

# **Public Schools General**



**Schools & Learning Council**  
**Florida District School Boards**

**Fact Sheet**

January 2008

<p><b>1. How are district school boards constituted in Florida?</b></p>	<p>Article IX, section 4(a) of the state constitution sets forth that each county in Florida shall constitute a school district, and that each district shall have a school board of at least five members chosen by a nonpartisan election of the electors within the county.</p> <p>School board members serve staggered terms of four years and must be a qualified elector within the county in which they serve. Each school board member must also be a resident of the county in which he or she is elected, and must maintain residence within the county throughout his or her term.</p>
<p><b>2. What is the authority and responsibility of district school boards?</b></p>	<p>Article IX, section 4(b) of the state constitution states that “the school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes” within constitutional limits.</p> <p>Pursuant to statute, the authority and responsibility includes the following:</p> <ul style="list-style-type: none"><li>• Performance of duties and adoption of standards, policies, and rules consistent with state education laws and rules for the maintenance and operation of district schools.</li><li>• Contract, sue, and be sued.</li><li>• School zoning and assignment of students to schools.</li><li>• School calendar, except as otherwise provided by law.</li><li>• School program.</li><li>• Personnel.</li><li>• Student welfare.</li><li>• Instructional materials.</li><li>• Student Transportation.</li><li>• School facilities.</li><li>• Finances and fiscal management.</li><li>• School improvement and accountability.</li><li>• Encourage and enhance decision-making by individual schools and school advisory councils.</li><li>• Review and approval/denial of charter school applicants, except as otherwise provided by law.</li><li>• Termination of charter schools, except as otherwise provided by law.</li></ul>

## Florida District School Boards

	<ul style="list-style-type: none"> <li>• Collective bargaining of district employee salaries.</li> </ul>
<p><b>3. How are district school board members elected?</b></p>	<p>The state constitution requires that school board members are to be chosen through a nonpartisan election of the electors within the county.</p> <p>Since 1947, state law has provided that each voter in the district is entitled to vote for all the school board members within the county. However, this type of at-large voting system was successfully challenged in federal lawsuits in Gadsden and Escambia counties as being discriminatory against African-Americans in violation of the federal constitution.</p> <p>Following these cases, the 1984 Legislature adopted “The School District Local Option Single-Member Representation Law of 1984”, which now allows the qualified voters of any county to vote by referendum to change to single-member representation with voters in each of the residence areas able to elect their own representative to the school board. A petition for such referendum requires at least ten percent of the registered voters within the county.</p> <p>Florida law further provides that each district must be divided into at least five school board member residence areas of equal population as nearly as practicable. Each school board member residence area must have one member.</p> <p>If a district has seven school board members, two of the members may be elected at-large, or the district may be divided into seven school board residence areas. In such districts, the school board must determine the number of school board residence areas and they must also be of equal population as nearly as practicable.</p>
<p><b>4. How are school board vacancies filled?</b></p>	<p>When there is a vacancy, it is filled by appointment by the Governor.</p>
<p><b>5. How are district school board chairs elected?</b></p>	<p>Florida law states that the district school board chair is to be elected by the district school board on the third Tuesday after the first Monday each November. A vice-chair may also be elected and the superintendent must serve as secretary and ex officio member of the board.</p> <p>However, an alternative procedure allows the voters of counties of a specified population size to petition for and hold a referendum to elect, by a district wide vote, a school board chair as an additional member of the school board. Currently, the section allowing for such a referendum only applies to Orange County.</p>

## Florida District School Boards

<p><b>6. How are district school board members compensated?</b></p>	<p>Prior to 2002, school board member salaries were set according to a statutory formula similar to numerous other constitutional officers. The 2002 Legislature passed legislation requiring school boards to vote to approve their salaries.</p> <p>In 2007, the Legislature passed SB 2092 (Chapter 2007-234, L.O.F.) which again sets school board member salaries according to a statutory formula. The amount of each school board member's salary is now set according to the population of the county in which the school board member serves. Annual increases of those salaries are determined based on a statutory formula set forth in statute and includes the following:</p> <ul style="list-style-type: none"> <li>• Current salary x 1.292 x</li> <li>• The "cumulative annual factor" (product of all annual factors for each year prior to the fiscal year for which salaries are being calculated) x</li> <li>• The "annual factor" (average percentage increase in the salaries of state career service employees for the current fiscal year or seven percent whichever is less.</li> </ul>
<p><b>7. What are the applicable constitutional provisions and statutes?</b></p>	<p>Article IX, Section 4, Fla. Constitution.</p> <p>Section 145.19, F.S. – Annual percentage increase based on increase for state career service employees; limitation</p> <p>Section 1001.34, F.S. – Membership of district school board.</p> <p>Section 1001.35, F.S. – Term of office.</p> <p>Section 1001.36, F.S. – District school board member residence areas.</p> <p>Section 1001.361, F.S. – Election of board by districtwide vote.</p> <p>Section 1001.362, F.S. –Alternate procedure for the election of district school board members to provide for single-member representation.</p> <p>Section 1001.363, F.S. – District school board members to represent entire district.</p> <p>Section 1001.364, F.S. – Alternate procedure for election of district school board chair.</p> <p>Section 1001.37, F.S. – District school board members shall qualify.</p> <p>Section 1001.371, F.S. – Organization of district school board.</p> <p>Section 1001.372, F.S. – District school board meetings.</p> <p>Section 1001.38, F.S. – Vacancies; how filled.</p> <p>Section 1001.39, F.S. – District school board members; travel expenses.</p> <p>Section 1001.395, F.S. – District school board members;</p>

## Florida District School Boards

	<p>compensation.            Section 1001.40, F.S. – District school board to constitute a corporation.            Section 1001.41, F.S. – General powers of district school board.            Section 1001.43, F.S. – Supplemental powers and duties of district school board.            Section 1002.33, F.S. – Charter schools.            Section 1003.02, F.S. – District school board operation and control of public K-12 education within the school district.            Section 1012.22, F.S. – Public school personnel; powers and duties of the district school board.</p>
<p><b>8. Where can I get additional information?</b></p>	<p>Florida Department of Education            Office of K-12 public schools            (850) 245-0509  <a href="http://www.fl DOE.org/K12">http://www.fl DOE.org/K12</a></p> <p>Florida School Boards Association            203 S. Monroe Street            Tallahassee, FL 32301            (850) 414-2578  <a href="http://www.fsba.org">http://www.fsba.org</a></p> <p>Florida House of Representatives            Schools &amp; Learning Council            (850) 488-7451</p>



**Schools & Learning Council**  
**School Attendance and**  
**Kindergarten Admission**

**Fact Sheet**

January 2008

<p><b>1. What ages are Florida children required to attend school?</b></p>	<p>Children ages 6 through 16 must regularly attend school. Specifically, a child who is 6 years of age (or will be 6 years old by February 1 of the school year) or older must regularly attend school. A child who is 16 years of age or older is not subject to compulsory school attendance if he or she files a formal declaration with the district school board, signed by the child's parent, of the child's intent to terminate school enrollment. A child terminating school enrollment must also complete an exit interview and survey prescribed by the Department of Education explaining the child's reasons for terminating school enrollment.</p>
<p><b>2. What are the age requirements for kindergarten admission?</b></p>	<p>For admission to kindergarten in a public school, a child must be 5 years of age on or before September 1 of the school year. Although children are not required to attend school before 6 years of age, student progression plans adopted by the school districts require a child entering public school at age 6 to be placed in kindergarten if the child has not completed kindergarten.</p>
<p><b>3. Are students required to attend public school?</b></p>	<p>No. Regular attendance may be achieved through attendance in a public or private school; parochial, religious, or denominational school; home education program; or private tutoring program. <b>(Refer to Truancy Fact Sheet.)</b></p>
<p><b>4. Are students who drop out of school subject to loss of driving privileges?</b></p>	<p>Yes. The driver's license or learner's permit of a student who drops out of school before 18 years of age may be suspended unless the student:</p> <ul style="list-style-type: none"> <li>• Attends a study course for the GED test or other school district-approved educational activities;</li> <li>• Receives a certificate of exemption; or</li> <li>• Receives a hardship waiver due to a personal or family hardship requiring the student to have a driver's license for the student's or family's employment or medical care.</li> </ul> <p>A district superintendent must report students failing to meet school attendance requirements to the Department of Highway Safety and Motor Vehicles for suspension of the students' driving privileges.</p>
<p><b>5. Are there exceptions to the ages of compulsory school attendance and kindergarten admission requirements?</b></p>	<p>Yes. There are several exceptions to the compulsory ages of school attendance and age requirements for kindergarten admission:</p> <ul style="list-style-type: none"> <li>• A school district may issue a student a certificate of exemption from compulsory attendance in certain situations. A certificate of exemption is valid until the end</li> </ul>

## School Attendance and Kindergarten Admission

	<p>of the school year in which it is issued.</p> <ul style="list-style-type: none"> <li>• If a child moves to Florida from another state and does not meet the age requirements for admission to public schools in this state, the student may be admitted if the student meets the age requirements of the state from which he or she moved.</li> <li>• Children with disabilities who are at least 3 years old are eligible for admission to special education and related services in public schools.</li> <li>• Since 1999, under a pilot project established by the Legislature, the Manatee County District School Board has been required to raise the compulsory age of school attendance from 16 to 18 years of age.</li> </ul>
<p><b>6. Does Florida law specify requirements for unexcused absences or tardiness?</b></p>	<p>No. However, Florida law requires school districts to enforce state laws governing student attendance. In addition, state law directs school boards to establish attendance policies that include the required number of days that a student must attend school and criteria for determining whether an absence or tardiness is excused or unexcused.</p> <p>State law and rules of the State Board of Education also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays, or because religious tenets forbid secular activity during the school day.</p>
<p><b>7. What are the applicable statutes and rules?</b></p>	<p>Section 322.091, F.S. – Attendance Requirements (Driving Privileges).          Section 1001.53, F.S. – District School Superintendent Responsible for Enforcement of Attendance.          Section 1002.20(2) – K-12 Student and Parent Rights (Attendance).          Section 1003.01(8), F.S. – Definitions (“Habitual Truant”).          Section 1003.01(9), F.S. – Definitions (“Dropout”).          Section 1003.01(13), F.S. – Definitions (“Regular School Attendance”).          Section 1003.21, F.S. – School Attendance.          Section 1003.24, F.S. – Parents Responsible for Attendance of Children; Attendance Policy.          Section 1003.26, F.S. – Enforcement of School Attendance.          Section 1003.27(2)(b), F.S. – Court Procedure and Penalties (Nonenrollment and Nonattendance Cases).          Section 1003.61, F.S. – Pilot Attendance Project (Manatee County School District).</p> <p>Rule 6A-1.09514, F.A.C. – Excused Absences for Religious Instruction or Holiday.          Rule 6A-1.0985, F.A.C. – Entry into Kindergarten and First Grade by Out-of-State Transfer Students.</p>
<p><b>8. Where can I get</b></p>	<p>Florida Department of Education</p>

## School Attendance and Kindergarten Admission

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<b>additional information?</b>	Bureau of Exceptional Education and Student Services (850) 245-0475 <a href="http://www.fl DOE.org/ese">http://www.fl DOE.org/ese</a>  Florida House of Representatives Schools & Learning Council (850) 488-7451
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**Schools and Learning Council**  
**Class Size**

**Fact Sheet**

January 2008

**1. What are Florida’s class size reduction requirements?**

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment requires the Legislature to make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed the following:

<b>Grade Groupings</b>	<b>Maximum Number of Students per Teacher</b>
Pre-K - Grade 3	18
Grade 4 - Grade 8	22
Grade 9 - Grade 12	25

The amendment expressly excludes extracurricular courses from the class size mandate; thus, its requirements apply only to core curricula courses.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved.

In 2003, the Legislature enacted s. 1003.03, F.S., to implement the amendment’s requirements. This law requires each school district not in compliance with the constitutionally prescribed maximums to annually reduce its average number of students per classroom by two students beginning in FY 2003-2004. The law specifies that the number of students per classroom is to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2008.
- Individual classroom level for each of the three grade groupings in FY 2008-2009 and thereafter.

**2. How does team teaching affect class size compliance?**

In 2006, the Legislature clarified that districts may use team teaching or co-teaching within certain limitations to achieve class size reduction requirements. Districts are required to

	<p>place reasonable limits on this method to avoid overcrowding. Additionally, at least one of the teachers on the team must have three or more years of experience; at least one of the teachers must be teaching in-field; and all team teachers must have been trained in team teaching methods.</p> <p>In 2007, the Legislature defined the terms “team teaching” and “co-teaching” to mean two or more teachers assigned to a group of students where each teacher is responsible for all students during the entire class period. Additionally, the term “inclusion teaching” was defined to mean a situation in which two or more teachers are assigned to a group of students, but in which one of the teachers is responsible for only one student or a small group of students within the classroom.</p>
<p><b>3. How much funding is provided for class size reduction?</b></p>	<p>In FY 2003-2004, in order to implement the Class Size Reduction Amendment, the Legislature appropriated \$468 million for operating costs and provided bonding authority for \$570 million to fund classroom construction and further assist capital needs related to class size reduction. An additional \$30 million was appropriated to reward districts for past local efforts – such as ½ cent sales tax, local government infrastructure tax, and voted millage – to fund construction.</p> <p>In FY 2004-2005, the Legislature appropriated \$972.2 million to fund operating costs for class size reduction. In addition, \$100 million was appropriated to provide facilities to reduce class size.</p> <p>In FY 2005-2006, the Legislature appropriated \$1.5 billion to fund operating costs for class size reduction. In addition, \$83.4 million was appropriated to provide facilities to reduce class size.</p> <p>In FY 2006-2007, the Legislature appropriated \$2.1 billion to fund operating costs for class size reduction. In addition, \$1.1 billion was appropriated for facilities to reduce class size.</p> <p>In FY 2007-2008, the Legislature appropriated \$2.7 billion to fund operating costs for class size reduction. In addition, \$650 million was appropriated for facilities to reduce class size.</p>
<p><b>4. For purposes of the class size reduction mandate, what is meant by “core curricula courses” and</b></p>	<p>The Class Size Reduction Amendment expressly exempts extracurricular courses from the reduction requirements and, thus, its requirements only apply to core curricula courses. The amendment does not, however, define either “extracurricular courses” or “core curricula courses.” These</p>

<p><b>“extracurricular courses”?</b></p>	<p>terms were defined statutorily by the Legislature in 2003.</p> <p>Section 1003.01(14), F.S., defines “core curricula courses” to include mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. Section 1003.01(15), F.S., defines “extracurricular courses” to mean all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, and career education.</p>
<p><b>5. How much information has been collected on the progress of Florida’s class size reduction efforts?</b></p>	<p>Beginning in November 2002, in order to be able to monitor district compliance with upcoming class size reduction requirements, the Department of Education (DOE) expanded its data collection efforts for information relating to both students and facilities. In accordance with the law, the DOE calculates class size each year after the October student survey. The results are posted on the DOE website.</p> <p>Data from the DOE for the 2006-2007 school year indicates that school-wide class size averages were not in compliance with current requirements to reduce average class size by two students from the 2005-2006 school year:</p> <ul style="list-style-type: none"> <li>• In 111 traditional schools in 32 counties for grades PK-3; 54 traditional schools in 19 counties for grades 4-8; and 23 traditional schools in 15 counties for grades 9-12.</li> <li>• In 53 charter schools in 19 counties for grades PK-3; 53 charter schools in 15 counties for grades 4-8; and 6 charter schools in four counties for grades 9-12.</li> </ul> <p>Additionally, DOE data indicates that if the class-based measurements that are required for the 2008-2009 school year had been applicable during the 2006-2007 school year, the following number of schools would not have been in compliance with class size:</p> <ul style="list-style-type: none"> <li>• 284 traditional schools in 34 counties for grades PK-3; 151 traditional schools in 20 counties for grades 4-8; and 32 traditional schools in 16 counties for grades 9-12.</li> <li>• 81 charter schools in 22 counties for grades PK-3; 62 charter schools in 17 counties for grades 4-8; and 7 charter schools in five counties for grades 9-12.</li> </ul> <p>Class size reduction compliance data for the:</p> <ul style="list-style-type: none"> <li>• 2006-2007 school year may be obtained at – <a href="http://www.fldoe.org/news/2006/2006_11_29-3.asp">www.fldoe.org/news/2006/2006_11_29-3.asp</a></li> <li>• 2003-2006 school years at – <a href="http://www.fldoe.org/arm/class-size.asp">www.fldoe.org/arm/class-size.asp</a></li> </ul>

<p><b>6. What are the consequences of a school district's failure to comply with class size reduction requirements?</b></p>	<p>Under s. 1003.03(4), F.S., school districts that fail to comply with class size reduction requirements are subject to the following:</p> <ul style="list-style-type: none"> <li>• Since FY 2003-2004, the DOE has been required to transfer a district's class size reduction operating funds to class size reduction fixed capital outlay (FCO) in an amount proportionate to the amount of class size reduction not accomplished. During the four FYs between 2003 and 2007, the DOE transferred almost \$8.4 million in district class size operating funds pursuant to this authority.</li> <li>• As of FY 2005-2006, districts are required to implement one of the following policies in the following school year: (a) year-round schools; (b) double sessions; (c) rezoning; or (d) changing instructional staff loads and scheduling, deploying certified district employees to classrooms, or operating beyond normal school days and hours.</li> <li>• As of FY 2006-2007, the DOE must develop a constitutional compliance plan for the district that includes, but is not limited to, the redrawing of school attendance zones to maximize use of facilities while minimizing additional use of transportation.</li> </ul>
<p><b>7. What strategies are school districts using to reduce class size?</b></p>	<p>According to a May 2007, report by the Office of Program Policy Analysis &amp; Government Accountability (OPPAGA), 75 percent of Florida's school districts (50 districts) built a total of 19,795 new classrooms in order to comply with class size requirements between FYs 2003-2006. Seventy percent of districts (47 districts) reported constructing class room additions to existing schools and 55 percent of districts (37 districts) reported building new schools. Twenty-five percent of districts (16 districts) reported using both methods, i.e., constructing class room additions and new schools.</p> <p>Other options to address class size requirements that were implemented by districts between FY 2003-2006 were:</p> <ul style="list-style-type: none"> <li>• 57% of school districts (38 districts) added relocatable classrooms.</li> <li>• 25% (17 districts) are using co-teaching.</li> <li>• 24% (16 districts) have rezoned.</li> </ul> <p>The OPPAGA study concluded that school districts are relying more heavily on construction, than other less costly options, as the means to satisfy class size reduction requirements. The OPPAGA study recommended that more districts consider use of relocatables and implementation of rezoning and co-teaching strategies. Additionally, in order to reduce construction costs, the report recommended: using the less costly option of adding classrooms to existing</p>

	<p>schools, rather than building new schools; and use of more frugal construction practices, e.g., following prototype designs and using space for multiple purposes.</p>
<p><b>8. What has been the experience of other states in efforts to reduce class size?</b></p>	<p>States and districts are finding that class size reduction is both difficult and extraordinarily expensive for the benefits received.</p> <p>California’s effort to reduce classes to no more than 20 students in the lower grades cost more than \$1.5 billion a year for the first four years and led to critical shortages of qualified teachers, particularly in schools serving poor and minority students. California’s class size reduction initiative provides an example of a state initiative that failed to provide conclusive evidence linking achievement gains to class size reduction and an example with serious implementation problems.</p> <p>In Detroit, where the school district implemented a \$13.2 million program to reduce primary-grade class sizes in 2001, progress was hampered by shortages of both classrooms and teachers. Also, in smaller scale class size reduction efforts in Tennessee and Wisconsin, there was no evidence that class size reduction resulted in an increase in student achievement other than a slight increase in student achievement in kindergarten and first grade in the Tennessee study.</p>
<p><b>9. What will be the impact of Florida’s class size amendment within the state?</b></p>	<p>An extensive assessment of the impact of the implementation of the class size amendment in Florida was recently performed by the Council for Education Policy Research and Improvement (CEPRI). CEPRI’s November 2005 study concluded that class size reduction is not the best strategy for improving education in Florida. This conclusion was based on a review of several other state class size reduction efforts, other experiments and studies regarding class size reduction, and Florida’s unique characteristics.</p> <p>CEPRI concluded that “there is no evidence that reducing class size leads to increased academic outcomes for students in all grades.” The CEPRI report did acknowledge that there may be some evidence of benefits to K through 3 students where class size reduction limited classes to 15 students. However, the report indicated that the benefit was not likely to be evident in higher grades and that, much like the class size reduction project in California, the shortage of qualified teachers would likely eliminate any potential student achievement gains anyway.</p> <p>The CEPRI report pointed out several unique aspects of Florida’s class-size reduction effort that are making it even</p>

	<p>more difficult to implement. The amendment in Florida is significantly more rigid and inflexible than the class-size reduction initiatives in other states. Such inflexibility is virtually certain to result in inefficient use of funds in predictable circumstances where such funds could be more effectively directed toward student achievement.</p>
<p><b>10. What will be the impact on teacher quality in Florida?</b></p>	<p>Because Florida’s student growth was increasing until recently, the state was already attempting to deal with teacher shortages even without the amendment. With the new federal requirements relating to “highly qualified teachers” there is even greater competition nationwide to find quality teachers. The CEPRI report also cited increasing costs for construction and the lack of affordable housing throughout much of the state as additional factors in raising the costs of the class size effort and exacerbating the difficulty in recruiting more teachers.</p> <p>The report indicates that quality teaching is the one area that has been very clearly shown to have the greatest effect on student achievement, and the amendment will inevitably decrease the quality of public school teachers, especially in schools that serve low-income areas of the state.</p>
<p><b>11. What will be the impact of class size reduction on student and parental choice?</b></p>	<p>CEPRI’s report indicates that the rigid restrictions of the class size amendment conflict with state and federal laws providing for public school choice as it is difficult to maximize use of classroom space available and still provide students and parents with a choice as to which school they want to attend. Furthermore, some districts are already reporting that they are being forced to eliminate academic electives including advanced placement, foreign language, and fine arts classes, and more districts are expected to have to do the same as the class size requirements become stricter.</p>
<p><b>12. What is the impact on other quality improvement initiatives?</b></p>	<p>CEPRI states that districts have reported budget adjustments that have been made to meet class size reduction requirements including reductions in technology purchases; paraprofessional positions; magnet programs; supplemental coaching in math, science, and reading; and dropout prevention programs.</p>
<p><b>13. What are the applicable statutes?</b></p>	<p>Section 1003.01(14), F.S. – Definition of “core curricula courses.”          Section 1003.01(15), F.S. – Definition of “extracurricular courses.”          Section 1003.03, F.S. – Maximum class size.          Section 1011.685, F.S. – Class size reduction; operating categorical fund.          Section 1013.735, F.S. – Classrooms for Kids Program.          Section 1013.737, F.S. – The Class Size Reduction Lottery Revenue Bond Program.</p>

	<p>2003-2004 General Appropriations Act, Specific Appropriations 1A, 3C, 14F, and 59A, Senate Bill 2A, Enrolled, Chapter 2003-397, L.O.F.</p> <p>2004-2005 General Appropriations Act, Specific Appropriations 6, 28A, and 82, House Bill 1835, Enrolled, Chapter 2004-268, L.O.F.</p> <p>2005-2006 General Appropriations Act, Specific Appropriations 5 and 74, Senate Bill 2600, Enrolled, Chapter 2005-70, L.O.F.</p> <p>2006-2007 General Appropriations Act, Specific Appropriations 7, 38A, and 92, House Bill 5001, Enrolled, Chapter 2006-25, L.O.F.</p> <p>2007-2008 General Appropriations Act, Specific Appropriations 7, 36, and 87, Senate Bill 2800, Chapter 2007-72, L.O.F.</p> <p>Office of Program Policy Analysis and Government Accountability (OPPAGA): <a href="http://www.oppaga.state.fl.us">www.oppaga.state.fl.us</a> Report: <i>School Districts are Reducing Class Size in Several Ways; May Be Able to Reduce Costs</i>, Report No. 07-29, May 2007.</p>
<p><b>14. Where can I get additional information?</b></p>	<p>Florida Department of Education Office of Deputy Commissioner for Finance and Operations (850) 245-0406 <a href="http://www.firn.edu/doe/arm/class-size.htm">http://www.firn.edu/doe/arm/class-size.htm</a>.</p> <p>Florida House of Representatives Schools and Learning Council (850) 488-7451</p>



<p><b>1. What is Florida’s state policy for reading proficiency in the public schools?</b></p>	<p>Florida law requires a student to demonstrate, in order to graduate with a standard high school diploma, that the student is proficient in reading. To demonstrate reading proficiency, a student must earn a passing score on the reading portion of the grade 10 Florida Comprehensive Assessment Test (FCAT).</p> <p>To prevent students from confronting the potential of completing high school without earning a standard diploma due to reading deficiencies, the state has established the following measures to identify and correct reading deficiencies at the earliest possible grade level:</p> <ul style="list-style-type: none"><li>• Assessment and identification of reading deficiencies;</li><li>• Further assessment for diagnosis of student needs;</li><li>• Parental notification and progress monitoring;</li><li>• Intensive remedial instruction to correct deficiencies;</li><li>• Grade-level retention to extend opportunities at the earliest grade level to correct deficiencies; and</li><li>• Annual assessment of reading proficiency to monitor gains in student achievement.</li></ul>
<p><b>2. What assessments of a student’s reading proficiency are required in public schools?</b></p>	<p>Florida law requires each elementary school to regularly assess the reading ability of each student in kindergarten through grade 3. In addition, public school students (elementary, middle, and high school) are required to take the FCAT. The FCAT assesses student achievement in reading and mathematics at each grade level from grades 3 through 10. <b>(Refer to Florida Comprehensive Assessment Test (FCAT) Fact Sheet and FCAT Accommodations and Alternate Assessment Fact Sheet.)</b></p> <p>If a student scores below Level 3 (“proficient”) in reading on the FCAT, or falls below a performance level specified by the school district, additional diagnostic assessments must be administered to determine the nature of the student’s reading deficiency and strategies for appropriate intervention and instruction.</p>
<p><b>3. Is a parent notified if the student is identified as having a reading deficiency?</b></p>	<p>Yes. Florida law requires that, if a student is diagnosed with a reading deficiency in kindergarten through grade 3, the parent must be notified immediately, consulted in the development of a progress monitoring plan <b>(see below)</b>,</p>



	<p>and informed that the student will be provided intensive reading instruction until the deficiency is corrected. If a student exhibits a substantial reading deficiency in kindergarten through grade 3, the parent must be notified in writing of the following:</p> <ul style="list-style-type: none"> <li>• That the student is identified as having a substantial reading deficiency;</li> <li>• A description of the current services provided for the student and the proposed supplemental instructional services and supports that will be provided to remediate the student's reading deficiency;</li> <li>• That, if the student's reading deficiency is not remediated by the end of grade 3, the student must be retained unless exempted for good cause from mandatory retention;</li> <li>• Strategies for parents to use in helping the student succeed in reading proficiency;</li> <li>• That the FCAT is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to determine whether the student is reading at or above grade level and ready for grade promotion; and</li> <li>• The district's policy for midyear promotion after the student demonstrates the ability to read at grade level.</li> </ul> <p>If a student scores below Level 3 ("proficient") in reading on the FCAT, or falls below a performance level specified by the school district, the student's school must develop, in consultation with the parent, and implement a progress monitoring plan for the student. The plan must be designed to assist the student or the school in meeting state and district expectations for reading proficiency. To accomplish this requirement, a school may use a student's individualized education plan (IEP) or other federally required plan; a school-wide system for monitoring the progress of all students; or an individualized progress monitoring plan.</p>
<p><b>4. What remedial measures is a school district authorized or required to take in order to correct a student's diagnosed reading deficiency?</b></p>	<p>Florida law requires that a student be given intensive reading instruction, if the student exhibits a substantial reading deficiency based on the results of local or statewide assessments in kindergarten through grade 3 or teacher observations. At the beginning of the next school year after receiving intensive readiness instruction, the student's reading proficiency must be reassessed through locally determined assessments or teacher observations. A student diagnosed with a substantial reading deficiency must continue to receive intensive reading instruction until the deficiency is remedied.</p>

	<p>District school boards may require low-performing students to attend remedial programs held before or after school hours or during the summer if transportation is provided.</p> <p>If a student scores at the lowest achievement level (Level 1) on the reading portion of the FCAT (grades 3-10), the next school year the student must be enrolled in an intensive reading course. If the student scores at Level 2 in reading, the school district must enroll the student, based on a diagnosis of the student's reading needs, in either an intensive reading course or a content area course in which strategies are incorporated into the course. A student who does not meet the Commissioner of Education's minimum performance expectations on the reading portion of the FCAT must continue to receive remedial or supplemental instruction until the expectations are met or the student completes high school.</p>
<p><b>5. How does reading proficiency affect a student's progression from grade to grade?</b></p>	<p>After a student is provided with remedial instruction and the student's reading proficiency is reassessed (<b>Refer to Question 2 and Question 4</b>), if the student's documented deficiency is not corrected, Florida law authorizes the school to retain the student (delay the student's progression to the next grade level). However, if a student's reading deficiency identified in kindergarten through grade 3 is not corrected by the end of grade 3 (as demonstrated by scoring at Level 2 or higher on the reading portion of the FCAT), the student must be retained in grade 3.</p> <p>A district school board may waive the requirements for mandatory retention in grade 3 for "good cause," which is limited to:</p> <ul style="list-style-type: none"> <li>• Limited English proficient (LEP) students having less than 2 years of English for Speakers of Other Languages (ESOL) instruction;</li> <li>• Students with disabilities whose IEPs indicate that participation in the statewide assessment program is not appropriate;</li> <li>• Students demonstrating an acceptable level of performance on a state-approved alternate standardized reading assessment;</li> <li>• Students demonstrating, through a student portfolio, that the student is reading on grade level equal to at least a Level 2 on the FCAT;</li> <li>• Students with disabilities taking the FCAT and having an IEP or Section 504 accommodation plan that reflects that the student has received intensive remediation in reading for more than 2 years but still demonstrates a reading deficiency and was previously retained in</li> </ul>

	<p>kindergarten, grade 1, grade 2, or grade 3.  <b>(Refer to FCAT Accommodations and Alternate Assessment Fact Sheet and Exceptional Student Education (ESE) Fact Sheet.)</b></p> <p>In addition, a school board may grant a “good cause” waiver from mandatory retention for students who received intensive reading remediation for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for these students must include an altered instructional day that comprises specialized diagnostic information and specific reading strategies for each student.</p> <p>Good cause waiver from mandatory retention must be recommended and documented by the student’s teacher based on the student’s academic record (e.g., progress monitoring plan, IEP, report card, and student portfolio). The school principal, after discussion of the recommendation with the teacher, determines whether the student should be promoted or retained. If the principal determines that the student should be promoted, the principal must submit a written recommendation to the superintendent, and the superintendent must accept or reject the principal’s recommendation in writing.</p> <p>If a student, under mandatory retention, is retained in grade 3, the school district must provide written notification to the parent the student has not met the proficiency level required for promotion and the reasons that the student is not eligible for a good cause waiver. The notice must also describe the proposed interventions and supports that will be provided to the student for remediation of the reading deficiency.</p> <p>A school district must authorize the midyear promotion of a student who, under mandatory retention, is retained in grade 3 but subsequently demonstrates that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4 (based on assessments, alternate assessments, and portfolio reviews). For a midyear promotion after November 1, the student must show proficiency above the level required to score at Level 2 on the grade 3 FCAT.</p>
<p><b>6. What assistance is provided for a student who is retained due to a</b></p>	<p>A school district must provide intensive interventions for a student who, under mandatory retention for scoring Level 1 on the reading portion of the grade 3 FCAT, is retained in grade 3. The interventions must include:</p>

<p><b>reading deficiency?</b></p>	<ul style="list-style-type: none"> <li>• Effective instructional practices;</li> <li>• Participation in the district's summer reading camp; and</li> <li>• Appropriate teaching methodologies.</li> </ul> <p>Each school district must also provide the following assistance for a student who, under mandatory retention, is retained in grade 3:</p> <ul style="list-style-type: none"> <li>• Review of the student's progress monitoring plan to address additional needed supports and services and completion of a student portfolio;</li> <li>• Provide at least 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies selected by the school district, which may include, but are not limited to:             <ul style="list-style-type: none"> <li>○ Small group instruction;</li> <li>○ Reduced teacher-student ratios;</li> <li>○ More frequent progress monitoring;</li> <li>○ Tutoring or mentoring;</li> <li>○ Transition classes containing grade 3 and grade 4 students;</li> <li>○ Extended school day, week, or year; and</li> <li>○ Summer reading camps;</li> </ul> </li> <li>• Provide a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals;</li> <li>• Provide either supplemental tutoring in scientifically research-based reading services, including tutoring before and/or after school; a "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home instruction; or a mentor or tutor with specialized reading training;</li> <li>• Establish a "Reading Enhancement and Acceleration Development" (READ) Initiative (<b>Refer to Question 7</b>);</li> <li>• Establish an Intensive Acceleration Class at each school, where applicable (<b>Refer to Question 8</b>);</li> <li>• Provide the student with the option of placement in a transitional instructional setting (<b>Refer to Question 9</b>).</li> </ul>
<p><b>7. What is the READ initiative?</b></p>	<p>The purpose of the Reading Enhancement and Acceleration Development (READ) Initiative is to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction for retained grade 3 students and each K-3 student identified as having a reading deficiency. A school district must establish a READ</p>

	<p>initiative, which must be provided:</p> <ul style="list-style-type: none"> <li>• For all K-3 students at risk of retention as identified by progress monitoring and diagnostic assessments;</li> <li>• During regular school hours in addition to the regular reading instruction; and</li> <li>• Using a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research (<b>Refer to Question 12</b>) and assists the student in maintaining proficiency levels in all academic subjects.</li> </ul>
<p><b>8. What is an Intensive Acceleration Class?</b></p>	<p>An intensive acceleration class (IAC) is established for students who, under mandatory retention, are retained in grade 3 due to a reading deficiency. The class is designed to increase a student’s reading proficiency at least two grade levels in one school year. Through an IAC, a retained student may be promoted midyear to grade 4, if the student demonstrates mastery of the grade 3 <i>Sunshine State Standards</i>. An IAC must:</p> <ul style="list-style-type: none"> <li>• Have a reduced teacher-student ratio;</li> <li>• Provide uninterrupted reading instruction for the majority of student contact time and incorporate opportunities to master the grade 4 <i>Sunshine State Standards</i> in other core subject areas;</li> <li>• Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year;</li> <li>• Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech language therapist; and</li> <li>• Include weekly progress monitoring measures to ensure progress is being made.</li> </ul> <p>The school district must provide the Department of Education with a report regarding the progress of students in the class at the end of the first semester.</p>
<p><b>9. What is a transitional instructional setting?</b></p>	<p>A transitional instructional setting is designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency. A school district must provide the option of being placed in a transitional instructional setting for a student who is retained in grade 3 and has received intensive instructional services but is still not ready for promotion to grade 4.</p>
<p><b>10. What is the federal</b></p>	<p>The federal <i>No Child Left Behind Act of 2001</i> established</p>

<p><b>Reading First initiative?</b></p>	<p>the <i>Reading First</i> Program (Title I, Part B, Subpart 1), a major federal initiative designed to help ensure that all children can read at or above grade level by the end of grade 3. <i>Reading First</i> is predicated on scientifically researched findings that high-quality reading instruction in the primary grades significantly reduces the number of students who experience reading difficulties in later years. The <i>Reading First</i> program has been implemented in Florida since 2003. <i>Reading First</i> grants serve 584 schools within 45 school districts and assist them in their implementation of scientifically-based reading instruction.</p> <p><i>Reading First</i> grants provide districts funding to:</p> <ul style="list-style-type: none"> <li>• Hire reading coaches to serve as a stable resource for professional development, progress monitoring, and student data analysis;</li> <li>• Provide professional development;</li> <li>• Administer an assessment system comprised of screening, progress monitoring, diagnostic assessment, and outcome measures; and</li> <li>• Improve classroom libraries for grades K-3.</li> </ul>
<p><b>11. What are the duties of the <i>Just Read, Florida!</i> Office?</b></p>	<p>The <i>Just Read, Florida!</i> Office, within the Department of Education, is responsible for the following:</p> <ul style="list-style-type: none"> <li>• Train highly effective reading coaches;</li> <li>• Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas;</li> <li>• Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis is on technical text. These strategies must be developed for all content areas in the K-12 curriculum;</li> <li>• Provide parents with information and strategies for assisting their children in reading in the content area;</li> <li>• Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation and annually review and approve the plans;</li> <li>• Provide technical assistance to school districts for the development and implementation of their K-12 comprehensive reading plans;</li> <li>• Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies;</li> <li>• Periodically review the <i>Sunshine State Standards</i> for</li> </ul>

	<p>reading at all grade levels;</p> <ul style="list-style-type: none"> <li>• Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas;</li> <li>• Work with state approved teacher preparation programs to integrate research-based reading and reading in the content area instructional strategies into the programs; and</li> <li>• Meet the goal that all students read at grade level.</li> </ul>
<p><b>12. What is the Florida Center for Reading Research?</b></p>	<p>The Florida Center for Reading Research (FCRR) is a research center assigned to Florida State University. The purpose of FCRR is to:</p> <ul style="list-style-type: none"> <li>• Provide technical assistance and support for school districts and schools in the implementation of evidence-based literacy instruction, assessments, programs, and professional development;</li> <li>• Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state;</li> <li>• Conduct basic research on reading, reading growth, reading assessment, and reading instruction;</li> <li>• Collaborate with the <i>Just Read, Florida!</i> Office and school districts in the development of frameworks for comprehensive reading intervention courses and professional development activities;</li> <li>• Disseminate information about research-based practices related to literacy instruction, assessment, and programs; and</li> <li>• Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments.</li> </ul>
<p><b>13. What are the results of Florida’s efforts to emphasize learning to read?</b></p>	<p>The following is based upon the most recent FCAT results:</p> <p><b><i>Elementary School (Grades 3–5):</i></b></p> <ul style="list-style-type: none"> <li>• Seventy percent of elementary school students are reading at or above grade level (Level 3 and above), up from 54 percent in 2001.</li> <li>• Seventeen percent of elementary students scored in the lowest level (Level 1) in reading, down almost one-half from 30 percent in 2001.</li> </ul> <p><b><i>Middle School (Grades 6–8):</i></b></p> <ul style="list-style-type: none"> <li>• Fifty-eight percent of middle school students are reading at or above grade level (Level 3 and above), up from 48 percent in 2001.</li> <li>• Nineteen percent of middle school students scored in the lowest level (Level 1) in reading, down from 30</li> </ul>

	<p>percent in 2001.</p> <p><b>High School (Grades 9 and 10):</b></p> <ul style="list-style-type: none"> <li>• Thirty-eight percent of high school students are reading at or above grade level (Level 3 and above), up from 32 percent in 2001.</li> <li>• Thirty-three percent of high school students scored in the lowest level (Level 1) in reading, down from 39 percent in 2001.</li> </ul>
<p><b>14. What resources does the Legislature provide for reading?</b></p>	<p>The 2007 Legislature appropriated the following for reading programs or instruction:</p> <ul style="list-style-type: none"> <li>• \$116,102,586 in the FEFP for implementation of district K-12 Comprehensive Reading Plans.</li> <li>• \$18,500,000 to continue <i>Just Read, Florida!</i> (\$4,592,000 of which goes to the Family Literacy and Reading Excellence Center)</li> <li>• \$731,321,418 for Supplemental Academic Instruction, part of which is dependent upon the district's implementation of the statutorily required student progression plan and remedial instruction.</li> <li>• \$58,043,873 spending authority for federal "Reading First" funds for reading programs.</li> <li>• \$2,000,000 for intensive reading instruction programs for children in failing schools.</li> <li>• \$1,000,000 for the Torgesen Reading Center.</li> </ul> <p>The Florida Center for Reading Research as of 2004-05 received \$1,593,600, but that budget item has since been rolled in to FSU's base budget.</p> <p>The Legislature requires district school boards to allocate intervention and supplemental instruction resources first to students who are deficient in reading by the end of third grade, and then to other students who fail to meet the established specific levels of performance and require remediation or retention.</p>
<p><b>15. What are the applicable statutes and rules?</b></p>	<p>Section 1001.215, F.S. – Just Read, Florida! Office.          Section 1002.20(11), F.S. – K-12 Student and Parent Rights.          Section 1003.41, F. S. – Sunshine State Standards.          Section 1003.413, F.S. – Florida Secondary School Redesign Act.          Section 1003.4156, F.S. – General Requirements for Middle Grades Promotion.          Section 1003.42, F.S. – Required Instruction.          Section 1003.428, F.S. – General Requirements for High School Graduation; Revised.          Section 1004.645, F.S. – Florida Center for Reading</p>



	<p>Research. Section 1008.25, F.S. – Public School Student Progression; Remedial Instruction; Reporting Requirements. Section 1011.62(9), F.S. – Funds for Operation of Schools (Research-Based Reading Instruction Allocation).</p> <p>Rule 6A-1.094221, F.A.C. – Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.</p>
<p><b>16. Where can I get additional information?</b></p>	<p>Florida Department of Education <i>Just Read, Florida!</i> Office (850) 245-0503 <a href="http://www.justreadflorida.com">www.justreadflorida.com</a></p> <p>Florida Center for Reading Research (850) 644-9352 <a href="http://www.fcrr.org">www.fcrr.org</a></p> <p>Florida House of Representatives Schools &amp; Learning Council (850) 488-7451</p>



**Schools & Learning Council**  
**Instructional Materials**

**Fact Sheet**

January 2008

<p><b>1. What are instructional materials?</b></p>	<p>Florida is one of 23 states that has a state-level process for the adoption of textbooks and other instructional materials used in public schools. Under current law, “instructional materials” means:</p> <p style="padding-left: 40px;">items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies (s. 1006.29(4), F.S.).</p> <p>Instructional materials generally include textbooks, workbooks, library books and media materials, laboratory materials, computer software, videos, and tapes.</p>																								
<p><b>2. How are instructional materials funded?</b></p>	<p>State funding of instructional materials is provided annually in the General Appropriations Act (GAA) as a separate line item earmarked specifically for instructional materials. A school district is not required to allocate county school tax revenues for instructional materials. However, a school district may choose to supplement the state funding with additional funds for instructional materials. The following table shows the state’s annual funding of instructional materials:</p> <p style="text-align: center;"><b>GAA – Instructional Materials Funding</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Fiscal Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1997-1998</td><td>\$158.6 million</td></tr> <tr><td>1998-1999</td><td>\$183.9 million</td></tr> <tr><td>1999-2000</td><td>\$193.6 million</td></tr> <tr><td>2000-2001</td><td>\$192.1 million</td></tr> <tr><td>2001-2002</td><td>\$213.5 million</td></tr> <tr><td>2002-2003</td><td>\$227.9 million</td></tr> <tr><td>2003-2004</td><td>\$227.9 million</td></tr> <tr><td>2004-2005</td><td>\$234.4 million</td></tr> <tr><td>2005-2006</td><td>\$247.9 million</td></tr> <tr><td>2006-2007</td><td>\$266.7 million</td></tr> <tr><td>2007-2008</td><td>\$270.0 million</td></tr> </tbody> </table>	Fiscal Year	Amount	1997-1998	\$158.6 million	1998-1999	\$183.9 million	1999-2000	\$193.6 million	2000-2001	\$192.1 million	2001-2002	\$213.5 million	2002-2003	\$227.9 million	2003-2004	\$227.9 million	2004-2005	\$234.4 million	2005-2006	\$247.9 million	2006-2007	\$266.7 million	2007-2008	\$270.0 million
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## Instructional Materials

<p><b>3. Does a school district have any flexibility in the use of these funds?</b></p>	<p>A school district must use at least 50 percent of the state funds (<b>Refer to Question 2</b>) allocated for instructional materials for the purchase of instructional materials on the state-adopted list (<b>Refer to Question 4</b>). A district may use up to 50 percent of the state funds for instructional materials, including library and reference books and nonprint materials, which are not included on the state-adopted list. A school district may also use the funds for the repair and renovation of textbooks and library books.</p> <p>One hundred percent of the state instructional materials funds used for kindergarten, and 75 percent of the state instructional materials funds used for 1st grade, may be spent to purchase materials that are not on the state-adopted list.</p> <p>State instructional materials funds used by a school district to purchase materials that are not on the state-adopted list may not be used for electronic or computer hardware and generally may not be used for equipment and supplies.</p>														
<p><b>4. What is the state’s adoption schedule for instructional materials?</b></p>	<p>The Commissioner of Education annually selects and adopts instructional materials, which are added to the state-adopted list for use in the public schools. The commissioner adopts instructional materials according to a 6-year rotating schedule. The Department of Education (DOE) annually publishes the 6-year schedule, announcing the subject areas for which the commissioner will adopt instructional materials for each year of the adoption schedule. For example:</p> <table border="1" data-bbox="792 1255 1341 1562"> <thead> <tr> <th>YEAR</th> <th>SUBJECT</th> </tr> </thead> <tbody> <tr> <td>2007-2008</td> <td>Reading</td> </tr> <tr> <td>2008-2009</td> <td>Language Arts</td> </tr> <tr> <td>2009-2010</td> <td>Mathematics</td> </tr> <tr> <td>2010-2011</td> <td>Science</td> </tr> <tr> <td>2011-2012</td> <td>Social Studies</td> </tr> <tr> <td>2012-2013</td> <td>Physical Education, Health Education, and World Languages</td> </tr> </tbody> </table>	YEAR	SUBJECT	2007-2008	Reading	2008-2009	Language Arts	2009-2010	Mathematics	2010-2011	Science	2011-2012	Social Studies	2012-2013	Physical Education, Health Education, and World Languages
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<p><b>5. What is the state’s adoption process for instructional materials?</b></p>	<p>The following process is used for the selection and adoption of instructional materials on the state-adopted list:</p> <p><b>DOE writes and publishes specifications for new instructional materials.</b> Before each subject area adoption, DOE publishes content specifications for each of the subjects up for adoption. These specifications detail the courses for which materials are sought, plus the standards the materials must meet.</p>														

	<p><b>DOE solicits bids for instructional materials.</b> In the early spring of the adoption year, DOE advertises a request for sealed bids or proposals from publishers of instructional materials. A publisher responding to the bid must submit samples of the instructional materials to DOE. Current law requires a publisher to disclose the authors of the instructional materials and to keep the materials revised, free from all errors, and up-to-date.</p> <p><b>Commissioner of Education reviews the publisher submissions and selects materials for each subject area.</b> During the 12 months before adoption, the commissioner appoints and convenes a State Instructional Materials Committee. The committee is composed of 10 members. At least five members must be classroom teachers certified in one or more of the subject areas being considered for adoption. Two members must be laypersons, one member must be a district school board member, and two members must be supervisors of teachers. The committee must reflect broad demographic diversity and balanced geographic representation.</p> <p>Before appointing committee members, the commissioner generally accepts nominations from district school officials, professional and educational associations, and civic organizations.</p> <p>The State Instructional Materials Committee evaluates the sample instructional materials submitted by the publishers and, in accordance with selection criteria developed by the commissioner, recommends to the commissioner instructional materials for use in schools.</p> <p>The Commissioner of Education selects and adopts instructional materials from the list recommended by the State Instructional Materials Committee as “suitable, usable, and desirable.”</p> <p><b>School districts review state-adopted instructional materials and select those that they wish to use in their local schools.</b> State-adopted instructional materials are available for purchase beginning April 1 of the year following adoption. Each publisher is required to maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository. Publishers choosing not to establish their own depository in Florida routinely contract with the Florida School Book Depository in</p>
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## Instructional Materials

	Jacksonville.
<p><b>6. What are a school district's duties with regard to instructional materials?</b></p>	<p>A district school board must provide each student with adequate instructional materials for core courses in mathematics, language arts, science, social studies, reading, and literature. Within the first 2 years of the 6-year schedule, a school district must purchase instructional materials to provide each K-12 student with a current textbook or other instructional materials as a major tool of instruction for these core courses. The superintendent must keep adequate records and accounts and must notify DOE by April 1 of each year concerning:</p> <ul style="list-style-type: none"> <li>• State-adopted instructional materials that are requisitioned; and</li> <li>• The school district's instructional materials plan used to determine that adequate instructional materials are requisitioned.</li> </ul> <p>A school principal is responsible for:</p> <ul style="list-style-type: none"> <li>• Assuring that instructional materials are used to provide instruction to students;</li> <li>• Communicating to parents how instructional materials are used to implement curricular objectives;</li> <li>• Selling instructional materials to parents upon request;</li> <li>• Accounting for instructional materials and collecting payment from a student or parent for any lost, destroyed, or damaged instructional materials.</li> </ul> <p>Instructional materials that are unserviceable, surplus, or no longer on state contract may be given to other education programs, teachers, students (including home education students), or any charitable organization, governmental agency, private school, or state. To dispose of instructional materials, a school district may also sell the materials to used-book dealers, recycling plants, pulp mills, or other persons, firms, or corporations. Any money received must be deposited in the district's fund for instructional materials.</p>
<p><b>7. Is a school district required to provide training in the use of instructional materials?</b></p>	<p>Yes. By July 1 of each year and before state instructional materials funds are released, a school district's superintendent must certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan for implementation of instructional materials programs. The school district must verify that training was provided and that the materials are being implemented as designed.</p>

## Instructional Materials

<p><b>8. Is a school district required to purchase new instructional materials?</b></p>	<p>A school district is required to purchase current instructional materials for core courses in mathematics, language arts, science, social studies, reading, and literature for grades K-12. For instructional materials purchased on the state-adopted list, a school district must requisition the materials from the publisher's in-state depository or the Florida School Book Depository. Since, in practice, the depositories provide only new, not used, materials, those materials purchased on the state-adopted list are new materials. This is significant since, as previously discussed, a school district generally must use at least 50 percent of its state instructional materials funds to purchase materials on the state-adopted list (<b>Refer to Question 3</b>).</p>
<p><b>9. Where may I find the state-adopted list of instructional materials?</b></p>	<p>DOE publishes a <i>Catalog of State Adopted Instructional Materials</i> on its website, <a href="http://www.fldoe.org/BII/Instruct_Mat/catalog1.asp">www.fldoe.org/BII/Instruct_Mat/catalog1.asp</a>.</p>
<p><b>10. What are the applicable statutes and rules?</b></p>	<p>Section 1001.42(7), F.S. -- Powers and Duties of District School Board.            Subpart F, part I of chapter 1006, F.S. – Instructional Materials for K-12 Public Education (section 1006.28-1006.43, F.S.)            Section 1011.67(2), F.S. – Funds for Instructional Materials (Staff Development Plan; Training).</p> <p>General Appropriations Acts for Fiscal Years 1997-1998 through 2007-2008. Chapters 97-152, 98-422, 99-226, 2000-166, 2001-253, 2001-367, 2002-394, 2003-397, 2004-268, 2005-70, 2006-25, 2007-72, 2007-326, L.O.F.</p>
<p><b>11. Where can I get additional information?</b></p>	<p>Florida Department of Education            Bureau of Instruction and Innovation            Instructional Materials Program            (850) 245-0425  <a href="http://www.fldoe.org/BII/Instruct_Mat">www.fldoe.org/BII/Instruct_Mat</a></p> <p>Florida House of Representatives            Schools &amp; Learning Council            (850) 488-7451</p>



**Schools & Learning Council**  
**English for Speakers of Other Languages (ESOL)**

**Fact Sheet**

January 2008

<p><b>1. What is English for Speakers of Other Languages (ESOL)?</b></p>	<p>English for Speakers of Other Languages (ESOL) is an instructional strategy used to teach any subject to limited English proficient (LEP) students in English. An LEP student, commonly referred to as an English language learner (ELL), is a student whose home or native language is other than English and who consequently has difficulty speaking, reading, writing, or listening to the English language.</p>
<p><b>2. What assistance is a school district required to provide for limited English proficient (LEP) students?</b></p>	<p>A district school board must:</p> <ul style="list-style-type: none"> <li>• Identify LEP students through assessment;</li> <li>• Provide LEP students with ESOL instruction in English (to develop sufficient skills in listening, speaking, reading, and writing which enable the student to be proficient in English);</li> <li>• Provide LEP students with ESOL instruction or home-language instruction in reading, mathematics, science, social studies, and computer literacy;</li> <li>• Maintain an LEP student plan for each LEP student;</li> <li>• Provide qualified teachers;</li> <li>• Provide equal access to other programs for eligible LEP students based on need; and</li> <li>• Provide for parental involvement in ESOL programs.</li> </ul>
<p><b>3. Is ESOL the same as bilingual education?</b></p>	<p>No. Bilingual education involves teaching simultaneously in English and in a language other than English. In ESOL, instruction of a subject is provided for LEP students in English.</p> <p>Although state law allows LEP students to be taught reading, mathematics, science, social studies, and computer literacy in the student's home language, the instruction of LEP students in the English language (known as Basic ESOL) must be provided in English.</p>
<p><b>4. How is a limited English proficient (LEP) student identified?</b></p>	<p>Upon initial enrollment in public school, each student is surveyed by the school district. Three questions are asked:</p> <ul style="list-style-type: none"> <li>• Is a language other than English used in the home?</li> <li>• Does the student have a first language other than English?</li> <li>• Does the student most frequently speak a language other than English?</li> </ul>

## English for Speakers of Other Languages (ESOL)

	<p>A student answering “yes” to any one of the three questions is referred for further language assessment. An English language aural and oral proficiency test is given in order to test speaking and listening comprehension skills. In addition, for a student in 4th grade or above, the student’s scores on the reading and writing portions of a norm-referenced test are considered. If a student scores below established ranges on the tests, the student is determined to be LEP.</p> <p>If a student is classified as LEP based on a norm-referenced test in reading or writing, a parent or teacher may request an LEP committee to determine whether the child is LEP. An LEP committee is composed of ESOL teachers, home-language teachers (if any), an administrator or designee, guidance counselors, social workers, school psychologists, and other educators, as appropriate.</p> <p>A school district may use alternative procedures for assessing a student’s English proficiency if approved by the Department of Education.</p>
<p><b>5. How and why was ESOL established?</b></p>	<p>In 1984, the Legislature required that English language instruction be provided for a student whose native language is other than English and specified that the instruction be designed to develop the student’s mastery of four language skills: listening, speaking, reading, and writing.</p> <p>In 1989, attorneys from Multicultural Education, Training, and Advocacy, Inc. (META) advised the Florida Department of Education (DOE) of META’s intention to bring suit against the State of Florida on behalf of eight minority rights advocacy groups, including the League of United Latin American Citizens (LULAC). META claimed violations of federal and state provisions concerning the education of Florida’s LEP students.</p> <p>In response, the 1990 Legislature required school districts, among other things, to:</p> <ul style="list-style-type: none"> <li>• Identify LEP students through assessment;</li> <li>• Provide LEP students with instruction in English using strategies for teaching ESOL;</li> <li>• Provide LEP students with ESOL instruction or home-language instruction in mathematics, science, social studies, and computer literacy; and</li> <li>• Provide qualified teachers.</li> </ul> <p>Instead of litigation, META and DOE negotiated a settlement agreement, which was approved by a Consent Order issued by a federal district court judge on August 14, 1990. Under</p>



## English for Speakers of Other Languages (ESOL)

	<p>the Consent Order, DOE agreed to the equal treatment of LEP students; proper identification and assessment of LEP students; and adequate placement and programming, certified staff, and supplemental services, for LEP students.</p> <p>In September 2003, the court issued an order modifying the 1990 Consent Order based on a joint stipulation submitted by DOE and META. The 2003 stipulation principally provided alternative methods for certified teachers to obtain ESOL qualifications.</p> <p>In addition, the federal No Child Left Behind Act of 2001 included several requirements for states and school districts concerning the education of English language learners (ELLs).</p>
<p><b>6. What are the training and certification requirements for teachers of LEP students and other school personnel?</b></p>	<p>The state's ESOL training and certification requirements for teachers of LEP students and other school personnel are divided among four categories.</p> <p><b><u>Category I.</u></b> Teachers of English for LEP students must have:</p> <ul style="list-style-type: none"><li>• ESOL certification through earning a bachelor's or higher degree in teaching ESOL (TESOL) and passing the ESOL subject area examination of the Florida Teacher Certification Examinations (FTCE);</li><li>• ESOL certification through passing the ESOL subject area examination plus earning 120 inservice points (<i>i.e.</i>, professional development training generally awarded at a rate of one inservice point per 1 clock hour of training) within 3 years after certification; or</li><li>• ESOL endorsement through completing 15 semester hours of college credit or 300 inservice points (3 semester hours or 60 inservice points within 2 years after assignment of an LEP student and 3 semester hours or 60 inservice points each subsequent year that the teacher is assigned an LEP student until completing 15 semester hours or 300 inservice points).</li></ul> <p><b><u>Category II.</u></b> Teachers of mathematics, science, social studies, and computer literacy must have, within 1 year of assignment of an LEP student, ESOL endorsement through completing 3 semester hours of college credit or 60 inservice points.</p> <p><b><u>Category III.</u></b> Teachers of other subjects not listed in Category I or Category II must have, within 1 year of assignment of an LEP student, ESOL endorsement through completing 3 semester hours of college credit or</p>

## English for Speakers of Other Languages (ESOL)

	<p>18 inservice points.</p> <p><b>Category IV.</b> School administrators and guidance counselors must have 3 semester hours of college credit or 60 inservice points.</p> <p>College credit and inservice activities for ESOL certification or endorsement include training in the following areas:</p> <ul style="list-style-type: none"> <li>• Methods of teaching ESOL;</li> <li>• ESOL curriculum and materials development;</li> <li>• Cross-cultural communication and understanding;</li> <li>• Applied linguistics; and</li> <li>• Testing and evaluation of ESOL.</li> </ul>
<p><b>7. Do LEP students take the FCAT?</b></p>	<p>Yes. Participation in the Florida Comprehensive Assessment Test (FCAT) is mandatory for all students attending public school, except as prescribed by the Commissioner of Education. However, the State Board of Education must adopt rules providing test accommodations for LEP students. Under the rules, LEP students are provided the following accommodations:</p> <ul style="list-style-type: none"> <li>• LEP students may be given additional time to complete each section of the test;</li> <li>• LEP students may be given English-home/native language dictionaries;</li> <li>• LEP students may be tested in a separate room with an ESOL or home/native-language teacher serving as test administrator; and</li> <li>• LEP students may be given limited assistance from the ESOL or heritage language teacher (e.g., answering questions about test directions).</li> </ul> <p><b>(Refer to Florida Comprehensive Assessment Test Accommodations Fact Sheet.)</b></p> <p>The FCAT scores of LEP students in an ESOL program for more than 2 years are included in school grade calculations. However, the FCAT scores of LEP students in an ESOL program for less than 2 years are included in the learning gains component of school grades, but excluded from the achievement score components in reading, mathematics, science, and writing. <b>(Refer to School Grades Fact Sheet.)</b></p>
<p><b>8. Where can I get additional information about the Consent Decree?</b></p>	<p><i>League of United Latin American Citizens (LULAC) et al. v. Florida Board of Education et al.</i>, No. 90-1913 (S.D. Fla. Aug. 13, 1990).</p> <p>1990 Consent Decree  <a href="http://www.fldoe.org/aala/lulac.asp">www.fldoe.org/aala/lulac.asp</a></p>

## English for Speakers of Other Languages (ESOL)

	<p>2003 Modification of the Consent Decree  <a href="http://www.fldoe.org/aala/lulac.asp">www.fldoe.org/aala/lulac.asp</a></p>
<p><b>9. What are the applicable statutes and rules?</b></p>	<p>Section 1000.05, F.S. – Discrimination Against Students and Employees in the Florida K-20 Public Education System Prohibited; Equality of Access Required.          Section 1003.433, F.S. – Learning Opportunities for Out-of-State and Out-of-Country Transfer Students and Students Needing Additional Instruction to Meet High School Graduation Requirements.          Section 1003.56, F.S. – English Language Instruction for Limited English Proficient Students.          Section 1004.04(3)(c)1., F.S. – Public Accountability and State Approval for Teacher Preparation Programs.          Section 1008.22(3)(c)6., F.S. – Student Assessment Program for Public Schools.          Section 1011.62(1)(c)4., (d)3., and (g), F.S. – Funds for Operation of Schools.          Section 1012.585(3)(d), F.S. – Process for Renewal of Professional Certificates.</p> <p>Section 2, chapter 84-336, L.O.F. – Intensive English Language Instruction.          Section 41, chapter 90-288, L.O.F. – English Language Instruction for Limited English Proficient Students.</p> <p>Rule 6A-4.0244, F.A.C. – Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class.          Rule 6A-4.0245, F.A.C. – Specialization Requirements for Certification in English for Speakers of Other Languages (K-12) – Academic Class.          Rule 6A-6.0900, F.A.C. – Programs for Limited English Proficient Students.          Rule 6A-6.0901, F.A.C. – Definitions which Apply to Programs for Limited English Proficient Students.          Rule 6A-6.0902, F.A.C. – Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students.          Rule 6A-6.0903, F.A.C. – Requirements for Classification, Reclassification, and Post Reclassification.          Rule 6A-6.0904, F.A.C. – Equal Access to Appropriate Programming for Limited English Proficient Students.          Rule 6A-6.0905, F.A.C. – Requirements for District Limited English Proficient Plan.          Rule 6A-6.0906, F.A.C. – Monitoring of Programs for Limited English Proficient Students.          Rule 6A-6.0907, F.A.C. – Inservice Requirements for Personnel of Limited English Proficient Students.          Rule 6A-6.0908, F.A.C. – Equal Access for Limited English</p>

## **English for Speakers of Other Languages (ESOL)**

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	Proficient Students to Programs Other than ESOL. Rule 6A-6.0909, F.A.C.– Exceptions Provided to Limited English Proficient Students. Rule 6A-6.09091, F.A.C. – Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students.
<b>10. Where can I get additional information?</b>	Florida Department of Education Office of Academic Achievement through Language Acquisition (850) 245-0417 <a href="http://www.fldoe.org/aala/">www.fldoe.org/aala/</a>  Florida House of Representatives Schools & Learning Council (850) 488-7451



**Schools and Learning Council**  
**Exceptional Student Education**  
**(ESE)**

**Fact Sheet**

January 2008

<p><b>1. What is Exceptional Student Education?</b></p>	<p>Exceptional Student Education (ESE) provides specially-designed instruction for students with disabilities as well as students identified as gifted. Student enrollment in ESE programs is one factor considered in determining what funding a school district receives.</p> <p>A free appropriate public education (FAPE) must be made available to eligible students with disabilities ages three through 21 by the school district in which they live. FAPE may include specialized materials and support services as well as specially designed instruction. The Individuals with Disabilities Education Improvement Act (IDEA) requires that students with disabilities be educated to the “maximum extent appropriate” in the “least restrictive environment (LRE).” <b>(Refer to the Individuals with Disabilities Education Improvement Act Fact Sheet.)</b> Florida school districts provide a broad array of appropriate placement options for students with disabilities, which include but are not limited to, placement with general education teachers for instruction for all or part of the student’s day.</p> <p>At the discretion of individual school districts, services may also be provided to eligible infants and toddlers with disabilities below three years of age.</p> <p>School districts must also provide a FAPE to gifted students. Gifted students may receive specialized instruction in the regular classroom or in special gifted classes.</p>
<p><b>2. How are students determined to be eligible for Exceptional Student Education services?</b></p>	<p>Students may be referred for an evaluation for ESE services by their parents or by a teacher or other school staff. With few exceptions, prior to being evaluated as a student with a disability, school districts must attempt a range of general education interventions. Once a school-based team has determined that general education interventions are not sufficiently effective, a referral for evaluation is made. A student cannot be evaluated for ESE eligibility without the prior written informed consent of the parent. A team of professionals and the student’s parent (i.e., eligibility staffing committee) review the evaluation results to determine if the student meets the requirements for eligibility under one or more State Board of Education (SBE) rules, and if there is evidence of a need for special education and related services.</p>

## Exceptional Student Education (ESE)

	<p>In order for a student to be eligible for a gifted ESE program, SBE rule requires the student to: (a) have a 130 IQ or above, possess gifted characteristics, and need a special program; or (b) be limited English proficient or from a low socio-economic status and meet the criteria in an approved school district plan for increasing the participation of under-represented groups in the district's gifted program.</p> <p>If a student is found eligible for an ESE program, a plan is developed for the student. This plan is referred to as an:</p> <ul style="list-style-type: none"> <li>• Individual educational plan (IEP) for school-aged students with disabilities ages three through 21.</li> <li>• Individualized family support plan (IFSP) for children ages birth through two (and may also be used for children ages three through five years in lieu of an IEP).</li> <li>• Educational plan (EP) for gifted students.</li> </ul> <p>Parents participate in the development of the plans, which cannot be implemented until the parent provides written consent for initial placement in the ESE program.</p>
<p><b>3. What does the IEP, IFSP, or EP include and how frequently must these documents be updated?</b></p>	<p>Each of these plans includes a description of the current performance of the student, a statement of goals and objectives or benchmarks for the student, and a statement of the specially designed and related services, including supplemental aides and services, to be provided. The plans are designed to meet the individual needs of the student.</p> <p>An IEP or IFSP team must meet at least annually to review and revise the plan for a student with a disability. EPs for gifted students may be written for a longer period (i.e., 3 or 4 years) to coincide with natural articulation points (e.g., middle to high school). Students must be reevaluated at least once every three years to determine if they continue to be a student with a disability in need of special education and related services. There is no requirement that gifted students be reevaluated. In addition, a student's parent or teacher may request an IEP team meeting or a reevaluation at any time.</p>
<p><b>4. What types of disabilities are included in Exceptional Student Education?</b></p>	<p>The specific disabilities are: autism spectrum disorder; deaf or hard-of-hearing; visually impaired, including blindness; dual-sensory impaired (deaf/blind); mentally handicapped; speech or language impaired; specific learning disability; emotional or behavioral disabilities; physically impaired, with orthopedic impairment, traumatic brain injury, or other health impairment; and developmentally delayed. Some students may have multiple disabilities. Students in Florida also may be eligible through the program for students who are hospitalized or homebound.</p>

## Exceptional Student Education (ESE)

<p><b>5. What types of services are provided for an exceptional student?</b></p>	<p>ESE services include specially designed instruction and related services that are necessary to enable the student to benefit from education. Such related services may include: transportation, diagnostic and evaluation services, social services, physical and occupational therapy, speech and language pathology, job placement, orientation and mobility training, braillists, typists, readers for the blind, interpreters and auditory amplification, rehabilitation counseling, specified materials, assistive technology devices, and other specialized equipment.</p>
<p><b>6. What is the McKay Scholarships for Students with Disabilities Program?</b></p>	<p>The McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. A student with a disability in grades K-12 is eligible to participate in the McKay Scholarship Program if he or she: has an IEP; attended a public school in Florida; and was reported for funding through the Florida Education Finance Program during the prior school year. <b>(Refer to the McKay Scholarships for Students with Disabilities Program Fact Sheet.)</b></p>
<p><b>7. Are students with disabilities required to participate in the Florida Comprehensive Assessment Test (FCAT)?</b></p>	<p>A student with a disability is required to take the FCAT unless the student has a disability recognized under the IDEA and the student's IEP team determines that:</p> <ul style="list-style-type: none"> <li>• The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards even with appropriate and allowable course modifications; and</li> <li>• The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.</li> </ul> <p>When such a determination is made for a student with a significant cognitive disability, the student must take the Florida Alternate Assessment.</p>
<p><b>8. Are students with disabilities required to take the FCAT in order to graduate with a standard high school diploma?</b></p>	<p>A student with a disability is required to take the FCAT, unless waived by the IEP team as explained below, in order to graduate with a standard high school diploma. Florida law requires each district school board to provide instruction that prepares students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression, high school graduation, and postsecondary education opportunities.</p> <p>Sections 1003.428 and 1003.43, F.S., authorize the IEP team to waive passage of the FCAT as a requirement for graduation with a standard diploma in the traditional 24-minimum-credit graduation program. This waiver option</p>

## Exceptional Student Education (ESE)

became available for 2003 graduates.

In order for the FCAT graduation requirement to be waived, the IEP team must determine whether or not the FCAT can accurately measure the student's abilities, taking into consideration allowable accommodations. If there is sufficient evidence that the student has mastered the applicable Sunshine State Standards and the IEP team determines that the FCAT is **not** an accurate measure of the student's ability, even with allowable accommodations, the FCAT requirement may be waived and the student may graduate with a standard diploma.

To be considered for the waiver, a student must:

- Be identified as a student with a disability, as defined in section 1007.02(2), F.S.
- Have an IEP.
- Be a senior or a student with disabilities who remains enrolled seeking a standard diploma for which the FCAT is the graduation test.
- Have demonstrated mastery of the grade 10 Sunshine State Standards.
- Have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice (for example, once in grade 10 and once in grade 11) or, if not continuously enrolled in public school in Florida, at least once during each year of enrollment in grades 10, 11, or 12.
- Have participated in the March administration of the FCAT during his or her senior year.
- Have participated in intensive remediation for the FCAT Reading and/or FCAT Mathematics, if passing scores were not earned.
- Be progressing toward meeting the state's 24-credit/course and 2.0 cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma.

Should the IEP team determine that the FCAT **does** accurately measure the student's ability and the test should not be waived, then the student may:

- Remain in school until the age of 22 or until the student earns a standard diploma, whichever occurs first;
- Exit with a certificate of completion; or
- Graduate with a special diploma.

The FCAT waiver for students with disabilities is only available for the traditional 24-credit graduation program. It is not available for the three-year, 18-credit graduation



## Exceptional Student Education (ESE)

	<p>programs.</p> <p>Under Rule 6A-1.09431, F.A.C, the Commissioner may exempt a student with a disability from meeting the grade 10 FCAT requirement for high school graduation with a standard diploma due to extraordinary circumstances. Students with disabilities are eligible for consideration of a special exemption from the Grade 10 FCAT under extraordinary circumstances that create a situation where the results of the FCAT would reflect a student's impaired sensory, manual, or speaking skills, rather than the student's achievement. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test. Learning process deficits and cognitive deficits do not constitute extraordinary circumstances.</p> <p>Students who do not meet the requirements for an exemption or waiver may be eligible for a special diploma pursuant to Rule 6A-1.0996, F.A.C.</p>
<p><b>9. Are there accommodations available for FCAT participation for students with disabilities?</b></p>	<p>A student may receive accommodations for the FCAT as long as the accommodations do not alter the underlying test or negatively affect the test's validity or reliability. Each accommodation must be specifically identified in the student's IEP and used by the student in the regular classroom setting, provided that they are within the limits set forth in Rule 6A-1.0943, F.A.C.</p> <p>In addition to the testing accommodations that have been authorized, a student with a disability who needs a unique accommodation may submit a request for approval of the accommodation to the Department of Education. Unique accommodations must be approved by the Commissioner of Education.</p> <p>If accommodations are recommended for classroom instruction or testing which are not permitted on the FCAT, parents must be notified and give their signed consent for the use of those accommodations in the classroom. Parents must acknowledge in writing that they understand the possible impact or future consequences of using accommodations in the classroom that are not permitted on the FCAT.</p>
<p><b>10. What types of accommodations are available for the FCAT for students with disabilities?</b></p>	<p>Based on the recommendations of the IEP team, accommodations may relate to the presentation of the test, how the student is permitted to respond, the scheduling of, or the setting for taking, the test, and the use of assistive technology.</p>

## Exceptional Student Education (ESE)

Available FCAT accommodations are listed below.

### 1. **Presentation:**

- Print versions of the test may be enlarged.
- Braille versions may be requested.
- Directions may be read by the test administrator from the FCAT administration manual to the student.
- Masks templates may be used to cover portions of the test.
- Color transparencies or overlays may be used with the test items.
- An answer sheet may be positioned and secured for optimal access.
- Spacing may be increased between test items.
- Fewer items may be placed on each page.
- Reading stands and similar paper positioning accommodations may be used.
- Reading passages can be developed with one complete sentence per line.
- Visual cues that serve as reminders may be placed in the test booklet or answer sheet.
- Extra examples can be given for practice.
- Pages may be tabbed.
- Highlighter tape can be used.
- Key words and phrases can be highlighted in the directions.
- Text directions may be read aloud or signed for all directions other than reading items.
- A reader may read directions and items other than reading items.
- Directions may be repeated, clarified, or summarized.
- Students may repeat or paraphrase directions.
- Text to speech technology may be used to read directions and test items other than reading items.
- Verbal encouragement may be given during the test.
- Noise buffers may be used.
- Directions may be audio taped except for reading items.

### 2. **Responding:**

- Responses may be dictated to a proctor.
- Text to speech technology may be used to indicate answers.
- Switches may be used to respond.
- Computer/alternative keyboards may be used.
- Pointing devices may be used.
- Communication devices may be used to generate oral or written responses.
- Answers may be entered directly into the test booklet.

## Exceptional Student Education (ESE)

	<ul style="list-style-type: none"><li>• Responses may be signed to a qualified interpreter.</li><li>• Digital voice or tape recorders may be used to record answers.</li><li>• Special paper may be used for written answers.</li><li>• Math grids may be used to organize mathematical computations.</li><li>• Writing guides or templates may be used to produce legible answers.</li><li>• Answer sequence may be checked periodically.</li><li>• An abacus may be used.</li></ul> <p><b>3. Scheduling:</b></p> <ul style="list-style-type: none"><li>• A student may be allowed a flexible schedule for the FCAT administration.</li></ul> <p><b>4. Setting:</b></p> <ul style="list-style-type: none"><li>• Special lighting may be used.</li><li>• Adapted furniture may be provided as needed.</li><li>• Special acoustics may be provided.</li><li>• Opportunity for movement may be increased or decreased.</li><li>• Stimuli may be reduced.</li><li>• The test may be administered in a familiar place for students who are homebound and hospitalized.</li></ul> <p><b>5. Assistive Devices:</b></p> <ul style="list-style-type: none"><li>• Calculators may be used as authorized.</li><li>• Visual magnification and auditory amplification devices may be used.</li><li>• Technology such as alternative keyboards, pointing devices, and switches may be used to respond to the FCAT.</li><li>• Audiotaped directions and test items may be provided.</li></ul> <p>An expanded explanation of accommodations can be found at <a href="http://www.fldoe.org/ese/fcatasd.asp">http://www.fldoe.org/ese/fcatasd.asp</a></p>
<p><b>11. What are the applicable statutes and rules?</b></p>	<p>Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).</p> <p>Part 300 of Title 34, Code of Federal Regulations (34 CFR 300) (implementing regulations of IDEA).</p> <p>The Family Education Rights and Privacy Act (The Buckley Amendment).</p> <p>Vocational Rehabilitation Act, Section 504.</p> <p>Section 1000.01(4), F.S. – The Florida K-20 education system; technical provisions.</p>

## Exceptional Student Education (ESE)

	<p>Section 1001.42(4)(l), F.S. – Powers and duties of district school board.</p> <p>Section 1002.20, F.S. – K-12 student and parent rights.</p> <p>Section 1002.22, F.S. – Student records and reports; rights of parents and students; notification; penalty.</p> <p>Section 1003.01, F.S. – Definitions.</p> <p>Section 1003.21(1)(e), F.S. – School attendance.</p> <p>Section 1003.428(3) and 8(b), F.S. – General Requirements for high school graduation; revised.</p> <p>Section 1003.43(4) and (11), F.S. – General requirements for high school graduation.</p> <p>Section 1003.57, F.S. – Exceptional students instruction.</p> <p>1003.576, F.S. Individual education plans for exceptional students.</p> <p>Rule 6A-1.0943, F.A.C. – Statewide assessment for students with disabilities.</p> <p>Rule 6-1.0996, F.A.C. – Graduation requirements for certain students with disabilities.</p> <p>Rules 6A-6.03011through.6A-6.03019, F.A.C.; 6A-6.03020 through 6A-6.03027, F.A.C.; 6A-6.03030 through 6A-6.03031, F.A.C. – Special program rules for the various exceptionality categories.</p> <p>Rule 6A-6.03028, F.A.C. – Development of individual educational plans for students with disabilities.</p> <p>Rule 6A-6.030281, F.A.C. – Development of services plans for students with disabilities enrolled in private schools.</p> <p>Rule 6A-6.03029, F.A.C. – Development of family support plans for children, birth to five.</p> <p>Rule 6A-6.03032, F.A.C. – Procedural Safeguards for children, birth through age 2.</p> <p>Rule 6A-6.0311, F.A.C. – Eligible special programs for exceptional students.</p> <p>Rule 6A-6.0312, F.A.C. – Course modifications for exceptional students.</p> <p>Rule 6A-6.0331, F.A.C. – Identification and determination of eligibility of exceptional students for specially designed instruction.</p> <p>Rule 6A-6.03311, F.A.C. – Procedural safeguards for students with disabilities.</p> <p>Rule 6A—6.03312, F.A.C. – Discipline procedures for students with disabilities.</p> <p>Rule 6A-6.03313, F.A.C. – Procedural safeguards for exceptional students who are gifted.</p> <p>Rule 6A-6.03314, F.A.C. – Procedural safeguards for exceptional students enrolled in private schools.</p>
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## Exceptional Student Education (ESE)

	<p>Rule 6A-6.0333, F.A.C. – Surrogate parents.</p> <p>Rule 6A-6.0334, F.A.C. – Temporary assignment of transferring exceptional students.</p> <p>Rule 6A-6.03411, F.A.C. – Special program and procedures for exceptional students.</p> <p>Rule 6A-6.0361, F.A.C. – Contractual arrangements with nonpublic schools.</p>
<b>12. Where can I get additional information?</b>	<p>Florida Department of Education Bureau of Exceptional Education and Student Services (850) 245-0475 <a href="http://www.fldoe.org/ese/">http://www.fldoe.org/ese/</a></p> <p>Office of Special Education and Rehabilitative Services 400 Maryland Avenue, S.W. Washington, D.C. 20202</p> <p>Office for Civil Rights 330 Independence Avenue, S.W. Washington, D.C. 20201</p> <p>Florida House of Representatives Schools and Learning Council (850) 488-7451</p>



**Schools & Learning Council**  
**Individuals with Disabilities**  
**Education Improvement Act (IDEA**  
**2004)**

**Fact**  
**Sheet**

January 2008

**1. What is the IDEA?**

The Individuals with Disabilities Education Improvement Act (IDEA) was first enacted in 1975 and subsequently reauthorized in 2004. The purpose of the IDEA is to ensure that all children with disabilities are provided with special education and related services designed to meet their unique needs and prepare them for employment and independent living. The IDEA assists states in meeting these requirements by providing funding to each state based on the number of identified disabled students residing within its borders.

The types of services that states are required to provide for children with disabilities depend on the age of the child. Part B of the IDEA requires states to provide a Free Appropriate Public Education (FAPE) for children ages three to 21. Part C of the IDEA requires states to provide early intervention services for infants and toddlers ages birth to two.

*Free Appropriate Public Education:* The term “free appropriate public education” means special education and related services that are provided by the public school system at no cost to the parent, which meet the standards of the state, and which are in conformity with an individual educational plan (IEP). Included within the requirement of a FAPE is the requirement that the child be educated in the least restrictive environment (LRE). This means that the school's goal must be to educate the student in an environment that is as close to a typical school education as possible, but that will still give him or her an appropriate education. The IEP must address the LRE issue. See *L.G. v. School Bd. of Palm Beach County, Fla.*, 512 F.Supp.2d 1240 (S.D. Fla. 2007). In the event, the parents of a disabled child and a school cannot agree on the contents of an IEP, the IDEA permits either party to request a due process hearing.

The issue of what constitutes a FAPE has been extensively litigated in state and federal courts. Florida case law has held that the FAPE requirement does not require the states to satisfy all particular needs of each handicapped child; however, the FAPE offered must be designed to afford the child a meaningful opportunity to learn. See *M.H. v. Nassau County School Bd.*, 918 So.2d 316 (1<sup>st</sup> DCA 2005).

## Individuals with Disabilities Education Act (IDEA)

	<p>The IDEA authorizes the court to award attorneys' fees in a proceeding brought under the act to the:</p> <ul style="list-style-type: none"> <li>• Prevailing parent of a child with a disability;</li> <li>• The prevailing state or local education agency against the parent's attorney if the complaint is frivolous or if the attorney continued to litigate after the litigation became frivolous; or</li> <li>• The prevailing state or local education agency against the parent or the parent's attorney if the complaint or subsequent cause of action was presented for any improper purpose, e.g., harassment, unnecessary delay, or needlessly increasing litigation costs.</li> </ul> <p>See 20 U.S.C.A. § 1415(i)(3)(B). State courts have concurrent jurisdiction with federal courts to award attorney fees under the IDEA. <i>W.R. ex rel. Doe v. School Bd. of Osceola County</i>, 726 So.2d 801 (Fla. 5<sup>th</sup> DCA 1999).</p> <p><i>Early Intervention Services:</i> The IDEA's early intervention program for infants and toddlers was established in 1986. The purpose of early intervention is to lessen the educational effects of a child's disability. Services are designed to identify and meet a child's needs in five developmental areas, including: physical development, cognitive development, communication, social or emotional development, and adaptive development. States receive federal grant funding and program assistance for early intervention services through the IDEA.</p>
<p><b>2. How are students determined to be eligible for IDEA services?</b></p>	<p><i>Students ages 3 to 21:</i> School-age children may be referred for an evaluation for exceptional student education (ESE) services by their parents or by a teacher or other school staff. With few exceptions, prior to being evaluated as a student with a disability, school districts must ensure that a range of general education interventions have been attempted. Eligibility for an ESE program requires that the student has a disability and a need for special education and related services; having the exceptionality alone does not constitute eligibility.</p> <p>Once the evaluation team has determined that reasonable general education interventions are not sufficiently effective, a referral for evaluation is made. A student cannot be evaluated for ESE eligibility without the prior written informed consent of the parent. A team of professionals and the student's parent (i.e., staffing committee) review the evaluation results to determine if the student meets the requirements for eligibility under one or more State Board of Education (SBE) rules and if there is evidence of a need for special education and related services.</p>

## Individuals with Disabilities Education Act (IDEA)

	<p><i>Infants and toddlers ages birth to two:</i> States are given significant discretion for determining eligibility for entry into early intervention programs because such conditions may not be fully diagnosable due to the child's early age. Eligibility for early intervention services largely depends on how a state's definition of developmental delay defines children who are "at risk" for disabilities in its eligibility formula. In defining the "at risk" population, states may include well-known biological and environmental factors that can be identified and that place infants and toddlers "at risk" for developmental delay. Commonly cited factors include low birth weight, respiratory distress as a newborn, and lack of oxygen, brain hemorrhage, infection, nutritional deprivation, and a history of abuse or neglect.</p> <p>Evaluations for infants and toddlers must be conducted by a multidisciplinary team. The multidisciplinary team may consist of medical, mental health, education, and early childhood development professionals. The team must evaluate each child's family to identify its needs for assisting in the child's development.</p> <p>When a child is determined to be eligible for ESE or early intervention services, the evaluation team then develops an educational plan.</p>
<p><b>3. What types of educational plans must be developed for infants and toddlers or students with disabilities?</b></p>	<p>The type of educational plan that must be developed for a child with a disability depends on the age of the child. An IEP is developed for school-aged children and an individualized family support plan (IFSP) is prepared for children ages birth to two. An IFSP may also be used through the age of five in lieu of an IEP. Parents participate in the development of the plan, which cannot be implemented until the parent provides written consent for placement in the ESE or early intervention program.</p> <p><i>Individualized Educational Plan:</i> An IEP is developed by a team of professionals and the parent. The IEP team must include: the parent; at least one ESE teacher of the child; at least one general education teacher of the child; and a representative of the school district, i.e., a Local Education Authority representative. For some students there are additional requirements for his or her IEP team membership.</p> <p>The IEP team develops annual goals for the student based on his or her strengths, needs, and the effect of the disability. Once the goals are determined, the team decides what type of special education services the student needs, how often, and where the services should be provided, e.g., in the general education class or in an ESE classroom. They also determine if the student needs related services such as occupational</p>



## Individuals with Disabilities Education Act (IDEA)

	<p>therapy or specialized transportation.</p> <p><i>The Individualized Family Service Plan:</i> An IFSP documents and guides the early intervention process for children with disabilities and their families. The IFSP contains information about the services necessary to facilitate a child's development and enhance the family's capacity to facilitate the child's development. Through the IFSP process, family members and service providers work as a team to plan, implement, and evaluate services specific to the family's concerns, priorities, and available resources. A service coordinator then helps the family by coordinating the services outlined in the IFSP.</p> <p>To prepare the child for transition from early intervention services to special education services, a transition planning meeting is to be held approximately three months prior to the child's third birthday. An exit IEP is prepared which determines the services that the child will receive after the transition.</p>
<p><b>4. How do schools know what services to provide?</b></p>	<p>Services are provided in accordance with the IEP. In addition to the services identified in the IEP, state law requires the district school superintendent to fully inform the parent of a student with a physical or developmental disability of all available services that are appropriate for the student's disability. <b>(Refer to the Exceptional Student Education Fact Sheet.)</b></p>
<p><b>5. Has the IDEA ever been changed?</b></p>	<p>Yes. In 1997, the IDEA was reauthorized with significant changes that focused on placement in a LRE and on the role of parents [Public Law 105-17]. Federal regulations for the IDEA, as amended and reauthorized in 1997, were adopted in 1999.</p> <p>In 2004, federal legislation entitled the Individuals with Disabilities Education Improvement Act again amended and reauthorized the IDEA [Public Law 108-446]. Many of the amendments were for the purpose of more closely aligning the IDEA with the No Child Left Behind Act and most changes took effect on July 1, 2005. Federal implementing regulations for these amendments, which govern pre-school and school aged children, took effect in October 2006. Implementing regulations for provisions governing early intervention programs for infants and toddlers with disabilities were published in May 2007, and final regulations are anticipated for release in early 2008.</p>
<p><b>6. What effect do the changes in the IDEA and its regulations have on Florida?</b></p>	<p>SBE rules relating to students with disabilities were revised to reflect the new requirements of the 1999 IDEA regulations. This required extensive review by the Florida Department of Education (DOE) and other stakeholders and the revisions were accomplished in the fall of 2004.</p>

## Individuals with Disabilities Education Act (IDEA)

	<p>The 2004 changes to the IDEA included amendments in the following subject areas:</p> <ul style="list-style-type: none"> <li>• Teacher qualifications;</li> <li>• State and local funding;</li> <li>• Enrollment of children in private schools;</li> <li>• Early intervening services;</li> <li>• Disproportionality and overidentification;</li> <li>• State- and district-wide assessments;</li> <li>• Changes in initial evaluations and reevaluations;</li> <li>• IEP content and team membership;</li> <li>• Procedural safeguards; and</li> <li>• Discipline.</li> </ul> <p>The DOE has been in the process of reviewing the 2004 IDEA amendments to determine which of the SBE's rules and state laws are more or less stringent than the 2004 IDEA, and has sought input from stakeholders to determine which SBE rules and state laws should be revised.</p> <p>As of November 2007, the SBE has adopted amendments to six rules for purposes of implementing the 2004 amendments to the IDEA. These rules relate to ESE eligibility for students who: are deaf or hard-of-hearing; are physically impaired with orthopedic impairment; are physically impaired with traumatic brain injury; are physically impaired with other health impairment; have emotional/behavioral disabilities; or have Autism Spectrum Disorder. Nine other SBE rules to implement the 2004 amendments have been published and are currently under consideration for adoption. Representatives of the DOE have indicated that the department will suggest proposed amendments to state law to implement the 2004 IDEA amendments during the 2008 Regular Session.</p> <p>Until state law and SBE rules are updated to implement the 2004 changes to the IDEA, the following applies for school districts:</p> <ul style="list-style-type: none"> <li>• If a 2004 amendment to the IDEA is considered "less stringent" than current Florida law or SBE rule, school districts must comply with the current state law or rule until such is amended to implement the new federal law.</li> <li>• If a 2004 amendment to the IDEA is considered "more stringent" or if it addresses a new issue, school districts must comply with its requirements.</li> </ul>
<p><b>7. What are the applicable statutes and rules?</b></p>	<p>Individuals with Disabilities Improvement Act Amendments of 2004, 20 U.S.C. sections 1400-1482.</p> <p>Regulations for the Individuals with Disabilities Act, 34 C.F.R. sections 300 &amp; 303.</p> <p>Section 1000.01(4), F.S. – Requirement for public schools to</p>

## Individuals with Disabilities Education Act (IDEA)

	<p>provide exceptional student education instruction. Section 1001.42(4)(l), F.S. – Requirement to provide appropriate program of special instruction. Section 1002.20(8), F.S. – K-12 students and parent rights; students with disabilities. Section 1002.22, F.S. – Student records and reports; rights of parents and students; notification; penalty. Section 1003.21(1)(e), F.S. – School attendance. Section 1003.428(8), F.S. – High school graduation requirements for exceptional students. Section 1003.43(4) and (11), F.S. – High school graduation requirements for exceptional students. Section 1003.57, F.S. – Exceptional students instruction.</p> <p>Rule 6A-1.0943, F.A.C. – Statewide assessment for students with disabilities. Rule 6A-1.0996, F.A.C. – Graduation requirements for certain students with disabilities .</p> <p>Rules 6A-6.03011 through 6A-6.03018; 6A-6.03020 through 6A-6.03027; 6A-6.03030 through 6A-6.03031, F.A.C. – Special program rules for various exceptionality categories. Rule 6A-6.03020, F.A.C. – Specially designed programs for students who are homebound or hospitalized Rule 6A-6.03028, F.A.C. – Development of individual educational plans for students with disabilities. Rule 6A-6.030281, F.A.C. – Development of services plans for students with disabilities enrolled in private schools. Rule 6A-6.03029, F.A.C. – Development of family support plans for children, birth to five. Rule 6A-6.03032, F.A.C. – Procedural Safeguards for children, birth through age two. Rule 6A-6.0311, F.A.C. – Eligible special programs for exceptional students. Rule 6A-6.0312, F.A.C. – Course modifications for exceptional students. Rule 6A-6.0331, F.A.C. – Identification and determination of eligibility of exceptional students for specially designed instruction. Rule 6A-6.03311, F.A.C. – Procedural safeguards for students with disabilities. Rule 6A—6.03312, F.A.C. – Discipline for students with disabilities. Rule 6A-6.03314, F.A.C. – Procedural safeguards for exceptional students enrolled in private schools by their parents. Rule 6A-6.0333, F.A.C. – Surrogate parents.</p>
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## Individuals with Disabilities Education Act (IDEA)

	<p>Rule 6A-6.0334, F.A.C. –Temporary assignment of transferring exceptional students.</p> <p>Rule 6A-6.03411, F.A.C. – Special program and procedures for exceptional students.</p> <p>Rule 6A-6.0361, F.A.C. – Contractual arrangements with nonpublic schools.</p>
<p><b>8. Where can I get additional information?</b></p>	<p>Florida Department of Education Bureau of Exceptional Education and Student Services (850) 245-0475 <a href="http://www.firn.edu/doe/commhome/index.html">http://www.firn.edu/doe/commhome/index.html</a></p> <p>U.S. Department of Education Office of Special Education and Rehabilitative Services and Office of Special Education Programs 400 Maryland Avenue, S.W. Washington, D.C. 20202-7100 (202)245-7468 <a href="http://www.ed.gov/about/offices/list/osers/index.html">http://www.ed.gov/about/offices/list/osers/index.html</a> <a href="http://idea.ed.gov/">http://idea.ed.gov/</a></p> <p>Florida House of Representatives Schools &amp; Learning Council (850) 488-7451</p>



## Schools & Learning Council Student Advisement

## Fact Sheet

January 2008

<p><b>1. What advisement is a student given as he/she progresses through Florida's public school system?</b></p>	<p>Students in the Florida public school system are served by school guidance counselors who are responsible for advising them regarding their abilities, aptitudes, educational and occupational opportunities, and personal and social adjustments. Students also have access to FACTS.org, a statewide online student advising system established and maintained by the Department of Education (DOE). FACTS.org is accessible to all Florida students and is intended to be the primary advising and tracking tool for students enrolled in public secondary and postsecondary educational institutions. <b>(Refer to Question 3.)</b></p>
<p><b>2. What are the educational and certification requirements of guidance counselors?</b></p>	<p>For certification as a guidance counselor, State Board of Education rule requires either: (a) a master's or higher degree with a graduate major in guidance and counseling or counselor education; or (b) a master's or higher degree with 30 semester hours of graduate credit in specified guidance and counseling courses.</p>
<p><b>3. What online guidance advisement systems are being employed statewide?</b></p>	<p>FACTS.org is Florida's computer-assisted student advising system. It is maintained by the DOE and provides user-friendly tools for online advisement and education planning for K-20 students. It contains resources for career planning, college/vocational-technical planning, admissions, financial aid, and college student planning.</p> <p>FACTS.org's ePersonal Education Planner (ePEP) and High School Evaluations tools provide personalized evaluations of Florida public students' high school transcripts, including their:</p> <ul style="list-style-type: none"><li>• Progress toward high school diplomas.</li><li>• Progress toward meeting State University System admissions requirements.</li><li>• Status for meeting Bright Futures Scholarship initial eligibility requirements.</li></ul> <p>The ePEP was designed and released during the 2005-2006 academic year. Both middle school and high school students have access to ePEP for high school course planning.</p> <p>FACTS.org also offers profiles of over 200 Florida postsecondary institutions, a college and degree search, the state's common college admissions application (one application to multiple colleges), links to online college</p>

	<p>financial aid applications, and direct access to the “Choices Planner” (CHOICES), an electronic career guidance program.</p> <p>For elementary and middle grades, other systems are used and often funded through local school districts. In many middle schools, a program called, “Career Futures” is used. Many elementary students have access to a computer program called “PAWS,” which encourages career exploration.</p> <p>Middle school students must take a course in career and education planning in the 7<sup>th</sup> or 8<sup>th</sup> grade that includes career planning using CHOICES and FACTS.org. Each student must also complete a personalized academic and career plan.</p>
<p><b>4. What accountability measures are currently in place to assure proper advisement and outcome?</b></p>	<p>Each school district must annually submit a district guidance report to the Commissioner of Education by June 30th. The guidance report must include, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>• Examination of student access to guidance counselors.</li> <li>• Degree to which a district has adopted or implemented a guidance model program.</li> <li>• Evaluation of information and training available to guidance counselors and career specialists to advise students on areas of critical need labor market trends, and technical training requirements.</li> <li>• Progress toward incorporation of best practices as identified by the DOE.</li> <li>• Consideration of alternative guidance systems.</li> </ul> <p><b>(See Refer to Question #5).</b></p> <ul style="list-style-type: none"> <li>• Actions taken to provide information to students for school-to-work transition.</li> <li>• A guidance plan for the district.</li> </ul> <p>In 2003, the Legislature enacted The Family and School Partnership for Student Achievement Act to increase parental participation in a child’s progression through the school system. School districts are required to develop and disseminate a parent guide to successful student achievement and a checklist of parental actions to strengthen parental involvement. The parent guide is based on guidelines and a checklist developed by the DOE. The DOE is also charged with establishing a parent-response center to provide assistance to parents in answering questions and resolving issues related to the child’s education.</p>
<p><b>5. What recommendations are being made regarding student advising?</b></p>	<p>Two 2004 reports, one by The Council for Education Policy, Research, and Improvement (CEPRI) and one by a Career Education Task Force recommended that students be given</p>

	<p>more guidance to enable them to start on a progressive path toward a career at an earlier age. Various methods of increasing guidance for students are available and include the use of alternative guidance systems such as a teacher-advisor model, mentoring, partnerships with the business community, web-based delivery, and parental involvement.</p> <p>The teacher-advisor model is promoted by the Southern Regional Education Board (SREB) as part of the initiative, "High Schools that Work." According to the SREB, use of the teacher-advisor model is a solution for providing more individualized student attention in an often overburdened guidance system. With this model, guidance counselors take on a managerial role and teachers are assigned to students to act as advisory mentors throughout their high school careers.</p> <p>Other recommendations for the advisement system are to: improve online use; make the systems more user-friendly; encourage more parental involvement; link students with the needs of the workforce and the public/private sectors of the business community to find careers in areas of growing need; and make greater use of youth apprenticeship opportunities.</p>
<p><b>6. What are the applicable statutes and rules?</b></p>	<p>Section 1002.23, F.S. – Family and School Partnership for Student Achievement Act.                  Section 1003.4156 – General requirements for middle grades promotion.                  Section 1006.02, F.S. – Provision of information to students and parents regarding school-to-work transition.                  Section 1006.025, F.S. – Guidance Services.                  Section 1007.28, F.S. – Computer-assisted student advising system.                  Section 1012.01(2)(b), F.S. – Student Personnel Services</p> <p>Rule 6A-4.0181, F.A.C. – Specialization Requirements for Certification in Guidance and Counseling (Grades P<del>K</del>-12).</p>
<p><b>7. Where can I get additional information?</b></p>	<p>Florida Department of Education                  Florida Center for Advising &amp; Academic Support (FCAAS) -                  FACTS.org                  (850) 245-0518  <a href="http://www.facts.org">www.facts.org</a></p> <p>The Student Support Services Project                  Bureau of Exceptional Education and Student Services  <a href="http://sss.usf.edu">http://sss.usf.edu</a></p> <p>Workforce Education                  (850) 245-0452                  Web-based district guidance report:  <a href="http://data.fldoe.org/guidanceReport/">http://data.fldoe.org/guidanceReport/</a></p>

	<p>Florida School Counseling and Guidance Framework <a href="http://www.firn.edu/doe/workforce/pdf/guidance.pdf">http://www.firn.edu/doe/workforce/pdf/guidance.pdf</a></p> <p><del>F</del>Florida Counseling for Future Education Handbook www.facts.org (see the “Advising Manuals” link)</p> <p><del>1-800-342-9271 (also included):</del></p> <p><del>L</del>Lesson Plans for Counseling and Guidance Curriculum <a href="http://www.firn.edu/doe/programs/cd_lesson.htm">http://www.firn.edu/doe/programs/cd_lesson.htm</a></p> <p>Florida Choices Programs Division of Community Colleges and Workforce Education (850) 245-0407 <a href="http://www.florida.access.bridges.com">http://www.florida.access.bridges.com</a></p> <p>Certification Requirements <a href="http://www.fldoe.org/edcert/">http://www.fldoe.org/edcert/</a></p> <p>Select Rule Authority, 6A-4, Florida Administrative Code <a href="http://www.firn.edu/doe/rules/6a-4.htm">http://www.firn.edu/doe/rules/6a-4.htm</a></p> <p>Florida House of Representatives Schools &amp; Learning Council (850) 488-7451</p>
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**Schools & Learning Council**  
**Student Transportation**

**Fact Sheet**

January 2008

<p><b>1. A school district must provide transportation for which students?</b></p>	<p>A school district must provide transportation for:</p> <ul style="list-style-type: none"> <li>• A K-12 student in a public school who lives more than a reasonable walking distance (2 miles) from school;</li> <li>• A K-6 student in a public elementary school, if the student would encounter hazardous walking conditions to or from school (<b>Refer to Question 7</b>);</li> <li>• A student in a prekindergarten program for children with disabilities;</li> <li>• A student with a disability who meets one of the following criteria for specialized transportation services, as documented in the student's Individualized Education Program (IEP):             <ul style="list-style-type: none"> <li>○ Medical equipment required (<i>i.e.</i>, wheelchair, crutches, walker, cane, tracheotomy equipment, or positioning or unique seating devices);</li> <li>○ Medical condition requiring a special transportation environment according to a physician's prescription (<i>e.g.</i>, tinted windows, dust-controlled atmosphere, or temperature control);</li> <li>○ Aide or monitor required due to disability and specific need of student;</li> <li>○ Shortened day required due to disability and specific need of student; or</li> <li>○ School assigned is located in an out-of-district school system.</li> </ul> </li> <li>• A pregnant student or student parent (or child of the student) in a teenage parent program; and</li> <li>• A student transported from one school to another for an instructional program (<i>e.g.</i>, vocational students, dual enrollment students, and students with disabilities).</li> </ul> <p>In school year 2005-2006 (most recent year for which data is available), 1,025,893 students statewide were transported 304,796,201 miles. School districts transported students during the same school year with an inventory of 15,757 buses in daily service.</p>
<p><b>2. What funding does a school district receive for student transportation?</b></p>	<p>For fiscal year 2007-2008, the Legislature appropriated approximately \$487 million (after budget reductions from 2007 Special Session "C") to school districts in order to fund transportation services. School districts are allocated a <i>pro</i></p>

## Student Transportation

	<p><i>rata</i> share of the state’s school transportation funds based on each district’s average bus occupancy, county-by-county differences in cost of living, and the extent of rural population in the district. In addition, districts receive additional funding for the increased costs associated with transporting students with disabilities. In fiscal year 2005-2006 (most recent year in which expenditure data is available), school districts spent approximately \$1.02 billion for school transportation, with approximately \$451 million (44 percent) derived from the state’s school transportation funds and the remainder (56 percent) from local district sources.</p>
<p><b>3. Is a school district authorized to transport students other than those required by law?</b></p>	<p>Yes. School districts are permitted to transport students other than those required by law. However, school districts do not receive state funding for transporting students other than those required by law (<b>Refer to Question 1</b>). In 2005-2006 (most recent year for which data is available), school districts transported an average 70,582 “courtesy riders” who were ineligible for state funding, which represented 6.44 percent of total ridership.</p> <p>State funding supports the transportation of K-6 students in a public elementary school, if the students encounter hazardous walking conditions according to state criteria (<b>Refer to Question 7</b>). School districts frequently authorize courtesy riders who live within 2 miles of school because of walking conditions determined unsafe by the district’s local criteria, but which are not covered by the state criteria. For example, a school district may determine that it is unsafe for middle school students to cross a bridge that lacks a pedestrian walkway.</p>
<p><b>4. Are school buses safe?</b></p>	<p>School buses in service in Florida must comply with both the Federal Motor Vehicle Safety Standards and the Florida School Bus Specifications. In addition, a school district is required to conduct a safety inspection of each school bus at least once every 30 days.</p> <p>In a 2002 report, the Transportation Research Board of the National Academy of Sciences found that school buses represent 25 percent of the miles traveled by students but account for less than 4 percent of the injuries and 2 percent of the fatalities. According to the report, each year approximately 800 school-aged children are killed in motor vehicle crashes during normal school travel hours. Of these 800 deaths, about 20 (2 percent)—5 school bus passengers and 15 pedestrians—are school bus-related.</p> <p>In addition to vehicle safety, Florida law requires that school</p>

## Student Transportation

	<p>bus drivers complete a 40-hour preservice training program, hold a valid commercial driver's license, and be "of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease." Each school bus driver must also be fingerprinted and undergo a criminal history background check, successfully complete a medical examination, and annually complete 8 hours of inservice training. School districts are required to inspect each school bus driver's traffic infraction history and review weekly updates. In addition, all school bus drivers are subject to substance abuse and alcohol detection testing.</p>
<p><b>5. Are school buses required to have safety belts?</b></p>	<p>A new school bus purchased on or after January 1, 2001, must be equipped with Type I safety belts (lap belts), or another federally approved restraint system, in all passenger seats. School buses purchased on or before December 31, 2000, are not required to have safety belts. Each passenger on a school bus equipped with safety belts or another restraint system must wear a safety belt at all times while the bus is in operation.</p> <p>School districts are required to give first priority to elementary schools in the allocation of school buses equipped with safety belts or another restraint system.</p>
<p><b>6. May a school district use vehicles other than school buses to transport students?</b></p>	<p>Yes. A district school board may use vehicles other than buses to transport students when transportation is:</p> <ul style="list-style-type: none"> <li>• For physically handicapped or isolated students;</li> <li>• Part of a specialized education program delivered by a service provider;</li> <li>• Provided through a public transit system; or</li> <li>• For trips to and from school sites, agricultural education sites, or agriculture-related events or competitions (not for customary transportation to and from a student's residence).</li> </ul>
<p><b>7. What is a hazardous walking condition?</b></p>	<p>Florida law specifies that a "hazardous walking condition" exists when a student must walk to and from school along a road in which:</p> <ul style="list-style-type: none"> <li>• The walkway adjacent to the road is less than 4-feet wide or does not have a surface that allows the student to avoid walking on the road surface; or</li> <li>• The walkway, if the road is uncurbed and has a speed limit of 55 miles per hour, is not set off the road by at least 3 feet from the road's edge.</li> </ul>

## Student Transportation

	<p>However, a hazardous walking condition does not exist if the road along which the student must walk:</p> <ul style="list-style-type: none"><li>• Is in a residential area having a posted speed limit of 30 miles per hour or less or having little or no transient traffic; or</li><li>• Has a traffic volume less than 180 vehicles per hour, per direction, during times that students walk to and from school.</li></ul> <p>In addition, state law establishes that a hazardous walking condition exists when a student walking to and from school must cross a road that:</p> <ul style="list-style-type: none"><li>• Has a traffic volume exceeding 360 vehicles per hour, per direction (including all lanes), and the intersection at which the student must cross does not have a crossing guard, traffic enforcement officer, stop sign, or traffic control signal, during times that students walk to and from school; or</li><li>• Has a traffic volume exceeding 4,000 vehicles per hour and does not have crossing guards or traffic enforcement officers during times that students walk to and from school.</li></ul>
<p><b>8. How is a hazardous walking condition identified and corrected?</b></p>	<p>Upon request, a district school superintendent or the superintendent's designee must inspect a walking condition within the 2-mile limit which is reported as potentially hazardous. The walking condition must also be inspected by a representative from the state or local government with jurisdiction over the road. The superintendent or designee and the government representative must mutually determine whether the walking condition is hazardous under the state criteria (<b>Refer to Question 7</b>), and the superintendent or designee must report the determination to the Department of Education.</p> <p>If it is determined that a walking condition is hazardous under the state criteria, the district school board must ask the state or local government whether it intends to correct the hazardous condition and, if so, the projected completion date. Current law specifies that the Legislature intends state or local government to correct hazardous walking conditions within a reasonable period of time. A school district may use the state's school transportation funds to transport students encountering hazardous walking conditions until the hazardous conditions are corrected or the projected completion date is reached, whichever occurs first.</p>

## Student Transportation

<p><b>9. What are the applicable statutes and rules?</b></p>	<p>Section 316.614, F.S. – Safety Belt Usage.            Section 316.6145, F.S. – School Buses; Safety Belts or Other Restraint Systems Required.            Section 1006.21, F.S. – Duties of School Superintendent and District School Board Regarding Transportation.            Section 1006.22, F.S. – Safety and Health of Students Being Transported.            Section 1006.23, F.S. – Hazardous Walking Conditions.            Section 1006.25, F.S. – School Buses.            Section 1011.68, F.S. – Funds for Student Transportation.            Section 1012.45, F.S. – School Bus Drivers; Requirements and Duties.</p> <p>Specific Appropriation 90, s. 2, ch. 2007-72, L.O.F. – <i>2007-2008 General Appropriations Act</i>.            Specific Appropriation 37, s. 2, ch. 2007-326, L.O.F. – <i>Special Appropriations Act (Budget Reductions)</i>.</p> <p>Rule 6A-3.001, F.A.C. – Basic Principles for Transportation of Students.            Rule 6A-3.003, F.A.C. – Certification as to Specifications of School Buses.            Rule 6A-3.0171, F.A.C. – Responsibilities of School Districts for Student Transportation.            Rule 6A-3.0291, F.A.C. – Specifications for New School Buses.</p>
<p><b>10. Where can I get additional information?</b></p>	<p>Florida Department of Education            School Transportation Management            (850) 245-9795  <a href="http://www.fldoe.org/transportation">www.fldoe.org/transportation</a></p> <p>Florida House of Representatives            Schools &amp; Learning Council            (850) 488-7451</p>



## Schools & Learning Council **Religion in Public Schools**

# Fact Sheet

January 2008

### **1. What religious freedoms do public school students have?**

Public school students have certain constitutionally protected religious rights. According to the "Religious Expression in Public Schools" guidelines promulgated by the United States Secretary of Education, these basic freedoms include the following:

- Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive.
- Students may express their religious beliefs in the form of reports, homework, and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes.
- Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place and manner, or other constitutionally acceptable restrictions imposed on the distribution of all non-school literature.
- Student participation in before or after-school events, such as "see you at the pole" is permissible.
- Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics.
- Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time.
- School officials may not mandate or organize prayer at student assemblies, extracurricular events, or select speakers for such events in a manner that favors or disfavors religious speech such as prayer. Where students or other private speakers are selected on the basis of genuinely neutral, even-handed criteria and retain primary control over the content of their expression, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student or other private speech that is not in fact attributable to the school, school officials may take appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the

## Religion in Public Schools

	school's.
<b>2. Is prayer allowed by statute in Florida's public schools?</b>	Florida statutes allow for a moment of silence. Section 1003.45(2), F.S., provides, "The school board may provide that a brief period, not to exceed two minutes, for the purpose of silent prayer or meditation be set aside at the start of each school day or each school week in the public schools in the district."
<b>3. What prayer legislation has been enacted in Florida?</b>	The 2002 Legislature adopted legislation requiring the Department of Education to distribute each year to all district school board members, superintendents, school principals, and teachers the entire guidelines on "Religious Expression in Public Schools" published by the U.S. DOE.
<b>4. What is the recent history of court decisions regarding school prayer?</b>	<p>In June 2000, the U.S. Supreme Court decided the case of <i>Doe v. Santa Fe Independent School District</i> and held that student-led, student-initiated prayer at <i>high school football games</i> is unconstitutional. In May 2001, the U.S. Eleventh Circuit Court of Appeals held in <i>Adler v. Duval County School Board</i> that a school board policy allowing student-led, student-initiated messages, including prayers, at high school graduation ceremonies was constitutionally permissible. The Eleventh Circuit distinguished Santa Fe based on the fact that the school board policy provided no control over the content of the message. In December 2001, the U.S. Supreme Court let stand this decision by the Eleventh Circuit.</p> <p>In June 2001, the U.S. Supreme Court also let stand the lower court ruling in <i>Chandler v. Siegelman</i> which allowed students to participate in group prayers at school functions such as graduations. The lower court's ruling stated that courts could not prohibit genuinely student initiated religious speech at school events, nor could they impose restrictions greater than those placed on students' nonreligious speech.</p>
<b>5. What is the purpose of the guidance provided by the United States Department of Education?</b>	The purpose of the guidance is to provide state education agencies, districts, and the public with information on the current state of the law concerning constitutionally protected prayer in the public schools, and thus to clarify the extent to which prayer in public schools is legally protected. The guidance is updated biennially.
<b>6. What are the federal requirements regarding school prayer?</b>	Section 9524 of the Elementary and Secondary Act ("ESEA") of 1965, as amended by the No Child Left Behind Act of 2001, requires the secretary to issue guidance on constitutionally protected prayer in public elementary and secondary schools. In addition, section 9524 requires that, as a condition of receiving federal funds, each school district must certify in writing to the Florida Department of Education that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in this guidance.

## Religion in Public Schools

<b>7. What are the applicable statutes and rules?</b>	Section 1002.205, F.S. -- Guidelines on Religious Expression. Section 1003.45(2), F.S. -- Brief Meditation Period PL 107-110, <i>The No Child Left Behind Act of 2001</i> .
<b>8. Where can I get additional information?</b>	Florida Department of Education Bureau of Instruction & Innovation (850) 245-9868  Florida House of Representatives Schools & Learning Council (850) 488-7451