

By Senator Diaz

36-01259A-19

20191472__

1 A bill to be entitled
2 An act relating to education; amending ss. 1001.42,
3 1002.451, 1003.4282, 1004.04, and 1004.85, F.S.;
4 correcting references relating to the federal
5 Elementary and Secondary Education Act (ESEA), as
6 amended by the Every Student Succeeds Act of 2015
7 (ESSA); amending s. 1008.31, F.S.; requiring the K-20
8 education performance accountability system to comply
9 with the ESEA, as amended by the ESSA, instead of the
10 “No Child Left Behind Act of 2001”; amending s.
11 1008.33, F.S.; correcting a reference relating to the
12 ESEA, as amended by the ESSA; deleting a requirement
13 for the State Board of Education to comply with the
14 ESEA flexibility waiver; conforming provisions to
15 changes made by the act; amending s. 1008.332, F.S.;
16 requiring the Department of Education to establish a
17 certain committee pursuant to the requirements of the
18 ESEA, as amended by the ESSA, instead of the “No Child
19 Left Behind Act of 2001”; amending ss. 1008.34,
20 1011.62, and 1012.56, F.S.; correcting references
21 relating to the ESEA, as amended by the ESSA;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (18) of section
27 1001.42, Florida Statutes, is amended to read:

28 1001.42 Powers and duties of district school board.—The
29 district school board, acting as a board, shall exercise all

36-01259A-19

20191472__

30 powers and perform all duties listed below:

31 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
32 Maintain a system of school improvement and education
33 accountability as provided by statute and State Board of
34 Education rule. This system of school improvement and education
35 accountability shall be consistent with, and implemented
36 through, the district's continuing system of planning and
37 budgeting required by this section and ss. 1008.385, 1010.01,
38 and 1011.01. This system of school improvement and education
39 accountability shall comply with the provisions of ss. 1008.33,
40 1008.34, 1008.345, and 1008.385 and include the following:

41 (a) *School improvement plans.*—The district school board
42 shall annually approve and require implementation of a new,
43 amended, or continuation school improvement plan for each school
44 in the district which has a school grade of "D" or "F"; has a
45 significant gap in achievement on statewide, standardized
46 assessments administered pursuant to s. 1008.22 by one or more
47 student subgroups, as defined in the federal Elementary and
48 Secondary Education Act (ESEA), as amended by the Every Student
49 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
50 ~~s. 6311(b)(2)(C)(v)(II)~~; has not significantly increased the
51 percentage of students passing statewide, standardized
52 assessments; has not significantly increased the percentage of
53 students demonstrating Learning Gains, as defined in s. 1008.34
54 and as calculated under s. 1008.34(3)(b), who passed statewide,
55 standardized assessments; or has significantly lower graduation
56 rates for a subgroup when compared to the state's graduation
57 rate. The improvement plan of a school that meets the
58 requirements of this paragraph shall include strategies for

36-01259A-19

20191472__

59 improving these results. The state board shall adopt rules
60 establishing thresholds and for determining compliance with this
61 paragraph.

62 Section 2. Paragraph (b) of subsection (6) of section
63 1002.451, Florida Statutes, is amended to read:

64 1002.451 District innovation school of technology program.—

65 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

66 (b) A district school board may operate one innovation
67 school of technology upon an application being approved by the
68 State Board of Education.

69 1. A district school board may apply to the State Board of
70 Education to establish additional schools of technology if each
71 existing innovation school of technology in the district:

72 a. Meets all requirements in this section and in the
73 performance contract;

74 b. Has a grade of "A" or "B"; and

75 c. Has at least 50 percent of its students exceed the state
76 average on the statewide assessment program pursuant to s.

77 1008.22. This comparison may take student subgroups, as defined
78 in the federal Elementary and Secondary Education Act (ESEA), as
79 amended by the Every Student Succeeds Act of 2015 (ESSA), 20

80 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~, into
81 specific consideration so that at least 50 percent of students
82 in each student subgroup meet or exceed the statewide average
83 performance, rounded to the nearest whole number, of that
84 particular subgroup.

85 2. Notwithstanding subparagraph 1., the number of schools
86 of technology in a school district may not exceed:

87 a. Seven in a school district that has 100,000 or more

36-01259A-19

20191472__

88 students.

89 b. Five in a school district that has 50,000 to 99,999
90 students.

91 c. Three in a school district that has fewer than 50,000
92 students.

93 Section 3. Subsection (7) of section 1003.4282, Florida
94 Statutes, is amended to read:

95 1003.4282 Requirements for a standard high school diploma.—

96 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
97 the 2012-2013 school year, if a student transfers to a Florida
98 public high school from out of country, out of state, a private
99 school, or a home education program and the student's transcript
100 shows a credit in Algebra I, the student must pass the
101 statewide, standardized Algebra I EOC assessment in order to
102 earn a standard high school diploma unless the student earned a
103 comparative score, passed a statewide assessment in Algebra I
104 administered by the transferring entity, or passed the statewide
105 mathematics assessment the transferring entity uses to satisfy
106 the requirements of the Elementary and Secondary Education Act,
107 as amended by the Every Student Succeeds Act of 2015 (ESSA), 20
108 U.S.C. ss. 6301 et seq ~~20 U.S.C. s. 6301~~. If a student's
109 transcript shows a credit in high school reading or English
110 Language Arts II or III, in order to earn a standard high school
111 diploma, the student must take and pass the statewide,
112 standardized grade 10 Reading assessment or, when implemented,
113 the grade 10 ELA assessment, or earn a concordant score. If a
114 transfer student's transcript shows a final course grade and
115 course credit in Algebra I, Geometry, Biology I, or United
116 States History, the transferring course final grade and credit

36-01259A-19

20191472__

117 shall be honored without the student taking the requisite
118 statewide, standardized EOC assessment and without the
119 assessment results constituting 30 percent of the student's
120 final course grade.

121 Section 4. Paragraph (a) of subsection (4) of section
122 1004.04, Florida Statutes, is amended to read:

123 1004.04 Public accountability and state approval for
124 teacher preparation programs.—

125 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
126 teacher preparation program shall be based upon evidence that
127 the program continues to implement the requirements for initial
128 approval and upon significant, objective, and quantifiable
129 measures of the program and the performance of the program
130 completers.

131 (a) The criteria for continued approval must include each
132 of the following:

133 1. Documentation from the program that each program
134 candidate met the admission requirements provided in subsection
135 (3).

136 2. Documentation from the program that the program and each
137 program completer have met the requirements provided in
138 subsection (2).

139 3. Evidence of performance in each of the following areas:

140 a. Placement rate of program completers into instructional
141 positions in Florida public schools and private schools, if
142 available.

143 b. Rate of retention for employed program completers in
144 instructional positions in Florida public schools.

145 c. Performance of students in prekindergarten through grade

36-01259A-19

20191472__

146 12 who are assigned to in-field program completers on statewide
147 assessments using the results of the student learning growth
148 formula adopted under s. 1012.34.

149 d. Performance of students in prekindergarten through grade
150 12 who are assigned to in-field program completers aggregated by
151 student subgroup, as defined in the federal Elementary and
152 Secondary Education Act (ESEA), as amended by the Every Student
153 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
154 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
155 prepares teachers to work with a diverse population of students
156 in a variety of settings in Florida public schools.

157 e. Results of program completers' annual evaluations in
158 accordance with the timeline as set forth in s. 1012.34.

159 f. Production of program completers in statewide critical
160 teacher shortage areas as identified in s. 1012.07.

161 Section 5. Paragraph (b) of subsection (4) of section
162 1004.85, Florida Statutes, is amended to read:

163 1004.85 Postsecondary educator preparation institutes.—

164 (4) Continued approval of each program approved pursuant to
165 this section shall be determined by the Commissioner of
166 Education based upon a periodic review of the following areas:

167 (b) Evidence of performance in each of the following areas:

168 1. Placement rate of program completers into instructional
169 positions in Florida public schools and private schools, if
170 available.

171 2. Rate of retention for employed program completers in
172 instructional positions in Florida public schools.

173 3. Performance of students in prekindergarten through grade
174 12 who are assigned to in-field program completers on statewide

36-01259A-19

20191472__

175 assessments using the results of the student learning growth
176 formula adopted under s. 1012.34.

177 4. Performance of students in prekindergarten through grade
178 12 who are assigned to in-field program completers aggregated by
179 student subgroups, as defined in the federal Elementary and
180 Secondary Education Act (ESEA), as amended by the Every Student
181 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
182 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
183 prepares teachers to work with a diverse population of students
184 in a variety of settings in Florida public schools.

185 5. Results of program completers' annual evaluations in
186 accordance with the timeline as set forth in s. 1012.34.

187 6. Production of program completers in statewide critical
188 teacher shortage areas as identified in s. 1012.07.

189 Section 6. Paragraph (c) of subsection (1) of section
190 1008.31, Florida Statutes, is amended to read:

191 1008.31 Florida's K-20 education performance accountability
192 system; legislative intent; mission, goals, and systemwide
193 measures; data quality improvements.—

194 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
195 that:

196 (c) The K-20 education performance accountability system
197 comply with the requirements of the Elementary and Secondary
198 Education Act (ESEA), as amended by the Every Student Succeeds
199 Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq. ~~"No Child Left~~
200 ~~Behind Act of 2001," Pub. L. No. 107-110~~, and the Individuals
201 with Disabilities Education Act (IDEA).

202 Section 7. Subsection (1) and paragraph (a) of subsection
203 (3) of section 1008.33, Florida Statutes, are amended to read:

36-01259A-19

20191472__

204 1008.33 Authority to enforce public school improvement.—

205 (1) The State Board of Education shall comply with the
206 federal Elementary and Secondary Education Act (ESEA), as
207 amended by the Every Student Succeeds Act of 2015 (ESSA), 20
208 U.S.C. ss. 6301 et seq., and 20 U.S.C. ss. 6301 et seq., its
209 implementing regulations, ~~and the ESEA flexibility waiver~~
210 ~~approved for Florida by the United States Secretary of~~
211 ~~Education.~~ The state board may adopt rules to maintain
212 compliance with the ESEA ~~and the ESEA flexibility waiver.~~

213 (3) (a) The academic performance of all students has a
214 significant effect on the state school system. Pursuant to Art.
215 IX of the State Constitution, which prescribes the duty of the
216 State Board of Education to supervise Florida's public school
217 system, the state board shall equitably enforce the
218 accountability requirements of the state school system and may
219 impose state requirements on school districts in order to
220 improve the academic performance of all districts, schools, and
221 students based upon the provisions of the Florida K-20 Education
222 Code, chapters 1000-1013 and, the federal ESEA and its
223 implementing regulations, ~~and the ESEA flexibility waiver~~
224 ~~approved for Florida by the United States Secretary of~~
225 ~~Education.~~

226 Section 8. Section 1008.332, Florida Statutes, is amended
227 to read:

228 1008.332 Committee of practitioners pursuant to federal law
229 ~~No Child Left Behind Act.~~—The Department of Education shall
230 establish a committee of practitioners pursuant to federal
231 requirements of the Elementary and Secondary Education Act, as
232 amended by the Every Student Succeeds Act of 2015, 20 U.S.C. ss.

36-01259A-19

20191472__

233 ~~6301 et seq No Child Left Behind Act of 2001.~~ The committee
234 members shall be appointed by the Commissioner of Education and
235 shall annually report to the Governor, the President of the
236 Senate, and the Speaker of the House of Representatives by
237 January 1. The committee shall meet regularly and is authorized
238 to review potential rules and policies that will be considered
239 by the State Board of Education.

240 Section 9. Subsection (4) of section 1008.34, Florida
241 Statutes, is amended to read:

242 1008.34 School grading system; school report cards;
243 district grade.—

244 (4) SCHOOL REPORT CARD.—The Department of Education shall
245 annually develop, in collaboration with the school districts, a
246 school report card to be provided by the school district to
247 parents within the district. The report card shall include the
248 school's grade; student performance in English Language Arts,
249 mathematics, science, and social studies; information regarding
250 school improvement; an explanation of school performance as
251 evaluated by the federal Elementary and Secondary Education Act
252 (ESEA), as amended by the Every Student Succeeds Act of 2015
253 (ESSA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on
254 investment. Each school's report card shall be published
255 annually by the department on its website based upon the most
256 recent data available.

257 Section 10. Subsection (13) of section 1011.62, Florida
258 Statutes, is amended to read:

259 1011.62 Funds for operation of schools.—If the annual
260 allocation from the Florida Education Finance Program to each
261 district for operation of schools is not determined in the

36-01259A-19

20191472__

262 annual appropriations act or the substantive bill implementing
263 the annual appropriations act, it shall be determined as
264 follows:

265 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
266 connected student supplement is created to provide supplemental
267 funding for school districts to support the education of
268 students connected with federally owned military installations,
269 National Aeronautics and Space Administration (NASA) real
270 property, and Indian lands. To be eligible for this supplement,
271 the district must be eligible for federal Impact Aid Program
272 funds under s. 7003 of Title VII ~~s. 8003 of Title VIII~~ of the
273 Elementary and Secondary Education Act, as amended by the Every
274 Student Succeeds Act of 2015, 20 U.S.C. ss. 6301 et seq ~~of 1965~~.
275 The supplement shall be allocated annually to each eligible
276 school district in the General Appropriations Act. The
277 supplement shall be the sum of the student allocation and an
278 exempt property allocation.

279 (a) The student allocation shall be calculated based on the
280 number of students reported for federal Impact Aid Program
281 funds, including students with disabilities, who meet one of the
282 following criteria:

283 1. The student has a parent who is on active duty in the
284 uniformed services or is an accredited foreign government
285 official and military officer. Students with disabilities shall
286 also be reported separately for this category.

287 2. The student resides on eligible federally owned Indian
288 land. Students with disabilities shall also be reported
289 separately for this category.

290 3. The student resides with a civilian parent who lives or

36-01259A-19

20191472__

291 works on eligible federal property connected with a military
292 installation or NASA. The number of these students shall be
293 multiplied by a factor of 0.5.

294 (b) The total number of federally connected students
295 calculated under paragraph (a) shall be multiplied by a
296 percentage of the base student allocation as provided in the
297 General Appropriations Act. The total of the number of students
298 with disabilities as reported separately under subparagraphs
299 (a)1. and 2. shall be multiplied by an additional percentage of
300 the base student allocation as provided in the General
301 Appropriations Act. The base amount and the amount for students
302 with disabilities shall be summed to provide the student
303 allocation.

304 (c) The exempt property allocation shall be equal to the
305 tax-exempt value of federal impact aid lands reserved as
306 military installations, real property owned by NASA, or eligible
307 federally owned Indian lands located in the district, multiplied
308 by the millage authorized and levied under s. 1011.71(2).

309 (d) The amount allocated for each eligible school district
310 shall be recalculated during the year using actual student
311 membership, as amended, from the most recent February survey and
312 the tax-exempt valuation from the most recent assessment roll.
313 Upon recalculation, if the total allocation is greater than the
314 amount provided in the General Appropriations Act, it must be
315 prorated to the level of the appropriation based on each
316 district's share of the total recalculated amount.

317 Section 11. Paragraph (d) of subsection (8) of section
318 1012.56, Florida Statutes, is amended to read:

319 1012.56 Educator certification requirements.—

36-01259A-19

20191472__

320 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
321 COMPETENCY PROGRAM.—

322 (d) The Commissioner of Education shall determine the
323 continued approval of programs implemented under paragraph (a)
324 based upon the department's periodic review of the following:

325 1. Evidence that the requirements in paragraph (a) are
326 consistently met; and

327 2. Evidence of performance in each of the following areas:

328 a. Rate of retention for employed program completers in
329 instructional positions in Florida public schools.

330 b. Performance of students in prekindergarten through grade
331 12 who are assigned to in-field program completers on statewide
332 assessments using the results of the student learning growth
333 formula adopted under s. 1012.34.

334 c. Performance of students in prekindergarten through grade
335 12 who are assigned to in-field program completers aggregated by
336 student subgroups, as defined in the federal Elementary and
337 Secondary Education Act (ESEA), as amended by the Every Student
338 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
339 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
340 prepares teachers to work with a variety of students in Florida
341 public schools.

342 d. Results of program completers' annual evaluations in
343 accordance with the timeline as set forth in s. 1012.34.

344 e. Production of program completers in statewide critical
345 teacher shortage areas as defined in s. 1012.07.

346 Section 12. This act shall take effect July 1, 2019.