

By the Committee on Education

581-02100-14

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1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1008.34, F.S.; providing definitions for the
4 statewide, standardized assessment program and school
5 grading system; deleting annual reports; revising
6 authority over allocation of a school's budget based
7 on school grades; revising the basis for the
8 calculation of school grades; revising the contents of
9 the school report card; revising the basis for the
10 calculation of district grades; requiring the
11 Department of Education to develop a district report
12 card; providing for transition to the revised school
13 grading system; amending s. 1001.42, F.S.; revising
14 criteria that necessitate a school's improvement plan
15 to include certain strategies; amending s. 1002.33,
16 F.S.; revising cross-references; amending s.
17 1003.621, F.S.; revising cross-references; amending s.
18 1008.31, F.S.; revising legislative intent for the K-
19 20 education performance accountability system;
20 amending s. 1008.33, F.S.; conforming provisions
21 relating to school improvement and education
22 accountability; amending s. 1008.341, F.S.; revising
23 provisions relating to the school improvement rating
24 for alternative schools; amending s. 1008.3415, F.S.;
25 correcting cross-references; requiring the
26 Commissioner of Education to exempt students from
27 taking statewide, standardized assessments under
28 certain circumstances; authorizing a parent to request
29 that a student who is granted an exemption participate

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30 in statewide, standardized assessments; requiring the
31 State Board of Education to adopt rules; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 1008.34, Florida Statutes, is amended to
37 read:

38 1008.34 School grading system; school report cards;
39 district grade.—

40 (1) DEFINITIONS.—For purposes of the statewide,
41 standardized assessment program and school grading system, the
42 following terms are defined:

43 (a) "Achievement level," "student achievement," or
44 "achievement" describes the level of content mastery a student
45 has acquired in a particular subject as measured by a statewide,
46 standardized assessment administered pursuant to s.
47 1008.22(3)(a) and (b). There are five achievement levels. Level
48 1 is the lowest achievement level, level 5 is the highest
49 achievement level, and level 3 indicates satisfactory
50 performance. A student passes an assessment if the student
51 achieves a level 3, level 4, or level 5. For purposes of the
52 Florida Alternate Assessment administered pursuant to s.
53 1008.22(3)(c), the state board shall provide, in rule, the
54 number of achievement levels and identify the achievement levels
55 that are considered passing.

56 (b) "Learning Gains," "annual learning gains," or "student
57 learning gains" means the degree of student learning growth
58 occurring from one school year to the next as required by state

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59 board rule for purposes of calculating school grades under this
60 section.

61 (c) "Student performance," "student academic performance,"
62 or "academic performance" includes, but is not limited to,
63 student learning growth, achievement levels, and Learning Gains
64 on statewide, standardized assessments administered pursuant to
65 s. 1008.22.

66 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~
67 ~~prepare annual reports of the results of the statewide~~
68 ~~assessment program which describe student achievement in the~~
69 ~~state, each district, and each school. The commissioner shall~~
70 ~~prescribe the design and content of these reports, which must~~
71 ~~include descriptions of the performance of all schools~~
72 ~~participating in the assessment program and all of their major~~
73 ~~student populations as determined by the commissioner. The~~
74 ~~report must also include the percent of students performing at~~
75 ~~or above grade level and making learning gains in reading and~~
76 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~
77 ~~records apply to this section.~~

78 ~~(2) SCHOOL GRADES. The annual report shall identify Schools~~
79 ~~shall be graded using as having~~ one of the following grades,
80 defined according to rules of the State Board of Education:

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

86
87 Each school that earns a grade of "A" or improves at least two

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88 letter grades may ~~shall~~ have greater authority over the
89 allocation of the school's total budget generated from the FEFP,
90 state categoricals, lottery funds, grants, and local funds, ~~as~~
91 ~~specified in state board rule. The rule must provide that the~~
92 ~~increased budget authority shall remain in effect until the~~
93 ~~school's grade declines.~~

94 (3) DESIGNATION OF SCHOOL GRADES.—

95 (a) Each school must assess at least 95 percent of its
96 eligible students, except as provided under s. 1008.341 for
97 alternative schools. Beginning with the 2013-2014 school year,
98 ~~Each school that has students who are tested and included in the~~
99 ~~school grading system~~ shall receive a school grade based on the
100 school's performance on the components listed in subparagraphs
101 (b)1. and 2. If a school does not have at least 10 students with
102 complete data for one or more of the components listed in
103 subparagraphs (b)1. and 2., those components may not be used in
104 calculating the school's grade. if the number of its students
105 ~~tested on statewide assessments pursuant to s. 1008.22 meets or~~
106 ~~exceeds the minimum sample size of 10, except as follows:~~

107 1. An alternative school may choose to receive a school
108 grade under this section or a school improvement rating under s.
109 1008.341. For charter schools that meet the definition of an
110 alternative school pursuant to State Board of Education rule,
111 the decision to receive a school grade is the decision of the
112 charter school governing board.

113 2. A school that serves any combination of students in
114 kindergarten through grade 3 that ~~which~~ does not receive a
115 school grade because its students are not tested and included in
116 the school grading system shall receive the school grade

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117 designation of a K-3 feeder pattern school identified by the
118 Department of Education and verified by the school district. A
119 school feeder pattern exists if at least 60 percent of the
120 students in the school serving a combination of students in
121 kindergarten through grade 3 are scheduled to be assigned to the
122 graded school.

123 3. If a collocated school does not earn a school grade or
124 school improvement rating for the performance of its students,
125 the student performance data of all schools operating at the
126 same facility must be aggregated to develop a school grade that
127 will be assigned to all schools at that location. A collocated
128 school is a school that has its own unique master school
129 identification number, provides for the education of each of its
130 enrolled students, and operates at the same facility as another
131 school that has its own unique master school identification
132 number and provides for the education of each of its enrolled
133 students.

134 (b)1. Beginning with the 2014-2015 school year, a school's
135 grade shall be based on the following components, each worth 100
136 points a combination of:

137 a. The percentage of eligible students passing ~~Student~~
138 ~~achievement scores on statewide, standardized assessments in~~
139 ~~English Language Arts under s. 1008.22(3) ~~1008.22~~ and~~
140 ~~achievement scores for students seeking a special diploma.~~

141 b. The percentage of eligible students passing statewide,
142 standardized assessments in mathematics under s. 1008.22(3).

143 c. The percentage of eligible students passing statewide,
144 standardized assessments in science under s. 1008.22(3).

145 d. The percentage of eligible students passing the

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146 statewide, standardized assessments in social studies under s.
147 1008.22(3).

148 e.b. The percentage of eligible students who make Student
149 Learning Gains in ~~FCAT Reading or, upon transition to common~~
150 ~~core assessments, the common core~~ English Language Arts and
151 ~~Mathematics assessments~~ as measured by statewide, standardized
152 assessments administered ~~under pursuant to~~ s. 1008.22(3)
153 ~~1008.22, including learning gains for students seeking a special~~
154 ~~diploma, as measured by an alternate assessment.~~

155 f. The percentage of eligible students who make Learning
156 Gains in mathematics as measured by statewide, standardized
157 assessments administered under s. 1008.22(3).

158 g.c. The percentage of eligible students in ~~Improvement of~~
159 the lowest 25 percent in English Language Arts, as identified by
160 prior year performance on statewide, standardized assessments,
161 who make Learning Gains as measured by statewide, standardized
162 English Language Arts assessments administered under s.
163 1008.22(3) 25th percentile of students in the school in reading
164 ~~or, upon transition to common core assessments, English Language~~
165 ~~Arts and Mathematics assessments administered pursuant to s.~~
166 ~~1008.22, unless these students are exhibiting satisfactory~~
167 ~~performance.~~

168 h. The percentage of eligible students in the lowest 25
169 percent in mathematics, as identified by prior year performance
170 on statewide, standardized assessments, who make Learning Gains
171 as measured by statewide, standardized mathematics assessments
172 administered under s. 1008.22(3).

173 i. For schools comprised of middle grades 6 through 8 or
174 grades 7 and 8, the school's grade shall include the percentage

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175 of eligible students passing high school level courses with
176 statewide, standardized assessments required for high school
177 graduation. As valid data becomes available, the school grades
178 shall include the students' attainment of national industry
179 certifications that satisfy high school graduation requirements
180 and are identified in the Industry Certification Funding List
181 pursuant to rules adopted by the state board.

182
183 In calculating Learning Gains for the components listed in sub-
184 subparagraphs e.-i., the State Board of Education shall require
185 that learning growth toward achievement levels 3, 4, and 5 is
186 demonstrated by students who scored below each of those levels
187 in the prior year.

188 ~~2. Beginning with the 2011-2012 school year, for schools~~
189 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~
190 ~~school's grade shall include the performance and participation~~
191 ~~of its students enrolled in high school level courses with~~
192 ~~statewide, standardized assessments administered under s.~~
193 ~~1008.22. Performance and participation must be weighted equally.~~
194 ~~As valid data becomes available, the school grades shall include~~
195 ~~the students' attainment of national industry certification~~
196 ~~identified in the Industry Certification Funding List pursuant~~
197 ~~to rules adopted by the state board.~~

198 ~~2.3. Beginning with the 2009-2010 school year For a school~~
199 ~~schools comprised of high school grades 9, 10, 11, and 12, or~~
200 ~~grades 10, 11, and 12, the school's grade at least 50 percent of~~
201 ~~the school grade shall be based on sub-subparagraphs 1.a.-h. and~~
202 ~~a combination of the factors listed in sub-subparagraphs 1.a.-e.~~
203 ~~and the remaining percentage on the following components, each~~

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204 worth 100 points factors:

205 a. The four-year high school graduation rate of the school,
206 as defined by state board rule.†

207 b. The percentage of students who were eligible to earn
208 college credit through ~~As valid data becomes available, the~~
209 ~~performance and participation of the school's students in~~
210 College Board Advanced Placement examinations courses,
211 International Baccalaureate examinations courses, dual
212 enrollment courses, or and Advanced International Certificate of
213 Education examinations courses; or who, at any time during high
214 school, earned and the students' achievement of national
215 industry certification for which there is a statewide
216 articulation agreement and that is identified in the Industry
217 Certification Funding List, pursuant to rules adopted by the
218 state board.†

219 (c)1. The calculation of a school grade shall be based on
220 the percentage of points earned from the components listed in
221 subparagraph (b)1. and, if applicable, subparagraph (b)2. The
222 State Board of Education shall adopt in rule a school grading
223 scale that sets the percentage of points needed to earn each of
224 the school grades listed in subsection (2). There shall be at
225 least five percentage points separating the percentage
226 thresholds needed to earn each of the school grades. The state
227 board shall periodically review the school grading scale to
228 determine if the scale should be adjusted upward to meet raised
229 expectations and encourage increased student performance.

230 2. The calculation of school grades may not include any
231 provision that would raise or lower the school's grade beyond
232 the percentage of points earned. Extra weight may not be added

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233 to the calculation of any components.

234 ~~e. Postsecondary readiness of all of the school's on-time~~
235 ~~graduates as measured by the SAT, the ACT, the Postsecondary~~
236 ~~Education Readiness Test, or the common placement test;~~

237 ~~d. The high school graduation rate of at-risk students, who~~
238 ~~score Level 1 or Level 2 on grade 8 FCAT Reading or the English~~
239 ~~Language Arts and mathematics assessments administered under s.~~
240 ~~1008.22;~~

241 ~~e. As valid data becomes available, the performance of the~~
242 ~~school's students on statewide, standardized end-of-course~~
243 ~~assessments administered under s. 1008.22(3)(b) 4. and 5.; and~~

244 ~~f. The growth or decline in the components listed in sub-~~
245 ~~subparagraphs a.-c. from year to year.~~

246 ~~(c) Student assessment data used in determining school~~
247 ~~grades shall include:~~

248 ~~1. The aggregate scores of all eligible students enrolled~~
249 ~~in the school who have been assessed on statewide, standardized~~
250 ~~assessments in courses required for high school graduation,~~
251 ~~including, beginning with the 2011-2012 school year, the end-of-~~
252 ~~course assessment in Algebra I; and beginning with the 2012-2013~~
253 ~~school year, the end-of-course assessments in Geometry and~~
254 ~~Biology I; and beginning with the 2014-2015 school year, on the~~
255 ~~statewide, standardized end-of-course assessment in civics~~
256 ~~education at the middle grades level.~~

257 ~~2. The aggregate scores of all eligible students enrolled~~
258 ~~in the school who have been assessed on statewide, standardized~~
259 ~~assessments under s. 1008.22 and who have scored at or in the~~
260 ~~lowest 25th percentile of students in the school in reading and~~
261 ~~mathematics, unless these students are exhibiting satisfactory~~

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262 ~~performance.~~

263 (d) The performance of students attending alternative
264 schools and students designated as hospital or homebound shall
265 be factored into a school grade as follows:

266 1.3. The student performance data for ~~achievement scores~~
267 ~~and learning gains of~~ eligible students attending alternative
268 schools that provide dropout prevention and academic
269 intervention services pursuant to s. 1003.53 shall be included
270 in the calculation of the home school's grade. The term
271 "eligible students" in this subparagraph does not include
272 students attending an alternative school who are subject to
273 district school board policies for expulsion for repeated or
274 serious offenses, who are in dropout retrieval programs serving
275 students who have officially been designated as dropouts, or who
276 are in programs operated or contracted by the Department of
277 Juvenile Justice. ~~The student performance data for eligible~~
278 ~~students identified in this subparagraph shall be included in~~
279 ~~the calculation of the home school's grade.~~ As used in this
280 subparagraph and s. 1008.341, the term "home school" means the
281 school to which the student would be assigned if the student
282 were not assigned to an alternative school. If an alternative
283 school chooses to be graded under this section, student
284 performance data for eligible students identified in this
285 subparagraph shall not be included in the home school's grade
286 but shall be included only in the calculation of the alternative
287 school's grade. A school district that fails to assign
288 statewide, standardized end-of-course assessment scores of each
289 of its students to his or her home school or to the alternative
290 school that receives a grade shall forfeit Florida School

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291 Recognition Program funds for one ± fiscal year. School
292 districts must require collaboration between the home school and
293 the alternative school in order to promote student success. This
294 collaboration must include an annual discussion between the
295 principal of the alternative school and the principal of each
296 student's home school concerning the most appropriate school
297 assignment of the student.

298 2.4. Student performance data for ~~The achievement scores~~
299 ~~and learning gains of students designated as~~ hospital or
300 homebound ~~hospital or homebound. Student assessment data for~~
301 ~~students designated as hospital or homebound~~ shall be assigned
302 to their home school for the purposes of school grades. As used
303 in this subparagraph, the term "home school" means the school to
304 which a student would be assigned if the student were not
305 assigned to a hospital or homebound ~~hospital or homebound~~
306 program.

307 ~~5. For schools comprised of high school grades 9, 10, 11,~~
308 ~~and 12, or grades 10, 11, and 12, the data listed in~~
309 ~~subparagraphs 1.-3. and the following data as the Department of~~
310 ~~Education determines such data are valid and available:~~

311 a. ~~The high school graduation rate of the school as~~
312 ~~calculated by the department;~~

313 b. ~~The participation rate of all eligible students enrolled~~
314 ~~in the school and enrolled in College Board Advanced Placement~~
315 ~~courses; International Baccalaureate courses; dual enrollment~~
316 ~~courses; Advanced International Certificate of Education~~
317 ~~courses; and courses or sequences of courses leading to national~~
318 ~~industry certification identified in the Industry Certification~~
319 ~~Funding List, pursuant to rules adopted by the State Board of~~

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320 Education;

321 ~~e. The aggregate scores of all eligible students enrolled~~
322 ~~in the school in College Board Advanced Placement courses,~~
323 ~~International Baccalaureate courses, and Advanced International~~
324 ~~Certificate of Education courses;~~

325 ~~d. Earning of college credit by all eligible students~~
326 ~~enrolled in the school in dual enrollment programs under s.~~
327 ~~1007.271;~~

328 ~~e. Earning of a national industry certification identified~~
329 ~~in the Industry Certification Funding List, pursuant to rules~~
330 ~~adopted by the State Board of Education;~~

331 ~~f. The aggregate scores of all eligible students enrolled~~
332 ~~in the school in reading, mathematics, and other subjects as~~
333 ~~measured by the SAT, the ACT, the Postsecondary Education~~
334 ~~Readiness Test, and the common placement test for postsecondary~~
335 ~~readiness;~~

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

339 ~~h. The performance of the school's students on statewide,~~
340 ~~standardized end-of-course assessments administered under s.~~
341 ~~1008.22(3)(b)4. and 5.; and~~

342 ~~i. The growth or decline in the data components listed in~~
343 ~~sub-subparagraphs a. h. from year to year.~~

344

345 ~~The State Board of Education shall adopt appropriate criteria~~
346 ~~for each school grade. The criteria must also give added weight~~
347 ~~to student achievement in reading. Schools earning a grade of~~
348 ~~"C," making satisfactory progress, shall be required to~~

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349 ~~demonstrate that adequate progress has been made by students in~~
350 ~~the school who are in the lowest 25th percentile in reading and~~
351 ~~mathematics on statewide, standardized assessments under s.~~
352 ~~1008.22, unless these students are exhibiting satisfactory~~
353 ~~performance. For schools comprised of high school grades 9, 10,~~
354 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~
355 ~~grades must also give added weight to the graduation rate of all~~
356 ~~eligible at-risk students. In order for a high school to earn a~~
357 ~~grade of "A," the school must demonstrate that its at-risk~~
358 ~~students, as defined in this paragraph, are making adequate~~
359 ~~progress.~~

360 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~
361 ~~identify each school's performance as having improved, remained~~
362 ~~the same, or declined. This school improvement rating shall be~~
363 ~~based on a comparison of the current year's and previous year's~~
364 ~~student and school performance data. A school that improves its~~
365 ~~rating by at least one level is eligible for school recognition~~
366 ~~awards pursuant to s. 1008.36.~~

367 ~~(4)~~ (5) SCHOOL REPORT CARD.—The Department of Education
368 shall annually develop, in collaboration with the school
369 districts, a school report card to be provided by the school
370 district to parents within the district. The report card shall
371 include the school's grade; student performance in English
372 Language Arts, mathematics, science, and social studies; ~~7~~
373 information regarding school improvement; ~~7~~ an explanation of
374 school performance as evaluated by the federal Elementary and
375 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.; ~~7~~ and
376 indicators of return on investment. Each school's report card
377 shall be published annually by the department on its website

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378 based upon the most recent data available.

379 ~~(6) PERFORMANCE-BASED FUNDING. The Legislature may factor~~
380 ~~in the performance of schools in calculating any performance-~~
381 ~~based funding policy that is provided for annually in the~~
382 ~~General Appropriations Act.~~

383 ~~(5) (7) DISTRICT GRADE. The annual report required by~~
384 ~~subsection (1) shall include the school district's grade.~~
385 Beginning with the 2014-2015 school year, a school district's
386 grade shall include a district-level calculation of the
387 components under paragraph (3) (b) be calculated using student
388 performance and learning gains data on statewide assessments
389 used for determining school grades under subparagraph (3) (b) 1.
390 for each eligible student enrolled for a full school year in the
391 district. This calculation methodology captures each eligible
392 student in the district who may have transferred among schools
393 within the district or is enrolled in a school that does not
394 receive a grade. The department shall develop a district report
395 card that includes the district's grade; measures of the
396 district's progress in closing the achievement gap between
397 higher-performing student subgroups and lower-performing student
398 subgroups; measures of the district's progress in demonstrating
399 Learning Gains of its highest-performing students; measures of
400 the district's success in improving student attendance; the
401 district's grade-level promotion of students scoring achievement
402 levels 1 and 2 on statewide, standardized English Language Arts
403 and mathematics assessments; and measures of the district's
404 performance in preparing students for the transition from
405 elementary to middle school, middle to high school, and high
406 school to postsecondary institutions and careers.

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407 (6)~~(8)~~ RULES.—The State Board of Education shall adopt
408 rules under ss. 120.536(1) and 120.54 to administer this
409 section.

410 (7) TRANSITION.—School grades and school improvement
411 ratings pursuant to s. 1008.341 for the 2013-2014 school year
412 shall be calculated based on statutes and rules in effect on
413 June 30, 2014. To assist in the transition to 2014-2015 school
414 grades, calculated based on new statewide, standardized
415 assessments administered pursuant to s. 1008.22, the 2014-2015
416 school grades shall serve as an informational baseline for
417 schools to work toward improved performance in future years.
418 Accordingly, notwithstanding any other provision of law:

419 (a) A school may not be required to select and implement a
420 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
421 year based on the school's 2014-2015 grade or school improvement
422 rating under s. 1008.341, as applicable.

423 (b)1. A school or approved provider under s. 1002.45 that
424 receives the same or a lower school grade or school improvement
425 rating for the 2014-2015 school year compared to the 2013-2014
426 school year is not subject to sanctions or penalties that would
427 otherwise occur as a result of the 2014-2015 school grade or
428 rating. A charter school system or a school district designated
429 as high performing may not lose the designation based on the
430 2014-2015 school grades of any of the schools within the charter
431 school system or school district, as applicable.

432 2. The Florida School Recognition Program established under
433 s. 1008.36 shall continue to be implemented as otherwise
434 provided in the General Appropriations Act.

435 (c) For purposes of determining grade 3 retention pursuant

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436 to s. 1008.25(5) and high school graduation pursuant to s.
 437 1003.4282, student performance on the 2014-2015 statewide,
 438 standardized assessments shall be linked to 2013-2014 student
 439 performance expectations.

441 This subsection is repealed July 1, 2017.

442 Section 2. Subsection (18) of section 1001.42, Florida
 443 Statutes, is amended to read:

444 1001.42 Powers and duties of district school board.—The
 445 district school board, acting as a board, shall exercise all
 446 powers and perform all duties listed below:

447 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 448 Maintain a ~~state~~ system of school improvement and education
 449 accountability as provided by statute and State Board of
 450 Education rule. This system of school improvement and education
 451 accountability shall be consistent with, and implemented
 452 through, the district’s continuing system of planning and
 453 budgeting required by this section and ss. 1008.385, 1010.01,
 454 and 1011.01. This system of school improvement and education
 455 accountability shall comply with the provisions of ss. 1008.33,
 456 1008.34, 1008.345, and 1008.385 and include the following:

457 (a) *School improvement plans.*—The district school board
 458 shall annually approve and require implementation of a new,
 459 amended, or continuation school improvement plan for each school
 460 in the district. If a school has a significant gap in
 461 achievement on statewide, standardized assessments administered
 462 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student
 463 subgroups, as defined in the federal Elementary and Secondary
 464 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not

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465 significantly increased ~~decreased~~ the percentage of students
466 passing scoring below satisfactory on statewide, standardized
467 assessments; has not significantly increased the percentage of
468 students demonstrating Learning Gains, as defined in s. 1008.34
469 and as calculated under s. 1008.34(3)(b), who passed statewide,
470 standardized assessments; or has significantly lower graduation
471 rates for a subgroup when compared to the state's graduation
472 rate, that school's improvement plan shall include strategies
473 for improving these results. The state board shall adopt rules
474 establishing thresholds and for determining compliance with this
475 paragraph.

476 (b) *Public disclosure.*—The district school board shall
477 provide information regarding the performance of students and
478 educational programs as required pursuant to ss. 1008.22 and
479 1008.385 and implement a system of school reports as required by
480 statute and State Board of Education rule which shall include
481 schools operating for the purpose of providing educational
482 services to youth in Department of Juvenile Justice programs,
483 and for those schools, report on the elements specified in s.
484 1003.52(19). Annual public disclosure reports shall be in an
485 easy-to-read report card format and shall include the school's
486 grade, high school graduation rate calculated without GED tests,
487 disaggregated by student ethnicity, and performance data as
488 specified in state board rule.

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

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494 Section 3. Paragraph (n) of subsection (9) and paragraph
495 (b) of subsection (21) of section 1002.33, Florida Statutes, are
496 amended to read:

497 1002.33 Charter schools.—

498 (9) CHARTER SCHOOL REQUIREMENTS.—

499 (n)1. The director and a representative of the governing
500 board of a charter school that has earned a grade of "D" or "F"
501 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the
502 sponsor to present information concerning each contract
503 component having noted deficiencies. The director and a
504 representative of the governing board shall submit to the
505 sponsor for approval a school improvement plan to raise student
506 performance achievement. Upon approval by the sponsor, the
507 charter school shall begin implementation of the school
508 improvement plan. The department shall offer technical
509 assistance and training to the charter school and its governing
510 board and establish guidelines for developing, submitting, and
511 approving such plans.

512 2.a. If a charter school earns three consecutive grades of
513 "D," two consecutive grades of "D" followed by a grade of "F,"
514 or two nonconsecutive grades of "F" within a 3-year period, the
515 charter school governing board shall choose one of the following
516 corrective actions:

517 (I) Contract for educational services to be provided
518 directly to students, instructional personnel, and school
519 administrators, as prescribed in state board rule;

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

522 (III) Reorganize the school under a new director or

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523 principal who is authorized to hire new staff; or

524 (IV) Voluntarily close the charter school.

525 b. The charter school must implement the corrective action
526 in the school year following receipt of a third consecutive
527 grade of "D," a grade of "F" following two consecutive grades of
528 "D," or a second nonconsecutive grade of "F" within a 3-year
529 period.

530 c. The sponsor may annually waive a corrective action if it
531 determines that the charter school is likely to improve a letter
532 grade if additional time is provided to implement the
533 intervention and support strategies prescribed by the school
534 improvement plan. Notwithstanding this sub-subparagraph, a
535 charter school that earns a second consecutive grade of "F" is
536 subject to subparagraph 4.

537 d. A charter school is no longer required to implement a
538 corrective action if it improves by at least one letter grade.
539 However, the charter school must continue to implement
540 strategies identified in the school improvement plan. The
541 sponsor must annually review implementation of the school
542 improvement plan to monitor the school's continued improvement
543 pursuant to subparagraph 5.

544 e. A charter school implementing a corrective action that
545 does not improve by at least one letter grade after 2 full
546 school years of implementing the corrective action must select a
547 different corrective action. Implementation of the new
548 corrective action must begin in the school year following the
549 implementation period of the existing corrective action, unless
550 the sponsor determines that the charter school is likely to
551 improve a letter grade if additional time is provided to

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552 implement the existing corrective action. Notwithstanding this
553 sub-subparagraph, a charter school that earns a second
554 consecutive grade of "F" while implementing a corrective action
555 is subject to subparagraph 4.

556 3. A charter school with a grade of "D" or "F" that
557 improves by at least one letter grade must continue to implement
558 the strategies identified in the school improvement plan. The
559 sponsor must annually review implementation of the school
560 improvement plan to monitor the school's continued improvement
561 pursuant to subparagraph 5.

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

564 a. The charter school is established to turn around the
565 performance of a district public school pursuant to s.
566 1008.33(4)(b)3. Such charter schools shall be governed by s.
567 1008.33;

568 b. The charter school serves a student population the
569 majority of which resides in a school zone served by a district
570 public school that earned a grade of "F" in the year before the
571 charter school opened and the charter school earns at least a
572 grade of "D" in its third year of operation. The exception
573 provided under this sub-subparagraph does not apply to a charter
574 school in its fourth year of operation and thereafter; or

575 c. The state board grants the charter school a waiver of
576 termination. The charter school must request the waiver within
577 15 days after the department's official release of school
578 grades. The state board may waive termination if the charter
579 school demonstrates that the Learning Gains of its students on
580 statewide assessments are comparable to or better than the

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581 Learning Gains of similarly situated students enrolled in nearby
582 district public schools. The waiver is valid for 1 year and may
583 only be granted once. Charter schools that have been in
584 operation for more than 5 years are not eligible for a waiver
585 under this sub-subparagraph.

586 5. The director and a representative of the governing board
587 of a graded charter school that has implemented a school
588 improvement plan under this paragraph shall appear before the
589 sponsor at least once a year to present information regarding
590 the progress of intervention and support strategies implemented
591 by the school pursuant to the school improvement plan and
592 corrective actions, if applicable. The sponsor shall communicate
593 at the meeting, and in writing to the director, the services
594 provided to the school to help the school address its
595 deficiencies.

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

599 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

600 (b)1. The Department of Education shall report to each
601 charter school receiving a school grade pursuant to s. 1008.34
602 or a school improvement rating pursuant to s. 1008.341 the
603 school's student assessment data pursuant to s. 1008.34(3)(c)
604 ~~which is reported to schools that receive a school grade or~~
605 ~~student assessment data pursuant to s. 1008.341(3) which is~~
606 ~~reported to alternative schools that receive a school~~
607 ~~improvement rating to each charter school that:~~

608 ~~a. Does not receive a school grade pursuant to s. 1008.34~~
609 ~~or a school improvement rating pursuant to s. 1008.341; and~~

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610 ~~b. Serves at least 10 students who are tested on the~~
611 ~~statewide assessment test pursuant to s. 1008.22.~~

612 2. The charter school shall report the information in
613 subparagraph 1. to each parent of a student at the charter
614 school, the parent of a child on a waiting list for the charter
615 school, the district in which the charter school is located, and
616 the governing board of the charter school. This paragraph does
617 not abrogate the provisions of s. 1002.22, relating to student
618 records, or the requirements of 20 U.S.C. s. 1232g, the Family
619 Educational Rights and Privacy Act.

620 3.a. Pursuant to this paragraph, the Department of
621 Education shall compare the charter school student performance
622 data for each charter school in subparagraph 1. with the student
623 performance data in traditional public schools in the district
624 in which the charter school is located and other charter schools
625 in the state. For alternative charter schools, the department
626 shall compare the student performance data described in this
627 paragraph with all alternative schools in the state. The
628 comparative data shall be provided by the following grade
629 groupings:

- 630 (I) Grades 3 through 5;
631 (II) Grades 6 through 8; and
632 (III) Grades 9 through 11.

633 b. Each charter school shall provide the information
634 specified in this paragraph on its Internet website and also
635 provide notice to the public at large in a manner provided by
636 the rules of the State Board of Education. The State Board of
637 Education shall adopt rules to administer the notice
638 requirements of this subparagraph pursuant to ss. 120.536(1) and

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639 120.54. The website shall include, through links or actual
640 content, other information related to school performance.

641 Section 4. Paragraphs (a) and (d) of subsection (1) of
642 section 1003.621, Florida Statutes, are amended to read:

643 1003.621 Academically high-performing school districts.—It
644 is the intent of the Legislature to recognize and reward school
645 districts that demonstrate the ability to consistently maintain
646 or improve their high-performing status. The purpose of this
647 section is to provide high-performing school districts with
648 flexibility in meeting the specific requirements in statute and
649 rules of the State Board of Education.

650 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

651 (a) A school district is an academically high-performing
652 school district if it meets the following criteria:

653 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
654 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive
655 years; and

656 b. Has no district-operated school that earns a grade of
657 "F" under s. 1008.34;

658 2. Complies with all class size requirements in s. 1, Art.
659 IX of the State Constitution and s. 1003.03; and

660 3. Has no material weaknesses or instances of material
661 noncompliance noted in the annual financial audit conducted
662 pursuant to s. 11.45 or s. 218.39.

663 (d) In order to maintain the designation as an academically
664 high-performing school district pursuant to this section, a
665 school district must meet the following requirements:

666 1. Comply with the provisions of subparagraphs (a)2. and
667 3.; and

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668 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2
669 years within a 3-year period.

670
671 However, a district in which a district-operated school earns a
672 grade of "F" under s. 1008.34 during the 3-year period may not
673 continue to be designated as an academically high-performing
674 school district during the remainder of that 3-year period. The
675 district must meet the criteria in paragraph (a) in order to be
676 redesignated as an academically high-performing school district.

677 Section 5. Paragraph (b) of subsection (1) of section
678 1008.31, Florida Statutes, is amended to read:

679 1008.31 Florida's K-20 education performance accountability
680 system; legislative intent; mission, goals, and systemwide
681 measures; data quality improvements.-

682 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
683 that:

684 (b) The K-20 education performance accountability system be
685 established as a single, unified accountability system with
686 multiple components, including, but not limited to, ~~measures of~~
687 ~~adequate yearly progress, individual student~~ performance
688 ~~learning gains~~ in public schools and, school and district
689 ~~grades, and return on investment.~~

690 Section 6. Subsection (2) of section 1008.33, Florida
691 Statutes, is amended to read:

692 1008.33 Authority to enforce public school improvement.-

693 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
694 1008.345, and 1008.385, the State Board of Education shall hold
695 all school districts and public schools accountable for student
696 performance. The state board is responsible for a state system

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697 of school improvement and education accountability that assesses
698 student performance by school, identifies schools that ~~in which~~
699 ~~students~~ are not meeting accountability ~~making adequate progress~~
700 ~~toward state~~ standards, and institutes appropriate measures for
701 enforcing improvement.

702 (b) The state system of school improvement and education
703 accountability must provide for uniform accountability
704 standards, provide assistance of escalating intensity to ~~low-~~
705 ~~performing~~ schools not meeting accountability standards, direct
706 support to schools in order to improve and sustain performance,
707 focus on the performance of student subgroups, and enhance
708 student performance.

709 (c) School districts must be held accountable for improving
710 the academic performance ~~achievement~~ of all students and for
711 identifying and improving ~~turning around low-performing~~ schools
712 that fail to meet accountability standards.

713 Section 7. Subsections (2), (3), and (4) of section
714 1008.341, Florida Statutes, are amended to read:

715 1008.341 School improvement rating for alternative
716 schools.—

717 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
718 school that provides dropout prevention and academic
719 intervention services pursuant to s. 1003.53. An alternative
720 school shall receive a school improvement rating pursuant to
721 this section unless the school earns a school grade pursuant to
722 s. 1008.34. ~~Beginning with the 2013-2014 school year, each~~ An
723 alternative school that chooses to receive a school improvement
724 rating shall receive a school improvement rating if the number
725 of its students for whom student performance data on statewide,

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726 standardized assessments pursuant to s. 1008.22 which is
727 available for the current year and previous year meets or
728 exceeds the minimum sample size of 10. If an alternative school
729 does not have at least 10 students with complete data for a
730 component listed in subsection (3), that component may not be
731 used in calculating the school's improvement rating. The
732 calculation of the school improvement rating shall be based on
733 the percentage of points earned from the components listed in
734 subsection (3). An alternative school that tests at least 80
735 percent of its students may receive a school improvement rating.
736 If an alternative school tests less than 90 percent of its
737 students, the school may not earn a rating higher than
738 "maintaining." Beginning with the 2016-2017 school year, if an
739 alternative school does not meet the requirements for the
740 issuance of a school improvement rating in the current year, and
741 has failed to receive a school improvement rating for the prior
742 two consecutive years, the school shall receive a rating for the
743 current year based upon a compilation of all student Learning
744 Gains, for all grade levels, for those three years. Likewise, if
745 the school fails to meet the requirements for a rating the
746 following year or any year thereafter, the school's rating shall
747 be based on a compilation of student Learning Gains achieved
748 during the current and prior two years. The school improvement
749 rating shall identify an alternative school as having one of the
750 following ratings defined according to rules of the State Board
751 of Education:

752 (a) "Commendable" ~~"Improving"~~ means a significant
753 percentage of the students attending the school are making
754 Learning Gains ~~more academic progress than when the students~~

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755 ~~were served in their home schools.~~

756 (b) "Maintaining" means a sufficient percentage of the
757 students attending the school are making Learning Gains ~~progress~~
758 ~~equivalent to the progress made when the students were served in~~
759 ~~their home schools.~~

760 (c) "Unsatisfactory" ~~"Declining"~~ means an insufficient
761 percentage of the students attending the school are making
762 Learning Gains ~~less academic progress than when the students~~
763 ~~were served in their home schools.~~

764

765 ~~The school improvement rating shall be based on a comparison of~~
766 ~~student performance data for the current year and previous year.~~
767 Schools that improve at least one level or maintain a
768 "commendable" ~~an "improving"~~ rating pursuant to this section are
769 eligible for school recognition awards pursuant to s. 1008.36.

770 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—~~Student data~~
771 ~~used in determining an alternative school's school improvement~~
772 ~~rating shall include:~~

773 ~~(a) student~~ Learning Gains ~~performance results~~ based on
774 statewide, standardized assessments, including retakes,
775 administered under s. 1008.22 for all eligible students who were
776 assigned to and enrolled in the school during the October or
777 February FTE count and who have assessment scores or comparable
778 scores for the preceding school year shall be used in
779 determining an alternative school's school improvement rating.
780 An alternative school's rating shall be based on the following
781 components:

782 (a) The percentage of eligible students who make Learning
783 Gains in English Language Arts as measured by statewide,

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784 standardized assessments under s. 1008.22(3).

785 (b) The percentage of eligible students who make Learning
786 Gains in mathematics as measured by statewide, standardized
787 assessments under s. 1008.22(3) ~~Student performance results~~
788 ~~based on statewide, standardized assessments, including retakes,~~
789 ~~administered under s. 1008.22 for all eligible students who were~~
790 ~~assigned to and enrolled in the school during the October or~~
791 ~~February FTE count and who have scored in the lowest 25th~~
792 ~~percentile of students in the state on FCAT Reading.~~

793

794 Student performance results of students who are subject to
795 district school board policies for expulsion for repeated or
796 serious offenses, who are in dropout retrieval programs serving
797 students who have officially been designated as dropouts, or who
798 are in programs operated or contracted by the Department of
799 Juvenile Justice may not be included in an alternative school's
800 school improvement rating.

801 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
802 alternative school receiving a school improvement rating, the
803 Department of Education shall annually identify the percentage
804 of students making Learning Gains consistent with the provisions
805 in s. 1008.34(3) ~~as compared to the percentage of the same~~
806 ~~students making learning gains in their home schools in the year~~
807 ~~prior to being assigned to the alternative school.~~

808 Section 8. Subsection (2) of section 1008.3415, Florida
809 Statutes, is amended to read:

810 1008.3415 School grade or school improvement rating for
811 exceptional student education centers.—

812 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(c)3.~~, the

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813 achievement levels ~~scores~~ and Learning Gains of a student with a
814 disability who attends an exceptional student education center
815 and has not been enrolled in or attended a public school other
816 than an exceptional student education center for grades K-12
817 within the school district shall not be included in the
818 calculation of the home school's grade if the student is
819 identified as an emergent student on the alternate assessment
820 tool described in s. 1008.22(3)(c) ~~1008.22(3)(e)~~¹³.

821 Section 9. (1) Based on documentation from a physician
822 licensed under chapter 458, Florida Statutes, and after
823 reviewing the district school board superintendent's
824 recommendation, the Commissioner of Education must grant:

825 (a) A permanent exemption from taking statewide,
826 standardized assessments to a student who, as determined by a
827 physician licensed pursuant to chapter 458, Florida Statutes, is
828 a "child with medical complexity." For purposes of this
829 paragraph, the term "child with medical complexity" means a
830 child who has medical fragility and intensive care needs due to
831 a congenital or acquired multisystem disease, a severe
832 neurologic condition with marked functional impairment, or
833 technology dependent for activities of daily living.

834 (b) A one-year exemption from taking statewide,
835 standardized assessments to a student who suffers from such a
836 significant cognitive or physical disability that the student
837 temporarily lacks the capacity to take statewide, standardized
838 assessments.

839 (2) A parent may request that the student participate in
840 statewide, standardized assessments, including, but not limited
841 to, the Florida Alternate Assessment, during the term of the

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842 exemption.

843 (3) The State Board of Education shall adopt rules to
844 administer this section, including, but not limited to,
845 expediting the exemption process to demonstrate the utmost
846 compassion and consideration for meeting the parent's and
847 student's needs, and establishing deadlines for the
848 superintendent to provide a recommendation to the commissioner.

849 Section 10. This act shall take effect July 1, 2014.