

## Committee Substitute for House Bill Nos. 751, 753, and 755

An act relating to education; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; providing an exemption from liability; authorizing the adoption of rules; establishing a pilot scholarship program for students with disabilities; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; providing requirements regarding electronic transfer of data; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; deleting references to the Florida Commission on Education Reform and Accountability; removing obsolete provisions; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; providing for a community assessment team; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross references; repealing ss. 229.593 and

229.594, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; requiring certain performance-based pay for specified school personnel; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; specifying content of school improvement plans; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; authorizing school boards to declare an emergency under certain circumstances; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; prohibiting social promotion; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; eliminating references to Blueprint 2000; conforming cross references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross reference; amending s. 20.15, F.S.; deleting reference to the Florida Education Reform and Accountability Commission; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross references; amending s. 239.229, F.S., relating to vocational standards; conforming cross references; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 228.0565, F.S., relating to deregulated public schools; revising elements of an annual report; reenacting s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.301(1), F.S., relating to test

security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures; reenacting and amending s. 232.246, F.S.; revising general requirements for high school graduation; reenacting s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms “dropout,” “graduation rate,” and “dropout rate”; amending s. 228.056, F.S., relating to charter schools; conforming provisions relating to assessment; creating s. 231.002, F.S.; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals’ responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to

district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; revising the assessment procedure for certain school district personnel; requiring certain review and testing of employees of schools in performance grade categories "D" and "F"; amending s. 231.36, F.S.; authorizing the State Board of Education to define certain terms by rule; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional development programs; amending s. 236.08106, F.S.; providing for the distribution of Excellent Teaching Program funds; deleting certain district incentives; authorizing the withholding of wages as repayment; amending s. 240.529, F.S.; requiring the commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher preparation programs; requiring a report; requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher education program; requiring annual reports of program performance; providing additional legislative intent related to teacher preparation programs; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students; creating s. 231.6135, F.S.; establishing a statewide system for inservice professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; providing procedures for notice to and response from a parent, guardian, or legal custodian prior to placement in a program or the provision of services to the student; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; providing sanctions for noncompliance; creating s. 232.001, F.S.; requiring the Manatee County District School Board to establish a pilot project to raise the compulsory age of attendance for children; providing requirements for the school board; providing for the applicability of state law and State Board

of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.09, F.S.; limiting application to certain criminal proceedings; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; amending s. 239.505, F.S.; revising provisions relating to funding of constructive youth programs; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; requiring the State Board of Education to adopt rules regarding not-for-profit, professional teacher associations; providing for severability; providing effective dates.

WHEREAS, providing a system of high-quality public education for children is an important goal of this state, and

WHEREAS, Floridians reemphasized their aspiration to provide for a system of high-quality public education for children in this state by amending Section 1 of Article IX of the State Constitution in the November 1998 general election, and

WHEREAS, the Legislature recognizes that it has an important but not exclusive role in providing children with the opportunity to obtain a high-quality education in this state, and

WHEREAS, success in obtaining a high-quality education depends upon many influences, and

WHEREAS, among the most prominent influences on the educational success of children are the positive influences of parents on their children's lives and on their children's desire to learn and the active involvement of parents in the education of their children, and

WHEREAS, the presence of those influences is indispensable to successfully providing a system that allows students to obtain a high-quality education, and

WHEREAS, children will have the best opportunity to obtain a high-quality education in the public education system of this state and that system can best be enhanced when positive parental influences are present, when we allocate resources efficiently and concentrate resources to enhance a safe, secure, and disciplined classroom learning environment, when we support teachers, when we reinforce shared high academic expectations, and when we promptly reward success and promptly identify failure, as well as promptly appraise the public of both successes and failures, and

WHEREAS, the voters of the State of Florida, in the 1998 General Election, amended Article IX, section 1, of the Florida Constitution to state that, "Adequate provision shall be made by law for a . . . safe, secure, and high quality system of free public schools . . .," and

WHEREAS, House Bill 1309, a comprehensive school safety and discipline package, was enacted by the Legislature in the 1997 Session, addressing dropouts, habitual truancy, zero tolerance for crime, drugs, alcohol, and weapons, alternative placement of disruptive students, and cooperative agreements with local law enforcement for crime reporting, and

WHEREAS, the Legislature annually provides for safe-schools appropriations to be used for after school programs for middle school students, alternative programs for adjudicated youth, school resource officers, and conflict resolution strategies, and

WHEREAS, the enhancement of school safety should be measured as an element of school performance and accountability and improved crime and incident reporting, as well as a heightened emphasis on character education in the curriculum of the early grades, NOW, THEREFORE,

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

Section 1. Section 229.0535, Florida Statutes, is amended to read:

229.0535 Authority to enforce school improvement.—It is the intent of the Legislature that all public schools be held accountable for ~~ensuring that students performing perform~~ at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making ~~not providing~~ adequate progress toward state standards, and institutes appropriate measures for

enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall ~~have the authority to intervene in the operation of a district school system when in cases where one or more schools in the~~ a school district have failed to make adequate progress for ~~2 3 consecutive~~ school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. Except as otherwise provided in s. 229.57(8), a performance rating based on data before the 1998-1999 school year data may not be included in a 4-year period. The state board may determine that the school district ~~or and/or~~ school has not taken steps sufficient ~~for to ensure that~~ students in the school ~~to be academically in question are well served.~~ Considering recommendations of the Commissioner of Education, the state board ~~shall is authorized to recommend action to a district school board that is intended to improve ensure improved~~ educational services to students in each school that is designated as performance grade category "F." the low-performing schools in question. Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall also include student mobility rates, and the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide ensure that school districts have sufficient time to improve student performance in schools and ~~have had the opportunity to present evidence of assistance and interventions that the school board has implemented.~~

(2) The state board is specifically authorized to recommend one or more of the following actions to school boards to enable ensure that students in low-performing schools designated as performance grade category "F" to be academically are well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

(d) Allow parents of students in the school to send their children to another district school of their choice, ~~if appropriate; or~~

(e) Other action ~~as deemed~~ appropriate to improve the school's performance.

(3) In recommending actions to school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The state board may adopt rules to further specify how it may respond in specific circumstances. No action taken by the state board shall relieve a school from state accountability requirements.

(4) The State Board of Education is authorized to require the Department of Education or Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with ~~the said~~ action ordered to improve ~~the district's~~ low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve ~~the performance of the school~~. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)(c).

Section 2. Section 229.0537, Florida Statutes, is created to read:

229.0537 Opportunity Scholarship Program.—

(1) FINDINGS AND INTENT.—The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The Legislature recognizes that the voters of the State of Florida, in the November 1998 general election, amended s. 1, Art. IX, of the Florida Constitution so as to make education a paramount duty of the state. The Legislature finds that the State Constitution requires the state to provide the opportunity to obtain a high-quality education. The Legislature further finds that a student should not be compelled, against the wishes of the student's parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period. The Legislature shall make available opportunity scholarships in order to give parents and guardians the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent or guardian chooses to apply the equivalent of the public education funds generated by his or her child to the cost of tuition in the eligible private school as provided in paragraph (6)(a). Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose, as delineated in subsection (4).

(2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—A public school student's parent or guardian may request and receive from the state an opportunity scholarship for the child to enroll in and attend a private school in accordance with the provisions of this section if:

(a) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to s. 229.57 as performance grade category

“F,” failing to make adequate progress, and that has had two school years in a 4-year period of such low performance, and the student’s attendance occurred during a school year in which such designation was in effect; or the parent or guardian of a student who has been in attendance elsewhere in the public school system or who is entering kindergarten or first grade has been notified that the student has been assigned to such school for the next school year;

(b) The parent or guardian has obtained acceptance for admission of the student to a private school eligible for the program pursuant to subsection (4), and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

The provisions of this section shall not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student returns to a public school or, if the student chooses to attend a private school the highest grade of which is grade 8, until the student matriculates to high school and the public high school to which the student is assigned is an accredited school with a performance grade category designation of “C” or better. However, at any time upon reasonable notice to the Department of Education and the school district, the student’s parent or guardian may remove the student from the private school and place the student in a public school, as provided in subparagraph (3)(a)2.

### (3) SCHOOL DISTRICT OBLIGATIONS.—

(a) A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category “F” for 2 school years in a 4-year period:

1. Timely notify the parent or guardian of the student as soon as such designation is made of all options available pursuant to this section; and

2. Offer that student’s parent or guardian an opportunity to enroll the student in the public school within the district that has been designated by the state pursuant to s. 229.57 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category “C.” For purposes of identifying higher performing public schools eligible for parental choice for the 1999-2000 school year, school performance grade category designations for the 1998-1999 school year shall be the equivalent of the corresponding performance level I-V specified in state board rule at the time this act becomes a law. Levels I through V shall correspond to school performance grade categories “F” through “A,” respectively. The parent or guardian is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(b) The parent or guardian of a student enrolled in or assigned to a school that has been designated performance grade category "F" for 2 school years in a 4-year period may choose as an alternative to enroll the student in and transport the student to a higher-performing public school that has available space in an adjacent school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(c) For students in the district who are participating in the state Opportunity Scholarship Program, the district shall provide locations and times to take all statewide assessments required pursuant to s. 229.57.

(d) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law.

(e) If for any reason a qualified private school is not available for the student or if the parent or guardian chooses to request that the student be enrolled in the higher performing public school, rather than choosing to request the state opportunity scholarship, transportation costs to the higher performing public school shall be the responsibility of the school district. The district may utilize state categorical transportation funds or state-appropriated public school choice incentive funds for this purpose.

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the opportunity scholarship program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the opportunity scholarship funds for any quarter may be filed with the department.

(b) Except for the first year of implementation, notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the opportunity scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Accept scholarship students on an entirely random and religious-neutral basis without regard to the student's past academic history; however, the private school may give preference in accepting applications to

siblings of students who have already been accepted on a random and religious-neutral basis.

(f) Be subject to the instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic school accrediting body and be academically accountable to the parent or guardian for meeting the educational needs of the student. The private school must furnish a school profile which includes student performance.

(g) Employ or contract with teachers who hold a baccalaureate or higher degree, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(h) Comply with all state statutes relating to private schools.

(i) Accept as full tuition and fees the amount provided by the state for each student.

(j) Agree not to compel any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(k) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of any opportunity scholarship student.

(5) OBLIGATION OF PROGRAM PARTICIPATION.—

(a) Any student participating in the opportunity scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(b) The parent or guardian of each student participating in the opportunity scholarship program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(c) The parent or guardian shall ensure that the student participating in the opportunity scholarship program takes all statewide assessments required pursuant to s. 229.57.

(d) A participant who fails to comply with this subsection shall forfeit the opportunity scholarship.

(6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the base student allocation multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, the calculated amount shall include the per-student share of instructional

materials funding, technology funding, and other categorical funds as provided for this purpose in the General Appropriations Act. The amount of the opportunity scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. Fees eligible shall include textbook fees, lab fees, and other fees related to instruction, including transportation. The district shall report all students who are attending a private school under this program. The students attending private schools on opportunity scholarships shall be reported separately from those students reported for purposes of the Florida Education Finance Program. The public or private school that provides services to students with disabilities shall receive the weighted funding for such services at the appropriate funding level consistent with the provisions of s. 236.025.

2. For purposes of calculating the opportunity scholarship, a student will be eligible for the amount of the appropriate basic cost factor if:

a. The student currently participates in a Group I program funded at the basic cost factor and is not subsequently identified as having a disability; or

b. The student currently participates in a Group II program and the parent has chosen a private school that does not provide the additional services funded by the Group II program.

3. Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the calculated amount from the Florida Education Finance Program and authorized categorical accounts to a separate account for the Opportunity Scholarship Program for quarterly disbursement to the parents or guardians of participating students.

(b) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the opportunity scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent or guardian and mailed by the Department of Education to the private school of the parent's or guardian's choice and the parent or guardian shall restrictively endorse the warrant to the private school.

(7) LIABILITY.—No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

(8) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. Rules shall include penalties for noncompliance with subsections (3) and (5). However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 3. (1) PILOT PROGRAM.—There is established a pilot program, which is separate and distinct from the Opportunity Scholarship Program, in the Sarasota school district, to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the pilot program is limited to 5 percent of the students with disabilities in the school district during the first year, 10 percent of students with disabilities during the second year, and 20 percent of students with disabilities during the third and subsequent years. The following applies to the pilot program:

(a) To be eligible to participate in the pilot program, a private school must meet all requirements of s. 229.0537(4), Florida Statutes, except for the accreditation requirements of s. 229.0537(4)(f), Florida Statutes. For purposes of the pilot program, notification under s. 229.0537(4)(b), Florida Statutes, must be separate from the notification under the Opportunity Scholarship Program.

(b) The school district that participates in the pilot program must comply with the requirements in s. 229.0537(3)(a)2., (c), and (d), Florida Statutes.

(c) The amount of the scholarship in the pilot program shall be equal to the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the pilot program, a student or parent must:

1. Comply with the eligibility criteria in s. 229.0537(2)(b), Florida Statutes, and all provisions of s. 229.0537, Florida Statutes, which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan; or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent must believe that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

(2) The provisions s. 229.0537(6) and (8), Florida Statutes, shall apply to the pilot program authorized in this section. This pilot program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

Section 4. Subsection (14) of section 229.512, Florida Statutes, is amended, present subsections (15) and (16) are renumbered as subsections (18) and (19), respectively, and new subsections (15), (16), and (17) are added to that section, to read:

229.512 Commissioner of Education; general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(14) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability.;

(15) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education which ~~will~~ supply information concerning needs, problems, plans, and possibilities.;

(16)(a) To prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and

(b) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(17) To have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and ~~to provide for their the distribution of the same.~~

Section 5. Section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(a) The commissioner shall be responsible for all planning functions for the department, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting ~~which shall be~~ designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college district boards of trustees concerning the planning for vocational and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the Sunshine State minimum performance Standards developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must include consideration of student

achievement data obtained pursuant to s. 229.57. The system shall be structured to meet the specific management needs of the district ~~and to align. The system of planning and budgeting shall ensure that~~ the budget adopted by the district school board ~~with~~ reflect the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and ~~eventually~~ to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The commissioner shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system ~~so to the extent~~ that all data required as input to the state system ~~is shall be~~ made available via electronic transfer and in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;

2. Providing operational definitions for the proposed system;

3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input ~~is shall be~~ the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

4. Developing standardized terminology and procedures to be followed at all levels of the system;

5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;

6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in ~~the~~ this state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing the ~~such~~ plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members; or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 6. Subsection (1) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in key academic subject areas and the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system. The standards must apply, without limitation, to language arts, mathematics, science,

social studies, the arts, health and physical education, foreign language, reading, writing, history, government, geography, economics, and computer literacy. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term “student performance standard” means a statement describing a skill or competency students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

Section 7. Section 229.57, Florida Statutes, 1998 Supplement, is amended to read:

229.57 Student assessment program.—

(1) PURPOSE.—The primary ~~purpose~~ purposes of the statewide assessment program ~~are is to provide information needed to improve for the improvement of the public schools by maximizing the learning gains of all students and to inform parents of the educational progress of their public school children.~~ The program must be designed to:

(a) Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student’s grade level.

(b) Provide data for making decisions regarding school accountability and recognition.

~~(c)~~(a) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.

~~(d)~~(b) Assess how well educational goals and performance standards are met at the school, district, and state levels.

~~(e)~~(c) Provide information to aid in the evaluation and development of educational programs and policies.

(f) Provide information on the performance of Florida students compared with others across the United States.

(2) NATIONAL EDUCATION COMPARISONS.—It is Florida’s intent to participate in the measurement of national educational goals ~~set by the President and governors of the United States.~~ The Commissioner of Education ~~shall direct Florida is directed to provide for~~ school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or a similar program.

The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or a similar program shall be in addition to and separate from the administration of the statewide assessment program ~~otherwise described in this section.~~

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner ~~shall be directed to~~ design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. ~~The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs.~~ Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the Sunshine State Standards. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered annually in grades 3 through 10 at designated times at the elementary, middle, and high school levels to measure reading, writing, science, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. Science proficiency must be measured statewide beginning in 2003. Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The tests are a combination of norm-referenced and criterion-referenced and include, to the extent determined by the commissioner, items that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in subparagraph 6., all 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test. A student must earn a passing score or have been exempted from each part of the high school competency test in order to qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. Students who enroll in grade 9 in the fall of 1999 and thereafter must earn a passing score on the grade 10 assessment test described in this paragraph instead of the high school competency test described in subparagraph 5. Such students must earn a passing score in reading, writing, and mathematics to qualify for a regular high school diploma. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students.

7.6. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

8.7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

9. School districts must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

~~(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment.~~

~~(d)(e) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.~~

~~(e)(f) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.~~

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

(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the state assessment program designed to measure annual student learning and school performance. All school districts shall report assessment results as required by the management information system. In grades 4 and 8, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.

(5) SCHOOL TESTING PROGRAMS.—Each public school, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate, shall participate in the state assessment program. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs administering an achievement test, whether at the elementary, middle, or high school level, and each public school administering the high school competency test, shall prepare an analysis of the resultant data after each administration. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 229.555 and the development of the programs of remediation described in s. 233.051.

(6) ANNUAL REPORTS.—The commissioner shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year, provided, however, that the provisions of s. 228.093 pertaining to student records apply to this section. Until such time as annual assessments prescribed in this section are fully implemented, annual reports shall include student performance data based on existing assessments students at both low levels and exemplary levels, as well as the performance of students scoring in the middle 50 percent of the test population.

(7) SCHOOL PERFORMANCE GRADE CATEGORIES.—Beginning with the 1998-1999 school year's student and school performance data, the annual report shall identify schools as being in one of the following grade categories defined according to rules of the state board:

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

Beginning in the 1999-2000 school year, each school designated in performance grade category "A," making excellent progress, or as having improved at least two performance grade categories, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

- (a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. Beginning with the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.

For the purpose of implementing ss. 229.0535 and 229.0537, if any of the four schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F," based on 1998-1999 school performance data, that school shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F," based on 1998-1999 school performance data, shall be considered as having failed to make adequate progress for 1 year.

(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:

1. The median scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The median scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of the state in the previous school year.

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

(9) SCHOOL IMPROVEMENT RATINGS.—Beginning with the 1999-2000 school year's student and school performance data, the annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 231.2905.

(10) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district. Parents and guardians shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.

(11) STATEWIDE ASSESSMENTS.—The Department of Education is authorized, subject to appropriation, to negotiate a multiyear contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

(a) Assessments for each grade level shall be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.

(b) Assessments shall be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.

(c) Assessments shall include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.

(d) Assessments shall be designed to protect the integrity of the data and prevent score inflation.

(e) The statistical system shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:

1. Shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.

2. Shall, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.

(f) The statistical system shall provide for an approach which provides for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.

1. The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate,

shall use recognized approaches to statistical variance and estimating random effects.

2. The approach used by the department shall be approved by the State Board of Education before implementation for pupil progression assessment.

(g) Assessments shall include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally.

(h) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. Annual assessments that do not contain performance items shall be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration shall be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(i) Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year.

(12) LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the state assessment program is the responsibility of the school districts.

(13)(7) APPLICABILITY OF TESTING STANDARDS.—A student must meet the testing requirements for high school graduation which were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.

(14)(8) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement the provisions of this section.

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

Section 8. Section 229.58, Florida Statutes, 1998 Supplement, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall in-

clude in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of the provisions of ss. 229.591, 229.592, and 230.23(16). A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of vocational-technical and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. ~~The Commissioner of Florida Commission on Education Reform and Accountability shall serve as a review body to~~ determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

(b) The school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other

citizens or a district advisory council which may be comprised of representatives of each school advisory council. Recognized schoolwide support groups which meet all criteria established by law or rule may function as school advisory councils.

(2) DUTIES.—Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16). By the 1999-2000 academic year, with technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 229.555(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Section 9. Section 229.591, Florida Statutes, 1998 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, ~~by the year 2000,~~ Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines for achieving this purpose and for returning the responsibility for education to those closest to the students, their ~~that is the~~ schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate provision by law provisions for a uniform, efficient, safe, secure, and high-quality system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

(2) REQUIREMENTS.—Florida's system for school improvement and education accountability shall:

(a) Establish state and local educational goals.

(b) Increase the use of educational outcomes over educational processes in assessing educational programs.

(c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.

(d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.

(e) Recognize successful schools.

(f) Provide for Ensure that unsuccessful schools designated as performance grade category "D" or "F" to receive are provided assistance and intervention sufficient to attain adequate such that improvement occurs, and provide further ensure that action that should occur when schools do not improve.

(g) Provide that parents or guardians are not required to send their children to schools that have been designated in performance grade category "F," as defined in state board rule, for two school years in a 4-year period.

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

(a) Readiness to start school.—Communities and schools collaborate in a statewide comprehensive school readiness program to prepare children and families for children's success in school.

(b) Graduation rate and readiness for postsecondary education and employment.—Students graduate and are prepared to enter the workforce and postsecondary education.

(c) Student performance.—Students make annual learning gains sufficient to acquire the knowledge, skills, and competencies needed to master state standards; successfully compete at the highest levels nationally and internationally; and be are prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.

(d) Learning environment.—School boards provide a learning environment conducive to teaching and learning, in which education programs are based on student performance data, and which strive to eliminate achievement gaps by improving the learning of all students.

(e) School safety and environment.—Communities and schools provide an environment that is drug-free and protects students' health, safety, and civil rights.

(f) Teachers and staff.—The schools, district, all postsecondary institutions, and state work collaboratively to provide ensure professional teachers and staff who possess the competencies and demonstrate the performance needed to maximize learning among all students.

(g) Adult literacy.—Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy, prepare their children for success in school, and exercise the rights and responsibilities of citizenship.

(h) Parental, family, and community involvement.—Communities, school boards, and schools provide opportunities for involving parents, families, and guardians, and other community stakeholders as collaborative active partners in achieving school improvement and education accountability. ~~The State Board of Education shall adopt standards for indicating progress toward this state education goal by January 1, 1997.~~

Section 10. Section 229.592, Florida Statutes, 1998 Supplement, is amended to read:

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

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational ~~by the beginning of the 1993-1994 school year.~~ Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board ~~by the 1994-1995 school year,~~ and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In order to accomplish this, the Commissioner of Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by s. ss. 229.594 and 230.23(16), respectively.

(2) ESTABLISHMENT.—~~Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.~~

(2)(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs to.

(a) ~~Based on the recommendations of The Florida Commission on Education Reform and Accountability, the commissioner shall develop and implement the following programs and procedures:~~

(a)1. A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this paragraph ~~subparagraph~~ shall be distributed to the appropriate

school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

~~(b)2.~~ A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

~~(c)3.~~ A method of delivering services to assist school districts and schools to improve.

~~(d)4.~~ A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

~~(3)(b)~~ The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section ~~subsection~~. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

~~(4)(c)~~ The annual feedback report shall be developed by ~~the commissioner~~ and the Department of Education.

~~(5)(d)~~ The commissioner ~~and the commissioner~~ shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

~~(6)(e)~~ ~~As co-chair of the Florida Commission on Education Reform and Accountability,~~ The commissioner shall appear before the appropriate committees of the Legislature ~~annually in October to report to the Legislature~~ and recommend changes in state policy necessary to foster school improvement and education accountability. ~~The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability.~~ Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.

~~(7)(4)~~ DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or 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 as performance grade category “D” or “F” and school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department’s intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

(d) The department shall assign a community assessment team to each school district with a school designated as performance grade category “D” or “F” to review the school performance data and determine causes for the low performance. The team shall make recommendations to the school board, to the department, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school’s low performance. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, and community activists, and shall represent the demographics of the community from which they are appointed.

~~(8)(5) STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.~~

~~(9)(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of~~

state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 231.095; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the Commissioner of Florida ~~Commission on Education Reform and Accountability~~, in conjunction with the feedback report required pursuant to this section subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) ~~The written request for waiver of statute or rule must indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted by the state board pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver,~~ The commissioner shall not grant any waiver that would impair the ensure protection of the health, safety, welfare, or ~~and~~ civil rights of the students or the ~~and~~ protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Legislature and the State Board of Education Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

(e)1. Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

2. Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

Section 11. Section 229.593, Florida Statutes, 1998 Supplement, is repealed.

Section 12. Section 229.594, Florida Statutes, is repealed.

Section 13. Subsection (5) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(5) Prior to each student's graduation from high school, the school shall ~~Any assessment required for student receipt of a high school diploma shall include items designed to assess the student's student preparation to enter the workforce and provide the student and the student's parent or guardian with the results of such assessment.~~ The Commissioner of Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.

Section 14. Paragraphs (c) and (g) of subsection (5), paragraph (b) of subsection (7), and subsections (16) and (17) of section 230.23, Florida Statutes, 1998 Supplement, are amended, present subsection (18) is amended and renumbered as subsection (20), and new subsections (18) and (19) are added to that section, to read:

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

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c) Compensation and salary schedules.—Adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees, ~~such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service~~ and fix and authorize the compensation of school employees on the basis thereof of such schedules. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29 and must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States. In developing the salary schedule, the school board shall seek input from parents, teachers, and representatives of the business community. By June 30, 2002, the salary schedule adopted by the school board must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance measured under s. 231.29. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow employees who demonstrate outstanding performance to earn 5 percent of their individual salary. The Commissioner of Education shall determine whether the board's adopted salary schedule complies with the requirement for performance-based pay. If the board fails to comply by June 30, 2002, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

(g) Awards and incentives.—Provide for recognition of district employees, students, school volunteers, ~~and~~ or advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. An award or incentive granted under this paragraph may not be considered in determining the salary schedules required by paragraph (c). Monetary awards shall be limited to persons who propose procedures or ideas ~~which are~~ adopted by the board ~~and~~ which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but ~~are need not be~~ limited to, certificates, plaques, medals, ribbons, and photographs. The school board may ~~is authorized to~~ expend funds for such recognition and awards. No award granted under ~~the provisions of~~ this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(b) Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials ~~textbooks and other~~

books furnished by the state and furnish such other instructional materials textbooks and library books as may be needed. The school board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as with the state and district performance standards provided for in ss. 229.565 and 232.2454.

(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. 229.555 and 237.041. This system of school improvement and education accountability shall include, but ~~is~~ is not be 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. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592. Beginning in 1999-2000, each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, and other matters of resource allocation, as determined by school board policy, and shall be based on an analysis of student achievement and other school performance data.

(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 board does not approve a school improvement plan after exhausting this process, the Department of Education Florida Commission on Education Reform and Accountability shall be notified of the need for assistance.

(c) Assistance and intervention.—Develop a ~~2-year~~ 3-year plan of increasing individualized assistance and intervention for each school in danger of that does not meeting state standards meet or making make adequate progress, based upon the ~~recommendations of the commission~~, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan. A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention. District school boards are encouraged to prioritize the expenditures of funds received from specific appropriation 110A of the General Appropriations Act of fiscal year 1999-2000 to improve student performance in schools that receive a performance grade category designation of "D" or "F."

(d) After ~~2~~ 3 years.—Notify the ~~Commissioner of Florida Commission on Education Reform and Accountability~~ 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~~ 3 ~~consecutive~~ years of failing to make adequate progress ~~district assistance and intervention~~ 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 as performance grade category "F," failing to make adequate progress.

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. s. 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule. Annual public disclosure reports shall be in an easy-to-read report card format, and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

(f) School improvement funds.—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).

(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, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

(b) Adopt waiver process policies to enable all schools to exercise maximum flexibility and notify advisory councils of processes to waive school district and state policies.

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58.

(d) Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school's budget, to schools designated as performance grade category "A," making excellent progress, and schools rated as having improved at least two performance grade categories.

(18) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing students attending schools that have been designated as performance grade category "F," failing to make adequate progress, for two school years in a 4-year period to attend a higher performing school in the district or an adjoining district or be granted a state opportunity scholarship to a private school, in conformance with s. 229.0537 and state board rule.

(19) AUTHORITY TO DECLARE AN EMERGENCY.—The school board is authorized to declare an emergency in cases in which one or more schools in the district are failing or are in danger of failing and to negotiate special provisions of its contract with the appropriate bargaining units to free these schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.

~~(20)(18)~~ ADOPT RULES.—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of this section.~~

Section 15. Subsection (2) of section 231.2905, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

231.2905 Florida School Recognition Program.—

(2) The Florida School Recognition Program is created to provide greater autonomy and financial awards to faculty and staff of schools that sustain high performance or that demonstrate exemplary improvement due to innovation and effort. The Commissioner of Education shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. ~~To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure.~~ All public schools, including charter schools, are eligible to participate in the program.

(a) Initial criteria for identification of schools must rely on the school's data and statewide data and must include, but is ~~is~~ not be limited to:

~~(a)1.~~ (a)1. Improvement in the school's student achievement data.

~~(b)2.~~ (b)2. Statewide student achievement data.

(c) Student learning gains when such data becomes available.

~~(d)3.~~ (d)3. Readiness for postsecondary education data.

(e)4. Dropout rates.

(f)5. Attendance rates.

(g) Graduation rates.

(h) Cohort graduation rates.

~~(b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:~~

~~1. School climate, including rates of school violence and crime.~~

~~2. Indicators of innovation in teaching and learning.~~

~~3. Indicators of successful challenging school improvement plans.~~

~~4. Parent, community, and student involvement in learning.~~

~~(c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.~~

(4) The School Recognition Program shall utilize the school performance grade category designations in s. 229.57.

Section 16. Section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression; remedial instruction; reporting requirements.—

(1) It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, science, and mathematics; that school district policies facilitate such proficiency; and that each student and his or her parent or legal guardian be informed of that student's academic progress.

(2) Each district school board shall establish a comprehensive program for pupil progression which must include:

(a) Standards for evaluating each pupil's performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565; and

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments ~~at selected grade levels in elementary school, middle school, and high school~~ as defined by the Commissioner of Education, below which a student must receive remediation, or and may be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. School boards shall allocate remedial and supplemental instruction resources first to students who fail to meet achievement performance levels required for promotion. The state board shall adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by the district's pupil progression plan. Such rules shall specifically address the promotion of students with limited English proficiency and students with disabilities. A school district must consider an appropriate alternative placement for a student who has been retained 2 or more years.

(3) Each student must participate in the statewide assessment tests required by s. 229.57. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who does not meet specific levels of performance, determined by the Commissioner of Education, on statewide assessments at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. The school in which the student is enrolled must develop, in consultation with the student's parent or legal guardian, and must implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness ~~through one or more of the following activities, as considered appropriate by the school administration:~~

(a) ~~Summer school coursework;~~

- ~~(b) Extended-day services;~~
- ~~(c) Parent tutorial programs;~~
- ~~(d) Contracted academic services;~~
- ~~(e) Exceptional education services; or~~
- ~~(f) Suspension of curriculum other than reading, writing, and mathematics. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.~~

Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must retake the state assessment test in the subject area of deficiency and must continue remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(4) Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1 ~~or, grade 2, and grade 3,~~ or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency, as determined by the locally determined assessment at grades 1 and 2, or by the statewide assessment at grade 3, is not remedied by the end of grade 4, and 2 or grade 3, or if the student scores below the specific level of performance, ~~determined by the local school board,~~ on the statewide assessment test in reading and writing given in elementary school, the student must be retained. The local school board may exempt a student from mandatory retention for good cause.

~~(5) Beginning with the 1997-1998 school year, any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted at the beginning of grade 2, grade 3, and grade 4, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency is not remedied by the end of grade 5, the student may be retained.~~

~~(5)(6)~~ Each district must annually report to the parent or legal guardian of each student the progress of the student towards achieving state and

district expectations for proficiency in reading, writing, science, and mathematics. The district must report to the parent or legal guardian the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent or legal guardian in writing in a format adopted by the district school board.

~~(6)~~(7) The Commissioner of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ for the administration of this section.

~~(7)~~(8) The Department of Education shall provide technical assistance as needed to aid school districts in administering this section.

Section 17. Subsections (3), (8), and (12) of section 228.053, Florida Statutes, are amended to read:

228.053 Developmental research schools.—

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall embody the goals and standards of “Blueprint 2000” established pursuant to ss. 229.591 and 229.592 and shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 230.23(16).

(b) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the college of education with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the Education Standards Commission. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a developmental research school may consist of pilot projects to be generated by the affiliated college, the Education Standards Commission, or the Legislature.

(e) The exceptional education programs offered at a developmental research school shall be determined by the research and evaluation goals and

the availability of students for efficiently sized programs. The fact that a developmental research school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(8) **ADVISORY BOARDS.**—~~“Blueprint 2000” provisions and intent specify that~~ Each public school in the state shall establish a school advisory council that is reflective of the population served by the school, pursuant to s. 229.58, and is responsible for the development and implementation of the school improvement plan pursuant to s. 230.23(16). Developmental research schools shall comply with the provisions of s. 229.58 in one of two ways:

(a) Two advisory bodies.—Each developmental research school may:

1. Establish an advisory body pursuant to the provisions and requirements of s. 229.58 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16).

2. Establish an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one layperson who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chair or vice chair. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties. The board shall:

a. Meet at least quarterly.

b. Monitor the operations of the school and the distribution of moneys allocated for such operations.

c. Establish necessary policy, program, and administration modifications.

d. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.

e. Annually review evaluations of the school’s operation and research findings.

(b) One advisory body.—Each developmental research school may establish an advisory body responsible for the development and implementation

of the school improvement plan, pursuant to s. 230.23(16), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 229.58, but may also include membership by the dean of the college of education and additional members appointed by the president of the university that represent faculty members from the college of education, the university, or other bodies deemed appropriate for the mission of the school.

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592(6), the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40; and 316.75. With the exception of subsection (16) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16) shall mean the president of the university or the president's designee.

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; 232.36; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement a school improvement plan required by s. 230.23(16), and if such request is made using forms established pursuant to s. 229.592(6). The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and

shall report annually to the department ~~and the Florida Commission on Education Reform and Accountability~~, in conjunction with the feedback report required pursuant to s. 229.592(3), the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

(c) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), and how student improvement will be evaluated and reported. In considering any waiver, the committee shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(d) ~~The procedure established in s. 229.592(6)(f) shall be followed for any request for a waiver which is not denied, or for which a request for additional information is not issued.~~ Notwithstanding the request provisions of s. 229.592(6), developmental research schools shall request all waivers through the Joint Developmental Research School Planning, Articulation, and Evaluation Committee, as established in s. 228.054. The committee shall approve or disapprove said requests pursuant to this subsection and s. 229.592(6); however, the Commissioner of Education shall have standing to challenge any decision of the committee should it adversely affect the health, safety, welfare, or civil rights of the students or public interest. The department shall immediately notify the committee and developmental research school of the decision and provide a rationale therefor.

Section 18. Paragraph (e) of subsection (2) of section 228.054, Florida Statutes, is amended to read:

228.054 Joint Developmental Research School Planning, Articulation, and Evaluation Committee.—

(2) The committee shall have the duty and responsibility to:

(e) Provide assistance to schools in the waiver process established under s. 228.053(12), review and approve or disapprove waivers requested pursuant to ss. 228.053(12) and 229.592(6), and annually review, identify, and report to the Legislature additional barriers and statutes that hinder the implementation of s. 228.053.

Section 19. Subsection (3) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(3) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5, and 6. If extenuating circumstances warrant, the Commissioner of Education may order the department to add

one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512~~(18)~~(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512~~(18)~~(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 20. Subsection (6) of section 236.685, Florida Statutes, is amended to read:

236.685 Educational funding accountability.—

(6) The annual school public accountability report required by ss. 229.592(5) and 230.23~~(16)~~(18) must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how revenues were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

(b) Expenditures must be reported as the total expenditures per unweighted full-time equivalent student at the school level and the average expenditures per full-time equivalent student at the district and state levels in each of the following categories and subcategories:

1. Teachers, excluding substitute teachers, and teacher aides who provide direct classroom instruction to students enrolled in programs classified by s. 236.081 as:

- a. Basic programs;
  - b. Students-at-risk programs;
  - c. Special programs for exceptional students;
  - d. Career education programs; and
  - e. Adult programs.
2. Substitute teachers.

3. Other instructional personnel, including school-based instructional specialists and their assistants.

4. Contracted instructional services, including training for instructional staff and other contracted instructional services.

5. School administration, including school-based administrative personnel and school-based education support personnel.

6. The following materials, supplies, and operating capital outlay:
  - a. Textbooks;
  - b. Computer hardware and software;
  - c. Other instructional materials;
  - d. Other materials and supplies; and
  - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

(c) The school financial report must also identify the types of district-level expenditures that support the school's operations. The total amount of these district-level expenditures must be reported and expressed as total expenditures per full-time equivalent student.

As used in this subsection, the term "school" means a "school center" as defined by s. 228.041.

Section 21. Subsection (6) of section 20.15, Florida Statutes, 1998 Supplement, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, ~~the Florida Commission on Education Reform and Accountability,~~ and the State Board of Nonpublic Career Education.

Section 22. Effective July 1, 1999, section 236.08104, Florida Statutes, is created to read:

236.08104 Supplemental academic instruction; categorical fund.—

(1) There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This section may be cited as the "Supplemental Academic Instruction Categorical Fund."

(2) Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time equivalent student (FTE) membership in the

Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used only to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

(3) Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

(4) The Florida State University School, as a developmental research school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary institution.

(5) Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 230.2316(3)(a), (b), and (c), 230.23161, and 230.23166 shall be included in Group 1 programs under s. 236.081(1)(d)3.

(6) Each school district receiving funds from the Supplemental Academic Instruction Categorical Fund shall submit to the Department of Education a plan which identifies the students to be served and the scope of supplemental academic instruction to be provided. Districts shall also submit information through the department's database documenting the district's progress in the areas of academic improvement, graduation rate, dropout rate, attendance rate, and retention/promotion rate. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

Section 23. Effective July 1, 1999, paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

~~(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.~~

~~(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he or she is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.~~

~~(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

(II)(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs:

~~a.—Special programs for exceptional students;~~

~~b.—Special vocational-technical programs;~~

~~c.—Special adult general education programs;~~

~~d.—Dropout prevention programs as defined in s. 230.2316 for students in residential programs operated by the Department of Children and Family Services; programs operated by the Department of Juvenile Justice as defined in s. 230.23161 in which students receive educational services; or teenage parent programs as defined in s. 230.23166 for students who are in need of such additional instruction;~~

~~e.—Dropout prevention programs as defined in s. 230.2316 in which students are placed for academic or disciplinary purposes or programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

~~f.—Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and~~

~~g.—Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.~~

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 24. Subsection (7) of section 239.101, Florida Statutes, is amended to read:

239.101 Legislative intent.—

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational standards articulated in s. 239.229(2) be considered in the development of accountability measures for public schools

pursuant to ss. 229.591, 229.592, ~~229.593~~, ~~229.594~~, and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 25. Subsection (1) of section 239.229, Florida Statutes, 1998 Supplement, is amended to read:

239.229 Vocational standards.—

(1) The purpose of career education is to enable students who complete vocational programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 229.591, 229.592, ~~229.593~~, ~~229.594~~, and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 26. Paragraphs (b), (c), and (d) of subsection (5) of section 24.121, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(b) Except as provided in paragraphs (c), (d), and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(16). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. A principal may not override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools

do not have an approved school improvement plan pursuant to s. 230.23(16) or do not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). Effective July 1, 2002, the Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 230.23(5).

Section 27. Paragraphs (b), (c), and (d) of subsection (6) of section 228.0565, Florida Statutes, 1998 Supplement, are amended to read:

228.0565 Deregulated public schools.—

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.
2. The information required in the annual school report pursuant to s. 229.592.
3. Financial records of the school, including revenues and expenditures.
4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by s. 229.591.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the statewide ~~norm-referenced~~ assessment tests, versus comparable public school students in the district as determined by FCAT and district norm-referenced assessment tests ~~currently administered in the school district,~~ and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 28. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, 1998 Supplement, and 232.245, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 120.81, Florida Statutes, is reenacted to read:

120.81 Exceptions and special requirements; general areas.—

## (1) EDUCATIONAL UNITS.—

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

Section 29. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, 1998 Supplement, in references thereto, subsection (1) of section 228.301, Florida Statutes, is reenacted to read:

## 228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 30. For the purpose of incorporating the amendments made by this act to sections 229.555, 229.565, and 229.57, Florida Statutes, in references thereto, subsections (1) and (3) of section 229.551, Florida Statutes, 1998 Supplement, are reenacted to read:

## 229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix

and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;

(b) Coordination of management information system development for all levels of education and for all divisions of the department, to include the development and utilization of cooperative education computing networks for the state system of public education;

(c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;

(d) Coordination of all planning functions for all levels and divisions within the department;

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;

(f) Development and coordination of a common course designation and numbering system for postsecondary education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all postsecondary delivery systems, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic postsecondary institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at

least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program;

(g) Expansion and ongoing maintenance of the common course designation and numbering system to include the numbering and designation of postsecondary vocational courses and facilitate the transfer of credits between public schools, community colleges, and state universities. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering courses that may be transferred to a certificate, diploma, or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Identify postsecondary vocational programs offered by community colleges and public school districts. The list shall also identify vocational courses designated as college credit courses applicable toward a vocational diploma or degree. Such courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program, diploma, and degree; and

(h) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

(3) As a part of the system of educational accountability, the department shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 229.565 and 229.57.

(b) Administer the statewide assessment testing program created by s. 229.57.

(c) Develop and administer an educational evaluation program, including the provisions of the Plan for Educational Assessment developed pursuant to s. 9, chapter 70-399, Laws of Florida, and adopted by the State Board of Education.

(d) Review the school advisory councils of each district as required by s. 229.58.

(e) Conduct the program evaluations required by s. 229.565.

(f) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.

(g) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(h) Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(i) Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration

of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(j) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 31. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, 1998 Supplement, in references thereto, subsection (4) of section 230.03, Florida Statutes, is reenacted to read:

230.03 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(16) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 32. For the purpose of incorporating the amendments made by this act to sections 229.591 and 229.592, Florida Statutes, 1998 Supplement, in references thereto, paragraph (a) of subsection (3) of section 231.24, Florida Statutes, 1998 Supplement, is reenacted to read:

231.24 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in “clinical educator” training pursuant to s. 240.529(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth

components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

Section 33. For the purpose of incorporating the amendments made by this act to section 231.29, Florida Statutes, 1998 Supplement, in references thereto, paragraphs (e) and (f) of subsection (3) of section 231.36, Florida Statutes, are reenacted to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 34. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2454, Florida Statutes, is reenacted to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

(1) School districts are required to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report this progress to parents or legal guardians according to s. 232.245. Each school district shall implement the assessment program pursuant to the procedures it adopts.

Section 35. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (5) of section 232.246, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

232.246 General requirements for high school graduation.—

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the high school competency test or FCAT, as defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

Section 36. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, 1998 Supplement, and 232.245, Florida Statutes, in references thereto, section 232.248, Florida Statutes, is reenacted to read:

232.248 Confidentiality of assessment instruments.—All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 229.57, 232.245, 232.246, and 232.247 shall be confidential and exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the state board.

Section 37. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2481, Florida Statutes, is reenacted to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Department of Corrections, the Board of Regents, boards of trustees of community colleges, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247, and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a “district school board.”

Section 38. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, subsection (4) of section 233.09, Florida Statutes, is reenacted to read:

233.09 Duties of each state instructional materials committee.—The duties of each state instructional materials committee shall be:

(4) **EVALUATION OF INSTRUCTIONAL MATERIALS.**—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the selection criteria developed by the Commissioner of Education and those

curricular objectives included within applicable performance standards provided for in s. 229.565.

(a) When recommending instructional materials for use in the schools, each committee shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each committee shall include only materials which accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each committee shall require such materials as it deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each committee shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recommended by any committee for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) All instructional materials recommended by each committee for use in the schools shall be, to the satisfaction of each committee, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials committees shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(f) When recommending instructional materials for use in the schools, each committee shall have the recommendations of all districts which submit evaluations on the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. Each committee shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. No instructional materials shall be evaluated or recommended for adoption unless each of the district committees shall have been loaned the specified number of samples.

(g) In addition to relying on statements of publishers or manufacturers of instructional material, any committee may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

Section 39. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 233.165, Florida Statutes, is reenacted to read:

233.165 Standards for selection.—

(1) In the selection of instructional materials, library books, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

(b) The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district performance standards provided for in ss. 229.565 and 232.2454 and which include the instructional objectives contained within the curriculum frameworks approved by the State Board of Education, to the extent that appropriate curriculum frameworks have been approved by the board.

Section 40. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is reenacted to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 229.565.

Section 41. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, 1998 Supplement, in references thereto, subsection (3) of section 239.229, Florida Statutes, 1998 Supplement, is reenacted to read:

239.229 Vocational standards.—

(3) Each area technical center operated by a school board shall establish a center advisory council pursuant to s. 229.58. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 230.23(16) and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 229.555(1).

Section 42. For the purpose of incorporating the amendments made by this act to section 229.592, Florida Statutes, 1998 Supplement, in references thereto, subsection (4) of section 240.118, Florida Statutes, is reenacted to read:

240.118 Postsecondary feedback of information to high schools.—

(4) As a part of the school improvement plan pursuant to s. 229.592, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public post-secondary level based on annual analysis of the feedback report data.

Section 43. Subsections (29), (40), and (42) of section 228.041, Florida Statutes, 1998 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(29) DROPOUT.—A dropout is a student ~~not subject to compulsory school attendance, as defined in s. 232.01~~, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

~~Students not exempt from attendance pursuant to s. 232.06 and who are subject to compulsory school attendance under s. 232.01 and who stop attending school are habitual truants as defined in subsection (28) and are not considered dropouts.~~ The State Board of Education may adopt rules to implement the provisions of this subsection.

(40) GRADUATION RATE.—The term “graduation rate” means the percentage of students who graduate from high school within 4 years after entering 9th grade for the first time, not counting students who transfer out of the student population to enroll in another school system; students who withdraw to enroll in a private school, a home education program, or an adult education program; or deceased students. Incoming transfer students,

at the time of their enrollment, are included in the count of the class with which they are scheduled to graduate. For this rate calculation, students are counted as graduates upon receiving a standard high school diploma, as provided in s. 232.246, or a special diploma, as provided in s. 232.247. Also counted as graduates are calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. In conjunction with calculating the graduation rate for this state, the Department of Education shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. The department shall report its findings to the Legislature by February 1, 2000. The Department of Education may calculate a 5-year graduation rate using the same methodology described in this section.

(42) **DROPOUT RATE.**—The term “high school dropout rate” means the annual percentage calculated by dividing the number of students in grades 9 through 12 who are classified as dropouts, pursuant to subsection (29), by the total number of students in grades 9-12 in attendance at any time during the school year over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to subsection (29). The Department of Education shall report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.

Section 44. Paragraph (f) of subsection (9) of section 228.056, Florida Statutes, 1998 Supplement, is amended to read:

228.056 Charter schools.—

(9) **CHARTER.**—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state norm-referenced assessment program tests, versus comparable public school students in the district as determined by the state norm-referenced assessment program tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 45. Section 231.002, Florida Statutes, is created to read:

231.002 Teacher quality; legislative findings and purpose.—

(1) The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The Legislature recognizes that professional educators shape the future of this state and the nation by developing the knowledge and skills of our future workforce and laying the foundation for good citizenship and full participation in community and civic life. The Legislature also recognizes its critical role in meeting the state's educational goals and preparing all students to achieve at the high levels set by the Sunshine State Standards.

(2) The purpose of this act is to raise standards for certifying professional educators, establish a statewide system for inservice professional development, increase accountability for postsecondary programs that prepare future educators, and increase accountability for administrators who evaluate teacher performance. To further this initiative, the Department of Education must review the provisions of chapter 231, Florida Statutes, and related administrative rules governing the certification of individuals who must hold state certification as a condition of employment in any district school system. The purpose of the review is to identify ways to make the certification process more efficient and responsive to the needs of district school systems and educators, to maintain rigorous standards for initial and continuing certification, and to provide more alternative certification options for individuals who have specific subject-area expertise but have not completed a standard teacher preparation program. The department must evaluate the rigor of the assessment instruments and passing scores required for certification and should consider components of more rigorous and efficient certification systems in other states. The department may request assistance from the Education Standards Commission. By January 1, 2000, the department must submit its findings and recommendations for revision of statutes and administrative rules to the presiding officers of the Senate, the House of Representatives, and the State Board of Education.

Section 46. Subsection (1) of section 231.02, Florida Statutes, 1998 Supplement, is amended to read:

231.02 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Health and ~~Rehabilitative Services~~, except when employed pursuant to s. 231.15 or under the emergency provisions of s. 236.0711. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Section 47. Subsection (2) of section 231.0861, Florida Statutes, is amended to read:

231.0861 Principals and assistant principals; selection.—

(2) By July 1, 1986, Each district school board shall adopt and implement an objective-based process for the screening, selection, and appointment of assistant principals and principals in the public schools of this state which meets the criteria approved by the State Board of Education Florida Council on Educational Management. Each school district may contract with other local school districts, agencies, associations, private entities, or universities to conduct the assessments, evaluations, and training programs required under this section.

Section 48. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal is responsible for the performance of all personnel employed by the school board and assigned to the school to which the principal is assigned. The principal shall faithfully and effectively apply the personnel assessment system approved by the school board pursuant to s. 231.29. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership in implementing the Sunshine State Standards and of the overall educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16).

Section 49. Paragraph (a) of subsection (5) of section 231.087, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

231.087 Management Training Act; Florida Council on Educational Management; Florida Academy for School Leaders; Center for Interdisciplinary Advanced Graduate Study.—

(5) DISTRICT MANAGEMENT TRAINING PROGRAMS.—

(a) Pursuant to rules guidelines to be adopted by the State Board of Education Florida Council on Educational Management, each school board may submit to the commissioner a proposed program designed to train district administrators and school-based managers, including principals, assistant principals, school site administrators, and persons who are potential candidates for employment in such administrative positions, in the competencies which have been identified by the Florida Council on Educational Management council as being necessary for effective school management. The proposed program shall include a statement of the number of individuals to be included in the program and an itemized statement of the estimated total cost of the program, which shall be paid in part by the district and in part by the department.

(7) REPEAL AND REVIEW OF MANAGEMENT ACT.—The Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Education, shall conduct a comprehensive review of the Management Training Act to determine its effectiveness and by January 1, 2000, shall make recommendations to the presiding officers of the Legislature for the repeal, revision, or reauthorization of the act. This section is repealed effective June 30, 2000.

Section 50. Section 231.09, Florida Statutes, is amended to read:

231.09 Duties of instructional personnel.—The primary duty of instructional personnel is to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, and to master the skills required to graduate from high school prepared for postsecondary education and work. This duty applies to instructional personnel whether they teach or function in a support role. Members of the instructional staff of the public schools shall perform duties prescribed by rules of the school board. Such rules shall include, but not be limited to, rules relating to a teacher's duty to help students master challenging standards and meet all state and local requirements for achievement; teaching efficiently and faithfully, using prescribed materials and methods, including technology-based instruction; recordkeeping; and fulfilling the terms of any contract, unless released from the contract by the school board.

Section 51. Section 231.096, Florida Statutes, 1998 Supplement, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—Each school district school board shall adopt and implement have a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field. The school board shall require that such teachers participate in a certification or staff development program designed to ensure that the teacher has the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services.

Section 52. Section 231.145, Florida Statutes, is amended to read:

231.145 Purpose of instructional personnel certification.—It is the intent of the Legislature that school personnel certified in this state possess the credentials, knowledge, and skills necessary to provide a high-quality quality education in the public schools. The purpose of school personnel certification is to protect the educational interests of students, parents, and the public at large by assuring that teachers in this state are professionally qualified. In fulfillment of its duty to the citizens of this state, the Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence so as to and can demonstrate an acceptable level of professional

performance. Further, the Legislature has established a certificate renewal process which promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.

Section 53. Section 231.15, Florida Statutes, 1998 Supplement, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. The rules must allow the holder of a valid professional certificate to add an area of certification without completing the associated course requirements if the certificateholder attains a passing score on an examination of competency in the subject area to be added, and provides evidence of at least 2 years of satisfactory performance evaluations that considered the performance of students taught by the certificateholder. The rules must allow individuals who have specific subject area expertise, but who have not completed a standard teacher preparation program, to participate in a state-approved alternative certification program for a professional certificate. As appropriate, this program must provide for demonstration competencies in lieu of completion of a specific number of college course credit hours in the areas of assessment, communication, critical thinking, human development and learning, classroom management, planning, technology, diversity, teacher responsibility, code of ethics, and continuous professional improvement. The State Board of Education shall consult with the State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Community Colleges before adopting any changes to training requirements relating to entry into the profession. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction. Each person employed or occupying a position as school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

(2) Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid part-time, temporary, or professional certificate. The provisions of this subsection do

not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district of this state.

(3) Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state. ~~The provisions of this subsection shall not apply to any athletic coach who renders service in a voluntary capacity and who is not employed by any public school of any district in this state.~~

(4)(2) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. 231.02, if he or she meets the following qualifications:

(a) Is retired from active military duty with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 54. Paragraph (c) of subsection (3) and subsections (4), (5), and (8) of section 231.17, Florida Statutes, 1998 Supplement, are amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(3) TEMPORARY CERTIFICATE.—

(c) To qualify for a temporary certificate, the applicant must:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.

2. Be at least 18 years of age.

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, as defined by state board rule. Credits and degrees awarded by a newly created Florida state institution that is part of the State University System shall be considered as granted by an accredited institution of higher learning during the first 2 years of course offerings while accreditation is gained. Degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, may be validated by a process established in state board rule. Once

accreditation is gained, the institution shall be considered as accredited beginning with the 2-year period prior to the date of accreditation. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems.

4. Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

5. Be of good moral character.

6. Demonstrate mastery of general knowledge, including the ability to read, write, compute, and use technology for classroom instruction. Individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on another state's general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(4) PROFESSIONAL CERTIFICATE.—The department shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements for a temporary certificate and documents mastery of the minimum competencies required by subsection (5). Mastery of the minimum competencies must be documented on a comprehensive written examination or through other criteria as specified by rules of the state board. Mastery of minimum competencies required under subsection (5) must be demonstrated in the following areas:

(a) General knowledge, including the ability to read, write, and compute, and use technology for classroom instruction. However, individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on another state's general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.

(b) Professional skills and knowledge of the standards of professional practice.

(c) The subject matter in each area for which certification is sought.

(5) MINIMUM COMPETENCIES FOR PROFESSIONAL CERTIFICATE.—

(a) The state board must specify, by rule, the minimum essential competencies that educators must possess and demonstrate in order to qualify to teach students the standards of student performance adopted by the state board. The minimum competencies must include but are not limited to the ability to:

1. Write in a logical and understandable style with appropriate grammar and sentence structure.

2. Read, comprehend, and interpret professional and other written material.

3. Comprehend and work with fundamental mathematical concepts, including algebra.

4. Recognize signs of students' difficulty with the reading process and apply appropriate measures to improve students' reading performance.

5.4. Recognize signs of severe emotional distress in students and apply techniques of crisis intervention with an emphasis on suicide prevention and positive emotional development.

6.5. Recognize signs of alcohol and drug abuse in students and know how to appropriately work with such students and seek assistance designed to prevent apply counseling techniques with emphasis on intervention and prevention of future abuse.

7.6. Recognize the physical and behavioral indicators of child abuse and neglect, know rights and responsibilities regarding reporting, know how to care for a child's needs after a report is made, and know recognition, intervention, and prevention strategies pertaining to child abuse and neglect which can be related to children in a classroom setting in a nonthreatening, positive manner.

8.7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and counsel these students concerning their needs in these areas.

9.8. Recognize and be aware of the instructional needs of exceptional students.

10.9. Comprehend patterns of normal development in students and employ appropriate intervention strategies for disorders of development.

11.10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.

12.11. Recognize and demonstrate awareness of the educational needs of students who have limited proficiency in English and employ appropriate teaching strategies.

13.12. Use and integrate appropriate technology in teaching and learning processes and in managing, evaluating, and improving instruction.

14.13. Use assessment and other diagnostic strategies to assist the continuous development of the learner.

15.14. Use teaching and learning strategies that include considering each student's culture, learning styles, special needs, and socioeconomic background.

16.15. Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills specified in the Sunshine State Standards and student performance standards approved by the state board.

17. Recognize the early signs of truancy in students and identify effective interventions to avoid or resolve nonattendance behavior.

18. Demonstrate knowledge and skill in managing student behavior inside and outside the classroom. Such knowledge and skill must include techniques for preventing and effectively responding to incidents of disruptive or violent behavior.

19. Demonstrate knowledge of and skill in developing and administering appropriate classroom assessment instruments designed to measure student learning gains.

20. Demonstrate the ability to maintain a positive collaborative relationship with students' families to increase student achievement.

(b) The state board shall designate the certification areas for subject area tests. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or corresponding tests from, beginning January 1, 1996, the National Teachers Examination series must be used by degreed personnel to demonstrate mastery of general knowledge as required in paragraphs (3)(c) and paragraph (4)(a). All required tests may be taken prior to graduation. The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the former Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.

#### (8) EXAMINATIONS.—

(a) The commissioner, with the approval of the state board, may contract for developing, printing, administering, scoring, and appropriate analysis of the written tests required.

(b) The state board shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and ~~certain~~ temporary

~~certificate certificates. When the College Level Academic Skills Test is used to demonstrate general knowledge, Such rules must provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute; must define generic subject area competencies; and must establish uniform evaluation guidelines. Individuals who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule which~~ The alternative method must:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental research school, or the governing authority of the employing state-supported school or nonpublic school that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area. The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(c) If an applicant takes an examination developed by this state and does not achieve the score necessary for certification, the applicant may review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(d) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers are exempt from s. 119.07(1).

Section 55. Subsection (3) is added to section 231.1725, Florida Statutes, 1998 Supplement, to read:

231.1725 Employment of substitute teachers, teachers of adult education, and nondegree teachers of career education; students performing clinical field experience.—

(3) A student who is enrolled in a state-approved teacher preparation program in an institution of higher education which is approved by rules of the State Board of Education and who is jointly assigned by the institution of higher education and a school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same protection of law as that accorded to the certified educator except for the right to bargain collectively as employees of the school board.

Section 56. Section 231.174, Florida Statutes, is amended to read:

231.174 Alternative preparation programs for certified teachers to add additional coverage.—A district school board may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates ~~to teach exceptional education classes or in other areas of critical shortage~~. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 57. Subsection (3) of section 231.29, Florida Statutes, 1998 Supplement, is amended to read:

231.29 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 shall comply with, but need shall not be limited to, the following requirements:

(a) An assessment must shall be conducted for each employee at least once a year. The assessment must shall be based upon sound educational principles and contemporary research in effective educational practices. Beginning with the full implementation of an annual assessment of learning gains, the assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 229.57 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 229.57 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.

~~2.1.~~ Ability to maintain appropriate discipline.

~~3.2.~~ Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4.3. Ability to plan and deliver instruction, including the use of technology in the classroom.

5.4. Ability to evaluate instructional needs.

6.5. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement communicate with parents.

7.6- Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

(b) All personnel ~~must~~ shall be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent for the purpose of reviewing the employee's contract. If the employee is assigned to a school designated in performance grade category "D" or "F" and was rated unsatisfactory on any function related to the employee's instructional or administrative duties, the superintendent, in consultation with the employee's evaluator, shall review the employee's performance assessment. If the superintendent determines that the lack of general knowledge, subject area expertise, or other professional competencies contributed to the employee's unsatisfactory performance, the superintendent shall notify the district school board of that determination. The district school board shall require those employees, as part of their performance probation, to take and receive a passing score on a test of general knowledge, subject area expertise, or professional competencies, whichever is appropriate. The tests required by this paragraph shall be those required for certification under chapter 231 and rules of the State Board of Education. The evaluator must submit the written report to the employee no later than 10 days after the assessment takes place. The evaluator must discuss the written report of assessment with the employee. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2.a. If the employee holds a professional service contract as provided in s. 231.36, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following from the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and appraised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another

appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

**b.3.** Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

**(I)a.** A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

**(II)b.** A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 58. Subsections (1), (4), and (6) of section 231.36, Florida Statutes, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal.

The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract. After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the school board.

(4)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent, by the principal if his or her contract is not under consideration, or by a majority of the school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the school board, and such notice shall include a copy of the charges and the recommendation to the school board. The school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the school board, the school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

1. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the school board, the school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her

pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

Section 59. Paragraph (a) of subsection (1) of section 231.546, Florida Statutes, 1998 Supplement, is amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall have the duty to:

(a) Recommend to the state board high desirable standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns. Such standards must be consistent with the state's duty to provide a high-quality system of public education to all students.

Section 60. Subsections (1) and (3) and paragraph (b) of subsection (4) of section 231.600, Florida Statutes, 1998 Supplement, are amended, and subsections (8) and (9) are added to that section, to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community to meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 229.591.

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives;

(b) Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become developing in school children the dispositions that will motivate them to be active learners; and

(c) Provide continuous support as well as, rather than temporary intervention for education professionals who need improvement in knowledge, skills, and performance, for improving the performance of teachers and others who assist children in their learning.

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

(b) Each district school board shall consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation

of the district professional development program. The professional development system must:

1. Require that principals and schools use student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, and other performance indicators to identify school and student needs that can be met by improved professional performance, and assist principals and schools in making these identifications;

2. Provide training activities coupled with followup support that is appropriate to accomplish district-level and school-level improvement goals and standards; ~~and~~

3. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;:-

4. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs; and

5. Continuously evaluate the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

(8) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(9) For teachers and administrators who have been evaluated as less than satisfactory, a school board may require participation in specific professional development programs as part of the improvement prescription.

Section 61. Subsection (2) of section 236.08106, Florida Statutes, 1998 Supplement, is amended, and subsections (3) and (4) are added to that section, to read:

#### 236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall ~~allocate and~~ distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each distribution school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education school district to the NBPTS on behalf of each individual who is an employee of a the

district school board or a public school within ~~the~~ that school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than \$1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of \$150 paid by the Department of Education to ~~for~~ each teacher employed by a the district school board or a public school within a school ~~the~~ district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's state-wide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the ~~that~~ school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's state-wide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the district who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during the regular school day or during the 196 days of required service for the school year.

~~(e) The district shall receive an amount equal to 50 percent of the teacher bonuses provided under paragraphs (c) and (d), which shall be used by the district for professional development of teachers. The district must give priority to using all funds received pursuant to this paragraph for professional development of teachers employed at schools identified as performing at critically low levels.~~

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay

the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

(b) A person who is employed by the state, or any of its political subdivisions, may not be dismissed for having defaulted on the repayment of the certification fee subsidy to the state.

(4) The State Board of Education may adopt rules as necessary to implement the provisions for payment of the fee subsidies, incentives, and bonuses and for the repayment of defaulted certification fee subsidies under this section.

Section 62. Subsection (1), paragraph (b) of subsection (3), and subsections (4) and (5) of section 240.529, Florida Statutes, are amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(1) INTENT.—~~The Legislature recognizes that skilled teachers make an the most important contribution to a quality educational system that allows students to obtain a high-quality education and that competent teachers are produced by effective and accountable teacher preparation programs.~~ The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates teachers with the competencies and skills necessary to achieve for achieving the

state education goals; help students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain ~~sustaining~~ the state system of school improvement and education accountability established pursuant to ss. 229.591 and, 229.592, ~~and~~ 229.593. To further this intent, the Commissioner of Education shall appoint a Teacher Preparation Program Committee for the purpose of establishing core curricula in each state-approved teacher preparation program. The committee shall consist of representatives from presidents of public and private colleges and universities, deans of colleges of education, presidents of community colleges, district school superintendents, and high-performing teachers. The curricula shall be focused on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards, with a clear emphasis on the importance of reading at all grade levels. The committee shall report its recommendations to the State Board of Education by January 1, 2000, and at that time may be dissolved. The state board shall adopt rules that establish uniform core curricula for each state-approved teacher preparation program and shall use this report in the development of such rules.

(3) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet one of the following as prerequisites ~~a prerequisite~~ for admission into the program:

1. ~~That a student receive a passing score at the 40th percentile or above, as established by state board rule, on a nationally standardized college entrance examination;~~

1.2. ~~That a student~~ Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies; or

3. ~~That a student~~ have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by state board rule; and.

2. Beginning with the 2000-2001 academic year, demonstrate mastery of general knowledge, including the ability to read, write, and compute by passing the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

The State Board of Education may ~~shall~~ provide by rule for a waiver of these requirements. The rule shall require that 90 percent of those admitted to each teacher education program meet the requirements of this paragraph and that the program implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(4) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (3), failure by a public or nonpublic teacher preparation program to

meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval which document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education within the state is contingent upon the passing of the written examination required by s. 231.17 by at least 90 ~~80~~ percent of the graduates of the program who take the examination. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria must emphasize outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been overrepresented in school suspensions and other disciplinary actions, and must ~~may~~ include, but need not be limited to, program graduates' satisfaction with training and the unit's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the institutions of higher education, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. By January 1 of each year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each postsecondary institution that has state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(c) ~~Beginning July 1, 1997,~~ Continued approval for a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the

institutional program evaluation plan and training evaluation team members.

(d) Beginning July 1, 1997, Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(e) Beginning July 1, 2000, continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection (3) and upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program. Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education.

(f) Beginning with the 2000-2001 academic year, each public and private institution that offers a teacher preparation program in this state must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that conforms with definitions and methods proposed by the Education Standards Commission, that is consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics, and that is approved by the State Board of Education. This information shall be reported through publications such as college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 231.17 and 231.24; ~~or at least 3 years of successful teaching experience in prekindergarten through grade 12; or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.~~

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of “clinical educator” training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The Education Standards Commission shall recommend, and the state board shall approve, the training requirements.

(c) Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, and ways to link

instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d)(e) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers. A nonpublic school association, in order to be approved, must have a state-approved master inservice program plan in accordance with s. 236.0811.

Section 63. Section 231.6135, Florida Statutes, is created to read:

231.6135 Statewide system for inservice professional development.— The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers and administrators designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(1) Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary institutions which may award college credits for courses taught at the academy.

(2) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer-based delivery systems.

(3) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, administrators, schools, and school districts relating to improving student achievement and meeting state and local education goals.

(4) Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.

(5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent and one school board chairman from the participating school

districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts.

(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions.

(7) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.

(8) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

Section 64. Section 231.601, Florida Statutes, is repealed.

Section 65. Section 230.2316, Florida Statutes, 1998 Supplement, is amended to read:

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the “Dropout Prevention and Academic Intervention Act.”

(2) INTENT.—~~The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school.~~ The Legislature finds that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to develop and establish dropout prevention and academic intervention activities designed to meet the needs of students who do not perform well in traditional educational programs. ~~establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system.~~ It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

## (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—

(a) ~~Dropout prevention and academic intervention programs may~~ shall differ from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and ~~or~~ diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education as provided in s. 233.0612, and related services which support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline completion of a high school diploma. Student participation in such programs shall be voluntary. Districts may, however, assign students to a program for disruptive students. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family. The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.

(b) ~~Students in grades 1-12 4-12 shall be eligible for dropout prevention and academic intervention programs. Eligible dropout prevention students shall be reported in the appropriate basic cost factor for dropout prevention full-time equivalent student membership in the Florida Education Finance Program in standard dropout prevention classes or student support and assistance components which provide academic assistance and coordination of support services to students enrolled full time in a regular classroom. The strategies and supports provided to eligible students shall be funded through the General Appropriations Act and may include, but are not limited to those services identified on the student's academic intervention plan. The student support and assistance component shall include auxiliary services provided to students or teachers, or both. Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.~~

(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program a potential dropout based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

1. ~~The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or high absenteeism or habitual truancy as defined in s. 228.041(28).~~

~~2.—The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs.~~

~~3.—The student has been identified as a potential school dropout by student services personnel using district criteria. District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.~~

~~4.—The student has documented drug-related or alcohol-related problems, or has immediate family members with documented drug-related or alcohol-related problems that adversely affect the student's performance in school.~~

~~3. 5.~~ The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

~~6.—The student is assigned to a program provided pursuant to chapter 39, chapter 984, or chapter 985 which is sponsored by a state-based or community-based agency or is operated or contracted for by the Department of Children and Family Services or the Department of Juvenile Justice.~~

(d)1. "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.

2. School districts seeking to enter into a partnership with a private entity or public entity to operate a second chance school for disruptive students may apply to the Department of Education for startup grants from the Department of Education. These grants must be available for 1 year and must be used to offset the startup costs for implementing such programs off public school campuses. General operating funds must be generated through the appropriate programs of the Florida Education Finance Program. Grants approved under this program shall be for the full operation of the school by a private nonprofit or for-profit provider or the public entity. This

program must operate under rules adopted by the Department of Education and must be implemented to the extent funded by the Legislature.

3. 2. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

4. 3. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 2. are met.

5. 4. A student may be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

6. 5. Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

~~7. 6.~~ Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

~~8. 7.~~ Students who exhibit academic and social progress and who wish to return to a traditional school shall complete a character development and law education program, as provided in s. 233.0612, and demonstrate preparedness to reenter the regular school setting ~~be evaluated by school district personnel~~ prior to reentering a traditional school.

~~8.—Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.~~

(4) PROGRAM IMPLEMENTATION.—

(a) Each district may establish ~~one or more alternative programs for dropout prevention and academic intervention programs~~ at the elementary, middle, junior high school, or high school level. Programs designed to eliminate patterns of excessive absenteeism or habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of vocational education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.

(b) Each school that establishes ~~or continues~~ a dropout prevention and academic intervention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(16).

~~(c) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section.~~

(5) EVALUATION.—Each school district receiving state funding for dropout prevention and academic intervention programs through the General Appropriations Act Florida Education Finance Program shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(6) STAFF DEVELOPMENT.—Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these at-risk students. ~~Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.~~

(7) RECORDS.—Each district providing a ~~program for dropout prevention and academic intervention program~~ pursuant to the provisions of this section shall maintain for each participating student ~~for whom funding is generated through the Florida Education Finance Program~~ records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent, guardian, or legal custodian. The parent, guardian, or legal custodian of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgement to the principal within 3 days after receipt of the notice. The parents or guardians of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

(8) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention and academic intervention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies and juvenile assessment centers in the school district. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention and academic intervention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(9) RULES.—The Department of Education shall have the authority pursuant to ss. 120.536(1) and 120.54 to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of necessary paperwork and reporting ~~necessary~~ to comply with this act.

Section 66. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16).

Each principal must make the necessary provisions to ensure that all school reports are accurate and timely, and must provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data. A principal who fails to comply with this section shall be ineligible for any portion of the performance pay policy incentive under s. 230.23(5)(c).

Section 67. Section 232.001, Florida Statutes, is created to read:

232.001 Pilot project.—It is the purpose of this section to require the Manatee County District School Board to implement a pilot project that raises the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The pilot project applies to each child who has not attained the age of 16 years by September 30 of the school year in which a school board policy is adopted.

(1) Beginning July 1, 1999, the Manatee County District School Board shall implement a pilot project consistent with policy adopted by the school board to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years.

(2) The district school board must, before the beginning of the school year, adopt a policy for raising the compulsory age of attendance for children from the age of 16 years to 18 years.

(a) Before the adoption of the policy, the district school board must provide a notice of intent to adopt a policy to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The notice must be provided to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district.

(b) Within 2 weeks after adoption of the school board policy, the district school board must provide notice of the policy to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district. The notice must also provide information related to the penalties for refusing or failing to comply with the compulsory attendance requirements and information on alternative education programs offered within the school district.

(3) All state laws and State Board of Education rules related to students subject to compulsory school attendance apply to the district school board. Notwithstanding the provisions of s. 232.01, the formal declaration of intent to terminate school enrollment does not apply to the district school board.

(4) The school board must evaluate the effect of its adopted policy raising the compulsory age of attendance on school attendance and on the school district's dropout rate, as well as on the costs associated with the pilot project. The school district shall report its findings to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, the Governor, and the Commissioner of Education not later than August 1 following each year that the pilot project is in operation.

Section 68. Subsection (2) of section 232.09, Florida Statutes, is amended to read:

232.09 Parents and legal guardians responsible for attendance of children; attendance policy.—

(2) Each parent and legal guardian of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a child from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent, guardian, or other person having control of the child until the provisions of s. 232.17(2) have been complied with. A parent or guardian of a child is not responsible for the child's non-attendance at school under any of the following conditions:

(a) With permission.—The absence was with permission of the head of the school; or

(b) Without knowledge.—The absence was without the parent's knowledge, consent, or connivance, in which case the child shall be dealt with as a dependent child; or

(c) Financial inability.—The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board; or

(d) Sickness, injury, or other insurmountable condition.—Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by rules of the state board. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy which includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 69. Section 232.17, Florida Statutes, 1998 Supplement, is amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of

improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent or guardian to determine the reason for the absence. If the absence is an excused absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies.

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;

5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; or
10. Other interventions.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f) If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151. Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.

~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—A designated school representative shall investigate cases of nonenrollment and unexcused absences from school of all children subject to compulsory school attendance.~~

~~(2) GIVE WRITTEN NOTICE.—~~

(a) Under the direction of the superintendent, a designated school representative shall give written notice, in person or by return-receipt mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school which requires ~~or when the child has a minimum of 3 but fewer than 6 unexcused absences within 90 calendar days, requiring~~ enrollment or attendance within 3 days after the date of notice. If the notice and requirement are ignored, the designated school representative shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 984.12, ~~if the~~

conditions of s. 232.19(3) have been met. The superintendent shall may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control.

(b) Subsequent to the activities required under subsection (1), the superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance. The superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN CHILD TO PARENT.—A designated school representative shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is not enrolled or is absent from school during school hours without an excuse, and, when the child is found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.—A designated school representative shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

~~(6) RESUMING SERIES.—If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.~~

Section 70. Subsection (3) of section 232.19, Florida Statutes, 1998 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—The superintendent is authorized to file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the superintendent chooses not to file a truancy

petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to this subsection and chapter 984. In accordance with procedures established by the district school board, the designated school representative shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truant behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and s. 232.17 subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing. Prior to the filing of a petition, the school district must have complied with the requirements of s. 232.17, and those efforts must have been unsuccessful.:

~~(a) The child must have 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the child's parent or legal guardian, must be subject to compulsory school attendance, and must not be exempt under s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.~~

~~(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:~~

~~1. After a minimum of 3 and prior to 6 unexcused absences within 90 calendar days, one or more meetings must have been held, either in person or by phone, between a designated school representative, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the designated school representative has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.~~

~~2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in a dropout prevention program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.~~

~~3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.~~

Section 71. Subsection (3) of section 232.271, Florida Statutes, is amended to read:

232.271 Removal by teacher.—

(3) If a teacher removes a student from class under subsection (2), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 230.2316; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under s. 232.272 determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

Section 72. Effective July 1, 1999, paragraph (a) of subsection (1) of section 236.081, Florida Statutes, 1998 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner. Beginning with the 1999-2000 school year, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with the 2001-2002 school year, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.

Section 73. Paragraph (a) of subsection (4) of section 239.505, Florida Statutes, is amended to read:

239.505 Florida Constructive Youth Programs.—

(4) FUNDING.—Each district school board or community college board of trustees wishing to implement a constructive youth program must submit a comprehensive plan to the Department of Education no later than October 1 of the preceding school year, which plan must include a list of all funding sources, including, but not limited to:

(a) Funds available for programs authorized under the Dropout Prevention and Academic Intervention Act, as provided in s. 230.2316, ~~and Dropout prevention programs funded pursuant to the provisions of s. 236.081(1)(c).~~

Section 74. Subsection (29) of section 984.03, Florida Statutes, 1998 Supplement, is amended, present subsection (57) of that section is redesignated as subsection (58), and a new subsection (57) is added to that section, to read:

984.03 Definitions.—When used in this chapter, the term:

(29) “Habitually truant” means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child’s parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) ~~Escalating~~ Activities to determine the cause, and to attempt the remediation, of the child’s truant behavior under ss. 232.17 and 232.19 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. ~~Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.~~

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be

needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

(57) "Truancy petition" means a petition filed by the school superintendent alleging that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

Section 75. Section 984.151, Florida Statutes, is created to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent may file a truancy petition.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory

attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months; the student and the student's parent or guardian to participate in homemaker or parent aide services; the student or the student's parent or guardian to participate in intensive crisis counseling; the student or the student's parent or guardian to participate in community mental health services if available and applicable; the student and the student's parent or guardian to participate in service provided by voluntary or community agencies as available; and the student or the student's parent or guardian to participate in vocational, job training, or employment services.

(8) If the student does not successfully complete the sanctions ordered in subsection (7), the case shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a child-in-need-of-services petition under s. 984.15.

Section 76. The State Board of Education shall adopt such rules as necessary to ensure that not-for-profit, professional teacher associations which offer membership to all teachers, noninstructional personnel, and administrators, and which offer teacher training and staff development at no fee to the district shall be given equal access to voluntary teacher meetings, be provided access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deduction.

Section 77. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 78. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Approved by the Governor June 21, 1999.

Filed in Office Secretary of State June 21, 1999.