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HB 7127, Engrossed 2

2012 Legislature

1
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

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

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 turnaround
45 options; amending s. 1008.331, F.S.; requiring that
46 school districts use a specified percentage of Title I
47 funds allocated to Title I schools to meet the
48 requirements for supplemental educational services;
49 specifying the use of such funds for certain students;
50 requiring that each school district contract with
51 supplemental educational service providers that have
52 been approved by the Department of Education; amending
53 s. 1008.34, F.S.; revising provisions relating to the
54 school grading system; revising the contents of the
55 annual report of the results of the statewide
56 assessment program; revising certain criteria upon

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

57 | which school grades are based; revising the basis for
 58 | calculating a school district's grade; amending ss.
 59 | 1008.345, 1012.07, 1012.22, and 1012.2315, F.S.;
 60 | conforming provisions; providing an effective date.

61

62 | Be It Enacted by the Legislature of the State of Florida:

63

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

66 | 1001.42 Powers and duties of district school board.—The
 67 | district school board, acting as a board, shall exercise all
 68 | powers and perform all duties listed below:

69 | (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 70 | Maintain a state system of school improvement and education
 71 | accountability as provided by statute and State Board of
 72 | Education rule. This system of school improvement and education
 73 | accountability shall be consistent with, and implemented
 74 | through, the district's continuing system of planning and
 75 | budgeting required by this section and ss. 1008.385, 1010.01,
 76 | and 1011.01. This system of school improvement and education
 77 | accountability shall comply with the provisions of ss. 1008.33,
 78 | 1008.34, 1008.345, and 1008.385 and include the following:

79 | (a) School improvement plans.—The district school board
 80 | shall annually approve and require implementation of a new,
 81 | amended, or continuation school improvement plan for each school
 82 | in the district. If a school has a significant gap in
 83 | achievement on statewide assessments pursuant to s.
 84 | 1008.34(3)(b) by one or more student subgroups, as defined in

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

85 the federal Elementary and Secondary Education Act (ESEA), 20
 86 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased
 87 the percentage of students scoring below satisfactory on
 88 statewide assessments; or has significantly lower graduation
 89 rates for a subgroup when compared to the state's graduation
 90 rate, that school's improvement plan shall include strategies
 91 for improving these results. The state board shall adopt rules
 92 establishing thresholds and for determining compliance with this
 93 paragraph.

94 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
 95 students attending schools that have earned a grade of "F" or
 96 three consecutive grades ~~been designated with a grade of "D" or~~
 97 ~~"F" pursuant to s. 1008.34 and that are in one of the two~~
 98 ~~lowest-performing categories pursuant to s. 1008.33~~ to attend a
 99 higher-performing school in the district or any other district
 100 in the state, in conformance with s. 1002.38 and State Board of
 101 Education rule.

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

104 1002.33 Charter schools.—

105 (9) CHARTER SCHOOL REQUIREMENTS.—

106 (n)1. The director and a representative of the governing
 107 board body of a charter school that has earned ~~received~~ a ~~school~~
 108 grade of "D" or "F" pursuant to ~~under~~ s. 1008.34(2) shall appear
 109 before the sponsor ~~or the sponsor's staff at least once a year~~
 110 to present information concerning each contract component having
 111 noted deficiencies. ~~The sponsor shall communicate at the~~
 112 ~~meeting, and in writing to the director, the services provided~~

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

113 ~~to the school to help the school address its deficiencies.~~

114 ~~(e) Upon notification that a charter school receives a~~

115 ~~school grade of "D" for 2 consecutive years or a school grade of~~

116 ~~"F" under s. 1008.34(2), The charter school sponsor or the~~

117 ~~sponsor's staff shall require the director and a representative~~

118 ~~of the governing board shall ~~body to~~ submit to the sponsor for~~

119 ~~approval a school improvement plan to raise student achievement~~

120 ~~and to implement the plan. Upon approval by the sponsor, the~~

121 ~~charter school shall begin implementation of the ~~has the~~~~

122 ~~authority to approve a school improvement plan that the charter~~

123 ~~school will implement in the following school year. The sponsor~~

124 ~~may also consider the State Board of Education's recommended~~

125 ~~action pursuant to s. 1008.33(1) as part of the school~~

126 ~~improvement plan. The department of Education shall offer~~

127 ~~technical assistance and training to the charter school and its~~

128 ~~governing board ~~body~~ and establish guidelines for developing,~~

129 ~~submitting, and approving such plans.~~

130 2.a.1. ~~If a~~ the charter school earns three consecutive

131 grades of "D," two consecutive grades of "D" followed by a grade

132 of "F," or two nonconsecutive grades of "F" within a 3-year

133 period ~~fails to improve its student performance from the year~~

134 ~~immediately prior to the implementation of the school~~

135 ~~improvement plan, the sponsor shall place the charter school on~~

136 ~~probation and shall require the charter school governing board~~

137 ~~shall choose ~~body to~~ take one of the following corrective~~

138 ~~actions:~~

139 (I)a. ~~Contract for the educational services~~ to be provided

140 directly to students, instructional personnel, and school

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

141 administrators, as prescribed in state board rule of the charter
 142 school;

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

145 (III)b. Reorganize the school at the end of the school
 146 year under a new director or principal who is authorized to hire
 147 new staff and implement a plan that addresses the causes of
 148 inadequate progress; or

149 (IV)e. Voluntarily close Reconstitute the charter school.

150 b. The charter school must implement the corrective action
 151 in the school year following receipt of a third consecutive
 152 grade of "D," a grade of "F" following two consecutive grades of
 153 "D," or a second nonconsecutive grade of "F" within a 3-year
 154 period.

155 c. The sponsor may annually waive a corrective action if
 156 it determines that the charter school is likely to improve a
 157 letter grade if additional time is provided to implement the
 158 intervention and support strategies prescribed by the school
 159 improvement plan. Notwithstanding this sub-subparagraph, a
 160 charter school that earns a second consecutive grade of "F" is
 161 subject to subparagraph 4.

162 d.2. A charter school is no longer required to implement a
 163 that is placed on probation shall continue the corrective action
 164 if it actions required under subparagraph 1. until the charter
 165 school improves by at least one letter grade its student
 166 performance from the year prior to the implementation of the
 167 school improvement plan. However, the charter school must
 168 continue to implement strategies identified in the school

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

169 improvement plan. The sponsor must annually review
170 implementation of the school improvement plan to monitor the
171 school's continued improvement pursuant to subparagraph 5.

172 e. A charter school implementing a corrective action that
173 does not improve by at least one letter grade after 2 full
174 school years of implementing the corrective action must select a
175 different corrective action. Implementation of the new
176 corrective action must begin in the school year following the
177 implementation period of the existing corrective action, unless
178 the sponsor determines that the charter school is likely to
179 improve a letter grade if additional time is provided to
180 implement the existing corrective action. Notwithstanding this
181 sub-subparagraph, a charter school that earns a second
182 consecutive grade of "F" while implementing a corrective action
183 is subject to subparagraph 4.

184 3. A charter school with a grade of "D" or "F" that
185 improves by at least one letter grade must continue to implement
186 the strategies identified in the school improvement plan. The
187 sponsor must annually review implementation of the school
188 improvement plan to monitor the school's continued improvement
189 pursuant to subparagraph 5.

190 4. The sponsor shall terminate a charter if the charter
191 school earns two consecutive grades of "F" unless:

192 a. The charter school is established to turnaround the
193 performance of a district public school pursuant to s.
194 1008.33(4)(b)3. Such charter schools shall be governed by s.
195 1008.33;

196 b. The charter school serves a student population the

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

197 majority of which resides in a school zone served by a district
 198 public school that earned a grade of "F" in the year before the
 199 charter school opened and the charter school earns at least a
 200 grade of "D" in its third year of operation. The exception
 201 provided under this sub-subparagraph does not apply to a charter
 202 school in its fourth year of operation and thereafter; or

203 c. The state board grants the charter school a waiver of
 204 termination. The charter school must request the waiver within
 205 30 days after completion of school grade appeals. The state
 206 board may waive termination if the charter school demonstrates
 207 that the learning gains of its students on statewide assessments
 208 are comparable to or better than the learning gains of similarly
 209 situated students enrolled in nearby district public schools.
 210 The waiver is valid for 1 year and may only be granted once.
 211 Charter schools that have been in operation for more than 5
 212 years are not eligible for a waiver under this sub-subparagraph.

213 ~~3. Notwithstanding any provision of this paragraph, the~~
 214 ~~sponsor may terminate the charter at any time pursuant to~~
 215 ~~subsection (8).~~

216 5. (p) The director and a representative of the governing
 217 board body of a graded charter school that has implemented
 218 submitted a school improvement plan or has been placed on
 219 probation under this paragraph (e) shall appear before the
 220 sponsor or the sponsor's staff at least once a year to present
 221 information regarding the progress of intervention and support
 222 corrective strategies that are being implemented by the school
 223 pursuant to the school improvement plan and corrective actions,
 224 if applicable. The sponsor shall communicate at the meeting, and

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

225 in writing to the director, the services provided to the school
 226 to help the school address its deficiencies.

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

230 Section 3. Paragraph (b) of subsection (1) of section
 231 1002.332, Florida Statutes, is amended to read:

232 1002.332 High-performing charter school system.—

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

234 (b) "High-performing charter school system" means an
 235 entity that:

236 1. Operates at least three high-performing charter schools
 237 in the state;

238 2. Operates a system of charter schools in which at least
 239 50 percent of the charter schools are high-performing charter
 240 schools pursuant to s. 1002.331 and no charter school earned
 241 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
 242 except that:

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

248 b. If the entity establishes a new charter school that
 249 serves a student population the majority of which resides in a
 250 school zone served by a public school that earned a grade of "F"
 251 or three consecutive grades of "D" pursuant to s. 1008.34 ~~is~~
 252 ~~identified as lowest performing under s. 1008.33(4)(b), that~~

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

253 charter school's grade may ~~shall~~ not be considered in
 254 determining high-performing charter school system status if it
 255 attains and maintains a school grade that is higher than that of
 256 the public school serving that school zone within 3 years after
 257 establishment; and

258 3. Has not received a financial audit that revealed one or
 259 more of the financial emergency conditions set forth in s.
 260 218.503(1) for any charter school assumed or established by the
 261 entity.

262 Section 4. Paragraph (a) of subsection (2) of section
 263 1002.38, Florida Statutes, is amended to read:

264 1002.38 Opportunity Scholarship Program.—

265 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

266 (a) ~~For purposes of this section, a school's grade shall~~
 267 ~~be based upon statewide assessments administered pursuant to s.~~
 268 ~~1008.22.~~ A public school student's parent may request and
 269 receive an opportunity scholarship for the student to enroll in
 270 and attend a public school in accordance with the provisions of
 271 this section if:

272 1. By assigned school attendance area or by special
 273 assignment, the student has spent the prior school year in
 274 attendance at a public school that has earned a grade of "F" or
 275 three consecutive grades of "D" pursuant to s. 1008.34 ~~been~~
 276 ~~designated as performance grade category "D" or "F" and that is~~
 277 ~~in one of the two lowest performing categories pursuant to s.~~
 278 ~~1008.33,~~ and the student's attendance occurred during a school
 279 year in which such designation was in effect;

280 2. The student has been in attendance elsewhere in the

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

281 public school system and has been assigned to such school for
 282 the next school year; or

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

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

288 1008.22 Student assessment program for public schools.—

289 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 290 design and implement a statewide program of educational
 291 assessment that provides information for the improvement of the
 292 operation and management of the public schools, including
 293 schools operating for the purpose of providing educational
 294 services to youth in Department of Juvenile Justice programs.
 295 The commissioner may enter into contracts for the continued
 296 administration of the assessment, ~~testing, and evaluation~~
 297 programs authorized and funded by the Legislature. Contracts may
 298 be initiated in 1 fiscal year and continue into the next and may
 299 be paid from the appropriations of either or both fiscal years.
 300 The commissioner is authorized to negotiate for the sale or
 301 lease of tests, scoring protocols, test scoring services, and
 302 related materials developed pursuant to law. Pursuant to the
 303 statewide assessment program, the commissioner shall:

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

307 (b) Develop and implement a uniform system of indicators
 308 to describe the performance of public school students and the

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

309 characteristics of the public school districts and the public
310 schools. These indicators must include, ~~without limitation,~~
311 information gathered by the comprehensive management information
312 system created pursuant to s. 1008.385 and student achievement
313 information obtained pursuant to this section.

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

316 1. The Florida Comprehensive Assessment Test (FCAT)
317 measures a student's content knowledge and skills in reading,
318 writing, science, and mathematics. The content knowledge and
319 skills assessed by the FCAT must be aligned to the core
320 curricular content established in the Next Generation Sunshine
321 State Standards. ~~FCAT Other content areas may be included as~~
322 ~~directed by the commissioner. Comprehensive assessments of~~
323 Reading and FCAT Mathematics shall be administered annually in
324 grades 3 through 10 except, beginning with the 2010-2011 school
325 year, the administration of grade 9 FCAT Mathematics shall be
326 discontinued, and beginning with the 2011-2012 school year, the
327 administration of grade 10 FCAT Mathematics shall be
328 discontinued, except as required for students who have not
329 attained minimum performance expectations for graduation as
330 provided in paragraph (9) (c). FCAT Writing and FCAT Science
331 shall be administered at least once at the elementary, middle,
332 and high school levels except, beginning with the 2011-2012
333 school year, the administration of FCAT Science at the high
334 school level shall be discontinued. Students enrolled in an
335 Algebra I, geometry, or Biology I course or an equivalent course
336 with a statewide, standardized end-of-course assessment are not

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

337 required to take the corresponding grade-level FCAT assessment.

338 2.a. ~~End-of-course assessments for a subject shall be~~
339 ~~administered in addition to the comprehensive assessments~~
340 ~~required under subparagraph 1.~~ End-of-course assessments must be
341 rigorous, statewide, standardized, and developed or approved by
342 the department. The content knowledge and skills assessed by
343 end-of-course assessments must be aligned to the core curricular
344 content established in the Next Generation Sunshine State
345 Standards.

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

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

365 course grade. Beginning with students entering grade 9 during
366 the 2012-2013 school year, a student must earn a passing score
367 on the end-of-course assessment in geometry or attain an
368 equivalent score as described in subsection (11) in order to
369 earn course credit.

370 (II) Statewide, standardized end-of-course assessments in
371 science shall be administered according to this sub-sub-
372 subparagraph. Beginning with the 2011-2012 school year, all
373 students enrolled in Biology I or an equivalent course must take
374 the Biology I end-of-course assessment. For the 2011-2012 school
375 year, each student's performance on the end-of-course assessment
376 in Biology I shall constitute 30 percent of the student's final
377 course grade. Beginning with students entering grade 9 during
378 the 2012-2013 school year, a student must earn a passing score
379 on the end-of-course assessment in Biology I in order to earn
380 course credit.

381 b. During the 2012-2013 school year, an end-of-course
382 assessment in civics education shall be administered as a field
383 test at the middle school level. During the 2013-2014 school
384 year, each student's performance on the statewide, standardized
385 end-of-course assessment in civics education shall constitute 30
386 percent of the student's final course grade. Beginning with the
387 2014-2015 school year, a student must earn a passing score on
388 the end-of-course assessment in civics education in order to
389 pass the course and be promoted from the middle grades. The
390 school principal of a middle school shall determine, in
391 accordance with State Board of Education rule, whether a student
392 who transfers to the middle school and who has successfully

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

393 completed a civics education course at the student's previous
394 school must take an end-of-course assessment in civics
395 education.

396 c. The commissioner may select one or more nationally
397 developed comprehensive examinations, which may include, but
398 need not be limited to, examinations for a College Board
399 Advanced Placement course, International Baccalaureate course,
400 or Advanced International Certificate of Education course, or
401 industry-approved examinations to earn national industry
402 certifications identified in the Industry Certification Funding
403 List, pursuant to rules adopted by the State Board of Education,
404 for use as end-of-course assessments under this paragraph, if
405 the commissioner determines that the content knowledge and
406 skills assessed by the examinations meet or exceed the grade
407 level expectations for the core curricular content established
408 for the course in the Next Generation Sunshine State Standards.
409 The commissioner may collaborate with the American Diploma
410 Project in the adoption or development of rigorous end-of-course
411 assessments that are aligned to the Next Generation Sunshine
412 State Standards.

413 d. Contingent upon funding provided in the General
414 Appropriations Act, including the appropriation of funds
415 received through federal grants, the Commissioner of Education
416 shall establish an implementation schedule for the development
417 and administration of additional statewide, standardized end-of-
418 course assessments in English/Language Arts II, Algebra II,
419 chemistry, physics, earth/space science, United States history,
420 and world history. Priority shall be given to the development of

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

421 end-of-course assessments in English/Language Arts II. The
422 Commissioner of Education shall evaluate the feasibility and
423 effect of transitioning from the grade 9 and grade 10 FCAT
424 Reading and high school level FCAT Writing to an end-of-course
425 assessment in English/Language Arts II. The commissioner shall
426 report the results of the evaluation to the President of the
427 Senate and the Speaker of the House of Representatives no later
428 than July 1, 2011.

429 3. The assessment ~~testing~~ program shall measure student
430 content knowledge and skills adopted by the State Board of
431 Education as specified in paragraph (a) and measure and report
432 student performance levels of all students assessed in reading,
433 writing, mathematics, and science. The commissioner shall
434 provide for the tests to be developed or obtained, as
435 appropriate, through contracts and project agreements with
436 private vendors, public vendors, public agencies, postsecondary
437 educational institutions, or school districts. The commissioner
438 shall obtain input with respect to the design and implementation
439 of the assessment ~~testing~~ program from state educators,
440 assistive technology experts, and the public.

441 4. The assessment ~~testing~~ program shall be composed of
442 criterion-referenced tests that shall, to the extent determined
443 by the commissioner, include test items that require the student
444 to produce information or perform tasks in such a way that the
445 core content knowledge and skills he or she uses can be
446 measured.

447 5. FCAT Reading, Mathematics, and Science and all
448 statewide, standardized end-of-course assessments shall measure

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

449 the content knowledge and skills a student has attained on the
450 assessment by the use of scaled scores and achievement levels.
451 Achievement levels shall range from 1 through 5, with level 1
452 being the lowest achievement level, level 5 being the highest
453 achievement level, and level 3 indicating satisfactory
454 performance on an assessment. For purposes of FCAT Writing,
455 student achievement shall be scored using a scale of 1 through 6
456 and the score earned shall be used in calculating school grades.
457 A score shall be designated for each subject area tested, below
458 which score a student's performance is deemed inadequate. The
459 school districts shall provide appropriate remedial instruction
460 to students who score below these levels.

461 6. The State Board of Education shall, by rule, designate
462 a passing score for each part of the grade 10 assessment test
463 and end-of-course assessments. Any rule that has the effect of
464 raising the required passing scores may apply only to students
465 taking the assessment for the first time after the rule is
466 adopted by the State Board of Education. Except as otherwise
467 provided in this subparagraph and as provided in s.
468 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
469 passing score on grade 10 FCAT Reading and grade 10 FCAT
470 Mathematics or attain concordant scores as described in
471 subsection (10) in order to qualify for a standard high school
472 diploma.

473 7. In addition to designating a passing score under
474 subparagraph 6., the State Board of Education shall also
475 designate, by rule, a score for each statewide, standardized
476 end-of-course assessment which indicates that a student is high

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

477 achieving and has the potential to meet college-readiness
478 standards by the time the student graduates from high school.

479 8. Participation in the assessment ~~testing~~ program is
480 mandatory for all students attending public school, including
481 students served in Department of Juvenile Justice programs,
482 except as otherwise prescribed by the commissioner. A student
483 who has not earned passing scores on the grade 10 FCAT as
484 provided in subparagraph 6. must participate in each retake of
485 the assessment until the student earns passing scores or
486 achieves scores on a standardized assessment which are
487 concordant with passing scores pursuant to subsection (10). If a
488 student does not participate in the statewide assessment, the
489 district must notify the student's parent and provide the parent
490 with information regarding the implications of such
491 nonparticipation. A parent must provide signed consent for a
492 student to receive classroom instructional accommodations that
493 would not be available or permitted on the statewide assessments
494 and must acknowledge in writing that he or she understands the
495 implications of such instructional accommodations. The State
496 Board of Education shall adopt rules, based upon recommendations
497 of the commissioner, for the provision of test accommodations
498 for students in exceptional education programs and for students
499 who have limited English proficiency. Accommodations that negate
500 the validity of a statewide assessment are not allowable in the
501 administration of the FCAT or an end-of-course assessment.
502 However, instructional accommodations are allowable in the
503 classroom if included in a student's individual education plan.
504 Students using instructional accommodations in the classroom

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

505 that are not allowable as accommodations on the FCAT or an end-
506 of-course assessment may have the FCAT or an end-of-course
507 assessment requirement waived pursuant to the requirements of s.
508 1003.428(8)(b) or s. 1003.43(11)(b).

509 9. A student seeking an adult high school diploma must
510 meet the same testing requirements that a regular high school
511 student must meet.

512 10. District school boards must provide instruction to
513 prepare students in the core curricular content established in
514 the Next Generation Sunshine State Standards adopted under s.
515 1003.41, including the core content knowledge and skills
516 necessary for successful grade-to-grade progression and high
517 school graduation. If a student is provided with instructional
518 accommodations in the classroom that are not allowable as
519 accommodations in the statewide assessment program, as described
520 in the test manuals, the district must inform the parent in
521 writing and must provide the parent with information regarding
522 the impact on the student's ability to meet expected performance
523 levels in reading, writing, mathematics, and science. The
524 commissioner shall conduct studies as necessary to verify that
525 the required core curricular content is part of the district
526 instructional programs.

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

531 12. The Department of Education must develop, or select,
532 and implement a common battery of assessment tools that will be

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

533 used in all juvenile justice programs in the state. These tools
534 must accurately measure the core curricular content established
535 in the Next Generation Sunshine State Standards.

536 13. For students seeking a special diploma pursuant to s.
537 1003.438, the Department of Education must develop or select and
538 implement an alternate assessment tool that accurately measures
539 the core curricular content established in the Next Generation
540 Sunshine State Standards for students with disabilities under s.
541 1003.438.

542 14. The Commissioner of Education shall establish
543 schedules for the administration of statewide assessments and
544 the reporting of student test results. When establishing the
545 schedules for the administration of statewide assessments, the
546 commissioner shall consider the observance of religious and
547 school holidays. The commissioner shall, by August 1 of each
548 year, notify each school district in writing and publish on the
549 department's Internet website the testing and reporting
550 schedules for, at a minimum, the school year following the
551 upcoming school year. The testing and reporting schedules shall
552 require that:

553 a. There is the latest possible administration of
554 statewide assessments and the earliest possible reporting to the
555 school districts of student test results which is feasible
556 within available technology and specific appropriations;
557 however, test results for the FCAT must be made available no
558 later than the week of June 8. Student results for end-of-course
559 assessments must be provided no later than 1 week after the
560 school district completes testing for each course. The

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

561 commissioner may extend the reporting schedule under exigent
562 circumstances.

563 b. FCAT Writing may not be administered earlier than the
564 week of March 1, and a comprehensive statewide assessment of any
565 other subject may not be administered earlier than the week of
566 April 15.

567 c. A statewide, standardized end-of-course assessment is
568 administered at the end of the course. The commissioner shall
569 select an administration period for assessments that meets the
570 intent of end-of-course assessments and provides student results
571 prior to the end of the course. School districts shall
572 administer tests in accordance with the schedule determined by
573 the commissioner. For an end-of-course assessment administered
574 at the end of the first semester, the commissioner shall
575 determine the most appropriate testing dates based on a review
576 of each school district's academic calendar.

577
578 The commissioner may, based on collaboration and input from
579 school districts, design and implement student testing programs,
580 for any grade level and subject area, necessary to effectively
581 monitor educational achievement in the state, including the
582 measurement of educational achievement of the Next Generation
583 Sunshine State Standards for students with disabilities.

584 Development and refinement of assessments shall include
585 universal design principles and accessibility standards that
586 will prevent any unintended obstacles for students with
587 disabilities while ensuring the validity and reliability of the
588 test. These principles should be applicable to all technology

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

589 platforms and assistive devices available for the assessments.
 590 The field testing process and psychometric analyses for the
 591 statewide assessment program must include an appropriate
 592 percentage of students with disabilities and an evaluation or
 593 determination of the effect of test items on such students.

594 (d) Conduct ongoing research to develop improved methods
 595 of assessing student performance, including, without limitation,
 596 the use of technology to administer tests, score, or report the
 597 results of, the use of electronic transfer of data, the
 598 development of work-product assessments, and the development of
 599 process assessments.

600 (e) Conduct ongoing research and analysis of student
 601 achievement data, including, without limitation, monitoring
 602 trends in student achievement by grade level and overall student
 603 achievement, identifying school programs that are successful,
 604 and analyzing correlates of school achievement.

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

608 (g) Beginning with the 2014-2015 school year, require that
 609 all statewide end-of-course assessments ~~shall~~ be administered
 610 online.

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

614 (a) The statistical system for the annual assessments
 615 shall use measures of student learning, such as the FCAT, to
 616 determine teacher, school, and school district statistical

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

617 distributions, which shall be determined using available data
 618 from the FCAT, and other data collection as deemed appropriate
 619 by the Department of Education, to measure the differences in
 620 student prior year achievement compared to the current year
 621 achievement for the purposes of accountability and recognition.

622 (b) The statistical system shall provide the best
 623 estimates of teacher, school, and school district effects on
 624 student progress. The approach used by the department shall be
 625 approved by the commissioner before implementation.

626 (c) The annual assessment ~~testing~~ program shall be
 627 administered to provide for valid statewide comparisons of
 628 learning gains to be made for purposes of accountability and
 629 recognition. District school boards shall not establish school
 630 calendars that jeopardize or limit the valid testing and
 631 comparison of student learning gains.

632 (8) LOCAL ASSESSMENTS.—

633 (a) Measurement of the learning gains of students in all
 634 subjects and grade levels other than subjects and grade levels
 635 required for the state student achievement assessment ~~testing~~
 636 program is the responsibility of the school districts.

637 Section 6. Section 1008.33, Florida Statutes, is amended
 638 to read:

639 1008.33 Authority to enforce public school improvement.—

640 (1) The State Board of Education shall comply with the
 641 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
 642 ss. 6301 et seq., ~~and~~ its implementing regulations, and the ESEA
 643 flexibility waiver approved for Florida by the United States
 644 Secretary of Education. The state board ~~of Education is~~

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

645 ~~authorized to adopt rules in compliance with the ESEA and, after~~
 646 ~~evaluating and determining that the ESEA and its implementing~~
 647 ~~regulations are consistent with the statements of purpose set~~
 648 ~~forth in the ESEA (2002),~~ may adopt rules to maintain compliance
 649 with the ESEA and the ESEA flexibility waiver.

650 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
 651 1008.345, and 1008.385, the State Board of Education shall hold
 652 all school districts and public schools accountable for student
 653 performance. The state board is responsible for a state system
 654 of school improvement and education accountability that assesses
 655 student performance by school, identifies schools in which
 656 students are not making adequate progress toward state
 657 standards, and institutes appropriate measures for enforcing
 658 improvement.

659 (b) The state system of school improvement and education
 660 accountability must provide for uniform accountability
 661 standards, provide assistance of escalating intensity to low-
 662 performing schools, direct support to schools in order to
 663 improve and sustain performance, focus on the performance of
 664 student subgroups, and enhance student performance.

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

668 (3) (a) The academic performance of all students has a
 669 significant effect on the state school system. Pursuant to Art.
 670 IX of the State Constitution, which prescribes the duty of the
 671 State Board of Education to supervise Florida's public school
 672 system, the state board ~~of Education~~ shall equitably enforce the

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

673 | accountability requirements of the state school system and may
 674 | impose state requirements on school districts in order to
 675 | improve the academic performance of all districts, schools, and
 676 | students based upon the provisions of the Florida K-20 Education
 677 | Code, chapters 1000-1013; ~~and the federal ESEA Elementary and~~
 678 | ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its~~
 679 | ~~implementing regulations; and the ESEA flexibility waiver~~
 680 | ~~approved for Florida by the United States Secretary of~~
 681 | ~~Education.~~

682 | (b) ~~For the purpose of determining whether a public school~~
 683 | ~~requires action to achieve a sufficient level of school~~
 684 | ~~improvement, Beginning with the 2011-2012 ~~2010-2011~~ school year,~~
 685 | ~~the Department of Education shall annually identify each~~
 686 | ~~categorize a public school in need of intervention and support~~
 687 | ~~to improve student academic performance. All schools earning a~~
 688 | ~~grade of "D" or "F" pursuant to s. 1008.34 are schools in need~~
 689 | ~~of intervention and support in one of six categories based on~~
 690 | ~~the following:~~

691 | 1. ~~A school's grade based upon statewide assessments~~
 692 | ~~administered pursuant to s. 1008.22; and~~

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

697 | (c) ~~The state board shall adopt by rule a differentiated~~
 698 | ~~matrix of intervention and support strategies for assisting~~
 699 | ~~traditional public schools identified under this section and~~
 700 | ~~rules for implementing s. 1002.33(9)(n), relating to charter~~

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

701 ~~schools. Appropriate intervention and support strategies shall~~
 702 ~~be applied to schools that require action to achieve a~~
 703 ~~sufficient level of improvement as described in paragraph (b).~~
 704 The intervention and support strategies must address student
 705 performance and may include, ~~including, but not limited to,~~
 706 improvement planning, leadership quality improvement, educator
 707 quality improvement, professional development, curriculum
 708 alignment and pacing, and the use of continuous improvement and
 709 monitoring plans and processes. In addition, ~~the state board of~~
 710 ~~Education~~ may prescribe reporting requirements to review and
 711 monitor the progress of the schools. The rule must define the
 712 intervention and support strategies for school improvement for
 713 schools earning a grade of "D" or "F" and the roles for the
 714 district and department. The rule shall differentiate among
 715 schools earning consecutive grades of "D" or "F," or a
 716 combination thereof, and provide for more intense monitoring,
 717 intervention, and support strategies for these schools.

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

721 ~~(a) Intervention and support strategies shall be applied~~
 722 ~~to schools based upon the school categorization pursuant to~~
 723 ~~paragraph (3) (b). The Department of Education shall apply the~~
 724 ~~most intense intervention strategies to the lowest-performing~~
 725 ~~schools. For all but the lowest category and "F" schools in the~~
 726 ~~second lowest category, the intervention and support strategies~~
 727 ~~shall be administered solely by the districts and the schools.~~

728 ~~(b) The lowest performing schools are schools that are~~

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

729 ~~categorized pursuant to paragraph (3) (b) and have received:~~

730 ~~1. A grade of "F" in the most recent school year and in 4~~

731 ~~of the last 6 years; or~~

732 ~~2. A grade of "D" or "F" in the most recent school year~~

733 ~~and meet at least three of the following criteria:~~

734 ~~a. The percentage of students who are not proficient in~~

735 ~~reading has increased when compared to measurements taken 5~~

736 ~~years previously;~~

737 ~~b. The percentage of students who are not proficient in~~

738 ~~mathematics has increased when compared to measurements taken 5~~

739 ~~years previously;~~

740 ~~e. At least 65 percent of the school's students are not~~

741 ~~proficient in reading; or~~

742 ~~d. At least 65 percent of the school's students are not~~

743 ~~proficient in mathematics.~~

744 (4)-(5) (a) The state board shall apply the most intense

745 intervention and support strategies to schools earning a grade

746 of "F." In the first full school year after a school is

747 initially earns a grade of "F," identified as a school in the

748 lowest-performing category, the school district must implement

749 intervention and support strategies prescribed in rule under

750 paragraph (3) (c), select a turnaround option from those provided

751 in subparagraphs (b)1.-5., and submit a plan for implementing

752 the turnaround option to the department for approval by the

753 state board. Upon approval by the state board, the turnaround

754 option must be implemented in the following school year.

755 (b) Except as provided in subsection (5), the turnaround

756 options available to a school district to address a school that

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

757 earns a grade of "F" are ~~a plan, which is subject to approval by~~
758 ~~the State Board of Education, for implementing one of the~~
759 ~~following options at the beginning of the next school year. The~~
760 ~~plan must be implemented unless the school moves from the~~
761 ~~lowest-performing category:~~

762 1. ~~Convert the school to a district-managed turnaround~~
763 ~~school by means that include implementing a turnaround plan~~
764 ~~approved by the Commissioner of Education which shall become the~~
765 ~~school's improvement plan;~~

766 2. Reassign students to another school and monitor the
767 progress of each reassigned student;

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

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

773 5. Implement a hybrid of turnaround options set forth in
774 subparagraphs 1.-4. or other turnaround models that have a
775 demonstrated record of effectiveness.

776 (c) Except for schools required to implement a turnaround
777 option pursuant to subsection (5), a school earning a grade of
778 "F" shall have a planning year followed by 2 full school years
779 to implement the initial turnaround option selected by the
780 school district and approved by the state board. Implementation
781 of the turnaround option is no longer required if the school
782 improves by at least one letter grade.

783 (d) A school earning a grade of "F" that improves its
784 letter grade must continue to implement strategies identified in

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

785 its school improvement plan pursuant to s. 1001.42(18)(a). The
 786 department must annually review implementation of the school
 787 improvement plan for 3 years to monitor the school's continued
 788 improvement.

789 (e)(b) If a school earning a grade of "F" does not improve
 790 by at least one letter grade after 2 full school years of
 791 implementing the turnaround option selected by the school
 792 district under ~~move from the lowest-performing category during~~
 793 the initial year of implementing one of the options in paragraph
 794 (b) (a), the school district must select a different option and
 795 submit another implementation a plan to the department for,
 796 which is subject to approval by the state board. Implementation
 797 of the approved plan must begin the State Board of Education,
 798 for implementing a different option in paragraph (a) at the
 799 beginning of the next school year following the implementation
 800 period of the existing turnaround option, unless the state board
 801 of Education determines that the school is likely to improve a
 802 letter grade ~~move from the lowest-performing category~~ if
 803 additional time is provided to implement the existing turnaround
 804 option intervention and support strategies. The State Board of
 805 Education shall determine whether a school district may continue
 806 to implement an option beyond 1 year while a school remains in
 807 the lowest-performing category.

808 (6) In order to advance to a higher category, a school
 809 must make significant progress by improving its school grade and
 810 by increasing student performance in mathematics and reading.
 811 Student performance must be evaluated for each student subgroup
 812 as set forth in paragraph (3)(b).

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

813 (5) ~~(7)~~ A school that earns a grade of "F" within 2 years
814 after raising its grade from a grade of "F" or that earns a
815 grade of "F" within 2 years after exiting the lowest-performing
816 category under s. 3, chapter 2009-144, Laws of Florida, must
817 implement one of the turnaround options in subparagraphs
818 (4) (b) 2.-5. Beginning July 1, 2009, the Department of Education
819 shall commence its duties under this section.

820 (6) A school that earns a grade of "D" for 3 consecutive
821 years must implement the district-managed turnaround option
822 pursuant to subparagraph (4) (b) 1. The school district must
823 submit an implementation plan to the department for approval by
824 the state board.

825 (7) A school classified in the lowest-performing category
826 under s. 3, chapter 2009-144, Laws of Florida, before July 1,
827 2012, is not required to continue implementing any turnaround
828 option unless the school earns a grade of "F" or a third
829 consecutive "D" for the 2011-2012 school year. A school earning
830 a grade of "F" or a third consecutive "D" for the 2011-2012
831 school year may not restart the number of years it has been low
832 performing by virtue of the 2012 amendments to this section.

833 (8) ~~By July 1, 2010,~~ The state board of Education shall
834 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
835 this section. The rules shall include timelines for submission
836 of implementation plans, approval criteria for implementation
837 plans, and timelines for implementing intervention and support
838 strategies. The state board shall consult with education
839 stakeholders in developing the rules.

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

840 Section 7. Paragraph (c) of subsection (5) of section
 841 1008.331, Florida Statutes, is amended to read:

842 1008.331 Supplemental educational services in Title I
 843 schools; school district, provider, and department
 844 responsibilities.—

845 (5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

846 (c) For the 2012-2013 school year, school districts shall
 847 ~~may~~ use an amount equivalent to 15 percent of the Title I, Part
 848 A funds allocated to Title I schools to meet the requirements
 849 for supplemental educational services, as provided in the
 850 Elementary and Secondary Education Act, as amended. Supplemental
 851 educational services shall be provided in Title I schools to
 852 students who are performing at Level 1 or Level 2 on the FCAT.
 853 Each school district shall contract with supplemental
 854 educational service providers that have been approved by the
 855 department.

856 Section 8. Section 1008.34, Florida Statutes, is amended
 857 to read:

858 1008.34 School grading system; school report cards;
 859 district grade.—

860 (1) ANNUAL REPORTS.—The Commissioner of Education shall
 861 prepare annual reports of the results of the statewide
 862 assessment program which describe student achievement in the
 863 state, each district, and each school. The commissioner shall
 864 prescribe the design and content of these reports, which must
 865 ~~include, without limitation,~~ descriptions of the performance of
 866 all schools participating in the assessment program and all of
 867 their major student populations as determined by the

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

868 commissioner. ~~The report of Education,~~ and must also include the
 869 percent of students performing at or above grade level and
 870 making a year's learning growth in a year's time in reading and
 871 mathematics. ~~the median scores of all eligible students who~~
 872 ~~scored at or in the lowest 25th percentile of the state in the~~
 873 ~~previous school year; provided, however, that~~ The provisions of
 874 s. 1002.22 pertaining to student records apply to this section.

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

- 878 (a) "A," schools making excellent progress.
- 879 (b) "B," schools making above average progress.
- 880 (c) "C," schools making satisfactory progress.
- 881 (d) "D," schools making less than satisfactory progress.
- 882 (e) "F," schools failing to make adequate progress.

883
 884 Each school that earns ~~designated with~~ a grade of "A," ~~making~~
 885 ~~excellent progress,~~ or improves ~~having improved~~ at least two
 886 letter grades ~~grade levels,~~ shall have greater authority over
 887 the allocation of the school's total budget generated from the
 888 FEFP, state categoricals, lottery funds, grants, and local
 889 funds, as specified in state board rule. The rule must provide
 890 that the increased budget authority shall remain in effect until
 891 the school's grade declines.

892 (3) DESIGNATION OF SCHOOL GRADES.—

893 (a) Each school that has students who are tested and
 894 included in the school grading system shall receive a school
 895 grade, except as follows:

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

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

902 2. An alternative school may choose to receive a school
 903 grade under this section or a school improvement rating under s.
 904 1008.341. For charter schools that meet the definition of an
 905 alternative school pursuant to State Board of Education rule,
 906 the decision to receive a school grade is the decision of the
 907 charter school governing board.

908 3. A school that serves any combination of students in
 909 kindergarten through grade 3 which does not receive a school
 910 grade because its students are not tested and included in the
 911 school grading system shall receive the school grade designation
 912 of a K-3 feeder pattern school identified by the Department of
 913 Education and verified by the school district. A school feeder
 914 pattern exists if at least 60 percent of the students in the
 915 school serving a combination of students in kindergarten through
 916 grade 3 are scheduled to be assigned to the graded school.

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

918 a. Student achievement scores, including achievement as
 919 measured by ~~on all~~ FCAT assessments ~~administered~~ under s.
 920 1008.22(3)(c)1., statewide, standardized end-of-course
 921 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b.
 922 ~~1008.22(3)(c)2.a.~~, and achievement scores for students seeking a
 923 special diploma.

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

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

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

934 2. Beginning with the 2011-2012 school year, for schools
 935 comprised of middle school grades 6 through 8 or grades 7 and 8,
 936 the school's grade shall include the performance and
 937 participation of its students enrolled in high school level
 938 courses with end-of-course assessments administered under s.
 939 1008.22(3)(c)2.a. Performance and participation must be weighted
 940 equally. As valid data becomes available, the school grades
 941 shall include the students' attainment of national industry
 942 certification identified in the Industry Certification Funding
 943 List pursuant to rules adopted by the state board ~~of Education.~~

944 3. Beginning with the 2009-2010 school year for schools
 945 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 946 11, and 12, at least 50 percent of the school grade shall be
 947 based on a combination of the factors listed in sub-
 948 subparagraphs 1.a.-c. and the remaining percentage ~~50 percent~~ on
 949 the following factors:

- 950 a. The high school graduation rate of the school;
- 951 b. As valid data becomes available, the performance and

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

952 participation of the school's students in College Board Advanced
953 Placement courses, International Baccalaureate courses, dual
954 enrollment courses, and Advanced International Certificate of
955 Education courses; and the students' achievement of national
956 industry certification identified in the Industry Certification
957 Funding List, pursuant to rules adopted by the state board ~~of~~
958 ~~Education;~~

959 c. Postsecondary readiness of all of the school's on-time
960 graduates ~~students~~ as measured by the SAT, the ACT, the
961 Postsecondary Education Readiness Test, or the common placement
962 test;

963 d. The high school graduation rate of at-risk students,
964 who are students scoring ~~who scored~~ at Level 1 or Level 2 ~~or~~
965 ~~lower~~ on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics
966 examinations;

967 e. As valid data becomes available, the performance of the
968 school's students on statewide, standardized end-of-course
969 assessments administered under s. 1008.22(3)(c)2.c. and d.; and

970 f. The growth or decline in the components listed in sub-
971 subparagraphs a.-e. from year to year.

972 (c) Student assessment data used in determining school
973 grades shall include:

974 1. The aggregate scores of all eligible students enrolled
975 in the school who have been assessed on the FCAT and statewide,
976 standardized end-of-course assessments in courses required for
977 high school graduation, including, beginning with the 2011-2012
978 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
979 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

980 end-of-course assessments in geometry and Biology I; and
981 beginning with the 2014-2015 ~~2013-2014~~ school year, on the
982 statewide, standardized end-of-course assessment in civics
983 education at the middle school level.

984 2. The aggregate scores of all eligible students enrolled
985 in the school who have been assessed on the FCAT and statewide,
986 standardized end-of-course assessments as described in s.
987 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
988 percentile of students in the school in reading and mathematics,
989 unless these students are exhibiting satisfactory performance.

990 3. The achievement scores and learning gains of eligible
991 students attending alternative schools that provide dropout
992 prevention and academic intervention services pursuant to s.
993 1003.53. The term "eligible students" in this subparagraph does
994 not include students attending an alternative school who are
995 subject to district school board policies for expulsion for
996 repeated or serious offenses, who are in dropout retrieval
997 programs serving students who have officially been designated as
998 dropouts, or who are in programs operated or contracted by the
999 Department of Juvenile Justice. The student performance data for
1000 eligible students identified in this subparagraph shall be
1001 included in the calculation of the home school's grade. As used
1002 in this subparagraph and s. 1008.341, the term "home school"
1003 means the school to which the student would be assigned if the
1004 student were not assigned to an alternative school. If an
1005 alternative school chooses to be graded under this section,
1006 student performance data for eligible students identified in
1007 this subparagraph shall not be included in the home school's

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

1008 grade but shall be included only in the calculation of the
 1009 alternative school's grade. A school district that fails to
 1010 assign the FCAT and statewide, standardized end-of-course
 1011 assessment as described in s. 1008.22(3)(c)2.a. scores of each
 1012 of its students to his or her home school or to the alternative
 1013 school that receives a grade shall forfeit Florida School
 1014 Recognition Program funds for 1 fiscal year. School districts
 1015 must require collaboration between the home school and the
 1016 alternative school in order to promote student success. This
 1017 collaboration must include an annual discussion between the
 1018 principal of the alternative school and the principal of each
 1019 student's home school concerning the most appropriate school
 1020 assignment of the student.

1021 4. The achievement scores and learning gains of students
 1022 designated as hospital- or homebound. Student assessment data
 1023 for students designated as hospital- or homebound shall be
 1024 assigned to their home school for the purposes of school grades.
 1025 As used in this subparagraph, the term "home school" means the
 1026 school to which a student would be assigned if the student were
 1027 not assigned to a hospital- or homebound program.

1028 5. For schools comprised of high school grades 9, 10, 11,
 1029 and 12, or grades 10, 11, and 12, the data listed in
 1030 subparagraphs 1.-3. and the following data as the Department of
 1031 Education determines such data are valid and available:

1032 a. The high school graduation rate of the school as
 1033 calculated by the department ~~of Education;~~

1034 b. The participation rate of all eligible students
 1035 enrolled in the school and enrolled in College Board Advanced

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

1036 Placement courses; International Baccalaureate courses; dual
 1037 enrollment courses; Advanced International Certificate of
 1038 Education courses; and courses or sequences of courses leading
 1039 to national industry certification identified in the Industry
 1040 Certification Funding List, pursuant to rules adopted by the
 1041 State Board of Education;

1042 c. The aggregate scores of all eligible students enrolled
 1043 in the school in College Board Advanced Placement courses,
 1044 International Baccalaureate courses, and Advanced International
 1045 Certificate of Education courses;

1046 d. Earning of college credit by all eligible students
 1047 enrolled in the school in dual enrollment programs under s.
 1048 1007.271;

1049 e. Earning of a national industry certification identified
 1050 in the Industry Certification Funding List, pursuant to rules
 1051 adopted by the State Board of Education;

1052 f. The aggregate scores of all eligible students enrolled
 1053 in the school in reading, mathematics, and other subjects as
 1054 measured by the SAT, the ACT, the Postsecondary Education
 1055 Readiness Test, and the common placement test for postsecondary
 1056 readiness;

1057 g. The high school graduation rate of all eligible at-risk
 1058 students enrolled in the school who scored at Level 2 or lower
 1059 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

1060 h. The performance of the school's students on statewide,
 1061 standardized end-of-course assessments administered under s.
 1062 1008.22 (3) (c) 2.c. and d.; and

1063 i. The growth or decline in the data components listed in

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

1064 sub-subparagraphs a.-h. from year to year.

1065
 1066 The State Board of Education shall adopt appropriate criteria
 1067 for each school grade. The criteria must also give added weight
 1068 to student achievement in reading. Schools earning ~~designated~~
 1069 ~~with~~ a grade of "C," making satisfactory progress, shall be
 1070 required to demonstrate that adequate progress has been made by
 1071 students in the school who are in the lowest 25th percentile in
 1072 reading and mathematics on the FCAT and end-of-course
 1073 assessments as described in s. 1008.22(3)(c)2.a., unless these
 1074 students are exhibiting satisfactory performance. ~~Beginning with~~
 1075 ~~the 2009-2010 school year~~ For schools comprised of high school
 1076 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria
 1077 for school grades must also give added weight to the graduation
 1078 rate of all eligible at-risk students, ~~as defined in this~~
 1079 ~~paragraph. Beginning in the 2009-2010 school year,~~ In order for
 1080 a high school to earn ~~be designated as having~~ a grade of "A,"
 1081 ~~making excellent progress,~~ the school must demonstrate that its
 1082 at-risk students, as defined in this paragraph, ~~in the school~~
 1083 are making adequate progress.

1084 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
 1085 identify each school's performance as having improved, remained
 1086 the same, or declined. This school improvement rating shall be
 1087 based on a comparison of the current year's and previous year's
 1088 student and school performance data. A school ~~Schools~~ that
 1089 improves its rating by ~~improve~~ at least one ~~grade~~ level is ~~are~~
 1090 eligible for school recognition awards pursuant to s. 1008.36.

1091 (5) SCHOOL REPORT CARD.—The Department of Education shall

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1092 annually develop, in collaboration with the school districts, a
 1093 school report card to be provided by the school district
 1094 ~~delivered~~ to parents within the ~~throughout each school~~ district.
 1095 The report card shall include the school's grade, information
 1096 regarding school improvement, an explanation of school
 1097 performance as evaluated by the federal Elementary and Secondary
 1098 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left~~
 1099 ~~Behind Act of 2001~~, and indicators of return on investment. Each
 1100 school's report card shall be published annually by the
 1101 department on its website, ~~and the school district shall provide~~
 1102 ~~the school report card to each parent.~~

1103 (6) PERFORMANCE-BASED FUNDING.—The Legislature may factor
 1104 in the performance of schools in calculating any performance-
 1105 based funding policy that is provided for annually in the
 1106 General Appropriations Act.

1107 (7) DISTRICT GRADE.—The annual report required by
 1108 subsection (1) shall include the school district's grade. A
 1109 school district's grade shall be calculated using student
 1110 performance and learning gains data on statewide assessments
 1111 used for determining school grades under subparagraph (3) (b) 1.
 1112 for each eligible student enrolled for a full school year in the
 1113 district. This calculation methodology captures each eligible
 1114 student in the district who may have transferred among schools
 1115 within the district or is enrolled in a school that does not
 1116 receive a grade ~~district grades, which shall consist of weighted~~
 1117 ~~district average grades, by level, for all elementary schools,~~
 1118 ~~middle schools, and high schools in the district. A district's~~
 1119 ~~weighted average grade shall be calculated by weighting~~

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1120 ~~individual school grades determined pursuant to subsection (2)~~
 1121 ~~by school enrollment.~~

1122 (8) RULES.—The State Board of Education shall adopt rules
 1123 under ss. 120.536(1) and 120.54 to administer this section.

1124 Section 9. Paragraph (d) of subsection (6) and paragraph
 1125 (b) of subsection (7) of section 1008.345, Florida Statutes, are
 1126 amended to read:

1127 1008.345 Implementation of state system of school
 1128 improvement and education accountability.—

1129 (6)

1130 (d) The commissioner shall assign a community assessment
 1131 team to each school district or governing board with a school
 1132 that earned a grade of "F" or three consecutive grades of
 1133 "D" pursuant to s. 1008.34 ~~a school in the lowest-performing~~
 1134 ~~category pursuant to s. 1008.33~~ to review the school performance
 1135 data and determine causes for the low performance, including the
 1136 role of school, area, and district administrative personnel. The
 1137 community assessment team shall review a high school's
 1138 graduation rate calculated without GED tests for the past 3
 1139 years, disaggregated by student ethnicity. The team shall make
 1140 recommendations to the school board or the governing board and
 1141 to the State Board of Education which address the causes of the
 1142 school's low performance and may be incorporated into the school
 1143 improvement plan. The assessment team shall include, but not be
 1144 limited to, a department representative, parents, business
 1145 representatives, educators, representatives of local
 1146 governments, and community activists, and shall represent the
 1147 demographics of the community from which they are appointed.

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1148 (7) As a part of the system of educational accountability,
 1149 the Department of Education shall:

1150 (b) Administer the statewide assessment ~~testing~~ program
 1151 created by s. 1008.22.

1152 Section 10. Section 1012.07, Florida Statutes, is amended
 1153 to read:

1154 1012.07 Identification of critical teacher shortage
 1155 areas.—The term "critical teacher shortage area" means high-need
 1156 content areas and high-priority location areas identified by the
 1157 State Board of Education. The State Board of Education shall
 1158 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
 1159 annually identify critical teacher shortage areas. The state
 1160 board must consider current and emerging educational
 1161 requirements and workforce demands in determining critical
 1162 teacher shortage areas. School grade levels may also be
 1163 designated critical teacher shortage areas. Individual district
 1164 school boards may identify and submit other critical teacher
 1165 shortage areas. Such submissions must be aligned to current and
 1166 emerging educational requirements and workforce demands in order
 1167 to be approved by the State Board of Education. High-priority
 1168 location areas shall be in high-density, low-economic urban
 1169 schools; low-density, low-economic rural schools; and schools
 1170 that earned a grade of "F" or three consecutive grades of "D"
 1171 pursuant to s. 1008.34 ~~identified as lowest performing under s.~~
 1172 ~~1008.33 (4) (b).~~

1173 Section 11. Paragraph (c) of subsection (1) of section
 1174 1012.22, Florida Statutes, is amended to read:

1175 1012.22 Public school personnel; powers and duties of the

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1176 district school board.—The district school board shall:
 1177 (1) Designate positions to be filled, prescribe
 1178 qualifications for those positions, and provide for the
 1179 appointment, compensation, promotion, suspension, and dismissal
 1180 of employees as follows, subject to the requirements of this
 1181 chapter:
 1182 (c) Compensation and salary schedules.—
 1183 1. Definitions.—As used in this paragraph:
 1184 a. "Adjustment" means an addition to the base salary
 1185 schedule that is not a bonus and becomes part of the employee's
 1186 permanent base salary and shall be considered compensation under
 1187 s. 121.021(22).
 1188 b. "Grandfathered salary schedule" means the salary
 1189 schedule or schedules adopted by a district school board before
 1190 July 1, 2014, pursuant to subparagraph 4.
 1191 c. "Instructional personnel" means instructional personnel
 1192 as defined in s. 1012.01(2)(a)-(d), excluding substitute
 1193 teachers.
 1194 d. "Performance salary schedule" means the salary schedule
 1195 or schedules adopted by a district school board pursuant to
 1196 subparagraph 5.
 1197 e. "Salary schedule" means the schedule or schedules used
 1198 to provide the base salary for district school board personnel.
 1199 f. "School administrator" means a school administrator as
 1200 defined in s. 1012.01(3)(c).
 1201 g. "Supplement" means an annual addition to the base
 1202 salary for the term of the negotiated supplement as long as the
 1203 employee continues his or her employment for the purpose of the

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1204 supplement. A supplement does not become part of the employee's
 1205 continuing base salary but shall be considered compensation
 1206 under s. 121.021(22).

1207 2. Cost-of-living adjustment.—A district school board may
 1208 provide a cost-of-living salary adjustment if the adjustment:

1209 a. Does not discriminate among comparable classes of
 1210 employees based upon the salary schedule under which they are
 1211 compensated.

1212 b. Does not exceed 50 percent of the annual adjustment
 1213 provided to instructional personnel rated as effective.

1214 3. Advanced degrees.—A district school board may not use
 1215 advanced degrees in setting a salary schedule for instructional
 1216 personnel or school administrators hired on or after July 1,
 1217 2011, unless the advanced degree is held in the individual's
 1218 area of certification and is only a salary supplement.

1219 4. Grandfathered salary schedule.—

1220 a. The district school board shall adopt a salary schedule
 1221 or salary schedules to be used as the basis for paying all
 1222 school employees hired before July 1, 2014. Instructional
 1223 personnel on annual contract as of July 1, 2014, shall be placed
 1224 on the performance salary schedule adopted under subparagraph 5.
 1225 Instructional personnel on continuing contract or professional
 1226 service contract may opt into the performance salary schedule if
 1227 the employee relinquishes such contract and agrees to be
 1228 employed on an annual contract under s. 1012.335. Such an
 1229 employee shall be placed on the performance salary schedule and
 1230 may not return to continuing contract or professional service
 1231 contract status. Any employee who opts into the performance

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1232 salary schedule may not return to the grandfathered salary
 1233 schedule.

1234 b. In determining the grandfathered salary schedule for
 1235 instructional personnel, a district school board must base a
 1236 portion of each employee's compensation upon performance
 1237 demonstrated under s. 1012.34 and shall provide differentiated
 1238 pay for both instructional personnel and school administrators
 1239 based upon district-determined factors, including, but not
 1240 limited to, additional responsibilities, school demographics,
 1241 critical shortage areas, and level of job performance
 1242 difficulties.

1243 5. Performance salary schedule.—By July 1, 2014, the
 1244 district school board shall adopt a performance salary schedule
 1245 that provides annual salary adjustments for instructional
 1246 personnel and school administrators based upon performance
 1247 determined under s. 1012.34. Employees hired on or after July 1,
 1248 2014, or employees who choose to move from the grandfathered
 1249 salary schedule to the performance salary schedule shall be
 1250 compensated pursuant to the performance salary schedule once
 1251 they have received the appropriate performance evaluation for
 1252 this purpose. However, a classroom teacher whose performance
 1253 evaluation utilizes student learning growth measures established
 1254 under s. 1012.34(7)(e) shall remain under the grandfathered
 1255 salary schedule until his or her teaching assignment changes to
 1256 a subject for which there is an assessment or the school
 1257 district establishes equally appropriate measures of student
 1258 learning growth as defined under s. 1012.34 and rules of the
 1259 State Board of Education.

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1260 a. Base salary.—The base salary shall be established as
 1261 follows:

1262 (I) The base salary for instructional personnel or school
 1263 administrators who opt into the performance salary schedule
 1264 shall be the salary paid in the prior year, including
 1265 adjustments only.

1266 (II) Beginning July 1, 2014, instructional personnel or
 1267 school administrators new to the district, returning to the
 1268 district after a break in service without an authorized leave of
 1269 absence, or appointed for the first time to a position in the
 1270 district in the capacity of instructional personnel or school
 1271 administrator shall be placed on the performance salary
 1272 schedule.

1273 b. Salary adjustments.—Salary adjustments for highly
 1274 effective or effective performance shall be established as
 1275 follows:

1276 (I) The annual salary adjustment under the performance
 1277 salary schedule for an employee rated as highly effective must
 1278 be greater than the highest annual salary adjustment available
 1279 to an employee of the same classification through any other
 1280 salary schedule adopted by the district.

1281 (II) The annual salary adjustment under the performance
 1282 salary schedule for an employee rated as effective must be equal
 1283 to at least 50 percent and no more than 75 percent of the annual
 1284 adjustment provided for a highly effective employee of the same
 1285 classification.

1286 (III) The performance salary schedule shall not provide an
 1287 annual salary adjustment for an employee who receives a rating

ENROLLED
 HB 7127, Engrossed 2

2012 Legislature

1288 other than highly effective or effective for the year.
 1289 c. Salary supplements.—In addition to the salary
 1290 adjustments, each district school board shall provide for salary
 1291 supplements for activities that must include, but are not
 1292 limited to:
 1293 (I) Assignment to a Title I eligible school.
 1294 (II) Assignment to a school that earned a grade of "F" or
 1295 three consecutive grades of "D" pursuant to s. 1008.34 ~~in the~~
 1296 ~~bottom two categories of the school improvement system under s.~~
 1297 ~~1008.33~~ such that the supplement remains in force for at least 1
 1298 year following improved performance in that school.
 1299 (III) Certification and teaching in critical teacher
 1300 shortage areas. Statewide critical teacher shortage areas shall
 1301 be identified by the State Board of Education under s. 1012.07.
 1302 However, the district school board may identify other areas of
 1303 critical shortage within the school district for purposes of
 1304 this sub-sub-subparagraph and may remove areas identified by the
 1305 state board which do not apply within the school district.
 1306 (IV) Assignment of additional academic responsibilities.
 1307
 1308 If budget constraints in any given year limit a district school
 1309 board's ability to fully fund all adopted salary schedules, the
 1310 performance salary schedule shall not be reduced on the basis of
 1311 total cost or the value of individual awards in a manner that is
 1312 proportionally greater than reductions to any other salary
 1313 schedules adopted by the district.
 1314 Section 12. Subsection (2) of section 1012.2315, Florida
 1315 Statutes, is amended to read:

CODING: Words **stricken** are deletions; words **underlined** are additions.

ENROLLED

HB 7127, Engrossed 2

2012 Legislature

1316 1012.2315 Assignment of teachers.—
 1317 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
 1318 ~~IN NEED OF IMPROVEMENT.~~—School districts may not assign a higher
 1319 percentage than the school district average of temporarily
 1320 certified teachers, teachers in need of improvement, or out-of-
 1321 field teachers to schools graded "D" or "F" pursuant to s.
 1322 1008.34 ~~in one of the three lowest performing categories under~~
 1323 ~~s. 1008.33(3)(b).~~ Each school district shall annually certify to
 1324 the Commissioner of Education that this requirement has been
 1325 met. If the commissioner determines that a school district is
 1326 not in compliance with this subsection, the State Board of
 1327 Education shall be notified and shall take action pursuant to s.
 1328 1008.32 in the next regularly scheduled meeting to require
 1329 compliance.
 1330 Section 13. This act shall take effect July 1, 2012.