

1 A bill to be entitled
2 An act relating to public school accountability; amending
3 s. 1001.20, F.S.; deleting a provision that requires the
4 Florida Virtual School to be administratively housed
5 within the Office of Technology and Information Services
6 within the Department of Education; amending s. 1001.42,
7 F.S.; revising the powers and duties of district school
8 boards to require that students be provided with access to
9 Florida Virtual School courses; amending s. 1002.33, F.S.;
10 revising provisions relating to charter schools to
11 authorize a community college to work with the school
12 district or school districts in its designated service
13 area to operate charter schools; authorizing such charter
14 schools to include an option for secondary students to
15 receive an associate degree upon high school graduation;
16 amending s. 1002.37, F.S.; conforming provisions to
17 changes made by the act; amending s. 1002.38, F.S.;
18 revising provisions relating to the Opportunity
19 Scholarship Program to provide that school grades for all
20 schools be based on statewide assessments; amending s.
21 1002.45, F.S.; revising qualification requirements for
22 virtual instruction program providers; providing that an
23 approved provider retain its approved status for 3 school
24 years after approval; amending s. 1002.67, F.S.; requiring
25 that the State Board of Education periodically review and
26 revise the performance standards for the statewide
27 kindergarten screening and align to student performance
28 standards for statewide assessments; requiring that newly

29 admitted voluntary prekindergarten program students
30 complete the statewide voluntary prekindergarten
31 enrollment screening; requiring that the provider pay for
32 screening; amending s. 1002.69, F.S.; requiring that the
33 Department of Education adopt a statewide voluntary
34 prekindergarten enrollment screening; requiring that each
35 Early Learning Coalition administer the enrollment
36 screening; requiring that each parent or guardian
37 enrolling his or her child in a voluntary prekindergarten
38 education program submit the child for enrollment
39 screening if required by the provider; amending s.
40 1002.73, F.S.; requiring that the Department of Education
41 adopt procedures for the statewide voluntary
42 prekindergarten enrollment screening, fee schedule, and
43 the process for determining learning gains of students who
44 complete the voluntary prekindergarten and kindergarten
45 screenings; amending s. 1003.03, F.S.; providing that if a
46 district school board produces evidence that it was unable
47 to meet class size requirements despite efforts to do so,
48 the reduction of an alternative amount of funds from the
49 district's class size categorical may be recommended by
50 the State Board of Education for approval by the
51 Legislative Budget Commission; amending s. 1003.4156,
52 F.S.; revising the general requirements for middle grades
53 promotion; providing that a student with a disability may
54 have his or her end-of-course assessment results waived
55 under certain circumstances; providing that a middle
56 grades student is exempt from the reading remediation

57 requirements under certain circumstances; creating s.
58 1003.4203, F.S.; requiring each district school board to
59 develop and implement a digital curriculum for students in
60 grades 5 through 12; specifying certain components of a
61 digital curriculum; requiring student participation unless
62 exempt due to written parental request; requiring
63 curriculum standards and measures to assess student
64 content knowledge and skills and learning gains;
65 authorizing the Department of Education to develop a model
66 to serve as a guide for school districts; providing for
67 funding for a school district's digital curriculum;
68 providing that a school district that demonstrates high
69 achievement in student competency in web communications
70 and web design is eligible for certain financial
71 incentives; requiring that the department and the
72 Commissioner of Education establish procedures for
73 statewide recognition of school districts and individual
74 students; authorizing partnerships with private businesses
75 and consultants; requiring that school district digital
76 curriculum advisory committees be established; amending s.
77 1003.428, F.S.; revising provisions relating to the
78 general requirements for high school graduation; providing
79 that a high school student may be exempt from intensive
80 reading under certain circumstances; amending s. 1003.492,
81 F.S.; revising provisions relating to industry-certified
82 career education programs; requiring that rules adopted by
83 the State Board of Education establish a process for
84 weighing the value of industry certifications based on the

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85 | rigor of the certification and its employment value to
86 | state businesses and industry; amending s. 1003.493, F.S.;
87 | revising provisions relating to career and professional
88 | academies to include middle schools; requiring that
89 | students who are completing a middle school career and
90 | professional academy program have an opportunity to earn
91 | an industry certification, high school credit, and
92 | participate in career planning, job shadowing, and
93 | leadership development opportunities; requiring that
94 | middle school career and professional academies align with
95 | high school career and professional academies; providing
96 | for partnerships with high schools, businesses, industry,
97 | employers, economic development organizations, and other
98 | local community partners; amending s. 1003.575, F.S.;
99 | revising provisions relating to assistive technology
100 | devices for young persons with disabilities to require
101 | that any school having an individualized education plan
102 | team arrange to complete an assistive technology
103 | assessment within a specified number of days after
104 | receiving a request for such assessment; amending s.
105 | 1003.621, F.S.; removing an exemption provided for high-
106 | performing school districts from compliance with
107 | requirements to requisition instructional materials from
108 | the publisher's depository; amending s. 1006.28, F.S.;
109 | revising provisions relating to the duties of district
110 | school boards to conform provisions to changes made by the
111 | act; amending s. 1006.29, F.S.; revising provisions
112 | relating to state instructional materials; replacing

113 references to state instructional materials committees
114 with state instructional materials reviewers; requiring
115 that the Commissioner of Education appoint state or
116 national experts to review and evaluate instructional
117 materials; amending s. 1006.30, F.S.; revising provisions
118 relating to the affidavit of state instructional materials
119 reviewers to conform to changes made by the act; amending
120 s. 1006.31, F.S.; revising provisions relating to the
121 duties of each state instructional materials reviewer to
122 conform to changes made by the act; amending s. 1006.32,
123 F.S.; conforming provisions to changes made by the act;
124 amending s. 1006.33, F.S.; revising provisions relating to
125 bids or proposals of instructional materials to conform
126 provisions to changes made by the act; amending s.
127 1006.34, F.S.; revising provisions relating to the
128 commissioner's powers and duties in selecting and adopting
129 instructional materials; providing an exemption from the
130 requirement that a rule having certain regulatory costs be
131 ratified by the Legislature; providing for the Department
132 of Education rather than the Department of Legal Affairs
133 to prepare contracts for instructional materials;
134 requiring that the contracts be executed by the
135 Commissioner of Education rather than by the Governor and
136 Secretary of State; amending s. 1006.35, F.S.; conforming
137 provisions relating to the accuracy of instructional
138 materials to changes made by the act; amending s. 1006.36,
139 F.S.; revising the term of adoption of any instructional
140 materials from a 6-year period to a 5-year period;

141 | repealing s. 1006.37, F.S., relating to the requisition of
142 | instructional materials from a publisher's depository;
143 | amending s. 1006.38, F.S.; revising provisions relating to
144 | the duties, responsibilities, and requirements of
145 | instructional materials publishers and manufacturers;
146 | requiring electronic delivery of copies to the Department
147 | of Education in accordance with procedures adopted by the
148 | State Board of Education; authorizing publishers to offer
149 | digital or electronic versions of instructional materials
150 | at reduced rates; amending s. 1006.39, F.S.; revising
151 | provisions relating to the production and dissemination of
152 | educational materials and products by the Department of
153 | Education to conform to changes made by the act; amending
154 | s. 1006.40, F.S.; revising provisions relating to the
155 | annual allocation for the purchase of digital, electronic,
156 | or web-based instructional materials; authorizing a
157 | district school board to purchase technology hardware
158 | using categorical funds for instructional materials under
159 | specified circumstances; amending s. 1006.43, F.S.;
160 | revising provisions relating to Department of Education's
161 | expenses and annual legislative budget requests to conform
162 | to changes made by the act; amending s. 1008.22, F.S.;
163 | revising provisions relating to the student assessment
164 | program for public schools; requiring that the
165 | Commissioner of Education direct school districts to
166 | participate in the administration of the National
167 | Assessment of Educational Progress or similar national or
168 | international assessment program;_providing for future

169 expiration of the requirement that school districts
170 participate in international assessment programs;
171 authorizing the school principal to exempt certain
172 students from the end-of-course assessment in civics
173 education; amending s. 1008.33, F.S.; revising provisions
174 relating to public school improvement; requiring that the
175 Department of Education categorize public schools based on
176 the portion of a school's grade that relies on statewide
177 assessments; revising the categorization of the lowest-
178 performing schools; amending s. 1008.34, F.S.; revising
179 provisions relating to the designation of school grades to
180 conform to changes made by the act; providing for
181 assigning achievement scores and learning gains for
182 students who are hospital or homebound; requiring that a
183 school that does not meet minimal proficiency standards
184 established by the State Board of Education receive a
185 school grade of "F"; amending s. 1011.01, F.S.; revising
186 provisions relating to the annual operating budgets of
187 district school boards and community college boards of
188 trustees; amending s. 1011.03, F.S.; revising provisions
189 relating to tentative and final district school board
190 budgets; requiring that an adopted budget be transmitted
191 to the Department of Education; amending s. 1011.61, F.S.;
192 redefining the term "full-time equivalent student" as it
193 relates to students in virtual instruction programs;
194 amending s. 1011.62, F.S.; revising provisions relating to
195 funds for the operation of schools; providing that the
196 value of the full-time equivalent student membership be

197 | determined by weights adopted by the State Board of
 198 | Education; conforming provisions; amending s. 1012.39,
 199 | F.S.; revising provisions relating to the employment of
 200 | nondegreed teachers of career education; requiring that
 201 | qualifications be established for nondegreed teachers of
 202 | career and technical education courses for state-
 203 | recognized program clusters; providing effective dates.
 204 |

205 | Be It Enacted by the Legislature of the State of Florida:
 206 |

207 | Section 1. Paragraph (a) of subsection (4) of section
 208 | 1001.20, Florida Statutes, is amended to read:

209 | 1001.20 Department under direction of state board.—

210 | (4) The Department of Education shall establish the
 211 | following offices within the Office of the Commissioner of
 212 | Education which shall coordinate their activities with all other
 213 | divisions and offices:

214 | (a) *Office of Technology and Information Services.*—
 215 | Responsible for developing a systemwide technology plan, making
 216 | budget recommendations to the commissioner, providing data
 217 | collection and management for the system, assisting school
 218 | districts in securing Internet access and telecommunications
 219 | services, including those eligible for funding under the Schools
 220 | and Libraries Program of the federal Universal Service Fund, and
 221 | coordinating services with other state, local, and private
 222 | agencies. The office shall develop a method to address the need
 223 | for a statewide approach to planning and operations of library
 224 | and information services to achieve a single K-20 education

225 system library information portal and a unified higher education
 226 library management system. ~~The Florida Virtual School shall be~~
 227 ~~administratively housed within the office.~~

228 Section 2. Subsection (23) of section 1001.42, Florida
 229 Statutes, is amended to read:

230 1001.42 Powers and duties of district school board.—The
 231 district school board, acting as a board, shall exercise all
 232 powers and perform all duties listed below:

233 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access
 234 to ~~enroll in~~ courses available through the Florida Virtual
 235 School and award credit for successful completion of such
 236 courses. Access shall be available to students during and ~~or~~
 237 after the normal school day and through summer school
 238 enrollment.

239 Section 3. Paragraph (b) of subsection (5) of section
 240 1002.33, Florida Statutes, is amended to read:

241 1002.33 Charter schools.—

242 (5) SPONSOR; DUTIES.—

243 (b) *Sponsor duties.*—

244 1.a. The sponsor shall monitor and review the charter
 245 school in its progress toward the goals established in the
 246 charter.

247 b. The sponsor shall monitor the revenues and expenditures
 248 of the charter school and perform the duties provided in s.
 249 1002.345.

250 c. The sponsor may approve a charter for a charter school
 251 before the applicant has identified space, equipment, or
 252 personnel, if the applicant indicates approval is necessary for

253 | it to raise working funds.

254 | d. The sponsor's policies shall not apply to a charter
255 | school unless mutually agreed to by both the sponsor and the
256 | charter school.

257 | e. The sponsor shall ensure that the charter is innovative
258 | and consistent with the state education goals established by s.
259 | 1000.03(5).

260 | f. The sponsor shall ensure that the charter school
261 | participates in the state's education accountability system. If
262 | a charter school falls short of performance measures included in
263 | the approved charter, the sponsor shall report such shortcomings
264 | to the Department of Education.

265 | g. The sponsor shall not be liable for civil damages under
266 | state law for personal injury, property damage, or death
267 | resulting from an act or omission of an officer, employee,
268 | agent, or governing body of the charter school.

269 | h. The sponsor shall not be liable for civil damages under
270 | state law for any employment actions taken by an officer,
271 | employee, agent, or governing body of the charter school.

272 | i. The sponsor's duties to monitor the charter school
273 | shall not constitute the basis for a private cause of action.

274 | j. The sponsor shall not impose additional reporting
275 | requirements on a charter school without providing reasonable
276 | and specific justification in writing to the charter school.

277 | 2. Immunity for the sponsor of a charter school under
278 | subparagraph 1. applies only with respect to acts or omissions
279 | not under the sponsor's direct authority as described in this
280 | section.

281 3. This paragraph does not waive a district school board's
282 sovereign immunity.

283 4. A community college may work with the school district
284 or school districts in its designated service area to operate
285 ~~develop~~ charter schools ~~that offer secondary education~~. These
286 Charter schools may ~~must~~ include an option for secondary
287 students to receive an associate degree upon high school
288 graduation. District school boards shall cooperate with and
289 assist the community college on the charter application.
290 Community college applications for charter schools are not
291 subject to the time deadlines outlined in subsection (6) and may
292 be approved by the district school board at any time during the
293 year. Community colleges may not report FTE for any students who
294 receive FTE funding through the Florida Education Finance
295 Program.

296 Section 4. Paragraph (a) of subsection (1) of section
297 1002.37, Florida Statutes, is amended to read:

298 1002.37 The Florida Virtual School.—

299 (1) (a) The Florida Virtual School is established for the
300 development and delivery of online and distance learning
301 education and ~~shall be administratively housed within the~~
302 ~~Commissioner of Education's Office of Technology and Information~~
303 ~~Services~~. The Commissioner of Education shall monitor the
304 school's performance and report its performance to the State
305 Board of Education and the Legislature.

306
307 The board of trustees of the Florida Virtual School shall
308 identify appropriate performance measures and standards based on

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309 student achievement that reflect the school's statutory mission
310 and priorities, and shall implement an accountability system for
311 the school that includes assessment of its effectiveness and
312 efficiency in providing quality services that encourage high
313 student achievement, seamless articulation, and maximum access.

314 Section 5. Paragraph (f) is added to subsection (3) of
315 section 1002.38, Florida Statutes, to read:

316 1002.38 Opportunity Scholarship Program.—

317 (3) SCHOOL DISTRICT OBLIGATIONS.—

318 (f) For purposes of this subsection, school grades for all
319 schools shall be based upon statewide assessments administered
320 pursuant to s. 1008.22.

321 Section 6. Paragraph (b) of subsection (2) of section
322 1002.45, Florida Statutes, is amended to read:

323 1002.45 School district virtual instruction programs.—

324 (2) PROVIDER QUALIFICATIONS.—

325 (b) An approved provider shall retain its approved status
326 during the 3 school years ~~for a period of 3 years~~ after the date
327 of the department's approval under paragraph (a) as long as the
328 provider continues to comply with all requirements of this
329 section.

330 Section 7. Subsection (1) and paragraph (c) of subsection
331 (3) of section 1002.67, Florida Statutes, are amended to read:

332 1002.67 Performance standards; curricula and
333 accountability.—

334 (1) By April 1, 2005, the department shall develop and
335 adopt performance standards for students in the Voluntary
336 Prekindergarten Education Program. The performance standards

337 must address the age-appropriate progress of students in the
 338 development of:

339 (a) The capabilities, capacities, and skills required
 340 under s. 1(b), Art. IX of the State Constitution; and

341 (b) Emergent literacy skills, including oral
 342 communication, knowledge of print and letters, phonemic and
 343 phonological awareness, and vocabulary and comprehension
 344 development.

345 (c) The State Board of Education shall periodically review
 346 and revise the performance standards for the statewide
 347 kindergarten screening administered under s. 1002.69 and align
 348 the standards to the standards established by the board for the
 349 expectations of student performance on the statewide assessments
 350 administered pursuant to s. 1008.22.

351 (3)

352 (c)1. If the kindergarten readiness rate of a private
 353 prekindergarten provider or public school falls below the
 354 minimum rate adopted by the State Board of Education as
 355 satisfactory under s. 1002.69(6), the early learning coalition
 356 or school district, as applicable, shall require the provider or
 357 school to submit an improvement plan for approval by the
 358 coalition or school district, as applicable, and to implement
 359 the plan.

360 2. If a private prekindergarten provider or public school
 361 fails to meet the minimum rate adopted by the State Board of
 362 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
 363 ~~years~~, the early learning coalition or school district, as
 364 applicable, shall place the provider or school on probation and

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365 must require the provider or school to take certain corrective
366 actions, including the use of a curriculum approved by the
367 department under paragraph (2)(c) and requiring newly admitted
368 voluntary prekindergarten program students to complete the
369 statewide voluntary prekindergarten enrollment screening, for
370 which the provider must pay.

371 3. A private prekindergarten provider or public school
372 that is placed on probation must continue the corrective actions
373 required under subparagraph 2., including the use of a
374 curriculum approved by the department, until the provider or
375 school meets the minimum rate adopted by the State Board of
376 Education as satisfactory under s. 1002.69(6).

377 4. If a private prekindergarten provider or public school
378 remains on probation for 2 consecutive years and fails to meet
379 the minimum rate adopted by the State Board of Education as
380 satisfactory under s. 1002.69(6) and is not granted a good cause
381 exemption by the department pursuant to s. 1002.69(7), the
382 Agency for Workforce Innovation shall require the early learning
383 coalition or the Department of Education shall require the
384 school district to remove, as applicable, the provider or school
385 from eligibility to deliver the Voluntary Prekindergarten
386 Education Program and receive state funds for the program.

387 Section 8. Subsections (1), (2), (3), (4), and (6) and
388 paragraph (c) of subsection (7) of section 1002.69, Florida
389 Statutes, are amended to read:

390 1002.69 Statewide kindergarten screening; kindergarten
391 readiness rates.—

392 (1) The department shall adopt a statewide kindergarten

393 screening that assesses the readiness of each student for
394 kindergarten based upon the performance standards adopted by the
395 department under s. 1002.67(1) for the Voluntary Prekindergarten
396 Education Program. The department shall also adopt a statewide
397 voluntary prekindergarten enrollment screening that assesses the
398 readiness of each student for kindergarten upon entry into a
399 voluntary prekindergarten program, for which the voluntary
400 prekindergarten provider must pay. The department shall require
401 that each school district administer the statewide kindergarten
402 screening to each kindergarten student in the school district
403 within the first 30 school days of each school year and shall
404 require each early learning coalition to administer the
405 statewide voluntary prekindergarten enrollment screening in
406 accordance with this section.

407 (2) The statewide voluntary prekindergarten enrollment
408 screening and the kindergarten screening shall provide objective
409 data concerning each student's readiness for kindergarten and
410 progress in attaining the performance standards adopted by the
411 department under s. 1002.67(1).

412 (3) The statewide voluntary prekindergarten enrollment
413 screening and the kindergarten screening shall incorporate
414 mechanisms for recognizing potential variations in kindergarten
415 readiness rates for students with disabilities.

416 (4) Each parent who enrolls his or her child in the
417 Voluntary Prekindergarten Education Program must submit the
418 child for the statewide kindergarten screening, regardless of
419 whether the child is admitted to kindergarten in a public school
420 or nonpublic school. Each parent who enrolls his or her child in

421 a voluntary prekindergarten education program must submit the
 422 child for statewide voluntary prekindergarten enrollment
 423 screening if required by the provider. Each school district
 424 shall designate sites to administer the statewide kindergarten
 425 screening for children admitted to kindergarten in a nonpublic
 426 school.

427 (6) ~~(a)~~ The State Board of Education shall periodically
 428 adopt a minimum kindergarten readiness rate that, if achieved by
 429 a private prekindergarten provider or public school, would
 430 demonstrate the provider's or school's satisfactory delivery of
 431 the Voluntary Prekindergarten Education Program.

432 ~~(b) The minimum rate must not exceed the rate at which~~
 433 ~~more than 15 percent of the kindergarten readiness rates of all~~
 434 ~~private prekindergarten providers and public schools delivering~~
 435 ~~the Voluntary Prekindergarten Education Program in the state~~
 436 ~~would fall below the minimum rate.~~

437 (7)

438 (c) The State Board of Education shall adopt criteria for
 439 granting good cause exemptions. Such criteria shall include, but
 440 are not limited to:

441 1. Learning gains of children served in the Voluntary
 442 Prekindergarten Education Program by the private prekindergarten
 443 provider or public school.

444 ~~2. Verification that the private prekindergarten provider~~
 445 ~~or public school serves at least twice the statewide percentage~~
 446 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
 447 ~~children identified as limited English proficient as defined in~~
 448 ~~s. 1003.56.~~

449 ~~2.3.~~ Verification that local and state health and safety
450 requirements are met.

451 Section 9. Subsection (2) of section 1002.73, Florida
452 Statutes, is amended to read:

453 1002.73 Department of Education; powers and duties;
454 accountability requirements.—

455 (2) The department shall adopt procedures for its:

456 (a) Approval of prekindergarten director credentials under
457 ss. 1002.55 and 1002.57.

458 (b) Approval of emergent literacy training courses under
459 ss. 1002.55 and 1002.59.

460 (c) Administration of the statewide kindergarten screening
461 and calculation of kindergarten readiness rates under s.
462 1002.69.

463 (d) Adoption of the statewide voluntary prekindergarten
464 enrollment screening, associated fee schedule, and the process
465 for determining learning gains of students who complete the
466 statewide voluntary prekindergarten enrollment screening and the
467 statewide kindergarten screening.

468 ~~(e)~~ Approval of specialized instructional services
469 providers under s. 1002.66.

470 ~~(f)~~ Granting of a private prekindergarten provider's or
471 public school's request for a good cause exemption under s.
472 1002.69(7).

473 Section 10. Paragraph (c) of subsection (4) of section
474 1003.03, Florida Statutes, is amended to read:

475 1003.03 Maximum class size.—

476 (4) ACCOUNTABILITY.—

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477 (c) In lieu of the reduction calculation in paragraph (a),
478 if a district school board produces ~~the Commissioner of~~
479 ~~Education has~~ evidence that it a district was unable to meet the
480 class size requirements despite appropriate efforts to do so or
481 because of an ~~extreme~~ emergency, the reduction of an alternate
482 amount of funds from the district's class size categorical
483 allocation may be recommended by the State Board of Education
484 ~~commissioner may recommend~~ by February 15, for approval by
485 ~~subject to approval of~~ the Legislative Budget Commission, ~~the~~
486 ~~reduction of an alternate amount of funds from the district's~~
487 ~~class size categorical allocation.~~

488 Section 11. Subsection (1) of section 1003.4156, Florida
489 Statutes, is amended to read:

490 1003.4156 General requirements for middle grades
491 promotion.—

492 (1) Beginning with students entering grade 6 in the 2006-
493 2007 school year, promotion from a school composed of middle
494 grades 6, 7, and 8 requires that:

495 (a) The student must successfully complete academic
496 courses as follows:

497 1. Three middle school or higher courses in English. These
498 courses shall emphasize literature, composition, and technical
499 text.

500 2. Three middle school or higher courses in mathematics.
501 Each middle school must offer at least one high school level
502 mathematics course for which students may earn high school
503 credit. Successful completion of a high school level Algebra I
504 or geometry course is not contingent upon the student's

505 performance on the end-of-course assessment required under s.
506 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
507 school year, to earn high school credit for an Algebra I course,
508 a middle school student must pass the Algebra I end-of-course
509 assessment, and beginning with the 2012-2013 school year, to
510 earn high school credit for a geometry course, a middle school
511 student must pass the geometry end-of-course assessment.

512 3. Three middle school or higher courses in social
513 studies, one semester of which must include the study of state
514 and federal government and civics education. Beginning with
515 students entering grade 6 in the 2012-2013 school year, one of
516 these courses must be at least a one-semester civics education
517 course that a student successfully completes in accordance with
518 s. 1008.22(3)(c) and that includes the roles and
519 responsibilities of federal, state, and local governments; the
520 structures and functions of the legislative, executive, and
521 judicial branches of government; and the meaning and
522 significance of historic documents, such as the Articles of
523 Confederation, the Declaration of Independence, and the
524 Constitution of the United States.

525 4. Three middle school or higher courses in science.
526 Successful completion of a high school level Biology I course is
527 not contingent upon the student's performance on the end-of-
528 course assessment required under s. 1008.22(3)(c)2.a.(II).
529 However, beginning with the 2012-2013 school year, to earn high
530 school credit for a Biology I course, a middle school student
531 must pass the Biology I end-of-course assessment.

532 5. One course in career and education planning to be

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533 completed in 7th or 8th grade. The course may be taught by any
534 member of the instructional staff; must include career
535 exploration using Florida CHOICES or a comparable cost-effective
536 program; must include educational planning using the online
537 student advising system known as Florida Academic Counseling and
538 Tracking for Students at the Internet website FACTS.org; and
539 shall result in the completion of a personalized academic and
540 career plan. The required personalized academic and career plan
541 must inform students of high school graduation requirements,
542 high school assessment and college entrance test requirements,
543 Florida Bright Futures Scholarship Program requirements, state
544 university and Florida college admission requirements, and
545 programs through which a high school student can earn college
546 credit, including Advanced Placement, International
547 Baccalaureate, Advanced International Certificate of Education,
548 dual enrollment, career academy opportunities, and courses that
549 lead to national industry certification.

550
551 A student with a disability, as defined in s. 1007.02(2), for
552 whom the individual education plan committee determines that the
553 end-of-course assessment cannot accurately measure the student's
554 abilities, taking into consideration all allowable
555 accommodations, shall have the end-of-course assessment results
556 waived for purposes of determining the student's course grade
557 and completing the requirements for middle grades promotion.

558 Each school must hold a parent meeting either in the evening or
559 on a weekend to inform parents about the course curriculum and
560 activities. Each student shall complete an electronic personal

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561 education plan that must be signed by the student; the student's
562 instructor, guidance counselor, or academic advisor; and the
563 student's parent. The Department of Education shall develop
564 course frameworks and professional development materials for the
565 career exploration and education planning course. The course may
566 be implemented as a stand-alone course or integrated into
567 another course or courses. The Commissioner of Education shall
568 collect longitudinal high school course enrollment data by
569 student ethnicity in order to analyze course-taking patterns.

570 (b) For each year in which a student scores at Level 1 on
571 FCAT Reading, the student must be enrolled in and complete an
572 intensive reading course the following year. Placement of Level
573 2 readers in either an intensive reading course or a content
574 area course in which reading strategies are delivered shall be
575 determined by diagnosis of reading needs. The department shall
576 provide guidance on appropriate strategies for diagnosing and
577 meeting the varying instructional needs of students reading
578 below grade level. Reading courses shall be designed and offered
579 pursuant to the comprehensive reading plan required by s.
580 1011.62(9). A middle grades student who scores at Level 1 or
581 Level 2 on FCAT Reading, but who did not score below Level 3 the
582 year before may be granted an exemption from the reading
583 remediation requirements. A student may be granted a 1-year
584 exemption from intensive reading; however, the student must have
585 an approved academic improvement plan already in place and
586 signed by the school and a parent or guardian for the year that
587 the exemption is granted.

588 (c) For each year in which a student scores at Level 1 or

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589 Level 2 on FCAT Mathematics, the student must receive
590 remediation the following year, which may be integrated into the
591 student's required mathematics course.

592 Section 12. Section 1003.4203, Florida Statutes, is
593 created to read:

594 1003.4203 Digital curriculum.-

595 (1) Each district school board, in consultation with the
596 district school superintendent, shall develop and implement a
597 digital curriculum for students in grades 5 through 12 to enable
598 students to attain competencies in web communications and web
599 design. For purposes of this section, a digital curriculum
600 includes, but is not limited to, instruction in:

601 (a) Web-based skills, web-based core technologies, and web
602 design.

603 (b) Hypertext markup language, ColdFusion, and JavaScript
604 as core elements in web design.

605 (2)(a) The digital curriculum shall be required
606 instruction for each student in grades 5 through 12 but may not
607 be a requirement for high school graduation. Instruction may be
608 integrated into middle school and high school subject area
609 curricula or offered as a separate course subject to available
610 funding.

611 (b) A student is exempt from participation in the digital
612 curriculum required under this section if the student's parent
613 submits to the district school board and the school principal a
614 written request for the exemption.

615 (3) Each district school board shall establish:

616 (a) Digital curriculum standards and measures to assess

617 student content knowledge and skills and learning gains.

618 (b) Innovative approaches to help students achieve
619 competency and master design.

620 (4) The Department of Education may develop a model
621 digital curriculum to serve as a guide for district school
622 boards in the development of a digital curriculum.

623 (5) (a) School improvement funds allocated to a school
624 district and other funds available to the district shall be used
625 to fund the digital curriculum.

626 (b) Capital improvement funds allocated to a school
627 district may be used to purchase equipment or software and to
628 hire technical consultants to meet the requirements of this
629 section.

630 (c) A school district that demonstrates high achievement
631 in student competency in web communications and web design based
632 on assessment of student content knowledge and skills and
633 learning gains is eligible for financial incentives as
634 determined by the Legislature.

635 (6) The Department of Education shall establish an annual
636 statewide competition between school districts to recognize
637 innovative web designs and innovative use of web-based
638 technologies to improve communication and commerce. The
639 Commissioner of Education shall develop a procedure for
640 statewide recognition of school district winners and individual
641 students who have demonstrated high achievement in web-based
642 knowledge and skills.

643 (7) A district school board may seek partnerships with
644 private businesses and consultants to offer classes and

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645 instruction to teachers and students to assist the school
646 district in meeting the requirements of this section.

647 (8) Each district school board shall establish a digital
648 curriculum advisory committee that includes professionals from
649 the community who are knowledgeable in web design and related
650 technologies, school principals, teachers, students, and
651 parents. The advisory committee shall evaluate ongoing school
652 district efforts to comply with this section and make
653 recommendations to the district school superintendent and
654 district school board.

655 Section 13. Subsection (2) of section 1003.428, Florida
656 Statutes, is amended to read:

657 1003.428 General requirements for high school graduation;
658 revised.—

659 (2) The 24 credits may be earned through applied,
660 integrated, and combined courses approved by the Department of
661 Education. The 24 credits shall be distributed as follows:

662 (a) Sixteen core curriculum credits:

663 1. Four credits in English, with major concentration in
664 composition, reading for information, and literature.

665 2. Four credits in mathematics, one of which must be
666 Algebra I, a series of courses equivalent to Algebra I, or a
667 higher-level mathematics course. Beginning with students
668 entering grade 9 in the 2010-2011 school year, in addition to
669 the Algebra I credit requirement, one of the four credits in
670 mathematics must be geometry or a series of courses equivalent
671 to geometry as approved by the State Board of Education.

672 Beginning with students entering grade 9 in the 2010-2011 school

673 year, the end-of-course assessment requirements under s.
674 1008.22(3)(c)2.a.(I) must be met in order for a student to earn
675 the required credit in Algebra I. Beginning with students
676 entering grade 9 in the 2011-2012 school year, the end-of-course
677 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
678 met in order for a student to earn the required credit in
679 geometry. Beginning with students entering grade 9 in the 2012-
680 2013 school year, in addition to the Algebra I and geometry
681 credit requirements, one of the four credits in mathematics must
682 be Algebra II or a series of courses equivalent to Algebra II as
683 approved by the State Board of Education.

684 3. Three credits in science, two of which must have a
685 laboratory component. Beginning with students entering grade 9
686 in the 2011-2012 school year, one of the three credits in
687 science must be Biology I or a series of courses equivalent to
688 Biology I as approved by the State Board of Education. Beginning
689 with students entering grade 9 in the 2011-2012 school year, the
690 end-of-course assessment requirements under s.
691 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
692 the required credit in Biology I. Beginning with students
693 entering grade 9 in the 2013-2014 school year, one of the three
694 credits must be Biology I or a series of courses equivalent to
695 Biology I as approved by the State Board of Education, one
696 credit must be chemistry or physics or a series of courses
697 equivalent to chemistry or physics as approved by the State
698 Board of Education, and one credit must be an equally rigorous
699 course, as determined by the State Board of Education.

700 4. Three credits in social studies as follows: one credit

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701 in United States history; one credit in world history; one-half
702 credit in economics; and one-half credit in United States
703 government.

704 5. One credit in fine or performing arts, speech and
705 debate, or a practical arts course that incorporates artistic
706 content and techniques of creativity, interpretation, and
707 imagination. Eligible practical arts courses shall be identified
708 through the Course Code Directory.

709 6. One credit in physical education to include integration
710 of health. Participation in an interscholastic sport at the
711 junior varsity or varsity level for two full seasons shall
712 satisfy the one-credit requirement in physical education if the
713 student passes a competency test on personal fitness with a
714 score of "C" or better. The competency test on personal fitness
715 must be developed by the Department of Education. A district
716 school board may not require that the one credit in physical
717 education be taken during the 9th grade year. Completion of one
718 semester with a grade of "C" or better in a marching band class,
719 in a physical activity class that requires participation in
720 marching band activities as an extracurricular activity, or in a
721 dance class shall satisfy one-half credit in physical education
722 or one-half credit in performing arts. This credit may not be
723 used to satisfy the personal fitness requirement or the
724 requirement for adaptive physical education under an individual
725 education plan (IEP) or 504 plan. Completion of 2 years in a
726 Reserve Officer Training Corps (R.O.T.C.) class, a significant
727 component of which is drills, shall satisfy the one-credit
728 requirement in physical education and the one-credit requirement

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729 in performing arts. This credit may not be used to satisfy the
730 personal fitness requirement or the requirement for adaptive
731 physical education under an individual education plan (IEP) or
732 504 plan.

733 (b) Eight credits in electives.

734 1. For each year in which a student scores at Level 1 on
735 FCAT Reading, the student must be enrolled in and complete an
736 intensive reading course the following year. Placement of Level
737 2 readers in either an intensive reading course or a content
738 area course in which reading strategies are delivered shall be
739 determined by diagnosis of reading needs. The department shall
740 provide guidance on appropriate strategies for diagnosing and
741 meeting the varying instructional needs of students reading
742 below grade level. Reading courses shall be designed and offered
743 pursuant to the comprehensive reading plan required by s.
744 1011.62(9).

745 2. For each year in which a student scores at Level 1 or
746 Level 2 on FCAT Mathematics, the student must receive
747 remediation the following year. These courses may be taught
748 through applied, integrated, or combined courses and are subject
749 to approval by the department for inclusion in the Course Code
750 Directory.

751
752 A high school student who scores at Level 1 or Level 2 on FCAT
753 Reading but who did not score below Level 3 the year before may
754 be granted an exemption from intensive reading. A student may be
755 granted a 1-year exemption from intensive reading; however, the
756 student must have an approved academic improvement plan already

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757 in place and signed by the school and a parent or guardian for
758 the year the exemption is granted.

759 Section 14. Subsection (1) of section 1003.492, Florida
760 Statutes, is amended to read:

761 1003.492 Industry-certified career education programs.—

762 (2) The State Board of Education shall use the expertise
763 of Workforce Florida, Inc., and Enterprise Florida, Inc., to
764 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
765 for implementing an industry certification process. The rules
766 must establish a process for weighing the value of industry
767 certifications based on the rigor of the certification and its
768 employment value to state businesses and industry. Industry
769 certification shall be defined by the Agency for Workforce
770 Innovation, based upon the highest available national standards
771 for specific industry certification, to ensure student skill
772 proficiency and to address emerging labor market and industry
773 trends. A regional workforce board or a career and professional
774 academy may apply to Workforce Florida, Inc., to request
775 additions to the approved list of industry certifications based
776 on high-demand job requirements in the regional economy. The
777 list of industry certifications approved by Workforce Florida,
778 Inc., and the Department of Education shall be published and
779 updated annually by a date certain, to be included in the
780 adopted rule.

781 Section 15. Section 1003.493, Florida Statutes, is amended
782 to read:

783 1003.493 Career and professional academies.—

784 (1) A "career and professional academy" is a research-

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785 based program that integrates a rigorous academic curriculum
786 with an industry-specific curriculum aligned directly to
787 priority workforce needs established by the regional workforce
788 board. Career and professional academies shall be offered by
789 public schools and school districts. The Florida Virtual School
790 is encouraged to develop and offer rigorous career and
791 professional courses as appropriate. Students completing high
792 school career and professional academy programs must receive a
793 standard high school diploma, the highest available industry
794 certification, and opportunities to earn postsecondary credit if
795 the academy partners with a postsecondary institution approved
796 to operate in the state. Students completing a middle school
797 career and professional academy program must have the
798 opportunity to earn an industry certification, earn high school
799 credit, and participate in career planning, job shadowing, and
800 leadership-development opportunities.

801 (2) The goals of a career and professional academy are to:

802 (a) Increase student academic achievement and graduation
803 rates through integrated academic and career curricula.

804 (b) Prepare graduating high school students to make
805 appropriate choices relative to employment and future
806 educational experiences.

807 (c) Focus on career preparation through rigorous academics
808 and industry certification.

809 (d) Raise student aspiration and commitment to academic
810 achievement and work ethics through relevant coursework.

811 (e) Support graduation requirements pursuant to s.
812 1003.428 by providing creative, applied major areas of interest.

813 (f) Promote acceleration mechanisms, such as dual
 814 enrollment, articulated credit, or occupational completion
 815 points, so that students may earn postsecondary credit while in
 816 high school.

817 (g) Support the state's economy by meeting industry needs
 818 for skilled employees in high-demand occupations.

819 (3) Existing career education courses may serve as a
 820 foundation for the creation of a career and professional
 821 academy. A career and professional academy may be offered as one
 822 of the following small learning communities:

823 (a) A school-within-a-school career academy, as part of an
 824 existing middle school or high school, that provides courses in
 825 one occupational cluster. Students in the middle school or high
 826 school are not required to be students in the academy.

827 (b) A total school configuration providing multiple
 828 academies, each structured around an occupational cluster. Every
 829 student in the school is in an academy.

830 (4) Each middle school or high school career and
 831 professional academy must:

832 ~~(a)~~ provide a rigorous standards-based academic curriculum
 833 integrated with a career curriculum. The curriculum must take
 834 into consideration multiple styles of student learning; promote
 835 learning by doing through application and adaptation; maximize
 836 relevance of the subject matter; enhance each student's capacity
 837 to excel; and include an emphasis on work habits and work
 838 ethics.

839 (5) ~~(b)~~ Each middle school or high school career and
 840 professional academy must include one or more partnerships with

841 postsecondary institutions, businesses, industry, employers,
 842 economic development organizations, or other appropriate
 843 partners from the local community. Such partnerships shall be
 844 delineated in articulation agreements to provide for career-
 845 based courses that earn postsecondary credit. Such agreements
 846 may include articulation between the academy and public or
 847 private 2-year and 4-year postsecondary institutions and
 848 technical centers. The Department of Education, in consultation
 849 with the Board of Governors, shall establish a mechanism to
 850 ensure articulation and transfer of credits to postsecondary
 851 institutions in this state. Such partnerships must provide
 852 opportunities for:

853 (a)~~1.~~ Instruction from highly skilled professionals who
 854 possess industry-certification credentials for courses they are
 855 teaching.

856 (b)~~2.~~ Internships, externships, and on-the-job training.

857 (c)~~3.~~ A postsecondary degree, diploma, or certificate.

858 (d)~~4.~~ The highest available level of industry
 859 certification.

860 (e)~~5.~~ Maximum articulation of credits pursuant to s.
 861 1007.23 upon program completion.

862 (6)~~(e)~~ Each middle school or high school career and
 863 professional academy must:

864 (a) Provide shared, maximum use of private sector
 865 facilities and personnel.

866 (b)~~(d)~~ Provide personalized student advisement, including
 867 a parent-participation component, and coordination with middle
 868 schools to promote and support career exploration and education

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869 | planning as required under s. 1003.4156. Coordination with
870 | middle schools must provide information to middle school
871 | students about secondary and postsecondary career education
872 | programs and academies.

873 | (c)~~(e)~~ Promote and provide opportunities for career and
874 | professional academy students to attain, at minimum, the Florida
875 | Gold Seal Vocational Scholars award pursuant to s. 1009.536.

876 | (d)~~(f)~~ Provide instruction in careers designated as high
877 | growth, high demand, and high pay by the local workforce
878 | development board, the chamber of commerce, or the Agency for
879 | Workforce Innovation.

880 | (e)~~(g)~~ Deliver academic content through instruction
881 | relevant to the career, including intensive reading and
882 | mathematics intervention required by s. 1003.428, with an
883 | emphasis on strengthening reading for information skills.

884 | (f)~~(h)~~ Offer applied courses that combine academic content
885 | with technical skills.

886 | (g)~~(i)~~ Provide instruction resulting in competency,
887 | certification, or credentials in workplace skills, including,
888 | but not limited to, communication skills, interpersonal skills,
889 | decisionmaking skills, the importance of attendance and
890 | timeliness in the work environment, and work ethics.

891 | (h)~~(j)~~ Provide opportunities for students to obtain the
892 | Florida Ready to Work Certification pursuant to s. 1004.99, if
893 | available.

894 | (i)~~(k)~~ Include an evaluation plan developed jointly with
895 | the Department of Education and the local workforce board. The
896 | evaluation plan must include an assessment tool based on

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897 national industry standards, such as the Career Academy National
898 Standards of Practice, and outcome measures, including, but not
899 limited to, achievement of national industry certifications
900 identified in the Industry Certification Funding List, pursuant
901 to rules adopted by the State Board of Education, graduation
902 rates, enrollment in postsecondary education, business and
903 industry satisfaction, employment and earnings, awards of
904 postsecondary credit and scholarships, and student achievement
905 levels and learning gains on statewide assessments administered
906 under s. 1008.22(3)(c). The Department of Education shall use
907 Workforce Florida, Inc., and Enterprise Florida, Inc., in
908 identifying industry experts to participate in developing and
909 implementing such assessments.

910 (j)~~(1)~~ Include a plan to sustain career and professional
911 academies.

912 (k)~~(m)~~ Redirect appropriated career funding to career and
913 professional academies.

914 (7)~~(5)~~ All high school career courses offered in a career
915 and professional academy must lead to industry certification or
916 college credit linked directly to the career theme of the
917 course. Fifty ~~At least 50~~ percent of students enrolled in a
918 career course must achieve industry certifications or college
919 credits during the second year the course is offered in order
920 for the course to be offered a third year. At least 66 percent
921 of students enrolled in such a course must achieve industry
922 certifications or college credits during the third year the
923 course is offered in order for it to be offered a fourth year
924 and thereafter.

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925 (8) Each middle school career and professional academy
926 must be aligned with high school career and professional
927 academies offered in the school district and include one or more
928 partnerships with high schools, businesses, industry, employers,
929 economic development organizations, or other appropriate
930 partners from the local community. Such partnerships must
931 provide opportunities for:

932 (a) Instruction from highly skilled professionals who
933 possess industry-certification credentials for courses they are
934 teaching.

935 (b) Internships and externships

936 (c) Maximum articulation of high school dual enrollment
937 credits upon program completion.

938 (d) Personalized student advisement, including a parent-
939 participation component, and coordination with high schools to
940 promote accelerated course credit

941 (e) Instruction in careers designated as high growth, high
942 demand, and high pay by the local workforce development board,
943 the chamber of commerce, or the Agency for Workforce Innovation.

944 (f) The delivery of academic content through instruction
945 that is relevant to a career, including intensive reading and
946 mathematics intervention required by s. 1003.428, along with an
947 emphasis on strengthening reading for information skills.

948 (g) Applied courses that combine academic content with
949 technical skills.

950 (h) Instruction resulting in competency, including, but
951 not limited to, communication skills, interpersonal skills,
952 decisionmaking skills, the importance of attendance and

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953 timeliness in the work environment, and work ethics.

954 (i) An evaluation plan developed jointly with the
955 Department of Education and the local workforce board. The
956 Department of Education shall use Workforce Florida, Inc., and
957 Enterprise Florida, Inc., in identifying industry experts to
958 participate in developing and implementing such assessments.

959 (9) ~~(6)~~ The Okaloosa County School District CHOICE
960 Institutes shall serve in an advisory role and shall offer
961 technical assistance in the development of newly established
962 career and professional academies for a 3-year period beginning
963 July 1, 2007.

964 Section 16. Section 1003.575, Florida Statutes, is amended
965 to read:

966 1003.575 Assistive technology devices; findings;
967 interagency agreements.—Accessibility, utilization, and
968 coordination of appropriate assistive technology devices and
969 services are essential as a young person with disabilities moves
970 from early intervention to preschool, from preschool to school,
971 from one school to another, and from school to employment or
972 independent living. Within 60 to 90 days after receiving a
973 request for an assistive technology assessment, any school that
974 has an individualized education plan team shall arrange to
975 complete the assessment. To ensure that an assistive technology
976 device issued to a young person as part of his or her
977 individualized family support plan, individual support plan, or
978 an individual education plan remains with the individual through
979 such transitions, the following agencies shall enter into
980 interagency agreements, as appropriate, to ensure the

981 transaction of assistive technology devices:

982 (1) The Florida Infants and Toddlers Early Intervention
 983 Program in the Division of Children's Medical Services of the
 984 Department of Health.

985 (2) The Division of Blind Services, the Bureau of
 986 Exceptional Education and Student Services, and the Division of
 987 Vocational Rehabilitation of the Department of Education.

988 (3) The Voluntary Prekindergarten Education Program
 989 administered by the Department of Education and the Agency for
 990 Workforce Innovation.

991
 992 Interagency agreements entered into pursuant to this section
 993 shall provide a framework for ensuring that young persons with
 994 disabilities and their families, educators, and employers are
 995 informed about the utilization and coordination of assistive
 996 technology devices and services that may assist in meeting
 997 transition needs, and shall establish a mechanism by which a
 998 young person or his or her parent may request that an assistive
 999 technology device remain with the young person as he or she
 1000 moves through the continuum from home to school to postschool.

1001 Section 17. Subsection (2) of section 1003.621, Florida
 1002 Statutes, is amended to read:

1003 1003.621 Academically high-performing school districts.—It
 1004 is the intent of the Legislature to recognize and reward school
 1005 districts that demonstrate the ability to consistently maintain
 1006 or improve their high-performing status. The purpose of this
 1007 section is to provide high-performing school districts with
 1008 flexibility in meeting the specific requirements in statute and

1009 rules of the State Board of Education.

1010 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
 1011 high-performing school district shall comply with all of the
 1012 provisions in chapters 1000-1013, and rules of the State Board
 1013 of Education which implement these provisions, pertaining to the
 1014 following:

1015 (a) Those statutes pertaining to the provision of services
 1016 to students with disabilities.

1017 (b) Those statutes pertaining to civil rights, including
 1018 s. 1000.05, relating to discrimination.

1019 (c) Those statutes pertaining to student health, safety,
 1020 and welfare.

1021 (d) Those statutes governing the election or compensation
 1022 of district school board members.

1023 (e) Those statutes pertaining to the student assessment
 1024 program and the school grading system, including chapter 1008.

1025 (f) Those statutes pertaining to financial matters,
 1026 including chapter 1010, except that s. 1010.20(3)(a)1., 2., and
 1027 3., relating to the required program expenditure levels, are
 1028 eligible for exemption.

1029 (g) Those statutes pertaining to planning and budgeting,
 1030 including chapter 1011, except s. 1011.62(9)(d), relating to the
 1031 requirement for a comprehensive reading plan. A district that is
 1032 exempt from submitting this plan shall be deemed approved to
 1033 receive the research-based reading instruction allocation.

1034 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 1035 differentiated pay and performance-pay policies for school
 1036 administrators and instructional personnel. Professional service

1037 contracts are subject to the provisions of ss. 1012.33 and
 1038 1012.34.

1039 (i) Those statutes pertaining to educational facilities,
 1040 including chapter 1013, except that s. 1013.20, relating to
 1041 covered walkways for portables, and s. 1013.21, relating to the
 1042 use of relocatable facilities that exceed 20 years of age, are
 1043 eligible for exemption.

1044 (j) Those statutes relating to instructional materials,
 1045 except that ~~s. 1006.37, relating to the requisition of state-~~
 1046 ~~adopted materials from the depository under contract with the~~
 1047 ~~publisher, and~~ s. 1006.40(3)(a), relating to the use of 50
 1048 percent of the instructional materials allocation, shall be
 1049 eligible for exemption.

1050 (k) This section.

1051 Section 18. Subsection (1), paragraph (a) of subsection
 1052 (2), and paragraphs (b) and (e) of subsection (3) of section
 1053 1006.28, Florida Statutes, are amended to read:

1054 1006.28 Duties of district school board, district school
 1055 superintendent; and school principal regarding K-12
 1056 instructional materials.—

1057 (1) DISTRICT SCHOOL BOARD.—The district school board has
 1058 the duty to provide adequate instructional materials for all
 1059 students in accordance with the requirements of this part. The
 1060 term "adequate instructional materials" means a sufficient
 1061 number of student or site licenses ~~textbooks~~ or sets of
 1062 materials that are available in bound, unbound, kit, or package
 1063 form and may consist of hard-backed or soft-backed textbooks,
 1064 electronic content, consumables, learning laboratories,

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1065 manipulatives, electronic media, and computer courseware or
1066 software that serve as the basis for instruction for each
1067 student in the core courses of mathematics, language arts,
1068 social studies, science, reading, and literature, except for
1069 instruction for which the school advisory council approves the
1070 use of a program that does not include a textbook as a major
1071 tool of instruction. The district school board has the following
1072 specific duties:

1073 (a) *Courses of study; adoption.*—Adopt courses of study for
1074 use in the schools of the district.

1075 (b) *Instructional materials* ~~*Textbooks*~~.—Provide for proper
1076 requisitioning, distribution, accounting, storage, care, and use
1077 of all instructional materials furnished by the state and
1078 furnish such other instructional materials as may be needed. The
1079 district school board shall assure that instructional materials
1080 used in the district are consistent with the district goals and
1081 objectives and the curriculum frameworks adopted by rule of the
1082 State Board of Education, as well as with the state and district
1083 performance standards provided for in s. 1001.03(1).

1084 (c) *Other instructional materials.*—Provide such other
1085 teaching accessories and aids as are needed for the school
1086 district's educational program.

1087 (d) *School library media services; establishment and*
1088 *maintenance.*—Establish and maintain a program of school library
1089 media services for all public schools in the district, including
1090 school library media centers, or school library media centers
1091 open to the public, and, in addition such traveling or
1092 circulating libraries as may be needed for the proper operation

1093 of the district school system.

1094 (2) DISTRICT SCHOOL SUPERINTENDENT.—

1095 (a) The district school superintendent has the duty to
 1096 recommend such plans for improving, providing, distributing,
 1097 accounting for, and caring for instructional materials ~~textbooks~~
 1098 and other instructional aids as will result in general
 1099 improvement of the district school system, as prescribed in this
 1100 part, in accordance with adopted district school board rules
 1101 prescribing the duties and responsibilities of the district
 1102 school superintendent regarding the requisition, purchase,
 1103 receipt, storage, distribution, use, conservation, records, and
 1104 reports of, and management practices and property accountability
 1105 concerning, instructional materials, and providing for an
 1106 evaluation of any instructional materials to be requisitioned
 1107 that have not been used previously in the district's schools.
 1108 The district school superintendent must keep adequate records
 1109 and accounts for all financial transactions for funds collected
 1110 pursuant to subsection (3), as a component of the educational
 1111 service delivery scope in a school district best financial
 1112 management practices review under s. 1008.35.

1113 (3) SCHOOL PRINCIPAL.—The school principal has the
 1114 following duties for the management and care of instructional
 1115 materials at the school:

1116 (b) *Money collected for lost or damaged instructional*
 1117 *materials ~~books~~; enforcement.*—The school principal shall collect
 1118 from each student or the student's parent the purchase price of
 1119 any instructional material the student has lost, destroyed, or
 1120 unnecessarily damaged and to report and transmit the money

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1121 collected to the district school superintendent. The failure to
 1122 collect such sum upon reasonable effort by the school principal
 1123 may result in the suspension of the student from participation
 1124 in extracurricular activities or satisfaction of the debt by the
 1125 student through community service activities at the school site
 1126 as determined by the school principal, pursuant to policies
 1127 adopted by district school board rule.

1128 (e) *Accounting for instructional materials ~~textbooks~~.*—
 1129 Principals shall see that all instructional materials ~~books~~ are
 1130 fully and properly accounted for as prescribed by adopted rules
 1131 of the district school board.

1132 Section 19. Section 1006.29, Florida Statutes, is amended
 1133 to read:

1134 1006.29 State instructional materials reviewers
 1135 ~~committees~~.—

1136 (1) ~~Each school year, not later than April 15, the~~
 1137 ~~commissioner shall appoint state instructional materials~~
 1138 ~~committees composed of persons actively engaged in teaching or~~
 1139 ~~in the supervision of teaching in the public elementary, middle,~~
 1140 ~~or high schools and representing the major fields and levels in~~
 1141 ~~which instructional materials are used in the public schools~~
 1142 ~~and, in addition, lay citizens not professionally connected with~~
 1143 ~~education. Committee members shall receive training pursuant to~~
 1144 ~~subsection (5) in competencies related to the evaluation and~~
 1145 ~~selection of instructional materials.~~

1146 (a) ~~There shall be 10 or more members on each committee:~~
 1147 ~~At least 50 percent of the members shall be classroom teachers~~
 1148 ~~who are certified in an area directly related to the academic~~

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1149 ~~area or level being considered for adoption, 2 shall be~~
1150 ~~laypersons, 1 shall be a district school board member, and 2~~
1151 ~~shall be supervisors of teachers. The committee must have the~~
1152 ~~capacity or expertise to address the broad racial, ethnic,~~
1153 ~~socioeconomic, and cultural diversity of the state's student~~
1154 ~~population. Personnel selected as teachers of the year at the~~
1155 ~~school, district, regional, or state level are encouraged to~~
1156 ~~serve on instructional materials committees.~~

1157 ~~(b) The membership of each committee must reflect the~~
1158 ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~
1159 ~~the state, including a balanced representation from the state's~~
1160 ~~geographic regions.~~

1161 ~~(a)(e)~~ The commissioner shall determine annually the areas
1162 in which instructional materials shall be submitted for
1163 adoption, taking into consideration the desires of the district
1164 school boards. The commissioner shall also determine the number
1165 of titles to be adopted in each area.

1166 (b) By April 15 of each school year, the commissioner
1167 shall appoint three state or national experts in the content
1168 areas to review instructional materials and evaluate the content
1169 for alignment with the applicable Sunshine State Standards or
1170 Next Generation Sunshine State Standards. The expert reviewers
1171 shall review the materials selected for adoption for the level
1172 of instructional support and the accuracy and appropriateness of
1173 progression of introduced content. Instructional materials shall
1174 be made available to reviewers in electronic form. The initial
1175 review of the materials shall be made by only two of the three
1176 expert reviewers. If the two reviewers reach opposing results,

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1177 the third reviewer shall break the tie. Expert reviewers shall
1178 independently make recommendations to the commissioner and shall
1179 use an electronic feedback review system for making
1180 recommendations regarding materials that should be placed on
1181 Florida's list of adopted materials. The expert reviewers may
1182 receive a fee for their services.

1183 (c) The commissioner shall request each school district
1184 superintendent to nominate one classroom teacher or district-
1185 level content supervisor to review two or three of the
1186 submissions recommended by the university expert reviewers.
1187 School districts shall ensure that these nominees are provided
1188 with the support and time necessary to accomplish a thorough
1189 review at no cost to the state. District reviewers shall
1190 independently rate the recommended submissions on the
1191 instructional usability of the resources.

1192 ~~(2) (a) All appointments shall be as prescribed in this~~
1193 ~~section. No member shall serve more than two consecutive terms~~
1194 ~~on any committee. All appointments shall be for 18-month terms.~~
1195 ~~All vacancies shall be filled in the manner of the original~~
1196 ~~appointment for only the time remaining in the unexpired term.~~
1197 ~~At no time may a district school board have more than one~~
1198 ~~representative on a committee. The commissioner and a member of~~
1199 ~~the department whom he or she shall designate shall be~~
1200 ~~additional and ex officio members of each committee.~~

1201 ~~(b) The names and mailing addresses of the members of the~~
1202 ~~state instructional materials committees shall be made public~~
1203 ~~when appointments are made.~~

1204 ~~(c) The district school board shall be reimbursed for the~~

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1205 ~~actual cost of substitute teachers for each workday that a~~
1206 ~~member of its instructional staff is absent from his or her~~
1207 ~~assigned duties for the purpose of rendering service to the~~
1208 ~~state instructional materials committee. In addition, committee~~
1209 ~~members shall be reimbursed for travel expenses and per diem in~~
1210 ~~accordance with s. 112.061 for actual service in meetings of~~
1211 ~~committees called by the commissioner. Payment of such travel~~
1212 ~~expenses shall be made from the appropriation for the~~
1213 ~~administration of the instructional materials program, on~~
1214 ~~warrants to be drawn by the Chief Financial Officer upon~~
1215 ~~requisition approved by the commissioner.~~

1216 ~~(d) Any member of a committee may be removed by the~~
1217 ~~commissioner for cause.~~

1218 ~~(3) All references in the law to the state instructional~~
1219 ~~materials committee shall apply to each committee created by~~
1220 ~~this section.~~

1221 (2)~~(4)~~ For purposes of state adoption, "instructional
1222 materials" means items having intellectual content that by
1223 design serve as a major tool for assisting in the instruction of
1224 a subject or course. These items may be available in bound,
1225 unbound, kit, or package form and may consist of hardbacked or
1226 softbacked textbooks, electronic content, consumables, learning
1227 laboratories, manipulatives, electronic media, and computer
1228 courseware or software. A publisher or manufacturer providing
1229 instructional materials as a single bundle shall also make the
1230 instructional materials available as separate and unbundled
1231 items, each priced individually. Any instructional materials
1232 adopted in ~~after~~ 2012-2013 for students in grades 9 through 12

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1233 shall ~~also~~ be provided only in an electronic format. Beginning
 1234 with the 2013-2014 school year, any instructional materials
 1235 adopted for grades 5 through 12 shall be provided only in an
 1236 electronic format. Beginning with the 2014-2015 school year, any
 1237 instructional materials adopted for grades kindergarten through
 1238 12 shall be provided only in an electronic format. The term does
 1239 not include electronic or computer hardware even if such
 1240 hardware is bundled with software or other electronic media, nor
 1241 does it include equipment or supplies.

1242 ~~(3)(5)~~ The department shall develop a training program for
 1243 persons selected as expert and school district reviewers, which
 1244 shall include instruction on reviewing standards-based content
 1245 and reviewing digital materials using an electronic feedback
 1246 review system ~~to serve on state instructional materials~~
 1247 ~~committees~~. The program shall be structured to assist reviewers
 1248 ~~committee members~~ in developing the skills necessary to make
 1249 valid, culturally sensitive, and objective decisions regarding
 1250 the content and rigor of instructional materials. All persons
 1251 serving ~~as~~ on instructional materials reviewers ~~committees~~ must
 1252 complete the training program prior to beginning the review and
 1253 selection process.

1254 Section 20. Section 1006.30, Florida Statutes, is amended
 1255 to read:

1256 1006.30 Affidavit of state instructional materials
 1257 reviewers ~~committee members~~.—Before transacting any business,
 1258 each reviewer ~~member of a state committee~~ shall make an
 1259 affidavit, to be filed with the department ~~commissioner~~, that:

1260 (1) The reviewer ~~member~~ will faithfully discharge the

1261 duties imposed upon him or her ~~as a member of the committee.~~

1262 (2) The reviewer ~~member~~ has no interest, ~~and while a~~
 1263 ~~member of the committee he or she will assume no interest,~~ in
 1264 any publishing or manufacturing organization that ~~which~~ produces
 1265 or sells instructional materials.

1266 (3) The reviewer ~~member~~ is in no way connected, ~~and while~~
 1267 ~~a member of the committee he or she will assume no connection,~~
 1268 with the distribution of the instructional materials.

1269 (4) The reviewer ~~does not have any direct or indirect~~
 1270 pecuniary interest ~~member is not pecuniarily interested, and~~
 1271 ~~while a member of the committee he or she will assume no~~
 1272 ~~pecuniary interest, directly or indirectly,~~ in the business or
 1273 profits of any person engaged in manufacturing, publishing, or
 1274 selling instructional materials designed for use in the public
 1275 schools.

1276 (5) The reviewer ~~member~~ will not accept any emolument or
 1277 promise of future reward of any kind from any publisher or
 1278 manufacturer of instructional materials or his or her agent or
 1279 anyone interested in, or intending to bias his or her judgment
 1280 in any way in, the selection of any materials to be adopted.

1281 (6) The reviewer understands that ~~it is unlawful for any~~
 1282 ~~member of a state instructional materials committee to discuss~~
 1283 matters relating to instructional materials submitted for
 1284 adoption with any agent of a publisher or manufacturer of
 1285 instructional materials, either directly or indirectly, except
 1286 during the period when the publisher or manufacturer is
 1287 providing a presentation for the reviewer during his or her
 1288 review of ~~committee has been called into session for the purpose~~

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1289 ~~of evaluating instructional materials submitted for adoption.~~
 1290 ~~Such discussions shall be limited to official meetings of the~~
 1291 ~~committee and in accordance with procedures prescribed by the~~
 1292 ~~commissioner for that purpose.~~

1293 Section 21. Section 1006.31, Florida Statutes, is amended
 1294 to read:

1295 1006.31 Duties of each state instructional materials
 1296 reviewers ~~committee~~.—The duties of each state instructional
 1297 materials reviewer ~~committee~~ are:

1298 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
 1299 ~~commissioner, at a place in the state designated by him or her,~~
 1300 ~~for the purpose of evaluating and recommending instructional~~
 1301 ~~materials for adoption by the state. All meetings of state~~
 1302 ~~instructional materials committees shall be announced publicly~~
 1303 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
 1304 ~~the date of convening. All meetings of the committees shall be~~
 1305 ~~open to the public.~~

1306 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
 1307 ~~adoption. An employee of the department shall serve as secretary~~
 1308 ~~to the committee and keep an accurate record of its proceedings.~~
 1309 ~~All records of committee motions and votes, and summaries of~~
 1310 ~~committee debate shall be incorporated into a publishable~~
 1311 ~~document and shall be available for public inspection and~~
 1312 ~~duplication.~~

1313 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
 1314 the commissioner for evaluating instructional materials
 1315 submitted by publishers and manufacturers in each adoption.

1316 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate

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1317 | carefully all instructional materials submitted, to ascertain
1318 | which instructional materials, if any, submitted for
1319 | consideration ~~best~~ implement the selection criteria developed by
1320 | the department ~~commissioner~~ and those curricular objectives
1321 | included within applicable performance standards provided for in
1322 | s. 1001.03(1).

1323 | (a) When recommending instructional materials for use in
1324 | the schools, each reviewer ~~committee~~ shall include only
1325 | instructional materials that accurately portray the ethnic,
1326 | socioeconomic, cultural, and racial diversity of our society,
1327 | including men and women in professional, career, and executive
1328 | roles, and the role and contributions of the entrepreneur and
1329 | labor in the total development of this state and the United
1330 | States.

1331 | (b) When recommending instructional materials for use in
1332 | the schools, each reviewer ~~committee~~ shall include only
1333 | materials which accurately portray, whenever appropriate,
1334 | humankind's place in ecological systems, including the necessity
1335 | for the protection of our environment and conservation of our
1336 | natural resources and the effects on the human system of the use
1337 | of tobacco, alcohol, controlled substances, and other dangerous
1338 | substances.

1339 | (c) When recommending instructional materials for use in
1340 | the schools, each reviewer ~~committee~~ shall require such
1341 | materials as he or she ~~it~~ deems necessary and proper to
1342 | encourage thrift, fire prevention, and humane treatment of
1343 | people and animals.

1344 | (d) When recommending instructional materials for use in

1345 the schools, each reviewer ~~committee~~ shall require, when
 1346 appropriate to the comprehension of students, that materials for
 1347 social science, history, or civics classes contain the
 1348 Declaration of Independence and the Constitution of the United
 1349 States. A reviewer may not recommend any ~~No~~ instructional
 1350 materials ~~shall be recommended by any committee~~ for use in the
 1351 schools which contain any matter reflecting unfairly upon
 1352 persons because of their race, color, creed, national origin,
 1353 ancestry, gender, or occupation.

1354 (e) Any ~~All~~ instructional materials recommended by a ~~each~~
 1355 reviewer ~~committee~~ for use in the schools shall be, to the
 1356 satisfaction of each reviewer ~~committee~~, accurate, objective,
 1357 and current and suited to the needs and comprehension of
 1358 students at their respective grade levels. Instructional
 1359 materials reviewers ~~committees~~ shall consider for adoption
 1360 materials developed for academically talented students such as
 1361 those enrolled in advanced placement courses.

1362 ~~(3)-(5)~~ REPORT OF EXPERT REVIEWERS COMMITTEE.—Each expert
 1363 reviewer ~~committee~~, after a thorough study of all data submitted
 1364 on each instructional material, ~~and after each member has~~
 1365 ~~carefully evaluated each instructional material,~~ shall submit an
 1366 electronic ~~present a written~~ report to the department
 1367 ~~commissioner~~. The ~~Such~~ report shall be made public, and must
 1368 ~~shall~~ include responses to each section of the report format
 1369 prescribed by the department.÷

1370 ~~(a)~~ ~~A description of the procedures used in determining~~
 1371 ~~the instructional materials to be recommended to the~~
 1372 ~~commissioner.~~

1373 ~~(b) Recommendations of instructional materials for each~~
 1374 ~~grade and subject field in the curriculum of public elementary,~~
 1375 ~~middle, and high schools in which adoptions are to be made. If~~
 1376 ~~deemed advisable, the committee may include such other~~
 1377 ~~information, expression of opinion, or recommendation as would~~
 1378 ~~be helpful to the commissioner. If there is a difference of~~
 1379 ~~opinion among the members of the committee as to the merits of~~
 1380 ~~any instructional materials, any member may file an expression~~
 1381 ~~of his or her individual opinion.~~

1382
 1383 ~~The findings of the committees, including the evaluation of~~
 1384 ~~instructional materials, shall be in sessions open to the~~
 1385 ~~public. All decisions leading to determinations of the~~
 1386 ~~committees shall be by roll call vote, and at no time will a~~
 1387 ~~secret ballot be permitted.~~

1388 Section 22. Section 1006.32, Florida Statutes, is amended
 1389 to read:

1390 1006.32 Prohibited acts.—

1391 (1) A ~~No~~ publisher or manufacturer of instructional
 1392 material, or any representative thereof, may not ~~shall~~ offer to
 1393 give any emolument, money, or other valuable thing, or any
 1394 inducement, to any district school board official or state
 1395 ~~member of a state-level~~ instructional materials reviewer
 1396 ~~committee~~ to directly or indirectly introduce, recommend, vote
 1397 for, or otherwise influence the adoption or purchase of any
 1398 instructional materials.

1399 (2) A ~~No~~ district school board official or ~~member of a~~
 1400 state instructional materials reviewer may not ~~committee shall~~

1401 solicit or accept any emolument, money, or other valuable thing,
 1402 or any inducement, to directly or indirectly introduce,
 1403 recommend, vote for, or otherwise influence the adoption or
 1404 purchase of any instructional material.

1405 (3) A ~~No~~ district school board or publisher may not
 1406 participate in a pilot program of materials being considered for
 1407 adoption during the 18-month period before the official adoption
 1408 of the materials by the commissioner. Any pilot program during
 1409 the first 2 years of the adoption period must have the prior
 1410 approval of the commissioner.

1411 (4) Any publisher or manufacturer of instructional
 1412 materials or representative thereof or any district school board
 1413 official or state instructional materials reviewer ~~committee~~
 1414 ~~member~~, who violates any provision of this section commits a
 1415 misdemeanor of the second degree, punishable as provided in s.
 1416 775.082 or s. 775.083. Any representative of a publisher or
 1417 manufacturer who violates any provision of this section, in
 1418 addition to any other penalty, shall be banned from practicing
 1419 business in the state for a period of 1 calendar year. ~~Any~~
 1420 ~~district school board official or state instructional materials~~
 1421 ~~committee member who violates any provision of this section, in~~
 1422 ~~addition to any other penalty, shall be removed from his or her~~
 1423 ~~official position.~~

1424 (5) This section does not prohibit ~~Nothing in this section~~
 1425 ~~shall be construed to prevent~~ any publisher, manufacturer, or
 1426 agent from supplying, for purposes of examination, necessary
 1427 sample copies of instructional materials to any district school
 1428 board official or state instructional materials reviewer

1429 ~~committee member.~~

1430 (6) This section does not prohibit ~~Nothing in this section~~
 1431 ~~shall be construed to prevent~~ a district school board official
 1432 or state instructional materials reviewer ~~committee member~~ from
 1433 receiving sample copies of instructional materials.

1434 (7) This section does not ~~Nothing contained in this~~
 1435 ~~section shall be construed to~~ prohibit or restrict a district
 1436 school board official from receiving royalties or other
 1437 compensation, other than compensation paid to him or her as
 1438 commission for negotiating sales to district school boards, from
 1439 the publisher or manufacturer of instructional materials
 1440 written, designed, or prepared by such district school board
 1441 official, and adopted by the commissioner or purchased by any
 1442 district school board. No district school board official shall
 1443 be allowed to receive royalties on any materials not on the
 1444 state-adopted list purchased for use by his or her district
 1445 school board.

1446 (8) A ~~No~~ district school superintendent, district school
 1447 board member, teacher, or other person officially connected with
 1448 the government or direction of public schools may not ~~shall~~
 1449 receive during the months actually engaged in performing duties
 1450 under his or her contract any private fee, gratuity, donation,
 1451 or compensation, in any manner whatsoever, for promoting the
 1452 sale or exchange of any school book, map, or chart in any public
 1453 school, or be an agent for the sale or the publisher of any
 1454 school textbook or reference work, or be directly or indirectly
 1455 pecuniarily interested in the introduction of any such textbook,
 1456 and any such agency or interest shall disqualify any person so

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1457 acting or interested from holding any district school board
 1458 employment whatsoever, and the person commits a misdemeanor of
 1459 the second degree, punishable as provided in s. 775.082 or s.
 1460 775.083; however, ~~provided that~~ this subsection does ~~shall~~ not
 1461 prevent ~~be construed as preventing~~ the adoption of any book
 1462 written in whole or in part by a Florida author.

1463 Section 23. Paragraphs (b) and (e) of subsection (1) and
 1464 subsections (2) and (4) of section 1006.33, Florida Statutes,
 1465 are amended to read:

1466 1006.33 Bids or proposals; advertisement and its
 1467 contents.—

1468 (1)

1469 (b) The advertisement shall state that, beginning in 2010-
 1470 2011, each bidder shall furnish electronic specimen copies of
 1471 all instructional materials submitted, at a time designated by
 1472 the department, which specimen copies shall be identical with
 1473 the copies approved and accepted by ~~the members of the state~~
 1474 instructional materials reviewers committee, as prescribed in
 1475 this section, and with the copies furnished to the department
 1476 and district school superintendents, as provided in this part.
 1477 Any district school superintendent who requires samples in
 1478 addition to the electronic format must request those samples
 1479 through the department.

1480 (e) The advertisement shall give information as to ~~how~~
 1481 specifications that ~~which~~ have been adopted by the department in
 1482 regard to digital specifications, including the capabilities for
 1483 searching by state standards, site and student-level licensing,
 1484 and format requirements ~~paper, binding, cover boards, and~~

1485 ~~mechanical makeup can be secured.~~ In adopting specifications,
 1486 the department shall make an exception for instructional
 1487 materials that are college-level texts and that do not meet
 1488 department ~~physical~~ specifications for secondary materials, if
 1489 the publisher guarantees replacement during the term of the
 1490 contract.

1491 (2) The bids submitted shall be for furnishing the
 1492 designated materials in accordance with specifications of the
 1493 department. The bid shall state the lowest wholesale price at
 1494 which the materials will be furnished, at the time the adoption
 1495 period provided in the contract begins, ~~delivered f.o.b. to the~~
 1496 ~~Florida depository of the publisher, manufacturer, or bidder.~~

1497 (4) Specimen copies of all instructional materials that
 1498 have been made the bases of contracts under this part shall,
 1499 upon request for the purpose of public inspection, be made
 1500 available by the publisher to the department and the district
 1501 school superintendent of each district school board that adopts
 1502 the instructional materials from the state list upon request for
 1503 the purpose of public inspection. ~~All contracts and bonds~~
 1504 ~~executed under this part shall be signed in triplicate. One copy~~
 1505 ~~of each contract and an original of each bid, whether accepted~~
 1506 ~~or rejected, shall be preserved with the department for at least~~
 1507 ~~3 years after termination of the contract.~~

1508 Section 24. Subsections (1), (2), (3), and (7) of section
 1509 1006.34, Florida Statutes, are amended to read:

1510 1006.34 Powers and duties of the commissioner and the
 1511 department in selecting and adopting instructional materials.—

1512 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The

1513 State Board of Education shall adopt rules prescribing
 1514 ~~commissioner shall prescribe~~ the procedures by which the
 1515 department shall evaluate instructional materials submitted by
 1516 publishers and manufacturers in each adoption. The rules shall
 1517 be exempt from the legislative ratification requirement in s.
 1518 120.541(3). Included in these procedures shall be provisions
 1519 affording ~~which afford~~ each publisher or manufacturer or his or
 1520 her representative an opportunity to provide a virtual
 1521 presentation to expert reviewers on ~~present to members of the~~
 1522 ~~state instructional materials committees~~ the merits of each
 1523 instructional material submitted in each adoption.

1524 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

1525 (a) The department shall notify all publishers and
 1526 manufacturers of instructional materials who have submitted bids
 1527 that within 3 weeks after the deadline for receiving bids, at a
 1528 designated time and place, it will open the bids submitted and
 1529 deposited with it. At the time and place designated, the bids
 1530 shall be opened, read, and tabulated in the presence of the
 1531 bidders or their representatives. No one may revise his or her
 1532 bid after the bids have been filed. When all bids have been
 1533 carefully considered, the commissioner shall, from the list of
 1534 suitable, usable, and desirable instructional materials reported
 1535 by the state instructional materials reviewers ~~committee~~, select
 1536 and adopt instructional materials for each grade and subject
 1537 field in the curriculum of public elementary, middle, and high
 1538 schools in which adoptions are made and in the subject areas
 1539 designated in the advertisement. The adoption shall continue for
 1540 the period specified in the advertisement, beginning on the

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1541 | ensuing April 1. The adoption shall not prevent the extension of
 1542 | a contract as provided in subsection (3). The commissioner shall
 1543 | always reserve the right to reject any and all bids. The
 1544 | commissioner may ask for new sealed bids from publishers or
 1545 | manufacturers whose instructional materials were recommended by
 1546 | the state instructional materials reviewers ~~committee~~ as
 1547 | suitable, usable, and desirable; specify the dates for filing
 1548 | such bids and the date on which they shall be opened; and
 1549 | proceed in all matters regarding the opening of bids and the
 1550 | awarding of contracts as required by this part. In all cases,
 1551 | bids shall be accompanied by a cash deposit or certified check
 1552 | of from \$500 to \$2,500, as the department ~~commissioner~~ may
 1553 | direct. The department, in adopting instructional materials,
 1554 | shall give due consideration both to the prices bid for
 1555 | furnishing instructional materials and to the report and
 1556 | recommendations of the state instructional materials reviewers
 1557 | ~~committee~~. When the commissioner has finished with the report of
 1558 | the state instructional materials reviewers ~~committee~~, the
 1559 | report shall be filed and preserved with the department and
 1560 | shall be available at all times for public inspection.

1561 | (b) In the selection of instructional materials, library
 1562 | media ~~books~~, and other reading material used in the public
 1563 | school system, the standards used to determine the propriety of
 1564 | the material shall include:

1565 | 1. The age of the students who normally could be expected
 1566 | to have access to the material.

1567 | 2. The educational purpose to be served by the material.

1568 | In considering instructional materials for classroom use,

1569 | priority shall be given to the selection of materials which
 1570 | encompass the state and district school board performance
 1571 | standards provided for in s. 1001.03(1) and which include the
 1572 | instructional objectives contained within the curriculum
 1573 | frameworks approved by rule of the State Board of Education.

1574 | 3. The degree to which the material would be supplemented
 1575 | and explained by mature classroom instruction as part of a
 1576 | normal classroom instructional program.

1577 | 4. The consideration of the broad racial, ethnic,
 1578 | socioeconomic, and cultural diversity of the students of this
 1579 | state.

1580 |
 1581 | Any ~~no~~ book or other material containing hard-core pornography
 1582 | or otherwise prohibited by s. 847.012 may not ~~shall~~ be used or
 1583 | made available within any public school district.

1584 | (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
 1585 | soon as practicable after the commissioner has adopted any
 1586 | instructional materials and all bidders that have secured the
 1587 | adoption of any instructional materials have been notified
 1588 | thereof by registered letter, the department ~~Department of Legal~~
 1589 | ~~Affairs~~ shall prepare a contract in proper form with every
 1590 | bidder awarded the adoption of any instructional materials. Each
 1591 | contract shall be executed by the commissioner ~~Governor and~~
 1592 | ~~Secretary of State under the seal of the state~~, one copy to be
 1593 | kept by the contractor, ~~one copy to be filed with the Department~~
 1594 | ~~of State~~, and one copy to be filed with the department. After
 1595 | giving due consideration to comments by the district school
 1596 | boards, the commissioner, with the agreement of the publisher,

1597 may extend or shorten a contract period for a period not to
 1598 exceed 2 years; and the terms of any such contract shall remain
 1599 the same as in the original contract. Any publisher or
 1600 manufacturer to whom any contract is let under this part must
 1601 give bond in such amount as the department ~~commissioner~~
 1602 requires, payable to the state, conditioned for the faithful,
 1603 honest, and exact performance of the contract. The bond must
 1604 provide for the payment of reasonable attorney's fees in case of
 1605 recovery in any suit thereon. The surety on the bond must be a
 1606 guaranty or surety company lawfully authorized to do business in
 1607 the state; however, the bond shall not be exhausted by a single
 1608 recovery but may be sued upon from time to time until the full
 1609 amount thereof is recovered, and the department may at any time,
 1610 after giving 30 days' notice, require additional security or
 1611 additional bond. The form of any bond or bonds or contract or
 1612 contracts under this part shall be prepared and approved by the
 1613 department ~~Department of Legal Affairs~~. At the discretion of the
 1614 commissioner, a publisher or manufacturer to whom any contract
 1615 is let under this part may be allowed a cash deposit in lieu of
 1616 a bond, conditioned for the faithful, honest, and exact
 1617 performance of the contract. The cash deposit, payable to the
 1618 department, shall be placed in the Textbook Bid Trust Fund. The
 1619 department may recover damages on the cash deposit given by the
 1620 contractor for failure to furnish instructional materials, the
 1621 sum recovered to inure to the General Revenue Fund.

1622 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
 1623 manufacturer of instructional materials fails or refuses to
 1624 furnish ~~a book, or books, or other~~ instructional materials as

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1625 provided in the contract, the publisher's or manufacturer's ~~his~~
 1626 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
 1627 ~~shall~~ make another contract containing ~~on such~~ terms as
 1628 determined by it may find desirable, ~~after giving due~~
 1629 ~~consideration to the recommendations of~~ the commissioner.

1630 Section 25. Subsection (2) of section 1006.35, Florida
 1631 Statutes, is amended to read:

1632 1006.35 Accuracy of instructional materials.—

1633 (2) When errors in state-adopted materials are confirmed,
 1634 the publisher of the materials shall provide to each district
 1635 school board that has purchased the materials the corrections in
 1636 a format approved by the department ~~commissioner~~.

1637 Section 26. Section 1006.36, Florida Statutes, is amended
 1638 to read:

1639 1006.36 Term of adoption for instructional materials.—

1640 (1) The term of adoption of any instructional materials
 1641 must be a 5-year ~~6-year~~ period beginning on April 1 following
 1642 the adoption, except that the commissioner may approve terms of
 1643 adoption of less than 5 ~~6~~ years for materials in content areas
 1644 which require more frequent revision. Any contract for
 1645 instructional materials may be extended as prescribed in s.
 1646 1006.34(3).

1647 (2) The department shall publish annually an official
 1648 schedule of subject areas to be called for adoption for each of
 1649 the succeeding 2 years, and a tentative schedule for years 3, 4,
 1650 and 5, ~~and 6~~. If extenuating circumstances warrant, the
 1651 commissioner may ~~order the department to~~ add one or more subject
 1652 areas to the official schedule, in which event the commissioner

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1653 shall develop criteria for such additional subject area or areas
 1654 and make them available to publishers as soon as practicable
 1655 before the date on which bids are due. The schedule shall be
 1656 developed so as to promote balance among the subject areas so
 1657 that the required expenditure for new instructional materials is
 1658 approximately the same each year in order to maintain curricular
 1659 consistency.

1660 Section 27. Section 1006.37, Florida Statutes, is
 1661 repealed.

1662 Section 28. Subsections (2), (3), (5), and (6) and
 1663 subsections (11) through (17) of section 1006.38, Florida
 1664 Statutes, are amended to read:

1665 1006.38 Duties, responsibilities, and requirements of
 1666 instructional materials publishers and manufacturers.—Publishers
 1667 and manufacturers of instructional materials, or their
 1668 representatives, shall:

1669 (2) Electronically deliver fully developed specimen copies
 1670 of all instructional materials upon which bids are based to the
 1671 department pursuant to procedures adopted by the State Board of
 1672 Education ~~each member of a state instructional materials~~
 1673 ~~committee. At the conclusion of the review process,~~
 1674 ~~manufacturers submitting samples of instructional materials are~~
 1675 ~~entitled to the return thereof, at the expense of the~~
 1676 ~~manufacturers; or, in the alternative, the manufacturers are~~
 1677 ~~entitled to reimbursement by the individual committee members~~
 1678 ~~for the retail value of the samples.~~

1679 (3) Submit, at a time designated in s. 1006.33, the
 1680 following information:

1681 (a) Detailed specifications of the physical
 1682 characteristics of the instructional materials, including any
 1683 software or technological tools required for use of the
 1684 instructional tool by the district, school, teachers, or
 1685 students. The publisher or manufacturer shall comply with these
 1686 specifications if the instructional materials are adopted and
 1687 purchased in completed form.

1688 (b) Evidence ~~written proof~~ that the publisher has provided
 1689 materials that the user can vertically search, electronically
 1690 gather, and organize by specific ~~written correlations to~~
 1691 ~~appropriate curricular objectives included within applicable~~
 1692 performance standards provided for in s. 1001.03(1).

1693 (5) Furnish the instructional materials offered by them at
 1694 a price in the state which, including all costs of electronic
 1695 transmission ~~transportation to their depositories, may~~ shall not
 1696 exceed the lowest price at which they offer such instructional
 1697 materials for adoption or sale to any state or school district
 1698 in the United States.

1699 (6) Reduce automatically the price of the instructional
 1700 materials to any district school board to the extent that
 1701 reductions are made elsewhere in the United States. Publishers
 1702 may offer sections of state-adopted instructional materials in
 1703 digital or electronic versions at reduced rates to districts,
 1704 schools, and teachers in this state.

1705 ~~(11) Maintain or contract with a depository in the state.~~

1706 ~~(12) For the core subject areas specified in s.~~
 1707 ~~1006.40(2), maintain in the depository for the first 2 years of~~
 1708 ~~the contract an inventory of instructional materials sufficient~~

1709 ~~to receive and fill orders.~~

1710 (11)~~(13)~~ For the core subject areas specified in s.
 1711 1006.40(2), ensure the availability of an inventory sufficient
 1712 to receive and fill orders for instructional materials for
 1713 growth, including the opening of a new school, and replacement
 1714 during the 3rd and subsequent years of the original contract
 1715 period.

1716 ~~(14) For all other subject areas, maintain in the~~
 1717 ~~depository an inventory of instructional materials sufficient to~~
 1718 ~~receive and fill orders.~~

1719 (12)~~(15)~~ Accurately and fully disclose only the names of
 1720 those persons who actually authored the instructional materials.
 1721 In addition to the penalties provided in subsection (14) ~~(17)~~,
 1722 the commissioner may remove from the list of state-adopted
 1723 instructional materials those instructional materials whose
 1724 publisher or manufacturer misleads the purchaser by falsely
 1725 representing genuine authorship.

1726 (13)~~(16)~~ Grant, without prior written request, for any
 1727 copyright held by the publisher or its agencies automatic
 1728 permission to the department or its agencies for the
 1729 reproduction of instructional materials ~~textbooks~~ and
 1730 supplementary materials in braille or large print or in the form
 1731 of sound recordings, for use by visually impaired students or
 1732 other students with disabilities that would benefit from use of
 1733 the materials.

1734 (14)~~(17)~~ Upon the willful failure of the publisher or
 1735 manufacturer to comply with the requirements of this section, be
 1736 liable to the department in the amount of three ~~3~~ times the

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1737 total sum which the publisher or manufacturer was paid in excess
 1738 of the price required under subsections (5) and (6) and in the
 1739 amount of three ~~3~~ times the total value of the instructional
 1740 materials and services which the district school board is
 1741 entitled to receive free of charge under subsection (7).

1742 Section 29. Subsection (5) of section 1006.39, Florida
 1743 Statutes, is amended to read:

1744 1006.39 Production and dissemination of educational
 1745 materials and products by department.—

1746 (5) The department shall not enter into the business of
 1747 producing or publishing instructional materials ~~textbooks~~, or
 1748 the contents therein, for general use in classrooms.

1749 Section 30. Subsection (2), paragraph (a) of subsection
 1750 (3), and subsection (4) of section 1006.40, Florida Statutes,
 1751 are amended to read:

1752 1006.40 Use of instructional materials allocation;
 1753 instructional materials, library books, and reference books;
 1754 repair of books.—

1755 (2)~~(a)~~ Each district school board must purchase current
 1756 instructional materials to provide each student with ~~a textbook~~
 1757 ~~or other~~ instructional materials as a major tool of instruction
 1758 in core courses of the appropriate subject areas of mathematics,
 1759 language arts, science, social studies, reading, and literature
 1760 for kindergarten through grade 12. ~~Such purchase must be made~~
 1761 ~~within the first 2 years after the effective date of the~~
 1762 ~~adoption cycle; however, this requirement is waived for the~~
 1763 ~~adoption cycle occurring in the 2008-2009 academic year for~~
 1764 ~~schools within the district which are identified in the top four~~

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1765 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1766 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1767 ~~may provide a waiver of this requirement for the adoption cycle~~
1768 ~~occurring in the 2008-2009 academic year if the district~~
1769 ~~demonstrates that it has intervention and support strategies to~~
1770 ~~address the particular needs of schools in the lowest two~~
1771 ~~categories. Unless specifically provided for in the General~~
1772 ~~Appropriations Act, the cost of instructional materials~~
1773 ~~purchases required by this paragraph shall not exceed the amount~~
1774 ~~of the district's allocation for instructional materials,~~
1775 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1776 ~~(b) The requirement in paragraph (a) does not apply to~~
1777 ~~contracts in existence before April 1, 2000, or to a purchase~~
1778 ~~related to growth of student membership in the district or for~~
1779 ~~instructional materials maintenance needs.~~

1780 ~~(3) (a) By 2012-2013, each district school board shall use~~
1781 ~~at least 50 percent of the annual allocation for the purchase of~~
1782 ~~digital, electronic, or web-based instructional materials~~
1783 ~~included on the state-adopted list, except as otherwise~~
1784 ~~authorized in paragraphs (b) and (c). No less than 50 percent of~~
1785 ~~the annual allocation shall be used to purchase items which will~~
1786 ~~be used to provide instruction to students at the level or~~
1787 ~~levels for which the materials are designed.~~

1788 ~~(4) Funds that are not used to purchase digital or web-~~
1789 ~~based instructional materials may be The funds described in~~
1790 ~~subsection (3) which district school boards may use to purchase~~
1791 ~~materials not on the state-adopted list shall be used for the~~
1792 ~~purchase of instructional materials or other items having~~

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1793 intellectual content which assist in the instruction of a
1794 subject or course. These items may be available in bound,
1795 unbound, kit, or package form and may consist of hardbacked or
1796 softbacked textbooks, electronic content, replacements for items
1797 which were part of previously purchased instructional materials,
1798 consumables, learning laboratories, manipulatives, electronic
1799 media, computer courseware or software, and other commonly
1800 accepted instructional tools as prescribed by district school
1801 board rule. If the district school board finds and declares in a
1802 resolution that all instructional materials purchases necessary
1803 to provide updated materials aligned to Next Generation Sunshine
1804 State Standards and benchmarks and that meet statutory
1805 requirements of content and learning have been completed for the
1806 fiscal year, but no sooner than March 1 of the fiscal year,
1807 available categorical funds for instructional materials may be
1808 used to purchase technology hardware that supports student
1809 access to digital instructional content. ~~The funds available to~~
1810 ~~district school boards for the purchase of materials not on the~~
1811 ~~state-adopted list may not be used to purchase electronic or~~
1812 ~~computer hardware even if such hardware is bundled with software~~
1813 ~~or other electronic media unless the district school board has~~
1814 ~~complied with the requirements in s. 1011.62(6)(b)5., nor may~~
1815 ~~such funds be used to purchase equipment or supplies. However,~~
1816 ~~when authorized to do so in the General Appropriations Act, a~~
1817 ~~school or district school board may use a portion of the funds~~
1818 ~~available to it for the purchase of materials not on the state-~~
1819 ~~adopted list to purchase science laboratory materials and~~
1820 ~~supplies.~~

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1821 Section 31. Section 1006.43, Florida Statutes, is amended
 1822 to read:

1823 1006.43 Expenses; budget request.—

1824 (1) The commissioner shall include in the department's
 1825 annual legislative budget a request for funds in an amount
 1826 sufficient to provide the necessary expense for:

1827 (a) The instructional materials reviewers ~~committees~~.

1828 (b) Instructional materials for use by partially sighted
 1829 students.

1830 (c) Other specific and necessary state expenses with
 1831 regard to the instructional materials program.

1832 (2) The department may arrange for distribution adopted
 1833 instructional materials that ~~textbooks which~~ are prepared in
 1834 various media for the use of partially sighted children enrolled
 1835 in the Florida schools.

1836 Section 32. Effective upon this act becoming a law,
 1837 subsection (2) and paragraph (c) of subsection (3) of section
 1838 1008.22, Florida Statutes, are amended to read:

1839 1008.22 Student assessment program for public schools.—

1840 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It
 1841 is Florida's intent to participate in the measurement of
 1842 national educational goals. The Commissioner of Education shall
 1843 direct Florida school districts to participate in the
 1844 administration of the National Assessment of Educational
 1845 Progress, or a similar national or international assessment
 1846 program, both for the national sample and for any state-by-state
 1847 comparison programs which may be initiated. The assessments must
 1848 be conducted using the data collection procedures, the student

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1849 surveys, the educator surveys, and other instruments included in
 1850 the National Assessment of Educational Progress or similar
 1851 national or international program being administered in Florida.
 1852 The results of these assessments shall be included in the annual
 1853 report of the Commissioner of Education specified in this
 1854 section, as applicable. The administration of the National
 1855 Assessment of Educational Progress or similar national or
 1856 international program shall be in addition to and separate from
 1857 the administration of the statewide assessment program. The
 1858 requirement that school districts participate in international
 1859 assessment programs shall expire June 30, 2016.

1860 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 1861 design and implement a statewide program of educational
 1862 assessment that provides information for the improvement of the
 1863 operation and management of the public schools, including
 1864 schools operating for the purpose of providing educational
 1865 services to youth in Department of Juvenile Justice programs.
 1866 The commissioner may enter into contracts for the continued
 1867 administration of the assessment, testing, and evaluation
 1868 programs authorized and funded by the Legislature. Contracts may
 1869 be initiated in 1 fiscal year and continue into the next and may
 1870 be paid from the appropriations of either or both fiscal years.
 1871 The commissioner is authorized to negotiate for the sale or
 1872 lease of tests, scoring protocols, test scoring services, and
 1873 related materials developed pursuant to law. Pursuant to the
 1874 statewide assessment program, the commissioner shall:

1875 (c) Develop and implement a student achievement testing
 1876 program as follows:

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1877 1. The Florida Comprehensive Assessment Test (FCAT)
1878 measures a student's content knowledge and skills in reading,
1879 writing, science, and mathematics. The content knowledge and
1880 skills assessed by the FCAT must be aligned to the core
1881 curricular content established in the Next Generation Sunshine
1882 State Standards. Other content areas may be included as directed
1883 by the commissioner. Comprehensive assessments of reading and
1884 mathematics shall be administered annually in grades 3 through
1885 10 except, beginning with the 2010-2011 school year, the
1886 administration of grade 9 FCAT Mathematics shall be
1887 discontinued, and beginning with the 2011-2012 school year, the
1888 administration of grade 10 FCAT Mathematics shall be
1889 discontinued, except as required for students who have not
1890 attained minimum performance expectations for graduation as
1891 provided in paragraph (9)(c). FCAT Writing and FCAT Science
1892 shall be administered at least once at the elementary, middle,
1893 and high school levels except, beginning with the 2011-2012
1894 school year, the administration of FCAT Science at the high
1895 school level shall be discontinued.

1896 2.a. End-of-course assessments for a subject shall be
1897 administered in addition to the comprehensive assessments
1898 required under subparagraph 1. End-of-course assessments must be
1899 rigorous, statewide, standardized, and developed or approved by
1900 the department. The content knowledge and skills assessed by
1901 end-of-course assessments must be aligned to the core curricular
1902 content established in the Next Generation Sunshine State
1903 Standards.

1904 (I) Statewide, standardized end-of-course assessments in

1905 mathematics shall be administered according to this sub-sub-
 1906 subparagraph. Beginning with the 2010-2011 school year, all
 1907 students enrolled in Algebra I or an equivalent course must take
 1908 the Algebra I end-of-course assessment. ~~Students who earned high~~
 1909 ~~school credit in Algebra I while in grades 6 through 8 during~~
 1910 ~~the 2007-2008 through 2009-2010 school years and who have not~~
 1911 ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~
 1912 ~~course assessment during the 2010-2011 school year.~~ For students
 1913 entering grade 9 during the 2010-2011 school year and who are
 1914 enrolled in Algebra I or an equivalent, each student's
 1915 performance on the end-of-course assessment in Algebra I shall
 1916 constitute 30 percent of the student's final course grade.
 1917 Beginning with students entering grade 9 in the 2011-2012 school
 1918 year, a student who is enrolled in Algebra I or an equivalent
 1919 must earn a passing score on the end-of-course assessment in
 1920 Algebra I or attain an equivalent score as described in
 1921 subsection (11) in order to earn course credit. Beginning with
 1922 the 2011-2012 school year, all students enrolled in geometry or
 1923 an equivalent course must take the geometry end-of-course
 1924 assessment. For students entering grade 9 during the 2011-2012
 1925 school year, each student's performance on the end-of-course
 1926 assessment in geometry shall constitute 30 percent of the
 1927 student's final course grade. Beginning with students entering
 1928 grade 9 during the 2012-2013 school year, a student must earn a
 1929 passing score on the end-of-course assessment in geometry or
 1930 attain an equivalent score as described in subsection (11) in
 1931 order to earn course credit.

1932 (II) Statewide, standardized end-of-course assessments in

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1933 science shall be administered according to this sub-sub-
 1934 subparagraph. Beginning with the 2011-2012 school year, all
 1935 students enrolled in Biology I or an equivalent course must take
 1936 the Biology I end-of-course assessment. For the 2011-2012 school
 1937 year, each student's performance on the end-of-course assessment
 1938 in Biology I shall constitute 30 percent of the student's final
 1939 course grade. Beginning with students entering grade 9 during
 1940 the 2012-2013 school year, a student must earn a passing score
 1941 on the end-of-course assessment in Biology I in order to earn
 1942 course credit.

1943 b. During the 2012-2013 school year, an end-of-course
 1944 assessment in civics education shall be administered as a field
 1945 test at the middle school level. During the 2013-2014 school
 1946 year, each student's performance on the statewide, standardized
 1947 end-of-course assessment in civics education shall constitute 30
 1948 percent of the student's final course grade. Beginning with the
 1949 2014-2015 school year, a student must earn a passing score on
 1950 the end-of-course assessment in civics education in order to
 1951 pass the course and be promoted from the middle grades ~~receive~~
 1952 ~~course credit.~~ The school principal of a middle school shall
 1953 determine, in accordance with State Board of Education rule,
 1954 whether a student who transfers to the middle school and who has
 1955 successfully completed a civics education course at the
 1956 student's previous school must take an end-of-course assessment
 1957 in civics education.

1958 c. The commissioner may select one or more nationally
 1959 developed comprehensive examinations, which may include, but
 1960 need not be limited to, examinations for a College Board

1961 Advanced Placement course, International Baccalaureate course,
 1962 or Advanced International Certificate of Education course, or
 1963 industry-approved examinations to earn national industry
 1964 certifications identified in the Industry Certification Funding
 1965 List, pursuant to rules adopted by the State Board of Education,
 1966 for use as end-of-course assessments under this paragraph, if
 1967 the commissioner determines that the content knowledge and
 1968 skills assessed by the examinations meet or exceed the grade
 1969 level expectations for the core curricular content established
 1970 for the course in the Next Generation Sunshine State Standards.
 1971 The commissioner may collaborate with the American Diploma
 1972 Project in the adoption or development of rigorous end-of-course
 1973 assessments that are aligned to the Next Generation Sunshine
 1974 State Standards.

1975 d. Contingent upon funding provided in the General
 1976 Appropriations Act, including the appropriation of funds
 1977 received through federal grants, the Commissioner of Education
 1978 shall establish an implementation schedule for the development
 1979 and administration of additional statewide, standardized end-of-
 1980 course assessments in English/Language Arts II, Algebra II,
 1981 chemistry, physics, earth/space science, United States history,
 1982 and world history. Priority shall be given to the development of
 1983 end-of-course assessments in English/Language Arts II. The
 1984 Commissioner of Education shall evaluate the feasibility and
 1985 effect of transitioning from the grade 9 and grade 10 FCAT
 1986 Reading and high school level FCAT Writing to an end-of-course
 1987 assessment in English/Language Arts II. The commissioner shall
 1988 report the results of the evaluation to the President of the

1989 Senate and the Speaker of the House of Representatives no later
 1990 than July 1, 2011.

1991 3. The testing program shall measure student content
 1992 knowledge and skills adopted by the State Board of Education as
 1993 specified in paragraph (a) and measure and report student
 1994 performance levels of all students assessed in reading, writing,
 1995 mathematics, and science. The commissioner shall provide for the
 1996 tests to be developed or obtained, as appropriate, through
 1997 contracts and project agreements with private vendors, public
 1998 vendors, public agencies, postsecondary educational
 1999 institutions, or school districts. The commissioner shall obtain
 2000 input with respect to the design and implementation of the
 2001 testing program from state educators, assistive technology
 2002 experts, and the public.

2003 4. The testing program shall be composed of criterion-
 2004 referenced tests that shall, to the extent determined by the
 2005 commissioner, include test items that require the student to
 2006 produce information or perform tasks in such a way that the core
 2007 content knowledge and skills he or she uses can be measured.

2008 5. FCAT Reading, Mathematics, and Science and all
 2009 statewide, standardized end-of-course assessments shall measure
 2010 the content knowledge and skills a student has attained on the
 2011 assessment by the use of scaled scores and achievement levels.
 2012 Achievement levels shall range from 1 through 5, with level 1
 2013 being the lowest achievement level, level 5 being the highest
 2014 achievement level, and level 3 indicating satisfactory
 2015 performance on an assessment. For purposes of FCAT Writing,
 2016 student achievement shall be scored using a scale of 1 through 6

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2017 and the score earned shall be used in calculating school grades.
 2018 A score shall be designated for each subject area tested, below
 2019 which score a student's performance is deemed inadequate. The
 2020 school districts shall provide appropriate remedial instruction
 2021 to students who score below these levels.

2022 6. The State Board of Education shall, by rule, designate
 2023 a passing score for each part of the grade 10 assessment test
 2024 and end-of-course assessments. Any rule that has the effect of
 2025 raising the required passing scores may apply only to students
 2026 taking the assessment for the first time after the rule is
 2027 adopted by the State Board of Education. Except as otherwise
 2028 provided in this subparagraph and as provided in s.
 2029 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
 2030 passing score on grade 10 FCAT Reading and grade 10 FCAT
 2031 Mathematics or attain concordant scores as described in
 2032 subsection (10) in order to qualify for a standard high school
 2033 diploma.

2034 7. In addition to designating a passing score under
 2035 subparagraph 6., the State Board of Education shall also
 2036 designate, by rule, a score for each statewide, standardized
 2037 end-of-course assessment which indicates that a student is high
 2038 achieving and has the potential to meet college-readiness
 2039 standards by the time the student graduates from high school.

2040 8. Participation in the testing program is mandatory for
 2041 all students attending public school, including students served
 2042 in Department of Juvenile Justice programs, except as otherwise
 2043 prescribed by the commissioner. A student who has not earned
 2044 passing scores on the grade 10 FCAT as provided in subparagraph

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2045 6. must participate in each retake of the assessment until the
2046 student earns passing scores or achieves scores on a
2047 standardized assessment which are concordant with passing scores
2048 pursuant to subsection (10). If a student does not participate
2049 in the statewide assessment, the district must notify the
2050 student's parent and provide the parent with information
2051 regarding the implications of such nonparticipation. A parent
2052 must provide signed consent for a student to receive classroom
2053 instructional accommodations that would not be available or
2054 permitted on the statewide assessments and must acknowledge in
2055 writing that he or she understands the implications of such
2056 instructional accommodations. The State Board of Education shall
2057 adopt rules, based upon recommendations of the commissioner, for
2058 the provision of test accommodations for students in exceptional
2059 education programs and for students who have limited English
2060 proficiency. Accommodations that negate the validity of a
2061 statewide assessment are not allowable in the administration of
2062 the FCAT or an end-of-course assessment. However, instructional
2063 accommodations are allowable in the classroom if included in a
2064 student's individual education plan. Students using
2065 instructional accommodations in the classroom that are not
2066 allowable as accommodations on the FCAT or an end-of-course
2067 assessment may have the FCAT or an end-of-course assessment
2068 requirement waived pursuant to the requirements of s.
2069 1003.428(8)(b) or s. 1003.43(11)(b).

2070 9. A student seeking an adult high school diploma must
2071 meet the same testing requirements that a regular high school
2072 student must meet.

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2073 10. District school boards must provide instruction to
2074 prepare students in the core curricular content established in
2075 the Next Generation Sunshine State Standards adopted under s.
2076 1003.41, including the core content knowledge and skills
2077 necessary for successful grade-to-grade progression and high
2078 school graduation. If a student is provided with instructional
2079 accommodations in the classroom that are not allowable as
2080 accommodations in the statewide assessment program, as described
2081 in the test manuals, the district must inform the parent in
2082 writing and must provide the parent with information regarding
2083 the impact on the student's ability to meet expected performance
2084 levels in reading, writing, mathematics, and science. The
2085 commissioner shall conduct studies as necessary to verify that
2086 the required core curricular content is part of the district
2087 instructional programs.

2088 11. District school boards must provide opportunities for
2089 students to demonstrate an acceptable performance level on an
2090 alternative standardized assessment approved by the State Board
2091 of Education following enrollment in summer academies.

2092 12. The Department of Education must develop, or select,
2093 and implement a common battery of assessment tools that will be
2094 used in all juvenile justice programs in the state. These tools
2095 must accurately measure the core curricular content established
2096 in the Next Generation Sunshine State Standards.

2097 13. For students seeking a special diploma pursuant to s.
2098 1003.438, the Department of Education must develop or select and
2099 implement an alternate assessment tool that accurately measures
2100 the core curricular content established in the Next Generation

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2101 Sunshine State Standards for students with disabilities under s.
2102 1003.438.

2103 14. The Commissioner of Education shall establish
2104 schedules for the administration of statewide assessments and
2105 the reporting of student test results. When establishing the
2106 schedules for the administration of statewide assessments, the
2107 commissioner shall consider the observance of religious and
2108 school holidays. The commissioner shall, by August 1 of each
2109 year, notify each school district in writing and publish on the
2110 department's Internet website the testing and reporting
2111 schedules for, at a minimum, the school year following the
2112 upcoming school year. The testing and reporting schedules shall
2113 require that:

2114 a. There is the latest possible administration of
2115 statewide assessments and the earliest possible reporting to the
2116 school districts of student test results which is feasible
2117 within available technology and specific appropriations;
2118 however, test results for the FCAT must be made available no
2119 later than the week of June 8. Student results for end-of-course
2120 assessments must be provided no later than 1 week after the
2121 school district completes testing for each course. The
2122 commissioner may extend the reporting schedule as he or she
2123 determines necessary.

2124 b. Beginning with the 2010-2011 school year, FCAT Writing
2125 is not administered earlier than the week of March 1 and a
2126 comprehensive statewide assessment of any other subject is not
2127 administered earlier than the week of April 15, unless the
2128 commissioner determines otherwise.

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2129 c. A statewide, standardized end-of-course assessment is
2130 administered during a 3-week period at the end of the course.
2131 The commissioner shall select a 3-week administration period for
2132 assessments that meets the intent of end-of-course assessments
2133 and provides student results prior to the end of the course.
2134 School districts shall select 1 testing week within the 3-week
2135 administration period for each end-of-course assessment. For an
2136 end-of-course assessment administered at the end of the first
2137 semester, the commissioner shall determine the most appropriate
2138 testing dates based on a school district's academic calendar.
2139
2140 The commissioner may, based on collaboration and input from
2141 school districts, design and implement student testing programs,
2142 for any grade level and subject area, necessary to effectively
2143 monitor educational achievement in the state, including the
2144 measurement of educational achievement of the Next Generation
2145 Sunshine State Standards for students with disabilities.
2146 Development and refinement of assessments shall include
2147 universal design principles and accessibility standards that
2148 will prevent any unintended obstacles for students with
2149 disabilities while ensuring the validity and reliability of the
2150 test. These principles should be applicable to all technology
2151 platforms and assistive devices available for the assessments.
2152 The field testing process and psychometric analyses for the
2153 statewide assessment program must include an appropriate
2154 percentage of students with disabilities and an evaluation or
2155 determination of the effect of test items on such students.
2156 Section 33. Paragraph (b) of subsection (3) and subsection

2157 (4) of section 1008.33, Florida Statutes, are amended to read:

2158 1008.33 Authority to enforce public school improvement.—

2159 (3)

2160 (b) For the purpose of determining whether a public school
 2161 requires action to achieve a sufficient level of school
 2162 improvement, the Department of Education shall annually
 2163 categorize a public school in one of six categories based on the
 2164 following:

2165 1. The portion of a school's grade based on statewide
 2166 assessments administered pursuant to s. 1008.22; and

2167 2. school's grade, pursuant to s. 1008.34, and The level
 2168 and rate of change in student performance in the areas of
 2169 reading and mathematics, disaggregated into student subgroups as
 2170 described in the federal Elementary and Secondary Education Act,
 2171 20 U.S.C. s. 6311(b) (2) (C) (v) (II) .

2172 (4) The Department of Education shall create a matrix that
 2173 reflects intervention and support strategies to address the
 2174 particular needs of schools in each category. For purposes of
 2175 this subsection, a school's grade shall be calculated in
 2176 accordance with paragraph (3) (b) .

2177 (a) Intervention and support strategies shall be applied
 2178 to schools based upon the school categorization. The Department
 2179 of Education shall apply the most intense intervention
 2180 strategies to the lowest-performing schools. For all but the
 2181 lowest category and "F" schools in the second lowest category,
 2182 the intervention and support strategies shall be administered
 2183 solely by the districts and the schools.

2184 (b) Beginning with the school grades calculated in

2185 accordance with paragraph (3)(b) for the 2010-2011 school year,
 2186 the lowest-performing schools are schools that have received+
 2187 1. a grade of "F" in the most recent school year and in 2
 2188 4 of the last 4 ~~6~~ years; or

2189 ~~2. A grade of "D" or "F" in the most recent school year~~
 2190 ~~and meet at least three of the following criteria:~~

2191 ~~a. The percentage of students who are not proficient in~~
 2192 ~~reading has increased when compared to measurements taken 5~~
 2193 ~~years previously;~~

2194 ~~b. The percentage of students who are not proficient in~~
 2195 ~~mathematics has increased when compared to measurements taken 5~~
 2196 ~~years previously;~~

2197 ~~c. At least 65 percent of the school's students are not~~
 2198 ~~proficient in reading; or~~

2199 ~~d. At least 65 percent of the school's students are not~~
 2200 ~~proficient in mathematics.~~

2201 Section 34. Subsection (3) of section 1008.34, Florida
 2202 Statutes, is amended to read:

2203 1008.34 School grading system; school report cards;
 2204 district grade.—

2205 (3) DESIGNATION OF SCHOOL GRADES.—

2206 (a) Each school that has students who are tested and
 2207 included in the school grading system shall receive a school
 2208 grade, except as follows:

2209 1. A school shall not receive a school grade if the number
 2210 of its students tested and included in the school grading system
 2211 is less than the minimum sample size necessary, based on
 2212 accepted professional practice, for statistical reliability and

2213 prevention of the unlawful release of personally identifiable
 2214 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2215 2. An alternative school may choose to receive a school
 2216 grade under this section or a school improvement rating under s.
 2217 1008.341. For charter schools that meet the definition of an
 2218 alternative school pursuant to State Board of Education rule,
 2219 the decision to receive a school grade is the decision of the
 2220 charter school governing board.

2221 3. A school that serves any combination of students in
 2222 kindergarten through grade 3 which does not receive a school
 2223 grade because its students are not tested and included in the
 2224 school grading system shall receive the school grade designation
 2225 of a K-3 feeder pattern school identified by the Department of
 2226 Education and verified by the school district. A school feeder
 2227 pattern exists if at least 60 percent of the students in the
 2228 school serving a combination of students in kindergarten through
 2229 grade 3 are scheduled to be assigned to the graded school.

2230 (b)1. A school's grade shall be based on a combination of:

2231 a. Student achievement scores, including achievement on
 2232 all FCAT assessments administered under s. 1008.22(3)(c)1., end-
 2233 of-course assessments administered under s. 1008.22(3)(c)2.a.,
 2234 and achievement scores for students seeking a special diploma.

2235 b. Student learning gains in reading and mathematics as
 2236 measured by FCAT and end-of-course assessments, as described in
 2237 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
 2238 a special diploma, as measured by an alternate assessment tool,
 2239 shall be included not later than the 2009-2010 school year.

2240 c. Improvement of the lowest 25th percentile of students

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2241 in the school in reading and mathematics on the FCAT or end-of-
2242 course assessments described in s. 1008.22(3)(c)2.a., unless
2243 these students are exhibiting satisfactory performance.

2244 2. Beginning with the 2011-2012 school year, for schools
2245 comprised of middle school grades 6 through 8 or grades 7 and 8,
2246 the schools' grade shall include the performance and
2247 participation of its students in high school level courses with
2248 end-of-course assessments administered under s.
2249 1008.22(3)(c)2.a.

2250 ~~3.2.~~ Beginning with the 2009-2010 school year for schools
2251 comprised of high school grades 9, 10, 11, and 12, or grades 10,
2252 11, and 12, 50 percent of the school grade shall be based on a
2253 combination of the factors listed in sub-subparagraphs 1.a.-c.
2254 and the remaining 50 percent on the following factors:

2255 a. The high school graduation rate of the school;

2256 b. As valid data becomes available, the performance and
2257 participation of the school's students in College Board Advanced
2258 Placement courses, International Baccalaureate courses, dual
2259 enrollment courses, and Advanced International Certificate of
2260 Education courses; and the students' achievement of national
2261 industry certification identified in the Industry Certification
2262 Funding List, pursuant to rules adopted by the State Board of
2263 Education;

2264 c. Postsecondary readiness of the school's students as
2265 measured by the SAT, ACT, or the common placement test;

2266 d. The high school graduation rate of at-risk students who
2267 scored at Level 2 or lower on the grade 8 FCAT Reading and
2268 Mathematics examinations;

2269 e. As valid data becomes available, the performance of the
 2270 school's students on statewide standardized end-of-course
 2271 assessments administered under s. 1008.22(3)(c)2.b. and c.; and

2272 f. The growth or decline in the components listed in sub-
 2273 subparagraphs a.-e. from year to year.

2274 (c) Student assessment data used in determining school
 2275 grades shall include:

2276 1. The aggregate scores of all eligible students enrolled
 2277 in the school who have been assessed on the FCAT and statewide,
 2278 standardized end-of-course assessments in courses required for
 2279 high school graduation, including, beginning with the 2010-2011
 2280 school year, the end-of-course assessment in Algebra I; and
 2281 beginning with the 2011-2012 school year, the end-of-course
 2282 assessments in geometry and Biology; and beginning with the
 2283 2013-2014 school year, on the statewide, standardized end-of-
 2284 course assessment in civics education at the middle school
 2285 level.

2286 2. The aggregate scores of all eligible students enrolled
 2287 in the school who have been assessed on the FCAT and end-of-
 2288 course assessments as described in s. 1008.22(3)(c)2.a., and who
 2289 have scored at or in the lowest 25th percentile of students in
 2290 the school in reading and mathematics, unless these students are
 2291 exhibiting satisfactory performance.

2292 3. The achievement scores and learning gains of eligible
 2293 students attending alternative schools that provide dropout
 2294 prevention and academic intervention services pursuant to s.
 2295 1003.53. The term "eligible students" in this subparagraph does
 2296 not include students attending an alternative school who are

2297 | subject to district school board policies for expulsion for
 2298 | repeated or serious offenses, who are in dropout retrieval
 2299 | programs serving students who have officially been designated as
 2300 | dropouts, or who are in programs operated or contracted by the
 2301 | Department of Juvenile Justice. The student performance data for
 2302 | eligible students identified in this subparagraph shall be
 2303 | included in the calculation of the home school's grade. As used
 2304 | in this subparagraph ~~section~~ and s. 1008.341, the term "home
 2305 | school" means the school to which the student would be assigned
 2306 | if the student were not assigned to an alternative school. If an
 2307 | alternative school chooses to be graded under this section,
 2308 | student performance data for eligible students identified in
 2309 | this subparagraph shall not be included in the home school's
 2310 | grade but shall be included only in the calculation of the
 2311 | alternative school's grade. A school district that fails to
 2312 | assign the FCAT and end-of-course assessment as described in s.
 2313 | 1008.22 (3) (c) 2.a. scores of each of its students to his or her
 2314 | home school or to the alternative school that receives a grade
 2315 | shall forfeit Florida School Recognition Program funds for 1
 2316 | fiscal year. School districts must require collaboration between
 2317 | the home school and the alternative school in order to promote
 2318 | student success. This collaboration must include an annual
 2319 | discussion between the principal of the alternative school and
 2320 | the principal of each student's home school concerning the most
 2321 | appropriate school assignment of the student.

2322 | 4. The achievement scores and learning gains of students
 2323 | designated as hospital or homebound. Student assessment data for
 2324 | students designated as hospital or homebound shall be assigned

2325 to their home school for the purposes of school grades. As used
 2326 in this subparagraph, the term "home school" means the school to
 2327 which a student would be assigned if the student were not
 2328 assigned to a hospital or homebound program.

2329 ~~5.4.~~ For schools comprised of high school grades 9, 10,
 2330 11, and 12, or grades 10, 11, and 12, the data listed in
 2331 subparagraphs 1.-3. and the following data as the Department of
 2332 Education determines such data are valid and available:

2333 a. The high school graduation rate of the school as
 2334 calculated by the Department of Education;

2335 b. The participation rate of all eligible students
 2336 enrolled in the school and enrolled in College Board Advanced
 2337 Placement courses; International Baccalaureate courses; dual
 2338 enrollment courses; Advanced International Certificate of
 2339 Education courses; and courses or sequence of courses leading to
 2340 national industry certification identified in the Industry
 2341 Certification Funding List, pursuant to rules adopted by the
 2342 State Board of Education;

2343 c. The aggregate scores of all eligible students enrolled
 2344 in the school in College Board Advanced Placement courses,
 2345 International Baccalaureate courses, and Advanced International
 2346 Certificate of Education courses;

2347 d. Earning of college credit by all eligible students
 2348 enrolled in the school in dual enrollment programs under s.
 2349 1007.271;

2350 e. Earning of a national industry certification identified
 2351 in the Industry Certification Funding List, pursuant to rules
 2352 adopted by the State Board of Education;

2353 f. The aggregate scores of all eligible students enrolled
 2354 in the school in reading, mathematics, and other subjects as
 2355 measured by the SAT, the ACT, and the common placement test for
 2356 postsecondary readiness;

2357 g. The high school graduation rate of all eligible at-risk
 2358 students enrolled in the school who scored at Level 2 or lower
 2359 on the grade 8 FCAT Reading and Mathematics examinations;

2360 h. The performance of the school's students on statewide
 2361 standardized end-of-course assessments administered under s.
 2362 1008.22(3)(c)2.b. and c.; and

2363 i. The growth or decline in the data components listed in
 2364 sub-subparagraphs a.-h. from year to year.

2365 (d) Notwithstanding the requirements in paragraphs (b) and
 2366 (c), beginning with the 2011-2012 school year, a school that
 2367 does not meet the minimum proficiency standards established by
 2368 the State Board of Education shall receive a school grade of
 2369 "F." A definition of minimum proficiency must include a minimum
 2370 percent of students proficient in reading and may include
 2371 significant gains from the prior year as a condition for waiving
 2372 this paragraph.

2373
 2374 The State Board of Education shall adopt appropriate criteria
 2375 for each school grade. The criteria must also give added weight
 2376 to student achievement in reading. Schools designated with a
 2377 grade of "C," making satisfactory progress, shall be required to
 2378 demonstrate that adequate progress has been made by students in
 2379 the school who are in the lowest 25th percentile in reading and
 2380 mathematics on the FCAT and end-of-course assessments as

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2381 described in s. 1008.22(3)(c)2.a., unless these students are
 2382 exhibiting satisfactory performance. Beginning with the 2009-
 2383 2010 school year for schools comprised of high school grades 9,
 2384 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 2385 school grades must also give added weight to the graduation rate
 2386 of all eligible at-risk students, as defined in this paragraph.
 2387 Beginning in the 2009-2010 school year, in order for a high
 2388 school to be designated as having a grade of "A," making
 2389 excellent progress, the school must demonstrate that at-risk
 2390 students, as defined in this paragraph, in the school are making
 2391 adequate progress.

2392 Section 35. Paragraph (a) of subsection (3) of section
 2393 1011.01, Florida Statutes, is amended to read:

2394 1011.01 Budget system established.—

2395 (3)(a) Each district school board and each community
 2396 college board of trustees shall prepare, adopt, and submit to
 2397 the Commissioner of Education ~~for review~~ an annual operating
 2398 budget. Operating budgets shall be prepared and submitted in
 2399 accordance with the provisions of law, rules of the State Board
 2400 of Education, the General Appropriations Act, and for district
 2401 school boards in accordance with the provisions of ss. 200.065
 2402 and 1011.64.

2403 Section 36. Subsection (4) of section 1011.03, Florida
 2404 Statutes, is amended to read:

2405 1011.03 Public hearings; budget to be submitted to
 2406 Department of Education.—

2407 (4) The board shall hold public hearings to adopt
 2408 tentative and final budgets pursuant to s. 200.065. The hearings

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2409 shall be primarily for the purpose of hearing requests and
 2410 complaints from the public regarding the budgets and the
 2411 proposed tax levies and for explaining the budget and proposed
 2412 or adopted amendments thereto, if any. The district school board
 2413 shall then require the superintendent to transmit forthwith two
 2414 copies of the adopted budget to the Department of Education ~~for~~
 2415 ~~approval~~ as prescribed by law and rules of the State Board of
 2416 Education.

2417 Section 37. Subsection (1) of section 1011.61, Florida
 2418 Statutes, is amended to read:

2419 1011.61 Definitions.—Notwithstanding the provisions of s.
 2420 1000.21, the following terms are defined as follows for the
 2421 purposes of the Florida Education Finance Program:

2422 (1) A "full-time equivalent student" in each program of
 2423 the district is defined in terms of full-time students and part-
 2424 time students as follows:

2425 (a) A "full-time student" is one student on the membership
 2426 roll of one school program or a combination of school programs
 2427 listed in s. 1011.62(1)(c) for the school year or the equivalent
 2428 for:

2429 1. Instruction in a standard school, comprising not less
 2430 than 900 net hours for a student in or at the grade level of 4
 2431 through 12, or not less than 720 net hours for a student in or
 2432 at the grade level of kindergarten through grade 3 or in an
 2433 authorized prekindergarten exceptional program;

2434 2. Instruction in a double-session school or a school
 2435 utilizing an experimental school calendar approved by the
 2436 Department of Education, comprising not less than the equivalent

2437 of 810 net hours in grades 4 through 12 or not less than 630 net
 2438 hours in kindergarten through grade 3; or

2439 3. Instruction comprising the appropriate number of net
 2440 hours set forth in subparagraph 1. or subparagraph 2. for
 2441 students who, within the past year, have moved with their
 2442 parents for the purpose of engaging in the farm labor or fish
 2443 industries, if a plan furnishing such an extended school day or
 2444 week, or a combination thereof, has been approved by the
 2445 commissioner. Such plan may be approved to accommodate the needs
 2446 of migrant students only or may serve all students in schools
 2447 having a high percentage of migrant students. The plan described
 2448 in this subparagraph is optional for any school district and is
 2449 not mandated by the state.

2450 (b) A "part-time student" is a student on the active
 2451 membership roll of a school program or combination of school
 2452 programs listed in s. 1011.62(1)(c) who is less than a full-time
 2453 student.

2454 (c)1. A "full-time equivalent student" is:

2455 a. A full-time student in any one of the programs listed
 2456 in s. 1011.62(1)(c); or

2457 b. A combination of full-time or part-time students in any
 2458 one of the programs listed in s. 1011.62(1)(c) which is the
 2459 equivalent of one full-time student based on the following
 2460 calculations:

2461 (I) A full-time student, except a postsecondary or adult
 2462 student or a senior high school student enrolled in adult
 2463 education when such courses are required for high school
 2464 graduation, in a combination of programs listed in s.

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2465 1011.62(1)(c) shall be a fraction of a full-time equivalent
 2466 membership in each special program equal to the number of net
 2467 hours per school year for which he or she is a member, divided
 2468 by the appropriate number of hours set forth in subparagraph
 2469 (a)1. or subparagraph (a)2. The difference between that fraction
 2470 or sum of fractions and the maximum value as set forth in
 2471 subsection (4) for each full-time student is presumed to be the
 2472 balance of the student's time not spent in such special
 2473 education programs and shall be recorded as time in the
 2474 appropriate basic program.

2475 (II) A prekindergarten handicapped student shall meet the
 2476 requirements specified for kindergarten students.

2477 (III) A full-time equivalent student for students in
 2478 kindergarten through grade 5 in a school district virtual
 2479 instruction program under s. 1002.45 shall consist of a student
 2480 who has successfully completed a basic program listed in s.
 2481 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
 2482 level.

2483 (IV) A full-time equivalent student for students in grades
 2484 6 through 8 ~~12~~ in a school district virtual instruction program
 2485 under s. 1002.45(1)(b)1. ~~and 2.~~ shall consist of six full
 2486 successful course credit completions in programs listed in s.
 2487 1011.62(1)(c)1.b. or c. and 3. A full-time equivalent student
 2488 for students in grades 9 through 12 in a school district virtual
 2489 instruction program under s. 1002.45(1)(b)1. and 2. shall
 2490 consist of six full credit completions in programs listed in s.
 2491 1011.62(1)(c)1.c. or 3. Successful course Credit completions for
 2492 students in grades 6 through 8 can be a combination of either

2493 successful semester or full-course completions ~~full credits or~~
 2494 ~~half credits.~~ Successful credit completions for students in
 2495 grades 9 through 12 can be a combination of either credits or
 2496 half credits.

2497 (V) A Florida Virtual School full-time equivalent student
 2498 shall consist of six full successful course completions for
 2499 students in grades 4 through 8 ~~credit completions~~ in the
 2500 programs listed in s. 1011.62(1)(c)1.b. ~~for grades 6 through 8~~
 2501 ~~and the programs listed in s. 1011.62(1)(c)1.c. for grades 9~~
 2502 ~~through 12.~~ A Florida Virtual School full-time equivalent
 2503 student shall consist of six full credit completions for grades
 2504 9 through 12 in the programs listed in s. 1011.62(1)(c)1.c. and
 2505 3. Credit or course completions can be a combination of either
 2506 successful semester or full-course completions for grades 6
 2507 through 8 and full credits and half-credits for grades 9 through
 2508 12 ~~full credits or half credits.~~

2509 (VI) Each successfully completed credit earned under the
 2510 alternative high school course credit requirements authorized in
 2511 s. 1002.375, which is not reported as a portion of the 900 net
 2512 hours of instruction pursuant to subparagraph (1)(a)1., shall be
 2513 calculated as 1/6 FTE.

2514 2. A student in membership in a program scheduled for more
 2515 or less than 180 school days or the equivalent on an hourly
 2516 basis as specified by rules of the State Board of Education is a
 2517 fraction of a full-time equivalent membership equal to the
 2518 number of instructional hours in membership divided by the
 2519 appropriate number of hours set forth in subparagraph (a)1.;

2520 however, for the purposes of this subparagraph, membership in

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2521 programs scheduled for more than 180 days is limited to students
 2522 enrolled in juvenile justice education programs and the Florida
 2523 Virtual School.

2524
 2525 The department shall determine and implement an equitable method
 2526 of equivalent funding for experimental schools and for schools
 2527 operating under emergency conditions, which schools have been
 2528 approved by the department to operate for less than the minimum
 2529 school day.

2530 Section 38. Paragraph (p) of subsection (1) and paragraph
 2531 (b) of subsection (6) of section 1011.62, Florida Statutes, are
 2532 amended to read:

2533 1011.62 Funds for operation of schools.—If the annual
 2534 allocation from the Florida Education Finance Program to each
 2535 district for operation of schools is not determined in the
 2536 annual appropriations act or the substantive bill implementing
 2537 the annual appropriations act, it shall be determined as
 2538 follows:

2539 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 2540 OPERATION.—The following procedure shall be followed in
 2541 determining the annual allocation to each district for
 2542 operation:

2543 (p) *Calculation of additional full-time equivalent*
 2544 *membership based on certification of successful completion of*
 2545 *industry-certified career and professional academy programs*
 2546 *pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified*
 2547 *in the Industry Certified Funding List pursuant to rules adopted*
 2548 *by the State Board of Education.—A maximum value of 0.3 full-*

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2549 time equivalent student membership shall be calculated for each
2550 student who completes an industry-certified career and
2551 professional academy program under ss. 1003.491, 1003.492, and
2552 1003.493 and who is issued the highest level of industry
2553 certification identified annually in the Industry Certification
2554 Funding List approved under rules adopted by the State Board of
2555 Education and a high school diploma. The value of the full-time
2556 equivalent student membership shall be determined by weights
2557 adopted by the State Board of Education pursuant to s. 1003.492.
2558 Such value shall be added to the total full-time equivalent
2559 student membership in secondary career education programs for
2560 grades 9 through 12 in the subsequent year for courses that were
2561 not funded through dual enrollment. The additional full-time
2562 equivalent membership authorized under this paragraph may not
2563 exceed 0.3 per student. Each district must allocate at least 80
2564 percent of the funds provided for industry certification, in
2565 accordance with this paragraph, to the program that generated
2566 the funds. Unless a different amount is specified in the General
2567 Appropriations Act, the appropriation for this calculation is
2568 limited to \$15 million annually. If the appropriation is
2569 insufficient to fully fund the total calculation, the
2570 appropriation shall be prorated.

2571 (6) CATEGORICAL FUNDS.—

2572 (b) If a district school board finds and declares in a
2573 resolution adopted at a regular meeting of the school board that
2574 the funds received for any of the following categorical
2575 appropriations are urgently needed to maintain school board
2576 specified academic classroom instruction, the school board may

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2577 consider and approve an amendment to the school district
 2578 operating budget transferring the identified amount of the
 2579 categorical funds to the appropriate account for expenditure:

- 2580 1. Funds for student transportation.
- 2581 2. Funds for safe schools.
- 2582 3. Funds for supplemental academic instruction.
- 2583 4. Funds for research-based reading instruction.
- 2584 ~~5. Funds for instructional materials if all instructional~~
 2585 ~~material purchases necessary to provide updated materials~~
 2586 ~~aligned to Next Generation Sunshine State Standards and~~
 2587 ~~benchmarks and that meet statutory requirements of content and~~
 2588 ~~learning have been completed for that fiscal year, but no sooner~~
 2589 ~~than March 1, 2011. Funds available after March 1 may be used to~~
 2590 ~~purchase hardware for student instruction.~~

2591 Section 39. Subsection (1) of section 1012.39, Florida
 2592 Statutes, is amended to read:

2593 1012.39 Employment of substitute teachers, teachers of
 2594 adult education, nondegreed teachers of career education, and
 2595 career specialists; students performing clinical field
 2596 experience.—

2597 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
 2598 1012.57, or any other provision of law or rule to the contrary,
 2599 each district school board shall establish the minimal
 2600 qualifications for:

2601 (a) Substitute teachers to be employed pursuant to s.
 2602 1012.35. The qualifications shall require the filing of a
 2603 complete set of fingerprints in the same manner as required by
 2604 s. 1012.32; documentation of a minimum education level of a high

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2605 school diploma or equivalent; and completion of an initial
 2606 orientation and training program in district policies and
 2607 procedures addressing school safety and security procedures,
 2608 educational liability laws, professional responsibilities, and
 2609 ethics.

2610 (b) Part-time and full-time teachers in adult education
 2611 programs. The qualifications shall require the filing of a
 2612 complete set of fingerprints in the same manner as required by
 2613 s. 1012.32. Faculty employed solely to conduct postsecondary
 2614 instruction may be exempted from this requirement.

2615 (c) Part-time and full-time nondegreed teachers of career
 2616 programs. Qualifications shall be established for nondegreed
 2617 teachers of career and technical education courses for program
 2618 clusters that are recognized in the state and ~~agriculture,~~
 2619 ~~business, health occupations, family and consumer sciences,~~
 2620 ~~industrial, marketing, career specialist, and public service~~
 2621 ~~education teachers,~~ based primarily on successful occupational
 2622 experience rather than academic training. The qualifications for
 2623 such teachers shall require:

2624 1. The filing of a complete set of fingerprints in the
 2625 same manner as required by s. 1012.32. Faculty employed solely
 2626 to conduct postsecondary instruction may be exempted from this
 2627 requirement.

2628 2. Documentation of education and successful occupational
 2629 experience including documentation of:

2630 a. A high school diploma or the equivalent.

2631 b. Completion of 6 years of full-time successful
 2632 occupational experience or the equivalent of part-time

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2633 | experience in the teaching specialization area. Alternate means
2634 | of determining successful occupational experience may be
2635 | established by the district school board.

2636 | c. Completion of career education training conducted
2637 | through the local school district inservice master plan.

2638 | d. For full-time teachers, completion of professional
2639 | education training in teaching methods, course construction,
2640 | lesson planning and evaluation, and teaching special needs
2641 | students. This training may be completed through coursework from
2642 | an accredited or approved institution or an approved district
2643 | teacher education program.

2644 | e. Demonstration of successful teaching performance.

2645 | f. Documentation of industry certification when state or
2646 | national industry certifications are available and applicable.

2647 | Section 40. Except as otherwise expressly provided in this
2648 | act and except for this section, which shall take effect upon
2649 | becoming a law, this act shall take effect July 1, 2011.