

Council Substitute for
Committee Substitute for House Bill No. 991

An act relating to school improvement and accountability; providing a short title; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules in compliance with the ESEA and rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the state board to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring the state board to adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as “Florida’s Equal Opportunity in Education Act.”

Section 2. Subsection (18) of section 1001.42, Florida Statutes, is 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:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a state 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 comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include, but is not limited to, the following:

(a) School improvement plans.—~~The district school board shall~~ annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. ~~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. The school improvement plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student proficiency on the Sunshine State Standards pursuant to s. 1003.41. Each plan shall address student achievement goals and strategies based on state and school district proficiency standards. The plan may also address issues relative to other academic-related matters, as determined by district school board policy, and shall include an accurate, data-based analysis of student achievement and other school performance data. Beginning with plans approved for implementation in the 2007-2008 school year, each secondary school plan must include a redesign component based on the principles established in s. 1003.413. For each school in the district that earns a school grade of "C" or below, or is required to have a school improvement plan under federal law, the school improvement plan shall, at a minimum, also include:~~

1. ~~Professional development that supports enhanced and differentiated instructional strategies to improve teaching and learning.~~

2. ~~Continuous use of disaggregated student achievement data to determine effectiveness of instructional strategies.~~

3. ~~Ongoing informal and formal assessments to monitor individual student progress, including progress toward mastery of the Sunshine State Standards, and to redesign instruction if needed.~~

4. ~~Alternative instructional delivery methods to support remediation, acceleration, and enrichment strategies.~~

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(c) Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or mak-

ing adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. ~~Provide assistance and intervention to a school that is designated with a grade of “D” pursuant to s. 1008.34 and is in danger of failing.~~

3. ~~Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school with a grade of “D” or “F” or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated with a grade of “D” or “F” or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.~~

4. ~~Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a grade of “D” or “F.”~~

~~(d) After 2 years.—Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated with a grade of “F,” failing to make adequate progress.~~

~~(b)(e) Public disclosure.—The district school board shall provide information regarding the performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule which that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school’s grade, high school graduation rate calculated without GED tests, disaggregated by student ethnicity, and performance data as specified in state board rule.~~

~~(c)(f) School improvement funds.—The district school board shall provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).~~

Section 3. Section 1008.33, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1008.33, F.S., for present text.)

1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq., and its implementing regulations. The State Board of Education is authorized to adopt rules in compliance with the ESEA and, after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose set forth in the ESEA (2002), may adopt rules to maintain compliance with the ESEA.

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

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

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

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the State Board of Education shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013, and the federal Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its implementing regulations.

(b) For the purpose of determining whether a public school requires action to achieve a sufficient level of school improvement, the Department of Education shall annually categorize a public school in one of six categories based on the school's grade, pursuant to s. 1008.34, and the level and rate of change in student performance in the areas of reading and mathematics, disaggregated into student subgroups as described in the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

(c) Appropriate intervention and support strategies shall be applied to schools that require action to achieve a sufficient level of improvement as described in paragraph (b). The intervention and support strategies must address student performance, including, but not limited to, improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of

continuous improvement and monitoring plans and processes. The State Board of Education may prescribe reporting requirements to review and monitor the progress of the schools.

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

(a) Intervention and support strategies shall be applied to schools based upon the school categorization. The Department of Education shall apply the most intense intervention strategies to the lowest-performing schools. For all but the lowest category and "F" schools in the second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.

(b) The lowest-performing schools are schools that have received:

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

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

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

b. The percentage of students who are not proficient in mathematics has increased when compared to measurements taken 5 years previously;

c. At least 65 percent of the school's students are not proficient in reading; or

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

(5)(a) In the school year after a school is initially identified as a school in the lowest-performing category, the school district must submit a plan, which is subject to approval by the State Board of Education, for implementing one of the following options at the beginning of the next school year. The plan must be implemented unless the school moves from the lowest-performing category:

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

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

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

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

(b) If a school does not move from the lowest-performing category during the initial year of implementing one of the options in paragraph (a), the school district must submit a plan, which is subject to approval by the State Board of Education, for implementing a different option in paragraph (a) at the beginning of the next school year, unless the State Board of Education determines that the school is likely to move from the lowest-performing category if additional time is provided to implement intervention and support strategies. The State Board of Education shall determine whether a school district may continue to implement an option beyond 1 year while a school remains in the lowest-performing category.

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

(7) Beginning July 1, 2009, the Department of Education shall commence its duties under this section.

(8) By July 1, 2010, the State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The state board shall consult with education stakeholders in developing the rules.

Section 4. Subsection (5) and paragraphs (b) and (d) of subsection (6) of section 1008.345, Florida Statutes, are amended to read:

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

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for which district school boards have developed ~~assistance and intervention and support strategies~~ plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and ~~s. 1001.42(18)(b) s. 1001.42(16)(e)~~ and according to rules adopted by the State Board of Education.

(6)

(b) Upon request, the department shall provide technical assistance and training to any school, including any school operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement ~~plans, developing and implementing assistance and intervention~~ plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated with a grade of “D” or “F” and school districts in rural and sparsely populated areas of the state.

(d) The commissioner shall assign a community assessment team to each school district or governing board with a school graded “F” or a school in the lowest-performing category pursuant to s. 1008.33 to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school’s graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board, ~~to the department, and to the State Board of Education which for implementing an assistance and intervention plan that will address the causes of the school’s low performance~~ and may be incorporated into the school improvement plan. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community from which they are appointed.

Section 5. Subsections (1) and (2) of section 1012.2315, Florida Statutes, are amended to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparities between teachers assigned to teach in a majority of schools that do not need improvement and schools that do need improvement pursuant to s. 1008.33 “A” graded schools and teachers assigned to teach in a majority of “F” graded schools. The disparities ~~may~~ can be found in the assignment of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers and in average years of experience, the median salary, and the performance of the students teachers on teacher certification examinations. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF IMPROVEMENT. GRADED “D” OR “F.”—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools in one of the three lowest-performing categories under s. 1008.33(3)(b), with above the school district average of minority and economically disadvantaged students or schools that are graded “D” or “F.” Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

Section 6. This act shall take effect July 1, 2009.

Approved by the Governor June 10, 2009.

Filed in Office Secretary of State June 10, 2009.