent of the Legislature that all
174 public schools be held accountable for students performing at
175 acceptable levels. A system of school improvement and
176 accountability that assesses student performance by school,
177 identifies schools in which students are not making adequate
178 progress toward state standards, institutes appropriate measures
179 for enforcing improvement, and provides rewards and sanctions
180 based on performance shall be the responsibility of the State
181 Board of Education.
182 (1) Pursuant to Art. IX of the State Constitution
183 prescribing the duty of the State Board of Education to
184 supervise Florida's public school system and notwithstanding any
185 other statutory provisions to the contrary, the State Board of
186 Education shall intervene in the operation of a district school
187 system when one or more schools in the school district have
188 failed to make adequate progress for 2 school years in a 3-year
189 ~~4-year~~ period. For purposes of determining when an academy
190 program or a school is eligible for state board action ~~and~~
191 ~~opportunity scholarships~~ for its students, the terms "2 years in
192 any 3-year ~~4-year~~ period" and "2 years in a 3-year ~~4-year~~
193 period" mean that in any year that a school has a performance
194 category of "Inadequate Progress," ~~grade of "F,"~~ the school is
195 eligible for state board action ~~and opportunity scholarships~~ for
196 its students if it also has had a performance category of
197 "Inadequate Progress" ~~grade of "F"~~ in any of the previous 2 ~~3~~
198 school years. The State Board of Education may determine that
199 the school district or school has not taken steps sufficient for

200 students in the school to be academically well served.
201 Considering recommendations of the Commissioner of Education,
202 the State Board of Education shall recommend action to a
203 district school board intended to improve educational services
204 to students in each school that is designated as performance
205 ~~grade~~ category "Inadequate Progress." ~~"F."~~ Recommendations for
206 actions to be taken in the school district shall be made only
207 after thorough consideration of the unique characteristics of an
208 academy program or a school, which shall include student
209 mobility rates, the number and type of exceptional students
210 enrolled ~~in the school~~, and the availability of options for
211 improved educational services. The state board shall adopt by
212 rule steps to follow in this process. Such steps shall provide
213 school districts sufficient time to improve student performance
214 in schools and the opportunity to present evidence of assistance
215 and interventions that the district school board has
216 implemented.
217 (a) An academy program or school shall not receive a
218 performance category of "Inadequate Progress" if it has an
219 overall increase in student achievement of 10 percent over the
220 previous year.
221 (b) An academy program or school shall not receive a
222 performance category of "Inadequate Progress" if it falls below
223 its previous year's score but maintains adequate performance
224 standards compared to other programs or schools in the state.
225 (c) The State Board of Education shall determine by rule
226 what constitutes "Adequate Progress" and "Inadequate Progress"
227 for the purposes of the state education performance
228 accountability system.

229 (2) The State Board of Education may recommend one or more
230 of the following actions to district school boards to enable
231 students in academy programs and schools designated as
232 performance ~~grade~~ category "Inadequate Progress" ~~"F"~~ to be
233 academically well served by the public school system:
234 (a) Provide additional resources, change certain
235 practices, and provide additional assistance if the state board
236 determines the causes of inadequate progress to be related to
237 school district policy or practice;
238 (b) Implement a plan that satisfactorily resolves the
239 education equity problems in the academy program or school;
240 (c) Contract for the educational services of the academy
241 program or school, or reorganize the academy program or school
242 at the end of the school year under a new school principal who
243 is authorized to hire new staff and implement a plan that
244 addresses the causes of inadequate progress;
245 ~~(d) Allow parents of students in the school to send their~~
246 ~~children to another district school of their choice; or~~
247 (d) ~~(e)~~ Other action appropriate to improve the school's
248 performance.
249 (3) In recommending actions to district school boards, the
250 State Board of Education shall specify the length of time
251 available to implement the recommended action. The State Board
252 of Education may adopt rules to further specify how it may
253 respond in specific circumstances. No action taken by the State
254 Board of Education shall relieve an academy program or a school
255 from state accountability requirements.
256 (4) The State Board of Education may require the
257 Department of Education or Chief Financial Officer to withhold
258 any transfer of state funds to the school district if, within

259 the timeframe specified in state board action, the school
260 district has failed to comply with the action ordered to improve
261 the district's low-performing academy programs or schools.
262 Withholding the transfer of funds shall occur only after all
263 other recommended actions for school improvement have failed to
264 improve performance. The State Board of Education may impose the
265 same penalty on any district school board that fails to develop
266 and implement a plan for assistance and intervention for low-
267 performing schools as specified in s. 1001.42(16)(c).
268 Section 6. Section 1008.34, Florida Statutes, is amended
269 to read:
270 1008.34 School grading system; district performance
271 category ~~grade~~.--
272 (1) ANNUAL REPORTS.--The Commissioner of Education shall
273 prepare annual reports of the results of the statewide
274 assessment program which describe student achievement in the
275 state, each district, and each school. The commissioner shall
276 prescribe the design and content of these reports, which must
277 include, without limitation, descriptions of the performance of
278 all schools participating in the assessment program and all of
279 their major student populations as determined by the
280 Commissioner of Education, and must also include the median
281 scores of all eligible students who scored at or in the lowest
282 25th percentile of the state in the previous school year;
283 provided, however, that the provisions of s. 1002.22 pertaining
284 to student records apply to this section.
285 (2) ACADEMY PROGRAM AND SCHOOL PERFORMANCE ~~GRADE~~
286 CATEGORIES.--The annual report shall identify academy programs
287 and schools as being in one of the following performance ~~grade~~

288 categories defined according to rules of the State Board of
289 Education:
290 (a) "Adequate progress." ~~"A," schools making excellent~~
291 ~~progress.~~
292 (b) "Inadequate progress." ~~"B," schools making above~~
293 ~~average progress.~~
294 ~~(c) "C," schools making satisfactory progress.~~
295 ~~(d) "D," schools making less than satisfactory progress.~~
296 ~~(e) "F," schools failing to make adequate progress.~~
297
298 Beginning in the 2007-2008 school year, a school that has been
299 designated as performance category "F" in a prior school year
300 shall not be designated as performance category "Inadequate
301 Progress" using the current year's data if that school has shown
302 at least a 10-percent increase in student performance in each
303 subject area. ~~Each school designated in performance grade~~
304 ~~category "A," making excellent progress, or having improved at~~
305 ~~least two performance grade categories, shall have greater~~
306 ~~authority over the allocation of the school's total budget~~
307 ~~generated from the FEFP, state categoricals, lottery funds,~~
308 ~~grants, and local funds, as specified in state board rule. The~~
309 ~~rule must provide that the increased budget authority shall~~
310 ~~remain in effect until the school's performance grade declines.~~
311 (3) DESIGNATION OF SCHOOL PERFORMANCE ~~GRADE~~
312 CATEGORIES.--For purposes of determining academy program or
313 school performance, student performance should be based on all
314 students' annual learning gains compared to the previous year.
315 School performance ~~grade~~ category designations itemized in
316 subsection (2) shall be based on the following:
317 (a) Timeframes.--

318 1. Academy program or school performance ~~grade~~ category
319 designations shall be based on the ~~school's~~ current year
320 performance of the academy program or school and its ~~the~~
321 ~~school's~~ annual learning gains.
322 2. Beginning in school year 2007-2008, the performance
323 category designation of an academy program or a school shall be
324 determined based upon the following weighted factors, according
325 to rules adopted by the State Board of Education:
326 a. Fifty percent of the performance category shall be
327 based on students' FCAT scores.
328 b. Fifty percent of the performance category shall be
329 based on measures, where appropriate, that include performance
330 in non-FCAT courses; NAEP scores; dropout rate; retention;
331 expulsions; attendance; delinquencies; school crime rate;
332 effectiveness of Advanced Placement courses; Florida Bright
333 Futures Scholarship Program awards; college acceptance rates;
334 and rate of placement of vocational students in the workforce.
335 ~~2. A school's performance grade category designation shall~~
336 ~~be based on a combination of student achievement scores, student~~
337 ~~learning gains as measured by annual FCAT assessments in grades~~
338 ~~3 through 10, and improvement of the lowest 25th percentile of~~
339 ~~students in the school in reading, math, or writing on the FCAT,~~
340 ~~unless these students are performing above satisfactory~~
341 ~~performance.~~
342 (b) Student assessment data.--Student assessment data used
343 in determining academy program and school performance ~~grade~~
344 categories shall include:
345 1. The aggregate scores of all eligible students enrolled
346 in the academy program or school who have been assessed on the
347 FCAT.

348 2. The aggregate scores of all eligible students enrolled
349 in the academy program or school who have been assessed on the
350 FCAT, including Florida Writes~~, and who have scored at or in the~~
351 ~~lowest 25th percentile of students in the school in reading,~~
352 ~~math, or writing, unless these students are performing above~~
353 ~~satisfactory performance~~.
354
355 The Department of Education shall study the effects of mobility
356 on the performance of highly mobile students and recommend
357 programs to improve the performance of such students. The State
358 Board of Education shall adopt appropriate criteria for each
359 ~~school~~ performance grade category. The criteria must also give
360 added weight to student achievement in reading. ~~Schools~~
361 ~~designated as performance grade category "C," making~~
362 ~~satisfactory progress, shall be required to demonstrate that~~
363 ~~adequate progress has been made by students in the school who~~
364 ~~are in the lowest 25th percentile in reading, math, or writing~~
365 ~~on the FCAT, including Florida Writes, unless these students are~~
366 ~~performing above satisfactory performance.~~
367 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
368 identify each school's performance as having improved, remained
369 the same, or declined. This school improvement rating shall be
370 based on a comparison of the current year's and previous year's
371 student and academy program or school performance data. ~~Schools~~
372 ~~that improve at least one performance grade category are~~
373 ~~eligible for school recognition awards pursuant to s. 1008.36.~~
374 (5) SCHOOL PERFORMANCE ~~GRADE~~ CATEGORY AND IMPROVEMENT
375 RATING REPORTS.--School performance ~~grade~~ category designations
376 and improvement ratings shall apply to the ~~each school's~~
377 performance of each academy program or school for the year in

378 which performance is measured. Each ~~school's~~ designation and
379 rating shall be published annually by the Department of
380 Education and the school district. Parents shall be entitled to
381 an easy-to-read report card about the designation and rating of
382 the academy program or school in which their child is enrolled.
383 (6) RULES.--The State Board of Education shall adopt rules
384 pursuant to ss. 120.536(1) and 120.54 to implement the
385 provisions of this section.
386 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor
387 in the performance of academy programs and schools in
388 calculating any performance-based funding policy that is
389 provided for annually in the General Appropriations Act.
390 (8) DISTRICT PERFORMANCE ~~GRADE~~.--The annual report
391 required by subsection (1) shall include district performance
392 categories ~~grades~~, which shall consist of weighted district
393 average performance categories ~~grades~~, by level, for all
394 elementary schools, middle schools, and high schools in the
395 district. A district's weighted average performance category
396 ~~grade~~ shall be calculated by weighting individual academy
397 program and school performance category designations ~~grades~~
398 determined pursuant to subsection (2) by school enrollment.
399 School districts shall have a variety of tools at their disposal
400 to maintain high performance standards. These tools shall
401 include, but not be limited to:
402 (a) Giving academy programs and schools that make
403 "Adequate Progress" greater spending flexibility in their annual
404 budgets.
405 (b) Allowing academy programs and schools that make
406 "Adequate Progress" to operate free of many state categoricals
407 and rules.

408 Section 7. Section 1008.36, Florida Statutes, is amended
409 to read:
410 1008.36 Every Child Matters ~~Florida School Recognition~~
411 Program.--
412 (1) The Legislature finds that in order to provide every
413 student enrolled in K-12 public schools with the opportunity to
414 achieve a successful public education, academic problems must be
415 identified early and remediation and intervention services must
416 be provided. It is the intent of this section that no child
417 shall be left behind ~~there is a need for a performance incentive~~
418 ~~program for outstanding faculty and staff in highly productive~~
419 ~~schools. The Legislature further finds that performance based~~
420 ~~incentives are commonplace in the private sector and should be~~
421 ~~infused into the public sector as a reward for productivity~~.
422 (2) The Every Child Matters ~~Florida School Recognition~~
423 Program is created to provide ~~financial awards to public schools~~
424 ~~that~~:
425 (a) A curriculum-based, year-round measurement of learning
426 gains for all kindergarten students enrolled in public schools.
427 ~~Sustain high performance by receiving a school grade of "A,"~~
428 ~~making excellent progress; or~~
429 (b) Remediation and intervention services to all
430 kindergarten through grade 12 students enrolled in public
431 schools who are not meeting grade-appropriate performance
432 expectations, including FCAT scores. ~~Demonstrate exemplary~~
433 ~~improvement due to innovation and effort by improving a letter~~
434 ~~grade.~~
435 (3) All public schools, including charter schools, ~~that~~
436 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
437 participate in the program.

438 (4) All academy programs and ~~selected~~ schools shall
439 receive financial assistance ~~awards~~ depending on the
440 availability of funds appropriated ~~and the number and size of~~
441 ~~schools selected to receive an award~~. Funds must be distributed
442 to the school's fiscal agent and placed in the school's account
443 and must be used for purposes listed in subsection (5) as
444 determined jointly by the school's staff and school advisory
445 council. ~~If school staff and the school advisory council cannot~~
446 ~~reach agreement by November 1, the awards must be equally~~
447 ~~distributed to all classroom teachers currently teaching in the~~
448 ~~school.~~
449 (5) Every Child Matters Program funds ~~School recognition~~
450 ~~awards~~ must be used for the following:
451 (a) Administration of the Dynamic Indicators of Basic
452 Early Literacy Skills (DIBELS) to all kindergarten students
453 enrolled in public schools ~~Nonrecurring bonuses to the faculty~~
454 ~~and staff~~;
455 (b) Nonrecurring expenditures for remediation of low-
456 performing students, including remediation programs and
457 intervention services adopted and administered by the Department
458 of Education;
459 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
460 or materials to assist in the remediation of low-performing
461 students; ~~maintaining and improving student performance; or~~
462 (d) ~~(c)~~ Temporary personnel for the school to assist in the
463 remediation of low-performing students; ~~maintaining and~~
464 ~~improving student performance.~~
465 (e) Contracts with private sector participants to provide
466 remediation services provided that 90 percent of the personnel
467 providing services reside in the state; or

468 (f) Transportation of students pursuant to s. 1002.391.
469
470 ~~Notwithstanding statutory provisions to the contrary, incentive~~
471 ~~awards are not subject to collective bargaining.~~
472 Section 8. (1) The Department of Education shall provide
473 training and informational resources for educators to administer
474 the Dynamic Indicators of Basic Early Literacy Skills (DIBELS)
475 and shall be responsible for creating and implementing
476 provisions for the collection and analysis of the testing data.
477 (2) The Department of Education shall establish policies
478 and procedures for the development of individual education plans
479 for low-performing students who need remediation and
480 intervention services.
481 Section 9. This act shall take effect July 1, 2006.
482
483
484 ========== T I T L E A M E N D M E N T ==========
485 Insert:
486 A bill to be entitled
487 An act relating to education; amending s. 1002.20, F.S.;
488 providing that academy programs shall be an additional
489 public school choice option; amending s. 1002.31, F.S.;
490 requiring district school boards to offer controlled open
491 enrollment within the public schools and revising
492 components of the controlled open enrollment plan;
493 creating s. 1002.391, F.S.; requiring the Department of
494 Education to develop a plan for school districts to
495 establish academy programs in the public schools;
496 authorizing parents to transfer their children to
497 different academy programs and schools; providing funding

498 for student transportation; amending s. 1008.22, F.S.;
499 requiring the Commissioner of Education to adopt
500 performance standards, set goals, and provide resources to
501 meet constitutional requirements; requiring development
502 and implementation of the FCAT Pretest as a diagnostic
503 tool; amending s. 1008.33, F.S.; revising requirements
504 relating to State Board of Education enforcement of public
505 school improvement; specifying academy program and school
506 performance categories; amending s. 1008.34, F.S.;
507 revising provisions relating to the school and school
508 district performance grading system; providing performance
509 categories for academy programs and schools; providing the
510 basis for performance category designations; providing
511 school district tools for maintenance of high performance
512 standards; amending s. 1008.36, F.S.; renaming the Florida
513 School Recognition Program as the Every Child Matters
514 Program; revising program intent, purpose, participation,
515 and use of funds; requiring the department to provide
516 training and resources for certain student testing by
517 educators; requiring department policies and procedures
518 for the development of student individual education plans;
519 providing an effective date.
520