

From: Robinson, Gerard
Sent time: Sunday, February 19, 2012 3:20:40 PM
To: patricia@excelined.org; Patricia Levesque <patricia@afloridapromise.org>
Subject: Fwd: High School Grade languag
Attachments: PCB EDC 12-01.pdf ATT1833585.htm

Please take a look at the 50% language and let me know what you think. Thanks.

Sent from my iPhone

Begin forwarded message:

Date: February 19, 2012 3:16:20 PM EST
To: Gerard Robinson <gerard.robinson@fldoe.org>
Subject: High School Grade language

Attached is the D.A. bill. The language can be found on the bottom of page 33 line 919.

On my work email and my personal it's not allowing me to put in strike thru's so on line 923 "50 percent" is deleted:

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

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

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

54

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

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

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

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

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

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85 thresholds for determining compliance with this paragraph.

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

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

96 1002.33 Charter schools.—

97 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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

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

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

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

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

142 b. The charter school must implement the corrective action

143 in the school year following receipt of a third consecutive

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

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

146 period.

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

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

149 grade if additional time is provided to implement the

150 intervention and support strategies prescribed by the school

151 improvement plan.

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

153 that is placed on probation shall continue the corrective

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

155 school improves by at least one letter grade its student

156 performance from the year prior to the implementation of the

157 school improvement plan. However, the charter school must

158 continue to implement strategies identified in the school

159 improvement plan. The sponsor must annually review

160 implementation of the school improvement plan to monitor the

161 school's continued improvement pursuant to subparagraph 5.

162 e. A charter school implementing a corrective action that

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

164 school years of implementing the corrective action must select a

165 different corrective action. Implementation of the new

166 corrective action must begin in the school year following the

167 implementation period of the existing corrective action, unless

168 the sponsor determines that the charter school is likely to

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

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

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

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

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

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

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

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

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

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

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

222 1002.332 High-performing charter school system.—

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

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

225 entity that:

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

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

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

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

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

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

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253 1002.38, Florida Statutes, is amended to read:

254 1002.38 Opportunity Scholarship Program.—

255 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

256 (a) ~~For purposes of this section, a school's grade shall~~
257 ~~be based upon statewide assessments administered pursuant to s.~~
258 ~~1008.22.~~ A public school student's parent may request and
259 receive an opportunity scholarship for the student to enroll in
260 and attend a public school in accordance with the provisions of
261 this section if:

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

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

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

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

278 1008.22 Student assessment program for public schools.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

451 6. The State Board of Education shall, by rule, designate
452 a passing score for each part of the grade 10 assessment test
453 and end-of-course assessments. Any rule that has the effect of
454 raising the required passing scores may apply only to students
455 taking the assessment for the first time after the rule is
456 adopted by the State Board of Education. Except as otherwise
457 provided in this subparagraph and as provided in s.

458 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
459 passing score on grade 10 FCAT Reading and grade 10 FCAT
460 Mathematics or attain concordant scores as described in
461 subsection (10) in order to qualify for a standard high school
462 diploma.

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

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

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

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

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

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

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

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

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

532 14. The Commissioner of Education shall establish

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

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

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

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

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

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

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

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

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589 process assessments.

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

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

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

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

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

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

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

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

622 (8) LOCAL ASSESSMENTS.—

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

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

629 1008.33 Authority to enforce public school improvement.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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729 ~~years previously;~~

730 ~~e. At least 65 percent of the school's students are not~~
731 ~~proficient in reading; or~~

732 ~~d. At least 65 percent of the school's students are not~~
733 ~~proficient in mathematics.~~

734 (4)-(5) (a) The state board shall apply the most intense
735 intervention and support strategies to schools earning a grade
736 of "F." In the first full school year after a school is
737 initially earns a grade of "F," identified as a school in the
738 lowest-performing category, the school district must implement
739 intervention and support strategies prescribed in rule under
740 paragraph (3) (c), select a turnaround option from those provided
741 in subparagraphs (b) 1.-5., and submit a plan for implementing
742 the turnaround option to the department for approval by the
743 state board. Upon approval by the state board, the turnaround
744 option must be implemented in the following school year.

745 (b) Except as provided in subsection (5), the turnaround
746 options available to a school district to address a school that
747 earns a grade of "F" are a plan, which is subject to approval by
748 the State Board of Education, for implementing one of the
749 following options at the beginning of the next school year. The
750 plan must be implemented unless the school moves from the
751 lowest-performing category:

752 1. Convert the school to a district-managed turnaround
753 school by means that include implementing a turnaround plan
754 approved by the Commissioner of Education which shall become the
755 school's improvement plan;

756 2. Reassign students to another school and monitor the

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757 progress of each reassigned student;

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

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

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

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

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

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

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

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

804 ~~(5)(7)~~ A school that earns a grade of "F" within 2 years
805 after raising its grade from a grade of "F" or that earns a
806 grade of "F" within 2 years after exiting the lowest-performing
807 category under s. 3, chapter 2009-144, Laws of Florida, must
808 implement one of the turnaround options in subparagraphs
809 (4)(b)2.-5. Beginning July 1, 2009, the Department of Education
810 ~~shall commence its duties under this section.~~

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

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

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

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

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

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

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

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

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

- 853 (a) "A," schools making excellent progress.
854 (b) "B," schools making above average progress.
855 (c) "C," schools making satisfactory progress.
856 (d) "D," schools making less than satisfactory progress.
857 (e) "F," schools failing to make adequate progress.
858

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

867 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1065 eligible for school recognition awards pursuant to s. 1008.36.

1066 (5) SCHOOL REPORT CARD.—The Department of Education shall

1067 annually develop, in collaboration with the school districts, a

1068 school report card to be provided by the school district

1069 ~~delivered~~ to parents within the ~~throughout each school~~ district.

1070 The report card shall include the school's grade, information

1071 regarding school improvement, an explanation of school

1072 performance as evaluated by the federal Elementary and Secondary

1073 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~

1074 ~~Behind Act of 2001~~, and indicators of return on investment. Each

1075 school's report card shall be published annually by the

1076 department on its website, ~~and the school district shall provide~~

1077 ~~the school report card to each parent.~~

1078 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor

1079 in the performance of schools in calculating any performance-

1080 based funding policy that is provided for annually in the

1081 General Appropriations Act.

1082 (7) DISTRICT GRADE.—The annual report required by

1083 subsection (1) shall include the school district's grade. A

1084 school district's grade shall be calculated using student

1085 performance and learning gains data on statewide assessments

1086 used for determining school grades under subparagraph (3)(b)1.

1087 for each eligible full-year enrolled student in the district.

1088 This calculation methodology captures each eligible student in

1089 the district who may have transferred among schools within the

1090 district or is enrolled in a school that does not receive a

1091 grade ~~district grades, which shall consist of weighted district~~

1092 ~~average grades, by level, for all elementary schools, middle~~

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

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

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

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

1104 (6)

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

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

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

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

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

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

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

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1149 1012.22, Florida Statutes, is amended to read:

1150 1012.22 Public school personnel; powers and duties of the
1151 district school board.—The district school board shall:

1152 (1) Designate positions to be filled, prescribe
1153 qualifications for those positions, and provide for the
1154 appointment, compensation, promotion, suspension, and dismissal
1155 of employees as follows, subject to the requirements of this
1156 chapter:

1157 (c) Compensation and salary schedules.—

1158 1. Definitions.—As used in this paragraph:

1159 a. "Adjustment" means an addition to the base salary
1160 schedule that is not a bonus and becomes part of the employee's
1161 permanent base salary and shall be considered compensation under
1162 s. 121.021(22).

1163 b. "Grandfathered salary schedule" means the salary
1164 schedule or schedules adopted by a district school board before
1165 July 1, 2014, pursuant to subparagraph 4.

1166 c. "Instructional personnel" means instructional personnel
1167 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1168 teachers.

1169 d. "Performance salary schedule" means the salary schedule
1170 or schedules adopted by a district school board pursuant to
1171 subparagraph 5.

1172 e. "Salary schedule" means the schedule or schedules used
1173 to provide the base salary for district school board personnel.

1174 f. "School administrator" means a school administrator as
1175 defined in s. 1012.01(3)(c).

1176 g. "Supplement" means an annual addition to the base

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

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

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

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

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

1194 4. Grandfathered salary schedule.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1281 (IV) Assignment of additional academic responsibilities.

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

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

