

Committee Substitute for  
Committee Substitute for Senate Bill No. 354

An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the “Middle Grades Reform Act”; providing purpose and intent; defining the term “middle grades”; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring the Department of Education to provide technical assistance; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; requiring the Department of Education to conduct a study on physical education in public schools; requiring a report to the Governor and the Legislature; requiring the Department of Education to develop a physical fitness assessment instrument and support materials for fitness assessment programs; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; requiring district school boards to address student health and fitness in school improvement plans; requiring district school boards to adopt policies for implementing student health and fitness standards; creating s. 1003.455, F.S.; requiring district school boards to develop physical education programs; requiring district school boards to adopt written physical education policies; requiring that the policies be provided to the Department of Education; requiring school districts to implement mandatory physical education under certain circumstances; amending s. 1012.98, F.S.; providing for the development of an Internet-based clearinghouse at a public state university for professional development programs concerning physical education; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student’s academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an appropriation; providing an effective date.

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

Section 1. Section 1003.415, Florida Statutes, is created to read:

1003.415 The Middle Grades Reform Act.—

(1) POPULAR NAME.—This section shall be known by the popular name the “Middle Grades Reform Act.”

(2) PURPOSE AND INTENT.—The purpose of this section is to provide added focus and rigor to academics in the middle grades. Using reading as

the foundation, all middle grade students should receive rigorous academic instruction through challenging curricula delivered by highly qualified teachers in schools with outstanding leadership, which schools are supported by engaged and informed parents. It is the intent of the Legislature that students promoted from the eighth grade will be ready for success in high school.

(3) DEFINITION.—As used in this section, the term “middle grades” means grades 6, 7, and 8.

(4) CURRICULA AND COURSES.—The Department of Education shall review course offerings, teacher qualifications, instructional materials, and teaching practices used in reading and language arts programs in the middle grades. The department must consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, reading researchers, reading specialists, and district supervisors of curriculum in the development of findings and recommendations. The Commissioner of Education shall make recommendations to the State Board of Education regarding changes to reading and language arts curricula in the middle grades based on research-based proven effective programs. The State Board of Education shall adopt rules based upon the commissioner’s recommendations no later than March 1, 2005. Implementation of new or revised reading and language arts courses in all middle grades shall be phased in beginning no later than the 2005-2006 school year with completion no later than the 2008-2009 school year.

(5) RIGOROUS READING REQUIREMENT.—

(a) Beginning with the 2004-2005 school year, each public school serving middle grade students, including charter schools, with fewer than 75 percent of its students reading at or above grade level in grade 6, grade 7, or grade 8 as measured by a student scoring at Level 3 or above on the FCAT during the prior school year, must incorporate by October 1 a rigorous reading requirement for reading and language arts programs as the primary component of its school improvement plan. The department shall annually provide to each district school board by June 30 a list of its schools that are required to incorporate a rigorous reading requirement as the primary component of the school’s improvement plan. The department shall provide technical assistance to school districts and school administrators required to implement the rigorous reading requirement.

(b) The purpose of the rigorous reading requirement is to assist each student who is not reading at or above grade level to do so before entering high school. The rigorous reading requirement must include for a middle school’s low-performing student population specific areas that address phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in those areas; and the instructional and support services to be provided to meet the desired levels of performance. The school shall use research-based reading activities that have been shown to be successful in teaching reading to low-performing students.

(c) Schools required to implement the rigorous reading requirement must provide quarterly reports to the district school superintendent on the progress of students toward increased reading achievement.

(d) The results of implementation of a school's rigorous reading requirement shall be used as part of the annual evaluation of the school's instructional personnel and school administrators as required in s. 1012.34.

(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE OF STUDENTS AND SCHOOLS.—

(a) The department shall conduct a study on how the overall academic performance of middle grade students and schools can be improved. The department must consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, and key education stakeholders, including district school board members, district school superintendents, principals, parents, teachers, district supervisors of curriculum, and students across the state, in the development of its findings and recommendations. The department shall review, at a minimum, each of the following elements:

1. Academic expectations, which include, but are not limited to:

a. Alignment of middle school expectations with elementary and high school graduation requirements.

b. Best practices to improve reading and language arts courses based on research-based programs for middle school students in alignment with the Sunshine State Standards.

c. Strategies that focus on improving academic success for low-performing students.

d. Rigor of curricula and courses.

e. Instructional materials.

f. Course enrollment by middle school students.

g. Student support services.

h. Measurement and reporting of student achievement.

2. Attendance policies and student mobility issues.

3. Teacher quality, which includes, but is not limited to:

a. Preparedness of teachers to teach rigorous courses to middle school students.

b. Teacher evaluations.

c. Substitute teachers.

d. Certification and recertification requirements.

e. Staff development requirements.

f. Availability of effective staff development training.

g. Teacher recruitment and vacancy issues.

h. Federal requirements for highly qualified teachers pursuant to the No Child Left Behind Act of 2001.

4. Identification and availability of diagnostic testing.

5. Availability of personnel and scheduling issues.

6. Middle school leadership and performance.

7. Parental and community involvement.

(b) By December 1, 2004, the Commissioner of Education shall submit to the President of the Senate, the Speaker of the House of Representatives, the chairs of the education committees in the Senate and the House of Representatives, and the State Board of Education recommendations to increase the academic performance of middle grade students and schools.

(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.—

(a) Beginning with the 2004-2005 school year, each principal of a school with a middle grade shall designate certified staff members at the school to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recently administered FCAT. The purpose of the success plan is to assist the student in meeting state and school district expectations in academic proficiency and to prepare the student for a rigorous high school curriculum. The success plan shall be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or achieves a score at Level 3 or above in reading on the FCAT, whichever occurs first. The success plan must minimize paperwork and may be incorporated into a parent/teacher conference, included as part of a progress report or report card, included as part of a general orientation at the beginning of the school year, or provided by electronic mail or other written correspondence.

(b) The personalized middle school success plan must:

1. Identify educational goals and intermediate benchmarks for the student in the core curriculum areas which will prepare the student for high school.

2. Be based upon academic performance data and an identification of the student's strengths and weaknesses.

3. Include academic intervention strategies with frequent progress monitoring.

4. Provide innovative methods to promote the student's advancement which may include, but not be limited to, flexible scheduling, tutoring, focus on core curricula, online instruction, an alternative learning environment, or other interventions that have been shown to accelerate the learning process.

(c) The personalized middle school success plan must be incorporated into any individual student plan required by federal or state law, including the academic improvement plan required in s. 1008.25, an individual education plan (IEP) for a student with disabilities, a federal 504 plan, or an ESOL plan.

(d) The Department of Education shall provide technical assistance for districts, school administrators, and instructional personnel regarding the development of personalized middle school success plans. The assistance shall include strategies and techniques designed to maximize interaction between students, parents, teachers, and other instructional and administrative staff while minimizing paperwork.

(8) STATE BOARD OF EDUCATION AUTHORITY.—

(a) The State Board of Education shall have authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(b) The State Board of Education shall have authority pursuant to s. 1008.32 to enforce the provisions of this section.

Section 2. (1) The Department of Education shall conduct a study to determine the status of physical education instruction in the public schools and shall develop detailed recommendations for changes to physical education programs. As a part of the study, the Department of Education shall:

(a) Determine the number of public schools in the state which have eliminated or reduced physical education instruction;

(b) Assess current issues concerning personnel who teach physical education and determine appropriate roles for all personnel in expanding both physical education and other physical activity for students;

(c) Determine the average length and frequency of physical education classes in elementary, middle, and high school, respectively, by school district;

(d) Determine the percent of physical education classes taught by certified physical education instructors;

(e) Assess the degree to which individual schools within a school district are allowed to add to or modify district requirements for physical education;

(f) Assess the availability of fitness assessment programs, such as the President's Challenge Physical Fitness Program, which could be adopted by schools or an entire school district in order to provide information regarding and encourage student fitness;

(g) Determine the methods of providing feedback to a parent through a student assessment report that would summarize a student's results and the school's results as set forth in an assessment tool, such as the Fitnessgram or the School Health Index of the Centers for Disease Control and Prevention; and

(h) Develop recommendations for the most efficient ways to substantially increase the level of physical education and physical activity for students in grades prekindergarten through grade 5, grades 6 through 8, and grades 9 through 12, by group.

The study results must also contain an assessment developed by the Department of Education of the fiscal impact of any recommended changes. The Department of Education shall submit a report on the study to the Governor and the Legislature by February 1, 2005.

(2) The Department of Education shall select or develop by March 1, 2005, a physical fitness assessment instrument that school districts may use in assessing and reporting individual student fitness and a standard report form for this information which may be provided to parents.

(3) By December 1, 2004, the Department of Education shall develop support materials and distribute the materials to each school district to enable implementation of fitness assessment programs recommended pursuant to subsection (2). The support materials must include the necessary instructions, procedures, and forms to implement and successfully administer the programs or reports. The department may develop and distribute other support or informational materials it determines may assist schools or school districts in improving student health and fitness through local action.

Section 3. Paragraph (a) of subsection (16) and paragraph (a) of subsection (17) of section 1001.42, Florida Statutes, are amended to read:

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

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan. Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies,

student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

(17) LOCAL-LEVEL DECISIONMAKING.—

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, the implementation of student health and fitness standards, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

Section 4. Section 1003.455, Florida Statutes, is created to read:

1003.455 Physical education; assessment.—

(1) It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages healthy, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students.

(2) Each district school board shall, no later than December 1, 2004, adopt a written physical education policy that details the school district's physical education program and expected program outcomes. Each district school board shall provide a copy of its written policy to the Department of Education by December 15, 2004.

(3) Any district that does not adopt a physical education policy by December 1, 2004, shall, at a minimum, implement a mandatory physical education program for kindergarten through grade 5 which provides students with 30 minutes of physical education each day, 3 days a week.

Section 5. Paragraph (d) is added to subsection (4) of section 1012.98, Florida Statutes, to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(d) The Department of Education shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The development

of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.

Section 6. Paragraph (b) of subsection (4) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(4) ASSESSMENT AND REMEDIATION.—

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan. Beginning with the 2002-2003 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance. Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Section 7. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.



2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction, including implementation of the rigorous reading requirement pursuant to s. 1003.415, when applicable, and the use of technology in the classroom.
5. Ability to evaluate instructional needs.
6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 8. There is hereby appropriated \$445,000 from the General Revenue Fund to the Florida State University Charter Lab Elementary School in Broward County for the purpose delineated in section 1002.32(9)(e), Florida Statutes.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor May 27, 2004.

Filed in Office Secretary of State May 27, 2004.